



Multisectoral cooperation:

AN OBLIGATION OR WISHFUL THINKING?

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Integrated response to violence against women in Serbia

The Joint Programme “Integrated Response to Violence against Women in Serbia” is implemented by United Nations Country Team in Serbia, through direct participation of three UN Agencies: United Nations Development Programme (UNDP), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and United Nations Children’s Fund (UNICEF). It has been funded by United Nations Trust Fund to End Violence against Women in the period December 2012 – May 2015. The project’s goal is to create social and institutional environment that contributes to reducing violence against women in Serbia through the following achieved results:

Women and girls have greater understanding and awareness of VaW and access to services;

Schools, centers for social work, media and general public have increased capacities and sensitivity to prevent VaW in family and in intimate partner relationships in targeted municipalities;

Service providers have improved capacities to protect women from violence in family and in intimate partner relationships in targeted municipalities.

United Nations Development Programme is providing expert and technical assistance and supporting the efforts of the Ministry of Labour, Employment, Veteran and Social Affairs in the implementation of strategic frameworks to eliminate violence against women, and the implementation of the international standards in the field.

The publication “Multisectoral Cooperation – AN OBLIGATION OR WISHFUL THINKING?” of the author Biljana Brankovic provides a qualitative analysis of the implementation of the multisectoral cooperation protection model in the selected local communities, where the joint project intervened. Through the narratives of direct service providers (general and specialist) and those of women survivors, the author points out the challenges faced, as well as the opportunities offered by the concept of multisectoral integrated service delivery model.

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Introduction



1. INTRODUCTION

In the last decade, various research studies in Serbia have attracted attention to the problem of the inconsistent and inefficient institutional response to domestic violence against women (Konstantinović-Vilić and Petrušić, 2004; 2007; Đurđić et al., 2008; Nikolić-Ristanović, 2013; Branković, 2007; 2010; 2013; Jovanović et al., 2012). Women's NGOs, through numerous trainings and advocacy campaigns, have worked on adapting the model of coordinated community response to domestic violence against women to the national/local context and have promoted multisectoral collaboration. Activists and researchers alike have advocated for many years for adoption of operational policies that would specify which measures and actions responsible institutions should undertake in cases of domestic and intimate partner violence against women. Often, it was claimed that an efficient and holistic approach to victims' protection should be established and strengthened through adoption of a binding document, i.e. General Protocol.

A need to introduce such a General Protocol was recognized and planned in the first national policy document on domestic and intimate partner violence against women: the National Strategy for Preventing and Suppressing Violence against Women in the Family and in Intimate Partnership Relations. A draft of this policy document was developed with the participation of women's NGOs and representatives of line ministries and was (with numerous revisions) adopted by the Government of Serbia in 2011 (Official Gazette of Serbia, 027/2011).

In November 2011, the Government of Serbia adopted the General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in the Situations of Domestic and Intimate Partner Violence against Women. In the General Protocol, as well as in the above-mentioned National Strategy, it was planned that all responsible ministries should develop and adopt their own special protocols that would further specify internal procedures and guidelines for the conduct of each institutional system that participates in the protection of victims, as well as establishing measures to develop multisectoral cooperation.

Special Protocols¹ were also adopted by the responsible ministries.

1 Line ministries (Ministry of Interior, Ministry of Labour, Employment and Social Policy; Ministry of Health; Ministry of Education; and Ministry of Justice and State Administration) developed Special Protocols, including: the Special Protocol on Conduct of Police Officers in Cases of Domestic and Intimate Partner Violence against Women (adopted in February 2013), the Special Protocol for Action of the Centre for Social Work – Custody Authority in Cases of Domestic and Intimate Partner Violence against Women (adopted in March 2013), Republic of Serbia Ministry of Health, the Special Protocol for The Protection and Treatment of Women Victims of Violence

This study is not aimed at providing a comprehensive review of the content of the General and Special Protocols, although it would be useful to analyse whether certain specific provisions could and should be improved. Rather, the study is focused on the implementation of the provisions in these documents, which specifically address multisectoral collaboration in the process of providing assistance and support to victims/survivors, in particular, and those services and measures aimed at longer-term empowerment of victims/survivors to create safety, freedom, and re-establish independent lives.

In the text that follows, we provide a brief overview of provisions that specify the main service providers and accountability for coordinating multi-sectoral cooperation.

In accordance with the General and Special Protocols and relevant laws, the **Centre for Social Work has the main role in preventing and responding** to domestic and intimate partner violence against women. The provisions of the Family Law particularly stipulate the obligations of the Centre for Social Work in the implementation of protection orders² against domestic violence.

As highlighted in the Special Protocol for Action of the Centre for Social Work – Custody Authority in Cases of Domestic and Intimate Partner Violence against Women (2013),

(adopted prior to General Protocol; in June 2010), the Special Protocol for Judiciary in Cases of Violence against Women in the Family and Partnership Relations (adopted in January 2014), and the Overview of the Procedure to be followed by Educational Institutions in Case of Violence Against Girls and Family Violence, which also refers to the by-law: the Protocol on Actions in Response to Violence, Abuse and Neglect (which was adopted in April 2010). English translations of the General and Special Protocols (except the one related to judiciary) are available in the publication: Republic of Serbia, Ministry of Labour, Employment and Social Policy, UNICEF, UN Women and UNDP (2013). *Multisectoral Cooperation – Institutional Response to Violence against Women*. Belgrade: UNDP.

- 2 Protection orders, so-called “Protective measures against domestic violence” have been introduced into the civil law - the Family Law, which came into force in 2005 (Official Gazette of the Republic of Serbia, 18/05, 72/2011, 6/2015). It is prescribed that the court can issue one or several measures against a perpetrator of domestic violence, including the removal of the perpetrator from the family home (regardless of the property rights or rental agreement), moving the victim into the family home (regardless of the property rights or rental agreement), restraining order: banning approach to the victim within a defined distance, banning approach by the perpetrator into the victim’s place of residence or workplace, and banning further harassment of the victim. In this law, the proceedings related to protection orders are specified as particularly urgent. Proceedings can be initiated by the victim, her/his legal representative, the public prosecutor, or the Center for Social Work. The court is obliged to deliver the judgment of the Center of Social Work to the place of residence of both the injured party and the perpetrator. Further, breaching the protection orders issued by the court is criminalized. In the Criminal Code of Serbia (Official Gazette of the Republic of Serbia, 85/2005, 88/2005, 107/2005, 72/2009, 111/2009 and 121/2012), punishment for violation of protection orders is prescribed in the following manner, “Whoever violates a measure against domestic violence that was imposed by the court in accordance with the law shall be punished with imprisonment from three months to three years and a fine” (Art. 194, para. 5).



“In two main laws, i.e. the Law on Social Protection and the Family Law, the Centre for Social Work is envisaged as the key institution of the system of social and family law protection, mandated to play an active role at all stages of the implementation of its mandate, from prevention to detection and response, and to provide assistance and support to persons suffering such violence.”

The Special Protocol (ibid.) specifies jurisdictions of the Centre for Social Work with respect to protection orders against domestic violence³. Further, the Protocol (ibid.) elaborates the obligations of the Centre and provides detailed guidelines related to measures, interventions and services throughout the process of protection of victims, including: identification and detection of violence (through performing the Centre’s regular duties and/or based on reports of other institutions/individuals), eligibility assessment, determining the priority of response, undertaking urgent interventions⁴, initial assessment, directed assessment, planning of services and measures (including developing short-term, mid-term and long-term plans), and closing the case⁵.

-
- 3 The Centre for Social Work is obliged to: a) Initiate the proceedings for protection against domestic violence by filing a lawsuit; b) Provide assistance to the court in obtaining the necessary evidence (if the proceedings for protection against domestic violence have not been initiated by the Centre); c) Give an opinion on the expediency of the measures sought (if the proceedings for protection against domestic violence have not been initiated by the Centre); d) Maintain records and documentation on domestic violence (ibid.).
- 4 Urgent interventions are aimed at promptly securing the safety, health care and existential conditions of the victim. It is further specified that the security of the victim may be ensured by: “a) Removing the perpetrator or potential perpetrator of domestic violence from the shared family household (house, apartment) or from the immediate environment of the victim of domestic violence; b) Removing the victim of domestic violence or potential victim of domestic violence from the shared family household (house, apartment) or from the immediate environment of the perpetrator or potential perpetrator of domestic violence and the placement of the victim into a secure environment (placement of the victim into a “safe house” or a social protection institution - shelter, or a foster family which provides the service of residence for underage persons or a family which provides the service of family residence for adults, or in a relative’s family, or another form of alternative residence). The selection and type of residence for the victim of domestic violence shall be made on the basis of the assessment of security, in turn determining other elements which shall prevent access of the perpetrator of domestic violence to the victim.”
- 5 Work with the beneficiary may be terminated under the following conditions: the undertaken services and measures have responded to the needs of the beneficiary – victim of domestic violence; causes and consequences of violence have been eliminated; there is no risk of reoccurrence of violence or such risk has been minimized and does not call for specific involvement of the Centre for Social Work; the beneficiary – victim of domestic violence explicitly refuses to accept the provision of assistance and support; other circumstances have been identified during work that hinder objectively the provision of assistance and support to the beneficiary – victim of domestic violence.

The essential role of the Centre for Social Work in both crisis intervention and long-term support and assistance to victims is highlighted throughout the Special Protocol⁶ (ibid.).

Within the scope of this study, the other roles of the Centre for Social Work should be emphasized. Notably, apart from providing services to victims and undertaking measures to protect them, the Centre for Social Work has **a coordinating role in establishing and maintaining multisectoral collaboration** in cases of domestic violence against women, i.e., it is mandated to coordinate actions of other institutions and organisations. More specifically, the Centre for Social Work "... has the obligation of coordination, in addition to a direct provision of assistance and support, so that the actions of other institutions of the socially organized systems of assistance and support may be timely, holistic and primarily directed at meeting the needs of the victim of domestic and intimate partner violence." (ibid.)

In addition, the Special Protocol (ibid.) introduces **special obligations** of the Centre for Social Work that are particularly relevant for the development of multisectoral collaboration, and thus, to the context of this research. Each Centre for Social Work is obliged⁷ to (ibid.):

- 1. Sign a cooperation agreement at the local level that will include institutions and other organisations relevant for achieving an efficient protection of victims** of domestic and intimate partner violence, in order to fulfil its coordinating role and meet the needs of victims, in line with Article 58 of the Law on Social Protection, within a year of the day of adoption of the Special Protocol;
- 2. Elaborate in more detail its internal procedures for more effective protection of women from domestic and intimate partner violence and establish a special Internal Team of professionals** to tackle the phenomenon of domestic and intimate partner violence and provide assistance and support to victims, within six months as of the day of adoption of the Special Protocol.

6 For example, the Special Protocol (ibid.) specifies that plans of services and measures in cases of domestic violence shall be adopted, including: "a) Initial plan of services and measures no later than 15 days from the day on which work with the beneficiary – the victim of domestic violence started; b) Plan of services and measures upon finalized directed assessment, no later than 60 days from the day on which work with the beneficiary started; c) Plan for stabilization, independence and integration of the beneficiary – the victim of domestic violence; d) Other plans focused on the provision of assistance and support for the beneficiary. It is also specified that the following persons should be involved in the development of these plans: the case leader, the beneficiary – victim of violence, other relevant persons from the family, and the wider environment of the victim; professionals and representatives of other services who took part in assessment procedures or are providing or should be providing services to the beneficiary or the family." Furthermore, the process of planning is formalized and "All parties involved in the development of the plan should put their signature on the plan and the supervisor should also approve and sign the plan." (ibid.)

7 In the final provisions of the Special Protocol (2013), it is specified that directors of Centres for Social Work are responsible for its implementation. The Institute for Social Protection is obliged to monitor/follow up on the impact of implementation and submit annual reports to the Ministry of Labour, Employment and Social Policy.



Thus, Serbia has adopted binding documents, specifying the required actions of agencies as well as the procedures for multisectoral cooperation. The adoption of these Special Protocols might be seen as a step towards harmonisation with provisions of the Istanbul Convention (2011), which Serbia ratified in 2013 (Law on Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Official Gazette of Serbia, International Covenants, 12/13).

We may be reminded that the Convention defines the need of adopting and implementing effective, comprehensive and coordinated policies (Art. 7⁸), establishing appropriate mechanisms for effective cooperation between all relevant state agencies, local and regional authorities and NGOs (Art. 18⁹), and providing general services for enabling victims to recover from violence (Art. 20¹⁰).

It was expected that the adoption of these documents would contribute to building an integrated system of support and multisectoral approach to combating domestic and intimate partner violence against women. The reader may note the careful choice of words and the cautious optimism contained in the previous sentence, since **it remains to be seen whether the full implementation of the Protocols will be assured.**

In the text that follows, we focus on the role of women's NGOs, providers of specialist services (in the terms of Istanbul Convention) in multisectoral cooperation.

The General Protocol refers to the involvement of civil society organisations in the process of protection in general terms, for example,

"In order to establish an efficient system of the protection of victims (...),

8 Article 7 (Comprehensive and coordinated policies), para. 1 of the Istanbul Convention stipulates "Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women."

9 Article 18 (General obligations), para. 1 of the Istanbul Convention defines that "Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention."

10 Article 20 (General support services) of the Istanbul Convention reads:
"1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.
2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services."

it is necessary to establish continuous multisectoral cooperation between the main social protection institutions. This involves cooperation between social protection institutions, the Centres for Social Work in particular, the police, judiciary, investigation judges and health-care institutions. The protection system should also include civil society organisations that implement programmes and activities related to services for victims of violence.”

It might have been expected that the Special Protocols would further elaborate procedures for collaboration with NGOs. However, the Special Protocol for Action of the Centre for Social Work (2013) makes no reference to civil society organisations (except in the introduction: NGOs are listed among actors that report cases of violence to Centres, as well as in the context of the assessment of potentials in the local community¹¹). Rather, this Special Protocol refers to “other organisations” or just “organisations” (as opposed to “institutions”), for example, in provisions that specify procedures for multisectoral cooperation and highlight the coordinating role of Centres for Social Work at the local level, in line with Article 58 of the Law on Social Protection (as already mentioned above).

On this point, we may be reminded that the Istanbul Convention, in its provisions on the obligations of the state to adopt and implement comprehensive and coordinated policies (Art. 7, para. 1, quoted above) specifies the need for the involvement of civil society organisations (Art. 7, para. 3¹²). The Convention further clarifies that implementation of coordinate policies should entail the allocation of adequate state funds, including for those programmes carried out by civil society organisations, *inter alia* (Art. 8¹³), and also specifies that states should encourage and support their activities

11 In the Chapter of the Special Protocol (2013) that specifies procedures of directed assessment and planning of the measures/services in order to assist the beneficiary – victim of violence, it is specified that professional opinion should contain, *inter alia*, “Assessment of the potentials of the local community and availability: description and assessment of organized institutional and non-institutional forms of assistance and support for the beneficiary – victim of domestic violence in the local community which may help them overcome the problem and the consequences of sustained violence (education, health care, employment, social welfare, non-government organizations, etc).”

12 Art. 7, para. 3 defines “Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.”

13 Art. 8 (Financial resources) of the Istanbul Convention stipulates the following “Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.”



(Art. 9¹⁴) and cooperate with them in awareness-raising (Art. 13, para. 1¹⁵).

In view of these provisions of the Istanbul Convention, it is intriguing that in the Special Protocol of Centres for Social Work (2013), the role of NGOs in multisectoral collaboration is not specifically mentioned, but rather, should be inferred, by “reading between the lines.”

Research surveys (e.g., Brankovic, 2009; 2012), on the other hand, clearly confirm the essential role of women’s NGOs in Serbia in the protection of victims, both in the processes of crisis intervention and longer-term support and assistance. The study that addressed the types and availability of specialist services provided by 37 women’s NGOs throughout Serbia (Brankovic, 2009), including shelters, help-lines and/or counselling centres, concluded that the NGO sector provided integrated responses, offering a “mixture” of various services, including emotional support, providing information, referral, legal aid/advice, emergency/crisis support and longer term counselling aimed at coping with trauma (and sometimes: representation at court). Longer term emotional support and focus on empowerment were identified as underlying principles of NGO-run services. The focus on longer term empowerment probably represented one of the main differences, as perceived by NGO members, between the NGO-run services and those provided by state mechanisms for institutional protection. Service providers in NGOs often organized counselling for particular service users that lasted for many months.

Another recent research survey (Brankovic, 2012) that analyses the capacities of specialist organisations (SOS helplines) in the civil and institutional sector to participate in establishing the national 24/7 free helpline that will cover all forms of violence against women, in line with the Istanbul Convention (Art. 24¹⁶) further clarifies that women’s NGO services (although called “SOS helplines”) provide both emergency support by telephone and various services of individual face-to-face counselling, longer-term support and empowerment – the ratio of emergency/crisis support to long-

14 Article 9 (Non-governmental organisations and civil society) stipulates “Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.”

15 Article 13 (Awareness-raising) specifies “Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women’s organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.”

16 Article 24 of the Istanbul Convention defines: “Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.”

term interventions was, on average, 40:60. By calculating the number of working hours of all counsellors in NGOs in the previous year, the study also found that 69% of their entire service-oriented work was done on a voluntary basis, indicating that the financial sustainability of NGO services has been severely jeopardized. Further, the study (ibid.) reviewed the quality of collaboration between NGO services and institutions. It was revealed that collaboration with local media and the police was the most favourably assessed, while the cooperation with judiciary received the lowest average scores (ibid.).

Based on the brief overview provided above, it can be concluded that in the General and Special Protocols (2011; 2013) the **Centre for Social Work has been defined as the “pillar” of institutional protection of victims**. It is legally mandated for service provision throughout the process of protection, ranging from emergency response, such as providing temporary accommodation in shelters or other alternative accommodation, to longer-term interventions, aimed at creating safety, re-building lives and assuring social inclusion of victims. Last but not the least, the Centre for Social Work is obliged to coordinate the actions of other institutions and organisations.

On the other hand, as confirmed in the research studies described above, specialist support services, which have been developed by the women’s NGO sector in Serbia in the last 20 years, have continued to function, in spite of great financial difficulties, and provide (both) assistance in emergencies, and longer-term support, often, with a focus on the latter.

The specialist services of women’s NGOs are considered essential in many countries (e.g., Coy et al., 2007) and recently have been recognized as a necessary part of integrated response to violence in international binding instruments, i.e., the Istanbul Convention (Art. 22¹⁷ and accompanying Explanatory Memorandum, paragraphs 131-132¹⁸).

17 Article 22 of the Istanbul Convention (Specialist support services) specifies

“1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2. Parties shall provide or arrange for specialist women’s support services to all women victims of violence and their children.”

18 The Explanatory Report to the Istanbul Convention further specifies provisions in Article 22: the role of specialist services and the obligation of the state to support them, including financially,

“131. Complementing the obligation contained in Article 20, this and the following provisions require Parties to the Convention to set up or arrange for a well-resourced specialist support sector.

132. The aim of such specialised support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women’s organisations and by support services provided, for example, by local authorities with specialised and experienced staff with in-depth knowledge of gender-based



Having in mind the review provided above, this research survey analyses multisectoral cooperation in the process of protection of women victims/survivors of domestic and intimate partner violence, including crisis intervention, but also longer-term empowerment and steps towards re-building lives, paying particular attention to the latter, along the lines of recent research.

A recent landmark survey, carried out in the United Kingdom (Kelly, Sharp and Klein, 2014: 11) emphasizes that “longer-term support has never been a priority for funders,” in spite of the well-known fact that domestic violence has long-term consequences. The study, thus, focuses on factors that enabled women to move on from violence and re-build their lives:

“These persisting challenges in women’s lives are not a current priority for national or local governments, where there is an increasing focus on time limited, high-risk targeted support. Commissioning practices are also driven by cost resulting in contracts being awarded to generic providers at the expense of dedicated specialist projects (...). This focus on risk rather than needs-led support results in ‘fire-fighting’ high risk cases and neglects the efforts to increase women’s safety and autonomy over the longer term.”

1.1. Implementation of the General and Special Protocols: Findings of previous studies

To date, the implementation of the General and Special Protocols has been analysed in one comprehensive survey, which was carried out by the Ombudsman of the Republic of Serbia, and published in the special report (2014).

The survey (ibid.) was conducted in the period from March to October 2014, and the analysis was based on the existing data-collection models: responsible institutions and ministries¹⁹ were asked to provide detailed data on cases of domestic violence.

The national institutions and ministries provided incomplete data; e.g., the

violence. It is important to ensure these services are sufficiently spread throughout the country and accessible for all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of this Convention and provide support to all groups of victims, including hard-to-reach groups. The types of support that such dedicated services need to offer include providing shelter and safe accommodation, immediate medical support, the collection of forensic medical evidence in cases of rape and sexual assault, short and long-term psychological counselling, trauma care, legal counselling, advocacy and outreach services, telephone helplines to direct victims to the right type of service and specific services for children as victims or witnesses.”

¹⁹ The following institutions and ministries were approached with a request to provide data: the Ministry of Interior, the Ministry of Labour, Employment, Veteran and Social Policy, the Ministry of Health, the Public Prosecutor’s Office of the Republic of Serbia, the Misdemeanour Appellate Court, and the Supreme Court of Cassation.

Ministry of Labour, Employment, Veteran and Social Policy submitted data from 101 Centres for Social Work (out of in total 176 Centres that exist at the territory of Serbia).

Further, in 16 randomly selected municipalities of Serbia, data were collected using questionnaires delivered to local Centres for Social Work, police stations, primary health-care centres, misdemeanour courts, public prosecutor's offices, and local governments. Additionally, field visits were organised in order to analyse whether agreements of cooperation between institutions and organisations had been developed at the local level, and, if so, how such agreements were implemented in practice.

Based on the survey described above, the Ombudsman of Serbia (2014) defined the following as the **main shortcomings in multisectoral collaboration** in the protection of women from violence:

1. A lack of information exchange and feedback between the Centres for Social Work, the police, prosecutors' offices and courts;
2. A lack of follow up of the enforcement of protection orders against domestic violence. It is highlighted that, although the Centres of Social Work have been legally mandated to keep records on protection orders issued by the courts, in practice no body or institution actually follows up on the enforcement of these measures.

Participants in the survey (ibid.) specified the following:

- "Responsible institutions have not achieved adequate and sufficient collaboration,";
- "There is no information exchange," and there is "no bilateral collaboration" between "the police and the Centres for Social Work," or "between the courts and the Centres for Social Work";
- "The efforts of each institutional system have not been synchronised";
- "The courts do not deliver their judgments on imposed protection measures to the Centres for Social Work."

The survey also implied disturbing findings regarding the **weaknesses and shortcomings in the implementation of the General and Special Protocols**. We have selected below some findings (ibid.) that are relevant in the context of our research.

It should be emphasized that the gaps listed below are not related only to multisectoral collaboration; rather, many of identified weaknesses refer to the failure of institutions to undertake measures they are required to



undertake, in line with existing legislation and policy. However, it can be expected that grave failures of certain institutional systems to assure the protection of victims (as described below) may jeopardize the functioning of other parts of the system.

- Responsible professionals in the police, the Centres for Social Work, the courts, prosecutors' offices, medical centres, local governments and other bodies and institutions are not adequately informed about the existence, content and purpose of the General and Special Protocols (some professionals have not been informed that such Protocols were adopted);
- Responsible professionals do not sufficiently recognize and understand the gendered aspects of violence, the power imbalance between victims and offenders, the psychological dynamics of violence, and its consequences. Due to a lack of knowledge and understanding, they apply inadequate measures for the protection of victims, and reach improper decisions regarding protection;
- Domestic violence that occurs for the first time has been perceived as "family or partnership conflict" that does not require a response from institutions, apart from providing advice or warning;
- The system of institutional protection does not pay enough attention to the fact that femicide is often the result of prolonged violence. Responsible institutions typically do not examine the history of intimate partner violence in cases of femicide;
- Specialized training on the implementation of the General and Special Protocols and violence against women that have been carried out thus far are not sufficient; the number of professionals that have participated in such trainings is low and disproportionate to the frequency of reported cases at the local level. In addition, the number of specially trained officials varies a great deal across municipalities (in some communities, not a single employee was trained), which leads to the inconsistent conduct of responsible institutions, and, consequently, to the inefficient functioning of the entire institutional system. Furthermore, responsible institutions do not possess accurate data on trainings attended by their employees, the impact of trainings, and the need for additional ones;
- Cooperation agreements between different institutions and organisations responsible for the protection of victims have not been signed in all municipalities. In local communities in which such agreements were signed, they have not been implemented, and/or responsible professionals have not been made familiar with them;
- Cooperation agreements are often signed as an act of the Centre for Social Work, rather than a joint act of all responsible institutions that ought to apply it;

- When cooperation agreements were signed, their implementation in practice has not been monitored and followed up, and thus, possible revisions or adaptations to the local context have not been considered;
- Capacities and resources of civil society organisations are not adequately used in practice. Although General Protocol specifies a need to include NGOs into the system of protection, NGOs have been involved in a very low number of existing cooperation agreements at the local level;
- Institutions and bodies responsible for the protection of victims do not collaborate and exchange information sufficiently; where such collaboration exists, it is dependent upon attitudes, initiative and personal relations between directors of different institutions and particular officials. Consequently, some individuals maintain and improve (often with great effort and disagreements) the functioning of the system that should be based on duties and responsibilities, rather than on the personal initiatives of employees;
- One-way communication is common; typically, the police, the Centres for Social Work and medical centres report cases of violence to judicial institutions. Feedback is rarely provided; information exchange between institutions is almost non-existent. In particular, institutions fail to provide relevant information to the Centre for Social Work, although the latter is mandated to coordinate the system of protection;
- Women victims of violence commonly ask help from the police and medical centres, and less frequently from the Centre for Social Work (although the latter has been defined as a coordinating body in the system of protection);
- Criminal charges and other judicial proceedings are rarely initiated by the Centres for Social Work. Instead of organizing case conference meetings and interdisciplinary planning of measures and interventions, the Centres for Social Work mostly provide advice to victims, or refer them to other institutions or organisations;
- The Centres for Social Work and public prosecutors use their jurisdiction to initiate lawsuits for protection orders in only 10% of domestic violence cases;
- The number of criminal charges for domestic violence filed by the police is 10 times lower than the number of cases reported to them. In three quarters of the reported cases, a perpetrator only receives a police warning;
- Prosecutors drop one quarter of criminal charges for domestic violence and defer criminal proceedings in 15.2% of cases (mostly, a



perpetrator is thus obliged to pay a certain amount of money to charity/humanitarian funds). Only 25% of criminal charges result in indictment; victims are, therefore, not granted adequate protection;

- Judicial proceedings are slow; out of all proceedings that began in the period from 1st January, 2013 to 30th June, 2014, only 60% were completed. In criminal trials for domestic violence, courts mostly impose a suspended sentence (in over two thirds of the cases);
- Some final and enforceable court decisions are not enforced. Due to the lack of enforcement and a failure to prevent misuse of the system by defendants, some decisions have been replaced by new ones, often – lenient, or even, on behalf of the defendant;
- Shortcomings in the system of recording, documenting and reporting cases of domestic violence are numerous, including incompatible and incomparable data-collection models in various institutions and different criteria used in data gathering;
- In 10% of cases, medical centres identify cases of violence, but do not report them. In fact, some cases are not recorded in medical centres and other institutions are not informed about them;
- Services aimed at long-term recovery of victims of domestic and intimate partner violence have not been systematically established; resources of local communities are insufficiently used. Victims are mostly offered short-term relocation from home, while programmes aimed at economic, social and psychological empowerment of victims and strengthening their capacities for independent lives are hardly ever organised;
- Programmes of psychosocial treatment of perpetrators have been rarely implemented; mostly, perpetrators are obliged to undergo such programmes based on decisions of the prosecutor's office in cases of deferred prosecution, and rarely due to court decision. When criminal prosecution is deferred, the number of cases in which a perpetrator is required by a prosecutor to pay a fine to a humanitarian fund is several times higher than the number of cases in which a perpetrator is obliged to attend psychosocial treatment.

The review of findings presented above certainly raises questions about the implementation of the General and Special Protocols and the complexity of issues that should be addressed in further research studies.



**General purpose and
specific objectives of the
field research**



2. GENERAL PURPOSE AND SPECIFIC OBJECTIVES OF THE FIELD RESEARCH

The general aim of the field research is to conduct a review of the institutional practices and procedures regarding the protection of women - victims/survivors of domestic and intimate partner violence at the local level using the multisectoral cooperation mechanism.

Specific objectives are as follows:

- 1. To identify the strengths and weaknesses of the multisectoral approach in the institutional response to domestic and intimate partner violence against women** in line with the requirements of the Istanbul Convention, through in-depth interviews with helpers (professionals or volunteers) in the institutional and/or civil sector, as well as through several short case studies. The study reviews multisectoral collaboration in the process of crisis intervention (short-term interventions in response to acute violence), but puts an emphasis on the **institutional response to long-term needs of women - victims/survivors**. Therefore, it is highlighted how institutional systems address problems faced by victims/survivors in the aftermath of domestic violence, upon separation from violent partners. In order to provide an insight into these processes, the research focuses on the perspectives of those helpers that represent the backbone of the system of institutional protection (employees in social services, including the Centres for Social Work and state-run shelters) as well as counsellors in women's NGO services.

It was decided to focus the research on target cities in which the UNDP worked to strengthen institutional multisectoral cooperation during 2013 and 2014²⁰, as part of the project "Integrated response to violence against women in Serbia," which was jointly implemented by UNDP, UNICEF and UN Women.

Out of ten cities²¹ in Central Serbia in which such trainings were organized, the following five cities were chosen for carrying out the field research: Leskovac, Vranje, Krusevac, Prijepolje, and Pirot.

Within this part of the research, one of the specific objectives was to track and review cases discussed at the multi-agency case conference meetings (which had been organised during the project mentioned above), and to provide an update, i.e., to review whether the measures and interventions planned during these meetings had

20 More specifically, the women's NGO Autonomous Women's Centre from Belgrade facilitated trainings on the General Protocol for Action and Cooperation of Institutions, Bodies and Organisations in Situations of Domestic and Intimate Partner Violence against Women and accompanying Special Protocols, as well as on the application of case conferencing, aimed at protection from domestic and intimate partner violence against women.

21 These cities were: Ivanjica, Pirot, Knjaževac, Kruševac, Kraljevo, Prijepolje, Leskovac, Vranje, and Paraćin.

been implemented and, if so, whether they had contributed to the long-term settlement of the victims.

The case conference meetings were held from one year to up to 1.5 years before the field research was carried out²². The research, thus, focused on a rare opportunity to assess the long-term impact of these meetings – from the perspective of helpers and (when possible) victims/survivors.

For this reason, social workers responsible for case management²³, as well as the counsellors in women's NGOs who provided specialist services to victims (if they were involved) were contacted, along with the victims/survivors themselves (whenever possible and appropriate).

2. Another specific objective of the field research was to **include the perspective of victims/survivors, i.e. to allow them an opportunity to "have their voice heard."** This part of the field research was aimed at:
 - a) Assessing the impact of the help/assistance provided by women's NGOs and institutional sector, as well as
 - b) Identifying specific factors that contributed to the processes of creating safety, recovery and independent living in the aftermath of violence (or, factors that represented barriers/obstacles in these processes), from the perspective of victims/survivors.

This part of the study was conducted with the generous assistance of the local specialist women's NGOs – the service providers. Due to their enthusiastic help, several in-depth interviews with victims/survivors were carried out (See the Chapter: Participants in the field research).

On this point, it should be clarified that **the field research was not aimed at conducting an evaluation of trainings or other activities** previously organized as part of the project "Integrated response to violence against women in Serbia."

22 Multi-agency case conference meetings were organised in the period from October 2013 to February 2014. Several months upon finalisation, follow up meetings with trainers were organised, during which participants reviewed the implementation of measures that had been planned during the initial case conference meetings. Therefore, participants in the project had a chance to analyse the impact of the implemented measures and to plan revision conferences.

23 As defined in the above-quoted Special Protocol of social services (2013) and the Rulebook on the Organization, Norms and Standards of Work of Centres for Social Work, a "case leader" is a professional in the Centre for Social Work in charge of the specific case who determines and draws upon the necessary professional and other resources in the centre or other institutions and organizations in the local community that are necessary to meet and overcome the needs and problems and/or provide adequate services to the beneficiary.



Methodology



3. METHODOLOGY

This **qualitative study** is based on desk review and field research. The field research was carried out in five cities in Central Serbia, as mentioned above, relying on the application of the following methods:

1. Individual or group face-to-face in-depth semi-structured interviews with three groups of participants: a) professionals in local Centres for Social Work and shelters, b) representatives of women's NGOs (counsellors in SOS helplines and/or counselling centres), and c) women victims/survivors of domestic or intimate partner violence. Individual interviews lasted from 1.5 to 3 hours. Group interviews were carried out in local Centres for Social Work with a large number of employees.
2. Questionnaires, specifically designed for representatives of specialist women's NGOs (counsellors in SOS helplines and/or counselling centres), which were used as a follow up to the in-depth interviews.
3. Short case studies.

It should be highlighted that, although interviewed participants were asked to provide assessment of the current/recent situation regarding collaboration with other actors, or strengths and weaknesses in multisectoral approach, their responses often covered a longer period. Illustrations of responses that are provided throughout this research report, therefore, **frequently represent "a historical overview" of the issues analysed.**

3.1. Participants in the field research

In total, 58 participants were included in the field research (in individual or group interviews).

1. Out of this total number, 17 participants were representatives of women's NGOs – counsellors on SOS helplines/counselling centres (including three coordinators of SOS helplines), and three were journalists, activists in the local women's group that possesses a local TV station.
2. Further, eight participants were victims/survivors of domestic violence or intimate partner violence, users of services of the women's NGOs. It should be noted that, out of this total number, two women were (still) accommodated in the local state-run shelters, and two were former users of the local shelters.
3. The remaining participants were employees of the following institutions:

- a) Local Centres for Social Work (CSWs) - in total, 25 professionals were interviewed; particular attention was paid to include all diverse specializations i.e. positions within the system of victims' protection in local CSWs. Therefore, the interviews were carried out with one Director, five Leaders of the Internal Teams for dealing with domestic and intimate partner violence cases²⁴ and/or Leaders of the Teams for Protection of Children and Youth, as well as 13 social workers, three psychologists, three lawyers, and two sociologists,
- b) Local shelters for domestic violence victims or local governments (five professionals in total, out of whom two were Directors).

Consequently, in line with specific objectives, in selecting participants from the institutional sector, the field survey mostly included employees in the social protection system; having in mind their relevant role in the protection from domestic violence. As mentioned before, Centres for Social Work have, in accordance with legal regulations and the General and Special Protocols, **a key role in the system of institutional protection and a coordinating role in multisectoral collaboration**. Representatives of CSWs are, therefore, the most informed (or, should be the most informed, in line with the law and existing regulations of their work) about the specificities of each particular case of domestic violence, and thus may serve as a good source in providing information in the field research, including data about the impact of multisectoral collaboration in undertaking short-term and longer-term measures aimed at protection from violence.

Therefore, the field research focused on the perception of two groups of "helpers" (service providers): women's NGOs and professionals in the social protection system. **Such selection of participants may be seen as a limitation of the survey**, as the perspectives of other professionals (e.g., police officers, prosecutors, judges, school teachers, health-care professionals, etc), actors in multisectoral cooperation are not included. On the other hand, such an approach provided in-depth insight into the perspectives of "front-line" service providers in the institutional system of protection and coordinators of multisectoral collaboration (rather than "first responders," such as police officers or emergency health-care personnel), as well as those helpers who provide longer-term support (counsellors in specialist women's NGOs).

24 As mentioned before, the Special Protocol of social services (2013) defines the special obligations of the Centres of Social Work that are relevant in the context of multisectoral collaboration. *Inter alia*, each Centre is obliged to elaborate in more detail its internal procedures for more effective protection of women from domestic and intimate partner violence and to establish a special Internal Team of professionals to tackle the phenomenon of domestic and intimate partner violence and provide assistance and support to victims, within six months from the day of adoption of the Special Protocol.



Whenever possible, an attempt was made (as described before) to follow up on the cases that had been discussed at multi-agency case conference meetings, which were organised during the implementation of the project. Therefore, the interviewed representatives of state institutions and specialist women's NGOs were asked to provide an update about these cases.

Further, during in-depth individual interviews with (in total) eight victims/survivors, we managed to get in touch with two women whose cases had been discussed at the multi-agency meetings, so, we asked them directly how they see their current situation, and the processes of re-establishing autonomy and independent living, as well as how they assess the help provided by state agencies and specialist women's NGOs, in line with the specific objectives of the research.

3.2. Measures for protection of confidentiality and privacy

All participants were provided with information about the purpose and specific aims of the research and were granted anonymity.

It was clarified that no names or personal details of any kind would be published alongside their statements²⁵. This approach most likely contributed to motivating participants to participate in the research and to provide open and detailed responses. It probably also contributed to reducing the number of socially desirable responses by participants - employees in institutions.

In particular, women victims/survivors of domestic violence were guaranteed that their stories would not contain any personal information that might jeopardize their privacy.

Interestingly, several women survivors insisted that they would be willing to disclose their names and other personal details; for instance, a few of them said

"I would like to tell my story under my full name," or

"I can introduce myself, as I have nothing to hide. I want to encourage other women to get out of violence."

Nevertheless, survivors' names and other personal info are not disclosed in the text that follows, and false names are used instead.

Interviews were audio recorded, with the consent of participants. During one group interview, representatives of the Centre for Social Work in Leskovac did not consent to this, so hand notes were used in this instance, instead of audio recording.

²⁵ Note: participants – professionals in the civil and state sector were also explained that their names would be noted, for administrative purposes, but would not be recorded alongside their statements (their statements would remain anonymous).



**Results: Multisectoral
collaboration**



4. RESULTS: MULTISECTORAL COLLABORATION – AN OVERVIEW

4.1. General assessment of multisectoral cooperation at the local level

Participants in local Centres for Social Work were asked to assess the current quality of collaboration with each specific institutional system involved in the protection of victims, in particular, the police, prosecutors' offices, courts, schools, and medical centres, as well as women's NGO services (if such a service existed in their municipality). They were also asked to assess whether the collaboration with these institutional systems has improved, worsened or stagnated in the recent period (about six months).

Although employees in social protection expressed different opinions about the quality of collaboration with other institutions and NGOs, a certain level of agreement between participants was reached regarding the following: **the collaboration with the local police was the most favourably assessed** (in comparison to other institutional systems), **whereas the majority of gaps and weaknesses were identified in collaboration with prosecutors and courts.**

- *“Since the agreement on collaboration was signed at the local level, the collaboration can be generally assessed as far better. The collaboration with schools, the police and medical centres is satisfactory, but, when it comes to prosecutors and courts... the collaboration is poor.”*
- *“The collaboration with the police has been always satisfactory, while collaboration with medical centres cannot be assessed as good; it really depends on the specific person. Doctors in the local primary health-care centre are competent, and they apply their internal protocols. However, we have many problems in collaboration with prosecutors.”*

Even in those local communities in which the collaboration with other institutions was generally assessed as good or satisfactory (such as in Pirot, Prijepolje, Leskovac), when participants were asked to provide good and bad examples of collaboration, **the problems they identified and examples of “bad practice” were mostly related to collaboration with judiciary and the actions undertaken by prosecutors and/or courts.** Illustrations are provided in several other chapters.

Representatives of the Centre for Social Work in one of the local communities emphasized that the local multidisciplinary team for dealing with domestic violence cases was established during the implementation of a

project in 2006 and involved representatives of different institutions, such as schools, medical centres, the media, and the police. The agreement on collaboration at the local level was later harmonized with provisions of the General and Special Protocols. The leader of the current Internal Team for dealing with domestic and intimate partner violence emphasizes that they lack the cooperation of the judiciary.

Our general impression is that the interviewed professionals in social services differ a great deal from one centre to another, as well as across local communities, with respect to:

- a) Expertise and competence to understand the gendered dimensions of domestic violence,
- b) Interest and motivation to engage in the coordinated activities of institutions in cases of violence.

4.2. Is the social service system capable of dealing with domestic violence cases: “What happens when helpers feel powerless”?

Before discussing strengths and weaknesses in collaboration between institutions, we will focus on the problems identified by participants – employees in the Centres for Social Work, since they have numerous complaints regarding their own position within the larger system of victims’ protection, and a lack of possibilities to deal with domestic violence cases.

These participants specified numerous problems: the Centres for Social Work are under-staffed, employees are struggling with burn-out, as their duties have gradually increased due to the laws and regulations adopted in the last 5-6 years.

Many participants claim that they are “overburdened” and “overwhelmed” with work; that authorities constantly “impose additional responsibilities” on them, without paying much attention to whether they can meet such “ever-increasing” requirements.

As mentioned above (See Introduction), the Special Protocol for social services (2013) introduces the obligation of the Centre for Social Work to establish a special Internal Team that should deal with domestic and intimate partner violence cases and create internal procedures aimed at ensuring the adequate protection of victims. Although all participants confirmed that such an internal team had been established in their respective Centres, in accordance with the Special Protocol, some of them also assessed that the team cannot function properly, because its members are unable to



cope with the complex requirements related to the adequate and efficient protection of victims (due to numerous other duties and obligations).

It should also be highlighted: some participants elaborated (often, in a rather emotional manner), that **they cannot not properly respond to the longer-term needs of domestic violence victims and thus feel “powerless.”**

Certain responses of professionals in the Centres for Social Work consequently raise concerns about how workers in the social services will meet the demands of the General and Special Protocols (2011; 2013), especially with respect to longer-term support of victims.

Some of the problems mentioned by workers in CSWs relate to a wider social and economic context; indeed, it is difficult to assist victims in job search, having in mind that Serbia has been continuously faced with an extremely high unemployment rate. Economic empowerment projects that specifically target women victims/survivors of domestic violence are extremely rare (only two such small-scale programmes, covering several beneficiaries were identified during the field research). Further, based on responses provided in other parts of the interviews, other ever-present obstacles to the long-term settlement of victims/survivors after separation from violent partners (for example, very limited provision of social housing) could be reduced with the greater engagement of local governments. The example of one local community (Vranje) can be seen as a positive practice: among the eligible candidates for social housing, four women victims/survivors of violence are on the top of the list.

Examples of the inability of the institutional system to provide long-term help in (re)building the independence and autonomy of victims/survivors are plentiful, and the factors contributing to this situation are also numerous (and cannot be attributed only to the economic situation in the country).

- *“The laws and protocols have the good intention to help victims. The main shortcoming is our lack of motivation to work together, and do what we can. This is a result of burnout. When a woman client asks for our help, and we know that we cannot solve her problem, she feels helpless, and then we feel helpless, too. The lack of motivation is due to a feeling of helplessness. We do a lot and really try to help, and we often do even more than we are obliged to do. We have a good intention to help and do whatever we can, but... we are human and we are worn out. In our Centre, employees are highly experienced; we all have worked for more than 20 years.”*
- *“We often feel powerless in cases of domestic violence. We cannot offer a job or even assist a victim in finding a job, as unemployment is enormous, and there are no jobs out there... They can stay two months in a shelter and then – what can we offer them?”*
- *“The main problem is that the entire system cannot respond to the*

needs of the victim. We have not developed the services so that we can help a victim find a job, and solve her financial and other problems. But, that's not our fault. Serbia is not Sweden!"

- *"There is a considerable increase in the number of reports of violence in the family. Last week, for example, I received 15 reports, and I had to analyse each of them. I remember that one day, we recorded 30 reports. It should be kept in mind that we are not able to work only on domestic violence cases. Each social worker has about 20 children under his or her guardianship and also numerous other tasks to do. We are overwhelmed with work. I cannot say that we have no expertise to recognize domestic violence and deal with it. On the contrary! But we are under-staffed, so it is inevitable that we make mistakes."*
- *"The internal team for domestic violence exists only on paper. All case managers are engaged in domestic violence cases, as we do not have enough workers to specialize on domestic violence and work only on such cases. That's not realistic, having in mind how many employees we have. We are not even entitled to replace three colleagues who have retired."*
- *"I remember the day when we received guidelines from the Institute for Social Protection regarding the establishment of an internal team for domestic violence cases. We were shocked when we realized what such a team should actually do."*
- *We don't have the chance to establish an internal team that would deal only with domestic violence cases."*
- *"Here is how it goes: the state tells us that we must do something, for example, that we must establish an internal team for domestic violence cases. The state just says that we have to do it, and doesn't care whether we can do it or not. We simply cannot do what is required of us."*
- *"The topic of domestic violence has become increasingly present in media and the public, and we see an improvement in the institutional response to violence in practice. But, the main focus of our work is on protection of children. Social workers attended trainings on violence against women, and we all know that victims often return to violent partners, we know the theory. But, we have a feeling of failure and helplessness, as we do all that we can, but a woman eventually goes back to a violent partner... "*
- *"Other institutional systems shift their responsibility to us. We have to know the mandate and jurisdiction of all other systems - the prosecutors, the police, everyone... But, other systems are not familiar with our capacities and jurisdiction, and they simply do not care."*
- *"Our Ministry does not take into account our capabilities; they continuously increase our obligations, regardless of our small number of*



employees. The mechanism for protection of victims has been nicely conceptualized on paper. We should take part in it, but we are not equipped and able to respond to violence and to apply the law in an adequate manner or to protect the victims. Social services and the police carry the heaviest burden in responding to violence.”

- *“We have attended trainings, so we know how to approach victims. The general problem is that all Centres for Social Work are under-staffed. I am convinced that better results in protection from violence could be achieved only if we could devote more time to each specific victim. We take the victim’s statement, and if she says she doesn’t want to testify in court, we just advise her and do nothing further – we don’t file criminal charges.”*
- *“Internal teams for domestic violence in the Centres for Social Work should deal only with such cases and specialize in the problems of violence, in order to do the job properly. However, that’s not possible. The system for the protection of victims is well-established on paper, but it doesn’t function in practice. For example, I work with 1200 beneficiaries – users of social welfare. On top of that, I am responsible for about half of all reported cases of domestic violence. Our Ministry introduces different new obligations, such as dealing with domestic violence and trafficked victims. That obligation is imposed upon us.”*
- *“Our Ministry does not properly understand the complexity, magnitude and responsibility of our work. They fail to accept that we are a small centre and don’t have enough staff. That happens over and over again – every reform in the social protection system has been introduced in a rush, with little training. When case management was introduced, they organized two trainings, and that was it.”*

4.3. Are women’s NGOs accepted as partners: Multisectoral collaboration from the perspective of representatives of social services and women’s NGOs

As mentioned before, women’s NGOs in Serbia have been engaged for many years in promoting and establishing the model of coordinated community response to domestic violence and adapting it to the local contexts in their communities, through trainings and numerous advocacy actions. The model of coordinated community response to domestic violence was pioneered in Duluth, Minnesota, with the aim of ensuring safety for victim/survivors, and holds at its core: identifying domestic violence as a pattern of control rather than isolated incidents, gendered power relations, criminal justice redress, coordinating agency responses, victim perception of danger, and risk assessment (Pence and McMahon, 1997; in: Coy and

Kelly, 2011; Pence and Shepard, 1999). Subsequently, the model has been adapted for use in many different parts of the world, especially in East Europe (e.g., the overview is provided in: Network Women's Program, 2002). Comprehensive evaluations of various adaptations have been also conducted in numerous countries. Various evaluation studies have noted that specialist organisations, particularly women's NGO services, are marginalised (Allen, 2005; Malik et al, 2008). Hague and Bridge (2008: 188) elaborate that "if specialised services are not central to the coordinated community response, they become eclipsed by the state institutions' responses" which do not understand the gendered dynamics of intimate abuse, and under-resourced women's services are likely to become marginalised as powerful agencies take over."

With these findings in mind, we asked professionals in the Centres for Social Work to provide an assessment of cooperation with women's specialist NGOs in their local community. Likewise, representatives of local women's NGO services were offered an opportunity to provide their perspective on the topic of collaboration with state agencies.

Some representatives of local Centres for Social Work replied that problems in cooperation with women's NGOs emerge due to a lack of precise information about the role of social services in assisting victims. One response is illustrative, as it reveals the difference in the approach to the phenomenon of violence against women between institutions and women's NGOs. For example, one worker in a local Centre elaborated:

- *"Collaboration with NGOs has improved recently, but the main thing is that they maintain a feminist perspective on the issue, while we have an institutional role, and we cannot approach the problem from the feminist perspective. Women's NGOs often criticize our work, and some of their complaints are justifiable and well-founded, and some are not. The main problem is that women's NGOs are not familiar with our jurisdictions and legal mandate, so they have high expectations, which we cannot meet."*

Representative of a local Centre for Social Work

On the other hand, some activists of women's NGOs emphasize that they have developed "descent" collaboration, but only with "selected" professionals in state agencies, so, "the collaboration remains at the personal level."

As mentioned before (See the Chapter: Methodology), participants were asked to provide assessment of recent collaboration. However, their responses often covered a longer period. A reader, therefore, should keep in mind that throughout this chapter, **responses often represent "a historical overview" of collaboration at the local level.**



Representatives of NGO services claim that collaboration has been based on the personal commitment of specific (rare) individuals in state agencies.

Activists of one women's NGO strongly stressed that, in their local community, actions towards creating a coordinated response by different actors to domestic violence had actually been at their initiative. They had started it long before the General and Special Protocols became obligatory, and have continued their efforts ever since.

Activists of another woman's NGO, though, reflected on their own policy, claiming that a more "strategic" approach towards collaboration with institutions should be developed.

All NGO activists who participated in the field research confirmed that their particular women's NGO had signed the cooperation agreement between institutions, organisations and bodies at the local level. Mostly, though, they have modest expectations about the implementation of such local agreements.

- *"We have good collaboration, but not with the institutions as such, but only with certain specific representatives of institutions. We call them 'our allies.'"*

Representative of a local women's NGO

- *"Actual collaboration between NGOs and institutions hasn't been established yet. We do collaborate with some representatives of institutions, but that's based on the personal commitment of specific individuals. This is a small city, we all know each other."*

Representative of a local women's NGO

- *"We have done a great deal to enhance multi-agency collaboration and collaboration between NGOs and institutions. Since 2008, far before the General and Special Protocols were adopted, we organised trainings for local teams, and we have continued to work in that area. In 2010, we conducted numerous trainings on multisectoral cooperation, and later we developed a local network for combating violence against women."*

Representative of a local women's NGO

- *"So far, it has been impossible to establish a formal collaboration with institutions; whatever we did together, was based on personal connections with particular individuals in institutions. Maybe we, as a women's NGO, do not have a systematic and strategic approach to*

collaboration with institutions, but rely on spontaneous and sporadic actions. We are possibly partially responsible for this situation, but the main problem is that the system of multisectoral collaboration has not yet been developed."

Other activists, however, emphasized an improvement in collaboration, in particular, with the police.

- *"The police have started to take the problem of domestic violence seriously in the recent period. They have had so many training, and participated in our roundtables and activities whenever we invited them. In general, they have learned a lot. The number of criminal charges filed by the police has increased. We have a good collaboration with them. Though, it still depends on the police chief. The current chief is really competent and motivated. He consults us, asks for our opinion on specific cases. Consequently, I would assess that current collaboration with the police has reached the highest level since our foundation."*

Representative of a local women's NGO

Certain activists insisted that representatives of local institutions often *"pretend to collaborate"* with women's NGOs, but only when they *"speak to the public and media, at roundtables and conferences,"* and made remarks that this *"rosy picture is aimed to impress donors."*

Previous studies, based on in-depth interviews with activists of women's NGOs (e.g., Brankovic, 2009) highlighted the problem of *"false partnerships."* As donors often promote collaboration between NGOs and state institutions, in some cases *"fictional"* partnerships are created, which are not based on genuine and fruitful collaboration, but on the need to meet donors' requirements. In such a context, NGO activities are *"disguised"* as partnership/institutional projects (or vice versa, depend on a policy of a particular donor/institution/organization). Similar tendencies are mentioned in this study, too.

- *"Representatives of social work and other institutions often present a 'rosy picture' of collaboration with NGOs in public meetings, conferences and other events. Also, when they present specific cases, which we know about since these women are our clients, their description is often unrecognizable – we have detailed information from a woman about her problems, but in their presentation, the case is solved... Sometimes, I ask myself 'Do we live in the same town? Do we talk to the same women?'"*

Representative of a local women's NGO



- *“Sometimes officials from institutions say they have excellent collaboration with us, but that’s only because donors promote such collaboration. Donors often like to have projects with partners from the institutional and NGO sector.”*

Representative of a local women’s NGO

Several activists, especially those in women’s NGOs that have many years of experience working with survivors, highlight the general problem of a “lack of understanding,” or a “conflict” between institutions on one side and women’s NGOs on the other.

Examples were even mentioned showing that conflicts between an NGO and institutions ended up in court.

- *“Institutions perceive us as a competition, as their rivals.”*

Representative of a local women’s NGO

- *“They behave as if we are in rivalry. We cannot explain thoroughly enough that we have no intention of assuming their role, but it seems that they do not know or do not want to know the role of women’s NGOs. They do not accept us as their partners.”*

Representative of a local women’s NGO

- *“We are cautious when we comment on the work of institutions, as their representatives are likely to take our criticism personally - as a personal insult, an offence.”*

Representative of a local women’s NGO

- *“We are doing our best to advocate for our clients and to help them achieve their rights in the institutions. Sometimes, such an attitude may lead to overt conflict with officials in institutions, especially when we disclose their misconduct or failure to do something they were supposed to do. It has happened to us twice that different institutions pressed criminal charges against us for defamation²⁶.”*

Representative of a local women’s NGO

Some interviewed activists of women’s NGOs express the general opinion

²⁶ Prior to amendments to the Criminal Code, which were adopted in 2012, defamation was criminalized in the Criminal Code of Serbia, and it was punishable by a (considerable) fine.

that state agencies at the local level (in their cities) do not comply with the principles and procedures defined in the General and Special Protocols and that multi-agency collaboration is poor.

- *“Our impression is that institutions do not respect the general and special protocols. In practice, there is no real and genuine collaboration between institutions. Their activities are not synchronized. They even do not meet; therefore, how they can coordinate their activities in specific cases of violence?”*

Representative of a local women’s NGO

- *“We, as do many other women’s NGOs that work directly with victims, may testify of disturbing examples of the lack of cooperation between institutions. For example, several years ago, a woman with three children asked for help from the local Centre for Social Work and the police in a small neighbouring city. No criminal charges were pressed against the perpetrator, she was not admitted to a shelter, and received no financial assistance. No legal mechanisms were used. She found a solution herself, moved to another city and found a job. She is a strong, self-confident and capable woman. She relies on personal strengths and resources; institutions have not undertaken actions to protect her.”*

Representative of a local women’s NGO

Throughout the interviews, activists/counsellors in specialist, service-oriented women’s NGOs identified various other problems, which are not directly related to multisectoral collaboration or bilateral collaboration between each specific institutional system and their NGO. Still, **their responses seem to imply that multisectoral collaboration is only as good as the weakest link (in their opinion, the judiciary represents this “weakest link”)**. The shortcomings in the work of the judiciary (as elaborated by activists) can be summarized as follows:

1. Activists mention the overall “insensitivity” of the judiciary regarding violence against women, which can be conceptualized as **“gender neutral framing of the phenomenon,” including a lack of knowledge and understanding of the power imbalance between victims and offenders, psychosocial dynamics, longer-term consequences to women victims, but also to child witnesses, and a limited attention to the consideration of potential risks of further violence. Personal attitudes thus influence the process of reaching professional decisions. Obstacles to better understanding, though, cannot be overcome due to a lack of interest from judicial professionals to participate in trainings on the topic.** Activists provided numerous examples of,



as they call it, “lack of understanding,” and even recalled examples in which judges and prosecutors, as they saw it, “discouraged victims throughout the judicial proceedings” and, in particular, criticized deferred prosecution.

- 2. Slow and inefficient proceedings contribute to reducing (or even annulling, as activists see it) the effects of actions and measures undertaken by other institutional systems.**
- 3. Low penalties for perpetrators and a tendency to impose suspended sentences imply an attitude that domestic violence is “not a serious crime.” Apart from sending the “wrong social message,” such a penalizing policy contributes to repeated offences**
- 4. A tendency to neglect the opinions and expertise of women’s NGOs.**

Illustrations of activists’ opinions and elaborations regarding judicial response to domestic violence against women are provided below.

- *“The judiciary is definitely the weakest link in multisectoral collaboration. They fail to protect women during judicial proceedings and, at the same time, they are surprised that women victims often refuse to testify in court, so they even blame them: ‘Victims are not cooperative,’ they say. They do not consider domestic violence a serious crime and mostly impose suspended sentences on perpetrators. They also fail to recognize the impact of their actions on women victims. One of our clients initiated action for divorce while criminal proceedings for domestic violence committed by her husband were underway. Eventually, on the very same day, she received the verdict that her husband was pronounced guilty for domestic violence, after a two-year trial, and sentenced to imprisonment. But she was also summoned for a ‘reconciliation hearing’²⁷, aimed at ‘resolving the matrimonial dispute and disturbed relations between the spouses without divorce’. She freaked out...”*
- *The prosecutors’ approach is problematic... They drop criminal charges too often, whenever a woman is reluctant to testify in court. We constantly remind them that they should collect other evidence, apart from the victim’s testimony.”*

27 The Family Law of Serbia (Official Gazette of Serbia, 18/2005, 72/2011, 6/2015) contains provisions on “reconciliation”. It is prescribed that “Reconciliation shall be carried out only in matrimonial disputes initiated by actions for divorce.” Further, “The purpose of reconciliation shall be to resolve the disturbed relations between spouses without conflict and without divorce.” It is further stipulated that “Both spouses shall be invited to the reconciliation hearing.” and “Proxies may not represent spouses in reconciliation hearings nor may they attend the hearing.” The Law also prescribes when the reconciliation is considered successful: “If spouses reconcile during the reconciliation hearing, it shall be considered that the action for divorce has been withdrawn.”

- *“The prosecutors apply deferred prosecution more and more often. It’s in their interest to do so: a perpetrator agrees to pay a small amount of money to a humanitarian fund, and a prosecutor dismisses the criminal charges. That’s the end of the case, as far as the prosecutors are concerned.”*
- *“I remember the case in which a father was pronounced guilty for domestic violence against his daughter, and received one year imprisonment sentence, which he served in the psychiatric ward of the jail XY. He had two other younger children and the Centre for Social Work considered the possibility of depriving him of parental rights and giving them up for adoption. The procedure was underway. But, when he came out of prison, he continued to abuse the daughter. He was later placed into a psychiatric hospital. When I talked informally about this with a judge, she told me that it was not as severe abuse as we thought and that we were biased. She was deaf to our arguments. If the case was not severe, why had the deprivation of parental rights been considered by the Centre for Social Work? Why he was sentenced to only one year imprisonment?”*
- *“The judiciary is the weakest link in multisectoral collaboration. Their lack of understanding of the issue of domestic violence is the greatest problem. All cases of domestic violence in our city are processed by the same judge. She is totally insensitive to the problem, and she even persuades women to drop the charges, because she tells them they will pay court expenses. For example, in one case she explained to a woman that there was no evidence to support the woman’s lawsuit for issuance of protection orders. She explicitly told the woman, ‘Beware, you will pay the court costs.’ Such approaches actually support and encourage the perpetrators of domestic violence, regardless of the judge’s intent.*

During trainings on domestic violence, that judge was the least sensitive to the problem. Whenever we worked in small groups and had practical exercises – to assess the risk in various cases of domestic violence, that specific judge assessed the risk as low or moderate, whereas all other participants in the group assessed it as high.”

- *“A lack of collaboration between institutions is a problem, but I want to add that there is also no collaboration between officials within the same institution, for example, in the prosecutors’ office. Often, there are different criminal and civil-law proceedings related to the same defendant, such as a criminal domestic violence case, a divorce lawsuit, proceedings on division of property, custody over children, a lawsuit for protection orders against domestic violence in line with the Family Law, etc. Each case is processed separately. Similarly, when there are several criminal charges for domestic violence against the same perpetrator, each is processed separately.”*



- *“Judges simply do not trust us. We have been engaged in supporting women and children victims of violence for more than a decade. But, throughout that period, we have never been asked to testify at court. Last year was the first time that a judge asked us to provide information about whether a woman had used our services or not. The court proceedings were related to child custody.”*

Activists and counsellors pointed out the grave problem of **a lack of proper, timely and systematic, coordinated institutional response to highly risky cases of prolonged intimate partner violence that might lead to femicide**. They did not mention the misconduct of any particular institution, but talked about the attitudes of professionals that might contribute to the “underestimation” or “minimization” of the risks of prolonged violence and also about efforts towards the “reconciliation” of victims with abusive partners (which is, needless to say, in contradiction with the provisions of the Istanbul Convention²⁸).

- *“Whether institutions have established cooperation or not... it’s not because of the Protocols. What matters is the result of cooperation – do they undertake coordinated actions in order to solve a particular case? And, that’s where the collaboration actually fails. There are serious and ‘unsolvable’ cases of domestic violence and every official in our local institutions knows these cases very well. In spite of that fact, these women could be dead tomorrow.”*
- *“Representatives of institutions often underestimate the risk of domestic violence. When death threats are involved, they simply do not treat such threats seriously. They fail to recognize that death threats sometimes lead to femicide. In our city, we have had terrible cases of femicide. In some of these cases, women reported domestic violence to institutions and asked for help, but did not receive an adequate response. Unfortunately, I think that institutions do not possess the capacity to assess the risk adequately.”*
- *“I remember a dramatic case of violence; the victim was a woman with disabilities. It happened several years ago... Her husband abused her severely and didn’t take care of her. Even neighbours reported that her life was in danger. The Centre for Social Work planned to file a lawsuit for the issuance of protection orders – they wanted to suggest that the court provide an order for the removal of the perpetrator from the apartment. It was her apartment, by the way. They wanted to appoint*

28 Article 48 (Prohibition of mandatory alternative dispute resolution processes or sentencing) of the Istanbul Convention, para. 1, specifies that “Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.”

a social worker as her temporary guardian. The woman refused protection orders and temporary guardianship. She didn't want criminal charges to be filed, and she refused any help. We played a large role throughout the process and did our best to support the victim. The Centre for Social Work has never provided any feedback to us."

- *"I have the impression that the representatives of social work try to reconcile women with abusive partners. We have come to such conclusion based on stories the women themselves told us. Social workers also sometimes discourage victims from leaving perpetrators or minimize the violence. For example, they say 'So what, he just slapped you once. Big deal... But, he is a wonderful father who will support your kids. Think about that -- you have no education, no job. What would you do?' Maybe such things have not happened recently, but certainly social workers used to respond in that manner before."*

4.4. Multisectoral case conferencing: Not yet accepted "novelty"?

As often highlighted in the literature (e.g., Safe at Home, 2009), multisectoral case conferencing is considered good practice in the provision of integrated responses to domestic violence. The benefits of case conferencing have been identified as:

- Facilitating ongoing and meaningful communication between all parties
- Allowing information sharing between agencies ensuring that all agencies have the information they need to manage risk and reduce duplication
- Consistent risk assessment informing the work and priorities of all of the participating agencies
- Clear advocacy for the victim, who in the process can otherwise be relegated to the sidelines when prosecution is done on behalf of the state
- Holding offenders to account (Robinson and Tregidga 2007; in: *ibid.*).

The literature (*ibid.*) notes that to be effective case conferencing must involve staff members from each agency who are senior enough to effect change and make strategic as well as practical decisions to address risk.



Our field research showed that **the practice of multisectoral case conference meetings has been rarely utilized at the local level.** This conclusion was supported in interviews with both employees in social protection and activists of local women's NGOs.

Interviewed employees of local Centres for Social Work agreed that "such practice had been rarely used." When asked how many case conference meetings they had organised in the recent period (the last six months or a year), participants responded that they had organised "a few" or none, while some of them tried to avoid responding to the question.

Further, in one local centre, interviewed workers stated that they had rarely organized case conferencing meetings in a formal sense, but also added:

- *"We have often had telephone contacts with members of local institutions."*

Other representatives of Centres for Social Work provided similar responses.

- *"I have organized, together with colleagues many meetings that were not formally called 'case conferences' but had a similar purpose."*
- *"When it comes to case conference meetings... we can't say that's a regular practice. But, we have regular telephone contacts and cooperation with representatives of other institutions, although this is not a case conference in a strict sense."*
- *"We worked on 61 cases of domestic violence last year. It is difficult to organize a case conference meeting, since representatives of other institutions have no time to come to such meetings. We, however, have contacted various professionals from other systems while creating plans for the protection of individual victims, often someone from the police or schools or prosecutor's office. Therefore, we don't formally meet, but we exchange information with them."*
- *"We are still at the very beginning of the practice of case conferencing."*

Others, however, emphasized that in their opinion the organization of such meetings would be considered time-consuming, bearing in mind the workload of employees in the Centres for Social Work.

- *"It is useful, but difficult to organize. The organizer would need to put a lot of time and effort to assure the participation of representatives of other institutions... Such meetings would be useful, but we rarely organize them."*

In one local community, the Leader of the Internal Team for domestic violence asserted that such meetings had been organized, but other members of the team were able to recall only two; one was organized on their own initiative and another at the initiative of the local health-care centre.

The response of an employee in one of the local Centres for Social Work is highly illustrative in this context. She agreed with the opinions of other participants in the study about how often case conference meetings had been organized. Yet, her response implied a lack of interest and/or the motivation of colleagues at that Centre:

- *“Among all professionals who attended the trainings on case conferencing, I am the only one who actually organizes such conferences in practice.”*

An employee of one local Centre presented an illustrative example of the **differences in knowledge and experience, which resulted in unrealistic expectations** on the part of “less experienced” professionals. One social worker explained that the local school had initiated a case conference during the training, with the good intention of supporting the child – victim. However,

- *“The school representatives wanted a police officer to show up in uniform. They thought that in this way the perpetrator might be ‘warned’. The police officer clearly explained to the principal that he could not wear the uniform to such an occasion. The principal wasn’t aware of the consequences...”*

4.5. Follow up: The long-term impact of case conference meetings organised as part of the project

One of the specific objectives of this field research was to follow up the cases of domestic violence that had been discussed in case conference meetings, organised within the project “Integrated response to violence against women in Serbia.” As mentioned before (See the Chapter: General purpose and specific objectives of the field research), such meetings had been held from a year to 1.5 years before the field research was carried out. Workers in the system of social protection, mostly those professionals responsible for case management, were asked to provide an update: whether measures aimed at the protection of victims (planned during the meetings) had been implemented, and if so, how they would estimate their long-term impact. In particular, they were asked to assess the current situations of particular victims/survivors and the (potential) contribution of previously implemented measures to survivors’ longer-term empowerment, and their success in “moving on” from abuse to independent living.



In most of the reviewed cases, women victims/survivors had left the perpetrator several years (a minimum of 2.5 years) before these interviews were carried out, but the interviewed professionals stressed that these **women had been exposed to severe post-separation abuse**, including stalking, manipulation of children, and misuse of visitation rights.

Some participants emphasized that *“We, social workers and the police have undertaken all available measures to protect”* a particular woman, but she still cannot live a life free of violence. **The interviewed staff in social services institutions mostly attributed the limited improvement in the women’s situation upon separation from violent partners to the low efficiency of the judiciary, i.e., they emphasized that cases “got stuck somewhere in the court,” or expressed the opinion that courts’ verdicts and the inefficient response of the judiciary contributed to secondary victimization of the victims and/or their children.**

Representatives of one local Centre for Social Work strongly emphasized that the judiciary did not show interest in contributing to the solution of situations that had been discussed at case conference meetings during the project.

- *“Case conference meetings are rarely organized. We organized maybe one or two during the trainings within the project. Case conferencing has no meaning, since no contribution by the judiciary can be expected. We did all we could in these particular cases, but there is no point in organizing such conferences, for example, when stalking is involved, as the case is already in court, but nothing happens... The proceedings last long, sometimes years, and a perpetrator is not in detention – that’s a major problem.”*
- *“There is no change in that case... The file in our records just becomes thicker and thicker... I think that the victim’s child has visited all the child psychologists and psychiatrists in the city, and she has no trust in us anymore. The child doesn’t want to see the father, but the court insists on it. So, the visitation rights are regulated by court order. The father is entitled to see the child under controlled conditions, in our premises. The last time we organized this, the child screamed so loudly that everyone heard her; all our colleagues came out of their offices. The child is obviously in fear, but the court insists that it should see the father – the perpetrator. Our opinion and expertise have no meaning. The judge thinks that we made a mistake and now wants us to change our expert opinion.”*
- *“Nothing has improved in the case of XY since the organization of the case conference meeting. She is still in a shelter; she has stayed there for five years already. Her children, who were also victims of domestic violence, are growing up in the shelter, and that’s not a proper environment for children’s development. She has a roof over her head and meals and that’s it... She has nothing else; no psychological support and under-*

standing. The employees at the shelter have no relevant knowledge or ability to help her. There is no progress in her case and no future for her, as she can't start an independent life with her children. The system cannot assist her to leave the shelter, her situation depends on her personal strengths, and the system can't provide any solution for her problem. We and the staff of the shelter filed a lawsuit for protection orders to obtain a restraining order, since her ex-husband stalked her. The proceedings lasted for more than a year. However, he breached the measures as soon as the court issued them. Criminal charges for domestic violence were filed and the trials lasted long... The court three times imposed a suspended sentence for domestic violence. Three times!"

- *"No significant progress can be identified in the case of the woman YZ; the situation remains the same. She lives independently, but struggles a lot... She has six children, two of whom have disabilities. Meanwhile, the perpetrator committed a murder, so he was detained. He killed the father of his new partner.*

The case of domestic violence against YZ has been in court since 2013. We encouraged the victim to apply for protection orders against domestic violence in 2013. I think that the lawsuit was filed in 2014, after the case conference, and finally, in February 2015, we received a request from the court to provide an expert opinion as to whether protection orders should be imposed.

Our impression is that the police and we, the social workers, have done everything in our power to protect the victim and her two minor children. But, the judiciary hasn't done.... We are still waiting for the verdict in the criminal proceedings, and meanwhile he has committed a murder!

Protection orders have not yet been imposed, and she complains that he stalked and harassed her (before he was detained), although they no longer live together.

So, we can't do anything for her anymore. Only through the efficient reaction of all institutional systems can the violence be stopped."

- *"Nothing happened in that case; no progress can be noted since the case conference. The situation can be described as 'status quo', and the court proceedings are still underway. The only change that I can mention is that the perpetrator threatens employees of our Centre. He has stalked our colleague."*

As mentioned above, we established contact with two women – **survivors of domestic violence whose cases were discussed in case conference meetings during this project**. It should be emphasized that they **were not aware that such conferences had been organized** (See the chapter on case studies).



The opinions of the interviewed activists of local women's NGOs on the topic of case conferencing at the local level can be summarized as follows:

Firstly, local institutions have not yet enough knowledge and capacity for multisectoral case conferencing, and

Secondly, multisectoral case conferencing is an under-utilized in practice.

Furthermore, even when case conferencing meetings have been organised, representatives of three women's organisations repeatedly stressed that they were not invited by organisers (mostly, local Centres for Social Work). Interestingly, activists emphasized that when case conferencing meetings were organized as part of activities under different projects (for example, the project "Integrated response to violence against women in Serbia"), women's NGOs were invited, but *"only because this was a project activity."*

Therefore, these findings seem to be consistent with those obtained in foreign research that highlighted **the problem of "marginalisation" of specialist NGO services** in the process of multisectoral collaboration, as mentioned before (Allen, 2005; Malik et al, 2008; Hague and Bridge, 2008; Coy and Kelly, 2011).

Illustrations of activists' responses are provided below.

- *"State agencies do not organize multi-agency case conference meetings, and even when they do, they do not invite us. During the UNDP project, a conference was organized, and we were involved, but only because this was a project activity. Otherwise, we would not have been invited."*
- *"First of all, case conference meetings are not a regular practice. And, even when such meetings are organized, we're not invited. The Centre for Social Work has invited us recently, but only because the meeting was organized as part of the project."*

It can be concluded that **additional trainings and different follow up activities will be required in order to strengthen capacity of local institutions to apply multisectoral case conferencing as a regular practice.** In this context, it should be kept in mind that, through analysis of the reports on the trainings, we reached the conclusion that trainings on domestic violence organized under the project "Integrated response to VAW in Serbia" were the very first trainings on the topic of domestic and intimate partner violence against women for many participants.

Furthermore, in planning future activities in this area, it should be kept in mind that the importance of collaboration between local social protection services and women's NGOs needs to be emphasized and supported.

The claims of women's NGOs that they were "skipped" when multisectoral case conference meetings were organised in the past should be viewed as disturbing. It seems that far more should be done to assure that specialist women's NGOs (having in mind their years-long experience in service provision, including longer-term empowerment) are included regularly in various activities towards achievement of the efficient multisectoral collaboration at the local level.

In the text that follows, we examine strengths and weaknesses in multisectoral cooperation, based on the examples and short case descriptions provided by participants.

4.6. Multisectoral cooperation: Strengths and weaknesses

Employees in local Centres for Social Work provided numerous examples of problems and gaps in collaboration, particularly with the judiciary.

As mentioned, participants confirmed that internal teams for dealing with domestic violence cases had been established, and local cooperation agreements between institutions and organisations (including NGOs) were signed. But, many participants also noted that their Centres for Social Work *"collaborated with other institutions before collaboration became obligatory, in line with the Protocols."*

For example, some professionals in the social protection system expressed the opinion that adoption of the General and Special Protocols²⁹ neither enhanced nor worsened (the previously-achieved level of) collaboration. This assessment seems to apply to those local communities in which cooperation has already been well-established (as perceived by employees in social services), based on the strong commitment of particular individuals, representatives of institutions, as clarified below.

One participant, however, made an interesting and intriguing comment and elaboration, implying that multisectoral cooperation cannot be introduced by legally-binding instruments, and that *"if you really want to do something, you'll find a way. If you don't, you'll find an excuse."*

- *"We know several officers in the local police station with whom we have cooperated for 5-6 years. And, the cooperation has always been good. Those who wanted to collaborate did it with or without the Protocols. The Protocols as such have not contributed to cooperation, in my opinion."*

²⁹ In this context, participants actually meant – the Special Protocol of the ministry responsible for social work. See: Ministry of Labour, Employment and Social Policy (2013) *Special Protocol for Action of the Centre for Social Work – Custody Authority in Cases of Domestic and Intimate Partner Violence against Women* (English translations of all Special Protocols, except the one on the judiciary, are available in the publication: Republic of Serbia, Ministry of Labour, Employment and Social Policy, UNICEF, UN Women and UNDP (2013). *Multisectoral Cooperation – Institutional Response to Violence against Women*. Belgrade: UNDP.



- *“The agreement on cooperation was signed at the local level in November 2014. Around 27 institutions and three NGOs signed it, and it really functions well in practice, in my opinion. But, we had contacts and collaboration with other agencies prior to this local agreement.”*
- *“Our Ministry exerted enormous pressure and strongly insisted that we should create and sign a local agreement on the collaboration between institutions. Now, the Ministry’s officials ask us to assess whether the local agreement has been implemented in practice. I would say that no improvement can be noted, in comparison to the previous level of collaboration. The reason is simple: if you really want to do something, you’ll find a way. If you don’t, you’ll find an excuse. Officially, the Centre for Social Work has a coordinating role in the protection of victims, but in practice, we have no real position in multisectoral collaboration.”*

In other communities, the interviewed participants – employees in social services – provided the general assessment that Protocols had not been accepted as obligatory.

- *“The problem with the Protocols is that institutions, in general, do not perceive them as legally-binding.”*

Some participants highlight that they have no regular meetings with other agencies and that such practice is strongly needed.

- *“All local agencies should meet once a month and share experiences. In many Centres, case conferencing meetings achieved good results. Regular meetings are what we need.”*
- *“I think that the problem is that we do not have regular meetings of representatives of various institutions, although we should have such meetings, in line with the Protocols on cooperation. It is our fault, and I can say that it’s my fault, partially, at least. I want to be sincere and self-critical, as a Leader of the team.”*
- *“Although, in general, cooperation with other institutions is good, probably we should formalize our cooperation. We should have regular monthly meetings, which we don’t have at present. Some years ago, we had such meetings, during different projects. But when the project was finished, the meetings were no longer organized.”*

4.6.1. Collaboration with the police – the strongest link

In local communities, representative of social services, including the Centres for Social Work and local shelters, mostly emphasized that they have established and maintained good collaboration with the police.

- *“Our collaboration with the police is excellent. We had problems before, but it seems that police officers attended various seminars and trainings, and now they have become competent to intervene in a proper manner. They strictly follow the guidelines from their Special Protocol.”*
- *“Our cooperation with the police is satisfactory, I have no complaints. It has always been good, both before and after the newly-introduced obligations, based on the Protocols. We have regular consultations with them regarding the cases; they inform us about every incident of violence, and every intervention they undertake. They have made the greatest progress, in comparison to other institutional systems. Probably, that is due to the numerous trainings they have attended, organized by their Ministry. Still, there are problems – not every police officer has become sensitive to the phenomenon of domestic violence. It takes time, we understand.”*
- *“The police officers in our station are excellent; we have good collaboration with them. They sometimes come to the Shelter to take a statement from a victim, so that she doesn’t need to go to the station.”*
- *“I remember that once the police organized a case conference meeting, as part of the project implemented by the Ministry of Interior. All highly ranked police officers were present and were very active. We participated in the training as well. I was very satisfied with the training – it was fantastic, and the case conference meeting was very good as well.”*
- *“We have good collaboration with the police, and they do their job well. All other institutions are just shifting responsibility to others.”*
- *“Collaboration with the police is good, far better than with other local institutions. I would add an important thing: in cases of violence, police officers always check whether a perpetrator possesses a firearm.”*
- *“The greatest progress has been made by the police. They consult both us and prosecutors in all cases. They attended numerous trainings, and I think - these trainings made the difference. They keep records about every incident of violence.”*
- *“We are satisfied with collaboration with the police. The only problem is that we, sometimes, do not have feedback on their interventions.”*
- *“I think that an excellent collaboration with the police should be emphasized.”*
- *“The police made the greatest progress in their approach to the problem, as compared to other institutions. They are well trained to do their*



job in line with their Special Protocol. Police officers do their job well, I think. They react to each report of violence, and interventions are recorded in their evidence. They keep good records.”

In some local communities, **an agreement has been reached that the local police will inform the Centre for Social Work about each intervention and incident of domestic violence.**

However, from the perspective of some interviewed workers in social services, this practice seems to create problems. In some local communities (for example, in Pirot and Leskovac), **representatives of social services noted that the number of reports submitted to them by the local police significantly increased** in the recent period.

Through further elaboration, problems in communication between the local police and prosecutors were revealed.

- *“The police officers keep track of all incidents of domestic violence, including psychological violence, but the problem is that they report each incident to a prosecutor on duty by phone. Then, the prosecutor decides whether criminal prosecution should be initiated or not. Mostly, the prosecutor assesses that there are no elements for criminal prosecution; therefore, most reports end up in a warning to the perpetrator. But, in situations in which the prosecutor thinks that prosecution might be initiated, we contact the family and take a statement from the victim.*

Therefore, we receive reports on incidents of domestic violence from the police. Since the beginning of this year, they have received an order from their Ministry to inform us about each incident. When the prosecutor assesses that the criminal offence of domestic violence wasn't committed, we do not record a case as domestic violence. The problem is that the prosecutors make this decision based on a phone conversation with the police.

We know of many examples in which women called the police, but the police intervention ended in a warning to the perpetrator.

As far as we know, other colleagues from local centres for social work have similar problems.”

- *“The number of police reports has increased. We had 193 reports of the police regarding ‘disturbed family relations’ in 2014. We checked every case – talked to family members and examined whether domestic violence was involved or not. In total, 80 cases were recorded in our evidence as domestic violence cases. However, we had a far lower number of police reports in 2013 – only 30.”*

Employees of one local Centre of Social Work had additional, unexpected comments regarding the increase in the number of police reports, including the Leader of the Internal Team for dealing with domestic violence cases. In their opinion, police officers are “incompetent” to distinguish between “disturbed family relations” and domestic violence.

- *“We had 1000 reports of conflicts in the family sent by the police in 2014. They define everything as domestic violence. They mostly warn the perpetrator and then shift the responsibility on us. We have nine employees who work on such cases, and we cannot process the cases adequately. Then, we have to check every police report, talk to victims and inform the Prosecutors’ Office.”*

Some statements of employees in the same Centre **actually implied a problematical and questionable understanding of the phenomenon of domestic violence.**

It seems that, **according to their elaboration, “an isolated incident of violence” cannot be qualified as violence in the family, but only “cases with a chronology of intensive conflict.”** These participants complained about the fact that police officers report “isolated incidents” of domestic violence and “marital conflicts” to them.

- *“The police reports are mostly related to isolated events. In 80% of the cases, these reports included isolated incidents or marital conflicts. The have received an order from their Ministry to inform us about every intervention, and they do so. But, in most of the cases, there is no chronology of intensive conflict, and there is no evidence that a criminal offence has been committed. Why do they inform us about the incidents, why don’t they inform the Prosecutor’s Office? They shift responsibility to us, and we are overburdened with their reports. We waste time assessing each incident and assessing the risk. We have tried to explain that they should report only the cases of violence to us, not the marital conflicts.*

Still, our collaboration with the police is the best, in comparison to other institutional systems, such as the judiciary.”

4.6.2. Collaboration with medical centres and schools: A certain improvement

Based on the responses of social workers and other professionals in the social services, it seems that a decent collaboration with local medical centres and schools has developed.

The specific problems that were identified in previous research (Ombudsman of the Republic of Serbia, 2014), such as the tendencies of doctors to avoid issuing injury reports, were no longer present.



Some social workers even emphasized that local primary health-care centres and local schools have **a proactive role** in collaboration.

Examples were provided that schools took an active role in assisting children victims of violence and participated in case conference meetings. An illustration of good practice was highlighted: a local primary school teacher was continuously involved in assisting children with disabilities, victims of domestic violence and provided long-term help and support to them.

In other cases, the proactive role of local schools was mentioned, as when schools identified children witnesses/victims and notified other institutional systems, primarily the local Centres for Social Work, to undertake actions against perpetrators of domestic violence.

- *“Collaboration with medical centres and schools is good, too. In particular, we have good contacts and information exchange with primary health-care centres.”*
- *“Collaboration with medical centres is not bad, but still, it depends on specific persons. In our local primary health-care centre, we have noticed an improvement. For example, a colleague social worker in the primary health-care centre became responsible for cases of violence three years ago. An improvement is visible. They have their internal team and apply their Protocols.”*
- *“As far as the primary health-care centre is concerned, the collaboration is good. Especially, the paediatric ward cooperates with us; they exchange information with us when they suspect child abuse or neglect. A colleague from primary health-care sometimes visits us; she wants to know whether we know about the particular case, and what we have done. I would stress that segment of collaboration as good, since we have a significant number of reports from them related to children, particularly preschool children, but also older children, up to 18 years of age.”*
- *In general, I would say that health-care centres are more sensitized to cases of child abuse, probably, due to the trainings they have had.”*
- *“Emergency health-care is more or less okay, but I can’t say that collaboration is good all the time. Some doctors are sensitized, and some are not.”*
- *“I must say, we react to some cases of violence due to reports of schools and medical centres. However, their assessment is not always reliable. Sometimes, when we do a thorough assessment, we realise that they have exaggerated the problem.”*
- *“We have occasionally received reports from the primary health-care centre, mostly related to child abuse and neglect. When they notice bruises or injuries, they inform us. They also contact us in cases of peer violence.”*

- *"I can't complain about collaboration with the medical centres, especially since they have developed and started to implement their internal Protocols. Also, when we need information from them, they respond quickly. Collaboration with schools is quite good, too."*
- *"When health-care centres are concerned, there is an improvement in collaboration and conduct. Victims are treated with care and are admitted urgently."*
- *"Often, women victims need a certificate from an ambulance service, and we have not received complaints about it."*
- *"We have established collaboration with medical centres, but in my experience, gynaecologists are not sensitized to the problem of domestic violence."*
- *"Collaboration with medical centres is not bad, but they do just transfer cases to our responsibility."*
- *"Collaboration is fine with emergency health-care. Sometimes, we have a problem with psychiatrists and their lack of understanding of the issue of domestic violence."*
- *"Schools also tend to inform us when they have cases or suspected cases of violence."*
- *"A certain improvement can be identified in collaboration with medical centres. Before, they avoided providing injury reports, but that's not a problem anymore. Now, they have a special protocol with detailed specifications about what the certificates/reports should contain, and they follow the instructions."*
- *"Recently, we had several cases in which doctors had suspicions of domestic violence and asked for our advice. Another improvement is that cases of violence are admitted urgently."*
- *"We have good collaboration with schools. They, however, have an impression that they let us know about suspected cases of abuse, while we do not necessarily provide feedback. Probably, we should be more self-critical and admit that we should improve our collaboration with them, rather than vice versa."*
- *"I had cases in which school teachers and other school staff took an active role in the protection of children who were witnesses and victims of domestic violence. When I organized case conference meetings, teachers were included in the process of developing a plan for protection."*
- *"I can't provide a general assessment of collaboration with schools, but I have had cases in which teachers helped us in protecting children victims. A teacher of the child XZ was very active in supporting the child, and provided extra lessons, since the child had learning difficulties. Her support and encouragement was very important in helping the child overcome the psychological consequences of violence."*



4.6.3. The judiciary: the weakest link

Based on the responses of representatives of institutions, it can be concluded that the judiciary remains the weakest link in the fight against domestic violence.

It is, thus, not surprising that several of the chapters that follow are devoted to specific problems in the judicial response to violence, as identified by social workers and other employees in the social services. Most of these problems were identified in previous research (Brankovic, 2013), which analysed in detail the harmonisation of policy and practice in Serbia with the provisions of the Istanbul Convention, and also identified and applied about 70 indicators of the “due diligence” standard. For example, the research (ibid.) identified an increasing tendency of prosecutors to drop the charges against the perpetrator whenever the victim is reluctant to testify at the court and the mild penalizing policy of the courts. The conclusions of that study are clearly confirmed in the responses of participants in this survey.

- *“In general, our cooperation with the prosecutors’ office is fair, but the problem is that they insist that we should persuade victims to testify in criminal proceedings. Why would we do that, knowing that criminal proceeding might last up to six years, and that victims meanwhile cannot be protected? Victims cannot stay in a shelter for six years!”*
- *“When multisectoral collaboration is concerned, the gravest problem is a lack of genuine collaboration between social protection services and prosecutors, in my opinion. For example, when we, as the Centre for Social Work, file criminal charges against a perpetrator of domestic violence, we don’t regularly receive feedback from the prosecutor’s office. They have even told us several times at public meetings that they are ‘not obliged to do so’. I ask myself, in order to achieve genuine collaboration, does everything need to be written?”*
- *“The judiciary is the weakest link in the system of protection from domestic violence. Their knowledge and practice should be improved. Otherwise, we cannot be effective. They are not even interested in exchanging information with us.”*
- *“What the judiciary does – they expose victims to pressure. Through prolonged and slow proceedings, victims become stressed and exhausted. Their actions or lack of action contribute to traumatization, but also, due to such inefficiency, the problem of violence has been relativized. One of my clients has been constantly involved in court proceedings since 2006. She is totally drained and lost. She says ‘If I had known how long it takes, I would never have started all that...’”*

- *“Prosecutors are inclined to diminish the seriousness of domestic violence, even in cases when women victims possess injury reports issued by a medical centre. If a prosecutor has the impression that a woman will not testify in court, they have a tendency to drop the case and do not file criminal charges. They have a discouraging attitude... They do not think about the reasons why a woman refuses to testify – they expose her to secondary traumatisation. They are not aware that the system is not functioning properly, and that women victims are not protected, both during the proceedings and afterwards. The burden of proof should not be on the victim. Such an approach to cases of violence actually encourages perpetrators.”*
- *“It is disgraceful that court proceedings depend on personal attitudes and the understanding of a particular judge or prosecutor.”*

During the field study, **representatives of social services described many examples in which (according to their testimony), they did their job the best they could, but the case remained “unsolved” due to slow and inefficient judicial proceedings or other shortcomings in the judicial response to violence. Some of these examples are very disturbing and imply serious faults in the institutional system of victims’ protection.**

Only a few of these examples (short case descriptions) are quoted below.

- *“A family with three children has been recorded in the evidence of our Centre since 2009, due to a high risk of violence. The criminal charges against the perpetrator were filed by the police. The victim was offered psychological support in our Centre, and she left the perpetrator and went to her parents’ place. She filed for divorce. Our colleague lawyer assisted her in filing for divorce. The criminal proceedings for violence, as well as civil-law proceedings for divorce are still underway, after so many years.*

She returned to the perpetrator, and she says there is now no physical violence any more, but the psychological violence has continued. He also repeatedly forced her to sex against her will. So, she again left him and started to work... But he stalked her, followed her on the street, came to her workplace numerous times, and threatened her and her children... She called the police... I wrote a report to the prosecutor, and described the situation, and our psychologist talked to the child. The prosecutor reacted immediately. But, after that, nothing happened, as the case was in a routine procedure (it was not processed urgently). Meanwhile, she lost her job due to his threats, and now she suffers financial hardship. He gives no money for child support.

So, nothing happens. They are still not divorced, and we have no information about the criminal proceedings - she told us that she was invited to the court once this year. She recently told us that she plans to leave our city, but doesn’t know where to go and what to do with three children.”



- *“Once, the local medical centre initiated a case conference meeting, and representatives of different institutions were present, even from the Prosecutor’s Office. But, when the case came to the court, proceedings lasted really long, and we cannot influence that... We had that conference in 2013, and no improvement in that case can be identified, as the case is still in court.”*
- *“For example, we had a complicated case in which the perpetrator was previously convicted for domestic violence. When he was jailed, he continued to threaten his wife and to send her messages... she was really exposed to psychological torture. They got divorced while he was in prison, but the proceedings for divorce lasted more than a year! Further, we have created a plan to file a lawsuit for the issuance of protection orders in order to protect the victim once he comes out of jail. And, so we did. The restraining order was issued by the court. We also filed criminal charges against him and submitted his threatening letters and messages as evidence.*

When he came out of jail, he continued to stalk her and breached the restraining order. As the restraining order was about to expire after one year, we decided to file another lawsuit, and to ask the court to prolong the restraining order. We received a response from the court that we should instruct the victim to file a lawsuit herself. At present, numerous court proceedings are underway: criminal proceedings for domestic violence, proceedings related to unauthorized possession of weapons, civil-law proceedings for prolongation of protection orders, and a civil-law case related to division of property. The woman recently came to our office and said: ‘I want to drop everything. I don’t see any point in continuing court proceedings. He has already breached the restraining order, and nothing happened to him. I have no strength and money to proceed with all this. What’s the point? He is not detained.’

Therefore, in our opinion, this is an example of a case in which we and other systems did all we could, but the woman is not protected, as all these proceedings are underway.”

- *“I asked myself: OK, I am not a lawyer, and possibly I don’t understand the law properly, but I have worked in social protection for 12 years, so I can recognize domestic violence. I remember one case – the violence gradually intensified and became more and more brutal. The perpetrator was violent to his wife, four children and even his mother. Everyone in that village knew about the case... We informed the Prosecutor’s Office that a wife had been beaten, and she had an injury report from a doctor. Villagers took her to their homes when he threw her out of the house in the middle of the winter... One villager reported violence to us. It was not an anonymous report, he told us his name. We filed criminal charges to the prosecutor. It took them a while to process it – we were finally asked to testify and submit our statement to an investigative judge almost a year after we filed criminal charges. The entire proceedings lasted 2.5 years.*

We also filed a lawsuit for issuance of protection orders. But the woman victim died before the civil-law proceedings were finalized. Actually, the proceedings were terminated due to her death. I will remember this case for the rest of my life."

4.6.4. The judiciary: An insufficient motivation to cooperate with other institutions

Employees in social services often mentioned that representatives of prosecutors' offices and courts are not interested or motivated in cooperating with them and other institutional systems. They also emphasized that representatives of the judiciary have not attended trainings on violence against women and attributed that fact to their lack of interest.

- *"Our colleagues attended trainings on organizing treatment programmes for perpetrators. However, prosecutors and judges are not interested to assist in using this opportunity. Courts rarely issue orders for mandatory treatment, There is a resistance towards such programs, as it seems that they perceive it as additional work. At present, we have only two orders for mandatory treatment."*
- *"Representatives of the judiciary are not interested in attending trainings on domestic violence. As far as I know, they were often invited, but have never attended such trainings. Further, we have no feedback from prosecutors and the courts."*
- *"Exchange of information with the prosecutor's office is really poor. They even say 'We are not obliged to send you the info.' We have no genuine collaboration with prosecutors. They do not respond to our invitations to take part in case conference meetings. Only recently, have they started to do so, but they don't show up. Rather, they send their assistants."*
- *"They attended just a few trainings on domestic violence. Only police officers attended trainings, while judges and prosecutors did not. Even when members of the judiciary are invited to joint trainings for all professionals, including police officers, social workers, schools, medical centres, NGOs, all other systems send their representatives to attend trainings, but judges and prosecutors have never shown up."*
- *"I will continue to tell prosecutors what I have to tell them, until they get bored."*
- *"A funny example of a lack of cooperation is a decision of the court on the visitation rights of a father. The mother – a victim of violence had custody over the children, and the court decided that the father had the right to see the children under controlled conditions, on the premises of our Centre. But, it was written in the decision that the father was entitled to see the children every Saturday, when our Centre is closed. The court simply reached its decision without any consultation with us."*



4.6.5. Slow and inefficient prosecution and court proceedings jeopardize activities of other institutional systems

Many participants identified other major problems in the judicial response to violence. They mentioned inefficient investigation and prosecution, slow judicial proceedings and a lack of understanding of the gender dynamics of violence by judges and prosecutors. Their “gender-neutral” framing of violence and a lack of understanding of how power imbalances and patterns of control affect women victims/survivors have complex and long-lasting consequences, as elaborated in the illustrations of participants’ responses below.

- *“I can mention a case that can be seen both as an example of good and bad practice at the same time, that is, the good practice of the social service institutions, and bad practice of the judiciary.*

That was a case of stalking. The perpetrator, ex-husband, was known to the police, and he had a criminal record. We managed to temporarily remove the victim to the safe place and filed criminal charges against him. Furthermore, we also filed a lawsuit for the issuance of protection orders in line with the Family Law. All in all, we did what we could, within the limits of our jurisdiction, but the proceedings are still underway. Both criminal and civil-law proceedings have been ‘stuck’ in the judiciary. Nothing more could be done for the victim... ”

- *“In all domestic violence cases I am familiar with, prosecution is slow and inefficient. There is no urgent prosecution, although regular procedures have always been applied. The perpetrator is not detained, and he remains in the family house. In one case, the victim had over 20 bodily injuries, while the perpetrator had psychological problems, and we assessed the situation as highly risky for the victim. She was sent to a shelter, but the main problem was that the perpetrator remained at large.”*
- *“The criminal proceedings last too long. A woman can stay in a shelter for a while, but then – what she can do? In one case, we filed a lawsuit for the removal of the perpetrator from the family home, but the court did not accept it.”*
- *“I remember a case that was in court for years. A woman victim could not stand to wait anymore for criminal proceedings to finish... She took her children and left the city and moved somewhere else. I don’t know what happened with her afterwards.”*
- *“Domestic violence cases require urgent processing and immediate measures. Often, we do what we can, but that’s useless, as the court actually sends a message to perpetrators that they can continue to abuse their wives. I remember a perpetrator who literally said ‘I would do whatever I want, since I can. You can’t stop me. The system can’t stop me.’ And, yes, he was actually right.”*

- *“In one case, a victim, a young woman, was in a very difficult situation. She was exposed to violence from both her father and her partner. The father was convicted for domestic violence against his wife (the victim’s mother). He was in jail some years ago. Unfortunately, her mother returned to him and remained in a violent relationship.*

We managed to protect the victim – the daughter; she was placed in a shelter in another city. The father came several times to our office and threatened us to tell him where she was... He was very aggressive and had the weapons that he brought from the war. Two protection orders against the partner were issued by the court – a restraining order and banning further harassment of the victim. She started to work and was supported by her mother. She also regularly used counselling services at a women’s organisation. We organized a case conference meeting; police officers were very active and did their job well. It was interesting to see how various institutional systems perceive violence differently. The prosecutor was present, and in his opinion, we were ‘too harsh’, as we insisted on holding the perpetrator, the father, accountable.

Perpetrators are only afraid of the police, our warnings have no meaning! Only when they see the uniform, they might become afraid.”

4.6.6. Disrespect of the judiciary towards the expertise of professionals in local Centres for Social Work

Social workers and other professionals in social protection services repeatedly complained about poor collaboration with judiciary; in particular, some of them noted “a lack of respect” on the part of the courts for their expertise and knowledge.

- *“We literary have no collaboration with the judiciary. They insist on their independence and simply do not take into account our opinions in cases of domestic violence and other cases. There is no feedback on our initiatives. When we call them, interested to find out about the case, so that we proceed with planning the necessary measures, they simply do not return our calls and avoid any communication.”*
- *“Prosecutors and judges do not respect our opinions. For example, in one case, my opinion was that the child should not testify, but this was not respected.”*
- *“Courts have a negative attitude towards the social protection system; they do not respect our expertise. The judges actually want us to provide evidence, and that is not our role, we just provide an expert opinion.”*
- *“Judges are suspicious and do not trust our assessment and opinion.”*
- *“Judges often require our opinion formally, but do not respect it, and do not accept our suggestions and instructions. Sometimes they call our suggestions ‘a so-called suggestion’. That’s a clear illustration of their interest in collaborating with us.”*



Representatives of the local Centre for Social Work in Prijepolje had a different experience; the local court usually accepts the expert opinions of their employees.

- *“The courts mostly accept the expert opinions provided by our employees. In let’s say, 90% of the cases, the court’s verdict takes our opinions into account, for example, regarding child custody, visitation rights, etc. In cases of domestic violence, the Centre mostly suggest supervised visits, under controlled conditions - on our premises, with the presence of our staff. The courts usually accept our proposals.*

I would even say that judges use our opinions and reports ‘to cover themselves; to provide an explanation for their decisions.’”

4.6.7. Deferred prosecution: An easy way to dismiss the cases?

Social workers and other employees in social protection (including staff working in state-run shelters for domestic violence victims) criticized the practice of deferred prosecution³⁰ in cases of domestic violence, which, according to their responses, is becoming more and more frequent.

- *“Prosecutors have the wrong attitude. They think they should ‘give a chance to a husband and wife to stay together’, or they say something like ‘Well, the violence happened only once, let’ see what will happen’. For these reasons, they more and more often apply deferred prosecution. The perpetrator says he’s sorry, and pays a small sum to a humanitarian fund... That’s an easy way to dismiss the case. ”*

30 In the Criminal Procedure Code of Serbia (Official Gazette of Serbia, 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), conditions for deferring criminal prosecution are defined in Art. 283.

The public prosecutor may defer criminal proceedings for criminal offences punishable by a fine or a term of imprisonment of up to five years, if the suspect agrees to carry out one or more of the following measures:

- 1) rectify the detrimental consequence resulting from the criminal offence and compensate the damage caused,
- 2) pay a certain amount of money to public funds, which will be used for humanitarian or other public purposes,
- 3) perform certain public service work or humanitarian work,
- 4) fulfil pending child support obligations,
- 5) undergo treatment for alcohol or narcotics addiction,
- 6) undergo psycho-social treatment in order to eliminate the causes of violent behaviour,
- 7) fulfil an obligation determined by a final decision of a court, or observe a restriction determined by a final decision of a court.

The public prosecutor determines a deadline for a suspect to carry out the obligations the suspect has accepted, which cannot be longer than one year.

If the suspect fulfils the obligation referred to in paragraph 1 of this Article, the public prosecutor shall dismiss the criminal charge, shall notify the injured party about the dismissal, and provisions of Article 51, para. 2 of this Code shall not be applied.

- *“Deferred prosecution is actually the easiest, from the prosecutors’ perspective. Prosecutors say they are over-burdened with cases... so, it’s convenient to them to defer criminal prosecution.”*
- *“It happens more and more often that prosecutors defer criminal prosecution. This approach is probably acceptable to some victims... As we know, victims are fearful, they are afraid of perpetrators, and an escalation of violence... and it’s easier for them not to appear in court and testify. Perpetrators pay a fine to a humanitarian fund, and the criminal charges are dismissed.”*
- *“The institution of deferred criminal prosecution has meaning only if the perpetrator is ordered to undergo mandatory treatment for alcoholism or mandatory psychiatric treatment. Otherwise, it is pointless. But, orders for such psychosocial treatment are extremely rare. Mostly, perpetrators are ordered to pay a fine to a humanitarian fund.”*
- *“We had a very difficult case... a woman had severe head injuries, and both the police and we filed criminal charges for domestic violence against a perpetrator, but the problem emerged with the prosecutor. He did not ask for our expert opinion in this case, although he knew that we had worked with the victim for a long time. She had very serious injuries, and also, she had doctor’s report... We had an agreement with the victim that she would testify in court. But later, she changed her mind. I think that the prosecutor, from the very beginning, wanted to conclude an agreement of admission of guilt³¹. And, so he did. That was the end of the criminal proceedings... I am sure that the outcome would have been different, if our Centre had had a chance to submit our expert opinion. And, I am also sure that the prosecutor intended, from the beginning, to conclude an agreement, because – they always ask for our opinion in various criminal proceedings, but this time, they didn’t. We were simply excluded,”*
- *“When a woman victim decides not to testify against perpetrators at court, because she is afraid of him, she sometimes says that social workers had persuaded her to testify. Victims have no other option but to return to violent husbands, and then, they say in the court proceedings that we persuaded them.”*
- *“It happens more often lately that prosecutors apply a deferred prosecution.”*

31 Plea agreements are regulated by Criminal Procedure Code (Official Gazette of Serbia, 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014).



4.6.8. Problems in implementation of protection orders against domestic violence

Numerous representatives of Centres for Social Work identified problems in cooperation with the courts regarding implementation of protective measures against domestic violence, in line with the Family Law (for clarification of legal definitions of these civil-law measures, as well as the jurisdiction of Centres for Social Work in judicial proceedings, monitoring and follow up, See Chapter: Introduction).

Some participants criticized public prosecutors for not using their mandate to require protective measures from the court.

- *"We haven't had a single example in which a public prosecutor filed a lawsuit for the issuance of protection orders against domestic violence in addition to the criminal proceedings."*

The well-known problem, identified in previous research (e.g., Brankovic, 2013; Ombudsman of the Republic of Serbia, 2014) may be still assessed as widespread - courts often fail to send their decisions regarding the imposed protection orders to Centres for Social Work or do so with a considerable delay. Centres for Social Work have the official obligation (in line with the Family Law) to keep records on protection orders issued by the courts. Therefore, the inefficiency of the courts in providing information about the imposed measures undermines the role of Centres in monitoring enforcement of protection orders.

- *"The court does not send us their judgments about the protection orders they have issued."*
- *"Once they issue protection orders, courts do not send us their decisions, although they are obliged to do so. We do not have a single court decision on protection orders issued by the courts in the years 2013 and 2014. In 2011, we received only two judgments."*
- *"Courts simply do not send us their decisions. That's why our records on protection orders are not complete. Similarly, they do not send verdicts reached in criminal proceedings. They have even told us they are not obliged to do so. Recently, the situation in that respect has somewhat improved."*

Another grave problem is related to enforcement of protection orders. Many social workers and especially staff in local shelters complained that **the measures issued by the court were not enforced or were breached by perpetrators**. Often, it was not possible to determine whether perpetrators were charged³² for breaching the measures (social workers usually did not possess such information). One employee in a local shelter noted numerous examples of perpetrators breaching measures such as restraining orders (they continued to stalk and harass victims while they were in the shelter).

- *“Although I file a lawsuit for protection orders on behalf of every woman in the shelter, it’s common that perpetrators breach the measures. Such measures do not mean much, as the main problem is that no institution is actually officially responsible for enforcement of the protection orders imposed by the court.”*
- *“The problem is that, if the measures imposed by the court are to be enforced, the police should receive information from the court. But, that does not happen in practice.”*
- *“For example, I remember a case in which a woman could not remove a perpetrator from her house. Or, when a restraining order is issued, perpetrators mostly breach it.”*

In several cases, employees in social work noted that criminal charges were brought against perpetrators who violated protection orders imposed by the court, for example, restraining orders. The response of one social worker was interesting in this respect.

- *“In my practice, I had a few cases in which perpetrators were members of the military forces. I let them know they might lose their job if they breached the measures. And so they didn’t.”*

Further, as identified in previous studies (Brankovic, 2013), civil-law proceedings for protection orders against domestic violence last too long, although the procedure in such cases has been legally defined as particularly urgent. That practice has been confirmed in this field research. For example, social workers assessed as follows:

³² As mentioned before, breaching the protection orders imposed by the court is a criminal offence, in line with the Criminal Code of Serbia (Official Gazette of the Republic of Serbia, 85/2005, 88/2005, 107/2005, 72/2009, 111/2009 and 121/2012). Punishment for violation of protection orders is prescribed in the following manner, Whoever violates a measure against domestic violence that was imposed by the court in accordance with the law shall be punished with imprisonment from three months to three years and a fine (Art. 194, para. 5).



- *“Court proceedings for protection orders last from six months to 1.5 years. That’s piteous and intolerable! Such practice discourages victims. Also, due to such practice, all our efforts to protect victims become senseless.”*
- *“The problem is that the Centres for Social Work in Serbia have rarely filed lawsuits for protection orders on behalf of victims. That’s a general problem. Social workers mostly think that it is too difficult to prove the need for protection orders to the court. Still, a certain improvement can be identified – Centres do that more and more often. However, the problem remains in the courts – proceedings last too long. For example, our Centre filed a lawsuit in one case in February 2014, but to this day, the lawsuit has not been processed at the court.”*

Employees of Centres for Social Work (especially, in Krusevac and Leskovac) noted another problem, which occurs more and more often, as they testified. Notably, when the Centre for Social Work initiates a lawsuit for the issuance of protection orders, the courts consider them “biased” and thus tend to invite another Centre for Social Work (in another city) to submit an expert opinion on the expediency of the measures³³.

Such practice causes considerable delays in court proceedings. Moreover, interviewed participants provided examples that centres in different cities declared themselves as lacking jurisdiction in a particular case in another municipality (having in mind the rule of territorial jurisdiction of Centres for Social Work).

- *“We had a complicated case of domestic violence and organized a case conference meeting. Since our Centre filed the lawsuit for issuance of protection orders on behalf of the victim, the court required the expert opinion of another Centre on the expediency of required measures, on the grounds that our Centre is allegedly biased and prejudiced. So we could not submit an expert opinion. With this practice in mind, we have started to advise women victims to initiate lawsuits themselves, in order to prevent this problem.”*

33 As mentioned before (See: Introduction), in line with the Special Protocol of social services (2013), the Centre is obliged to assist the court in providing evidence, or submit an expert opinion on the expediency of the measures in cases when the lawsuit was not filed by the Centre. More specifically, the Special Protocol defines as follows: “The Centre for Social Work is obliged to: a) Initiate the proceedings for protection against domestic violence by filing a lawsuit; b) Provide assistance to the court in obtaining the necessary evidence (if the proceedings for protection against domestic violence have not been initiated by the Centre); c) Give an opinion on the usefulness of the measures sought (if the proceedings for protection against domestic violence have not been initiated by the Centre); d) Maintain records and documentation on domestic violence.”(ibid.).

“We have recently had a verdict of the Appellate Court in Kragujevac in which it was stated that the Centre could not file a lawsuit for issuance of protection orders and provide an expert opinion in the same case of domestic violence. This problem that courts consider us as ‘partial’ and ‘biased’ in civil court proceedings has become common. In similar cases, for example, in civil-law proceedings for deprivation of parental rights, we have the official guidelines of our Ministry, stating that we are able to initiate proceedings and provide an expert opinion. This is a problem that should be solved between the two ministries, the Ministry of Labour, Employment, Veteran and Social Policy on one side, and the Ministry of Justice, on the other. We are completely helpless in such cases.”

- *“If we file a lawsuit for protection orders, we cannot provide an expert opinion. That’s the conflict of interest, that’s how courts interpret the law. For instance, it happened that the court asked us to provide an opinion in court proceedings in Vranje. We have neither time nor resources to go to another municipality. Besides, how can we provide an opinion based on only one conversation with a client? Moreover, it would be against the law to go there, since Centres for Social Work have territorial jurisdiction. That’s a serious problem and should be solved between the responsible ministries. Meanwhile, we can only ‘balance’ between these contradictory requests. We officially asked our Ministry to provide guidelines – what we should do in such cases.”*

4.6.9. The mild penalizing policy of the courts

Representatives of the Centres for Social Work provided numerous examples of the mild penalizing policy of the courts in cases of domestic violence. When they were asked to recall court verdicts, they mostly provided examples in which a perpetrator received a suspended sentence.

The harshest imprisonment sentence participants in the field research recalled was – three years imprisonment in a recent verdict (reached in 2014). The perpetrator was sentenced to four years by the first-degree court, but the Appellate Court reduced the sentence to three years, in spite of the seriousness of the case, and the fact that the perpetrator had been previously convicted for other crimes.

- *“Perpetrators mostly receive a suspended sentence. I remember only one case in which the perpetrator was sentenced to nine months imprisonment.”*
- *“When we recently had a training, the Secretary of the Basic Court informed us about the sentences imposed in cases of domestic violence; 70% of convicted offenders received a suspended sentence.”*



- *“Once, we had a case in which the perpetrator was sentenced to six months imprisonment. A judge sentenced him to only six months, although it was a really serious case, so that he would not lose his job.”*
- *“I remember a woman who was so severely beaten... you can’t imagine. Something like that could not be seen, not even in a movie. Criminal charges were filed, but the case ended – the perpetrator paid a fine, and that was it. She was very afraid and went back to him later.”*
- *“Perpetrators receive mild sentences, mostly suspended ones.”*

4.6.10. A possibility of corruption in the judiciary?

A few representatives of the Centres for Social Work even expressed suspicions of corruption in the judiciary.

- *“Several times, we have even had suspicions of corruption in the judiciary... It’s difficult to say, of course, but sometimes, we had that impression. For example, in one very serious case, in which the perpetrator had beaten a woman in front of many witnesses, in her own house, he somehow avoided criminal prosecution. The entire case ended up with misdemeanour charges. The woman appealed, and we submitted our report and evidence that she had previously been exposed to violence by the same man. Later, it turned out that the entire file, with all documents, was lost in the court. We received a request from the court, in which it was specified that we should submit our report again, as the file was lost...”*

4.6.11. Interpretation of the “best interest of the child” regarding visitation rights contradict provisions of the Istanbul Convention

Professionals in the social services have described numerous examples of how courts interpret the principle of the “best interest of the child” regarding the visitation rights of a non-custodial parent who was convicted of domestic violence.

The provided examples include a practice that contradicts the provisions of the Istanbul Convention regarding visitation rights³⁴.

34 In Article 31 (Custody, visitation rights and safety) of the Istanbul Convention, it is prescribed that “1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.

2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.”

Further, it is defined, in Article 45 (Sanctions and measures), para. 2 that “Parties may adopt

In the opinion of interviewed professionals, the courts have a rigid interpretation of the best interest of the child to have contacts with both parents and often disregard children's feelings and fears.

- *"Judges often have the opinion that children should maintain contact with the father, no matter what! In a recent case, the court concluded that 'employees in the Centre should persuade the parents to visit the Counselling Centre for Marriage and Family and solve the situation regarding visitation rights.' It is not written anywhere that a child MUST see the father, regardless of how the child feels about it."*
- *"One of the problems we noticed in court practice is related to visitation rights. As we know, offenders use children for manipulation. Mothers mostly have custody over children, but offenders use kids to harm or blackmail her. For example, a woman wants to move abroad and live with her relatives there. But, the court had reached a decision regarding visitation rights, so that the father should see the child once a week, for four hours, under controlled conditions, in our Centre. The father is not interested in seeing or supporting the child, and pays no child support. The court acknowledged that he has a problem of drug abuse and has a criminal record. He is sentenced for domestic violence. Still, the court assesses that it is in the best interest of the child to see the father regularly. So, she currently can't go abroad with her mother, due to this decision."*

As determined in previous research (Brankovic, 2013), in cases of domestic violence, social services sometimes apply a measure of temporary removal of children from the family (i.e. take temporary custody over children and place them into foster or institutional care). Such a measure contributes to the further disempowerment of women – mothers who are suffering domestic violence. Asked to provide a comment on this practice, some representatives of the Centres for Social Work expressed doubts regarding the role of social services in protecting women and their children in cases of domestic violence. They acknowledged the above-mentioned problem, and clarified,

- *"Yes, I guess we can say that the Centre for Social Work sometimes has a schizophrenic role. Our primary role is to protect children. When a woman does not want to leave a violent partner/husband, the child or children should be removed to a safe place. We are aware of the new*

other measures in relation to perpetrators, such as:

- monitoring or supervision of convicted persons;
- withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way."



approach to such cases – that children should remain with a non-violent parent. But, when violence jeopardizes the safety of both mother and her children, our primary response is to protect the children.”

In the case studies that follow, numerous other examples are provided of how perpetrators manipulate their children and misuse court orders regarding visitation rights to expose former wives/partners to further abuse.



**Survivor's voices:
Case studies**



5. SURVIVORS' VOICES: CASE STUDIES

In the text that follows, we report the stories of survivors, in their words. We have tried to highlight both the complexity and diversity in their struggle to rebuild a life after leaving a violent relationship.

5.1. Introduction: Theoretical framework

The theoretical framework for this part of the field research is based on a recent and relevant British study (Kelly, Sharp and Klein, 2014) which relies primarily on the concepts of "space of action" (Kelly, 2003; Stark, 2007) and "coercive control" (Stark, 2007).

In elaborating the key concepts on which their survey is based, Kelly et al. (2014) clarify the following.

Stark (2007), using a concept of "coercive control," argues that physical and sexual abuse is interwoven with three equally important tactics: control, intimidation and isolation. It is their toxic combination which entraps leading him to argue that domestic violence is not a simple crime of assault but a 'liberty crime' which creates conditions of un-freedom. For Stark (2007) control is comprised of structural forms of deprivation (such as money, food and other survival resources), dictating choices and micro-regulating everyday behaviour through limiting options and sources of support. This control is rarely confined to specific times or places; rather it extends through behavioural regulation into all the spaces women enter, for example, employment, school and places of worship.

Intimidation instils fear, secrecy, dependence, compliance, loyalty and shame and is exerted through threats, surveillance and degradation. Surveillance falls on a continuum of tactics ensuring the victim knows she is being watched or that information about her whereabouts is being monitored in other ways such as tracking her use of time. Degradation is exercised through repeated acts and statements of disrespect which induce shame and self-blame.

Isolation enhances control, instils dependence and limits access to help or support. Not only does this undermine a women's identity but the abuser becomes the primary source of information and validation.

Coercive control is distinctive in that it draws on personalised knowledge of a women's movements, habits, resources and vulnerabilities. As well as being situationally specific, it articulates within larger discriminatory structures. Stark (2007) argues it is gendered since many of the strategies rely upon women's vulnerability vis-à-vis men's privileged access to material and social resources and punishment is meted out if women fail to perform their roles as partners and mothers in the ways that men deem appropriate.

Stark (2007) further argues that coercive control undermines the victim's physical and psychological integrity. Since it is ongoing rather than episodic, its unrelenting nature means that women have little volitional space between abusive incidents to exercise autonomy. Many have a sense that the abuser is omnipresent and come to believe the perpetrator's negative evaluation of them and their capacities.

It is in this narrowing of life and options that women's "**space for action**" is diminished. Whilst some women constantly accommodate to this changing "abusive household gender regime" (Morris, 2009), through giving up employment or education, limiting their time with friends and family, others continue to resist whether overtly or covertly (Madhok et al. 2013).

Stark (2007) calls the moments of autonomy found in the struggle between agency and victimisation "Safety Zones." These can consist of physical spaces where support can be garnered and/or maintaining other relationships. Alternatively they can be more ephemeral such as an object that has a special meaning only to the woman. Since Safety Zones offer women an alternative to subordination they rarely go unchallenged as perpetrators seek to find and destroy them.

5.2. Challenges, enablers and barriers: Conclusions of the previous longitudinal study

It is important to emphasize that the current study relied on in-depth interviews with survivors. Given the timeline and other constraints, it was not possible to follow up survivors and interview them in waves, as was done in the above-mentioned longitudinal study (Kelly, Sharp and Klein, 2014), which followed 100 women and their children who had used a range of domestic violence services over a three year period (2011-2014), interviewing them four times.

With respect to challenges, the study identified common themes within women's experiences with respect to challenges, enablers and barriers. After seeing an immediate expansion in their "space for action" after leaving the perpetrator or ending the abuse, change slowed over the next two years as they faced a series of practical hurdles, before a new period of expansion began at the end of the project. This involved managing out those family members and friends who were disruptive and untrustworthy whilst investing in a smaller number of safe, supportive relationships. The prevalence of perpetrator manipulation of statutory agencies post-separation also revealed the importance of factoring ongoing support needs into responses to domestic violence (ibid.).

Further, removing themselves from the immediate control of an abusive man was, for many women and children, only the first step. Over 90 per



cent experienced post-separation abuse, which interfered with both being and feeling safe. The limited effectiveness of criminal and civil law enforcement required women to undertake a huge amount of “safety work” (ibid.).

Conclusions on barriers include the following. Women did not report statutory agency responses as supportive, even at the point of separation. Instead, considerable time and energy was spent battling ‘the system’, and over the course of the study, women began to comment that their lives were now constrained by structural barriers. With the exception of some thoughtful, aware and sympathetic individuals, what women reported was poor practice characterized by victim blame, delay and misinformation. Being under the scrutiny of social services was an additional burden to some, especially given the inconsistency in the recognition and understanding accorded to the impacts of domestic violence. This became a glaring contradiction for those who were pressured to leave to protect their children, yet offered no support in doing so. A lack of accommodation for women who were in refuge, decreased availability of social housing and barriers to accessing private rented accommodation in London meant that many women had to wait several years to settle safely, create a home and establish a routine. Many did all they could to minimize the disruption, felt by them and their children, as they coped with multiple interim temporary moves. Being settled was necessary before women could even think about growing supportive networks, addressing health concerns and taking steps to (re)enter education and the workplace: some were still waiting for settled housing at the final interview. Women felt, not unreasonably, that they were being penalised for trying to end violence in their lives. Moreover, as these changes take deeper root and those advising on options discuss the possible costs of leaving we are left asking how many more women will choose not to give up their current housing, despite abuse, in the future who would have done so previously? (ibid.).

The researchers (ibid.), naturally, noted that there was no single, shared story; there is no set formula for rebuilding lives. Yet within this diversity, they identified the “enablers,” i.e., foundation stones that help facilitate the building of a new life. These were (ibid.):

- having opportunities to explore domestic violence and its legacies through counselling, but also with trusted family and friends;
- being and feeling safe;
- becoming settled and able to make a new home;
- Improved health/ability to manage health conditions;
- children in new schools and less anxious, able to make and see friends;
- (re)entering employment and/or education and training;
- a tight, but trusted, network of family and friends; and
- financial security.

It was also found that (ibid.) rebuilding lives and remaking selves are lengthy processes in which women and their children face a number of obstacles and challenges. Not everyone was able to put all of these foundation stones in place by the end of three years and the changed legal and policy context not only made this more difficult but increased the costs to women and their children.

The authors also concluded (ibid.) that ending domestic violence, dealing with its legacies and rebuilding lives takes time; some women and children were still facing post separation abuse three years on, and many faced complex legal and practical challenges across the study. They recommended that all women and children who have experienced domestic violence should be in a position to access support for a minimum of two years after separation, and this should include:

- refuge and floating support;
- legal advice and advocacy;
- short courses on understanding domestic violence;
- specialist counselling and group work for women and for children;
- skills and confidence building workshops; and
- workshops and individual support orientated to (re)entering employment.

Further, researchers (ibid.) emphasized that understanding domestic violence, pre and post separation in statutory agencies is poor, meaning that too often they hinder, rather than support the progress of women and children rebuilding their lives.

Some of this could be addressed through basic training which focuses on coercive control, rather than incidents of physical assault; and which alerts them to the reality that leaving does not necessarily end abuse.

In the current study, we are focused on identifying factors that may be considered as challenges and “enablers” (in terms of the previously-described study; Kelly et al., 2014) in our socio-economic and policy context, relying on the stories of eight interviewed women – survivors.

5.3. Post-separation abuse: A never-ending story

All interviewed women were separated from violent partners/husbands, thus removing themselves from the “coercive control” exerted by the perpetrators, at least 2.5 years prior to the interviews carried out for the purpose of this study.



At the time when the interviews were conducted, two women – survivors were accommodated at the local shelter (which was run by the local Centre for Social Work, and funded by the local government).

Mostly, the interviewed survivors were exposed to post-separation abuse. This is consistent with the findings of the British study (*ibid.*), which revealed, as mentioned, that the limited effectiveness of criminal and civil law enforcement required women to undertake a huge amount of “safety work.”

It should be particularly emphasized that the post-separation abuse was severe, in spite of the fact that all legal mechanisms for victims’ protection were applied. Due to lengthy and inefficient court proceedings, the applied mechanisms did not result in the safety of the victims. Moreover, the woman who was exposed to severe post-separation abuse (including physical attacks, stalking and threats of the ex-partner) was actually accommodated in the shelter.

The story of the survivor described below provides a striking example of post-separation abuse.

Lidija (not her real name) came to the office of the local women’s NGO the first time in 2010, when she left her husband. This organisation has assisted her since then, providing numerous services, including psychological support and counselling, psychotherapy, legal aid, representation at court, etc.

As described by a representative of this organisation, at present, many court trials are underway: several criminal proceedings for violence in the family, criminal proceedings for abduction of a minor³⁵ (upon divorce, she was granted custody, but her ex-husband took a child from her), criminal proceedings for her abduction³⁶ (the perpetrator once tried to abduct her and force her to return to him), as well as criminal proceedings for breaching the restraining orders issued by the court.

The trial over child custody went to the Supreme Court, which annulled the previous verdict and sent the case to the Appellate Court to be decided

35 In the Criminal Code of Serbia, the criminal offence “Abduction of a minor” (Art. 191) is defined in the following manner, *inter alia*,

1) Whoever unlawfully detains or abducts a minor from a parent, adoptive parent, guardian or other person or institution entrusted with care of the minor or whoever prevents enforcement of the decision granting custody of a minor to a particular person, shall be punished with a fine or imprisonment up to three years.

2) Whoever prevents enforcement of the decision of a competent authority setting out the manner of maintaining the personal relationships of a minor with parent or other relative, shall be punished with a fine or imprisonment up to two years.

36 The Criminal Code of Serbia defines the criminal offence “Abduction” (Art. 134) as follows, *inter alia*,

1) Whoever by use of force, threat, deceit or otherwise removes or holds another with the intent to extort money or other property gain from that person or another or to coerce that person or another to do or refrain from doing something or to endure, shall be punished with imprisonment from two to ten years.

again. The Centre for Social Work submitted the expert opinion that she should be granted custody, and, eventually, she was, but he abducted the children.

A representative of this women's NGO further testifies as follows.

"At the beginning, when she first came to our office in 2010, she was so shocked and distressed that she couldn't talk. She wasn't able to recall and explain what had happened. She had severe bodily injuries. We have focused our efforts on empowering her; our psychotherapist has worked with her.

As we advised her to do, Lidija went to the local Centre for Social Work, where the psychologist actually discouraged her to proceed with legal protection. She returned to the abuser. She has three children, who have witnessed the violence many times.

She suffered prolonged violence, including physical attacks and rapes.

She attempted to commit suicide and was hospitalized afterwards.

The children remained with him. Upon divorce, he stalked her, kidnapped her and one of the children, and threatened to kill her.

Protection orders were imposed by the court (restraining order, as mentioned), but he breached them, so she spent some time at the shelter.

At present, the children live with her, but the stalking has continued. All the above-mentioned criminal trials are underway."

Activist of a women's NGO service

Lidija tells her story as follows.

"We got married when I was only 16. He was much older than me. I was in love with him and I was too young to recognize that he was abusive.

Now, when I try to remember, he actually showed the first signs of violence even before marriage. When he asked me whether I was a virgin, and I confirmed, he did not trust me. He wanted to "check".. I only remember fear and pain and wanted to go home. But, I forgave him and soon after that I married him.

The first signs of violence emerged soon after marriage. It was psychological violence, at first. He humiliated and insulted me. He used to say that I was a whore, that I was worth nothing. He especially used to discredit and humiliate me in front of others. He used to say that he could find younger and prettier woman. Men in his family treated their wives in a similar manner, so I tried to tell myself: "Maybe it has to be this way..." On the other hand, I recalled that it might not be true – in my family, everything was different. I questioned myself, but I was so lost, not knowing what was true and what was false anymore that



I didn't know the difference between right and wrong. He soon started to tell me what I should and shouldn't do. Many things were forbidden. "You must not smoke!" "Don't you dare wear that..." "You can't go to your parents, you can't go anywhere." Whenever I broke any of his rules, I was punished. Once, he found a package of cigarettes in my purse, and he lit a cigarette and burned my face and hands... He did it several times. Or, he took scissors and ripped up my wardrobe piece by piece. He ripped up photos of me with my family.

Physical violence occurred the first time when I was pregnant. He kicked me in the belly... many times. The reason was he was angry was that I wanted us to visit my sister.

Everything got worse soon. He forced me to have sex. He used to come home late, wake me up and told me I must not sleep. He forced me to take off my nightgown and stand all night. Sometimes, he threw a bucket of water on me when I was asleep. Then, several pregnancies came one after another. It was an agony. When I came home from hospital after the first delivery, he forced me into sex the very first night, violently. Six months after the first pregnancy, I was pregnant again. It wasn't up to me whether I wanted more children or not. I wasn't asked my decision. After the second delivery, I was pregnant again. He told me to "get rid of it" and to find money for an abortion. And, that happened many times. I had to borrow the money to get abortions at private clinics. Doctors told me that I was risking my life, but he and his parents said they wanted no more children. I wasn't asked anything.

Once, he insisted to be present during the abortion. When I woke up from anaesthesia, I was already in a car, hearing him yelling at me that I "enjoyed raising my legs and being touched by a doctor."

Then, he decided we should have a third child, not because he wanted it, but because he heard the state would give each couple money for a third child (he wanted to buy a new car).

Afterwards, I had several abortions, and my life was once in danger. The doctors fought to save my life for 12 days. When I decided to use contraceptive pills, he found them and threw them away. He said only whores take pills, and those women who cheat on their husbands. And, of course, he beat me up. Naturally, I didn't dare to take pills again.

He destroyed my confidence, he destroyed my personality, I wasn't myself anymore. He killed me spiritually.

It happened that he kicked both me and the kids out of the house, so we slept at our neighbours' place. I was forbidden to work; "Only whores work," he said. I had to take money from my parents and sister for everything my children and I needed. Then, I confronted him and started to take some seasonal jobs. Whatever I earned, he took from me, so again I didn't have anything to give to the kids.

He beat me so heavily that I ended up in hospital several times. The children watched and were frozen, but he didn't care.

He made me lose my mind. He blamed me for everything, for trivial things, for a TV set being broken, when a light bulb or car was broken. Whatever happened, I was guilty for everything.

I left him when I realized that my life didn't matter anymore. The kids remained with him. He didn't let me see the kids, although I had a court verdict, which regulated visitation rights.

I found a job, but he started to stalk me and to come to my workplace. At first, he begged me to come back home, but when I refused - he started yelling, screaming, insulting me, and humiliating me. That happened again and again...

Whenever I came home to see the kids, he beat me. I knew what awaited me, but still, I came again and again. I told myself, "At least, I'll see them."

Judicial proceedings have lasted three years, and are still ongoing. Meanwhile, he continues to hurt me; he enters the place I live by force, sends me threats over the phone, follows me on the street, sends me threatening text messages, harasses me. I lost my job, as he constantly stalked me at the workplace. But then I found a new one. He stalked me again.

Once, he followed me down a street, forced me into the car, and took me out of town. He threatened to kill me. With a little bit of luck and God's mercy, I managed to escape. I have never stopped being scared of him. I am still scared, but at least I try not to show it. I remember telling myself, 'You'll not show him that you are scared.'

I tried to commit suicide, but I survived.

After the divorce, I got custody of the children. But he refuses to let me see them. I can't even see them at school, as he sometimes shows up there and makes a scene. Then, the children really feel bad. So, I had to call the police. Court proceedings last long, but I have no other option. I have to appear at court and to testify often, so I have problems at work because of that. I am always frightful that an envelope from the court awaits me at home.

I established contact with my kids via Facebook. My daughter wrote a sentence that I will remember the rest of my life, "My life is hell." The children once ran away from him. I remember that they cried and asked me to make them a pizza and their favourite cake. When we were in a bus going to my place, I felt as if he was following us... Later, he took the youngest son and so he is still with him. When I asked my son what happened, he just cried and was silent. I believe he threatened the child somehow.

Meanwhile, court proceedings are underway. He lies at court, and I am so tired of going to court over and over again. I go to work and do household chores and try to remain calm, knowing that my children need me.



Before, when the children were at his place, I often bought them presents, food, clothes, but he threw them away or returned them. Recently, I brought a birthday gift for my youngest son, who is with him. He came and saw me giving the present, and attacked me in front of the house, insulted me, humiliated me, hit me... This time, he eventually was arrested and ended up in jail, because I had a restraining order and a witness saw I was attacked. But, other court cases, related to violence and mistreatment in every possible sense during the 12 years of our marriage, have not been solved yet. No verdict has been reached.

My main concern now is to take care of children, to make them feel better. I let them visit their father every weekend. I try to have a normal life, to do what I have to do. Still, fear is somehow with me all the time and I have to fight that fear.

I set myself a goal: I deserve to be happy, and my kids deserve that, too. I try to provide whatever they need; love, food, clothes, joy, so they won't feel they differ from other children. My goal is to be responsible at work, to meet people and live my life. I want to be loved. I want to experience that feeling I have never felt before. And, when the time comes, I have to go to court and solve problems – I try to leave the problems at the court... I try to leave the past behind, and live my life again.

I have found my inner strength, as I became aware that nothing can break me anymore. Maybe my problems will never end, but I have no more time to waste. I have to solve them. I was so frightened that I wasn't myself anymore. Now, I have a feeling that I have re-gained my self-confidence and somehow re-gained my personality. I still have fears that he will hurt me. When I am on the street, going to work, I have the feeling that he is behind me, that he will attack me and I still look back over my shoulder. But, as soon as I arrive at work, I try to concentrate on work. I ignore people who remind me of my past and who are sorry for me. I escaped the hell of violence, but a subconscious fear has remained inside me. I hope that fear will vanish eventually.

It's time for a new life, without violence of any kind. No woman deserves violence. It's possible to end the cycle of violence. Every woman deserves a new chance to start a new life, and to feel like a woman who deserves respect. Now, when I remember that I once wanted to take my own life and tried to commit suicide, I tell myself, "If I managed to get out of violence, then every woman can do it." Yes, it takes time, effort, and patience, but it's possible."

It can be concluded that, through numerous activities, the local women's NGO contributed to Lidija's long-term empowerment and assisted her throughout a "road to recovery."

However, Lidija's story provides an example of the challenges and barriers survivors of domestic violence are faced with. After leaving a violent

relationship, in which she was exposed to “coercive control” (which she has described so vividly and painfully clearly), she has faced challenges that further exhausted her energy and resources.

She confronted a complex “labyrinth” of institutional barriers, primarily due to slow and inefficient judicial proceedings.

The most worrisome aspect of this case is the following: in spite of the fact that **all available legal mechanisms have been applied (due to activities of the local women’s NGO and the local Centre for Social Work), Lidija is still under great risk of further victimization.** Moreover, it can be assessed that the “endless” legal proceedings may be described as institutional violence. All the applied legal mechanisms had little impact on the post-separation abuse, which has continued.

It seemed that the local Centre for Social Work has used the services and measures under their jurisdiction (lawsuit for issuance of protection orders, an urgent placement into shelter). On the other hand, the actions of the judiciary seem to have had a limited impact.

The actions of judiciary were in sharp contrast to the numerous provisions of the Istanbul Convention, including the general provision on state obligation and due diligence (Art. 5, para. 2³⁷), provisions on general obligations related to protection and support (inter alia, Art. 18, para. 3³⁸), provisions on the protection and support to child witnesses (Art. 26, para. 2³⁹), provisions on visitation rights (Art. 31, para. 2⁴⁰), as well as provisions related to

37 Article 5, para. 2 of the Istanbul Convention defines, Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

38 Art. 18, para 3. of the Istanbul Convention defines, Parties shall ensure that measures taken pursuant to this chapter shall:

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
- aim at avoiding secondary victimisation;
- aim at the empowerment and economic independence of women victims of violence;
- allow, where appropriate, for a range of protection and support services to be located on the same premises;
- address the specific needs of vulnerable persons, including child victims, and be made available to them.

39 As defined in Art. 26. para. 2. of the Istanbul Convention, Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

40 In Article 31, para 2. of the Istanbul Convention it is stated as follows, Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.



investigation, prosecution, procedural law and protective measures (Art. 49⁴¹), taking into account that criminal investigation and judicial proceedings were not efficient and were not conducted without undue delay in Lidija's case.

Furthermore, it should be kept in mind that stalking is not criminalized under the Serbian Criminal Code, as it should be in line with Art. 34 of the Istanbul Convention⁴². Therefore, Lidija could not have been protected against stalking by her former husband.

Finally, it should be kept in mind that no sanctions against the perpetrator have been imposed four years upon separation and four years after filing criminal charges in Lidija's case, while the Istanbul Convention contains provisions stating that offences established in accordance with the Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness (Art. 45, para. 1⁴³).

5.4. From unsolved to unsolvable, from relief to entrapment: Five years in the shelter

Another case presented below also tells about post-separation abuse. The case was discussed at the multisectoral case conference meeting organized as part of the project "Integrated response to violence against women in Serbia."

The multisectoral case conference meeting was organised one year before the interviews with helpers, representatives of local social services and the victim/survivor were conducted.

41 In line with the Istanbul Convention, Art. 49 (General obligations),

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

42 Art. 34 of the Istanbul Convention defines,

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

43 The Istanbul Convention defines, in Art. 45, para. 1:

Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

Responsible employees of the social services reported no progress in this case upon organisation of the case conference meeting.

Milica (not her real name) has been accommodated in the Shelter XZ with her three children, for five years. The details of her story have been reconstructed through in-depth interviews with her, employees in the shelter (which is run by a local Centre for Social Work), as well as representatives of the Centre for Social Work and a women's NGO in the local community.

Milica and her children were urgently accommodated in the local Shelter in 2011, after she was violently attacked by her ex-husband on the street in front of many witnesses. She suffered bodily injuries. However, the judicial proceedings related to this particular attack are still underway. Milica suffered prolonged violence while she was in a relationship with the perpetrator. He is a war veteran.

Employees in the Centre for Social Work filed a lawsuit for the issuance of protective measures in line with the Family Law. The court issued restraining orders and banned further harassment of the victim and her children. He breached the measures on different occasions. It was not possible to determine whether criminal charges for violation of protective measures were filed against the perpetrator, in line with the Criminal Code⁴⁴.

Another lawsuit for the prolongation of protection orders should be filed, as noted by responsible employees of the Shelter.

Several criminal charges were filed against the perpetrator for numerous incidents of domestic violence, both while they were married, and during her stay at the Shelter. The perpetrator attacked her several times during her stay in the Shelter.

Upon divorce, she gained custody of the children and visitation rights were regulated by court decision. The local Centre for Social Work decided to structure his visits to the children on the premises of the Shelter, under (as they call it) "controlled" conditions. During that visit, the perpetrator attacked Milica, broke the door in the Shelter and also attacked one of the employees. Afterwards, representatives of the Shelter filed criminal charges against him. Such treatment of visitation rights is in clear contradiction with provisions of the Istanbul Convention regarding custody, visitation rights and safety⁴⁵.

44 The Criminal Code of Serbia, in Article 194 (Violence in the Family), para. 5. (as mentioned before) prescribes, Whoever violates a measure against domestic violence that was imposed on them by the court in accordance with the law shall be punished with imprisonment from three months to three years and a fine.

45 In Article 31 – Custody, visitation rights and safety, the Istanbul Convention prescribes, 1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the



The local Centre for Social Work assessed that Milica was under high risk, and thus, she was moved to a shelter in another city, where she spent several months, but later returned. Recently, the perpetrator seemed to have left the country and an international warrant for his arrest was issued. Several criminal proceedings for different incidents of domestic violence against him have ended. In the first, he was convicted, but received a suspended sentence. Secondly, he was sentenced to two months imprisonment, but the sentence was not enforced. Several other short-term sanctions were imposed by the court, but have never been enforced.

An employee in the shelter admits *"We don't know how to solve her problem; the institutions failed in solving her case."*

This is how Milica tells her story.

- *"This is my fifth year in the Shelter XZ. I am accommodated here with my three children. For a while, I have been calmer than before, as he went to another country XX.*

I firstly reported violence to the police in 2011. So many court proceedings are underway, and the hearings are postponed again and again. When I receive a request to testify at court, I even don't know what for and in which trial. During one trial, the judge realized that he wants to kill me.

His father was a violent man; he used to beat my mother-in-law.

The only solution is his arrest. But, I don't even hope anymore that he will ever go to prison.

I do small temporary jobs, or take care of elderly people to provide for my children. I have to provide for everything except the accommodation and food. I am training for another job in a bakery. I have a small social welfare, which was even reduced recently, as I have a court verdict that he has to pay child support. He hasn't ever paid. Nothing. But still, my welfare is reduced.

The institutions do not have a plan for me. The only possible plan is my own, the one that I myself can make.

Staff members here are supportive, and I am grateful to them. Before, the shelter had a psychologist, and she helped me a lot. Due to talks with her, I haven't returned to him.

The protective measures are issued. He cannot approach me, he has a restraining order. But, that's only on paper. It means nothing. He attacked me several times while I was here. He threatens me all the time. I actually don't know whether the restraining order has been

scope of this Convention are taken into account.

2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

prolonged or not. Maybe it's not valid anymore, and should be prolonged at court, I don't know.

I would like to leave the shelter, but I don't know how. I can't pay the rent with the little money I have. When I moved to my parents, he threatened to kill us all."

Conclusions regarding Milica's case are similar to the previous ones. It is, however, peculiar that such a serious case of post-separation abuse happens while the survivor has been accommodated in the shelter, which is supposed to provide a safe environment to her and her children. Her prolonged stay in the shelter somehow symbolizes the lack of capacity of the entire institutional system to enable safety and recovery to this woman and her children. The striking omission of responsible social workers (an attempt to organize the father's visit to the children inside the premises of the shelter) severely jeopardized the safety of the victim, her children as well as the staff of the shelter and contributed to further victimization. This example goes to show how a rigid implementation of the visitation rights, and the court interpretation of the "best interest of the child" to maintain contacts with both parents may lead to the breaching of (the previously-quoted) relevant provisions of the Istanbul Convention.

5.5. Commonalities: Barriers and enablers

Without an attempt to generalize the conclusions based on the case studies that follow, and being aware at the same time that there is no single route to recovery, in this chapter we discuss some common problems faced by women survivors, as well as factors that contributed to a process of re-gaining safety and freedom.

In the following Chapters, the focus will be, firstly, on the survivors' perception of how the interventions of institutions have influenced their struggle to protect themselves and their children, both before and upon separation, as well as to create foundations for "a new life."

In addition to their general assessment of the role of these institutions, women were asked about their experiences of staying in shelters, as well as problems related to child custody, visitation rights upon separation/divorce, and (potential) measures undertaken by institutions in assisting the children to overcome consequences of violence.

Taking into account that challenges and obstacles were also discussed in detail in previous chapters, we will pay particular attention to "enablers." Therefore, the final chapters in the research study are devoted to factors that have contributed to survivors' empowerment and the increase in the "space of ac-



tion," plans for the future, and sources of support they have relied on during the (ongoing) process of recovery. Since all interviewed women survivors were users of women's NGO services (mostly, for prolonged periods of time, and continuing to this day), attention is paid to their perception of the role of the women's NGO services in the recovery process.

5.5.1. The role of institutions: Support or burden?

All interviewed women share a feeling that judicial institutions have been inefficient in solving their cases. On this point, it should be emphasized that only some statements about the role of judiciary will be quoted here, as this topic was already analysed in the previous text.

In addition, women did not know that their cases were analysed at the case conferences organised by the Centres for Social Work, which implies shortcomings in institutional practice.

Women survivors have had diverse experiences with the institutions for victims' protection. Some of them have received support and encouragement, while others have complained about provided services and noted numerous shortcomings in institutional protection. It should also be noted that most of these women survivors have suffered violence for many years; therefore, their statements are not related only to the services of institutions they currently use.

One survivor made a meticulous and illuminating analysis of the institutional system, with detailed specifications of what the state should do in order to improve its protection of women survivors and their children. She concluded that her experience "struggling with the system" made her "an expert" on law and domestic violence.

- *"I have lived for three years in the shelter and I want to get out, but I can't. I can't pay the rent, can't get social housing. When I tell somebody that I live in a shelter, they treat me as a second-class citizen. Institutions have not done enough for me.*

The police officers are not yet good enough, but they are better than they used to be. Before, they only warned him, and that was it... They even used to say 'OK, you will reconcile later.'

In the ambulance, it happened that they shouted at me.

At the moment, one of my problems occurred due to regulations related to social welfare. My welfare is reduced, because I have a verdict that my ex-husband should pay the child support. He is not paying it. How come that the state can't make him pay what the court ordered him to pay? I went to the municipality, to the free legal aid, and they told me I should sue him. I am tired of going to court and have no money for that.

Prosecutors – some prosecutors are good, but only some. I was lucky once. The problem is that prosecutors do not process several criminal charges against one perpetrator simultaneously, but separately, and that leads to endless delays. Prosecutors also often apply deferred prosecution. When my ex-husband was prosecuted for violence the first time, the prosecutor applied deferred prosecution. My ex paid 30 000 dinars to some humanitarian fund, and 50 000 as compensation to me. He repeated the offence 1.5 months after that. Only then was he sentenced to nine months imprisonment, since he repeated the offence.

The courts... that's a terrible story. Trials last for ages... When I was at court for the first time, I refused a lawyer. The judge wanted to give me a court-appointed lawyer in a criminal trial on domestic violence, and I said that I knew that too well, since I had suffered domestic violence for 13 years, so I didn't need a lawyer.

The state should protect women from violence, the verdicts should be brought fast, but courts do the opposite – trials last endlessly. Further, children should not testify at court. My children were asked to testify so many times, and that should not be done.

Judges... I can tell you much about judges. Once, during proceedings for domestic violence, a judge told me that I have no right to property acquired during marriage, because I was not employed, and I replied 'Why do you mention the issue of property in a criminal trial? That's a matter of civil law, which should be raised in civil procedure, but this is a criminal trial for domestic violence.' I also told the judge that she couldn't take the testimony from my ex, because he was drunk at the trial. She then asked me about my education, and I told her that I have completed primary school. Yes, I became an expert on this. Unfortunately."

- *"I am grateful to the police, the Centre for Social Work, and the people at the shelter. They did what they could and helped me when I needed help the most. Still, I think that my social worker should engage more in my case. I understand the law and regulations. I understand there's a crisis and there are many poor people out there. I understand that I'm not the only one... How come that I have no right to social housing, as a single mother of three children? I submitted an application for social housing, and received no information about it from my social worker. She even said she is not obliged to inform me about it."*
- *"Social workers in XY tried to reconcile me with my ex-husband. I told the social worker that he beats me, but in front of her, he pretended to be a nice guy and said he has never touched me. Then she said, 'You have children, you should reconcile and think about their future.'*
- *"I am fighting for myself and my children, but not all women are like me. Some women can't fight, they need a lot of help, and institutions should do far more to help them."*



- *"The police couldn't scare him."*
- *"The social protection service has not done anything for me. Where is the law? Why is that so? They told me to re-marry, because I am young, so I could find someone... How they can tell me something like that? I don't want to get married ever again. I just need a job, so that I can raise my children and live on my own."*
- *"The social worker from XY has not helped me at all. He even told everything about my plans to my father and brothers, who wanted to take me home and continue to abuse me."*

5.5.2. Transformation of institutions, Serbian style

All women – participants in the survey were accommodated in state-run shelters after separation, and stayed there for certain periods of time, ranging from several months to three years. At present, two interviewed women have been accommodated in a shelter, which does not function as a specialist shelter for women and children survivors of domestic violence, but accommodates various groups of users. In the text that follows, we analysed the situation in this particular shelter in more detail. Regardless of the efforts and engagement of employees, which are undeniable, **information about certain "unexpected" users of the shelter (provided by competent participants in the study) raises serious concerns.**

- *"The psychologist in the Shelter helped me a lot."*
- *"I was in the safehouse nine months, with my children. Everyone was fine with me, supported me, the social workers, psychologist, director, lawyer... The municipality paid for our stay in the safehouse. I had to leave, as my son was a teenager and wanted us to leave. He was embarrassed to live there."*
- *"I have a bad memories from the shelter... don't want to talk about it. They threw me out after a while, so I went to the public park and called the SOS helpline."*

One of the shelters we have visited during the field study is located in the premises of the former residential institution for children without parental care. Currently, several social welfare services for various social groups are accommodated in this institution: daily care for children with disabilities, shelter for adult homeless people, residential care for the elderly, and the shelter for women and their children victims of domestic violence. Users share the same building, which is located in the centre of the city. They also share the kitchen, while dormitories are separate, as testified by users and employees. In total, 50 users were currently accommodated in the institution.

The institution is completely funded by the local government, including all material expenses and the salaries of thirty-six employees. On this point, it should be clarified that, in line with the Law on Social Protection (Official Gazette of the Republic of Serbia" No.24/2011), the establishment and development of several types of social services (such as, for example, community-based social services) are under the jurisdiction of local governments⁴⁶.

As clarified by a representative of the local government, such an "arrangement" is a by-product of institutional transformation and a lack of funds. It was planned that each service for the various above-mentioned groups of users should be located in separate buildings, but due to a lack of funds, the plans could not be realized.

- *"The shelter was created within the project of transformation of the residential institution for children without parental care. The institution for children without parental care was planned to be closed down, and at first the idea was that all social welfare institutions should be temporarily housed under the same roof: the Centre for Social Work and the Centre for Development of Local Social Services. In the next step, it was also planned that different social services should be moved to other locations. Only the daily care centre for children with disabilities and the club for the elderly were planned to remain in the premises of the former institution for children without parental care. All other social services, for various social groups, should have been moved out to other locations. But, unfortunately, they remained in the same premises, and women and children – victims of domestic violence are still accommodated there. Step-by-step transformation was discontinued, due to a lack of funds, and so we can say that transformation has actually stopped from the very beginning."*

Representative of the local government

46 Social services, including jurisdiction for their establishment, are defined in the Law on Social Protection (Official Gazette of Serbia, 24/2011). From the point of establishing, financing and control, social services are divided into those that are under the jurisdiction of the Republic or local government. Within this division, the social services under the jurisdiction of local government are labeled as: 1. **Community-based day care services** (such as, club, day care center, home care, shelter and other services that support beneficiaries' habitation in the family and surrounding environment), 2. **Independent Living Support Services** (such as, personal assistance, supported housing, training program for independent living and other support services necessary for beneficiaries' active participation in the community) and 3. **Advisory-therapeutic and socio-educative services**. Therefore, according to the provisions of the Law on Social Protection, Home care service is one of the social services under local government jurisdiction, from a group of community-based day care services. All social services under the local government jurisdiction are usually referred to as *community based social services*, which meet beneficiaries' rights to live in a natural environment, optimal potentials development and integration into the social environment.



Furthermore, illegal immigrants (women and children, and, sometimes, men) are also accommodated in this institution, as testified by the representative of the local government.

- *"In the last two or three years, asylum seekers are accommodated in the institution, as the Ministry cannot provide an adequate solution for people who are arrested as illegal immigrants. Around 80 of them have annually been accommodated there. We approached all responsible state institutions and explained that we would be willing to create a separate accommodation, a centre for them. We have never had a problem with local inhabitants; they did not protest against immigrants, as happened in some other municipalities. However, we had a situation that a person, who was accused of terrorism (he was the "person No. 3" in the command structure of Al-Qaeda), was found there. Five or six suspected terrorists were arrested there. These are not 'regular' asylum seekers, but persons who are on the list of INTERPOL and against whom judicial proceedings are underway. A woman who was on INTERPOL's Red Notice Wanted List was also accommodated there for about a week. These persons are actually hiding among the illegal immigrants. This is a catastrophic situation."*

Representative of the local government

- *"Now, victims of domestic violence will probably be moved out to other accommodation - to a newly-developed shelter, but other users will remain in the premises of the former residential institution for children without parental care."*
- *"I was shocked when the building of a new shelter for women victims of domestic violence was started. The address of the building, which is located in the city centre, was published in media. A donor was found, and representatives of the local government came to publicly announce that the building started."*

Representative of the local government

5.5.3. Children as witnesses/victims

Children were witnesses of abuse in all cases described by survivors – participants in the survey.

In some cases, children were beaten, mistreated and abused by the survivor's partner (a father or a step-father). One woman described how she tried to protect the children, and "got beaten instead of them," Other survivors described experiences with workers in social services and their attitudes on custody.

The overall impression is that children victims/witnesses of domestic violence have not received age-appropriate psychological assistance and professional help in the process of overcoming traumatizing experiences, as prescribed in the Istanbul Convention⁴⁷. Though positive examples were also provided, indicating that due to the cooperation of schools and the Centres for Social Work, case conference meetings were organized in order to assist and support children.

- *“He was violent toward my child from my first marriage. He punished him for every minor mistake the child made and used to beat him severely with a belt for breaking a glass, for instance. I tried to protect him and was beaten many times. He wanted to throw my child out of the house and told me that I could stay with our two children, but my child should be thrown out, and should go to his biological father. He wanted me to reject my own child and let the child be raised on the street... Then, I decided to call the Centre for Social Work. Social workers came to our house twice, and did what they could. Well... they tried to help. They told him nicely that he cannot abuse my child, and that he should behave like a father, in spite of being a step-father. I also reported child abuse to the police and they came. I told the police and social workers that I had been abused too, and that he had threatened to kill me and the children. He kicked us all out of the house. He and I gave a statement in the police, and afterwards, the judicial proceedings started. I think that it was related only to child abuse. The prosecutor said that he could not force me to throw my child out of our house. The social workers offered us the opportunity to go to the marriage counselling centre, but he refused.”*
- *“He took the child allowance money for himself. The SOS Helpline wrote a request in order to regulate that the child allowance was paid to my name. I was so afraid that the children would have nothing to eat... ”*
- *“He did not let the children to go to school. They were forbidden to go. He thought that was a waste of time. The school really did a lot, The teacher came to our house to give them private lessons, for free. But then he attacked the teacher, yelled at her and threw her out of the house.... When that meeting⁴⁸ was organized, somebody from the school came to help, and I am really grateful to them.”*

47 The Istanbul Convention, in the Article 26, defines:

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.
2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

48 The interviewed woman meant the case conference meeting, which was organized by the Centre for Social Work, in order to assist their children.



- *“The violence lasted for six years, from 2004 to 2009. I had to support three children only from the child allowance⁴⁹, which in total was below 40 EUR, while he spent all the money on himself. He didn’t let us set up the fire in the kitchen, he didn’t let me use a washing machine, so I had to do hand wash. He separated the kitchen and prepared food for himself. He spent all the money on liquor.”*
- *“The children were present when he beat me, and they yelled and screamed. They were small at that time. I am so glad I moved my children from that situation, and enabled them to grow up as normal children, so they will not have to survive that horror every day.”*
- *“The court insisted that we should go together to marriage counselling, to solve the problems regarding visitation rights.”*
- *“Women’s organisation XY organised programmes for my children, and I am really grateful to them. They need help to forget all the bad things that have happened to them.”*
- *“He used to beat and mistreat the children. The youngest daughter still has a terrible fear of him. She has cerebral palsy and I am really afraid that she will have consequences for life.”*
- *“When we got divorced, I was granted custody, but he had a right a see the children, in the premises of the Centre for Social Work. Once, he sued me when I did not bring children to the Centre.”*
- *“My greatest sorrow is that my son lives with the perpetrator, still. How did social workers decide to entrust the child to the convicted offender, only because he had a house to live in? He didn’t work, and I didn’t work, but he had the house. How come he got custody, when, after our divorce, it was clearly written in the verdict that he was guilty of domestic violence? The court even issued a restraining order. He can’t approach me, but he got custody of the child. Where is the justice in that?? I can’t reconcile with the fact that my child lives with him. I don’t know what happened at the court – why a judge reached such a decision. I suspect that my ex-husband somehow ‘persuaded’ the judge... maybe, corruption was involved. But, I can’t be sure...”*

49 According to Serbian law, **parental allowance** is paid to a parent, custodian, or foster parent rearing up to four children. The parent, custodian, or foster parent must be a resident citizen of Serbia. Furthermore, **child allowance** is paid to a parent, custodian, or foster parent, for the first, second, third and fourth child, up to the age of 19, under condition that the monthly *per capita* family income does not exceed 8026 dinars (February 2015). In line with Art. 14 and 17 of the Law on Financial Support to Families with Children (Official Gazette of Serbia, 16/2002, 115/2005 and 107/2009), the nominal amount of parental and child allowance is adjusted twice a year, on 1st April and 1st October, while the *per capita* family income levels are adjusted monthly according to changes in the cost of living (See: Ministry of Labour, Employment, Veteran and Social Policy (2015). *Nominal amounts of financial support to families with children and the threshold for realizing the right to child allowance*, in Serbian, http://www.paragraf.rs/statistika/12_stat_new.htm, Accessed on: 1 March, 2015). **Commonly, a monthly amount of child allowance is about 20 EUR per child.**

5.5.4. Legacy of wars

As mentioned by women survivors of domestic violence, most men - perpetrators participated in the wars in Croatia, Bosnia and Herzegovina, or Kosovo.

Women survivors who have been exposed to post-separation abuse raised concerns about the weapons possessed by their ex-partners.

This research once more confirmed that women and their children, survivors of domestic violence, have been struggling with the “legacy of wars,” as it was previously discussed in prevalence surveys (Nikolic-Ristanovic et al, 2002; 2010).

One of the interviewed social workers emphasized that this problem is neglected and overlooked by the institutions.

- *“In our municipality, almost all men were mobilized into reserve military troops and participated in wars in Bosnia, and, especially, in Kosovo. I don’t want to say they are all at risk of becoming violent, but, I think that this factor contributes to the high incidence of domestic violence in the territory of our Centre. We had several very difficult cases of domestic violence that ended with the murder of the victim. I am asking myself: if the state does screening for illnesses, why does it not do screening for violent men?”*

In the concluding part of this chapter, we deliberately decided to focus on factors that had a positive impact on the recovery of women survivors and their children, including “informal networks” and women’s NGOs.

It is intriguing that, when women talk about plans for the future or factors that contributed to their ongoing recovery, they mostly do not mention institutional systems for victims’ protection. This fact requires no further comment.

5.5.5. Safety nets: “Only trusted friends can understand and support you”

The importance of support networks of trusted friends and family members was also strongly emphasized. One woman explained that her six children, most of whom were adults when she and her abusive husband separated, were pivotal in a process of finding inner strength to start a recovery after the severe depression she suffered as a result of years-long abuse. Other women mentioned “trusted female friends” and relatives and their important role, both prior and after separation.



- *"Before I came to the women's service XY, I didn't know anything, how to help myself... I was overcome by fear that my children would not have anything to eat, as my then-husband spent all the money on himself. I was totally depressed. I fell to bed and wasn't able to get up. I was so weak that my children thought I was going to die. Then, one of my children said, 'Mom, either you'll get up out of that bed or we all will lie with you and die together.' I was shaken and shocked. I found the strength to get up."*
- *"I had a few trusted female friends, true friends, in the village where I lived, and it was really important that I had someone to talk to, openly, about what I have survived, even about the hardest things... I had someone to open my soul to. They understood and supported me, and were with me throughout my hardship. I didn't have support from my family, so these friends were even more important"*
- *"I was 15 when I got married. When he started to beat me, I left him, but my mother told me I must return to him. But, later, she also changed her mind, and helped a lot... My Mom accepted me when I was in the worst situation. Without her, I would have never survived all this."*

5.5.6. Women's services: support throughout the way

The women who described themselves as those who "started a new life" acknowledged the importance of continuous support by specialist women's NGOs. All participants in the study used (often, for many years!) or still use, various services of the local women's NGOs.

The findings imply **the important role of women's specialist services**, as they seem to contribute to the empowerment of women survivors and have expanded their "space of action."

In this context, it should be emphasized that, **while the institutional system has been mostly focused on emergency services and short-term risk management, women's NGOs have developed capacities for providing numerous services, ranging from crisis support/counselling, to various forms of assistance in long-term empowerment.**

For this reason, their inevitable role in multisectoral cooperation should be recognized and strengthened.

Survivors emphasized, sometimes at great length and with many emotionally-charged details, that a particular women's specialist service supported them "throughout a journey to a new life." Therefore, they mentioned the local women's service many times during the interviews and kept repeating that the service, or a particular counsellor, had an important role in their lives.

What was crucial to them was the sense that they were believed and supported to re-gain their confidence and establish safety for themselves and their children.

Further, the interviewed women insisted that the women's service helped them to overcome a feeling of shame or self-blame.

Sometimes, women explained they were thankful to specialist women's service for their very survival.

- *"Without them, I would be dead."*
- *"I have been their user for a long, long time. They helped me in emergencies, but in other situations too, as long as I can remember. Once, that was in 2011, I was still with my ex-husband. He locked me in a room and beat me... I called the SOS helpline and didn't have time to tell them what happened... Then, the police came to the door. The SOS helpline called the police! I will never forget that. They wrote lawsuits on my behalf and helped me to get financial assistance. They supported me to get out of my trouble, that's the most important."*
- *"I can't imagine how my life would be without the organisation XX. I would probably still be with him. I would suffer violence and maybe I would be forgotten by everyone."*
- *"They were so supportive, always listening, and never judging me. They were always on my side and helped me at each step, in everything I did. I would never have a life of my own without them."*
- *"I came to SOS Helpline YZ six years ago. They helped me a lot. They explained my rights and everything. But at first, I thought that things with my husband were going to change for the better. But it only became worse. And they helped me throughout my hardship."*
- *"The women's service XY opened my eyes and helped me not to live in fear. I constantly lived in fear, but now, I am not scared of anyone but God."*
- *"For me, the most important thing was that I had someone to turn to. When I came to the SOS Helpline in 2006, I was almost dead. I weighed 30 kilograms, my face was totally deformed, covered with bruises. I was unrecognizable."*
- *"I participated in self-help workshops that SOS Helpline NN organised, as the only Roma in the group. It meant a lot. I shared experiences with them and realized that I was not the only one. We have continued to see each other. Every nice word meant a lot, cause in my surroundings, I had nobody to talk to. Afterwards, I realized that I can help other women – I can listen to their stories, knowing that I have survived all that. I can answer their questions and give them advice, and help them to become stronger."*



- *"I remember as if it was yesterday. I came to the women's service XX five years ago. They helped me. I remember that the police came to their premises so that I could give a statement. I paid nothing and they helped me and my child with so many things: they wrote the lawsuits, helped me to find a seasonal job, they went with me to the social welfare centre and did so many other things."*
- *"I've said a hundred times: thank God that such an organisation like SOS Helpline XX exists. They are in my heart and to this day, after seven years, I turn to them whenever I have a problem, any problem. It's enough that they are always supportive and full of understanding."*
- *"I love my mother, and I also love Person NN⁵⁰ as much I as love my mother. The understanding and support of SOS helpline meant a lot. Wherever I go, I return here, to share the news, to get advice, just to be here."*

5.5.7. Self-reliance and pride

Women who started a new life shared a feeling of pride for their strength to overcome past difficulties and to face current ones. The importance of self-reliance was stressed by several women.

Apart from praising women's specialist services for support and encouragement, they stated that self-reliance was crucial in the process of overcoming the consequences of abuse and re-building a new life.

- *"He still tries to humiliate me, whenever we meet in court. He can no longer humiliate me; I know who I am and what can I do with my life. A woman needs to be so strong to survive this... she ought to be aware of everything she can do and to fight for herself and her children."*
- *"I am a lioness; I fight for my children and myself. Several times, I went to schools to talk about domestic violence. It is hard to remember what I survived, and I cried several times... I couldn't help it. Only women who have survived violence know how it is. It's painful to remember. But, I am not ashamed. He should be ashamed. When he threw me and the children out of the house, he even showed off in the neighbourhood. He was proud of doing that."*
- *"Eventually, the most important was what I had done myself. Nobody will help you but yourself. I can't rely on anyone. Knowing that I have no support from my family, I have to do everything myself. I have to stand firmly on my own two feet."*
- *"I admire myself – how I found strength to survive all that? I am strong and still can fight. Now, when I think about my past, I really respect my-*

50 Counsellor at the SOS Helpline

self for being so brave, cause, you know, I had no support but the SOS Helpline. I had no father to help me or friends."

- *"I want to look good, be good and smile. My child saw me too many times crying, so now I want to rely on myself and take care of my child. Sometimes, my soul is crying, but I try to look and be strong and reasonable, so that my children will not cry anymore."*
- *"Institutions have no plan for me. The only plan for me and my children is what I myself will make and do."*

5.5.8. Plans for the future

When faced with the modest wishes of women survivors, one cannot help but feel that their "list of wishes" tells us more about circumstances in our socio-economic environment than about their plans.

- *"I would love to find a job, so that I can pay the rent and leave the shelter. I have modest wishes. I just need to buy the things my children need."*
- *"My new husband respects me, accepts me, takes care that I do not suffer, and loves me. His family accepted me. Now, I just want to find a job, be happy and enjoy life with my husband and child."*
- *I only want to make my child happy. I wish we could have a roof over our heads, that's it. That's the only wish I have. I have no great wishes. I just want to live a modest life. "*
- *"I don't want to marry again. I am afraid, because I suffered so much... I don't even wish to be with anyone any more. I am afraid that a man might not accept my child, and I don't know what could happen. My daughter is very mature for her age and she looks like a grown woman. I don't want her to be attacked by my partner, God forbid... These things happen, you know... "*
- *"I live for my children; I love them very much and want to raise them. My only wish is to find a job. I've had many temporary jobs. In the non-governmental sector, I was very active, but now, I have no job, that's the most important."*
- *"Among Roma, customs are very important. We Roma want our children to go abroad, to get married there and have a better life, but mostly, they go there, apply for asylum and return penniless after several months. I want something better for my children."*
- *"My child is my life. I just want to be healthy, so that I can work and support my child."*



5.5.9. "Peace of mind"

The research on how women re-build their lives after separation from abusive men (Kelly et al., 2014) was focused on space of action as a key concept. Having in mind that coercive control decreases their "space for action," one aim of this research (ibid.) was to trace whether physically removing themselves from the perpetrator and accessing support services would enhance women's space for action, the key resources in the process of rebuilding lives. It was revealed (ibid.) that coercive control affected many areas of women and children's lives, but there was a marked expansion in women's space for action in the period following separation. In the two years afterwards, this change was less evident, but by the final interviews, movement forward had resumed for most women, albeit that they were not yet where they had hoped to be. It was concluded that rebuilding lives and remaking selves should be seen as lengthy processes.

Participants in the current survey also provided illustrations of enhanced "space for action" after separation from violent partners.

A few of them mentioned efforts and sacrifices they had to make before they managed to reach their "**peace of mind.**"

- *"During the marriage, I was mistreated and raped. He used to beat me and then, a half hour after the beating, he forced me to have sex, just to please himself... The most important thing for me is that I live in peace now. Nobody is insulting or humiliating me. Nobody tells me what I can and can't do and what I can or can't eat. Nobody is giving me orders, nobody kicks me or slaps me. I live in peace. A person cannot function without peace of mind. I struggle with the money, but with the little money I have, I will survive with my children. I will eat only bread, but I will have peace."*
- *"I am grateful to God for my survival; he saved me. To listen to insults and curses everyday – that's not life. To be humiliated as I used to be, that's not life. Now, I have peace. Peace of mind is far more important. I am happy that I saved my children and myself. I can't guess what could have happened if I had stayed with him."*
- *"I came back to my mother. I live with my daughter and mother in a small, one-room apartment. We don't have much, but we have a bathroom, at least. We hardly have enough to eat, but it doesn't matter... I am calm. Tranquillity matters the most. The most important is that nobody is mistreating, kicking, or insulting me. I wake up in peace, and go to bed in peace. We have little money, but I am happier this way. Still, however, I feel emptiness inside me."*

- *“He liked to humiliate me, he did it all the time. What he did to me... that was worse than the humiliation suffered by women in prostitution. He enjoyed making me feel as if I was worth nothing. He knew that I had no parents or friends to protect me, so he thought I had no other choice but to obey him. He thought I was weak and would beg to stay with him. Now, I have a normal life. The most important thing is that I live with my children without the constant fear. It was really difficult, but I am proud of myself – now, I can do what I want, and nobody gives me orders!”*



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⁵¹ Note: participants – professionals in the civil and state sector were also explained that their names would be noted, for administrative purposes, in the Annex to the study, but that their statements would remain anonymous.

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Violence against women is the result of imbalance of power between women and men. UN CEDAW Committee General Recommendation 19 (1992) says that violence against women is discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and should be considered a serious violation of women's human rights. "The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence."

United Nations Declaration on the Elimination of Violence against Women, DEVAW 1993, defines key forms of violence against women specifying that such violence can be of physical, sexual or psychological nature and that it can occur: 1. within the family including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence; 2. within the general community including rape, sexual abuse, sexual harassment and intimidation at work; and 3. physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Violence against family members has specific characteristics in relation to the violence perpetrated outside of the family. Domestic violence always represents abuse of power and control over family members with less power or fewer resources. In the majority of societies, especially in traditional and patriarchal communities, men have significantly more power – not only physical, but economic and social power.

Violence in the family is domestic violence meaning "all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim", as stated in the Article 3 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the Istanbul Convention.



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