



REPUBLIC OF SERBIA
Ministry of Labour, Employment
and Social Affairs



**Special Protocol For Action of The Centre for
Social Work – Custody Authority in Cases of
Domestic and Intimate Partner Violence
against Women**

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– Custody Authority in Cases of Domestic and Intimate
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1. Introduction

The General Protocol for Action and Cooperation of Institutions, Bodies and Organizations in the Situations of Domestic and intimate partner violence against women, Chapter 10.2, lays down the obligation of the ministry in charge of social protection and family law protection to adopt a special protocol within 12 months as of the day of the adoption of the General Protocol.

The scope and contents of the phenomenon of domestic and intimate partner violence against women (domestic and intimate partner violence) indicate that there is a need to adopt both the General Protocol and special protocols on actions and cooperation of institutions in different systems providing assistance and support to citizens suffering violence and who have found themselves in a vicious circle of violence which is virtually impossible to break from without a timely, comprehensive and continued intervention of professionals employed in the respective institutions. Specifically, the role and public competencies of the centre for social work – custody authority, entrusted to this social protection institution in the Law on Social Protection, the Family Law and other legislation in the jurisdiction of other socially organized systems providing assistance and support for citizens, impose the obligation that the Special Protocol in the field of social protection and family law protection develop in detail the actions and procedures of the centre for social work – custody authority.

Pursuant to reports of all centres for social work, it is evident that the number of registered cases of domestic violence in the Republic of Serbia is on the rise. However, this is not necessarily the result of an actual increase in the number of cases of domestic violence in comparison with the previous period. The Ministry is of the opinion that the increase in the number of registered cases of domestic violence is primarily due to a more comprehensive and continued response of the general public and experts to this phenomenon. Citizens, professionals employed in different systems and victims of violence have become significantly more sensitive to this phenomenon and no longer perceive it as a person's private matter. Today the phenomenon of violence against women and domestic violence in general is not denied, minimized or considered normal, and is therefore more often reported and responded to. It is certainly disquieting that there is an increase in the number of severe forms of domestic violence with consequences of grave harm and fatal consequences for the victim. The victims of domestic violence most often are the weakest members of the family, women, children and the elderly.¹

1 The data contained in the tables are taken from the Annual Report on the Work of Centres for Social Work in the Republic of Serbia 2011, which was compiled by the Republic Institute for Social Work in May 2012. The development of the annual report for 2012 is under way.

Table 1. Number of registered victims of domestic violence in the Republic of Serbia

Territory of Serbia	2006	2007	2008	2009	2010	2011
Central Serbia	1930	2479	3416	3534	3528	4319
Vojvodina	1163	1704	1851	1988	1846	2032
Kosovo and Metohija	73	84	49	30	73	102
Belgrade	275	436	956	2323	2193	2028
Total in Serbia	3441	4703	6272	7875	7807	8481

Table 2. Method of reporting domestic violence in 2011

Origin of the report	Number of filed reports
Family member	1843
Filed by a person outside of the family	488
Filed by an institution (kindergarten, school, health institution)	658
Filed by the Ministry of Interior	2407
Requested by the Court under Article 286 of the Family Law	673
Filed by an NGO or a citizen association	33
Custody authority ex officio	537
Filed by the victim	1169
Anonymous report	299
Another person	190
TOTAL	8297

Table 3. Procedures for protection against domestic violence instituted by the custody authority ex officio in 2011

Type of procedure	Number of procedures
The procedure for imposing the measure of protection against domestic violence under the provisions of the Family Law	294
The procedure for the deprivation of parental rights	163
The procedure for the partial deprivation of parental rights	149
Submitting the criminal offence report regarding the criminal offence of domestic violence	368
The procedure for the deprivation of legal capacity of perpetrators of domestic violence acts	32
Compulsory hospitalization of perpetrators under the provisions of the Law on Non-Adversarial Proceedings	41
Civil proceedings for the protection of child rights	145
Other	475
TOTAL	1667



Table 4. Structure of imposed measures of civil law protection against domestic violence in 2011

Type of measure	Number of persons who are victims of domestic violence protected by the imposed measure
Issuing the order for eviction out of the apartment or house regardless of ownership/leasehold	71
Issuing the order to move into an apartment or house regardless of ownership/leasehold	8
Prohibiting approach to a family member at a certain distance	246
Prohibiting access to the area around the residence or workplace of a family member	160
Prohibiting further harassment of the family member	302
TOTAL	787

I FUNDAMENTAL PRINCIPLES OF THE SPECIAL PROTOCOL

The Special Protocol for Action of the Centre for Social Work – Custody Authority in Cases of Domestic and intimate partner violence against women is founded on the respect for fundamental principles laid down in the Law on Social Protection:

- **Principle of respect for the integrity and dignity of the beneficiary**, meaning that the citizen is entitled to social protection which is provided with respect for their physical and mental integrity, security and respect for their moral, cultural and religious beliefs, in compliance with the guaranteed human rights and freedoms.
- **Principle of prohibition of discrimination** meaning that any form of discrimination against the beneficiary of social protection on the basis of race, sex, age, nationality, social background, sexual orientation, religious, political, union or other affiliation, property, culture, language, disability, the nature of social exclusion or any other personal characteristic is prohibited.
- **Principle of acting in the best interest of the beneficiary** meaning that services are provided in line with the best interest of the beneficiary, respecting their life cycle, sex, ethnic or cultural background, language, religion, life habits, developmental needs and the needs for additional support in their daily functioning.
- **Principle of the least restrictive environment** - Social protection services shall be provided in the immediate and least restrictive environment, ensuring that services are selected which shall enable the beneficiary to remain in the community and in the family.

- **Principle of efficiency of social protection** - Social protection shall be provided in a manner which ensures the achievement of the best possible results in relation to the available financial resources.
- **Principle of timeliness of social protection** – Social protection shall be provided in a manner which ensures a timely identification of the needs of the beneficiary and the provision of services in view of preventing the occurrence and development of the situation which may threaten security and satisfaction of life needs and hamper social inclusion.
- **Principle of comprehensiveness of social protection** – Social protection services shall be provided in compliance with their respective functions, and will be connected and harmonized, so that they may ensure comprehensive social protection of the beneficiary at any given life age.
- **Principle of advancing the quality of social protection** – Social protection services shall be provided in compliance with the principles and standards of modern professional social work practices. The quality of social protection services shall be advanced by the application of contemporary achievements of science and the profession, and by professional support with a view to the advancement of professional competences of the professionals and the quality of protection of beneficiaries.
- **Principle of availability and individualized social protection** – The provision of social protection services shall be organized in a manner which ensures their physical, geographical and economic availability, respecting cultural and other differences. Social protection services shall be provided in a manner which ensures an individualized approach to the beneficiary and a professional tasked to lead their specific cases (hereinafter: case leader).

Pursuant to the fundamental principles underlying the Special Protocol, the beneficiary and/or person suffering domestic and intimate partner violence enjoys specific rights enabling the beneficiary, along with the support and assistance of social protection professionals and the centre for social work – custody authority, to take active part in the procedure of providing assistance and support and thus take responsibility for the organization and quality of their life. In that sense, the rights of the beneficiary of services in the system of social and family law protection are:

- **Right to information.** The beneficiary shall have the right to be informed on all procedures and information which are relevant for the identification of their needs and the methods to meet those needs;
- **Right to participate in decision-making.** The beneficiary shall have the right to participate in the assessment of their status and needs and in decision-making on whether to accept the service, as well



as to obtain timely information they need for making the decision, including the description, objective and benefit of the proposed service, as well as the notification on available alternative services and other notifications relevant to the provision of the service. No service shall be provided without consent of the beneficiary or their legal representative, except in cases prescribed by law;

- **Right to a free choice of services.** The beneficiary shall have the right to a free choice of services and providers of social and family law protection services, pursuant to this law;
- **Right to confidentiality of information.** The beneficiary shall have the right to the confidentiality of their personal information contained in the documents which are processed for the needs of the report and/or records, including those relating to their personality, behaviour and family circumstances and the manner of using social protection services.
- **Right to privacy.** The beneficiary shall have the right to respect of their privacy in the course of providing social protection services. Seeking information or undertaking action necessary for the provision of services or securing the rights of the beneficiary shall not be considered the violation of the right to privacy.
- **Right to filing a complaint.** The beneficiary who is not satisfied with the provided service, procedure or behaviour of the service provider shall be entitled to lodge a complaint before the competent authority.

The respect for the abovementioned principles, upon which the assistance and support for persons suffering domestic and intimate partner violence **must** be realized and organized, ensures to a significant degree the achievement of desired effects of undertaken measures and activities under the jurisdiction of the centre for social work – custody authority, as key institution in the system of social and family law protection. As part of its competences, this institution of social and family law protection has the obligation of coordination, in addition to a direct provision of assistance and support, so that the actions of other institutions of socially organized systems of assistance and support may be timely and holistic and primarily directed at meeting the needs of the victim of domestic and intimate partner violence.

II OBJECTIVES OF THE SPECIAL PROTOCOL

1. Aim

The objectives of the Special Protocol are based on the fundamental principles and objectives of the General Protocol.

The aim that is general objective of the General Protocol is to ensure holistically and comprehensively that each stakeholder can act in accordance with their legal competencies and duties in organizing the protection of women victims of domestic and intimate partner violence, in order to promote victim safety and perpetrator accountability.

The specific objectives of the General Protocol are:

- Design and provide general and unique guidelines for conduct, good practice and cooperation between various government bodies, organizations and other interested legal entities and persons in cases of domestic violence,
- Improve victim and potential victim protection, reduce the number of undetected cases of domestic violence and increase the proportion of sanctioned cases,
- Improve the position of the victim and ensure that all actions undertaken during the protection process are made in the best interest of the victim,
- Avoid actions leading to secondary victimization of the victims of domestic violence,
- Reach common understanding of the purpose, objectives and main principles of protection,
- Provide prompt, timely and efficient protection to victims of violence immediately after the violence occurs, during the legal proceeding and after the proceeding,
- Ensure a comprehensive approach to organizing the process of protection and support to women victims of domestic violence, including all their assessed needs, through the adoption of special protocols of action in cases of domestic and intimate partner violence against women, which will more closely regulate the actions of all participants in providing protection to the victims,
- Raise awareness of the phenomenon of domestic violence among all institutions and stakeholders in the system of protection against domestic violence and
- Reduce negative social consequences of domestic violence.



The aim of the Special Protocol may be derived from the aim for the adoption of the General Protocol.

The definition of the aim of the Special Protocol relied primarily on the contents of the public competences entrusted to the centre for social work – custody authority.

The aim of the Special Protocol is to lay out the structure of procedures conducted in the centre for social work – custody authority in implementing public competencies and ensure that violence is terminated immediately, prevent the reoccurrence of an act of violence, provide for the safety of the person suffering violence, meet the fundamental existential needs of the person suffering violence, empower and enable the victim of violence to take over responsibility for the quality and organization of their own life without violence with or without support, and to provide for a comprehensive coordination role of this institution in responding to the incidence of domestic and intimate partner violence.

2. Specific Objectives

- Define internal procedures of the centre for social work – custody authority in all stages of work on cases of domestic and intimate partner violence, from detection, screening, initial assessment, specialist assessment, planning the provision of services and measures, to monitoring, evaluation and repeated inspection, as well as the identification of the priority of response and providing urgent measures of protection of victims of domestic and intimate partner violence;
- Mandate the centre for social work – custody authority to elaborate in more detail their actions with the view to a better protection of women against domestic and intimate partner violence, through the establishment of a special internal team of professionals, specifically educated to tackle the phenomenon of domestic violence, intimate partner violence and the provision of assistance and support to the victim;

- Indicate the obligation of the centre for social work – custody authority laid down in Article 58 of the Law on Social Protection which stipulates that, in conducting its coordination role on the local level in order to meet the needs of persons suffering domestic and intimate partner violence, since services of social and family law protection may be provided simultaneously and combined with services provided by other systems, it is possible to enter into cooperation agreements on the local level with institutions and other organizations whose cooperation is necessary for efficient protection of victims of domestic and intimate partner violence.

III NORMATIVE AND LEGAL FRAMEWORK

It may be concluded that the normative framework, although its adoption and implementation preceded the adoption of the General Protocol, lays down comprehensively the scope, manner and contents of actions of social protection institutions relating to the response to domestic violence and/or intimate partner violence against women.

Thus in two main “instruments” – laws, i.e. the Law on Social Protection and the Family Law, the centre for social work – custody authority is envisaged as the key institution of the system of social and family law protection, mandated to play an active role in 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.

1. Centre for Social Work – Custody Authority (activities)

1.1. Law on Social Protection²

The aims of social protection and the work of professionals in the centre for social work are stipulated in Article 3 of the Law on Social Protection. The aims of social protection are to: achieve and/or maintain minimum material safety and independence of an individual and a family in meeting their life needs; ensure the availability of services and achieve rights in the field of social protection; create equal opportunities for independent living

² Law on Social Protection (“Official Gazette of the Republic of Serbia” no. 24/2011)



and stimulate social inclusion; preserve and advance family relations and advance family, gender and inter-generational solidarity; prevent abuse, neglect and exploitation and/or eliminate its consequences. The aims of social protection are achieved by means of providing social protection services and other activities preventing, minimizing or eliminating the dependence of an individual or a family on social services.

As legally verified in Article 41 of the Law on Social Protection, the aims of social protection are achieved by means of providing services to the beneficiary. A specific group of beneficiaries of social protection is foreseen in Article 41, paragraph 2, item 6 and includes a group of persons for whom **there is a danger that they may become or already are victims of abuse, neglect, violence and exploitation and/or if their physical, mental or emotional wellbeing and development are threatened by action or oversight on the part of the parent, guardian or another person taking immediate care thereof.**

Furthermore, Article 41, paragraph 3, items 2 and 3 of the Law on Social Protection stipulates that the beneficiary of social protection services is every: “Adult aged 26 to 65 (hereinafter: adult) and an adult over 65 years of age (hereinafter: an elderly beneficiary) is a beneficiary in the sense of paragraph 1 of Article hereof, when their wellbeing, security and productive life in society is threatened by risks resulting from age, disability, illness, family and other life circumstances, in particular: **2) there is a danger that they will become or already are a victim of self-neglect, neglect, abuse, exploitation and domestic violence; 3) if they are facing difficulties resulting from disrupted family relations, addiction to alcohol, drugs or other narcotics or due to other forms of socially unacceptable behaviour and other causes.**

Pursuant to the aims of social protection and beneficiary target groups envisaged in the Law on Social Protection, “the centre for social work shall decide on the exercise of the rights of beneficiaries stipulated in this Law and on using the services of social protection ensured by the Republic of Serbia, the autonomous province and local government units and shall perform other tasks set forth in the law and regulations adopted pursuant to the law. The centre for social work, in line with the instruments of the local government unit, shall take part in the activities relating to planning and development of social protection in the local authority unit” (Article 119).

Specifically, in performing its role, the centre for social work enjoys significant public competencies: “The centre for social work, pursuant to the Law: 1. makes an assessment of the needs and strengths of the beneficiary and the risks and plans the provision of social protection services; 2) conducts procedures and decides on the right to allowances and on using social pro-

tection services; 3) undertakes the prescribed measures, **instigates and participates in court and other proceedings**; 4) maintains the prescribed records and looks after maintaining of documentation on the beneficiary. The centre for social work **initiates and develops prevention and other programs contributing to meeting individual and common needs of citizens in the field of social protection in the territory of the local government unit for which the centre is established, initiates and develops prevention and other programs contributing to the prevention and elimination of social problems** and conducts other tasks in the field of social protection, pursuant to the Law and other regulations.” (Articles 120 and 121)

Family Law³

In line with the Constitutional provisions, the Family Law stipulates more closely the obligation of the state and/or state system and institutions to undertake measures of special protection of the individual and the family. Article 2 of the Family Law prescribes that: “The family shall enjoy special protection from the state. Every person has the right to respect of their family life.” Specifically, the provision of Article 10 of the Family Law stipulates an explicit prohibition of domestic violence: “Violence is prohibited. Every person shall have the right, pursuant to law, to protection from domestic violence”.

In view of a number of criteria, such as: the scope and specific contents of public competencies, the number and structure of employed professionals and the territorial coverage by services, the legislator opted to entrust the centre for social work with tasks relating to family protection and/or tasks relating to organizing protection, assistance and support for the person suffering violence. Details of the mandate of this institution are given in Article 12 of the Family Law: “Tasks relating to the protection of the family, assistance to the family and custody, in the sense of this law, shall be performed by the centre for social work (hereinafter: custody authority). When the custody authority, in performing tasks stipulated by the law hereof, decides on administrative issues, they will perform these tasks as entrusted. Organization of the work of the custody authority, professional standards and the contents and manner of maintaining registries and documentation shall be prescribed by the Minister in charge of family protection”.

3 Family Law (“Official Gazette of the Republic of Serbia, no. 18/2005)



1.3. Rulebook on the Organization, Norms and Standards of Work in Centres for Social Work⁴

Additional specification of the subject matter and scope of work of centres for social work was made in the Rulebook on the Organization, Norms and Standards of Work enacted by the minister in charge of family care, under the authority of Article 12 Paragraph 3 of the Family Law. Given the complexity of the situation and the needs of persons exposed to domestic violence, especially women who are victims of intimate partner violence, it is necessary to make a list of all particular competences of the centre for social work – custody authority in the field of social care and family law protection⁵:

In exercising public competencies and in accordance with the law, the centre for social work – custody authority decides on the following matters:

1. Exercising the right to financial aid;
2. Exercising the right to financial aid for the care and assistance of another person;
3. Exercising the right to assistance for vocational training;
4. Exercising the right to housing in social care institution;
5. Exercising the right to housing of an adult person in another family;
6. Foster care;
7. Adoption;
8. Custody;
9. Deciding on the child's personal name and its change;
10. Measures of preventive supervision over the exercise of parental rights;
11. Measures of corrective supervision over the exercise of parental rights.

In the exercise of public authority and in accordance with the law, the centre for social work – custody authority performs the following tasks, in particular:

- Conducts mediation procedure – mediation in family relations (reconciliation and settlement);
- Submits findings and expert opinions at the request of the court, in litigation proceedings regarding the protection of children's rights, or the exercise and deprivation of parental rights;

4 Rulebook on the Organization, Norms and Standards of Work in the Centres for Social Work (Official Gazette of the Republic of Serbia, No. 59/2008, 37/2010, 3 9/2011 and 1/2012)

5 Rulebook on the Organization, Norms and Standards of Work in the Centres for Social Work (Official Gazette of the Republic of Serbia, No. 59/2008, 37/2010, 3 9/2011 and 1/2012) – Article 4

- **Submits, upon the request of the court, the opinion on the usefulness of measures of protection from domestic violence sought by other authorized plaintiff;**
- **Assist the court which conducts proceedings relating to the protection from domestic violence in obtaining the necessary evidence;**
- Evaluates general suitability of foster parents, adoptive parents and guardians;
- Conducts inventory and assessment of the value of assets of the person placed under guardianship;
- Cooperates with the public prosecutor or the juvenile judge in the selection and implementation of corrective measures;
- Conducts mediation between the juvenile perpetrator and the victim of a criminal offence;
- Submits reports on the enforcement of educational order to the public prosecutor or the juvenile judge;
- Attends, with the approval of the court, the preparatory proceedings against a juvenile offender (the hearing of a juvenile offender, the hearing of other persons), submits requests and cross-examines persons being interrogated;
- Submits the opinion to the court which conducts criminal proceedings against juveniles on the facts relating to the age of the minor, the facts necessary to assess his or her maturity, examines the environment and conditions under which the juvenile lives and other circumstances concerning his or her personality and behaviour;
- Attends meetings of the court panel for juvenile offenders and trial in criminal proceedings against a juvenile offender;
- Informs the court responsible for the execution of institutional treatment measures and law enforcement authority when the enforcement of a measure cannot commence or continue due to refusal or escape of the juvenile;
- Ensures the implementation of corrective measures comprised of specific tasks;
- Verifies the enforcement of the educational measure of increased supervision by parents, adoptive parents or guardians and assists them in the implementation of the measures;
- Verifies the enforcement of the educational measure of intensified supervision in another family, and renders assistance to the family in which the minor lives;
- Implements the educational measure of intensified supervision by the custody authority by taking care of the minor's education, his or her employment, his or her detachment from the harmful



environment, necessary medical treatment and improvement of his or her living conditions;

- Ensures the implementation of the educational measure of intensified supervision with the obligation of daily living within an institution for the education and upbringing of minors;
- Submits to the court and the public prosecutor for juveniles report on the enforcement of corrective measures under his competence;
- Requests the court to decide on the cost of implementation of corrective measures;
- Performs other tasks prescribed by the law;
- In exercising public authority Centre provides social work services and initiates court proceedings when authorized by the law.

The centre for social work – custody authority is under obligation to develop prevention programs which contribute to meeting the individual and common needs of citizens and/or prevention and eradication of social problems in the local community. Pursuant to the Rulebook, prevention programs are defined in a separate plan of prevention activities within the annual operational plan and should, *inter alia*, be directed at:⁶

- Individuals, families at risk and marginalized populations, their empowerment to lead a productive life in the community, accountable parenthood and prevention of dependence on social services;
- Preventing the incidence of social problems such as: domestic violence, juvenile delinquency, addiction to psycho-active substances and similar;
- Development of volunteering capacities in the community;
- Campaigns directed at strengthening civic awareness and accountability for satisfying common needs, detection and elimination of community problems.

IV DEFINITION OF DOMESTIC VIOLENCE AND OTHER DEFINITIONS

The national legislation, pursuant to the Family Law⁷, stipulates that: “Domestic violence, in the sense of this law, is a behaviour by which one member of the family violates physical integrity, mental health or the serenity of another family member. Domestic violence, in the sense of paragraph 1 of

⁶ Rulebook on the Organization, Norms and Standards of Work of the Centres for Social Work (Official Gazette of the Republic of Serbia, No. 59/2008, 37/2010, 3 9/2011 and 1/2012), Article 9.

⁷ Family Law (“Official Gazette of the Republic of Serbia, no. 18/2005), Article 197.

Article hereof, shall mean in particular: infliction or attempt to inflict bodily harm; arousing fear by threatening with murder or inflicting bodily harm to a member of the family or a person close to them; coercion to sexual relations; encouragement to sexual relations or sexual relations with a person under 14 years of age or with a helpless person; restriction of freedom of movement or communication with third persons; insults and any other form of rude, ruthless and malicious behaviour”.

The Criminal Code of the Republic of Serbia stipulates that the criminal act of domestic violence is defined as an act performed by: “anyone who by way of force, threat to attack the life or body, insult or ruthless behaviour threatens the serenity, physical integrity or mental state of a member of their family, shall be punished”⁸

Irrespective of the comprehensiveness of the legal definition of domestic violence in the Family Law and the Criminal Code, one should take into account, as a general operational definition, the definition of **violence against women** provided in the General Recommendation No. 19 of the United Nations Committee on the Elimination of Discrimination against Women (1992) which says that violence against women represents a form of discrimination in the sense of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and should be considered a severe breach of women’s rights. **The definition of discrimination includes gender-based violence, i.e. 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.**

The 1993 United Nations Declaration on the Elimination of Violence against Women defines key forms of violence against women, **stipulating that such violence may be physical, sexual or psychological, and when it occurs within the family it can manifest as battering, sexual abuse of female children, marital rape, and as other forms of violence.**

⁸ Criminal Code (“Official Gazette of the Republic of Serbia” no. 107/2005, 72/2009, 111/2009 and 121/2012) Article 194.



The following terms will be used in this Special Protocol:⁹

1. **“beneficiary - victim of domestic violence”** is a person suffering violence, or a family or social group in the community where violence takes place, who uses the services of the centre for social work – custody authority to meet their needs and who may not achieve or maintain the quality of life or protect their rights without the support of the authority;
2. **“professional of the custody authority”** is a professional performing social work duties and duties relating to family protection and provision of services in the centre for social work – custody authority or administrative and legal affairs or planning and development affairs;
3. **“case leader”** is a professional in the centre for social work – custody authority 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, which are necessary to meet and overcome the needs and problems and/or provide adequate services to the beneficiary;
4. **“case management”** is a systemic social work approach which includes the activities of assessment, identification of service approach, planning, coordination, supervision and evaluation of services which are supposed to respond to the needs of a specific beneficiary;
5. **“supervisor”** is a professional tasked to coordinate, guide, stimulate and evaluate the work of case leaders, and to consolidate administrative, educational and developmental and supporting functions of supervision in their activities;
6. **“assessment”** is an organized process of data collection, identification and assessment of problems, needs, strengths and risks, the situation and involved persons, which develops progressively in order to identify the objectives of work with the beneficiary, as well as the necessary services and measures;
7. **“planning”** is a process in which, based on the information obtained in the assessment stage, a focused, systematic and time limited plan is developed in cooperation with the beneficiary and the family and other involved professionals, services and persons;
8. **“plan of services and measures”** is a set of services, measures, tasks and activities necessary to achieve the desired objectives in the organization of protection, assistance and support for the beneficiary;

⁹ The definition of terms for the purpose of the Special Protocol was done on the basis of the terminology defined in the Rulebook on the Organization, Norms and Standards of Work of Centres for Social Work.

9. **“evaluation”** is a procedure by which the adequacy of assessment and the results of services and measures are appraised in specific time intervals and/or the degree to which the tasks prescribed in the plan and the defined outcomes are achieved;
10. **“service”** is a set of activities and goods offered to the beneficiary aiming to advance the quality of life, meet their needs, and eliminate or mitigate the risks;
11. **“measure”** is a set of legal procedures conducted in the centre in line with public competences.

V BENEFICIARIES OF PROTECTION AGAINST DOMESTIC VIOLENCE

The Law on Social Protection stipulates who may benefit from the rights and services in the social protection system. The Law prescribes that services and rights in the social protection system may be used and/or a person is entitled thereof **if there is a danger that they will become or already are a victim of self-neglect, neglect, abuse, exploitation and domestic violence**. A closer definition of the group of persons enjoying special civic and legal protection from domestic violence is set forth in the Family Law¹⁰.

Thus the right to protection against domestic violence is enjoyed by:

- Spouses or former spouses,
- Children, parents and other blood relatives, persons in in-law or adoptive relation or persons involved in foster care;
- Persons living or having lived in the same domestic household;
- Common-law partners or former common-law partners;
- Persons who have been or are still involved emotionally or sexually, or persons who have a child together or child on the way, even though they have never shared a domestic unit together.

It may be concluded that the Family Law envisages a wider group of persons entitled to protection against domestic violence in comparison to the common understanding and the generally accepted definitions of the family and/or persons constituting a family. However, the Criminal Code of

¹⁰ Family Law (Official Gazette of the Republic of the Republic of Serbia, no. 18/2005), Article 197 paragraph 3.



the Republic of Serbia¹¹, based on the generally accepted understanding of the family, prescribes a narrower group of persons entitled to the criminal and legal protection against domestic violence. Thus the Criminal Code stipulates that a family member may constitute **spouses, their children, spouses' first bloodline ancestors, common-law partners and their children, adoptive parents and adopted children, foster parents and foster children, as well as siblings, their spouses and children, former spouses and their children and former spouses' parents if they share the residence.**

It may be concluded that family members, pursuant to the Criminal Code, do not include persons who have a child together or child on the way that have not shared a domestic household.

VI CIVIL LAW PROTECTIVE MEASURES AGAINST DOMESTIC VIOLENCE AND THE PROCEDURE

- Obligations of the Centre for Social Work – Custody Authority -

Civil law protective measures against domestic violence are laid down in the Family Law. The provision of Article 198 stipulates that one or more measures for protection against domestic violence may be imposed against a family member who has committed violence, which temporarily prohibit or restrict maintaining personal relationships with other family members and may be imposed by the court within civil proceedings.

Protective measures against domestic violence are as follows¹²

- An order for eviction from the family home or an apartment, regardless of ownership or leasehold;
- An order to move into a family house or an apartment, regardless of ownership or leasehold;
- Prohibiting approach to a family member at a certain distance;
- Prohibiting access to the area around the residence or workplace of a family member;
- Prohibiting further harassment of the family member.

11 Criminal Code (Official Gazette of the Republic of Serbia, no. 107/2005, 72/2009, 111/2009 and 121/2012) Article 194.

12 Family Law (Official Gazette of the Republic of the Republic of Serbia, no. 18/2005), Article 198, paragraph 2.

Imposed protective measures against domestic violence may last up to one year and may be extended until the reasons for which the measure was imposed cease to exist. The measure or measures for protection against domestic violence may cease before the expiry of their duration if the reasons for which they were imposed cease to exist.

Proceedings relating to protection against domestic violence before the territorially competent court of general jurisdiction and/or before the basic court within whose territorial jurisdiction is the place of permanent or temporary residence of the family member against whom violence has been committed, may be initiated by the complaint submitted by a family member against whom violence has been committed, his legal representative, public prosecutor **and custody authority**. The complaint for the termination of protective measure against domestic violence may be submitted by the family member against whom a certain measure has been imposed. Proceedings relating to protection against domestic violence shall be particularly urgent. The court is required to hold the first hearing within eight days as of the date the complaint was received by the court and the appellate court shall render a decision within fifteen days upon receipt of the appeal.¹³

The provisions of the Family Law particularly stipulate the obligations of the centre for social work – custody authority within the procedures for protection against domestic violence. The Family Law lays down basic obligations of the centre for social work – custody authority in implementing the procedures for protection against domestic violence, in accordance with its scope of work¹⁴:

Obligations of the centre for social work – custody authority are as follows:

- Initiate the proceedings for protection against domestic violence by submitting a complaint;
- If it the proceedings for protection against domestic violence have not been initiated, provide assistance to the court in obtaining the necessary evidence;
- If the proceedings for protection against domestic violence have not been initiated, give an opinion on the usefulness of the measures sought;
- Maintain records and documentation on domestic violence..

13 Family Law (Official Gazette of the Republic of the Republic of Serbia, no. 18/2005), Articles 283, 284. and 285

14 Family Law (Official Gazette of the Republic of the Republic of Serbia, no. 18/2005), Articles 284, 286 and 289.



In line with the above, it can be concluded that the role of the centre for social work - custody authority is a very important one, especially when taking into account that the court is not bound by the limits of the claim when imposing civil law measures for protection against domestic violence and that it can impose a measure that has not been sought if it deems that such a measure may achieve the best protection (deviation from the principle of disposition)¹⁵.

VII PROCEDURE OF THE CENTRE FOR SOCIAL WORK – CUSTODY AUTHORITY IN THE ORGANIZATION OF PROTECTION, ASSISTANCE AND SUPPORT FOR THE VICTIM OF DOMESTIC VIOLENCE¹⁶

1. Identification of Violence¹⁷

Physical violence against women within the family:

Physical violence is the deliberate use of physical force that can cause pain, injury, disability or death. It includes behaviour such as scratching, pushing, hair-pulling, shaking, slapping, hitting, kicking, biting, strangling, stabbing, burning, physical restraint, battering and killing, not excluding other manifestations.

Sexual violence against women within the family:

Sexual violence is a sexual act without consent or the ability of the victim to choose to give consent, regardless of whether the act has been performed; sexual act or attempt of this act when a person is not in the position to consent to or refuse participation due to illness, disability, influence of psychoactive substances, age, that is, because of intimidation, blackmail or pressure; painful and humiliating sexual act. Intimidation, blackmail or pressures to participate in an unwanted sexual act include using words, gestures, objects or weapons expressing intention to cause pain, injury or death.

¹⁵ Family Law (Official Gazette of the Republic of the Republic of Serbia, no. 18/2005), Article 287.

¹⁶ This chapter of the Special Protocol is developed based on the structure of the procedure and standards of work prescribed in the Rulebook on the Organization, Norms and Standards of Work in Centres for Social Work.

¹⁷ The definitions of specific types of domestic violence are taken from the General Protocol.

Psychological violence against women within the family:

Psychological violence is the violation of victim's serenity through behaviour, threats and applying methods of intimidation with or without using tools and weapons that can inflict physical injuries. It includes the humiliation of victims, controlling their behaviour, withholding information, embarrassing and degrading, blaming, isolating the victim from friends and family, manipulating children and degrading the victim as parent, denying access to money and other resources influencing the victim's mental and emotional state. A specific form of psychological violence is controlling the victim by way of following or stalking, with repeated use of harassment and intimidation, such as stalking a person, appearing at their place of work or residence, making disturbing phone calls, sending letters and messages and destroying the victim's property.

Economic violence against women within the family:

Economic violence is a form of psychological violence which includes unequal access to joint resources, denying or controlling access to money, prevention of employment or education and professional advancement, denying rights to property, forcing renouncement of property, alienating property without consent, not excluding other manifestations.

2. Detection of Violence

Professionals of the centre for social work – custody authority may discover and/or detect an individual case of domestic violence **directly** when performing their scope of activities in the field of social and family protection. Another way of learning about individual cases of domestic violence by the centre for social work – custody authority is detecting them **indirectly**, by means of reports filed by other state bodies, organizations, institutions, victims of domestic violence, relatives and citizens.

Irrespective of the manner of detection, the centre for social work – custody authority is obliged to respond in the following way:



- Upon learning directly about the committed act of domestic violence or learning that there is a risk of domestic violence, the centre for social work shall immediately institute the proceedings ex officio and undertake to open the case thereof and conduct screening and determine the level of priority of response. An official record is made of direct detection;
- If the information came indirectly, through a report, the centre for social work – custody authority organizes a receipt of the report which includes: accepting submissions, receiving telephone calls or personal contact with the applicant or the person who reported the incident, assistance in drafting an appropriate motion, providing the necessary information to the applicant, referrals to other relevant services and initiating the case within the centre, as well as verifying eligibility and determining the priority of response. (Motions shall include: requests, automatic data processing forms, applications, petitions, appeals, complaints, initiatives and other means through which the user or other natural person or legal entity may address the centre).

3 Eligibility Assessment

In a professional procedure, upon conducting the reception of the report it is necessary to conduct screening and the assessment of eligibility of the report of domestic violence. Screening and the assessment of eligibility shall be conducted in the following manner:

- In case of the report being made orally, the professional conducting the reception procedure shall notify the applicant on the competencies and procedures conducted in the centre, lead a standardized interview with the applicant on all relevant facts known to them on the committed act of domestic violence (time, place, manner, duration, known consequences and the victim – victims and witnesses of domestic violence and possible involvement of other institutions in response to the act of domestic violence) and shall check if the family or the individual is already registered in the centre for social work – custody authority and on which grounds. The professional shall fill in the Reception Form based on the data obtained through the interview, the enclosed documentation and the conducted check.

- If the motion was submitted by mail, fax, e-mail or similar means, the professional conducting the reception procedure shall write down the arrival of the motion, look into the information contained and check whether the case has been registered with the centre and on which grounds.
- Based on the conducted interview with the applicant and/or analysis of the contents of information contained in the application and having checked if the case has been registered with the centre and on which grounds, the professional conducting the reception procedure shall make a decision to forward the Reception Form, together with the opened File on the beneficiary, to the manager of the service in charge of responding to the motion and/or to the professional in charge of assessment if there are no services established as specific organizational units within the centre. Such action is obligatory in all cases if the contents of the motion corresponds to the description of situation of an adult victim of domestic violence, person with disability or an elderly person suspected of being neglected, abused or exploited.

4. Determining the Priority of Response

The professional conducting the reception procedure is obliged to assess each report from the viewpoint of priority of response. If they assess that urgent intervention is necessary, they shall take action to organize the urgent intervention.

In all other cases, the professional, having conducted the assessment, shall write down the suggested priority of response onto the reception form and shall forward the case to the manager of the appropriate service and/or delegated case leader.

The circumstances taken into account in determining the priority of response in cases of domestic violence and described are:

- Need for support and/or security of the victim or the child who is an indirect victim of domestic violence;
- Specific characteristics of the situation and the severity of circumstances threatening the victim or the child who is an indirect victim of domestic violence which may lead to acute domestic violence, which cannot be prevented;
- If the victim of domestic violence or the child who is an indirect victim of domestic violence has sustained physical injury or if the threat is such that it may lead to physical injury;



- Prior knowledge of the centre for social work – custody authority on the specific case of domestic violence;
- Quality of cooperation of members of the family where violence takes place or in which there is a risk of occurrence of domestic violence, in prior contact with the professionals of the centre for social work – custody authority;
- Objective and subjective circumstances in the family and the relations of family members which threaten the victim of violence or the child who is an indirect victim of domestic violence;
- Other circumstances which indicate the priority of action in cases of domestic violence.

5. Urgent Interventions

The centre for social work – custody authority is obliged to provide directly, or in cooperation with other services and bodies in the local community, an urgent service to the victim of domestic violence, when it is necessary to undertake measures for ensuring security and protection of health and/or when there are justified reasons for suspicion that failing to undertake urgent measures and services in the mandate of the centre for social work – custody authority would threaten the life, health and development of the victim of domestic violence who needs protection.

Urgent intervention shall be provided immediately or no later than 24 hours as of the moment the case has been detected and/or the assessment of eligibility of report has been conducted in the course of screening.

If needed, urgent intervention may be conducted in cooperation with internal affairs bodies and health care institutions.

Urgent intervention is about ensuring promptly the following:

- Security of the victim of domestic violence;
- Health care of the victim of domestic violence;
- Existential conditions for the victim of domestic violence.

Security of the victim of domestic violence may be ensured by:

- 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,
- 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 assessment of security, in turn determining other elements which shall prevent access of the perpetrator of domestic violence to the victim.

Health care of the victim of domestic violence shall be ensured by:

- Conducting urgent medical examination to establish if there are any traces of physical or sexual violence;
- Providing urgent health care to remedy injuries resulting from physical or sexual violence;
- Providing professional psychological or psychiatric assistance to establish the level of psychological trauma as a consequence of exposure to domestic violence and to achieve psychological stability of the victim of domestic violence.

Existential needs of the victim of domestic violence shall be ensured by providing:

- Food;
- Hygiene;
- Clothes;
- Footwear.



6. Response Priority Levels

In cases of domestic violence, on the basis of identified circumstances which are taken into account when determining the priority of response and which are being described, the manager of appropriate service shall determine the priority of response:

- **“immediate”** – if in the specific case the collected data indicate acute violence with immediate threatening to the physical and emotional integrity of the victim or a high risk that such violence may occur, the initial assessment procedure takes place immediately, and immediate intervention must be performed as soon as possible, and no later than 24 hours thereon;
- **“urgent”** – if the collected data indicate that a child is a victim of domestic violence under moderate risk of threat to their physical and emotional integrity, the initial assessment takes place immediately, and no later than three days (72 hours) as of the report and/or detection of the case of domestic violence;
- **“regular”** – if the collected data indicate that the risk of violence occurring in the family is low and/or the level and quality of established communication among family members and the organization of family life is such that it may not result in domestic violence in immediate future, the procedure of initial assessment takes place immediately and no later than five working days as of the report and/or detection of domestic violence.

7. Initial Assessment, Planning Initial Assessment and the Procedure

The initial assessment of the status and the needs of the beneficiary – victim of domestic violence is initiated and realized once the case has been opened, the decision on the level of priority of response has been made, urgent interventions have been undertaken if needed and the case leader has been designated. Initial assessment takes place immediately and lasts no longer than seven working days, and is conducted by the professional who is the case leader, in cooperation with a supervisor.

The initial assessment is planned on the basis of available data and information on the case of domestic violence. The initial assessment procedure

is a basis for determining the scope of work with the beneficiary – victim of domestic violence and their family to ensure adequate and timely services. It is obligatory to involve the beneficiary – victim of domestic violence in the identification of the scope and dynamics of work, as well as other persons relevant to perform initial assessment.

The contents of the initial assessment plan:

- Persons relevant to the specific case of domestic violence which shall be contacted to collect information;
- Persons which shall be involved in the assessment procedure;
- Services which shall be contacted to collect information or data necessary to document domestic violence or undertake specific measures (e.g. the police authorities, health services, other professionals if needed);
- Manner of collecting the necessary data (standardized or semi-standardized interviews, collection of personal and other relevant documentation, tests, scales, questionnaires, visit to their home, school, working place, etc);
- Timeframe for the implementation of each activity.

Scheduling a first contact with the beneficiary – victim of domestic violence and other family members or other persons to collect data and information may be conducted by phone or in writing. A first contact may be conducted in the family household of the beneficiary – victim of domestic violence, in the institution or where the beneficiary – victim of domestic violence is placed or in the official facilities of the centre for social work – custody authority.

Initial assessment shall include the following procedures:

- Observation and interview with the beneficiary – victim of domestic violence and/or the child, the witness – indirect victim of domestic violence and any other person in the household (interview with the child shall be adapted to the age and communication abilities of the child);
- Observation and interview with the members of a wider family, other relevant persons in the environment of the beneficiary – victim of domestic violence;



- Direct observation of the living conditions in the family where violence has, or is occurring, or if there is a high risk that it may occur – in the field;
- Collection and analysis of information from other sources including the existing documentation in the centre, health care, education and other institutions;
- Collection of relevant data and/or findings and professional opinions from professionals employed in institutions of socially organized systems.

Initial assessment shall comprise the following components relating to the **needs** of the beneficiary – victim of domestic violence and the child who is an indirect victim, the witness of domestic violence and the family itself; **security** of the beneficiary – victim of domestic violence and the child who is an indirect victim, the witness of domestic violence; **risks, social history, needs, the family and data on domestic violence**:

- Description and assessment of the needs of the beneficiary – victim of domestic violence and/or the child who is an indirect victim, the witness of domestic violence and the family itself (personal characteristics and development needs – health, education, development of emotions and behaviour, identity, presentation in society, ability to look after themselves, family and social status of the beneficiary – victim of domestic violence and/or the child who is an indirect victim, the witness of domestic violence);
- Description and assessment of family functioning (personal characteristics of the beneficiary – victim of domestic violence and/or the child who is an indirect victim, the witness of violence, members of close and wider family, physical and mental health, substance abuse, mental disability, childhood abuse, stability of the family system, family history and functioning, support of a wider family);
- Description and assessment of the social status in the narrow sense of the beneficiary – victim of domestic violence and/or child who is an indirect victim, the witness of violence and members of a closer family (employment, income, housing status, status of the family in the community, community resources);

- Summary assessment: assessment of strengths, personal, family and environment resources which may contribute to overcoming the issues and difficulties and the assessment of security and description of risks and/or main problematic areas. Security assessment focuses on the current situation and the potential severity of the committed act of domestic violence. Risks relate to forecasting unfavourable or dangerous patterns of behaviour, situations and circumstances which may occur in the future and include factors threatening to the security, health and existential conditions of the beneficiary – victim of domestic violence and/or child who is potential victim, the witness of violence and members of a closer and wider family.
- Procedures with the family to create a secure situation for the beneficiary – victim of domestic violence and/or child who is an indirect victim, the witness of domestic violence and members of a closer or wider family and/or overcome current difficulties in the functioning of the family if the assessment indicates that this is possible;
- Undertake procedures to protect the beneficiary – victim of domestic violence and/or child who is an indirect victim, the witness of violence and members of a close family and ensure access to services which are to enable that the current situation is overcome and the problem is dealt with.

The results of the conducted initial assessment are reported in line with the form prescribed in the Rulebook on the Organization, Norms and Standards of Work of the Centre for Social Work or as part of the special findings and professional opinion. The findings of the initial assessment shall be imparted to the beneficiary – victim of domestic violence, in line with their ability to understand the necessary information, or to the child who is an indirect victim and the witness of violence to the extent in which they are able to understand depending on their age and maturity. Other persons, members of the closer and wider family, as well as persons or services that have detected or reported the case or have taken part in the assessment procedure shall be informed about the findings of the conducted initial assessment only if that does not threaten the security of the beneficiary – victim of domestic violence or the child who is an indirect victim or the witness of violence, or the investigation in pre-criminal and criminal proceedings.

The decision on the group of persons or services which are to be informed and the manner of imparting the information on the findings of the initial assessment shall be made by the case leader upon approval of the supervisor and/or service manager.



When deciding on undertaking measures of protection of the beneficiary – victim of domestic violence, in the course of the initial assessment procedure, the case leader shall consult with the supervisor or service manager prior to decision making. The decisions shall be made and justified in written, irrespective of their tackling professional procedures or an individual administrative instrument.

8. Directed Assessment, Planning and the Procedure

In cases of detected and reported cases of domestic and intimate partner violence against women, the custody authority shall conduct directed assessment, as these are cases entering or which may enter civil law or criminal proceedings, and there is the complexity of components affecting the decision. Furthermore, the obligation to conduct directed assessment comes from the need to gain detailed insight into all aspects and needs of the beneficiary – victim of domestic violence within the relevant professional procedure, in order to ensure the provision of adequate services.

The directed assessment procedure shall last no longer than 30 working days as of the day of finalization of screening. In exceptional cases, upon approval of the supervisor, the duration of the directed assessment may be extended, unless this is in conflict with the law-prescribed deadlines, for a period no longer than 30 working days.

Planning of the directed assessment

The case leader, with support and consent of the supervisor and/or service manager conducts the planning of:

- Identification of the area of assessment;
- Members of the family or other relevant persons from the beneficiary's environment that should be involved in further assessment;
- Areas of assessment which necessitate the involvement of other professionals of the centre for social work – custody authority, which call for cooperation of professionals from other institutions and services;

- Special bodies, organizations and institutions which should be involved in the procedure (police authorities, health care institutions, national employment service, etc);
- Identification of the manner of collecting necessary factual data (interviews, documentations, tests, scales, questionnaires, visits to home, school, workplace etc);
- Identification of deadlines for the implementation of necessary activities.

Findings and Professional Opinion, Structure and Contents

Findings and the professional opinion is composed by the case leader in writing when it is necessary to submit findings of assessment to a court, another body or institution or when it is necessary to refer the beneficiary to a service under the mandate in another institution or organization

The findings and professional opinion on the conducted directed assessment of the status and needs of the beneficiary – victim of domestic violence shall contain the findings of the assessment, undertaken and planned services and measures of protection, assistance and support:

- Personal data on the beneficiary – victim of domestic violence and the situation description and the reason for instituting the procedure in the centre for social work – custody authority;
- Overview of the problem of the beneficiary – victim of domestic violence;
- How the beneficiary – victim of domestic violence perceives the role and their expectations from the centre for social work – custody authority;
- How relevant persons from the family and social environment of the beneficiary – victim of domestic violence, which were directly or indirectly involved in the assessment, perceive the problem of domestic violence and family functioning, the role and expectations in reference to the interventions of the centre for social work – custody authority;
- Assessment of security of the beneficiary – victim of domestic violence and the needs for interventions which are to ensure security thereof;
- Assessment of personal potentials of the beneficiary – victim of domestic violence and the potentials of their family and wider environment;



- Assessment of 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);
- Assessment of social support enjoyed by the beneficiary – victim of domestic violence and the family;
- Description and assessment of the current situation and social history of the beneficiary of the victim – domestic violence, including their status in the family, the method of meeting the needs in the family, emotional, physical and social functioning and difficulties thereof;
- Description and assessment of family environment and functioning, including the physical environment of the family (household), housing conditions, neighbourhood, family structure, stability, causes of stress and relations among family members;
- Description of education levels, employment and income of all family members;
- Description of other relevant characteristics of the beneficiary – victim of domestic violence such as cultural or religious affiliations, nationality, which affect or may affect the dynamics of internal family relations and the manner of meeting the needs of the beneficiary – victim of domestic violence;
- Description of the history of domestic violence in relation to family members;
- Description and assessment of the health status and needs of the beneficiary – victim of domestic violence in particular from the viewpoint of mental health, including the history of health treatments, medicines and hospitalizations,
- Description of abuse of psychoactive substances (alcohol, drugs, tablets and other substances) by the beneficiary – victim of domestic violence and other family members if this is relevant to the problem;
- Description of undertaken and planned measures and services by the centre for social work – custody authority and other relevant services and institutions;
- Proposal of other measures and services which are necessary for the stabilization of the beneficiary's needs – victim of domestic violence and meeting their needs.

9. Planning and Types of Plan

Aiming at a timely, comprehensive and continued provision of services for the beneficiary – victim of domestic violence, special plans of services and measures are developed.

The development of a plan of services and measures shall involve: the case leader and members of the team of professionals; the beneficiary – victim of domestic violence, other relevant persons from the family and wider environment of the beneficiary – victim of domestic violence; professionals and representatives of other services who took part in assessment procedures or are providing, or should be providing services to the beneficiary – victim of domestic violence or their family. 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.

The plan of services and measures in cases of domestic violence shall be adopted:

- Initial plan of services and measures no later than 15 days from the day on which work with the beneficiary – victim of domestic violence started;
- Plan of services and measures upon finalized directed assessment, no later than 60 days from the day on which work with the beneficiary – victim of domestic violence started;
- Plan for stabilization, independence and integration of the beneficiary – victim of domestic violence;
- Other plans focused on the provision of assistance and support for the beneficiary – victim of domestic violence.

Plans of providing services to the beneficiary – victim of domestic violence shall contain:

- Description of the status contained in the assessment and the identified risks to be dealt with;
- Identification of general and specific objectives, specified as desired and/or expected outcomes;
- Identification of indicators of expected outcomes which should indicate that the existing problem, need or risk has been overcome, reduced or the need has been satisfied;
- Identification of activities to achieve objectives and outcomes;
- Identification of who, how, when and where they are to realize the activities, in order to achieve the defined objectives



- Identification of the timeframe for the beginning and finalization of the task;
- Identification of verification means relating to the achievement and realization of general and specific objectives of work;
- Identification of methods and deadlines for reassessing the plan and repeated planning if necessary.

In the course of planning, it is necessary to make sure that reasonable measures are undertaken, which are in line with the principle of least restrictive intervention and which are relevant for achieving and maintaining an optimum level of meeting the needs of the beneficiary – victim of domestic violence.

The plan of services and measures is monitored and assessed continuously; the undertaken services, measures and interventions are documented, harmonized and altered in line with the identified objectives.

Reassessment is conducted on the basis of the findings of evaluation at least every six months from the day of adoption of the plan of services, unless the plan envisages a shorter period of time.

Reassessment and evaluation should indicate

- Whether the undertaken services and measures respond to the needs of the beneficiary – victim of domestic violence;
- Which barriers and circumstances obstruct the progress against the identified objectives and outcomes;
- Whether the established deadlines are appropriate and whether they should be changed and adapted to the newly occurred circumstances;
- Whether the beneficiary – victim of domestic violence and the family need some additional services and the manner in which these may be provided;
- Whether the services are coordinated adequately to respond to the needs of the beneficiary – victim of domestic violence in a timely, harmonized and effective manner.

10. Finalization of Work

Work with the beneficiary – victim of domestic violence and/or provision of services 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 committed violence in the family have been eliminated;
- Organization of life of the beneficiary – victim of domestic violence is such that 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 – custody authority;
- 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.

Termination of work with the beneficiary is documented by the case leader by entering the following into the official documentation:

- Reasons for termination of work on the case;
- Short overview of provided services, including progress achieved in line with social protection objectives;
- Assessment of remaining risks including an assessment of the current situation of the beneficiary and the family, needs, strengths and risks;
- Closing remarks.

The decision on termination of work with the beneficiary – victim of domestic violence shall be verified by the supervisor or service manager prior to termination of work.



VIII PARTICULARLY IMPORTANT ISSUES THAT PROFESSIONALS EMPLOYED IN THE CENTRE FOR SOCIAL WORK – CUSTODY AUTHORITY SHOULD KNOW

1. Why does a woman stay with her perpetrator?¹⁸

- She does not enjoy support from anybody,
- Nobody believes her,
- Others blame her,
- Legal proceedings are too long,
- She is afraid of her perpetrator,
- She lacks income,
- She has nowhere to go,
- She has children,
- She is afraid that he may take away her children,
- She is ashamed of what people may think of her,
- She depends emotionally on her partner,
- She takes care of the perpetrator,
- She believes that things are going to improve.

2. Active Role of the Centre for Social Work – Custody Authority in Proceedings of Criminal Law and Civil Law Protection against Domestic violence and in Partner Relations

Domestic and/or intimate partner violence against women is a criminal offence. Every state authority is obliged to report the criminal offence to competent services immediately upon detecting that a criminal offence has taken place. Reporting may be done before the competent police administration or the competent public prosecutor by filing a criminal report.

¹⁸ Autonomous Women's Centre. Relying on the statistical data which indicate that women and children are most commonly victims of domestic violence, professionals employed in the centre for social work – custody authority should take into account these facts when responding to the phenomenon of domestic and intimate partner violence.

Every victim of domestic violence or a woman who is a victim of intimate partner violence has the right to protection, immediate termination of violence and that civil law measures of protection against domestic violence be taken against the perpetrator as laid down in the provisions of the Family Law. It is the duty of the centre for social work – custody authority to assist the beneficiary – victim of domestic violence or the woman who is a victim of intimate partner violence to seek and take part in the criminal proceedings for protection against domestic violence. It is the duty of the centre for social work – custody authority to use their authorities laid down in the Family law to institute on their own the criminal proceedings for protection against domestic violence in every case when they identify the inability of the beneficiary – victim of domestic violence.

IX SPECIAL OBLIGATIONS OF THE CENTRE FOR SOCIAL WORK – CUSTODY AUTHORITY IN THE IMPLEMENTATION OF THE SPECIAL PROTOCOL

Entering the Cooperation Agreement

The centre for social work – custody authority is under obligation to undertake the signing of a cooperation agreement on the local level among institutions and other organizations whose cooperation is necessary for an efficient achievement and delivery of protection of victims of domestic and intimate partner violence, within a year of the day of adoption of the Special Protocol in view of their coordination role on the local level in order to meet the needs of persons suffering violence in the family and in partner relations, pursuant to Article 58 of the Law on Social Protection.

Establishment of the Internal Team and the Identification of Procedures

The centre for social work – custody authority is under obligation, within six months as of the day of adoption of the Special Protocol, to elaborate internal actions in more detail with a view to a more effective protection of women against domestic and intimate partner violence and establish a separate internal team of professionals to tackle the phenomenon of domestic violence, intimate partner violence and provide assistance and support to victims.



X CLOSING PROVISIONS

The directors of the centre for social work – custody authority shall be responsible for the implementation of the Special Protocol.

The Republic Institute for Social Protection shall conduct monitoring and analysis of the impact of the implementation of the Special Protocol and shall compile a report thereof which shall be submitted to the Ministry of Labour, Employment and Social Policy until the end of February of the current year for the previous year.

