

# Prevention and Suppression of Domestic Violence in the Republic of Serbia<sup>1</sup>

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*Deriving from the commitments agreed and accepted by the ratification of the convention on preventing and combating violence against women and domestic violence, the National Assembly of the Republic of Serbia (RS) passed a law on countering domestic violence. This paper addresses three issues regarding this matter. The first issue examines the state of security in the domain of domestic violence in the RS. The second issue examines the countering of domestic violence in the Republic of Serbia with special emphasis on the period of 01.06.2017 onwards, since that date is being recognized as the date when this law came into effect. The third issue examines the problems and difficulties of application of this said law in the RS.*

**Keywords:** prevention, violence, domestic, victim, perpetrator

Domestic violence is one of the issues of overall social concern and it is in the spotlight of attention, while prevention of domestic violence remains one of the high profile issues of public security, not only in the EU<sup>3</sup> but in the Republic of Serbia,<sup>4</sup> as well.

Apart from the fact that it is the cause of numerous negative physical, psychological, social and financial consequences, domestic violence attracts public attention and becomes the focus of prevention agents, with additional burden and the patriarchal

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<sup>3</sup> “Nearly 25 percent of women in the European Union have been victims of physical or sexual violence by their partners since the age of fifteen, more than 25 percent of Europeans justify sexual intercourse without consent, more than 20 percent of Europeans think that women often fabricate or exaggerate that they are abused or raped” said the Deputy Head of the European Union Delegation to Serbia Mateja Norčić Štamcar. *Nasilje nad ženama je ozbiljan društveni problem!*, 2017. Source: [www.alo.rs/stefanovic-nasilje-nad-zenama-je-ozbiljan-drustveni-problem/132921](http://www.alo.rs/stefanovic-nasilje-nad-zenama-je-ozbiljan-drustveni-problem/132921) (Downloaded: 25.11.2017.)

<sup>4</sup> Subošić–Stevanović (2018) 319–330.

tradition embodied deeply within the majority of Serbia's society.<sup>5</sup> Having said that, the first question that this paper is dealing with is the state of security in the domain of the domestic violence in the Republic of Serbia in 2015–2017.

As one of the key problems in preventing domestic violence, a legal and security vacuum was recognized in the course of protection of victims of this kind of violence, in the period from its reporting to the completion of the appropriate court procedure after the charge,<sup>6</sup> during which the victims were particularly exposed to risk of repeated or escalated violence, primarily due to the lack of an appropriate legal framework for their emergency protection. With the aim of more efficient and effective treatment of competent state authorities and institutions in preventing this type of violence, and in providing protection and support to its victims, the Council of Europe adopted on May 11, 2011 in Istanbul, the *Convention on the Prevention and Fight against Violence against Women and domestic violence*.<sup>7</sup> Starting from the obligations assumed by the ratification of this *Convention*, on November 23, 2016, the National Assembly of the Republic of Serbia adopted the *Law on the Prevention of Domestic Violence*.<sup>8</sup> This law was adopted with the aim of regulating the organization and treatment of competent state authorities and institutions in a general and unified way, and thus to enable effective prevention of domestic violence and urgent, timely and effective protection and support for victims of this kind of violence.<sup>9</sup>

As per that law, the prevention of domestic violence encompasses the following: 1. a set of measures that reveal the immediate danger resulting from that violence; and 2. a set of measures that can be applied when that type of danger is discovered.<sup>10</sup> The above set of measures is structured in such a way to, basically, perform *the assessment of the risk* of domestic violence in a specific (reported) case, while the second set of measures relates, first of all, to the *imposing of urgent measures*<sup>11</sup> on the suspected perpetrator and on the implementation of these measures in the function of protection of victims and support to the victims of that violence. Regarding this, the second question that this paper deals with is the response to domestic violence in the Republic of Serbia.

There are numerous problems with the enforcing of the law. The third question that is dealt with in this paper is precisely the identification and resolution of those issues. This issue concerns the problems of the implementation of the *Law on Prevention of*

<sup>5</sup> Explanation of the Proposal of the New Law on the Prevention of Domestic Violence, 2016. Source: [http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi\\_zakona/2675-16%20lat.pdf](http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/2675-16%20lat.pdf) (Downloaded: 25.11.2017.)

<sup>6</sup> It refers predominately to the court proceedings that are being led according to the Criminal Code, Official Gazette of RS, No. 85/2005, 88/2005 – correction, 107/2005 – correction, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016, Law on Civil Procedure, Official Gazette of RS, No. 72/2011, 49/2013 – Constitutional Court Decision, 74/2013 – Constitutional Court Decision and 55/2014 and in accordance with the Family Law, Official Gazette of RS, No. 18/2005, 72/2011 – second Law and No. 6/2015.

<sup>7</sup> The Convention was ratified on 31 October 2013; Official Gazette of RS – International Contracts, No. 012/13.

<sup>8</sup> Official Gazette of RS, No. 94/2016.

<sup>9</sup> Law on the Prevention of Domestic Violence, Official Gazette of RS, No. 94/2016, Article 2.

<sup>10</sup> Ibid. Article 3, Para. 1.

<sup>11</sup> Ibid. Article 17, Para. 2. According to this legal provision, the suspected perpetrator may be ordered to be taken immediate measures against: 1. temporary removal from the apartment and/or 2. temporary prohibition to contact the victim and to approach her.

*Domestic Violence in the Republic of Serbia.* This issue is very current in the Republic of Serbia, bearing in mind that the law came into force on June 1, 2017.

## The State of Security in the Domain of Domestic Violence in the Republic of Serbia in 2015–2017

In the period 2015–2017, the share of criminal charges for a criminal offence stipulated in Article 194 of the Criminal Code “Domestic Violence” ranges from 4.83% (in 2015) over 6.37% (in 2016) to 7.66% (in 2017) of the total number of all criminal charges filed in the Republic of Serbia.<sup>12</sup> In addition to the significant representation and a rising trend, the criminal offence “Domestic Violence” affects the state of overall security of the Republic of Serbia, among other things, and carries severe consequences, even with fatal outcomes ( $n_{2015}=36$ ).<sup>13</sup> The above mentioned highlighted numbers of “Domestic Violence” need to be updated with the nominal number, the number of total criminal reports filed, the number of victims, gender and age structure of the victims, the number of perpetrators, their gender and age structure in order to fully understand the state of security in this domain in the Republic of Serbia. All these data are listed and analyzed in the following tables and charts.

*Table 1: The criminal offenses referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 in the Republic of Serbia*

		Number of crimes	Number of criminal charges	Number of victims	Number of victims		Number of perpetrators	Number of perpetrators	
					M	F		M	F
The Republic of Serbia	2015	5,351	5,257	5,373	1,197	4,176	4,831	4,461	370
	2016	6,244	6,135	6,317	1,408	4,909	5,649	5,169	480
	2017	7,106	6,999	7,344	1,715	5,629	6,509	5,912	597

*Source: Drawn by the author*

The state of domestic violence in Serbia has been inserted into trends in the following chart.

<sup>12</sup> The number of criminal offences for 2015 and 2016 was taken from: Zajc–Nikolić (2017). The number of criminal offences for 2017 was taken from: MUP SRBIJE: U 2017. godini postignuti rekordni rezultati, 2017. The number of criminal offences as per Article 194 “Domestic Violence” Criminal Code of the Republic of Serbia for 2015, 2016 and 2017 was taken from: File MoI RS 05 no. 050–95/18–1 dated 09.01.2018.

<sup>13</sup> The total number of fatalities from domestic violence in the Republic of Serbia in the period 2011–2015 is 269, i.e. 53.8 persons per year. Cf. Živković–Tončić–Racić et al. (2017) 36.

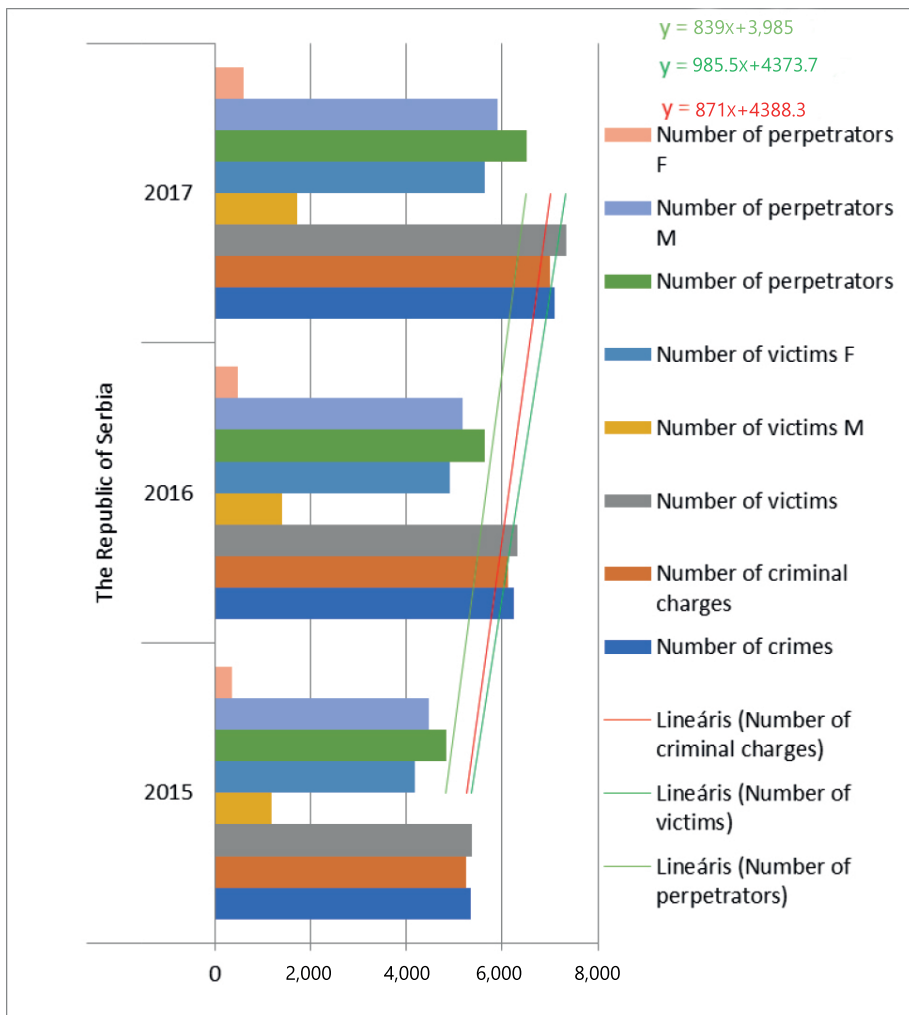


Figure 1: The criminal offenses referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 in the Republic of Serbia

Source: Drawn by the author

Negative trends of all eight measured and observed values are noticeable from the previous table and chart. Among them, the following values are especially important: 1. Number of criminal reports filed; 2. Number of victims; 3. Number of perpetrators (trends of these values are shown on the chart). Through analysis of a linear function:

$$y = kx + b \quad (1)$$

where:

y – dependent variable

k – direction coefficient

x – independent variable and

b – section on the y axis (initial state)

Thus, we can draw the following conclusions:

- according to the *coefficient of direction* (k) the most noticeable trends are: 1. the increase in the number of victims, then 2. the number of criminal reports filed and finally 3. the number of perpetrators
- when it comes to y axis segment (b) – it is notable that 2. the number of criminal charges is greater than 1. the number of victims, 1. the number of victims is greater than 3. the number of perpetrators and
- there is an increasing nominal difference between these variables.

This is followed by an analysis of the basic characteristics of victims of the criminal offence “Domestic Violence”. The analysis was based on their gender and age.

Table 2: The number of victims referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to gender and age, in the Republic of Serbia.

			Number of victims	Number of victims	
				M	F
The Republic of Serbia	2015	Unknown age of victim	3		3
		Age up to 6 years	39	24	15
		Age from 7 to 11 years	81	53	28
		Age from 12 to 14 years	89	38	51
		Age from 15 to 17 years	130	39	91
		Age from 18 to 20 years	146	37	109
		Age from 21 to 30 years	879	133	746
		Age from 31 to 40 years	1,166	122	1,044
		Age from 41 to 50 years	1,006	147	859
		Age from 51 to 60 years	837	220	617
	Over 60 years old	1,011	386	625	
	2016	Unknown age of victim	5	2	3
		Age up to 6 years	41	22	19
		Age from 7 to 11 years	89	43	46
		Age from 12 to 14 years	88	31	57
		Age from 15 to 17 years	146	47	99
		Age from 18 to 20 years	196	53	143
		Age from 21 to 30 years	993	165	828
		Age from 31 to 40 years	1,310	151	1,159
		Age from 41 to 50 years	1,219	187	1,032
		Age from 51 to 60 years	956	241	715
	Over 60 years old	1,287	468	819	
	2017	Unknown age of victim	1		1
		Age up to 6 years	57	31	26
		Age from 7 to 11 years	114	75	39
		Age from 12 to 14 years	155	72	83
		Age from 15 to 17 years	190	64	126
		Age from 18 to 20 years	253	63	190
		Age from 21 to 30 years	1,142	183	959
		Age from 31 to 40 years	1,492	217	1,275
		Age from 41 to 50 years	1,314	206	1,108
		Age from 51 to 60 years	1,125	293	832
	Over 60 years old	1,523	517	1,006	

Source: Drawn by the author

From the previous table it can be concluded that the victims of domestic violence are children, women and men, of all ages. This is followed by an analysis of the number of

victims by age. Since there were victims of an undetermined age, as well as those aged up to 6 or over 60, the mean value of the age of victims cannot be determined on the basis of the calculated data, but it is possible to give an estimate on the basis of the mean position. A suitable method is the method of *modus*, i.e. the most frequent value among all represented values. Such a value is  $n = 3,968$ , which corresponds to victims aged 31 to 40 years.

*Table 3: The number of victims referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to age in the Republic of Serbia.*

<i>Age of victims</i>	<i>Number of victims</i>
Unknown age of victim	9
Age up to 6 years	137
Age from 7 to 11 years	284
Age from 12 to 14 years	332
Age from 15 to 17 years	466
Age from 18 to 20 years	595
Age from 21 to 30 years	3,014
Age from 31 to 40 years	3,968
Age from 41 to 50 years	3,539
Age from 51 to 60 years	2,918
Age over 60 years	3,821
Total	19,083

*Source: Drawn by the author*

By further analysis of the previous data we can conclude that the average (most frequent) victims of domestic violence, can be represented by women aged 31–40 ( $n = 3,478$ ,  $N = 3,968$ ), which is 87.65% of the total number of victims in that most frequent age population. Such a situation is followed by an analysis of the trends of the criminal offence “Domestic Violence”, which is based on the gender and age of the victims.

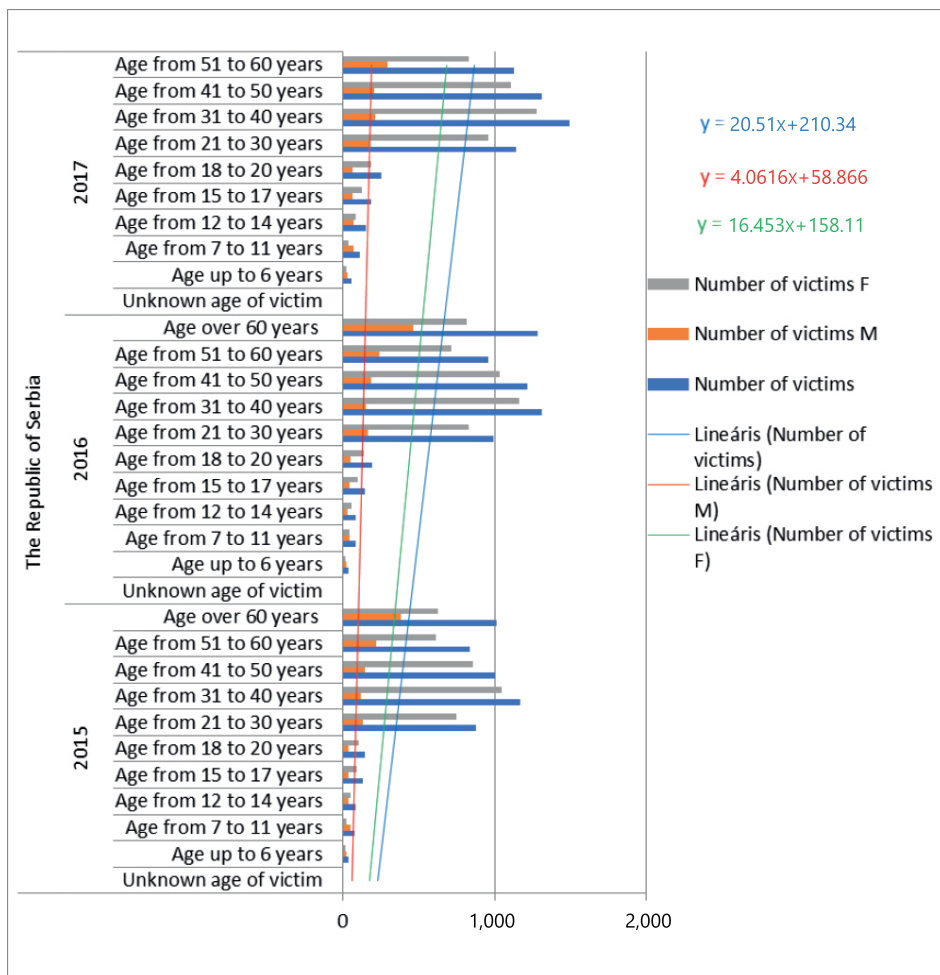


Figure 2: The number of victims referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to gender and age, in the Republic of Serbia

Source: Drawn by the author

From the previous table and chart, it is noticeable that the number of victims of domestic violence in the population up to 21 years of age is significantly lower (children, minors and adolescents), while in a population that is older than 21 years of age, there is a large increase in the number of victims. In addition, the negative trends of all three measured and observed values are noticeable: 1. the number of victims; 2. the number



of male victims and 3. the number of female victims (the trends of these values are shown on the chart). Analysis of the linear function leads to the following conclusions:

- according to the coefficient of direction ( $k$ ) the most noticeable trend is: 1. the number of victims, then 2. the number of female victims and finally 3. the number of male victims
- when it comes to the  $y$ -axis segment ( $b$ ) – it is notable that: the number of victims among women is much higher than the number of victims among men and
- there is an increasing nominal difference between these variables.

The representation of victims of domestic violence is shown in the following chart.



*Figure 3: The percent of victims referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to gender in the Republic of Serbia*

*Source: Drawn by the author*

From the previous chart, it is noticeable that men make up 23% and women account for 77% of victims of domestic violence. This is followed by an analysis of the representation of victims of domestic violence according to the age criterion.

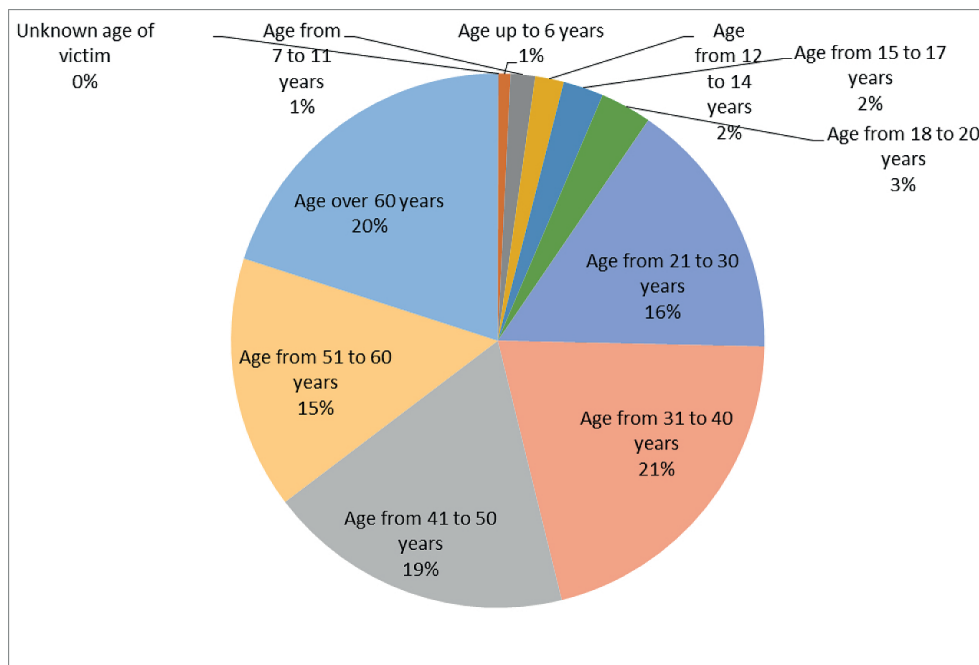


Figure 4: The percent of victims referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to age in the Republic of Serbia

Source: Drawn by the author

The highest representation of victims of domestic violence according to the age criterion is: 1. age 31–40 years (21%); 2. age over 60 years (20%); 3. age 41–50 years (19%); 4. 30 years old (16%); 5. age 51–60 years (15%); 6. age 18–20 years (3%); 7. and 8. age 15–17 and 12–14 years (2%); 9. and 10. are less than 6 and 7–11 years old (1%); while 11. of unknown age are nine victims (n = 9), which converges to zero (0.047%). This is followed by an analysis of the basic features of the perpetrators of the “Domestic Violence” offense. The analysis was based on their gender and age.

Table 4: The number of perpetrators referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to gender and age, in the Republic of Serbia

			Number of perpetrators	Number of perpetrators	
				M	F
The Republic of Serbia	2015	Unknown age of the perpetrator	1	1	
		Age up to 13 years old	2	1	1
		The age of the perpetrator is 14 and 15 years	32	28	4
		The age of the perpetrator is 16 and 17 years	53	43	10
		The age of the perpetrators is 18, 19 and 20 years	119	110	9
		The age of the perpetrator is from 21 to 30 years	685	638	47
		The age of the perpetrator is from 31 to 40 years	1,381	1,278	103
		The age of the perpetrator is from 41 to 50 years	1,218	1,118	100
		The age of the perpetrator is from 51 to 60 years	805	754	51
	Age of the perpetrator over 60 years	556	508	48	
	2016	Age up to 13 years old	1	1	
		The age of the perpetrator is 14 and 15 years	38	30	8
		The age of the perpetrator is 16 and 17 years	77	68	9
		The age of the perpetrators is 18, 19 and 20 years	148	137	11
		The age of the perpetrator is from 21 to 30 years	883	795	88
		The age of the perpetrator is from 31 to 40 years	1,518	1,401	117
		The age of the perpetrator is from 41 to 50 years	1,358	1,247	111
		The age of the perpetrator is from 51 to 60 years	949	873	76
		Age of the perpetrator over 60 years	693	632	61
	2017	Unknown age of the perpetrator	2	2	
		The age of the perpetrator is 14 and 15 years	49	41	8
		The age of the perpetrator is 16 and 17 years	90	74	16
		The age of the perpetrator is 18, 19 and 20 years	182	160	22
		The age of the perpetrator is from 21 to 30 years	1,001	916	85
		The age of the perpetrator is from 31 to 40 years	1,754	1,567	187
		The age of the perpetrator is from 41 to 50 years	1,560	1,429	131
		The age of the perpetrator is from 51 to 60 years	1,060	989	71
Age of the perpetrator over 60 years		835	757	78	

Source: Drawn by the author

From the previous table, it is noticeable that perpetrators of the criminal offence “Domestic Violence” are children, women and men. This is followed by an analysis of the number of perpetrators by age. Since there are some perpetrators with an undetermi-

ned age, as well as those under 13 and over 60 years of age, the mean value of their age cannot be determined on the basis of the calculated data, but it is possible to give an estimate on the basis of the mean position (*modus*). Such a value is  $n = 4,653$ , which corresponds to the perpetrator of the age from 31 to 40 years (see the following table).

*Table 5: The number of perpetrators referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to age in the Republic of Serbia*

<i>Age of the perpetrator</i>	<i>Number of perpetrators</i>
Unknown age of the perpetrator	3
Age up to 13 years old	3
Age is 14 and 15 years	119
Age is 16 and 17 years	220
Age is 18, 19 and 20 years	449
Age from 21 to 30 years	2,569
Age from 31 to 40 years	4,653
Age from 41 to 50 years	4,136
Age from 51 to 60 years	2,814
Age over 60 years	2,084
Total	17,050

*Source: Drawn by the author*

By further analysis of the preliminary data the average (most frequent) perpetrators of domestic violence, are men aged 31–40 ( $n = 4,246$ ,  $N = 4,653$ ), which accounts for 91.25% of the total number of perpetrators in that most frequent age population. The analysis of the trends of the criminal offence “Domestic Violence”, which is based on the age and sex of the perpetrators follows.

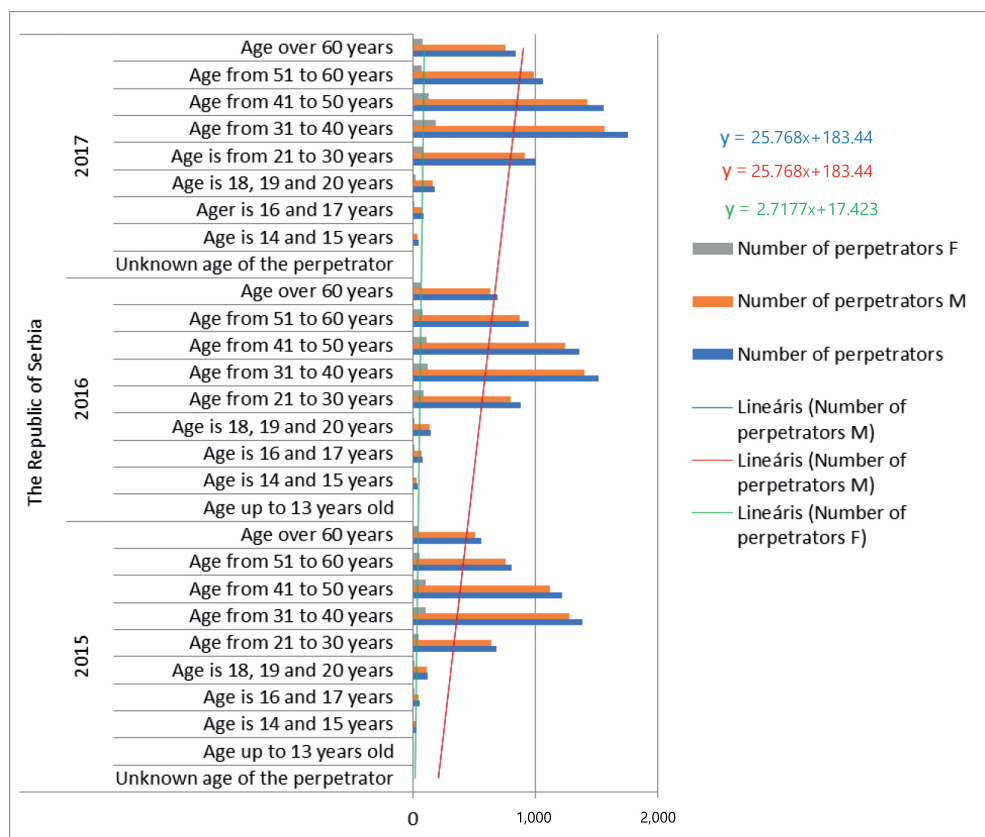


Figure 5: The number of perpetrators referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to gender and age, in the Republic of Serbia

Source: Drawn by the author

From the previous tables and charts, it is noticeable that the number of perpetrators of domestic violence, when it comes to the population up to 21 years of age (children, minors and adolescents) is much smaller, while in a population that is older than 21 years of age, there is a large increase in their number. In addition, the negative trends of all three measured and monitored values are noticeable: 1. the number of perpetrators; 2. the number of male perpetrators and 3. the number of female perpetrators (the trends of the number of perpetrators (men) overlap on the chart). Analysis of the linear function leads to the following conclusions:

- according to the coefficient of direction (k) the most noticeable trend is: 1. and 2. number of perpetrators and number of male perpetrators (the same) and 3. number of women perpetrators

- when it comes to the y-axis segment (b) – it is obvious that: 1. and 2. the number of perpetrators and the number of male perpetrators (the same), and that their number is much higher than 3. the number of perpetrators among women and
- there is an increasing nominal difference between these variables.

The representation of perpetrators of domestic violence is shown in the following chart.

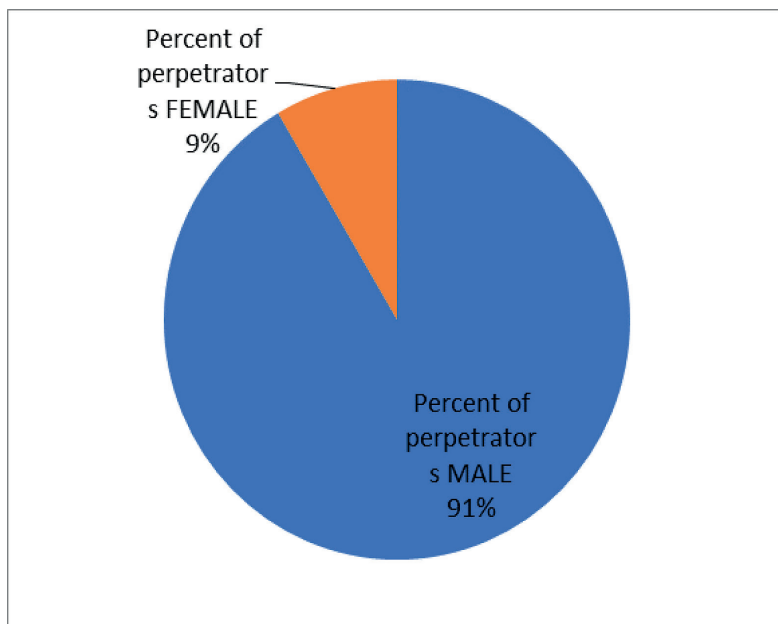


Figure 6: The percent of perpetrators referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to gender in the Republic of Serbia

Source: Drawn by the author

From the previous chart, we can observe that men make up about 91%, while women account for only 9% of the perpetrators of domestic violence. This is followed by an analysis of the representation of perpetrators of domestic violence, according to the age criterion.

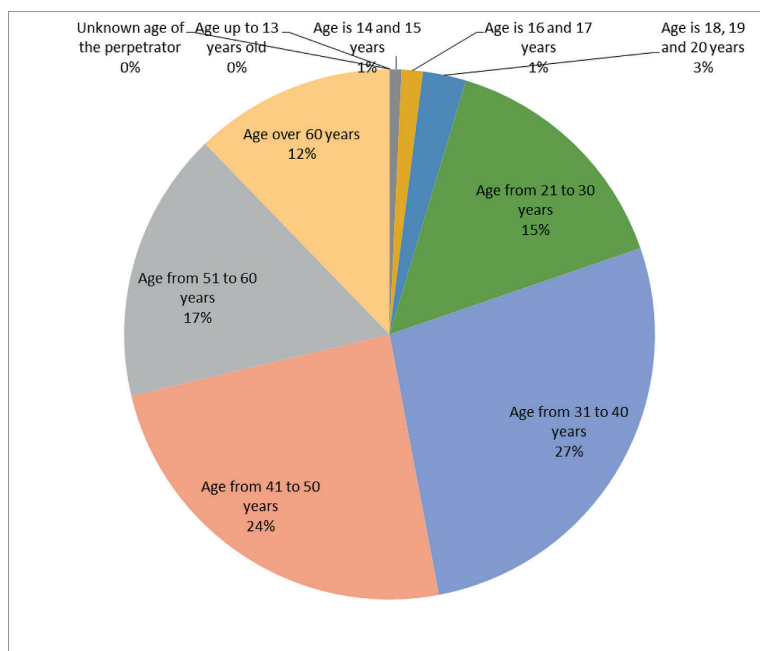


Figure 7: The number of perpetrators referred to in Art. 194 of the Penal Code in the period from 01.01.2015 to 31.12.2017 according to age in the Republic of Serbia

Source: Drawn by the author

The highest representation of domestic violence offenders, according to the age criterion is: 1. age 31–40 years (27%); 2. age 41–50 (24%); 3. 51–60 years old (17%); 4. age 21–30 years (15%); 5. over 60 years of age (12%); 6. age 18–20 years (3%); 7. and 8. age 16–17 and 14–15 years (1%); 9. and 10. less than 13 years old and unknown age (percent converges zero, 0%).

## Reacting to Domestic Violence in the Republic Of Serbia

In November 2016, the Government of the Republic of Serbia adopted the *Law on the Prevention of Domestic Violence*, which came into force on 01.06.2017. The purpose of the law is the following: 1. prevention; 2. protection of the victim; 3. risk assessment; 4. urgency of the procedure; 5. expertise; and 6. integration of the competent entities; and 7. explicit reference to the managerial functions and duties of individual managers. These functions also represent turning points in relation to the previous practice of regulation of security details in the Republic of Serbia, i.e. the reaction of the legislator (State) to the current problems of preventing domestic violence in the Republic of Serbia. The new focus of

these turnarounds is on the risk assessment, the urgency of the procedure, the expertise and integration of the relevant entities for the prevention of domestic violence.

Insufficient *preventive approach* in addressing the problem of domestic violence has brought the expert public and the legislator to change the overall course, which takes into account the point: “better to prevent than to treat the consequences”. In this regard, points related to the commitment of due attention – dedication to resolve this issue are present in a way that domestic violence cannot happen under the guise of family secrets. In addition, a more important issue is: what can happen in the future, than what happened in the past.

*Protection of the victim* implies the application of urgent measures, as well as the provision of protection and support to victims of domestic violence, even in cases when there are no elements of criminal offenses and misdemeanor. Namely, provision of protection and support to victims of domestic violence is foreseen already in cases where there is a suspicion that an act of violence (physical, sexual, psychological or economic) has been committed. Therefore, in line with the law, it is more important for the victim to be safe from a possible perpetrator – even if he is inaccessible.

*Risk assessment* is a turning point that refers to the precise assessment of the situation. Risk is the possibility (probability) or the expectation<sup>14</sup> of the danger that the domestic violence will occur, where the level of risk depends on various factors (especially those envisaged by Article 16 of the law). The statement of the presence or absence of risks comes after an estimate, which is the result of a risk assessment, which depends on the data collected.

Initial and subsequent information on the occurrences (from other police officers), or the statement of the possible perpetrator (if brought to the competent police unit),<sup>15</sup> as well as the opinion of the Center for Social Work, whereby the competent police officer can receive the information regarding a particular case of domestic violence or of immediate danger from it, which are usually communicated in a descriptive way. The processing of these data leads to a factual situation regarding the individual case of domestic violence. The established factual situation is being compared with the stipulations mentioned in Article 16 of the *Law on the Prevention of Domestic Violence*, with particular reference to whether the perpetrator committed domestic violence before or immediately before the risk assessment and is ready to repeat it, whether he threatened to commit murder or suicide, whether he has weapons, whether he is mentally ill or known that he commits abuse with psychoactive substances, whether there is a conflict over child custody or there are altercations regarding the way of maintaining personal relationships between a child and a parent who is a possible perpetrator, whether a possible perpetrator was issued with emergency measures against or specific measures of protection from domestic violence, whether the victim is experiencing fear

<sup>14</sup> It is also possible to understand risk as a deviation from the expected events.

<sup>15</sup> If the potential perpetrator is not brought to the competent organizational unit of the police, the competent police officer assesses the risk immediately when he receives a notification of violence or immediate danger from police officers.



and how the victim assesses the risk of violence.<sup>16</sup> Some of the risk factors of domestic violence are stipulated in the *Special Protocol on the Treatment of Police Officers in Violence against Women in Family and in Partnerships*.<sup>17</sup>

The goal of generalized and simplified comparative analysis is to determine: 1. the existence of a risk, or *immediate threat* of domestic violence – when the factual state indicates the presence of these risk factors; or 2. the absence of a risk of *immediate threat* from that violence – when the factual state does not indicate the presence of the same risk factors in the specific (reported) case of violence. Furthermore, determining the existence of a direct threat of domestic violence, in addition to indicating the presence of prescribed and other risk factors, implies the *identification of the place* (apartment, facility, space) and the *timeframe* in which violence can occur. The identity of that timeframe decisively influences the conclusion on whether there is an imminent threat (in a time immediately preceding) in a concrete case or a danger that is not immediate (in a time that does not occur directly).<sup>18</sup> The existence of an *imminent threat* of domestic violence is the basis for implementing emergency measures.

*The urgency of the process* is the result of short deadlines for responding in cases of domestic violence. Namely, prior to the adoption of the law, there was a legal vacuum from the moment of reporting the danger of violence or the act of violence itself to the commencement of an appropriate legal procedure, because during this period, the victim is particularly at risk of repeated or escalated violence. The urgency of the process is also the proclamation of the *emergency measure*, as the backbone of the victim protection mechanism provided for by the law. In addition, emergency measures represent a normative expression of the so-called *zero tolerance* for violence.<sup>19</sup> Specifically, on the territory of the Republic of Serbia from the first day of the implementation of the law on 01.06.2017 until 31.12.2017 during one year, a total of 13,808 emergency measures were taken by police officers (61.64 per day, or 2.28 per day by one regional police administration), out of which 4,469 (32.36%, about 1/3) measures were temporary removal of the perpetrator from the apartment and 9,339 (67.63%, about 2/3) measures were temporary ban on the perpetrator to contact the victim of violence and approach her. The total number of prolonged emergency measures issued is 7,762 (56.21%).<sup>20</sup>

*The expertise of the competent entities* indicates the quality of their treatment in cases of domestic violence. Namely, the expertise expressed by the certification of police officers, which makes them “competent” in the sense of the law and licensing of other trained persons is an activity from the domain of quality management, as a specialized management discipline. Thus strengthening the professionalism of the subjects in charge of maintaining security in the mentioned area.

<sup>16</sup> Law on Prevention of Domestic Violence, Official Gazette of RS, No. 94/2016. Article 16.

<sup>17</sup> Special Protocol on the Treatment of Police Officers in Violence against Women in Families and in Partnership Relations, 2017. Source: [www.sigurnakuca.net/upload/documents/PlaviTekst.pdf](http://www.sigurnakuca.net/upload/documents/PlaviTekst.pdf) (Downloaded: 20.01.2018.)

<sup>18</sup> Subošić–Stevanović (2018) 319–330.

<sup>19</sup> Explanation of the Proposal of the new Law on the Prevention of Domestic Violence, 2016. Source: [http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi\\_zakona/2675-16%20lat.pdf](http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/2675-16%20lat.pdf) (Downloaded: 25.11.2017.)

<sup>20</sup> File MoI RS 05 No. 050–95/18–1 dated 09.01.2018.

*Integration of competent entities* indicates their mutual coordination (coherence, synergy). The obligation of coordination of activities, in terms of mutual cooperation between the competent state authorities and institutions in the prevention of domestic violence, as stipulated by the law, is the result of insufficient compliance of the actions of the mentioned subjects of protection of security. Communicating<sup>21</sup> in the function of managing the risk of domestic violence involves the exchange of information<sup>22</sup> on the mentioned phenomenon, as well as on this coordination between the subjects of the prevention of the mentioned security problem.

Monitoring the situation and trends in the area of prevention of domestic violence is based on the collection of relevant (operational, useful) data. The key to this is the reporting of domestic violence or the immediate danger of that violence, which is the legal duty, that is, the obligation of everyone (individuals, but also the prosecution and courts).<sup>23</sup> In this regard, the punishability of the responsible persons for non-reporting is foreseen.<sup>24</sup>

Coordination can be achieved within the subject (internal) and among subjects (external) in the prevention of domestic violence. When it comes to the the police, internal coordination refers to harmonization of work between: 1. competent police officers for this domain; 2. other police officers; and 3. executives in the police. In this regard, police officers are obliged to immediately inform the competent police officer of any domestic violence or immediate danger of it, regardless of how they have learned about it, and they also have the right to bring in the possible perpetrator, either alone or at the request of a competent police officer to the competent organizational unit of the police, in order to conduct the procedure. Retention in the competent organizational unit of the police for the conduct of the procedure can last no more than eight hours.<sup>25</sup>

*External coordination* in the area of preventing domestic violence is the harmonization of workflow between the police and other competent entities, i.e. authorities and institutions (so-called “multisectoral cooperation in the local community”).<sup>26</sup> According to the law, coordination mechanisms are: 1. coordination role and 2. coordination groups. *Coordination roles* are given to persons appointed as liaison officers that are foreseen to be put in places such as: the police administration (competent police officers), but also the Basic and Higher Public Prosecutor’s Office and the court, and also the Center for Social Work. Persons appointed as liaison officers exchange information on a daily basis and other data relevant to: prevention of domestic violence,

<sup>21</sup> Communication is the process of sharing information, ideas or attitudes between their senders and recipients. Compare: Lewis (1980) 12.

<sup>22</sup> The exchange of information in the police is of key importance for its work and results. In fact, information is the basic means of police work. Communication, as a process of information exchange, is in the nature of everyone also during police engagement. By this, one achieves the level of awareness needed by the participants in the communication, which increases the level of knowledge. Therefore, communication can also be understood as a transfer of knowledge. Subošić (2017) 135.

<sup>23</sup> Law on Prevention of Domestic Violence, Official Gazette of RS, No. 94/2016, Article 13.

<sup>24</sup> Ibid. Article 36.

<sup>25</sup> Ibid. Article 14.

<sup>26</sup> Such cooperation is the basis of the concept of “Police in the community”. This concept is the basic procedure of police work in the Republic of Serbia (Law on Police, Official Gazette of RS, No. 6/2016, Article 27).

detection, prosecution and trial for criminal offenses as determined by the law, providing protection and support to victims of domestic violence and victims of criminal offenses established by this law.<sup>27</sup> In this regard, it is necessary to establish records on the exchange of information among the responsible subjects in the prevention of domestic violence.

On the other hand, under *coordination groups* with regards to the law, the coordination and cooperation groups are formed in the area of the Basic Public Prosecutor's Office (BPPO),<sup>28</sup> comprised of representatives such as: 1. Higher Public Prosecutor's Office – HPPO; 2. Police Directorate; and 3. Center for Social Work – CSW. Therefore, there are no court representatives in the coordination and cooperation groups.<sup>29</sup> It is a legal obligation for the said group to hold meetings at least once in every 15 days. Representatives of health institutions and the National Employment Service, other legal entities and associations, as well as individuals providing protection and support to victims of domestic violence, may also attend the meetings of these groups. The group is chaired by a member of the group of deputies of the BPPO (HPPO).<sup>30</sup> The Group analyses every case of domestic violence that has not been terminated by a final court decision in civil or criminal proceedings, cases when the protection and support of victims of domestic violence and victims of criminal offenses under the law should be provided. In addition, the group creates an individual plan for the protection and support of the victim. Finally, the group proposes to the competent public prosecutor's office measures for the completion of court proceedings.<sup>31</sup> Coordination groups work on the basis of the Rules of Procedure, which closely regulate the ways of its work and decision-making process.<sup>32</sup> The minutes of the meetings of the coordination and cooperation groups are kept.<sup>33</sup>

An *explicit reference to the managerial functions and the duties of individual managers* to undertake activities of immediate importance for the prevention of domestic violence within the scope of their work is the turnover by which the head of the regional police administration, and therefore the heads of the internal organizational units of the said administrations are obliged to structure out the responsibility in the aforementioned authorities. Such an obligation (designated by “competent police officers” from the ranks of police officers who have completed Specialized Training,<sup>34</sup> appoints persons designated as liaison officers in the regional police administration from among the pool of “competent police officers”<sup>35</sup> and appoints members of the coordination and cooperation group for each basic public prosecutor's office<sup>36</sup>) it pervades all mana-

<sup>27</sup> Ibid. Article 24.

<sup>28</sup> Ibid. Article 25.

<sup>29</sup> Ibid. Article 26.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid. Article 25.

<sup>32</sup> Ibid. Article 25 and Article 37.

<sup>33</sup> Ibid. Article 25.

<sup>34</sup> Ibid. Article 8.

<sup>35</sup> Ibid. Article 24.

<sup>36</sup> Ibid. Article 25.

gement functions, from planning to control. This creates the conditions for the proper involvement of the police in preventing domestic violence, as well as its cooperation with other subjects of security in the mentioned area.

## **Problems of Application of the New Law on Prevention of Domestic Violence in the Republic of Serbia and Possible Solutions**

Responding to domestic violence in the Republic of Serbia is burdened with problems that require resolution, not only to alleviate or to overcome them, but also concerning further development. To solve the problem, with the development of competent bodies, a SWOT analysis is necessary.<sup>37</sup> It is a method of strategic assessment that provides a complete insight into the development alternatives of a particular area of work for the organization or its organizational unit (for example, the prevention of domestic violence). The implementation of the SWOT analysis in the field of preventing domestic violence is presented in the following table.

*Table 6: SWOT analysis of the prevention of domestic violence from the perspective of the police<sup>38</sup>*

<i>Strength</i>
<ul style="list-style-type: none"> <li>• Police availability (telephone number 192);</li> <li>• Continuity of work (24/7);</li> <li>• Certified manpower;</li> <li>• Networking of police officers (system of communications);</li> <li>• Team work (competent police officers, emergency service, patrol cars, officers, forensics team);</li> <li>• Police authorizations;</li> <li>• Event log records (data, information);</li> <li>• Experience in work;</li> <li>• Technical equipment;</li> <li>• Infrastructure.</li> </ul>

<sup>37</sup> SWOT stands for: Strength, Weaknesses, Opportunities, and Threats. Gürel-Tat (2017) 995–1006.

<sup>38</sup> The data for the analysis were obtained by the joint work of four groups of 25 participants of the Second cycle of Specialized Training at the Academy of Criminalistics and Police Studies, Belgrade in November 2017.

<i>Weaknesses</i>
<ul style="list-style-type: none"> <li>• Managers do not attend Specialized Trainings;</li> <li>• A small number of competent police officers;</li> <li>• A part of the competent police officers is not in a position to work and decide in cases of domestic violence prevention (those working in the headquarters of the Directorate of Police and part of those working in the headquarters of regional police administrations);</li> <li>• Inequality of working hours of competent police officers;</li> <li>• Overloading with work of competent police officers;</li> <li>• The results of the work of the competent police officers are not partially included in the official grade, especially if they work on reports that include other domains.</li> </ul>
<i>Opportunities</i>
<ul style="list-style-type: none"> <li>• Increasing public reputation of the police;</li> <li>• Better police and media relations;</li> <li>• Strengthening the citizens' confidence in the police;</li> <li>• Increase in the number of operational information;</li> <li>• Better working conditions and better equipment for the police organization;</li> <li>• Better police cooperation with competent authorities and institutions for the prevention of domestic violence;</li> <li>• Transfer of knowledge (more effective competence of the subjects of prevention of domestic violence);</li> <li>• Growth of impact (more valid results of work, more favorable state of security in this area).</li> </ul>
<i>Threats</i>
<ul style="list-style-type: none"> <li>• Socio-economic problems (a culture that tolerates domestic violence, unemployment, low wages, etc.);</li> <li>• “Dark numbers” of domestic violence (domestic violence is usually a strictly guarded family secret);</li> <li>• The uncertainty of the law in certain provisions (<i>the risk is not differentiated by type and level, it is not quantified, there is no risk threshold, its weighting and prioritization cannot be possible</i>);</li> <li>• Possible insufficient financing of the needs of the subjects of the prevention of domestic violence;</li> <li>• Possible insufficient cooperation between the subjects of the prevention of domestic violence;</li> <li>• A mild penal policy;</li> <li>• The number and criminalistics-background competence of prosecutors and their deputies;</li> <li>• There is no deadline for establishment of the Central Records of the bodies and institutions responsible for the prevention of domestic violence;</li> <li>• Codes for access to the Central Records have not been assigned;</li> <li>• There is no way of recording the exchange of information between the police and other security entities.</li> </ul>

*Source: Drawn by the author*

Having in mind the previous analysis, it is necessary to formulate a proposal of measures that should contribute to the prevention of domestic violence from the perspective of the police. In this regard, see the following table.

*Table 7: Proposal measures identified on the basis of SWOT analysis, in the function of preventing domestic violence from the perspective of the police<sup>39</sup>*

<i>How to use strength to take advantage of the chances?</i>
<ul style="list-style-type: none"> <li>• Reduction of the response time of the police to cases of domestic violence;</li> <li>• Promoting the performance in the media, and through the media to the public;</li> <li>• Networking with other subjects to prevent domestic violence, we should create better conditions for the work of the police, in particular through the donation of material resources, using the option provided for by the Law on Police;</li> <li>• Transfer of knowledge will enable the strengthening of the competences of the subjects of prevention of domestic violence;</li> <li>• By putting police resources at the disposal of other entities to prevent domestic violence, it contributes to improving the security situation in the area.</li> </ul>
<i>How to work on weaknesses to take advantage of the chances?</i>
<ul style="list-style-type: none"> <li>• Managers should attend Specialized Training;</li> <li>• Increase the number of competent police officers;</li> <li>• Specialized training should not be attended by police officers who are not in a position to work and decide in cases of domestic violence prevention;</li> <li>• Equalize the working hours of the competent police officers (e.g. through the so-called “turnus”, in the regime of 12–24–12–48 hours);</li> <li>• Equalize the burden of work by police officers, including those who are “competent” in the sense of the law;</li> <li>• Introduce police performance management software;</li> <li>• Include results of the work of the competent police officers in the area of prevention of domestic violence in the official assessment.</li> </ul>
<i>How to use strength to overcome dangers?</i>
<ul style="list-style-type: none"> <li>• Gather information from police records in the form of information for the public and submit them to the media, through which the citizens would be educated on the inacceptability of domestic violence;</li> <li>• Educate users of police services about differences between social, economic and security issues and develop awareness among them that the police is designed to address only security issues;</li> <li>• Based on the data from police records, formulate proposals for amendments to the law regarding the need to differentiate risks by type and level, quantification, determination of the risk threshold, weighting and prioritization;</li> <li>• Develop resources (human, material, time, spatial, information) and mechanisms (meetings, communication, coordination, motivation) of cooperation between the subjects of prevention of domestic violence;</li> </ul>

<sup>39</sup> The proposal of measures identified on the basis of SWOT analysis in the function of preventing domestic violence from the perspective of the police was formulated by the authors of the text based on the data from Table 6.

<ul style="list-style-type: none"> <li>• Based on the data from police records, formulate proposals for strengthening the penal policy;</li> <li>• Based on the data from police records, support the increase in the number of prosecutors and their deputies;</li> <li>• The Academy of Criminalistics and Police Studies may be engaged in the tasks of raising criminal competencies of prosecutors and their deputies;</li> <li>• Engage the Sector for Analytics, Telecommunications and Information Technologies of the Ministry of the RS to establish the Central Records of Bodies and Institutions in charge of preventing domestic violence, assign dign-in codes for access to the Central Records, and determine how to record the exchange of notifications of police and other subjects to prevent domestic or gender-based violence.</li> </ul>
<i>How to work on weaknesses in order to overcome dangers?</i>
<ul style="list-style-type: none"> <li>• Attending Specialized training by the police officers should develop their awareness of the problems of preventing domestic violence and ways of mitigating them, i.e. overcoming them (support: creating conditions for the work of competent police officers, promotional and educative campaigns with amendments and supplements to the law);</li> <li>• Insisting on the cooperation of the subjects of the prevention of domestic violence;</li> <li>• Determine the part of the logistics staff of the Ministry of the Interior, which should support the work of the competent police officers.</li> </ul>

*Source: Drawn by the author*

The application of the SWOT analysis, in the function of preventing domestic violence, as can be seen in Table 6 and 7, enables the identification of a complete set of strategic (developmental) alternatives (in particular 23), which are formulated to improve the prevention and suppression of domestic violence. As such, the SWOT analysis is appropriate to the work of the heads of organizational units of the police. In addition, the SWOT analysis provides managers and other users with such assessments: 1. an insight into the general state of security in the area of domestic violence; and 2. proposing general (comprehensive, strategic, development) measures in relation to this issue. However, SWOT analysis is not intended as an obligation of managers of organizational units of the police, as opposed to a qualitative analysis, which is envisaged as a method of risk assessment in specific cases of domestic violence. In this regard, it is desirable to apply the SWOT analysis by the heads of organizational units of the police as semi-quantitative methods of data analysis that are important for the development of prevention and suppression of domestic violence. Finally, this would point out the doctrinal and practical aspects of suppressing and combating domestic violence in the Republic of Serbia.

## Conclusion

The research led to the conclusion on the significance of the criminal offense “Domestic Violence” in the Republic of Serbia because of: 1. significant representation (the share of criminal charges filed for the criminal offense referred to in Article 194 of the



Criminal Code “Domestic Violence” is 7.66% in 2017, where the number of criminal charges is higher than the number of victims and the number of victims is higher than the number of perpetrators); 2. the rising (negative) trend of representation of the said criminal offense in the total number of such offenses in the Republic of Serbia, the number of criminal charges, perpetrators and victims, where it is increasingly higher in nominal terms between these variables; as well as 3. severe consequences, among which there are also fatal cases.

When it comes to victims, it can be concluded that victims of domestic violence are children, women and men, of all ages. Among the victims there are those who are up to 6 or above 60 years of age. The most frequent victims of domestic violence in Serbia are women aged 31 to 40, which is 87.65% of the total number of victims in that most frequent age population. Men make up 23%, and women account for 77% of victims of domestic violence. Finally, the highest representation of victims of domestic violence by the age criterion is: 1. age 31–40 years (21%), 2. age over 60 (20%); 3. age 41–50 years (19%); 4. age 21–30 years (16%); 5. age 51–60 years (15%); 6. age 18–20 (3%); 7. and 8. age 15–17 and 12–14 years (2%); 9. and 10. less than 6 and 7–11 years (1%); while 11. of unknown age are nine victims ( $n = 9$ ), which converges to zero (0,047%).

On the other hand, perpetrators of “Domestic Violence” offense are children, women and men. Among the perpetrators of this criminal offense there are those aged up to 13 or over 60, so that the position average (modus) of their age corresponds to men aged 31 to 40, which is 91.25% of the total number of perpetrators, the most frequent age population of perpetrators. As in case of victims, it is noticeable that the number of perpetrators of domestic violence in the population up to 21 years of age (children, minors and adolescents) is much lower than in a population that is older than 21 years of age, in which there is a large increase in their number. Men make up about 91%, and women account for 9% of those who commit domestic violence. Finally, the highest proportion of domestic violence violators according to the age criterion is: 1. age 31–40 (27%); 2. age 41–50 (24%); 3. 51–60 years (17%); 4. age 21–30 (15%); 5. age over 60 (12%); 6. age 18–20 years (3%); 7. and 8. age 16–17 and 14–15 years (1%); 9. and 10. age less than 13 years old and unknown age (percentage converges to zero, 0%).

Starting from the obligations assumed by the ratification of the *Convention on the Prevention and Combating Violence against Women and Domestic Violence*, on November 23, 2016, the National Assembly of the Republic of Serbia adopted the *Law on the Prevention of Domestic Violence*, which came into force on June 1, 2017. The purpose of the law is: 1. prevention; 2. protection of the victim; 3. risk assessment; 4. urgency of the procedure; 5. expertise and 6. integration of the competent entities; and 7. explicit reference to the managerial functions and duties of individual managers. These goals also represent turning points in relation to the previous practice of regulation of the security sector in the Republic of Serbia, i.e. the reaction of the legislator (State) to the current problems of preventing and combating domestic violence in the Republic of Serbia.



SWOT analysis is appropriate to solve the problem of prevention and suppression of domestic violence in the Republic of Serbia. It has identified Strength, Weaknesses, Opportunities, and Threats. Having in mind the listed elements of the SWOT analysis, a proposal of measures (total of 23) was formulated, which should contribute to resolving the problem of preventing and combating domestic violence in the Republic of Serbia from the perspective of the police.

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