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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
S E R B I A ?

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and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Október 6. u. 12.
H-1051 Budapest
Hungary

Website

<www.soros.org/women>

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Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

Éva Földvári
Program Director
Open Society Institute
Violence against Women Monitoring Program

Enikő Pap
Program Officer and Project Coordinator
Open Society Institute
Violence against Women Monitoring Program

⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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THE EDITORIAL TEAM

Enikő Pap
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 Judit Wirth
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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

At the national level in the Republic of Serbia two gender equality bodies exist: the Committee for Gender Equality (within the National Parliament) and Council for Gender Equality (governmental body). The committee has been involved in the analysis of draft laws from a gender equality perspective. Its president has been involved in cooperation with women's NGOs. The Council for Gender Equality was established in October 2004 as a counseling/expert governmental body responsible for analysis/assessment of situation in the field of gender equality and proposals related to measures for improvement of gender equality. It is composed of representatives of relevant ministries, experts, and a few representatives of NGOs. The Ministry of Labor, Employment, and Social Policy provides technical-administrative support to the body, the president of which is the minister. According to the plan and program of activities for the period 2005–2006, this body decided to create two working groups that will focus on: (a) collecting all published research on the issue of gender equality and status of women; and (b) providing a list of all legislative projects relevant for the work of the council.

The Autonomous Province of Vojvodina has established functional bodies at the executive level, i.e., institutional mechanisms for gender equality: the Secretariat for Labor, Employment, and Gender Equality within the Executive Council of the Autonomous Province of Vojvodina in 2002, and the Committee for Gender Equality within the Assembly of Vojvodina. In 2004, the Assembly of Vojvodina adopted the Declaration on Gender Equality (aimed at improving current institutional mechanisms for gender equality and social promotion of equal representation of men and women at all public spheres) and the Decision on Gender Equality (that defined realization of gender equality in Vojvodina, measures for its achievement, and sanctions for violations of the right to gender equality). The assembly also decided to establish the Provincial Institute for Gender Equality (*Official Gazette of Vojvodina*, 2004), but the official founding of that body was postponed, due to procedural reasons. The director of the institute was recently appointed. However, official establishment of the body was not accompanied with this decision nor was allocation of the budget. The body filed a request to Executive Council of Vojvodina to approve a budget of 4 million dinars (46,000 euros) in 2006. According to the Statute of the Institute for Gender Equality in Vojvodina, its main goal should be to support executive authorities in implementing projects, programs, actions, and laws that contribute to gender equality, while its activities should be focused on preparation of laws and regulations relevant for

realization of gender equality in Vojvodina; monitoring the status of women; supporting research projects; organization of educational and awareness-raising activities; and publishing. It is also prescribed that financing of the institute will be based on: income obtained from beneficiaries of its services, income obtained through performing activities in their jurisdiction, as well as donations/sponsorship from domestic and foreign organizations. The activities of the institute have been related to violence against women. The institute participated in the “16 Days Campaign” in 2005, in cooperation with other institutional bodies (Provincial Ombud). An action entitled “There is a Way out of Violence” was organized, aimed at providing information to victims about available services and encouraging witnesses to report violence. A conference for relevant institutional mechanisms for victims’ protection was also organized, entitled “Empowerment of Local Teams within the Network: For Life without Violence.”

At the local level, Gender Focal Points (established by OSCE and trained by NGOs) exist in 53 municipalities in Serbia. These local politicians received training related to violence against women (among other issues). Some of these local bodies (persons or committees) have been involved in a process of signing protocols of cooperation between institutions for protection of violence against women victims: police, centers for social work, medical workers, and judiciary (e.g., in Valjevo). At the local level, no budget is allocated for combating violence against women.

In the field of trafficking a special body was formed at the federal level in May 2001 (Yugoslav Team for Combating Trafficking in Human Beings), which included all relevant national and federal ministries, NGOs, and international organizations. In April 2002, the National Team for Combating Trafficking in Human Beings was established (at the national level), with a more or less similar list of participants. This team involves all relevant ministries of Serbia, the Supreme Court, the Public Prosecutor’s Office, and other state institutions, international organizations as well as NGOs like ASTRA, Counseling Center against Family Violence, Victimology Society of Serbia, Beosupport, and Child Rights Center. The team is divided into four groups covering the following areas: prevention and education; assistance and support to victims through developing mechanisms for victims’ protection; combating trafficking in children; and law enforcement.

In February 2004, the national coordinator set up an Advisory Body for combating human trafficking, which includes the coordinator and his staff, coordinators of all working groups, representatives of OSCE Mission, IOM, and UNICEF. A key role of the body is to assist in and support efforts of the national coordinator in the coordination and implementation of anti-trafficking measures and activities.

In October 2004 the government established a ministerial-level Anti-Trafficking Council⁵ comprising ministers of the interior, justice, labor, employment and social policy, health, education and sport, and finance. The council's role is to define national anti-trafficking policy.

1.2 National action plans and other policy documents

During the previous regime some activities were undertaken to prepare the *Draft National Plan of Action for Women* (UNICEF and Economic Institute, 2000). Some parts of that draft plan contained useful analyses of the status of women, made by experts (e.g. Matković and Marić, 2000; Mirošinka Dinkić, 2000), but no specific state actions resulted from it. No specific budget was planned for its implementation.

The Council of Gender Equality has started a process of preparation of the *National Plan of Action for Women* (NPA) based on Beijing Platform. It has been planned that the NPA should include violence against women as one field relevant for women's human rights. As intended, the NPA will encompass six areas, and corresponding working groups will be engaged in the process; a group on violence against women is among them (Council of Gender Equality, 2005). The NPA was to be completed by September 2006. Further, the council will send the proposal to the national parliament for adoption. At present, it is not yet known what amount, if any, would be allocated for implementation of the NPA in general or for measures for combating violence against women in particular. The NGO called Voice of Difference officially applied to the council to monitor the entire process of creating the NPA (on voluntary basis), especially the participatory aspects of the process.

The draft version of the *Framework for National Strategy against Violence* has not been specifically devoted to violence against women, but to violence in general, e.g., against children, women, disabled, elderly, refugees, and other vulnerable groups (Ministry of Labor, Employment, and Social Policy, 2005). The document provides analysis of factual situation – an overview of existing statistical data, a survey of relevant legislation, and concluding remarks on strategic objectives of the (prospective) *National*

⁵ Government Decision No. 02–6783/2004-I, *Official Gazette* of October 15, 2004.

Strategy. Within a list of objectives of the prospective strategy, the document provides several general recommendations.⁶

The document refers to violence against women in many chapters, e.g. it mentions analysis of factual situation regarding violence against women. However, the broad “scope” of the document (focus on violence in general, rather than for specific target groups) was perceived by NGOs as an avoidance of the gender-based dimensions of violence. Although numerous women’s NGOs have been engaged in combating violence against women, their representatives were not invited to take part in creating this document. A team of framework’s authors was composed of 12 members, only one of which was from an NGO (not a women’s NGO, but a member of Child Rights Center). The neglect of the gender-based dimensions of violence in this framework is further clarified in the analysis made by women’s NGOs: “treating all phenomena of violence (domestic, peer, sports etc.) alike is an indicator of misunderstanding of specific characteristics of domestic violence, especially the gender dimension of violence.”⁷

Plans for the strategy’s future development are uncertain. It is not yet known whether it will be developed in 2006, who will be involved in its development, and if there is any money planned for its implementation.

As assessed by the NGO ASTRA: “Although the National Plan and Strategy on Combating Sex Trafficking were drafted in autumn 2005, until now it has not been adopted by the government. Hence, Serbia is the only country in this part of Europe without such a document.”⁸ However, the *Anti-Trafficking Strategy of the Republic Serbia for 2005–2008* was developed.

⁶ a) Achieving compliance of domestic legislation with relevant international norms and standards; b) systematic and continuous awareness-raising activities for citizens on the “culture of non-violence,” particularly among children and youth; c) increasing knowledge and awareness of citizens (how to recognize and react to violence); d) strengthening the role of local community and responsibility in general; e) establishing efficient networks for protection from violence (including adoption of Protocols for Inter-Institutional Cooperation); f) improving knowledge and skills of experts, related to prevention of and protection from violence; g) developing a sense of personal responsibility among all participants in the process of prevention and protection; h) establishing unified system of registration and data gathering (databases) at all levels from local to national; and i) stimulating research on the phenomenon of violence.

⁷ List of Critical Issues prepared by NGOs in Serbia for pre-session working group of CEDAW Committee, 2006.

⁸ *Ibid.*

1.3 State monitoring of existing legislation and policies

The state does not have a systematic review mechanism for monitoring existing legislation and policies concerning violence against women.

1.4 State budget earmarked for combating violence against women

The state budget is not gender-sensitive and there is no budget line earmarked for combating violence against women in the documents that are available.

State budget and budgets at other levels (provincial, municipality) represent a so-called line-type of budget characterized by distribution of budget according to beneficiaries (organizational classification), and the type of expenditure.⁹ This type does not clearly establish the link between certain expenditures and their effect. Within the line “social insurance and welfare/social protection,” the line “family and children” is presented. Analysis of spent budget funds according to state functions in the period 2003–2005 showed that in 2003, 2.7 percent of total public spending was allocated to “family and children” (in 2004 and 2005, percentages were 2.4 and 2.5 respectively). In absolute amounts, total expenditures from budget resources for social protection: family and children were 187,000,000 euros in 2003, 192,411,000 euros in 2004 and 211,000,000 euros in 2005, respectively. Tables represent expenditures from budget resources and other resources (beneficiaries’ own income, donations, domestic, and foreign borrowing).

Some modest funds from municipality budgets were allocated to combating violence against women.

At the national level, there is no prescribed/planned amount in the state budget for the work of NGOs in the field of violence against women. Yet, the Social Innovations Fund within the Ministry of Labor, Employment, and Social Policy has provided one-year or several-month grants for innovative projects in the field of social protection, including projects of state institutions that have been implemented in partnership with NGOs. This fund has been co-financed by European Union (through European Agency for Reconstruction, EAR), the Republic of Serbia, the Norwegian government, and UNDP.

In 2004, the fund provided in total 27,023,789 dinars (330,000 euros) for 13 projects aimed at protection of women and children-victims of violence, out of which 3–4 projects were implemented in partnership with NGOs. Mostly, these were service-oriented projects of Centers for Social Work (CSWs) with local women’s NGOs as

⁹ Government of Serbia (2005) *First Progress Report on Implementation of Poverty Reduction Strategy*.

partners.¹⁰ As analyzed by NGO activists (Ignjatović, 2005), a policy of the fund to support partnership projects of CSWs and NGOs led, in some cases, to “fictional” partnerships, not based on genuine and fruitful cooperation, or some NGO activities were “disguised” as partnership projects.

In 2005 the fund announced a tender for financing projects in the field of social protection in 2006. The total available amount planned for local projects was 900,000 euros, through EAR. The government provides additional funding from the state budget, in the amount of 32,000,000 dinars (380,000 euros). This is the total amount for *all projects on social protection*. Out of total 365 applications, the fund accepted 51 projects for financing in 2005 (Social Innovations Fund, 2005). Among the accepted projects only one was implemented by an NGO as the main implementing partner and aimed at providing services to victims of violence against women: Alternative Circle from Kragujevac obtained funds for the setting up of a shelter. Apart from this, in total, six projects (for implementation in 2005) were related to violence against women in different ways (however, these projects often related to child abuse). Within these projects, the main implementing partners were state institutions, while NGOs were involved as partners.¹¹ Several women’s NGOs noticed problematic trends in the recent funding policy of this fund in 2006, since accepted NGO projects were very rare (although many were submitted), while projects of several religious/humanitarian associations were accepted for funding.

¹⁰ For example, the fund financed a project of a shelter in Zajecar. The project was implemented by the Association of Mothers in partnership with the local CSW. Another similar project (the setting up of a shelter) was also funded (CSW in Leskovac in partnership with the Leskovac Women’s Center). During December 2003–January 2005 the fund also financed the project of the Autonomous Women’s Center in collaboration with the City Center for Social Work in Belgrade. In 2004, the Ministry for Labor, Employment, and Social Policy also provided a small emergency grant, on exceptional basis (150,000 dinars, 1,800 euros) to NGO Counseling Center against Family Violence, i.e. their shelter. In that period, the Shelter for Women and Children-Victims of Violence, run by this NGO, was almost closed down, due to a lack of donations.

¹¹ (1) CSW in Pancevo as the main implementing partner, related to vocational trainings for women-victims of domestic violence; (2) CSW in Zajecar, project aimed at organizing trainings for professionals on child abuse-neglect and raising awareness of child abuse; (3) CSW in Leskovac, project aimed at educating professionals on methods of work with women and children-victims of violence, as well as with perpetrators; (4) a project for institutions for children without parental care in Niš was aimed at providing services to children and women; (5) project of CSW in Novi Sad focused on organizing evidence on violence in partnerships, awareness-raising programs for police officers about violence against women and creating team for interventions; and (6) project of CSW in Priboj was focused on development of foster care programs for children victims of violence.

At local level no budget is allocated for combating violence against women. Similarly, in the vast majority of cases no budget is planned/spent on financing activities of NGOs. Yet, several local governments have occasionally approved small, emergency grants to NGOs engaged in providing services to victims of violence against women, or have given them office premises to use free of charge, but these were rare, and should be viewed as exceptions. Relations and cooperation between local governments and women's NGOs have been highly dependent on the political "climate."

1.5 State financing system to compensate victims

There are some general provisions on the compensation of victims, but no research has been conducted to analyze whether the victims of violence against women actually received any compensation. In the Criminal Code of Serbia (published in *Official Gazette* 115/05), some general provisions (in Article 59) are prescribed, i.e. that a perpetrator of criminal offence can reach an agreement with a victim (injured party) about the compensation. In paragraph 1, it is defined that, under condition that a perpetrator has fulfilled all obligations from the agreement with a victim, and under condition that for such criminal offence the prescribed sentences are up to three years of imprisonment (or fine), the court can free the perpetrator of the prescribed sentence. Paragraph 2 also stipulates that the court can free the perpetrator of the criminal offence for which the prescribed sentences are up to five years imprisonment, under conditions that (a) the perpetrator of such criminal offence "has eliminated consequences of the criminal offence or has compensated the injured party for the damage caused by criminal offence;" and (b) such elimination of consequences, or compensation "was done upon the criminal offence was committed, but prior the perpetrator has learned that the criminal offence was discovered/revealed."

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

Upon considering the periodic report of Yugoslavia to the UN CEDAW Committee, submitted in 1998, the committee did not express concerns in its concluding comments in relation to violence against women, but one comment was illustrative in relation to the question whether the government had taken steps in order to implement the Committee's recommendations: "The Committee regrets, however, that the report contains information almost exclusively on legislation and not on the implementation of such legislation. It also regrets that the report does not respond to the concluding observations on Yugoslavia made by the Committee in 1993. The absence of any such response restricts the possibilities for a fruitful dialogue with the State party on the issues raised in those observations."

After the political regime changed, the country acceded to CEDAW in April 2001. The Optional Protocol was ratified on September 6, 2001 with no reservations, and entered into force on December 6, 2001. The initial report of Serbia and Montenegro was due in April 2002. As agreed, separate reports (Serbian and Montenegrin) will be written. The report has not been finalized yet, so it is nearly four years overdue.

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

There is no special law on violence against women. Also, there is no special law on domestic violence, but there are provisions related to domestic violence in the Criminal Code and the Family Law.

Protective measures are defined in the Family Law, Article 198 paragraph 1: the court could impose one or several protective measures against the family member who has committed violence, i.e. the court could temporarily ban or restrict relations with other family member. The proceedings related to protection from family violence can be initiated by the complaint/accusation brought by the family member against whom the violence has been inflicted, her/his legal representative, public prosecutor, or the CSW¹², while the family member against whom the protective measure was issued can require cessation of protective measures.¹³ The court is also obliged to deliver the verdict to the CSW in the place of residence of both the injured party and the perpetrator.¹⁴

One or more of the following protective measures could be imposed by the court: (1) issuing a court order for removal of the perpetrator from the family apartment or house, regardless of the property rights or rental agreement; (2) issuing a court order for moving into a family apartment or house, regardless of the property rights or rental agreement; (3) issuing a restraining order, banning the perpetrator from approaching or coming within a specified distance of a family member; (4) banning the perpetrator from approaching the place of residence or place of work of a family member; and (5) banning further harassment of the family member.¹⁵ Protective measure(s) from

¹² Article 284(1–2).

¹³ Article 284(3).

¹⁴ Article 289.

¹⁵ Article 198(2).

domestic violence can last up to one year,¹⁶ but they could be also prolonged until the reasons for their imposition cease to exist.¹⁷ Article 199 says that “Protective measures against the family violence can be extended until the reasons for imposing such measures cease to exist.” In Article 200 it is also prescribed that protective measures can be terminated before the prescribed time length, if the reasons for their imposition cease to exist.

Punishment for violation of protective measures is prescribed in the Criminal Code: whoever violates protective measures determined by the court shall be fined or sentenced to six months imprisonment.¹⁸

However, this relatively new law should have been followed by further legal regulations. Interviews with social workers and representatives of NGOs (Branković, 2005b), implied that implementation of this protective measure has been inadequate in practice, mostly due to a confusion about jurisdictions, absence of explicit guidelines, and a lack of training programs for relevant state officials. It was also concluded that protective measures have been rarely imposed in practice so far.

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

Domestic violence was criminalized for the first time *as a specific criminal act* in Article 118A of the Criminal Code. Adoption of this amendment to the Criminal Code (and other changes in legislation related to violence against women) came as a result of advocacy of NGOs.

Besides these provisions, acts of family violence are punishable under the general conditions proscribed to physical assaults.

However, an analysis of implementation of this article, conducted by the Women’s Research Center for Education and Communication (Konstantinović-Vilić and Petrušić, 2004), based on the analysis of 620 legal cases, implied that police departments, prosecutors, and courts interpreted the term “family member” differently. Since this term was not precisely defined in legal provisions, courts mostly interpreted it as if it referred only to the nuclear family. This interpretation led to a significant narrowing of the legal protection from domestic violence – it excluded unmarried persons, divorced victims, intimate partners, cohabiting partners, etc. Sentences of

¹⁶ Article 198(3).

¹⁷ Article 199.

¹⁸ Article 194(5).

perpetrators reflected the penalties that were applicable to acts in which the victim and the perpetrator did not have a specific familial and legal relationship.

Some of the provisions related to domestic violence were changed recently. New provisions on domestic violence in the Criminal Code of Serbia came into effect on January 1, 2006. Domestic violence is explicitly defined in Article 194,¹⁹ but sentences are lower in comparison to those imposed by Article 118A. In relation to these newly-prescribed sentences, women's NGOs now advocate for increasing the minimum imprisonment sentence.

Incest is penalized in Article 197 of the new Criminal Code: if adult who commits sexual intercourse or an equivalent sexual act with under-aged direct blood relative or with under-aged sibling, shall be punished by up to three years imprisonment. The same punishment was prescribed by previous legal provisions and many representatives of women's NGOs protested against it, insisting that punishment was too mild. Some legal experts (Aleksić and Lukić, 2000) questioned the legal definition of incest.

Rape is punishable under Article 178 of the Criminal Code: whoever coerces another person to sexual intercourse or equivalent act, by the use of force, or threat against life or body (or threat against other close persons), shall be punished with imprisonment from two to ten years. The gender of perpetrator or victim is not explicitly mentioned. For more severe forms of rape (rape committed by severe threats, in a particularly cruel or humiliating way, rape that resulted in heavy bodily injury, pregnancy or a death of a victim, rape against a minor, rape by several offenders, etc.), a more severe punishment is prescribed.

Until recently, marital rape was not criminalized; this act became incriminated by an amendment to the Criminal Code in 2002. Previous provision defined rape as forced sexual intercourse outside matrimony, but the amendment dropped the part about "outside matrimony."

Article 179 of the Criminal Code refers to sexual intercourse with a defenseless/helpless person. This act is defined as sexual intercourse or equivalent act by abusing mental illness, impaired mental development, other mental disturbance, helplessness of another person, or any other condition/state of another person due to which that person is not able to provide resistance. Prescribed sentence for such offence is one to ten years of imprisonment. For aggravated forms (as described above) the perpetrator shall be punished with two to 12 years of imprisonment. If the act results in a death of the victim or if the act has been committed against a child, prescribed punishment is five to 18 years.

¹⁹ *Official Gazette* No. 85/05

Article 180 refers to statutory rape which is defined as sexual intercourse or equivalent act with a child, and is punishable by one to ten years of imprisonment. It is also stipulated that a perpetrator shall not be punished for such an act, if there is no significant difference in mental and physical maturity between a perpetrator and a victim. Aggravated forms of this act exist (as listed above); and the prescribed sentence in these cases is five to 18 years of imprisonment.

Article 181 defines sexual intercourse by abuse of authority: sexual intercourse of equivalent act by abuse of authority/office with another person who is in a subordinate position or in a position of dependence. The act is punishable by an imprisonment from three months to three years.

Article 182 is related to prohibited sexual acts and stipulates that whoever under conditions prescribed in Articles 179(1–2); Article 180(1); and Article 181(1–3) commits some other sexual act, shall be fined or sentenced to three years of imprisonment. Aggravated forms are: if the act results in heavy bodily injury, or has been committed by several offenders or in a particularly cruel/humiliating way (punishment: two to ten years of imprisonment), and if it results in a death of a victim (punishment is three to 15 years).

Article 183 prohibits pimping and enabling sexual intercourse of minors: whoever pimps a minor for a purpose of sexual intercourse, other equivalent act or other sexual act shall be punished with imprisonment from three months to five years, and whoever enables sexual intercourse, equivalent act or other sexual act with a minor, shall be punished with three years of imprisonment.

Article 184 prohibits acting as intermediary in prostitution: whoever induces or encourages another person to prostitution; or participates in a surrender of a person to another person for a purpose of prostitution; or through mass media or other similar means advocates or advertises prostitution, shall be fined or sentenced to up to three years of imprisonment. If the act has been committed against a minor, the sentence is one to ten years of imprisonment.

Article 185 prohibits exposure of children to pornography or using children for pornography: whoever sells, exposes, displays in public or in other way makes available to a child texts, photos, audio-visual or other subjects of pornographic nature, or shows him/her pornographic performance, shall be fined or sentenced to up to six months of imprisonment. If a child is used for producing photos, audio-visual or other subjects/matters of pornographic nature, or for a pornographic performance, a perpetrator shall be sentenced to six months to five years of imprisonment. Whoever sells, displays, exposes in public or makes available in an electronic format such materials, shall be punished with an imprisonment of up to two years.

Legal provisions on trafficking have changed recently. Although Serbia signed the UN Convention against Transnational Organized Crime signed in Palermo in 2000, domestic legislation did not recognize trafficking in women as a specific criminal offence until April 2003, when Article 111(b) (Trafficking in human beings) was introduced to the Criminal Code.

Since 2006 Article 388 contains provisions on trafficking in human beings. Article 390 punishes the establishment of a slavery-like relationship and transportation of persons in a slavery-like relationship.

The Labor Code stipulates that harassment and sexual harassment are prohibited. Article 21 defines sexual harassment as “any verbal, non-verbal or physical behavior which is aimed at, or represented in, violation of dignity of a person who seeks job, or an employed person in a realm of sexual life, and which results in fear or creation of hostile, humiliating, or offensive environment.” Hence, sexual harassment is not defined as gender based discrimination; there is no act on prohibition of sexual blackmail, and internal procedures are not prescribed. Victims of sexual blackmail could seek protection in court only against lesser offence: harassment. (In 2002, sexual harassment was criminalized in the Criminal Code, but it was excluded in 2006, when the code was revised.) The burden of proof is on the victim.

In the Code of Criminal Procedure, there is a general provision that prohibits any kind of violence against a detainee.

2.2.2 Criminal procedures and prosecution

Procedural provisions related to urgent proceedings in cases of domestic violence are prescribed in the Family Code. Some provisions on shortened procedure are applicable; i.e. in cases of criminal offences which are punishable by a fine or imprisonment sentence of up to three years, it is possible to initiate a shortened procedure. Based on the prosecutor’s request and with explicit consent of the accused, the judge can authorize application of provisions on shortened procedure.

As defined in the Family Code (in Article 284), procedures related to protective measures should be started by bringing an accusation. An accusation for issuing protective measures (or prolonging existing ones) could be brought by the following parties: a family member who was a victim of violence, her/his legal representative, public prosecutor, and a social guardianship authority, i.e. Center for Social Work, while a complaint related to cessation of protective measures could be brought by the family member against whom protective measures were imposed. Consequently, a procedure of imposing protective measures could be started both *ex officio* and on the victim’s request. In addition, regarding protection of domestic violence, the court is

not bound by limits of complaint request;²⁰ therefore the court could impose a protective measure that was not requested, if it assesses that such measure could result in the most efficient protection.

The police are obliged to investigate all reported cases of criminal offences prescribed in the Criminal Code.

Problems related to decisions of police and prosecutors whether to bring legal charges against perpetrators are identified in research about implementation of legal provisions on domestic violence (Konstantinović-Vilić and Petrušić, 2004). In practice, police officers take into account consequences of the act and prior commission of the same act. If a victim has had no severe physical injury, legal charges were brought only if the perpetrator has been previously fined for misdemeanor. It was also identified that police, public prosecutors, and courts applied different criteria to qualify a criminal act of violence against “family members” (see above), so only a limited number of acts were qualified as a criminal act of domestic violence, while a far greater number of acts were qualified as light bodily injury, heavy bodily injury, murder, etc. Further, while making a decision whether to prosecute, public prosecutors often relied on victim’s testimony as the only evidence. In cases when victims stated that they would refuse to testify in courts, prosecutors, by a rule, decided to overrule charges, claiming for the lack of evidence. In addition, some public prosecutors, upon hearing the victims, advised them to reconsider their decision to bring charges and specified a deadline for coming to such decision. This practice actually represented a discouragement of victims to bring legal charges. Further, researchers identified that victims (mainly women) still pressed private legal charges against perpetrators, probably due to a lack of knowledge on changes in legislation (i.e., that domestic violence should be prosecuted *ex officio*).

With regard to domestic violence, aggravating circumstances are related to the manner in which the offence is committed (use of weapon, dangerous instrument or other implement suitable to cause serious bodily harm or to seriously impair health), the consequences of the offence (heavy bodily injury, serious impairment of health, death of the victim), or the personal characteristics of the victim (e.g., if he/she is a minor).

2.2.3 Special provisions in the defense of children

As described in legal analyses (e.g., Shadow Report to United Nations Human Rights Committee, 2004) no specific provisions are related to child victims, but a state agent who has maltreated a child may be prosecuted for different abuses of authority in dealing with arrested persons (unlawful deprivation of freedom, extortion of deposition, maltreatment). Article 181 on “Sexual intercourse by abuse of authority”

²⁰ Article 287.

specifies that a teacher, educator, guardian, parent, adoptive parent, step-father/mother, or other person who by the abuse of office/authority commits sexual intercourse with a minor, shall be punished with imprisonment from one to ten years. Consequently, this provision prohibits sexual acts committed by officials, and offence against a minor is taken as aggravated circumstance. In other offences mentioned above, a fact that an offence has been committed against a minor is also taken as aggravating circumstance. Nevertheless, these other sexual offences against minors are not aggravated if they had been committed by a state agent.

2.3 Applicable provisions in civil and family law for cases of violence against women

Provisions related to domestic violence are involved in the recently adopted Family Code. In provisions related to protection from domestic violence, it is specified that domestic violence is a behavior through which one family member endangers physical integrity, mental health or serenity of the other family member.²¹ Specific acts are also defined that should be considered as domestic violence.²² The law also defines who should be considered ‘a family member’.

There are no specific provisions related to compensation of victims (pecuniary and non-pecuniary damages). Yet, as analyses (Mršević, 2001) implied “victims of all kinds can be compensated according to the ‘general’ compensation provisions. Women victims of violence as a specific category, apart from general provisions, are not in any way legally compensated for either physical and mental damages they suffered or the abstract damages. (...) Moreover, material damages are also not compensated.” Recent analyses (e.g., Tejić, in preparation) indicate that a requirement for compensation of damage as a result of “violence in the family” could be submitted in the criminal proceedings (but only if such requirement would not cause prolonging the proceedings). The court decides about the requirement. In cases when the offender is found guilty, a decision about compensation is also made. If the offender is found not guilty, a requirement for compensation can be initiated as a civil suit/action. Some general provisions in the law on obligations are related to a possibility of compensation for material damage in cases of violation of person’s honor (or dissemination of false

²¹ Article 197.

²² Such as a) inflicting or attempting to inflict bodily injury; b) generating fear by threat of homicide or inflicting bodily injury to a family member or a person close to the family member; c) coercion to sexual intercourse; d) sexual intercourse with a person who is less than 14 years old, or defenseless/helpless person; e) limiting a freedom of movement or communication with other persons (third parties); and f) insulting, or any other impertinent, unscrupulous or malicious behavior.

information about the person), and compensation for non-material damage (in cases of violating person's honor, reputation, or freedom).

There are no available statistics related to the compensation of victims.

An explicit definition of domestic violence is provided in the newly-adopted Family Law, which came into force on July 1, 2005. This law also defined "a family member," which is an improvement in legislation.²³

There are some legal provisions related to accelerated procedure in cases of domestic violence. As prescribed in Article 285 of the Family Code, legal proceedings related to protective measures are considered as particularly urgent, hence, the first court trial is scheduled to be held up to eight days upon receiving a complaint in court, while a higher court to whom the appeal had been submitted must reach a decision within 15 days starting from a date on which the appeal had been received. Also, the appeal cannot detain execution of the court verdict on imposing or prolonging protective measures against perpetrators of domestic violence.²⁴

Special provisions in defense of children exist in the Family Code: Article 203 prescribes that legal proceedings on family relations should be led by judges and juror judges who possess special knowledge on children's rights. Article 204 prescribes legal proceedings related to family relations which concern children (or a parent who is granted custody of children) are considered as urgent.

Article 273 on the "Decision about exercising parental rights and protection from family violence" prescribes that the court can decide (in the proceedings related to protection of rights of children or parental rights), whether to entrust or terminate parental rights. According to Article 81, complete termination of parental rights is possible if a parent misuses such rights, or seriously neglects parental duties. The misuse of parental rights is defined in the following manner:

- if a parent abuses the child sexually, physically, or mentally;
- if a parent exploits the child by forcing it to undue work, or work that jeopardizes morale, health, or education of the child, or by forcing the child to work that is prohibited by the law;
- if a parent fosters the child to commit criminal offences;
- if a parent teaches the child to acquire ill habits; and
- if a parent in any other manner whatsoever misuses the rights contained in parental rights.

²³ See Konstantinović-Vilić and Petrušić, 2004 for more details.

²⁴ Article 288.

Serious neglect of parental duties is defined in the following manner:

- if a parent abandons the child;
- if a parent does not take care of the child with whom he/she lives;
- if a parent fails to provide financial support to the child with whom he/she does not live, or avoids contacts with the child with whom he/she does not live, or prohibits personal contacts between the child and a parent with whom the child does not live;
- if intentionally and without justification fails to create conditions for joint living with the child who is placed into institution for social care; and
- if in another manner neglects parental duties.

The court can restrict the child's right to live with his/her parents, if that is in her/his best interest, i.e., the court can decide that the child will be removed from his parents in cases when there are reasons for complete or partial removal of the parental right, or in cases of violence in the family. Visitation rights could be also limited/restricted, i.e. the child's right to have contact with a non-custodial parent can be restricted in cases when there are reasons for complete or partial termination of the parental rights, or in cases of violence in the family.

2.4 Victim protection and protection of witnesses

Article 109 of the Code of Criminal Procedure contains general provisions related to the protection of a witness: "The court is bound to protect a witness and the injured person from an insult, threat, or other assault" and "The court shall warn or fine a party in the proceedings or other person who insults, threatens, or endangers a security of the witness or the injured person. In the case of a violence or serious threat the court shall inform a state attorney regarding the institution of criminal prosecution." Special police protection of witness is also possible: "Upon a motion of the investigative judge or the president of the panel, the president of the court or the state attorney may request from police authorities to undertake special measures regarding a witness protection and protection of the injured person."

Conditions for entering the witness protection program are the following: "The assessment of safety should be done by the Ministry of Interior. Although the Law on the Protection of Persons Participating in Criminal Proceedings (*Official Gazette* 85/05) gives opportunities to victims of sex trafficking to enter the program, it was never the case."²⁵

²⁵ List of Critical Issues, *ibid.*

The amendments adopted in December 2002, also introduced provisions concerning organized crime. One of the novelties was the concept of a witness-collaborator, which implies: “protection of the member of a criminal gang who agrees to testify, but not a protection of the victim or the victim/witness.”

Analysis by legal experts (Mršević, 2001) revealed shortcomings in criminal proceedings related to violence against women: “the law on Criminal Procedure does not discriminate on the basis of gender. However, some procedural practices are discriminatory against women victims of violence.”²⁶

Interviews with NGOs and social workers, conducted for the purpose of this report, revealed that the level of secondary victimization has been dependent upon the sensitivity of particular police/court officials. NGO and state representatives stated that re-traumatization should be viewed as a great problem, especially when minors and sexual assault victims are concerned: victims of sexual assaults repeat their testimony six or seven times during reporting, investigation, and court proceedings.

Intriguing conclusions about this issue are provided in a recent state policy document in which it is said that “the position of a victim in legal proceedings should be improved, since a perpetrator of the crime has been put into a more favorable position than the victim. There are no guarantees for preventing secondary victimization, as victims are several times examined as witnesses, and there is no possibility to use modern technical equipment (for transmitting pictures/images and sounds, audio and video recordings, etc.) that could ensure legal proceedings in which integrity of the victim as injured party will be protected.”²⁷

²⁶ These are:

- a) As a rule, women victims of sexual violence are submitted to expert testimony concerning their mental health with a special emphasis on their ability to speak the truth. Male perpetrators are not regularly submitted to this kind of examination.
- b) Women victims of violence are regularly asked to provide evidences on the lack of “provocation” on their side.
- c) The age of women victims of violence is regularly tacitly taken against her if a victim is not a girl or a grandmother. Women victims of violence aged 15–65 are usually regarded as “probably provocative” at the time of the crime.
- d) Women victims of violence are rarely protected during the criminal proceedings from various kinds of threats by the perpetrators or their friends and relatives, even if the threats are serious.
- e) Officials in various stages of criminal proceedings have a disparaging attitude towards women victims of violence. They ridicule them, diminish their sufferings, address them as “girls,” do not take them seriously, regard them in advance as liars or at least persons who exaggerate with some hidden agenda.

²⁷ *Framework of the National Strategy against Violence*, 2005.

The problem of re-traumatization is listed as a critical issue in a recent analysis of NGOs as well: “The investigation period and legal procedure are still very re-traumatizing. The victim has to tell the story many times, in many cases to confront the perpetrator directly, there is an opportunity for perpetrator to investigate the victim, there is special interest of the police to investigate victims of sexual violence as a resource for other information like criminal activities of the perpetrators etc.”²⁸

There are no special provisions of data protection law in cases of violence against women. There are no general provisions that can be applied. Article 261 of the Code of Criminal Procedure prescribes that for the benefits of the proceedings and for the protection of personal or family life of the injured person or the defendant; the official person undertaking the investigation may order the persons being interrogated or present at the investigatory actions to keep certain facts or information they have learned in the proceedings confidential and may instruct them that the disclosing of the secret is a criminal offense.

Article 206 of the Family Code prescribes that the public is excluded from legal proceedings related to violence in the family, and that data and documents are protected by professional confidentiality, hence, all persons to whom these data/documents are available are obliged to protect them as professional secret.

There are no special provisions in the law in the defense of professional service providers dealing with violence against women cases.

In practice, children victims are not treated in courts as required in the Council of Europe Recommendation (2002)5; their rights are not successfully protected during proceedings. NGOs that provide support to children victims often claim that their treatment is unjust and leads to secondary victimization.

Women’s NGOs have organized various lobbying and advocacy activities to change practices leading to re-traumatization. As a result in 2006 new articles of the Family Code related to protection of children’s rights in courts came into force.

Special provisions related to proceedings against juvenile offenders are a part of the Code of Criminal Procedure (Articles 464–504). For example, it is prescribed that courts should have juvenile panels and that one or more of juvenile judges should preside in the courts at first instance. There are no complaint procedures specific in cases of child victims of ill-treatment, cruel, inhuman, degrading treatment, or punishment of torture.

Certain organizations like the Southeast European Cooperative Initiative provided assistance to the courts in ensuring the safety of trafficked victims; yet, the latter was

²⁸ List of Critical Issues, *ibid.*

dependent upon availability of funds. Analysis of possibilities for the protection of victims and witnesses²⁹ implied that “victims of trafficking have usually been the only reliable source of evidence against traffickers, and they have been exposed to additional pressure to become witnesses in trials, so the state used them at such trials disregarding their personal needs and wishes, and exposed them and their families to a possible revenge of organized crime. (...) Since our procedural legislation is still not familiar with the concept of witness protection, while the victim of trafficking has little or no help and protection by institutions, victims often do not want to witness in criminal proceedings against traffickers. (...) Victims are often ashamed, believing that they are to blame for what happened to them, so when giving a statement, they either deny or minimize the acts of the indicted. Experience shows that victims who decided to testify were under permanent threats, even their families in their native countries were threatened.”³⁰

As elaborated in a previous analysis, ASTRA has been contacted by victims who escaped from trafficking chains. These women appeared in court as witnesses in cases against indicted traffickers. As most of these women could not afford a lawyer, NGOs (Counseling Center against Family Violence, ASTRA) hired lawyers to represent them. The analysis mentioned above thus implied that “a victim is entitled to representation by an attorney throughout the proceedings. (...) The attorney may also assume prosecution if the public prosecutor withdraws the indictment. For this reason, it is necessary to ensure the representation to the victim by professional and aware lawyers, who are ready to fight against misogyny and xenophobia and to take certain personal risk and various forms of obstruction. Since neither the victim nor her attorney has the status of the party, but only the status of the participant in the proceedings, the court is not obliged to send them the indictment, forensic findings, and even final judgment. The victim does not have the right of appeal against the judgment, except in the part of the judgment

²⁹ Child Rights Center, Humanitarian Law Center, ASTRA, and OMCT (2004) *Shadow Report to the UN Human Rights Committee*.

³⁰ In this report a well-known court case against 13 traffickers was described. In 2003 a girl from Moldova testified about being raped for 15 days. She finally escaped by jumping from the third floor and broke her spine. While she was testifying, defendants were mocking and insulting her (the judge reacted, but mildly). After a few months, another girl from Moldova gave her deposition about being raped by the main defendant and she was deadly scared, explaining that his “guys” visited her in Moldova. The accusation of rape was rejected on the basis that she could not explain why she was scared so much that she could not resist. (One of the defendants even threatened to kill her during the court session. The judge merely told him to stop talking without permission.) The defendant was found guilty for the fifteen-day rape (which the court found absolutely proven) and the sentence was one year imprisonment (that was three times less than the minimum prescribed for that crime), while other defendants were also given minimum sentences; some of them with probation. All the victims were rejected in their reparation demands and advised to start civil trials.

concerning costs, or if the public prosecutor has assumed the prosecution from the victim as private plaintiff. For this reason, cooperation with public prosecutor is vital for the protection of victim's personal rights, since this is the only way for the argumentation of her attorney to be taken into account through the prosecutor's appeal."

2.5 Legal assistance and representation for the victims of violence against women

Free legal aid as well as legal representation and assistance for violence against women victims are mostly provided by women's NGOs and funded by foreign donors on a project basis. Some human rights NGOs also provide occasional free legal counseling and/or representation. In addition, free legal aid could be obtained in some public institutions like in some municipalities – these services are financed through local government budgets.

2.6 Providing information for victims about their rights, obligations, and the services available

There are no specific requirements of providing information for victims about their rights, obligations, and the services available, except general provisions which apply to victims in other proceedings. Some studies, however, identified a lack of sufficient knowledge of victims about their rights and available services. A study of 450 adult citizens of both sexes in Central Serbia indicated that about a half of respondents were not informed about NGOs that provide services to victims.³¹ Yet, among those who did know about existence and services of NGOs, 93 percent had an opinion that such services had been helpful for victims. Low level of confidence in police, CSWs and courts was found in studies on sexual violence, which were conducted on a large sample of adolescents.³² Psychological counseling centers were relatively the most trusted, though not too much. Similarly, a study on domestic violence, conducted in Belgrade³³ found that a majority of domestic violence victims (78 percent), regardless of the type and severity of violence, had never reported it to state institutions or NGOs. A study on the implementation of legal provisions on domestic violence also implied that (at least before 2004) victims of domestic violence still sometimes pressed private legal charges against perpetrators, mostly due to a lack of knowledge about their rights.³⁴

³¹ Mitić, 2005.

³² Branković, 2001; 2003; 2005a.

³³ Autonomous Women's Center and WHO, 2005.

³⁴ Konstantinović-Vilić and Petrušić, 2004.

2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning

Violence against women and women's safety is not addressed in the laws, regulations, and guidelines of the national, regional, and urban planning.

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

Special laws or compulsory codes of conduct for the different professions to deal with cases of violence against women do not exist. In general, law experts (Mršević, 2006) interpret that requirement for the police to investigate all cases has been already embedded in the law, while efficiency of implementation of this principle in practice is another issue. Implementation was examined in detail in the study of Konstantinović-Vilić and Petrušić (2004).

Until recently records and statistics of CSWs did not contain the category "violence in the family." Upon adoption of the new Family Code, it is required to keep evidence on specific cases. Records should be kept about issuing protective measures in cases of domestic violence: inflicting or attempted inflicting of bodily injury, forced sexual intercourse, insults and other impertinent and insolent behavior, threat of murder or threat of inflicting bodily injury, limiting the freedom of movement or communication, enforcing to sexual intercourse or sexual intercourse with a person who is younger than 14 years of age, or with a defenseless person.³⁵

Some women's NGOs have attempted to introduce protocols, codes of conduct, and guidelines into the practice of police and social workers. In practice, victims often complain that there are medical personnel who refuse to provide certificate of injuries, or provide incomplete documentation of injuries, which is not valid in courts. Hence, some pilot initiatives have been undertaken in order to introduce protocols for medical doctors as well.

The Autonomous Women's Center has developed numerous practical tools for these professional groups (involving instructions about intervention and monitoring); promoting and implementing in practice a model of coordinated actions of different institutions like the police, social workers, health care, judiciary, etc. The center has

³⁵ *Official Gazette* 18/2005.

also developed protocols for medical doctors. However, these protocols have not been officially accepted by authorities as compulsory.

3.2 Legal regulations of inter-agency cooperation

Legal requirements of inter-agency cooperation do not exist, but some initiatives were undertaken to sign protocols of inter-institutional cooperation in the field of domestic violence – mostly by women’s NGOs. In Vojvodina, the deputy of provincial Ombudsperson took a similar initiative, aimed at improving coordinated, multi-agency work. A project of CSW in Sombor, Vojvodina is a rare example of a truly reform project in the field, which involves coordinated work of institutions (including interdisciplinary mobile teams for interventions in cases of domestic violence, available around-the-clock). Experiences of the so-called “Sombor-model” have been taken up by approximately 15 other locations in Serbia.

In the field trafficking, initiatives and requirements for cooperation of different institutions have been made from high decision-making posts, and complex inter-institutional models of cooperation have been formed. This could be probably attributed to a high pressure of international agencies and foreign governments.

3.3 Medium- and long-term coordinated action plans for the different professions

As yet, there are no medium and long-term coordinated action plans for the different professions in the field of violence against women.

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

In the field domestic violence, forums for the cooperation of the state and NGO sector do not exist. A certain level of cooperation has been established after the change of political regime in 2000. Based on qualitative analysis of interviews with a majority of women’s NGOs engaged in providing services to victims,³⁶ the activists assessed that the police made the greatest progress in collaboration with NGOs and in implementation of legal provisions related to domestic violence: An improvement in institutional response to domestic violence was made. Collaboration was assessed as mostly good with schools, and relatively poor with health care workers. Collaboration with CSWs varied considerably. Collaboration with the judiciary was, almost without exception, estimated

³⁶ Branković, in preparation.

as very poor or even non-existent; the judiciary has made the slightest improvement in their response to violence, as well as in cooperation with NGOs.

In the field of trafficking in human beings, the current assessment of ASTRA on the cooperation between state bodies and NGOs is the following: “Until now, there are no clear mechanisms and procedures developed for identification of victims, and the process is going backwards comparing to the period 2002–2003. NGOs are excluded from the process of victims identification, which has been operated mostly by the police and the Service for Coordination makes confirmations of the identification. The procedure is a ground for numerous omissions, abuses, and secondary victimization. Contrary to the UN Convention on transnational organized crime which stresses the necessity of cooperation of the state and NGOs in all phases of the treatment of victims, in Serbia the accommodation of the victims in the shelter, after the identification was done, has been used as a cover for non-cooperation. (The Shelter has been coordinated by an NGO, and it is the only shelter for victims of sex trafficking in Serbia). In reality, NGOs are not treated as partners.”³⁷

There is no systematic mechanism to involve NGOs in drafting and evaluation of laws and policies, although a certain degree of collaboration between NGOs and state authorities has been established. According to NGO activists the current government is far less open for suggestions of women’s NGOs related to issues of women’s human rights than the cabinet of assassinated Prime Minister Djindjić.

NGOs were involved in a process of designing the *National Action Plan for Children of the Council for Child Rights*, in 2004 and the protocol for the protection of abused children. NGOs have also been included in a process of creating strategic documents related to trafficking: the *Anti-Trafficking Strategy (2005–2008)* and the *Action Plan for 2005*.

Several NGOs that prepared a shadow report on the implementation of the International Covenant of Economic, Social, and Cultural Rights stressed that NGOs should be more actively included in the process of creating strategy on combating trafficking (Coalition of Non-Governmental Organizations of Serbia, 2005). Involvement of NGOs in the process of designing the *Poverty Reduction Strategy* (PRS) adopted in 2003 was organized through the Civil Society Advisory Committee (established in 2002). It comprises representatives of NGOs, nominated by three large networks of NGOs in Serbia (Civic Initiatives, Center for the Development of Non-Profit Sector, and Serbia without Poverty Network). Some women’s NGOs have expressed an opinion that PRS has not properly taken into account gender-based aspects of poverty and gender (in)equality issues in general; they have also raised an

³⁷ List of Critical Issues, *ibid.*

issue how representatives of NGOs were appointed, whether members of “umbrella” NGOs could represent NGO sector, etc.

The creation of a *National Plan of Action for Women* has started recently, as mentioned above, and the Council for Gender Equality within the government of Serbia has sent an invitation to women’s NGO to participate in consultation process. Since the process has recently started, it is still early to analyze what kind of cooperation will be established. Currently, the NPA is being drafted by 33 women’s NGOs and experts nominated by the Council for Gender Equality.

3.5 Leading NGOs working in the field of violence against women in the country

Around 65 NGOs from 27 Serbian cities are involved in combating violence against women. Most of them provide direct services to victims, but others implement different activities as well. Among service-oriented NGOs, there are two trends: specialization of provided services (addressing the needs of specific vulnerable target groups for which no adequate state services exist, e.g., Roma, handicapped, incest victims) and professionalization of provided services. At the beginning of their growth, NGO centers for victims’ protection were created as the “alternative” to institutional mechanisms and gradually became a substitution of state institutions (a kind of “parallel system” has been formed, which primarily focused on gender-based aspects of violence and applied different principles in addressing the needs of victims).

In addition, a trend towards a changing focus in the work of NGOs has become evident lately – an increasing number of NGOs became involved in policy making and various other activities like prevention, research, lobbying/advocacy, etc. A range of activities within the NGO sector and its outcomes imply that NGOs have taken the role of the state in many fields relevant for combating violence against women. Numerous NGOs are mainly or partially devoted to:

- a) research on violence against women, studies on institutional response to violence against women and attitudes/awareness of officials, monitoring the implementation of laws and institutional policy, analyses of gender stereotypes in media and textbooks, data collecting related to reported cases;
- b) organizing educational seminars for professional groups, development of projects with state institutions, designing manuals and protocols for officials in institutions on intervention/procedures in cases of violence against women;
- c) networking at a national/regional, and international level, capacity-building for other NGOs;

- d) prevention programs and awareness-raising on violence against women in the general public, through campaigns or brochures;
- e) drafting legislation, lobbying for new laws and changes in institutional practice;
- f) monitoring, shadow reporting to international bodies, analyzing state policy on violence against women; and
- g) organizing academic programs on gender studies, which involve issue of violence against women.

Activities listed under f) and g) are less developed. Neglected areas in work of NGOs are: programs for women convicted of killing violent partners/husbands, economic empowerment of victims, therapeutic programs for perpetrators, and trainings on therapeutic work with perpetrators.

NGOs that have been involved in (some of) the above-described activities are:

Victimological Society of Serbia; Autonomous Women's Center; Incest Trauma Center; ASTRA; Romani Women's Center *Bibija*; Romani Children's Center; Counseling Center against Family Violence; Women in Black; Voice of Difference; Association for Women's Initiative (AWIN); Center for Women's Studies and Gender Research; *Women at Work*, *Beosupport*; Children's Rights Center; *Out of Circle* Group (all of them from Belgrade); Women's Research Center for Education and Communication in Niš; Women's Space in Niš; *Mileva Maric-Einstein* Women's Studies and Research Center in Novi Sad; Women's Alternative Workshop in Kikinda; *Smile* in Vrbas; Association of Mothers in Zajecar; Center for Women's Rights in Vršac; Women's Center in Užice; *Women in Action* in Velika Plana; Women's Center in Leskovac; *Lighthouse* in Loznica; HORA in Valjevo; *Alternative Circle* in Kragujevac; Committee for Women's Rights *Juca* in Bor; Zrenjanin Educational Center in Zrenjanin; SOS hotlines for Women and Children-Victims of Violence in the following cities: Vlasotince; Novi Pazar, Grocka, Smederevo, Užice, Novi Sad, Sombor etc.

Funding for NGO activities has been provided by donors on a project basis. As the number of donors willing to support women's groups and projects has started to decrease, the sustainability of NGO activities has become more problematic.

Experts in the field are: Vesna Nikolić-Ristanović (Victimological Society of Serbia); Slobodanka Konstantinović-Vilić (Women's Research Center for Education and Communication, Law School at the University of Niš); Nevena Petrušić (Women's Research Center for Education and Communication, Law School at the University of Niš); Tanja Ignjatović (Autonomous Women's Center/Voice of Difference); Zorica Mršević (OSCE Mission to Serbia and Montenegro, Gender Advisor); Dušica Popadić (Incest Trauma Center); etc.

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

Specialized police units of anti-trafficking teams exist across Serbia and different activities were undertaken at the national level to establish and enhance inter-institutional collaboration in this field as well as cooperation with NGOs. Different bodies, working groups, advisory councils, and a ministerial-level council were organized, which include representatives of different institutions. Hence, operation of such bodies assumes inter-disciplinary, multi-agency work.

The Ministry of Interior plays an important role in the national team for combating trafficking, and five different Police Departments/Directorates within the ministry are involved in the team (Directorate for Combating Organized Crime, Police Directorate, and Directorates of Criminal Police, Border Police, and Traffic Police), while special anti-trafficking teams are subordinate to them. In addition, the coordinator of the team is also from the ministry. Each police district in Serbia has a special anti-trafficking team, but their resources are limited.³⁸ The government has increased the number of training sessions for law enforcement officials and the Ministry of Interior briefed consular and diplomatic officials with country-specific trafficking information. Furthermore, the government cooperated with NGOs in public awareness activities, protection activities, and trainings. However, it should also provide sufficient tools for law enforcement authorities to conduct effective investigations and victim protection, and utilize new laws on trafficking which carry increased penalties.

The police cooperate with the mobile team, created as a part of the National Referral Mechanism. The mechanism defines which persons should be considered the victims of trafficking (according to the Palermo Protocol) and where they should be referred, i.e., to the shelter created in January 2002; is funded by the Austrian government and is administered through IOM (the government has not participated in covering costs). The shelter has already housed 169 women and 30 children.³⁹

Anti-trafficking police teams did receive additional mandatory training on trafficking, although some NGOs stressed that it was not sufficient. Activities aimed at creating special police units for combating trafficking started in July 2002.⁴⁰ In October 2004, the government formed specialized units within the Border Police for combating illegal migration and trafficking in persons; 70 police officers from 20 police district anti-trafficking teams were given supplementary trafficking awareness training.⁴¹

³⁸ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (2005).

³⁹ Stanojević, 2006.

⁴⁰ Government report to CEDAW, draft version, 2003.

⁴¹ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons (2005).

International agencies supported numerous programs on trafficking for police officials. Between June and October 2003, 282 border police officials underwent IOM/OSCE/IMMPACT Team Training on awareness raising related to trafficking and illegal migration. Similarly, different programs for the police on this issue were organized by NGOs. The Ministry of Interior was represented at different regional and international conferences aimed at creating joint anti-trafficking governmental initiatives, and specialized police officials also participated at trainings, seminars, or exchange programs abroad.

The NGOs cooperating with special police units assessed in one report that communication with these units (especially, with the Belgrade Anti-Trafficking Team), has improved considerably compared to 2002.⁴² Yet, it is specified that “although the Ministry of Interior established anti-trafficking units in almost all police departments in Serbia, only the team in Belgrade City Police Department is active. [...] the Ministry of Labor, Employment, and Social Policy has taken an increasingly active part in combating trafficking – this ministry coordinates the working group on victims’ assistance within the national team, and the National Referral Mechanism was established within this group. In our assessment, the weakest link in the battle is judiciary and prosecution.”

The authors of the above-mentioned shadow report stressed that more training programs should be organized for police officers – and primarily for judges and prosecutors. They also listed numerous problems regarding prosecuting traffickers and treatment of victims in courts. Problems in legal cases against traffickers are also noted in other reports: “There has been an increase in the number of traffickers arrested, but a lack of centralized information on judicial proceedings in trafficking cases impeded the government’s ability to report prosecutions and convictions.”⁴³

In the field domestic violence and other forms of violence against women, special police units do not exist, although some informal or pilot initiatives have been undertaken at the local level. These teams are composed of officers who previously attended training(s) on domestic violence, which were mostly organized by women’s NGOs. Such units or responsible persons for have been nominated in Sombor, Belgrade, Zajecar, Bor, Leskovac, Požega, etc. NGOs that provide services to victims positively assessed the impact of seminars for the police.⁴⁴ They stressed that training programs influenced attitudes of officers toward victims, and also mentioned that

⁴² Children’s Rights Center, Humanitarian Law Center, ASTRA, and OMCT (2004) *Shadow Report to the UN Human Rights Committee*.

⁴³ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 2005.

⁴⁴ Branković, in preparation.

trainings were accepted and attended because the Ministry of Interior officially approved them.

Prior to the criminalization of domestic violence *per se*, the police mostly treated such acts as private family matter, so NGOs estimate that *ex officio* prosecution also contributed to a change in attitudes as well as the fact that the police is a hierarchical institution. Activist of a Belgrade Roma NGO reported that before 2000 police officers “mostly did not bother to intervene in Roma settlements, except in cases of murder. [...] They treated domestic violence as ‘Gypsy business’,” while their current interventions in cases of domestic violence are done “by the book.”

The number of female police officers has increased within the last several years. A report of OSCE from 2001 (in which such recommendation was provided) possibly also contributed to this.⁴⁵ As the number of practicing female police officers is insufficient, women’s NGOs try to refer victims to those with whom they have established some contact. NGOs like the Autonomous Women’s Center or the Belgrade Incest Trauma Center also wrote manuals on protocols for police officers with instructions on how to undertake interventions in cases of domestic violence, sexual abuse, and incest.

Within the Institute for Forensic Medicine at the University of Belgrade, a special medical unit has been formed for conducting medical examination in cases of sexual violence and for providing thorough, systematic medical evidence of injuries that could be submitted to courts. However, this service requires payment.

⁴⁵ According to the government report to CEDAW (draft version of 2003), female students entered the Police Academy for the first time in the 2002–2003 academic year (34 enrolled that year). From the establishment of the Higher School for Internal Affairs (Police College) until 2002–2003, in total 12,215 students were enrolled, out of which 1,434 were female. A number of female students started to increase since 1998–1999 (86 women in that school year, as compared to 172 in 2002–2003).

5. AVAILABLE SERVICES

5.1 Shelters

In total, there are ten operating shelters in Serbia – nine for victims of domestic violence and one for women victims of trafficking. The one for trafficked women is located in Belgrade and is run by NGO Counseling Center against Family Violence. In 2005 this shelter accommodated 54 trafficked victims. It is important to note that shelters are run by NGOs, and that none of them is financed by state budgets.⁴⁶

There are three shelters for victims of domestic violence in Belgrade, and also in Bor (South-Eastern Serbia), Leskovac (Southern Serbia), Zajecar (Eastern Serbia), Užice, Kragujevac (Central Serbia), and Novi Sad in Vojvodina (the latter two were opened in January 2006). In addition, there is also one provisional safe house run by rural women for victims of domestic violence in the village of Gakovo in Vojvodina at a secret location.

The maximum total capacity of shelters for domestic violence victims is 117 persons/beds – this number including not only adult women, but their children as well. This number also involves beds in newly-opened shelters, which are not yet completely functional.

The proportion of available places and requirements for placement could not be properly determined, as requirements for placement have not been precisely known. However, a number and capacity of safe houses indicate that needs for this type of protection have not been met. The most recent available data on the number of inhabitants published by Statistical Office in 2005, based on the last census in 2002, indicated that there were 3,011,633 adult women living in Serbia. The maximum capacity of shelters is 117 persons (children included), so assuming that each sheltered woman had two children, a maximum of 78 women with 39 children could be housed in shelters nationwide – meaning there is one available shelter place (bed) per every 38,610 adult women. Research conducted on a sample of 700 adult women indicated that every third woman in Serbia was a victim of physical violence, so capacities of shelters should be extended.⁴⁷

⁴⁶ Within the state institution a shelter for abused children (Center for Protection of Infants, Children, and Youth) was established in Belgrade, for children aged 7–18. Children may stay in the shelter 1–3 months, before conditions for more appropriate placement (foster care, adoption, etc.) are provided, or sometimes until they reach the age of maturity. No numbers or information on their current work could have been obtained.

⁴⁷ Nikolić-Ristanović, 2002.

Placement in shelters (accommodation, food, etc.) and accompanying (psychological, medical, and other) services are free of charge. Each shelter has its own specific conditions for placement as well as rules and regulations related to maximum duration of stay. Most regulations imply a short stay; mostly it is 1–3 months, or in some cases 1–6 months. In practice women usually stay far longer than prescribed, since they could not find any other solution. Therefore for example the average duration of stay in the oldest shelter in Belgrade is 3–6 months, while some victims stayed for up to one year. Similarly, in another Belgrade shelter during their first operational year women stayed for an average of five months.

Shelters provide psychological support, counseling, medical assistance, and legal aid (in some shelters, this includes representation in courts and professional assistance in legal proceedings). The staffs of shelters assist victims in finding jobs and apartments, help their children with school work or place them in kindergartens, etc. Sometimes, the staff turns to CSWs and asks for some financial assistance paid directly to victims.

The number and professional qualification of staff differ in various shelters. Mostly the staff is composed of professionals – psychologists, social workers, nurses, psychiatrists, and lawyers. In addition to expert staff, shelters mostly have shelter keepers, i.e., women who take care of the organization of daily life. It is difficult to specify the number of staff since some of them work on a temporary or voluntary basis. As shelters do not have continuous and secure funding, they do not have regular staff.

Shelters are either run by NGOs or work as partnership projects between NGOs and local CSWs. A shelter has recently been established as a project of the Gender Equality Machinery of the Autonomous Province of Vojvodina. As none of the shelters are financed through the state budget, they are all faced with a problem of uncertain or insufficient financing. The shelters that work as partnership projects of NGOs and CSWs received grants from the Social Innovations Fund of the Ministry of Labor, Employment, and Social Policy (although this fund is maintained from foreign donations).

Regarding the funding of shelters for trafficking victims, one illustrative comment is provided in a recent NGO analysis: “Until now, all finances for prevention and suppression of trafficking in women as well as for support to victims have been coming from foreign donations. The only promised budget was allocated *ad hoc* in the Ministry for Labor, Employment, and Social Policy – without a plan and under pressure from the Austrian government with no clear criteria and tender – in the amount of 75,000 euros for the NGO Counseling against Violence in the Family that coordinates the shelter.”⁴⁸

⁴⁸ List of Critical Issues, *ibid.*

Shelters run by NGOs are dependent on donations of international donors, private companies, or individuals. The Counseling Center against Family Violence operates three shelters in Belgrade (two for domestic violence and one for trafficking). Shelters for domestic violence victims have been financed by international donors, a private company, and other small donors. As a result they were in danger of closing down several times due to the lack of funds.⁴⁹

Each shelter has its own policies and regulations on operation; they are mostly operated by a coordinator who assumes responsibility for treatment of victims, organization of cooperation with state institutions, etc. Most shelters have a person responsible for organization of daily life. Also, each shelter has its own regulations related to sharing responsibilities for household work within the shelter, protecting the secret address, etc. Mostly, shelters are faced with difficulties about safety and secret location – perpetrators sometimes intrude the shelters so some of them even had to change location.

Regulations related to placement of children differ, as each shelter has its own policy. The main condition is that children can only be placed with their mothers. Most shelters do not accept boys over 14.

Shelter staff and coordinators occasionally monitor their own work, but comprehensive surveys aimed at evaluation of the services provided and follow-up of victims' rehabilitation have not been conducted.

⁴⁹ • The Belgrade Shelter for Women and Children Victims of Violence – partially financed by Kvinna til Kvinna; food and other goods have been provided by humanitarian organizations and small donations.
 • Užice Shelter – operated by „ARD” Humanist Association; partially financed by the Swiss government. Food is provided by uncertain donations of small private firms.
 • „Alternative Circle” shelter in Kragujevac – opened in January 2006 and will be temporarily financed by the grant of the Social Innovations Fund.
 • Three shelters in Bor, Leskovac, and Zajecar – working as partnership projects of NGOs and CSWs. The Bor shelter was opened by „Juca” Committee for Women’s Human Rights in cooperation with „Aurora” and „Mineta” Women’s Association, and the Center for Social Work in Bor. In 2002 it was temporarily financed by the Embassy of the Netherlands and co-financed by the local government, while the staff worked on a voluntary basis. The current local government has not been involved in funding, and the shelter lost all other sources of funding.
 • Shelter in Leskovac – operated by local CSW and the Women’s Center (NGO); hosts of the shelter are NGO staff working on voluntary basis; partially financed by the Social Innovations Fund.
 • Shelter in Zajecar – also a partnership project of the „Association of Mothers” and the local CSW; operated by NGO volunteers who faced great difficulties to maintain the shelter. (Social Innovations Fund has provided only the costs of adaptation/rent while volunteers have to cover the cost of food and other related costs from their own personal money.)

5.2 Hotlines

In total, there are 37 hotlines for victims of violence against women – 34 run by NGOs and three by CSWs. Most of them are dedicated to providing support to victims of domestic violence, but they also provide services to victims of other forms of violence against women.

Currently, an additional three hotlines are in the process of establishment, i.e., potential staff have completed educational seminars and should soon start work. Out of these additional three hotlines two have been formed by NGOs, and one by a CSW. In addition to the number indicated above, there is also one around-the-clock hotline for children.⁵⁰ Most of these hotlines also have counseling centers for psychological and/or legal aid.

Counseling services are available free of charge but the cost of calling these hotlines is not. Many NGOs tried to provide free-of-charge phone lines but they did not succeed in obtaining funding and approval of authorities. Until recently, the only free-of-charge hotline was the one for children and a newly established hotline for trafficked women operated by ASTRA.

Hotlines offer psychological support and legal advices to victims of domestic violence, rape, and other forms of sexual violence, while the ASTRA hotline provides help and support to victims of trafficking.

NGO hotlines are approximately equally geographically distributed across Serbia. Ten of them work in Belgrade. One is open 24-hours for intervention in cases of sexual violence, but it addresses the issue of domestic violence as well. One hotline provides support to victims of trafficking. Twenty-three help lines and/or Centers for Psychological and Legal Aid operate throughout Serbia. The helpline in Niš is not primarily established for supporting victims of domestic violence but for providing general legal aid. Another one was recently formed, aimed at addressing needs of Roma victims, both women and children.

The staff of most help lines is composed of volunteers or ‘semi-volunteers’. For example, “Bibija” Roma Women’s Center and the Roma Children’s Center for women and children-victims of violence and one hotline in Niš provide services to Roma victims of domestic and other forms of violence. The *Out of Circle* Group addresses specific needs of disabled women victims of different forms of gender-based violence. The Incest Trauma Center offers help and support to children-victims of incest as well as adult women who experienced incest in childhood or adolescence. The Victimological Society

⁵⁰ The hotline is for children with emotional and abuse problems, and was recently established by a private foundation in cooperation with several ministries. Operators were chosen from staff of the Center for Protection of Infants, Children, and Adolescents, a state institution.

of Serbia offers help to crime victims, and provides counseling and support to women in prisons who killed their partners after prolonged abuse. The hotline run by ASTRA is specialized for victims of trafficking. The numbers, geographical distribution, and services of these hotlines indicate that they represent a substitute for state services, rather than additional help. Interviews with NGO representatives indicated an increase in the number of calls received by these hotlines in the year 2005.⁵¹ This increase could be attributed to a greater visibility of violence against women in public and an increased knowledge of victims about services provided by NGOs.

Hotlines run by CSWs exist in Subotica, Pancevo, and Svilajnac. There were two others in other towns but at the moment information was not available whether they are still functioning. The hotline in Subotica was established through cooperation with Network of Trust (a network of different NGOs and state institutions providing support for violence against women victims; the coordinator of the network is the Belgrade Incest Trauma Center).

The hotline run by Incest Trauma Center is in operation around the clock, including weekends, and it has been primarily established for victims of sexual violence. The hotline for children also operates around the clock. The SOS hotline of Counseling Center against Family Violence works both on weekends and on working days from 10 a.m. to 7 p.m. Other hotlines mostly work on weekdays. Coordinators and volunteers of NGOs that run these hotlines also stressed that victims often call outside official working hours with some victims contacting operators on their personal phone numbers.

Almost all these hotlines are operated by NGOs,⁵² and many of them have no financial support or only occasional support. Hotlines run by NGOs are not financed through the state budget, but some of them occasionally receive grants from Social Innovations

⁵¹ Counseling Center against Family Violence and Autonomous Women's Center.

⁵² The following NGOs in Belgrade operate hotlines: Counseling Center against Family Violence; Autonomous Women's Center; Incest Trauma Center; SOS Hotline for Women and Children-Victims of Violence Grocka; "Bibija" Roma Women's Center; Roma Children's Center; Out of Circle Group; ASTRA; Victimological Society of Serbia; SOS Hotline for Women and Children. Outside Belgrade: Center for Women's Rights in Vršac; HORA in Valjevo; *Lighthouse* in Loznica; SOS Hotline for Women and Children in Vlasotince; ARD Humanitarian Association in Užice (this NGO also runs hotlines in other five cities near Užice: Bajina Basta, Arilje, Požega, Kosjeric, and Cajetina); Center for Girls in Užice; Committee for Human Rights in Niš; Women's Alternative in Sombor; *Smile* in Vrbas; Women's Alternative Workshop in Kikinda; Association of Mothers in Zajecar; SOS Hotline for Women and Children Victims of Violence in Novi Sad; Women's Center in Leškovac; Women's Network in Smederevo; Cultural Center Damad in Novi Pazar; Committee for Human Rights in Vranje; Alternative Circle in Kragujevac; *Women in Action* in Velika Plana; and *Dawn* Roma Center in Niš.

Fund. The NGOs receiving grants from the fund were: Counseling Center against Family Violence in Belgrade, Svetionik from Loznica, and Women's Center from Leskovac. Hotlines run by NGOs have received (and some of them are still receiving) grants from different foreign and domestic donors.⁵³ In a few municipalities of Serbia (Užice, Smederevo) other sources of funding are sometimes provided by local governments (e.g., obtaining office premises without charge). Yet, due to insufficient funding, some NGOs running hotlines are sometimes forced to cover costs for office rental or phone bills from their own personal money.

The hotline for children is operated by the state institution for protection of children without parental care (Center for Protection of Infants, Children and Adolescents, in cooperation with the Citizen's Office of the President of Serbia, the Ministry of Education, and the Ministry of Health), while the funds for its functioning are provided by the private humanitarian foundation of Princess Katarina.

The number of counselors of NGO hotlines varies from three to seventeen, and their educational and professional background differs in various hotlines. Most often counselors are lawyers, psychologists, social workers, nurses, and other professionals. Although counselors on hotlines often work as volunteers or semi-volunteers, the number of those who hold B.A. degrees in professions like social work, psychology, or law has been increasing. The latter assessment is based on the recent in-depth study, not yet published.⁵⁴

Special training is required for all staff members working on hotlines run by NGOs. The oldest and the most experienced women's groups attended training seminars on working with violence against women victims, organized by different foreign NGOs (e.g., ADMIRA). Members of the first hotline established in Serbia wrote a manual for hotline volunteers.⁵⁵ Further, a group of representatives of experienced NGOs facilitated similar trainings for volunteers of other counselors throughout Serbia. The groups organizing the greatest number of training seminars about counseling are the

⁵³ Reconstruction Women's Fund, OXFAM, Caritas, IOCC, Mama Cash, WWDP, Digital, CAFOD, Embassies of the Netherlands, Finland, and Norway, Fund for Open Society, Global Fund for Women, USAID, European Agency for Reconstruction, Freedom House, Kvinna till Kvinna, UMCOR, etc.

⁵⁴ The SOS hotline Grocka in Belgrade has seven counselors working in two shifts. The hotline in Vršac is operated by three volunteers. In hotline in Valjevo there are 17 counselors. Eleven volunteers work for the hotline in Loznica. The hotline in Vlasotince has ten permanent and eight temporary volunteers of different professional backgrounds. The team of workers on the Užice hotline and five neighbouring cities is composed of 32 persons, out of which 12 work in Užice and others in Kosjeric, Cajetina, Arilje, Požega, Bajina Basta. (Source: Branković, in preparation.)

⁵⁵ Mladjenović and Protić, eds., 1999.

following: Autonomous Women's Center; Incest Trauma Center; ASTRA; and Counseling Center against Family Violence.

Hotlines have unofficial regulations which are rather variable, due to choice and professional background of staff, adopted policy, and content of training for staff. During the conference of SOS hotlines and women's groups, held in September 2005, a network of these groups was created, and steps were undertaken to establish common principles of work. Formal adoption of these principles is a condition for joining this network. However, at present, the network is in the process of re-considering the directions for its future work, and there was no follow-up to the application of these principles.

Some NGOs made external evaluation of their work (e.g. Autonomous Women's Center), or provided supervision of staff (e.g. Incest Trauma Center), but there is no comprehensive survey or evaluation of their services. Some of the hotlines have annual reports of their work. Some attempts were undertaken to analyze and evaluate services provided by the network of organizations; for example, the Incest Trauma Center, coordinator of the Network of Trust, organizes regular meetings aimed at analyzing services provided to abused women.

5.3 Crisis intervention centers

The hotlines run by NGOs also have centers for psychological and legal aid which often assume the role of crisis intervention centers. If we calculate women's NGOs which have a center for psychological and/or legal aid, the number of crisis intervention centers is most likely 25. Yet, possibilities of providing help to clients and assuming a role of a crisis intervention center are limited – most of these centers are not operative during weekends. Such centers exist in Belgrade.⁵⁶ Most of these groups also provide legal assistance. Legal aid can also be obtained in “Bibija” Roma Women's Center and Victimological Society of Serbia. Centers for psychological and/or legal aid also exist in other cities of Serbia.⁵⁷ Consequently, it could be concluded that these services are available throughout the country.

These centers offer psychological support, counseling, and psychotherapy, as well as legal assistance to victims of domestic violence, rape, and other forms of sexual assault. Assistance in obtaining temporary accommodation (e.g. in shelters) is also provided, as

⁵⁶ Counseling Center for Family Violence; Incest Trauma Center; Autonomous Women's Center; SOS Hotline for Women and Children Victims of Violence Grocka; *Out of Circle* Group.

⁵⁷ Valjevo, Loznica, Vlasotince, Užice (two of them), Cajetina, Arilje, Požega, Kosjeric, Bajina Basta, Kikinda, Novi Sad, Leskovac, Novi Pazar, Vranje, Kragujevac, and Niš.

well as assisting victims to get help in state institutions. Most often, social workers are available, too. Legal assistance often covers representation at courts, bringing legal charges against perpetrators, writing legal documents, etc. Some centers also provide medical help. All these services are provided free of charge.

The Autonomous Women's Center in Belgrade provided 3,922 individual interventions in 2000–2003. (The number of interventions is higher than the number of women-clients, as many clients came several times.)

The following NGOs in Belgrade operate centers: Counseling Center against Family Violence; Autonomous Women's Center; Incest Trauma Center; SOS Hotline for Women and Children Victims of Violence Grocka; "Bibija" Roma Women's Center, *Out of Circle* Group; Victimological Society of Serbia; SOS Hotline for Women and Children.

Outside Belgrade the following NGOs run centers: HORA in Valjevo; Svetionik in Loznica; SOS Hotline for Women and Children in Vlasotince; Humanitarian Association ARD in Užice (this NGO also runs hotlines in Bajina Basta, Arilje, Požega, Kosjeric, and Cajetina); Center for Girls in Užice; Women's Alternative Workshop in Kikinda; SOS Hotline for Women and Children Victims of Violence in Novi Sad; Women's Center in Leskovac; Cultural Center Damad in Novi Pazar; Committee for Human Rights in Vranje; and Alternative Circle in Kragujevac.

For data on funding, the number and professional qualification of staff, see the subsection about hotlines.

5.4 Intervention programs for the perpetrators

Non-governmental organizations have not developed special intervention programs for perpetrators or specialized programs for acquiring skills for work with offenders. On the other hand, some of them have cooperated with CSWs which do provide such programs. Within a project of Autonomous Women's Center based on the Duluth model, data were analyzed about the motivation of offenders to take part in therapeutic programs. The results showed that female offenders (mostly women who abused children) were more inclined to take part in such programs than men – 26.2 percent and 15 percent, respectively (Ignjatović, 2004). On the other hand, social workers were somewhat more rigorous in applying interventions against female offenders in comparison to male offenders.

CSWs sometimes organize programs for offenders but such programs are not available in a systematic and regulated manner but were project-based and occasional. Offenders take part on a voluntary basis. Such programs are not accessible throughout the country. One such pilot project was implemented by the Counseling Center for

Marriage and the Family of the Belgrade CSW, funded by Social Innovations Fund. The content of the program (a series of group therapy sessions) was designed and implemented by social workers of the center in Zemun.

CSW in Leskovac – in cooperation with Caritas in Leskovac and with informal support of the Women’s Research Center for Education and Communication from Niš – developed a project aimed at organizing seminars for social workers on work with perpetrators. The specific populations targeted were rural areas and Roma settlements. The project was supported by Social Innovations Fund in 2005.

5.5 Other victim support services

Many women’s groups in Serbia organize programs of economic empowerment of women. Some of these programs also include victims of domestic violence or other forms of violence against women, though not primarily focused on these issues. Such programs were organized by “Bibija” Roma Women’s Center. In 2005 ASTRA organized an economic empowerment program for trafficked victims. The pilot project was initiated by Women-to-Work (an English NGO) and implemented in cooperation with ASTRA. The training was based on the curriculum of the London Business School with financial assistance of IFC/SEED. The program was adapted to the needs and economic situation of girls in Serbia with the aim to provide trafficked girls with the necessary skills to start up their own business or find employment. The project targeted not only girls but also future mentors of girls participating in the program.

Self-help groups are organized by some NGOs like Autonomous Women’s Center and Incest Trauma Center with funding provided by donors on a project base.

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula, and the availability of sex education programs

No specific topics on violence against women, gender equality, gender discrimination, or stereotypic perception of gender roles exist in school curricula for elementary and secondary schools. Several years ago two new school subjects were introduced in elementary and high school education: “Religious Education” and “Civic Education” – with students having to choose one. Within “Civic Education” one topic is devoted to child abuse. Several NGOs were involved in designing curriculum for this subject. In 2005 a women’s NGO submitted a proposal to the Ministry of Education, involving

detailed guidelines and workshop scenarios for school classes on this subject. The ministry, however, did not respond to this suggestion.

No comprehensive research or content analysis on “Religious Education” has been made so far from gender equality perspective, but activists of women’s NGOs assess that this program probably supports traditional perception of gender roles – teachers of this subject are priests or other persons nominated by different religious communities.

In the NGO sector, projects aimed at introduction of gender equality issues to elementary and secondary school students were very rare. One such project was implemented by the Center for Women’s Studies and Gender Research in Belgrade, in cooperation with the “Anthropy” and “Voice of Difference” with funding by a foreign donor, CIDA. Within this nationwide project, awareness-raising programs were organized on gender equality for secondary school students, and violence against women was discussed as well. Many NGOs organized other occasional awareness-raising programs on different forms of violence against women, including trafficking.

Sex education is not part of secondary school curricula. Some NGOs organized different programs that included sex education. These activities were organized on a project basis, and funded by donors.

6.2 Mandatory and other training programs for future professionals

As stated by women’s NGOs: “The state did not organize adequate and systematic education for public servants responsible for protection of victims of violence. Curricula of most of high schools and universities which educate for assisting services (social work, psychology, pedagogy, special education, teachers colleges, health professions etc.) did not include relevant information on gender equality and gender based violence.”⁵⁸

Mandatory subjects of that kind do not exist, but women’s groups were sometimes invited to provide lectures and workshops for future professionals on different forms of violence against women. For instance, ASTRA has organized workshops on trafficking for third year students of the Police College in Zemun. These trainings have been organized during the last two years, as a part of regular program for the fifth semester in Criminology, Tactics and Criminology, and Methodology. Apart from ASTRA, other lecturers were also involved in the programs on trafficking like the Ministry of Interior (Department for Combating Organized Crime and Department for Combating Illegal Migration and Human Trafficking). During the last five years or so the Incest Trauma Center has organized 90-minute classes on child sexual abuse and

⁵⁸ List of Critical Issues, *ibid.*

incest for students of the Faculty of Philosophy and Department of Psychology at the University of Belgrade. The programs on child sexual abuse have been organized on a voluntary basis.

NGO or academic institutions have been sporadically invited as guest-lecturers to organize workshops for police officers, social workers, teachers, health care workers, psychologists, etc. Within the project “Network of Trust” NGOs psychologists and police officers organized lectures or workshops for future teachers, medical workers, and social workers. Funding was provided by donors on a project basis.

The Incest Trauma Center (within the project Network of Trust) organized a six-day program for teachers in police academies, aimed at raising awareness on the importance of gender violence in the curricula of the Policy Academy and the Police College.

Some programs on trafficking were organized by the Ministry of Interior, UNDP, and International Center for Migration Policy Development. One such program was organized for 120 students of the Police Secondary School in Sremska Kamenica in 2005. Lectures were given by professionals from the Ministry of Interior, Police College, ASTRA, and Special Prosecutor for Organized Crime.

6.3 Mandatory and other training programs for practicing professionals

Some training programs for police officers were mandatory since the Ministry of Interior provided an official approval for such programs, so local police chiefs sent their officers to attend programs on mandatory basis. The programs were organized on an *ad hoc* basis, and funded by donors. After the change of political regime in 2000, these programs became rather common. It should be noted that NGOs can not organize such trainings without permission from police authorities. Upon issuing such permission, authorities also proclaim such training as mandatory for targeted police officers.

The Ministry of Interior organized preparatory training for diplomatic personnel before their moving abroad; and trafficking was included as one of the issues (OSCE, 2004).

The Incest Trauma Center organized programs on violence against women including trafficking in women, gender violence in general, rape trauma, PTSD, and domestic violence, in cooperation with the Ministry of Interior – 67 police officers from 30 Serbian cities were trained in 2001–2002 (funded by UMCOR). As estimated by the center,⁵⁹ this was most likely the first program on violence against women organized by a women’s NGO in cooperation with the ministry. The center organized other seminars for the police on domestic and sexual violence within the project Network of Trust, aimed at enhancing collaboration between state institutions and NGOs – 114

⁵⁹ Popadić, 2002.

police officers attended four-day programs in 2002. A manual for police officers and judiciary was also written by staff of this NGO⁶⁰ with instructions on how to conduct interviews with women and children-victims of sexual abuse. A similar project of the Autonomous Women's Center has reached about 100 police officers in the trainings since October 2002. Most of these trainings were mandatory. ASTRA organized numerous programs on trafficking for police officers, and developed cooperation with the Ministry of Interior, as a member of the (previous) Yugoslav team for Combating Trafficking in Human Beings and the (current) National Team for Combating Trafficking. The publication *Trafficking in Women* and the movie *Bought and Sold* were delivered as educational materials to police officers. Numerous such programs were also organized by the Child Rights Center focused on trafficking in children for sexual purposes, funded by Save the Children, *Beosupport*, and *Atina*.

The Incest Trauma Center trained a total of 3,047 professionals from 231 institutions until 2005. These programs were partly implemented within the project Network of Trust. The center also developed a TOT manual for professionals on domestic violence, sexual abuse, incest, etc. Currently, they organize specialized certified trainings for practicing professionals on domestic violence and sexual abuse, and specific training programs for teachers (including TOT). Members of Counseling Center against Family Violence have participated in various training programs on domestic violence and trafficking. From 2002 the Autonomous Women's Center has worked on establishing mechanisms of coordinated actions of institutions, and developing effective interventions, monitoring, and data collection in cases of domestic violence based on the Duluth model as well as the Austrian model. Different "tools" for participants were developed (protocols, codes of conduct, models of data collection, manuals, guidelines for police officers and social workers, protocols of inter-institutional collaboration, etc.). Approximately 200 social workers and over 100 police officers participated in the educational programs, and 194 institutions were involved in a network for solving the problems of victims (state firms, schools, kindergartens, NGOs, police stations, judiciary, medical centers, etc.).

International organizations supported numerous programs on trafficking for police officials. Between June and October 2003, 282 border police officials underwent IOM/OSCE/IMMPACT Team Training on awareness raising related to trafficking and illegal migration. The OSCE Mission to Serbia and Montenegro organized numerous training programs for police officers, for instance one called "Simulation of a trafficking case" in November 2005. OSCE also supported projects of associations of professionals like the Association of Judges of Serbia, etc. on the issue of to trafficking – police officers took part in seminars in eleven cities of Serbia.

⁶⁰ Popadić and Bogavać, 2003.

Some professional judicial associations also organized occasional programs on violence against women. Women's NGOs and others were at times involved in these trainings as facilitators or lecturers. The Magistrates Association of Serbia, with support of USAID and ABA/CEELI, organized seminars on domestic violence for the judiciary in 2005. By the end of January 2006, 400 participants had been trained on signs of domestic violence and methods of adjudicating cases. Another group of participants included representatives from the Ministry of Justice, the Ministry of Labor and Social Policy, the Supreme Court, and the Judges Association. Representatives of the Magistrates Association presented and delivered their survey on domestic violence (Magistrates Association of Serbia, 2005) which was also funded by ABA/CEELI and USAID. This association also organized seminars on trafficking in women for sexual exploitation.

The project of the Association of Judges of Serbia "Efficiency Improvement of Judiciary and Police in Combating Human Trafficking" supported by OSCE Mission to Serbia and Montenegro, provided seminars for judges, prosecutors, and police officers in Pancevo, Sabac, Vranje, Niš, Prokuplje, Leskovac, Sremska Mitrovica, Novi Pazar, Pirot, and Zajecar in 2005. The lecturers were professionals from the Ministry of Interior, Police College, and the judiciary.

ABA/CEELI and the government signed an agreement on setting up a Judicial Center for Professional Education and Advanced Training (co-founders were the government and the Association of Judges). The government contributed by obtaining business premises, while the Association of Judges provided a monetary founding share. Operational costs are covered by donations, compensation for the services provided, etc. So far 800 judges have received training since 2002, but it is not known if the training included the issue of violence against women.

Some programs targeted decision-makers at the national and local level. For instance, the OSCE Mission to Serbia and Montenegro, in cooperation with the Voice of Difference and Council for Gender Equality, organized programs partly on the issue of violence against women for 108 expert officials (one-third of the total number of such staff) of the Ministry for Labor, Employment, and Social Policy. Similarly, the OSCE Mission and NPA organized a program for women politicians, which included violence against women in 2002–2005. Programs were led by a team from women's NGOs. In 2004, 415 representatives of local governments participated in such programs (Panić, 2004). The programs resulted in the setting up of local bodies for gender equality in 53 municipalities of Serbia.

It should be mentioned that educational programs by NGOs started as basic awareness-raising on violence against women, but later more ambitious programs evolved focusing on changing institutional intervention models for victims' protection including the development of protocols, codes of conduct, models of evidence

collecting, and guidelines for professionals primarily for police officers, social workers, and medical doctors.⁶¹

Women's NGOs have also introduced training programs for practicing professionals in institutional mechanisms for victims' protection (the police, social workers, health care workers, psychiatrists and therapists, the judiciary) as well as for teachers on prevention of child abuse, treatment of child victims, trafficking in children, domestic violence, etc. The number of participants can be measured in thousands with funding by foreign donors on a project base. In several joint projects of state institutions and NGOs, some funds for such training programs were also provided by the Social Innovations Fund.

Based on interviews with approximately 30 representatives of women's NGOs throughout Serbia, it can be assessed that various law enforcement and other professions were not equally involved in the educational programs organized by NGOs (this assessment covered both mandatory and other programs). Police officers have been most frequently involved in such programs, followed by social workers. Health care workers (doctors, nurses) and school representatives also have participated sporadically. However, participation of judiciary (judges, prosecutors), in comparison to other professions, have been the least frequent.

6.4 Gender equality issues in higher education curricula and human rights programs

Two women's NGOs organize higher education multidisciplinary courses on gender studies with a university-level certificate as well as post-graduate programs – specialization in gender studies (one-year post-graduate program) and M.A. program in gender studies (two-year postgraduate program). The courses are designed and organized by the Center for Women's Studies and Gender Research in Belgrade, Women's Studies, and "Mileva Marić-Einstein" Research Center in Novi Sad. Both centers have excellent collaboration with similar gender studies programs in the region and world-wide; numerous associates take part in the courses – guest-lecturers from the University in Belgrade and Novi Sad, as well as universities and research institutes from Serbia, the region, Europe, Canada, and the U.S. They also organize conferences,

⁶¹ Organizers of such programs: Autonomous Women's Center; Incest Trauma Center; ASTRA; Counseling Center against Family Violence; Victimological Society of Serbia; Children's Rights Center; Group of women lawyers *Justicia*; *Beosupport*; *Atina*; SOS Helpline for Women and Children Victims of Violence in Grocka; Center for Girls in Belgrade (does not exist any more). NGOs from other cities: Women's Research Center for Education and Communication from Niš; Women's Alternative Workshop from Kikinda; *Lighthouse* from Loznica; *Smile* from Vrbas; Association of Mothers from Zajecar; Women's Center in Leskovac; etc.

public discussions, debates, panels, workshops, seminars, and engage in research on gender issues and publishing. Activities of these centers are organized on a project-basis, and funded by different donors.⁶² Post-graduate programs are self-financed by the students.

The gender perspective (the issue of gender equality) is not built into the human rights education system.

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

There are only general provisions regarding the prohibition of distribution of information that could invoke violence or support/encourage/advocate racial, national, or religious hatred which might inspire discrimination, hostility or, violence. (In public terms, these are known as the prohibition of “language of hatred.”) Women’s NGOs tried to use these general provisions in order to ban a very popular show called “It Cannot Hurt” on TV Pink (a private, national TV station). The author of the show was particularly offensive to women, and used insulting and rude language in addition to discriminatory approach towards women. Women’s NGOs agreed to take legal action in this case; about 30 NGOs filed accusations against the author and the director of TV Pink. The initiative was also supported by the Gender Equality Machinery in Vojvodina (Secretariat for Labor, Employment and Gender Equality). There has not been any result of the case yet. A group of representatives of women’s NGOs was established named Initiative against Misogyny in Media.

7.2 Guidelines and codes of conduct for media professionals

Several associations of journalists have their codes of conduct, which mostly include “ethical principles” or guidelines. The issue of violence against women is not specifically addressed, but some general principles and recommendations are related to the stereotyped portrayal of different social groups or the prohibition of a discriminatory approach. The *Code of Conduct of the Association of Journalists of Serbia, 2001* specifies that journalism cannot be associated with any kind of discrimination based on ethnic,

⁶² For example Freedom House, Henrich Böll Stiftung, Soros Foundation–Budapest, Fund for Open Society – Belgrade, Frauen Anstiftung – Berlin, Network of East West Women – New York, Transregional Center for Democracy Studies – New York, British Government, Executive Council of Vojvodina.

racial, religious origin, or discrimination against persons of different sex, marital status, age, physical characteristics, occupation, political beliefs/ideology, and social background. The so-called Court of Honor is responsible in cases of such violations, but it is not clear which sanctions this body could employ, as it is only prescribed that “appropriate measure” could be applied only to the association’s members.

The *Journalists’ Code of Conduct of the Independent Association of Journalists of Serbia* prescribes that reporters cannot use data on racial, ethnic, or religious origin, if these data could serve as basis for discrimination against other persons, and strongly condemns any support to violence or justification of its violence. It also stipulates that, in a process of presenting/investigating topics related to any social group (nations, minorities, groups established on the basis of political or religious beliefs, interests, historical or racial background, or any other viewpoint, attitude, or belief), journalists should not create, use, inspire, stimulate, or justify any kind of stereotypes about these groups. Any kind of discrimination against different groups or persons is regarded as a violation of the code.

The *Ethical Code of Conduct of Electronic Media* of 2002 by the Association of Independent Electronic Media (ANEM) stipulates that it is the journalists’ duty to oppose those who do not respect human rights or those who advocate discrimination. While reporting about ethnical or other social groups, the media should be objective; reporters should also clearly distinguish between opinions and facts while reporting about racism, religious hatred, or other forms of discrimination. TV stations involved in this association are expected to avoid all forms of discrimination based on ethnical, racial, religious, political, sexual, gender differences as well as mental or health differences. This also means to avoid stereotypes and prejudices as well as offensive language. Recently, B92, a well-known TV and radio station and founding member of ANEM has introduced gender-sensitive language in their programs. Women’s NGOs have lobbied for such a change for years, and consider this novelty as an important breakthrough in the struggle against gender discrimination in media.

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

Courts of Honor occasionally have dealt with issues related to violation of the above-mentioned Codes of Conduct, but they can not be treated as a media watch organization.

Various human rights NGOs are engaged in media monitoring but their activities are not particularly devoted to violence against women. Among women’s NGOs, Informative-Documentary Center (INDOC) within the Association for Women’s Initiative (AWIN) has been continuously engaged in media monitoring, and has

published bimonthly bulletins called *Presarijum*. Bulletins involve press-clippings relevant for the portrayal of women in media. Since 1998 INDOC has published around 200 press clippings from daily and weekly newspapers on the following topics: sex trafficking, violence against women, activities of women's groups, women in public spheres (arts, politics, etc.), and collected media and video documentations relevant for researchers. The center is also engaged in research projects and comparative studies. In 2005 INDOC participated in Global Media Monitoring Project (with over 90 countries taking part), involving quantitative and qualitative analysis of portrayal of women and men in press, radio, and TV. The Documentation-informative Center (DICENS) – a project of the “Mileva Marić-Einstein” Research Center in Novi Sad – was also engaged in research, media monitoring, press-clipping, collecting relevant documentations, video and audio materials for researchers, and continuous exchange of information within the network of documentation-informative centers. The activities were coordinated by Women's Infoteka from Zagreb, Croatia.

Regular and extensive media monitoring has been done by the private company Ebart Consulting/Media Documentation. This company, founded in 2000, has developed a huge archive of printed media in electronic format as well as video archive. Various national-wide TV stations are regularly monitored, and transcripts are also done. Press-clippings on different topics have been provided for clients. Ebart made a relevant electronic archive of cases of violence against women in 2003. NGOs hired Ebart to collect press-clipping on cases of women who were killed by husbands, partners or, ex-partners in Serbia. The archive involves printed articles about 31 fatal cases of violence against women between January and November 2003. Data from this archive was used in the “16 Days Campaign” in 2003, and also in other advocacy activities of NGOs. Ebart also supports a media campaign on decreasing tolerance toward domestic violence, organized by Radio Sombor in Vojvodina and the Sombor CSW.

7.4 Training programs for media professionals on violence against women

In the last couple of years several NGOs have organized numerous training programs for journalists aimed at improving media models on reporting about violence against women, raising awareness of causes and consequences of violence against women, and the importance of non-stereotypical portrayal of women.⁶³ Trainings for journalists were organized on a project-basis, and financed by donors. In general, the state does not provide co-funding of such NGO projects.

⁶³ The NGOs taking part in such programs were: ASTRA; Incest Trauma Center; Reconstruction Women's Fund; Children's Rights Center; Counseling Center against Family Violence; AWIN; Women in Action from Velika Plana; etc.

Some of these programs were specifically devoted to media presentation of trafficking in women, e.g., the seminars of ASTRA for media representatives aimed at improving the knowledge about trafficking, enhancing cooperation between the NGO sector and media, and developing more effective strategies for constructive public attitudes toward the victims of trafficking; partly in cooperation with BBC World Service Trust. ASTRA also published a manual for journalists on sex trafficking, prejudices about the problem, the situation in Serbia, a media presentation of the problem, legal regulations, specific characteristics of trafficking in children, experiences of the ASTRA hotline, as well as recommendations to journalists, and a glossary of useful websites and literature.

7.5 Media activity in raising the awareness of the general public of violence against women

Within the last five years women's NGOs noticed a gradual increase of media interest in the "16 Days" campaigns. Various private and state-run media contribute to the campaigns through providing media sponsorships – by free-of-charge broadcasting or publishing of video-clips, radio jingles, and printed materials created by women's groups. In 2005 campaign, coordinators obtained 98 media sponsorships i.e., free-of-charge broadcasting or publishing the video-clips, radio jingles – making up ten percent of the total number of media in Serbia.

During the "16 Days Campaigns" some media also contribute through organizing shows, public debates, and discussions for the general public on violence against women, and interview activists of women's NGOs, or broadcast related documentaries. Some journalists are also devoted to regular coverage of gender issues, including violence. Activists of women's groups interviewed for the purpose of this report often mention that visibility of violence against women in the media has increased lately, and they assessed their relationship with local media as good. They stress that local media occasionally contribute to combating violence against women through free-of-charge publishing of information about services. Yet, they also emphasize that journalists treat violence against women in a sensationalist manner – they are often focused on dramatic cases of violence against women, and sometimes treat victims in an offensive manner.

As mentioned in shadow report to CEDAW (Branković, 2002) "under the previous regime, state-controlled media (...) significantly contributed to the atmosphere of "violence glorification," offering an image of aggressive macho or militant warrior as a positive role model. Stereotyped or sexist portrayal of women in media supported traditional views regarding family roles and contributed to widespread tolerance of gender-based violence. Ethnically motivated rapes, conducted by Serbian forces during the wars in Bosnia and Croatia were denied in state-run media. Serbian women raped in the armed conflicts who fled to Serbia received moderate attention. Stigmatizing

approach of some journalists was noteworthy – e.g., an attempt to portray child sexual abuse as a problem of refugee or Roma population (Popadić, 1999). One private TV channel (Palma) with nearly national coverage promoted sexual violence very openly. Not only that they enabled the entire nation a possibility to watch hard-core porno movies every night for years, but also had advertisements for porno-tapes. These ads involved “incest,” “pregnant women,” “sadism,” “pedophilia,” “weird,” “animals,” “sodomy,” etc. The voice of NGO community could not be heard in state-run media.

In that period, women’s NGOs even notified a link between watching news on the National TV (“TV Bastille”) and violent incidents against women. Victims complained that their partners became more violent upon watching TV news. Among women’s groups this phenomenon was called “post-TV news syndrome.”

7.6 Analyses on violence against women in the media

Several surveys on violence against women in the media were done by NGOs out of which two will be summarized here. Both were funded by donors on a project-basis.

Jemrić, 2003; Women’s Information Center and Women’s Infoteka from Zagreb, Croatia: *Cross-National Study in Nine Countries of Eastern Europe*

This comparative research was aimed to determine to what extent the media covers the problem of violence against women, what media space is dedicated to it as well as the profile of victims, perpetrators, and violent acts. At the national level two NGOs were involved: INDOC (for Central Serbia) and DICENS (for Vojvodina). Researchers analyzed articles in daily papers of February 2003. The findings showed that the number of articles varied significantly across countries (13 in Kosovo; 123 in Croatia; 73 in Serbia and Montenegro). In Central Serbia a vast majority of articles (81 percent) was published in the column “Crime,” and journalists paid greatest attention to sexual violence – far more than their colleagues in Eastern Europe (58 percent in Central Serbia as compared to an average 32 percent for Eastern Europe). Hence, in Central Serbia, the primary focus of journalists was sexual violence, especially against minors, and to some extent physical violence; particularly dramatic cases that involved weapons or the victim’s death, while other forms of violence attracted negligible attention (e.g. zero articles were devoted to psychological violence).

These findings could be generalized, since this tendency was not identified only in this particular month – researchers from INDOC continuously monitored printed media and stressed that distribution of articles regarding the form of violence was similar in any other month. It was also identified that legal proceedings and convictions of perpetrators were rarely covered (in seven percent and nine percent of cases, respectively). The latter findings are consistent with the opinion of NGO activists interviewed for the purpose of this report; namely that Serbian journalists focus on

‘bloody’ and ‘sensational’ incidents of violence against women and rarely follow incidents in an analytical manner, so the public might get a message that state institutions are helpless in punishing perpetrators.

ASTRA Survey on the Presence and Portrayal of Sex-Trafficking in Printed Media

In this survey ASTRA compared outcomes of their pilot study carried out in the period 1998–2001⁶⁴ with further content analysis, conducted on the sample of 240 articles published in six daily papers in 2002.⁶⁵ The findings showed an increased interest of media in 2002 as compared to the period 1998–2001. In 2002 the total number of articles addressing this issue was over 400 – three times higher than in four previous years (only 166 articles in 1998–2001). Further, in 2002 trafficking in children attracted less attention than trafficking in women; the largest number of articles was written as a response to specific events related to trafficking in women (police raids in the country and region, particular public scandals, etc.), while a far lower number of articles addressed the issue in an analytical manner – methods of investigative journalism were rarely applied. Journalists mostly approached the problem in a sensationalist fashion and often insisted on emphasizing the ethnic origin of sex-trafficking victims. Sometimes, articles were offensive to victims, or used imprecise or ‘exotic’ terms (even, no explanations or definitions of trafficking in human beings were provided).

8. AWARENESS RAISING

8.1 Campaigns on violence against women

Joint campaigns of NGOs against violence against women are organized yearly within the “16 Days Campaign.” Since 2001 such campaigns have been coordinated by the Autonomous Women’s Center; as almost all women’s groups have participated, these were accessible all over the country. A common agreement among women’s groups has been established on all activities within campaigns being conducted on a voluntary basis. Funding for costs of these campaigns was provided by donors, not by the state. Campaigns have usually been devoted to awareness-raising of institutional responses to violence against women, advocating for legislative changes, and promoting newly adopted laws. Since 2001 consistent policy and continuity in campaign topics have been established and demands related to state responsibility have increased. The number of cities covered by campaigns has also increased as well as the number of

⁶⁴ ASTRA, 2002.

⁶⁵ ASTRA Research Report 2003; ASTRA Biannual Report 2002–2003.

media sponsorships in the form of broadcast video clips and radio jingles free of charge. Systematic follow-up of the effectiveness of campaigns has not been conducted.

In 2005 a national campaign was organized by the Autonomous Women's Center, network of Serbian helplines and women's groups, Women at Work and Reconstruction Women's Fund. The campaign was dedicated to the promotion of newly adopted protective measures of the Family Code against domestic violence as well as public attention on criminal sanctions for breaking these measures. The slogan of the campaign was "Red Card for Perpetrators." The majority of women's NGOs actively participated, so the campaign was organized in 50 Serbian cities. A video clip was created as well as a radio jingle, posters, flyers, and leaflets. Two-thousand posters and 50,000 leaflets were printed. The leaflets contained description of protective measures as well as contact information of NGO hotlines and shelters of the Network of SOS helplines and women's groups. Campaign coordinators obtained 98 media sponsorships so the video clip and radio jingle was widely broadcast. In Belgrade six TV stations, ten radio stations and 15 newspapers agreed to broadcast materials of the campaign free of charge. In other Serbian cities 25 TV stations, 36 radio stations and six newspapers agreed to sponsorship. In addition, each local NGO provided sponsorship at the local level – all women's NGOs participating obtained a copy of CD with the video clip, radio jingle and poster. Street performances and roundtables were also organized. Women at Work and Act Women Theater prepared an intriguing performance on the lack of efficiency of institutions in combating violence and consistent implementation of protective measures prescribed by the Family Code. The performances were held in the main squares of Belgrade, Velika Plana, Leskovac, Zrenjanin, Užice, Valjevo, Sombor, and Grocka. Reactions of the audience were exceptional. Within the campaign, women's groups, in cooperation with Voice of Difference–Group for Promotion of Women's Political Rights organized roundtables in several cities, aimed at enhancing collaboration between state institutions and NGOs in Velika Plana, Leskovac, Vlasotince, Užice, Valjevo, and Sombor. Specific needs of disabled women were also addressed: the *Out of Circle* Group provided a radio jingle on empowering disabled women to fight for their rights – it was broadcast on about 30 radio stations.

State bodies also organized their own campaign activities in 2005. The Ombudsperson of Vojvodina, Secretariat for Labor, Employment and Gender Equality of Vojvodina, and the recently established Bureau for Gender Equality in Vojvodina organized a campaign entitled: "Way out from Violence." Their promotional materials included leaflets in Serbian, Hungarian, Slovak, Roma, and Romanian, and posters in Serbian. The leaflets contained information on institutions and organizations providing support to victims.

In 2004 a campaign was focused on the distrust of victims in state institutions and health consequences of violence against women. The Autonomous Women's Center coordinated the campaign with activities organized in over 45 cities. Costs were covered by Reconstruction Women's Fund and BCIF. The slogan was "They have no Trust – Why?" The topic was chosen based on research data of the Autonomous Women's Center (every fourth woman in Belgrade experienced physical violence, every fifth had heavy bodily injuries, while 78 percent did not turn to any institution). A video and radio jingle was designed in Serbian and Romani as well as printed materials (leaflets, brochures). Numerous women's groups organized different activities – delivery of promotional materials at streets, institutions like City Halls, courts, and police stations, setting up art installations, organizing media promotions, seminars for media representatives, roundtables, street performances, etc. Five-thousand leaflets were delivered in Belgrade and 45,000 in other cities. NGO Women at Work and Act Women Theater organized street performances in Belgrade, Leskovac, Novi Sad, Zrenjanin, Užice, Velika Plana, and Sid. A video clip was broadcast on 25 local and two Belgrade TV stations, the radio jingle was broadcast on 30 local and 14 Belgrade radio stations with media sponsorships obtained for broadcasting. Within the campaign, Reconstruction Women's Fund organized a seminar for journalists entitled "Responsibility of Media and Violence against Women." Some actions focused on specific target groups: promotional materials were delivered to MPs and the Parliament of Vojvodina. In Vojvodina a conference was organized entitled "Institutional Models for Combating Violence against Women." Different models of victims' protection were presented by Sombor CSW, Belgrade Counseling Center for Marriage and Family, and Autonomous Women's Center from Belgrade. Participants came from 35 CSWs from Vojvodina, five hotlines, Ombud of Vojvodina, and state bodies and human rights organizations.

In 2003 a campaign organized by NGOs had a regional character, i.e. it was conducted in coordination with different women's groups in 20 countries in the region. The Serbian coordinator was the Autonomous Women's Center. The campaign was devoted to women killed by husbands/partners. As there were no official statistics related to cases, data was collected by press-clippings made by Ebart Media Documentation. It was revealed that in Serbia 31 women were killed by a partner or ex-partner between January and November 2003. The fact that such relevant data had to be collected through press-clippings was striking evidence about the state approach toward violence against women. Silhouettes of women killed by their partners were also presented on main squares of many Serbian cities.

The NGO campaign in 2002 focused on the general public and the promotion of Article 118a of the Criminal Code criminalizing domestic violence *per se* as a crime. As the state did not initiate any attempts to introduce this new legislation to the public, women's groups organized a national campaign under the slogan "React! Domestic Violence Is A

Crime!”, demanding state responsibility for combating violence against women. Activities coordinated by Autonomous Women’s Center were conducted in Belgrade and 35 other cities. NGO activists delivered 30,000 leaflets and 500 posters throughout Serbia, and provided 23 interviews for the press, radio and TV, while public announcements were published 40 times. A radio jingle was broadcast 245 times, the video jingle 252 times in Belgrade and other cities. Media sponsorship was obtained from the National Radio Television which broadcast the video and radio jingle.

The NGO campaign of 2001 focused on advocacy for adoption of a new law criminalizing domestic violence *per se* as a crime – organized within other lobbying activities related to requiring legislative change. The outcome of the campaign was positive since the changes were adopted. Some activities within the campaign targeted legislators – on November 25, 2001 NGO activists for the first time took leaflets to the parliament demanding legislative changes, supporting their demand by data obtained from a survey. During pre-election door-to-door campaigns aimed at increasing citizen participation organized by Voice of Difference–Group for Promotion of Women’s Political Rights, a research survey was conducted with 36,000 women. Out of this sample 65 percent assessed that violence against women should be considered as one of the greatest problems of Serbian women. This finding was involved in promotional materials of the campaign.

ASTRA conducted a campaign on trafficking in 2002–2003. The slogan was “Be Aware, Be Careful – Open Your Eyes.” The objectives were: a) make trafficking in women visible; b) raise awareness of state institutions and society on trafficking in women; and c) establish cooperation between NGOs and state institutions, including the police. The target groups was 14–25 years old girls; this age group being most at risk of trafficking. In the campaign printed materials and workshops were held in high schools discussing suspicious job advertisements and employment agencies. The media was also targeted through press releases and organizing seminars for journalists as well as state institutions involved in combating trafficking through roundtables, trainings, workshops, and exchange of information with the NGO sector. Although campaign activities primarily targeted young women, the message of the campaign was not only intended for women, but for the general public as well. Three video jingles and three radio jingles were created along with printed promotional material like leaflets in Serbian, Albanian, Hungarian, and Romani as well as stickers and posters. The campaign was on national and local TV and radio stations which broadcast the TV spots and radio jingles in prime time free of charge: RTV Studio B, RTV Pink, TV BK, RTV B92, and the ANEM Network. Posters and leaflets were also distributed in many towns. Various lobbying activities were conducted aimed at improving the treatment of the victims, changing relevant legislation, and raising awareness of the media and state institutions on all types of violence against women. Lobbying was carried out through seminars, trainings, roundtable discussions, etc., surveys on

trafficking in women in Serbia, cooperation with institutions (like the police, the judiciary, CSWs, etc.), establishing a strong network of women's groups and NGOs, and enhancing regional cooperation.

In 2004 ASTRA led an anti-trafficking campaign financially supported by the UN Office on Drugs and Crime (UNODC). The slogan was "There is a Way Out." The aim of this campaign was to encourage (potential) victims and their families and friends to seek help and information, to motivate citizens to help victims, and to inform the public on all the aspects of trafficking. In cooperation with UNODC, ASTRA participated in the production of two TV spots on presenting a woman who managed to escape from exploitation. The spots were made in Serbian with subtitles in Romani and Russian and were broadcast on RTS (National Television), RTV Pink, RTV Studio B, and RTV B92, as well as on numerous local TV stations. During the campaign, various promotional materials were produced and distributed: posters (*inter alia* at all border-crossings in Serbia), postcards, leaflets, stickers, etc. Activities also involved participation in documentary films and numerous media appearances; ASTRA representatives gave 66 interviews in 2004.

In 2005 Save the Children supported by the British Embassy launched the campaign "Save the Children from Human Trafficking." This was a call for joint action and involvement of all agencies responsible for the protection of children. Besides TV spots, posters, and leaflets the main activity of the campaign was a survey on risk factors of child trafficking as well as training and educational programs in some regions (Raski and Jablanicki regions). The idea of the training was to create teams at municipal level, which would be leaders of activities, campaigns, and information exchange. At the beginning, attention was drawn to children up to five years, while in the later stage girls between 15 and 18 were targeted. Data obtained by ASTRA hotline served as inspiration for some activities of this campaign: between March 2002 and January 2004 out of the total number of trafficked victims identified through ASTRA hotline ten percent were children. In 2004 this number reached 56 percent. In the first three months of 2005 ASTRA provided assistance to 31 persons of whom 15 were between 14 and 18. The Shelter for Trafficking Victims accommodated 29 children since the beginning of 2002, half of whom were from Serbia and Montenegro. Eight children were recruited for the purpose of labor exploitation and forced marriage and the remaining 21 for sexual exploitation.

8.2 Conferences and other awareness raising, information, and prevention programs

The most recent large conference organized Belgrade in September 2005 by Autonomous Women's Center was entitled: "Networking for Change" and was

attended by about 100 activists and researchers from 32 organizations in 18 cities. Funding was provided by foreign donors. The conference had five panels and four workshops on legislation related to violence against women, its health consequences, principles of work in shelters, models of cooperation with state institutions, and findings of surveys about different forms of violence against women. One of the outcomes of the conference was the establishment of a network of hotlines and women's groups against violence against women – with both NGOs and state institutions assuming that they accept common principles of work. It was also agreed that members of the network will engage in joint awareness-raising, advocacy, and research activities, establish a uniform model of data collection as well as improve the quality of services provided.

The latest conference on trafficking was organized in Belgrade on November 3, 2005 by Red Cross Society of Serbia and Montenegro and the Ministry of Foreign Affairs. This international conference was aimed at enhancing cooperation among SEE countries and exchanging experiences. It was attended by national anti-trafficking coordinators of SEE countries, NGOs, international organizations, diplomatic-consular missions from the countries of origin, transit, and destination of trafficked victims as well as representatives of the Red Cross.

NGOs in Serbia have developed a large spectrum of awareness-raising activities (organization of public discussions, workshops, street performances, press-conferences, seminars for journalists), as well as prevention programs for different target groups, training of trainers for peer educators, peer education programs in schools, publishing brochures. Generally, funding has been provided by foreign donors or organizations. Regarding the funding and implementation of such activities, the following recent general assessment of NGOs can reveal the picture: "State institutions issued permissions for the implementation of the activities in institutions, but did neither finance nor took active role in conceptualizing and implementing the programs."⁶⁶

Some women's NGOs (e.g. Belgrade Center for Women's Studies) work on developing programs on gender equality, violence against women, non-violent communication and conflict resolution for school teachers and students (e.g. MOST Group, Center for Anti-War Action). Several groups (e.g. Voice of Difference) developed awareness-raising programs for legislators (MPs) and members of political parties, trade unions, etc. ASTRA focuses on organizing programs of trafficking prevention; the group also organized seminars for journalists. The Center for Women's Studies in Novi Sad and Belgrade has organized university and post-graduate courses in gender studies which also include violence against women.

⁶⁶ List of Critical Issues, *ibid.*

NGO programs for offenders aimed at prevention have been under-represented. The state has not undertaken serious actions aimed at increasing the social visibility of violence against women and its prevention; nor has it provided such funding (except for the Social Innovations Fund). State reports openly admitted this: “Visibility of violence has been achieved due to campaigns of NGOs and adoption of adequate laws (...) in the subsequent period, the state and society should undertake very serious and comprehensive efforts aimed at prevention of violence.”⁶⁷

The followings are some examples of NGO activities in the field of prevention. The Incest Trauma Center in 1994–2005 has organized various prevention programs for over 4,000 children and adolescents including vulnerable groups like Roma, refugees, or displaced, and had 191 media appearances (Popadić, 2005). In 2005 they also had a training of trainers for teachers on prevention of violence against women. The Centers for Girls in Belgrade, Niš, Užice and Novi Sad and ASTRA organized various prevention programs. In 2005 ASTRA organized numerous programs for teachers, high school and university students about the prevention of trafficking. The Belgrade Center for Women’s Studies and Gender Research, in cooperation with Association Anthropy and Voice of Difference, conducted a project on integrating gender equality into the education system (involving violence against women issues): seminars for 320 elementary school teachers from 51 schools in nine Serbian towns; roundtables and lectures on sexual violence for 269 high school teachers; training of trainers for 26 future peer educators; peer-education awareness raising programs on sexual violence and partnership violence for 685 high school students were organized. A teachers’ manual was also designed and delivered. Furthermore, they sent a proposal to the Ministry of Education with the list of workshops that could be involved into regular programs in the school subject Civic Education. “Bibija” Roma Women’s Center conducted programs on prevention of domestic violence in Roma settlements – in their current programs 350 women from six cities are involved. The NGO Svetionik from Loznica and Alternative Circle from Kragujevac organized various public discussions for the general public and high school students. The Vlasotince hotline, Women’s Center in Leskovac, Women’s Space in Niš, Committee for Women’s Rights Juca in Bor, and Smile from Vrbas developed specific programs for rural women. The Women’s Alternative Workshop implemented programs on violence and sexual violence in intimate partnerships for 1,500 women. This group also organized creative actions and street performances about sexual assaults and domestic violence. Such street performances have been also organized by Women at Work and the Act Women Theater.

⁶⁷ Overview of Realization of Millennium Development Goals, 2005.

8.3 Information materials for the victims about their rights and the services they can seek help

Different NGOs published and distributed brochures on legal provisions related to domestic violence, incest, sexual offences, and trafficking, which also included information on support, contact info of institutions, etc. Almost all NGOs have their own information packages, postcards, stickers, leaflets, etc. These brochures have been available all over the country during the 16 Days Campaigns. Due to unsustainable funding of NGOs, these brochures were prepared on a project-basis, donors were mostly foreign organizations. Some of the information materials of Autonomous Women's Center have been the most widely distributed; e.g. their *Legal Guidelines for Domestic Violence Victims*.⁶⁸ They prepared a similar publication about rape, where apart from information on legal norms and possibilities of support there is also an analysis of psychological symptoms and recovery techniques. NGOs also sporadically deliver these materials in state institutions like CSWs, police stations, etc. The Autonomous Women's Center organized several projects on cooperation based on the Duluth model; during which a large number of such publications was delivered to CSWs and law enforcement agencies in 16 Belgrade municipalities.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

The following studies mentioned here were financed by donors, without state funding, or some of them were conducted on voluntary basis, as indicated below:

Nikolić–Ristanović (2002) *Study on Prevalence, Causes, and Consequences of Domestic Violence in Serbia*

Conducted by the Victimological Society of Serbia, funded by the American Bar Association, Central and East European Law Initiative (ABA CEELI).

This study conducted on a sample of 700 adult women from seven Serbian cities implied high prevalence rates – every third woman reported physical violence, every second reported psychological violence, and approximately nine percent reported sexual violence. Findings on rates of physical violence were higher in comparison to those identified in neighboring countries with similar economic and social conditions and cultural patterns like Macedonia or Bulgaria. Results indicated that uneducated or

⁶⁸ Mršević and Wagner, 1996, 2001.

poorly educated women, as well as economically dependent ones were more often exposed to physical violence (the latter also correlated with extremely poor economic status of the family). In addition, a theory of trans-generational transmission has been mostly confirmed.

Data on reporting domestic violence to institutions revealed an alarmingly low level of reporting: 16.8 percent went to the police, 9.6 percent to CSWs, 3.6 percent to courts, and 2.4 percent asked for help of hotlines.

Autonomous Women's Center and Strategic Marketing Agency (2005) *Study on Prevalence and Health Consequences of Domestic Violence in Belgrade*

This study was initiated and funded by World Health Organization as cross-cultural research. The study was carried out on a sample of 1,456 adult women in Belgrade in 2003. The results were the following: 22.8 percent of women reported about physical violence in various partnership relations, while 6.3 percent reported about sexual violence. Violence lead to various mental and medical symptoms and problems: 28.8 percent suffered light or heavy bodily injuries (37 percent of injuries required medical intervention); victims suffered more often from emotional and physical symptoms and than did women who did not experience violence. Women who experienced physical and sexual violence were more likely to be hospitalized within the last 12 months (10.3 percent and six percent respectively); they were also highly suicidal (40.9 percent in comparison with 15.2 percent respectively), and more inclined to misuse alcohol at least once a week (71.1 percent as compared with 11 percent). Their reproductive health was also affected: 5.6 percent had stillborn babies (2.1 percent of non-victims). A majority of victims (78.2 percent) – regardless of the type and severity of violence – never reported it to state institutions or NGOs. Only 12.1 percent of victims reported violence to the police, 9.6 percent to medical centers, 8.9 percent to CSWs, and 2.1 percent to women's NGOs or hotlines. Among women who lived with a violent partner one third tried to leave the home at least once with many of them repeatedly leaving and returning, while two-thirds had never tried to leave. Out of those who never attempted to leave almost half (46.7 percent) accepted violent behavior as "normal" or common, or listed other obstacles: 21.5 percent did not want to leave their children, while 17 percent were still emotionally attached to the abusive partner or wanted to "preserve marriage" (6.7 percent).

Branković (2003) *Studies on Sexual Violence against Adolescents*

These studies were conducted by a free-lance researcher on a voluntary basis, i.e. without financial support, and were conducted on a large sample – 3,825 teenagers in total aged 15–19 from 24 cities in Serbia and one city in Montenegro between 1998–2003. The most recent results obtained on the sample of 622 adolescents from seven Serbian cities in 2003, implied high prevalence rates: every eighth girl reported that she had experienced violence in the form of rape, attempted rape, incest, rape by several

offenders, blackmail, or sexual harassment. The offences described could be legally prosecutable as victims were under-aged girls (the average age was 16.4 years), and offenders were mostly adult men (the average age was 29.2 years). In 70 percent of the cases offenders were known or closely related to victims – friend, (ex) boy-friend, member or friend of the close family, a relative, teacher, step-father/adoptive father, acquaintance, or neighbor. In spite of its seriousness, assaults were as a rule unreported to parents, medical doctors, counseling centers, social service centers, etc. The assaults were disclosed only to peers and friends. Only one percent of the cases was reported to hotlines and 16 percent to the police. The main reasons for a low level of disclosure were the following: fear of being ostracized/blamed by local community or fear of revenge. A survey on adolescents' attitudes revealed that they had no confidence in courts, police, social service centers, or any public institution whatsoever, while psychological counseling centers were relatively the most trusted (though not too much). Descriptions of abuse were empirically clustered in order to obtain patterns of sexual violence against adolescents that might be specific for our culture. Among several clusters the following was the most intriguing: legally prosecuted cases of rapes in public places committed by several offenders (mostly, completely unrelated to victims) who have been accused for sex crimes before. Other, far more frequent sexual offences by close friends or relatives were not reported to the police.

Lukić and Jovanović (2001) *Study on the Implementation of Legal Norms*

This survey – conducted before domestic violence became a separate criminal act – was conducted by the Group for Women Human Rights of European Movement in Serbia in cooperation with the Institute for Criminological and Sociological Research, and was funded by the Global Fund for Women, Mama Cash, and Fund for Open Society. Law experts analyzed 1,224 court cases involving violent crimes like serious bodily injury, use of a weapon in a fight, etc. Thirty percent of the crimes happened in the family – offenders were mostly ex-husbands/partners and nearly half of the cases involved serious bodily injury or the use of arms. Two facts on judiciary policy regarding family violence cases were that compared to other incidents chances of public prosecutors dropping charges were higher while chances for a sentence were lower. In 53 percent of domestic violence cases the offender was not sentenced – mostly because prosecutors dropped charges. Offenders were found guilty in 37 percent of the cases. The most common sentence was probation (75 percent of those found guilty). Only five percent were sentenced to imprisonment. The most frequent mitigating circumstances serving as justifications for lowering sentences showed a mild penalizing policy of the courts and a bias against victims. These were the following: a) being a father; b) expressing regret; and c) financially supporting the victim. Examination of attitudes of officials revealed a low level of knowledge and awareness on domestic violence.

Konstantinović-Vilić and Petrušić (2004) *Study of the Implementation of Legal Norms Related to Domestic Violence*

This research was conducted by the Women Research Center for Education and Communication in Niš and was funded by Fund for Open Society. The recent revealed shortcomings in the implementation of legal provisions related to domestic violence. Two law professors analyzed 620 legal cases in five Serbian cities: 159 police reports, 251 cases of public prosecutor's office, and 210 court cases involving elements of domestic violence. Their findings indicated that the police and legal system had not treated domestic violence in a standardized manner: the individual attitude of officials toward specific cases played an important role in the legal qualification of violent acts. Only a limited number of acts were qualified as "violence in the family" as specified by Article 118A of the Criminal Code, mostly due to a narrow interpretation of the term "family member." Such an interpretation led to significant narrowing of legal protection from domestic violence. Findings also showed a mild penalizing policy – fines and suspended sentences were the most common while imprisonment was imposed at the prescribed minimum, in some cases even below the minimum. Other weaknesses in legal mechanisms were identified as the following: there was a lack of uniformity in the work of the police due to a lack of common procedures; no security measures were taken by the police or other institutions at the moment of pressing charges; public prosecutors often tended to drop charges even in cases in which no plausible reasons; some authorities advised victims to reconsider their decisions to bring legal charges. The inefficiency of the legal system was also identified: the police often prolonged work on pressing charges while prosecutors took more than four months on average initiating prosecution after the first charges, and courts further prolonged cases so the main hearing occurred more than five months after the first legal charges. The courts, by a rule, did not take into consideration all circumstances relevant for a decision about sanctions against perpetrators, such as duration and severity of previous violence and level of danger; actions of law enforcement institutions were not coordinated, which resulted in an inadequate or untimely social response to violence, etc. Examination of attitudes of the judiciary and police officers revealed that they mostly considered domestic violence as "less dangerous" a crime and a private matter of the family so victims were not given efficient assistance and were again victimized almost without exception.

Nikolić-Ristanović et. al. (2004) *Study on Trafficking*

This study was conducted by the Victimological Society of Serbia and was funded by OSCE. The study identified the following factors as contributing to trafficking in Serbia: geographical position of Serbia (on the crossroads between East and West); presence of large, multinational military peacekeeping forces in the Balkans; poverty and unemployment in both countries of origin and in Serbia; myths about the West in Serbia and other Eastern European countries prompting women to find ways to get

what they perceived as ‘a better life’; widespread corruption; a grey economy; general insecurity caused by transition; disorientation of young people; marginalization of certain social groups (e.g., Roma); sexual violence, family violence, and disturbed family relations in a broader sense; ill functioning of the rule of law; ill-defined limits between legal and illegal behavior.

Bjerkan et al. (2005) *Study on the Rehabilitation of Trafficked Victims*

This study conducted by the FAFO Institute for Applied International Studies from Norway and the Victimological Society, funded by the Research Council of Norway, focused on rehabilitation of trafficked victims based on interviews with women in Serbia, Moldova, and Italy as well as staff working with them. The study notified problems in rehabilitation programs: safety measures related to returning victims were not sufficient; confidentiality was not obtained; no specific program of protection and assistance of child-victims was developed; victims testifying in trials were exposed to secondary victimization; cooperation and coordination between NGOs and state institutions in Serbia and countries of origin/destination involved in rehabilitation process were not adequate enough; funding for rehabilitation programs was limited, short-term, and unpredictable; and professional staff involved in programs had problems related to work overload and burning out.

Further research studies are:

Mršević (2001) *Survey of Compliance of Domestic Legislation with International Standards on the Field of Violence against Women*

This analysis conducted within the regional project initiated by South Eastern European Legal Initiative (SEELINE), focused on legal mechanisms for the protection of victims, discriminatory procedures in legal proceedings, important court cases, availability of legal aid and other services for victims, and awareness-raising programs for officials and other groups. Its outcomes are not presented in this report as many legislative changes have happened since 2001.

Branković (2006) *in preparation*

This latest survey on domestic violence provides an overview of studies as well as analysis of factors linked to domestic violence and NGO activities in the field. It was conducted within the regional project initiated and implemented by the Humanist Committee on Human Rights (a Dutch NGO) and was funded by Dutch donors like Hivos and PSO. A comparison of research findings lead to somewhat limited generalized research conclusions to a general female population in Serbia due to

problems in creating nationally-representative samples.⁶⁹ Factors linked to violence were also analyzed: violence appeared to be linked with war trauma – war veterans were more inclined to inflict brutal violence or use guns or other weapons. Less direct links between violence and socio-political factors were also identified: widespread stereotypes related to gender roles probably contributed to public tolerance towards violence against women – school textbooks, media, and advertising clearly support traditional gender roles as well as the trend of returning to traditionalism. This trend is no longer present, however: recent research of Veselinović (2003) and Jemrić (2003) found that the media has been focused primarily on sexual violence against minors or particularly brutal incidents of physical violence while neglecting psychological violence. Court trials and convictions were rarely monitored leading to a public belief that institutions cannot adequately penalize violence.

“Dark numbers” were also estimated through comparison of prevalence rates, levels of reporting coming from research on the one hand and state and NGO statistics on the other. The low level of reporting (9–17 percent) could be possibly attributed to victims’ fear of perpetrators, a fear of being stigmatized, but also to a lack of trust in institutional mechanisms for victims’ protection, and a distrust in the efficiency of institutions in general (the latter was confirmed in different research studies). Since the low reporting rates were obtained before domestic violence was specifically criminalized, it could also be analyzed whether a gap between occurring and reporting has recently become narrower. Based on a comparison of recent (incomplete) state statistics on cases reported to the police and prevalence rates, a tentative conclusion was reached that a gap between reporting and prevalence has been still very large – the percentage of reported cases was practically negligible, probably only 0.08 percent. Consequently, “dark numbers” based on different research findings and statistical indicators could be estimated as very high. A large number of “hidden cases” of domestic violence could be partially interpreted as a result of institutional policy, as both previous and recent research on attitudes of officials toward domestic violence and implementation of laws implied mild penalizing policy of the courts and, to some extent, officials’ insufficient knowledge of domestic violence, in particular the psychodynamics of violent relationships.

⁶⁹ The percentage of women refusing to take part in research studies was approximately 40 percent and all researchers were faced with “invisible” categories of women in official demographic statistics like the Roma or refugees.

9.2 Violence against women on the agenda of research centers dealing with equality issues

Research centers within universities and other academic or applied research institutions have not focused on violence against women or gender equality issues. The research projects conducted were initiated by experts with a “double affiliation,” i.e., who were engaged as professors or researchers but at the same time worked in women’s NGOs. The available research studies were financed by foreign donors on a project-basis. Through such projects, these experts contributed to the visibility of violence against women and other gender-related issues in academic circles, and informed the international academic community about the Serbian situation. Women’s NGOs conducting research projects on violence against women and factors linked to violence against women are: Victimological Society of Serbia (Belgrade); Women’s Research Center for Education and Communication (Niš); Association for Women’s Initiatives; Voice of Difference; Center for Anti-War Action; ASTRA; Autonomous Women’s Center (all these from Belgrade); Women’s Studies Centers (Belgrade and Novi Sad); Alternative Circle (Kragujevac); etc.

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

The state has not developed integrated statistics and common indicators in order to evaluate the scale of violence against women as required in Appendix 5–6 of the Council of Europe Recommendation (2002)⁵. In the *Framework for National Strategy against Violence* state officials openly admitted weaknesses of state mechanisms: “Data of social and medical institutions related to violence against women, children, elderly, and disabled are even less complete and systematized. The main reason for this is a lack of uniform mechanism and unified criteria for data gathering, but it is also certain that staff employed in these institutions have not been sufficiently sensitized for recognizing violence against women, which contributes to low ‘visibility’ of this phenomenon. (...) Accurate integrated data on prevalence of violence in our society do not exist, since institutions that deal with violence use different indicators for identifying and registering the phenomenon.” A lack of gender-sensitive statistical indicators is a general problem which makes shadow-reporting on women’s human rights rather difficult.

However, integrated data at national level related to some forms of violence against women can be found in reports of the National Statistical Office. Regular publications

of the National Statistical Office are available for the public. These provide gender-disaggregated data only in some fields like demographic indicators, unemployment, total number of accused and indicted persons, etc. Yet, gender-disaggregated data on violence against women can be sporadically found in some official government reports to international bodies or other official state documents. Gender-sensitive statistical analyses can be obtained on request for research and reporting purposes from the National Statistical Office but such services require adequate financial compensation.

Data is not collected according to a uniform format and evidence of specific professions has not been systematized and integrated at the national level so a possibility of comparison is limited. The National Statistical Office gathers data of police and courts but in their official reports on “Statistics of Justice” relationship between a victim and an offender is not published. Registration of specific cases of violence against women does exist in the police, prosecutors’ offices, courts, and CSWs but data are not systematized, complete, and integrated at national level due to a lack of coordination body responsible for integration as required in the Council of Europe Recommendation (2002)5.

The Ministry of Interior publishes annual reports on criminal offences classified in categories and accompanied with percentage of solved cases. In these reports, different forms of violence against women are classified within broader categories like “criminal offences against life and body,” “rape,” “murder,” “attempted murder”. Rape and other sex crimes are classified within the broader category “crimes against dignity of a person and public morals.”

In the period between January 2000 and December 2004 the Ministry of Interior registered numerous “criminal offences against life and body,” i.e. 8,134 heavy bodily injuries, 8,041 light bodily injuries, and 7,435 offences “using a dangerous weapons in a fight.” The ministry also registered “crimes against dignity of a person and public morals”: 871 rapes, 696 other sex crimes, 294 offences related to trafficking, 254 offences of “unnatural debauchery,” 244 offences of “intercourse or unnatural debauchery against a minor who is less than 14 years old,” and three offences “using a minor for pornography,” while among “criminal offences against marriage and the family,” 241 cases of neglect/abuse of a minor. Out of the total number of different criminal offences in that period 23.7 percent were committed against women. In total, 24,847 criminal charges were brought (in 93.9 percent of the cases against male offenders).⁷⁰ The Novi Sad Secretariat of the Ministry of Interior registered 2,591 reported incidents involving violence against women in Vojvodina in 2002–2003 and the first four months of 2004. The police brought 65 criminal charges related to the

⁷⁰ Ministry of Interior (2005) *Framework for National Strategy against Violence*, draft version.

criminal offence “violence in the family,” and 933 misdemeanor charges against perpetrators.⁷¹

The *Framework for National Strategy against Violence* analyzes trends related to domestic violence: the number of criminal charges brought by the police according to Article 118A of the Criminal Code has gradually increased in the period 2002–2005: 866 in 2003, 1,176 in 2004, and 465 in the first four months of 2005.

There is an inconsistency in different official state reports and documents regarding domestic violence: key figures on simple facts (e.g. number of reported cases) of the same period are not the same.⁷² Thus it is difficult to provide a reliable answer whether the number of criminal offences related to domestic violence has increased in the period of 2002–2004. Further, identifying trends in this field is difficult due to other reasons. Before domestic violence was criminalized *per se* it was “hidden” within the statistical category “criminal offences against life and body.” Also, data had not been gender-disaggregated, relationship between victim and offender had not been provided. Based on available statistical indicators it can be only concluded that the number of criminal offences against life and body has increased in the period of 2000–2004. In 2000, 5,174 such charges were brought (indicted: 4,986, convicted: 3,520), in 2001 there were 5,637 (indicted: 5,405, convicted: 3,857), in 2002 there were 5,425 (indicted: 5,736, convicted: 4,015), in 2003 there were 5,043 (indicted: 5,136, convicted: 3,712), in 2004 there were 5,784 (indicted: 4,865, convicted: 3,556).

The National Statistical Office provided victim statistics on some forms of violence against women in 2004: violence in the family; neglect and abuse of minors (these two were classified as ‘criminal offences against marriage and family’); rape; and trafficking (figures on sex-trafficking were not published separately). Adult and minor offenders are categorized separately. In addition to the above-mentioned forms of violence against women, some cases of domestic violence are “hidden” within statistical categories like “criminal offences against life and body”: heavy bodily injury, light bodily injury, etc. Since statistical records do not provide information on victim–offender relationship, the number of such criminal offences committed within the family can be only assumed. Some research indicated that it could be approximately 30 percent⁷³ while more recent research also found that many domestic violence incidents

⁷¹ Secretariat for Labor, Employment, and Gender Equality of Vojvodina (2004).

⁷² The Initial report of Serbia and Montenegro to the UN Committee on Economic, Social, and Cultural Rights, 2005 and corresponding responses of government officials in front of the experts of the Committee, and in Initial government report on implementation of CEDAW Convention for the period 1992–2003, draft version, June 2003.

⁷³ Lukić and Jovanović, 2001.

were legally qualified as “light or heavy bodily injuries”.⁷⁴ Data published in the reports of the statistical office within the section on different criminal offences were not gender-disaggregated.

Some experts recently announced in the media that out of the total number of reported cases of violence in Serbia, two thirds were actually related to domestic violence (Danas, February 2006). This striking statement was based on official statistical data.⁷⁵

Upon adoption of the new Family Code, the state prescribed which records should be kept regarding issuing protective measures in domestic violence cases such as (attempted) inflicting of bodily injury, forced sexual intercourse, insults and other impertinent and insolent behavior, threat of murder or threat of inflicting bodily injury, limiting the freedom of movement or communication, enforcing sexual intercourse or sexual intercourse with a person who is younger than 14 years of age or with a defenseless person.⁷⁶ Until recently, records and statistics of CSWs did not contain the category “violence in the family,” but upon adoption of the new Family Code, they are required to keep records on specific cases like name and other personal data (ID number, address, etc.), sex, nationality, occupation of the victim, relationship to the offender, forms of violence (six categories), number of previous acts of violence as well as the type and duration of protective measure(s) issued. Similar data should be gathered about perpetrators, including previous criminal offences and misdemeanors, previous criminal acts related to domestic violence, previous restraining orders, etc.

Data gathered by courts showed a very mild penalizing policy towards perpetrators of domestic violence – 98 percent of perpetrators of lighter forms of domestic violence were merely fined for 1,000 dinars (11 euros), while only two percent were sentenced to 60 days imprisonment.⁷⁷

Gender-disaggregated data have been occasionally gathered in government reports to international bodies or other official documents mentioned above. For instance, in the *Framework for National Strategy against Violence* the Ministry of Labor, Employment, and Social Policy reported that the police brought a total of 2,822 criminal charges against perpetrators of “Violence in the Family” as specified by the Criminal Code in the period of March 2002–April 2005. In this period such perpetrators were mostly men (96.9 percent) while victims were mostly women (80.8 percent).

Some women’s NGOs initiated methods to improve data-collection in institutions on a project-basis – the Incest Trauma Center within the project “Network of Trust”

⁷⁴ Konstantinović-Vilić and Petrušić, 2004.

⁷⁵ Nikolić-Ristanović, 2006.

⁷⁶ *Official Gazette of Serbia*, 18/2005.

⁷⁷ Interview with magistrate Dragana Tireli, Beta, 2005.

introduced a uniform database on different forms of violence against women into approximately 15 governmental and non-governmental institutions in Serbia, including police, CSWs, child protection services, medical institutions, etc.⁷⁸ A similar effort was made within the project of the Autonomous Women's Center, aimed at improving inter-institutional cooperation: an electronic database on domestic violence cases was introduced into CSWs in Belgrade involving data on sex and age of victim and perpetrator, forms and duration of violence, injuries of victims, use of a weapon, interventions against perpetrators, etc.⁷⁹ Some analyses based on data gathered in nine Belgrade CSWs within a period of one year: 949 cases were completely registered in this database out of which 576 were related to domestic violence against adult women. Who were mostly exposed to combined forms of violence (physical, economic, sexual, and psychological) by a partner (368) or ex-partner (121). Violence was mostly prolonged (in 69 percent of the cases, it lasted for 1–5 years, in 19 percent of cases for 6–10 years, and in 11 percent for 10–20 years). Yet, it is important to notify that only 0.8 percent of women reported violence to a CSW in the first year. In two thirds of the cases children were abused too (or witnessed violence), and victims mostly had physical injuries. Other analyses indicated intriguing findings regarding institutional response to violence, i.e., interventions of CSWs against the perpetrators (staff of CSWs brought criminal charges against perpetrators in only 6.7 percent of the cases, while in other cases they applied far less strict measures like oral and written warnings, etc). Compared to the duration and severity of violence, these measures were unjustifiably mild.

Within the same project, attempts were also made to establish unified model of police data collection. The Autonomous Women's Center's "Health Program" developed protocols for gathering data on violence in primary healthcare and submitted it to the Ministry of Health.

When data on officially reported and legally prosecuted cases of domestic violence is compared with research findings (prevalence rates and reporting rates), it can be estimated that "dark numbers" are most likely very high.⁸⁰ Notably, in a research study every third woman reported that she had suffered physical violence while only 9–17 percent reported incidents to institutions (police, CSWs, medical centers).⁸¹ Having in mind the statistics on indicted and convicted offenders and mild penalty policy, we can come to a conclusion that women's fear of reporting violence to institutions is rather justifiable.

⁷⁸ Branković, 2003.

⁷⁹ Ignjatović, 2004.

⁸⁰ Branković, in preparation.

⁸¹ Nikolić-Ristanović, 2002.

The basic conclusion related to sentencing of domestic violence is that penalizing policy is mild. In 2004 only about ten percent of adult perpetrators were sentenced to imprisonment. More precisely, 1,009 criminal charges against adult perpetrators were brought; 431 were indicted further, and 374 were convicted. For those were convicted, the sentences were: 106 imprisonments, 57 fines, 208 probations, and three probationary fines.⁸² It could be a tentative conclusion that legal definition of domestic violence as a specific criminal act of 2002 did not imply a stricter penalty policy. Research conducted before the criminalization revealed that only five percent of such perpetrators were sentenced to imprisonment.⁸³ More recent research on implementation of legal norms related to domestic violence also revealed a mild penalizing policy.⁸⁴ Conclusion on mild penalizing policy is further supported by the above-mentioned statistics on 98 percent of perpetrators of lighter forms of domestic violence being merely fined.⁸⁵

Regarding neglect and abuse of minors, penalizing policy in 2004 was stricter in comparison to domestic violence acts – imprisonment sentences were somewhat more frequent. Out of a total number of indicted adult perpetrators, 29 percent were sentenced to imprisonment. In 2004, 64 adult offenders were reported for committing criminal offences related to neglect or abuse of minors; while 77 were indicted. Out of the total number of indicted perpetrators, 68 were sentenced (23 to imprisonment, nine to fine, and 36 to probation).

Rape has been rarely reported and 28 percent of reported offenders were sent to prison – in 2004, 154 adult perpetrators were reported while only 60 were indicted. Out of those indicted, 50 were sentenced, mostly to imprisonment (43); but also to probation (six), and to disciplinary measures (one). In addition, ten minors were also charged with committing rape in 2004, out of which two were indicted (data on convictions were absent).

Based on official statistics it could be concluded that trafficking has been difficult to prove in courts: traffickers were rarely indicted while sentences were even less frequent – three percent of reported trafficking cases ended in imprisonment. In 2004 out of 69 reported offences related to trafficking only four were indicted and two were sentenced to imprisonment. Some international monitoring reports analyzed reasons for low number of convictions, and came to the following conclusions: “There has been an increase in the number of traffickers arrested, but a lack of centralized information on

⁸² Republic Statistical Office of Serbia, Announcement No. 272 of 2005.

⁸³ Lukić and Jovanović, 2001.

⁸⁴ Konstantinović-Vilić and Petrušić, 2004.

⁸⁵ Interview with magistrate Dragana Tireli, Beta, 2005.

judicial proceedings in trafficking in persons cases impeded the government's ability to report prosecutions and convictions."⁸⁶

Different professions and corresponding ministries (e.g. Ministry of Interior) have annual or other forms of periodic reports but they are not particularly devoted to violence against women. Official government reports to international bodies are mostly not available to the general public (for example, the draft version of the Report to the CEDAW Committee was not sent to state bodies for gender equality like the Council for Gender Equality). Statistics on prevalence rates are only occasionally accessible.

Some data on violence against women is available on the internet. The media occasionally presents data on trafficking, domestic violence, or other forms of violence against women to the general public, especially in the last several years. However, journalists often focus on particular dramatic or even fatal incidents of violence against women.

A genetic data bank in cases of sexual violence does not exist.

10.2 NGO statistics on violence against women

All women's NGOs providing services to victims keep records on different forms of violence against women. Their models of data gathering significantly differ. Some hotlines identify all calls and appointments without specifying a number of victims, while others make distinction between total number of victims and total number of calls or appointments. Further, some NGOs register economic violence separately, while others do not, and each NGO keeps specific categorization of types and duration of violence, data on victim and perpetrator, etc. Some NGOs also identify whether victims asked help of institutions and what the response of the institutions was. In September–December 2005 attempts were made to establish a uniform model of data collection among NGOs. Members of the Network of SOS hotlines and women's groups in Serbia agreed to accept a joint database but data have not been yet gathered.

Due to the weaknesses of institutional models of data collection, NGO statistics are often the only sources of data about reported cases of violence against women. For example, statistics of the Incest Trauma Center are the most reliable source of data on incest and sexual abuse – since its establishment in 1994 this NGO has had on average seven cases per week. Similarly, records of the *Out of Circle* Group are the only source of data on domestic violence (and other forms of violence against women) against disabled women. The Autonomous Women's Center (AWC) has a complex database that could serve as basis for identifying general trends since they have a high number of

⁸⁶ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons.

clients: between 2000 and 2002 they registered 1,550 women victims of domestic violence, sexual abuse, incest, or marital rape.⁸⁷ Perpetrators of domestic violence were in 93 percent of the cases men, mostly husbands, ex-husbands, or partners. In the indicated period, every third woman reported physical violence to AWC, which was consistent with results of other research studies.⁸⁸ The Counseling Center against Family Violence in Belgrade received 20,000 calls between 1996 and 2005 (3,000 per year). In 2005, they received 3,900 calls, the total number of calls being 30 percent higher than the average number of calls in the previous nine years.

Other NGOs also identified higher number of calls in recent years. This could be a partial result of higher visibility of women's NGOs and increased awareness of victims about the existence of NGO services.

The ASTRA helpline for trafficking victims received 2,502 calls from 712 clients in the period between March 2002 and March 2005. Out of this number, 142 clients were identified as victims of trafficking (86 women and 56 children). ASTRA notified an increase in a number of children victims in 2004 (in 2002–2003 children made up ten percent, while in 2004 they made up 56 percent of the total number of victims). Further, in 2005 they received 1,712 calls, and 59 victims were identified in the course of that year.⁸⁹

Government reports to international bodies and other official documents like national strategies often rely on NGO sources thus indicating that NGOs have partially assumed a role of the state in the field of data collection. NGO sources were excessively used for instance in the *Overview of Implementation of Millennium Development Goals in Serbia* (2005), the draft version of the state report to the CEDAW Committee (2003), the preliminary *National Action Plan for Women* (2000), the draft version of the *Framework for National Strategy against Violence* by the Ministry of Labor, Employment, and Social Policy (2005).

⁸⁷ Ignjatović, 2003.

⁸⁸ Nikolić-Ristanović, 2002.

⁸⁹ ASTRA Hotline and Victim Assistance Program, 2005.

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

There are no cases on violence against women before the national bodies dealing with human rights issues. There are no cases before international forums, either.

11.2 Published court decisions, case studies, and analyses of case law

There are some disturbing court cases in certain research studies and in shadow reports to international bodies. Naturally, selected cases might not be representative for the court practice in general but the fact that such cases did happen should be viewed as a problem. The first case was published in the research study conducted on a sample of 1,244 court cases between 1995 and 1998.

A husband was accused of causing life-threatening heavy bodily injuries to his wife whose spleen was split, had internal bleeding, her eyes, belly, and lungs were crumpled. She did not appear in court since she was expecting a third child and she had pregnancy complications due to her injuries. The sentence was announced a year and a half after the incident: the accused was sentenced to a suspended imprisonment of 10 months with a probation period of three years. The sentence was lower than what is prescribed for such crime by the law. As justifications for lowering the sentence the following was stated: the accused confessed an offence, the accused and the offended stabilized their relationship, and had a third child, the accused was supporting a family, and finally, he honestly expressed remorse. Moreover, the court stated: “[we] sentenced him to probation because eventual imprisonment would prevent him in attempts to support his family. In addition, that would put the offended and their children in unfavorable material position and jeopardize their existence. (...) In sentencing the accused to probation, the court took into the consideration a behavior of the offended, since she to great extent contributed to his mental state of enhanced affective agitation. (...) Prolonged marital problems which the accused could not have successfully solved, generated enhanced emotional tension. (...) Therefore, his liability *tempore criminis* was greatly reduced.”⁹⁰

A recent research project of Konstantinović-Vilić and Petrušić (2004) provided a detailed case study on domestic violence and a comprehensive review of victim’s attempts to seek help from the police, prosecution, Ministry of Justice, and many other

⁹⁰ Detailed case study is published in Lukić and Jovanović (2001); parts of it are also quoted in the shadow report to the CEDAW Committee by Branković (2002).

institutions. Upon analysis of relevant documentation related to victims' battle with the "labyrinth" of complicated institutional procedures, the researchers concluded that a perpetrator's position was far more favorable in comparison to a victim's, and that the victim was exposed to secondary victimization. Victims used all possible legal means and remained unprotected, while perpetrators continued violence. Perpetrators' behavior was aggressive even in the presence of authorities and officials, for which they did not receive any warning.

Case studies of women in prison revealed that many women who committed murder actually killed a husband, family member, or partner after a prolonged history of physical or sexual abuse.⁹¹

"A girl who had been forced into prostitution escaped from her traffickers, but they kidnapped her and beat her to death. After a few hours, she died of internal bleeding. She was purposely left conscious throughout the torturing in order to intensify her suffering. The girl's mother was represented by a lawyer of ASTRA. The judge allowed the defendants' lawyer to say that they did not want to kill the girl, because 'you hit a snake in the head if you want to kill it', (...) The girl's mother reparation request was denied."⁹²

"A minor national of Serbia and Montenegro, S.B. (16) was trafficked from Belgrade to a nearby town, where she was raped by the owner of the bar establishment in which she was forced to practice prostitution. She managed to escape by addressing two police officers who were having a drink in the same establishment. Six months after, she returned home and found out that she was pregnant. She was called by an investigative judge to appear in the courtroom, in the capacity of witness in the trial against the bar owner who was arrested in the meantime for acting as the intermediary in prostitution. (...). The judge scheduled a hearing of the victim and the trafficker at the same time. In front of the courtroom, the trafficker threatened and bullied the girl. The trafficker's lawyer (male, as well as the judge) was present while she was giving a disposition. In a response to the judge's question, asking if she had been raped and if she was pregnant, S.B. said that she was not, which the judge accepted as truth, although her pregnancy could have been noticed easily. Three days after the birth, the child died of serious complications. S.B. has received no social and health insurance until today (...), and she did not continue to go to school. Even today, she receives telephone threats by the trafficker and his friends."⁹³

⁹¹ Detailed case study and other similar ones are provided in: Nikolić-Ristanović (2000).

⁹² Shadow Report to the UN Human Rights Committee; Child Rights Center, Humanitarian Law Center, ASTRA, and OMCT, 2004.

⁹³ *Ibid.*

12. RECOMMENDATIONS TO THE GOVERNMENT⁹⁴

- Create a *National Action Plan for Combating Gender-Based Violence*, under the condition that experts, members of women's NGOs, human rights NGOs, trade unions, political parties, and students' associations are involved in the process; initiate a wide-range public debate on the draft national action plan;
- Consult the NGO sector in the process of writing government reports to committees at the European or UN level (e.g. CEDAW) as well as to other similar bodies;
- Establish specialized police units that are trained for combating domestic violence and increase the number of female police officers;
- Review the mitigating circumstances which are commonly used in court practice, as justification for lowering sentences in cases of domestic violence;
- Introduce uniform protocols for medical institutions on primary health care aimed at registering and documenting physical injuries and health consequences of domestic violence;
- Reexamine procedures for reporting rape and other sexual offences in order to decrease and avoid re-traumatization of survivors; in cases of reported or suspected sexual abuse of a child in the family provisions should be made to prevent the repetition of violence;
- Create and sign protocols on coordinated action and collaboration (and develop standardized protocols for operation) between institutions for the protection and assistance of victims on both the national and local levels;
- Establish multi-disciplinary, round-the-clock mobile teams responsible for interventions in acute situations of domestic violence as well as organize an appropriate training for the team members;
- Establish multi-disciplinary teams in CSWs responsible for planning, implementing, and monitoring efficient protective measures in cases of domestic violence (based on individual needs of victims) through the coordinated actions of relevant institutions in the local community, as well as other organizations that contribute to victims' protection; specialized training should precede the establishment of the teams;

⁹⁴ A far more extensive list of recommendations was prepared and sent to NGOs engaged in combating violence against women. Approximately 30 NGOs approved the content. The extensive version of the text was sent to the UN Division for the Advancement of Women, as input of Serbian NGOs to the Study of the Secretary-General on Violence against Women.

- Provide state grant for new projects on establishing new shelters for victims of domestic violence throughout Serbia; the application procedure should specify the required qualifications and experience; initiate state tenders for new projects on establishing 24-hour hotlines;
- Facilitate an independent expert analysis of the state budget from the perspective of gender-sensitive budgeting in order to estimate the overall cost of combating gender-based violence, which would include calculating annual state expenses;
- Provide financial sustainability for current reform projects supported by the Social Innovations Fund under the condition that an evaluation will confirm the quality of their outcomes; create funds in local governments for long-term financial support of state-NGO partnership projects;
- Establish a uniform model of data collection on gender-based violence in CSWs and a standardized model of data processing at the national level, along with training for social workers;
- Introduce questions on domestic violence into the files or records kept by social workers, regardless of the primary problems that compelled clients to approach the CSW in the first place;
- Establish internal anonymous evidence on the accessibility and quality of services provided by the CSWs, as victims should be given a chance to assess the quality of assistance and support provided in CSWs, while social workers can get feedback on the expectations and needs of victims;
- Create an expert team, composed of state and NGO representatives, that would evaluate the work of institutional systems for victims' protection at the national level, by re-examining factors that contribute to the low numbers of criminal charges on perpetrators and could explain the causes of the mild penalizing policy;
- Create and regularly publish reliable and accurate gender-sensitive statistics on domestic and sexual violence on the national level, including data on the sex and age of victims and perpetrators, their relations, type of criminal offences, outcomes of criminal prosecution, etc.;
- Introduce basic awareness programs on gender-based violence into regular curricula at Police Academies and other facilities for future officials in institutions that work for victims' protection, as well as establishing a new subject "Gender-Based Violence: Protection and Prevention";
- Support NGOs that organize in-service training for officials such as police officers, social workers, media, healthcare workers, and in particular, the

judiciary, and ensure that this training is organized during the regular working hours of institutions;

- Support projects of NGOs or partnership projects of NGOs and state institutions aimed at designing specialized training programs for experts interested in organizing rehabilitation programs for offenders;
- Support current projects of NGOs on in-service training programs for teachers at schools on gender awareness, non-violent communication, conflict resolution, and gender-based violence;
- Integrate a gender equality perspective and topics related to gender-based violence into the regular curriculum “Civic Education,” in elementary and secondary schools;
- Support the existing projects of NGOs on programs for preventing child abuse, which have been implemented in the primary and secondary school education after an evaluation of their activity and results;
- Implement peer education programs on gender-based violence for secondary school and university students to focus on the different forms of abuse in partner relationships; and
- Establish teams for designing a gender-sensitive editorial policy in state-run media.

ANNEXES

Annex A. List of laws and regulations screened

Code of Criminal Procedure

Criminal Code *Official Gazette*, Nos. 85/2005, 88/2005, 107/2005, 115/2005, 27/1977, 28/1977, 43/1977, 20/1979, 24/1984, 39/1986, 51/1987, 6/1989, 21/1990 16/1990, 49/1992, 23/1993, 7/1994, 17/1995, 44/1998, 10/2002, 11/2002, 80/2002, and 39/2003

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