

A Summary Presentation of Analysis Findings and Recommendations

A. Public policies in the sphere of violence against women and violence in the family

The state strategies selected for analysis recognise violence against women/violence in the family as one of the important categories and/or strategic directions of the activities of the state with a view to suppressing it. The Autonomous Province of Vojvodina has made several steps forward and passed a special *Strategy for Suppressing Violence in the Family and Other Forms of Gender-based Violence in the Autonomous Province of Vojvodina for the 2008-2012 Period*, and similar activities can be expected on the state level in the coming years¹.

It is evident that the strategic documents are not mutually adjusted to a sufficient degree. This can be a consequence of their hyperproduction in the absence of a general plan containing clearly defined priorities when it comes to the reform and development of society. One could also not exclude the influence of differences in the availability of funds earmarked for the preparation of these documents, most often originating from foreign donations, which can be manifested in the form of differences in terms of interest in certain topics and areas of the reform of society. Also, the differences in the capacities of Ministries and sectors participating in their preparation, and in the complexity of coordinating a number of departments can be the causes of these discrepancies.

In our opinion, the “gender neutrality” (insensitivity) of the *Strategy of Development of Social Protection* has a significant implication in practice: the activities and funds, on the state and the local level, are not focused on women as the target group,² not even in the sphere of protection from abuse and violence in the context of the family. If gender is ignored, the protection of children, a theme that the Ministry of Employment and Social Policy has consistently dealt with since 2003, cannot be implemented in an appropriate manner: due attention is not given to protection of girls from violence originating from customs related practices; even though a great degree of overlapping certainly exists, violence against children is dealt separately from violence against women – their mothers, which gives rise to a number of erroneous assumptions, estimates and interventions in the services that pass decisions on these matters³. Even though, on the basis of the “gender neutral” provisions, one could indirectly conclude that certain aspects of General Recommendation no. 19 are contained in this Strategy,⁴ the low level of the awareness of the professional public of the gender-based nature of the phenomenon of violence in the family, the widespreadness of prejudices and the favouring of traditional and religious values in society constitute a cause for concern.

¹ The Strategy for Improving the Position of Women and Promotion of Gender Equality was adopted in 2009.

² ... which is evident from analyses on both levels, and is especially reflected in the area of providing services.

³ Ignjatović, T., (2004): Iz evidencije o nasilju u porodici, u: *Od dobrih namera do dobre prakse (From good intentions to good practice)*, Autonomni ženski centar, Beograd i Ignjatović, T., (2007): Implicitne teorije o rodnim i roditeljskim ulogama – uticaj na profesionalni stav i postupanje u situacijama nasilja u porodici, u: *Za život bez straha (For life without fear)*, Autonomni ženski centar, Beograd

⁴ ... for example, the obligation of training professionals in the sphere of violence, the development of services for providing assistance, the protection of and support to victims of violence, civil assistance to victims of violence.

Analysed strategic documents also differ in relation to the level of operationalisation, which directly determines the possibility of monitoring the implementation of the envisaged measures and activities. At the same time, action plans do not prioritise measures and activities, based on a clearly defined state policy and a “picture” of the situation in this area. Along with the lack of interconnectedness of the relevant strategies, that is the greatest weakness of the public policy.

The strategies aimed at particular target groups recognise the gender aspects of the problems that they deal with, but for the time being, there is little information in official state reports on their implementation, especially on the effects of the undertaken activities.

Particular attention of the “female public” is focused on the process and the outcomes of the preparation of the Action Plan for *the Strategy for Improving the Position of Women and Promotion of Gender Equality*. It should be pointed out that, since 1995, when *The Beijing Declaration and Platform for Action* was passed in the course of the 4th Women’s World Conference; Serbia has not managed to adopt a single National Action Plan for Women.⁵ Apart from the comments of women’s organisations pertaining to the Action Plan, which refer to the marginalisation of these organisations by the Office of Gender Equality as “the absence of recognition of the many years of work and expertise of women’s organisations on the issues aimed to improve the position of women and gender equality, a fictive participation in the process without any real possibility of exerting influence and disempowering women’s organisations in relation to the state structures”, the actual document (the first draft) elicited a significant reaction of women’s organisations.⁶

As regard to the area of violence against women, numerous critical observations were made pertaining to this document, and the most important general comments were as follows:

1. The activities envisaged within the framework of individual aims were devised as if the adoption of this document would mean “starting from scratch”, which ignores the previous activities, results and knowledge (especially in the sphere of legislature, operationalisation of procedures, protocols on cooperation, keeping records, education, research, services and the like).
2. The role of women’s non-governmental organisations is evidently excluded or minimised in the following ways:
 - a) Failure to mention this group of organisations within the framework of civil society organisations/citizens’ associations,
 - b) Absence of recognition of their expertise in the areas of research and policy development, and especially their exclusion when it comes to providing services (which is contrary to the *Strategy of the Development of Social Protection*, prepared within the framework of the same Ministry (of Employment and Social Policy), as well as the future Law on Social Protection. The consequences of such a policy are:
 - a) Creating a (false) belief that expertise is obtained easily and that the envisaged activities (preparing laws, procedures, protocols, records, providing services, research and the like) can be undertaken by everyone (including all civil society organisations),
 - b) Creating confusion among national strategies.

⁵ ... even though two drafts were prepared, in 2000 and 2006 respectively, which have never been adopted.

⁶ The document is available at http://www.womenngo.org.rs/images/Vesti_09/NAP_Komentari.pdf

3. A large part of the expected results and/or indicators do not correspond to the type of activity for which they have been defined. All too often, the indicators are of the administrative kind (minutes, number of meetings and similar...), instead of indicators pertaining to the effects of the envisaged activities.

4. "The project team for gender-based violence" appears both as an independent state organ and as an alternative to the Office of Gender Equality, but also as an independent implementer of activities, which constitutes an act of conferring excessively broad authority upon a narrow circle of people.⁷

Although the policy of the state, as expressed in the above-mentioned documents, encompasses a broad range of goals and activities, when it comes to violence against women, there is no definition of a clear concept and the main strategic policy goal that would determine all other operative aims, which guide the development of a system of interventions, including the assumptions for its functioning and the conduct of professionals. The defined strategic directions do not have the order of priorities of goals and activities, and this directly influences the system of protection, which is, at the moment, incoherent, unsynchronised and fragmentary (Ignjatović, 2009).

B. Legal regulations in the sphere of violence in the family

In order to stop and prevent violence, it is necessary to conceive a system of protection based on the paradigm that a victim *has the right* to be protected, that is, that the state *is obliged* to develop a system of legal instruments which protect the right to life, freedom and personal safety of its citizens, that is, to prevent (actual and potential) violence wherever it occurs. Although the existing legislative framework in Serbia represents a relatively good mechanism for protection of victims of violence in the family and for punishing the perpetrators, what is required are further *changes* of legal norms and the elimination of "legal loopholes", so that the protection of victims of violence in the family, including women, should be as thorough and efficient as possible. What is required, apart from the legal norms, are (obligatory) interpretations, so that legal practice could be unified and that citizens could enjoy equal protection on the entire territory of the state. At the moment, some of the leading legal professionals in Serbia (authors of textbooks and manuals, as well as members of working groups creating legal norms) have manifested a steadfast resistance to international recommendations and standards in this area, which undoubtedly had an adverse effect on the implementation of the law.

In our opinion, the manner in which new laws in Serbia are created and the existing laws are amended represents a serious problem. It is necessary for laws and their amendments to be based on indicators arising from legal practice and international standards and recommendations, in order to make and keep them independent of the "personal equations" (and interests) of a narrow circle of legal professionals, privileged to be in a position to create the legislative policy of the state.

⁷ Ibid.; until the day of publishing this report we don't have information if the consultants (whose services were engaged for the purpose of preparing documents) adopted the comments supported by 44 women's organisations from Serbia.

Even though the amendments to the Criminal Code adopted in 2009 prescribe stricter punishment for the criminal act of domestic violence, the new designation of a “family member” represents a “step backward” in relation to the previous state of affairs, for it excludes a great number of persons who were earlier guaranteed protection *ex officio*. Women’s organisations certainly focus their activities on this area, with intention to resolve this issue in accordance with international recommendations and good practices. Women’s civil sector devote particular attention to the announced process of preparing a (unified) law for preventing violence in the family, in order to prevent the passing of such legal regulations that, instead of simplifying the procedure and offering a broad range of measures corresponding to situations of varying degrees of complexity, actually contribute to inequality of protection and confusion pertaining to the actions undertaken by legal and other professionals.⁸

When protection from violence against women is raised as a (human) rights issue, then the police-legal system must be placed in the forefront of protection and made maximally efficient and synchronised, with full awareness of the importance of the support of other systems (first of all, the social welfare and the health care systems, as well as specialised services within the framework of the non-governmental or the private sector), whose action occurs immediately after violence is stopped and the security/safety of the victim is established. Hence the orientation of the state concerning legal regulations and the implementation of the law must be focused on ensuring the safety of victims, stopping current and preventing future incidents that involve violence (Ignjatović, 2009).

Rare researches of police, prosecutors and judicial practice, lack of publicly available data from these organs and the fact that they are mutually incomparable, unable the discussion on the implementation of laws and measures aimed at its improvement and decision can not be made on the basis of objective, valid and verifiable facts. Systematic gathering of data on reported cases of violence in the family, the number of indictments, sentencing and the types of punishment, connected with data on victims and perpetrators, which must include information on their mutual relationship (current and previous), is one of the necessary preconditions for monitoring the phenomena and effects of the state and legislative policies.

C. Documenting, gathering and analysing data on violence against women

There exist no valid and dependable official data on the scope and characteristics of violence against women, including violence in the context of the family, which would comprise information about the type of violence, characteristics of the victim and the perpetrator, interventions of public services and their effects, the consequences of violence and the financial expenditure borne by individuals and the state. The existing state data on violence against women and violence in the family are insufficient, incoherent and mutually incomparable. Obtaining specific data is a long process that does not guarantee success (as evidenced by the results of the analyses undertaken on the state and the local levels). Investigations into how widespread violence against

⁸http://www.womenngo.org.rs/english/images/vesti_09/Opsti_komentari_na_Model_zakona_ENGL.pdf

women in the context of the family are still (predominantly) conducted by women's organisations,⁹ as is the case with most researches of the legal practice.¹⁰

As is evident from all of the above, the primary task of state organs is to establish a standard for documenting violence against women and in the family, in all the relevant public services, and to thoroughly review the policy of gathering data. It should establish ways of gathering and systematic periodical processing of the following categories of indicators (as a minimum): the scope of various types of violence against women (violence in the context of the family is but one of the categories), of various types of perpetrators, the prevalence and/or incidence of occurrence, measures for estimating the severity/seriousness and influence of violence, the time period and subgroups for which the data are presented. It is clear that the requirement for gathering data on the personal characteristics of the perpetrator/victim presupposes the obligation to resolve the question of particularly sensitive personal data on citizens,¹¹ such as data on nationality/ethnicity, health status and similar. At the same time, it is clear that policy activities of the state (or the municipality) cannot be planned, organised, monitored and improved if the basic data pertaining to women from rural areas, Roma women, women with disabilities, refugee or displaced women and other groups of women are lacking.

D. Education of professionals

No appropriate and systematic education of professionals employed with public services authorised to deal with and provide protection to victims of violence has been organised in Serbia. At the moment, this education is fragmentary, without data on its scope or effects (acquired knowledge and skills), or data on monitoring the application of newly acquired knowledge.¹² In our opinion, this amounts to a waste of resources (which are modest anyway), but it is also a reflection of unplanned implementation of policy, which is not very clearly oriented. A clearly defined policy would have to comprise guidance for education based on the leading concepts of comprehending the phenomenon, international standards and recommendations, and on examples of their good operationalisation (examples of "good practices").

The educational programmes within the framework of the regular education of professionals at most advanced schools and faculties that educate future staff that will provide assistance¹³ still do not include relevant information on gender equality and gender-based violence, nor the procedures for acting in cases of violence in the family

⁹ Researches conducted by the Victimology Society of Serbia, Belgrade, Women's Research Centre, Niš, the Autonomous Women's Centre, Belgrade, Iz kruga [Out of Circle], Belgrade, as well as researches of lesser scope, carried out by other women's organisations from Serbia.

¹⁰ The Association of Magistrates is the only professional association that has conducted large-scale research into violence in the family within the framework of judicial proceedings for the years 2003 and 2004.

¹¹ ... according to the requirements of the Law on the Protection of Personal Data ("The Official Gazette of the Republic of Serbia, no. 97/08)

¹² The existing programmes of education should be checked to see whether they include operationalised knowledge for evaluation, especially when it comes to risk assessment and recognition of urgent/crisis situations and the correct conduct in such situations, which would improve the sheltering of victims, their questioning and counselling, and ensure the knowledge required for planning and implementing interventions, as well as the knowledge required for monitoring and evaluating the effects.

¹³ ... social work, psychology, pedagogy, special education, schools for teachers, medical professions and the like.

and all other forms of violence that affect women. Most faculties of law¹⁴ have no subjects or educational programmes within the framework of the existing subjects that would pertain to the issues of gender equality and gender-based violence. Also, there are no programmes or educational materials in the regular education of children and youth dealing with gender-based violence (with the exception of fragments contained in the subject of Civil Education, which is not attended by all the pupils).

E. Social services in the sphere of protecting women against violence in the family

The key characteristic of the system of protection from violence in the family is the non-standard nature of the operation of services and lack of mutual interconnectedness, which tends to reduce the efficiency of protection and exposes victims to secondary traumatisations through institutional processes that last too long and insufficiently recognise the needs/rights of the victim. There are no standardised protocols on the conduct of the police, expert staff at centres for social work and the medical staff at health care institutions, nor are there instructions for dealing with victims in prosecution-judicial proceedings regarding adult victims of violence in the family, among whom the majority are women. Since 2003, the Autonomous Women's Centre has produced, through a participatory process, a set of instructions (protocol) on the conduct of police officers and expert staff at centres for social work, as well as a standard form for health care workers for the purpose of documenting violence in the family, relying on international standards and recommendations, but so far no political will has been manifested to take these documents into consideration and adopt them.

There are not enough *specialised* agencies/services financed by the state for the purpose of providing support to women and other victims of violence in the family, including free legal aid and representation before a court of law.¹⁵ The services provided by women's organisations almost solely depend on foreign donations. The allocation of funds from the budget to non-governmental organisations dealing with the problem of violence against women occurs quite sporadically and unsystematically (it is more frequent on the local and provincial level than on the state level), and the funds are insufficient to organise continual quality work. The projects of developing social services financed by the Fund for Social Innovations, realised in cooperation between public social services and local NGO's¹⁶ (for example SOS telephones and safe houses), have not even considered the difference in the positions of these sectors, and hence necessarily have neither considered the difference in the type and quality of services that each of them can provide. In the report on the realisation of these activities, we could not find any data on standards, the principles of work, the education of institutional staff in connection with this topic, or on the quality of the achievements of these services¹⁷. It would appear that the state systematically neglects the fact that specialised

¹⁴ A positive exception to this is *The Faculty of Law in Niš*, where these contents are integrated in a number of subjects taught there, and where there is an experimental "law clinic" that, in most cases, provides legal advice to victims of violence in the family.

¹⁵ The institute of free legal aid that exists in some municipalities is insufficient, the staff is untrained, and lawyers do not have any legal rights to appear before courts of law as legal representatives.

¹⁶ ... we shall not discuss the nature of these partnerships here, but the experiences of, for example, Leskovac, should be examined.

¹⁷ Vuković, D. i sar. (2006), *Socijalna zaštita u lokalnoj zajednici – Naučene lekcije, preporuke i faktori održivosti, Socijalna misao, XIII (Social thought XII)*, oktobar-decembar, str. 7-101, Beograd

services aimed at women who are victims of violence, including violence in the family, cannot be “entered” in the public service, due to the obvious difference in approaches, but that does not mean that they cannot become an integral part of the system of prevention and protection.

Undoubtedly, the state should, following international recommendations on minimum standards for the types and availability of services in this area,¹⁸ support specialised services for victims of violence, including those already realised by women’s non-governmental organisations; it should also contribute, through its policy, to a clear differentiation between these and the services provided by the public sector as regular institutional protection. The basic principles of specialised services for women victims of violence are not part of state strategies (including the current activities aimed at establishing standard services).¹⁹ The issue of the quality and availability of these services is not considered, nor is that of the autonomy of service providers. It is not enough to undertake measures for establishing “mobile teams” and/or “passive duty” at centres for social work, and due to the incompatibility of approaches, it is not advisable to initiate SOS telephones or “safe houses” within the framework of centres for social work,²⁰ which, in this way, enter a specific, potential conflict of interest between institutional roles and those of empowering the victim and representing her interests. In this sense, a public discussion should be initiated, which should involve women’s organisations in the re-examination of the existing standards and the development of new ones, including the criteria for accreditation and the licensing of specialised services. There is a lot of international experience in connection with this, which should be used systematically²¹.

There is no systematic research into the experiences of victims in the system of public services, but everything that we know about it indicates that institutions are characterised by a high degree of prejudice, especially in relation to the expected/desirable role of woman/partner and mother, especially in relation to her role in the protection of children²².

Finally, unless clearly defined concepts are adopted and clearly defined rules established, future programmes for working with perpetrators of violence, carry the risk of inefficiency and possibly of being detrimental to victims: facile substitution of resocialisation programmes with restrictions and sanctions, organising programmes without supervision and without connections with the judicial system, forcing victims (be it directly or indirectly) to join a programme and “support her perpetrator of violence in the changes he is undergoing” (after the example of family- and partner-type therapies,

¹⁸ ... for example, Recommendation Rec(2002)5 of the Committee of Ministers to member countries of the Council of Europe, or recommendations of the Work Group of the Council of Europe for opposing violence against women, including violence in the family (EG-TFV, 2008).

¹⁹ The standards of quality of services should be directly connected to the phenomenon of gender-related violence, a holistic approach of empowering the victim, clearly defined principles of conduct and specialised knowledge in this area.

²⁰ ... although they are undoubtedly easier to control, but that is not “the best interest” in the protection of women victims of violence.

²¹ Brankvić, B. (2009:110-115), *Odgovor na neme krike: Mapiranje usluga koje pružaju NVO u Srbiji u oblasti rodno zasnovanog nasilja (Response to soundless screams: Pointing services provided by NGOs in Serbia in area of gender based violence)*, UNDP Srbija

²² Ignjatović, T., (2004): Iz evidencije o nasilju u porodici, u: *Od dobrih namera do dobre prakse (From good intentions to good practice)*, Autonomni ženski centar, Beograd

mediation and other forms of brokering a peaceful settlement between partners), engaging providers of services who have no specialised knowledge or experience in working with perpetrators of violence, these are merely some of the potential problems that we may yet come to face.

F. The policy and practice towards marginalised groups of women

We have said several times in this text that there are no data or specialised knowledge on the experiences of multiply marginalised groups of women, not only in relation to various forms of violence but also in relation to institutional violence that they are exposed to. Without systematic data on and knowledge of this, it is unthinkable to organise the work of public services and programmes of support that would be accessible to women exposed to a greater risk of victimisation: Roma women, women with disabilities, women living in poverty, refugee and displaced women, women from rural areas, foreign women, women whose behaviour is psychologically changed, lesbians and others, who need continued long-term support. The experience of women who belong to these communities/groups is decisive, so that it is impossible to ignore the specific contribution that specialised women's organisations can make to the policy and its implementation.

G. Campaigns for raising awareness of violence against women

Serbia has no media strategy concerning violence in the family and other forms of gender-based violence. The media present violence in a sensationalist manner, most often without anything in the way of an investigative approach or examining the responsibility of public services. Although, so far, the state has not organised any national campaigns to oppose violence against women,²³ the Network of women's NGO's organise campaigns on a national scale, for the most part without the financial support of the state, but with significant sponsorship and participation of local institutions and governments. It can be observed that woman's organisations in Serbia have managed to impose the theme of violence in the family and violence against women upon the public, and that this topic is receiving increasing media attention. It remains to be seen how the Office of Gender Equality, as a representative of the state, will deal with this issue in the coming years, in connection with the realisation of the activities of the three-year project "Struggle against Sexual and Gender-based Violence".

H. Financing programmes aimed at suppressing violence against women

The fact that Serbia still does not have programme-related budgets makes it impossible to calculate the scope and to monitor the expenditure of funds allocated to this area. For the time being, there are no funds in the state budget earmarked for suppressing violence against women, although some programmes (or parts of them) are probably financed from these sources. The leading programmes on violence in the family currently realised by the state, and also those realised by the non-governmental sector and professional associations, originate from foreign donations. There are no systematic

²³ An exception to this is the Autonomous Province of Vojvodina. For several years now, the Secretariat for Labour, Employment and Gender Equality has been organising and financing activities within the framework of the campaign "16 Days of Activism Opposing Violence against Women".

reports on how the funds are spent and what the effects of programmes from the sphere of gender equality and gender-based violence. As long as the Government of the Republic of Serbia and municipal authorities do not base their operations on the principle that the public has the right to know how every single dinar from the budget was spent, we shall hardly be in a position to monitor the implementation of the state and local policies, including the implementation of the recommendations of the United Nations Committee on the Elimination of Discrimination against Women.

1. Gender perspective in local policies and action plans

In documents on local level effective women's influence is almost invisible. Most often they appear in these documents through statistical reviews or within rare "affirmative actions" which don't have realistic capacities for transforming reality. Patriarchal strategy for producing *manipulabile* woman is replaced with strategy for producing *invisible* woman. Today women's identities are, more than ever before, complex, fragmentary and hybrid. In documents from the local level, which were part of this analyses, nothing of this "existential diversity" is not visible. Strategies have "one-sex" character and there is no confirmation that women are active participants in social changes.