



Instruments of Legal Protection Against Violence Towards Women

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What is Family Violence?

Each act of physical, sexual, psychical, economic violence which has happened within family and home, between current or former spouses or partners, independently from whether the perpetrator has been or had been sharing the space with the victim.

*Art 3. Convention of the Council of Europe for preventing and combatting the violence towards women and violence in the family
Istanbul, 2011.*

Violence at Home



- ❖ Family represents the most violent social group, besides police and army.
- ❖ Apart from the army within the war, family represents the social institution with most of violence.
- ❖ Woman has had more chance to be killed and wounded in the family, than in other surroundings.
- ❖ According to the UN data, the first cause of the death and invalidity among women with age from 15 to 45 has not been either illness or traffic accident, but violence and most often violence within their own home.

Statistical Data on Femicid

- Each day 137 women in the world have been killed by partners or within their family, 60.000 of women per year.
- In Serbia on average each week is killed one woman, and each year 33 of them.
- Almost in one fourth of cases the murder could have been prevented, while the institutions have been informed about.

Femicid in Serbia from 2014 to 2020

2014	2015	2016	2017	2018	2019	2020
26	35	36	26	30	34	44

231 killed women



Facts



- ❑ The most often victims are wives and former views of the perpetrators.
- ❑ Families overburdened with violence seem like “normal”, they are invisible.
- ❑ **Rise of violence in the society has been in a direct connection with rising trends of violence in families and vice versa.**
- ❑ Experienced violence during the childhood makes most probable that those persons will also use violence in later life.
- ❑ Misconceptions, prejudices and stereotypes about family and family violence, which have been persisting among professionals, do deteriorate efficiency of combatting violence.



Danger for the transgenerational transmission of violence

International documents



- UN Convention on the Elimination of all Forms of Violence and Discrimination Against Women CEDAW (1979)
- UN Declaration on the Elimination of Violence against women (1993)
- UN Beijing Declaration and Platform for action (1995)
- Council of Europe **Convention on Preventing and Combating Violence Against Women and Domestic Violence** (Istanbul Convention) – 2011.
- Preventing and Combating Violence Against Women – The Council of Europe (2014)

Legal Framework in Serbia



- ❑ **Law on the Prevention of Violence in Family** (2016)
 - ❑ **Criminal Code** (2005, amended seven times, the last amendments 2019).
 - ❑ **Family Law** (2005)
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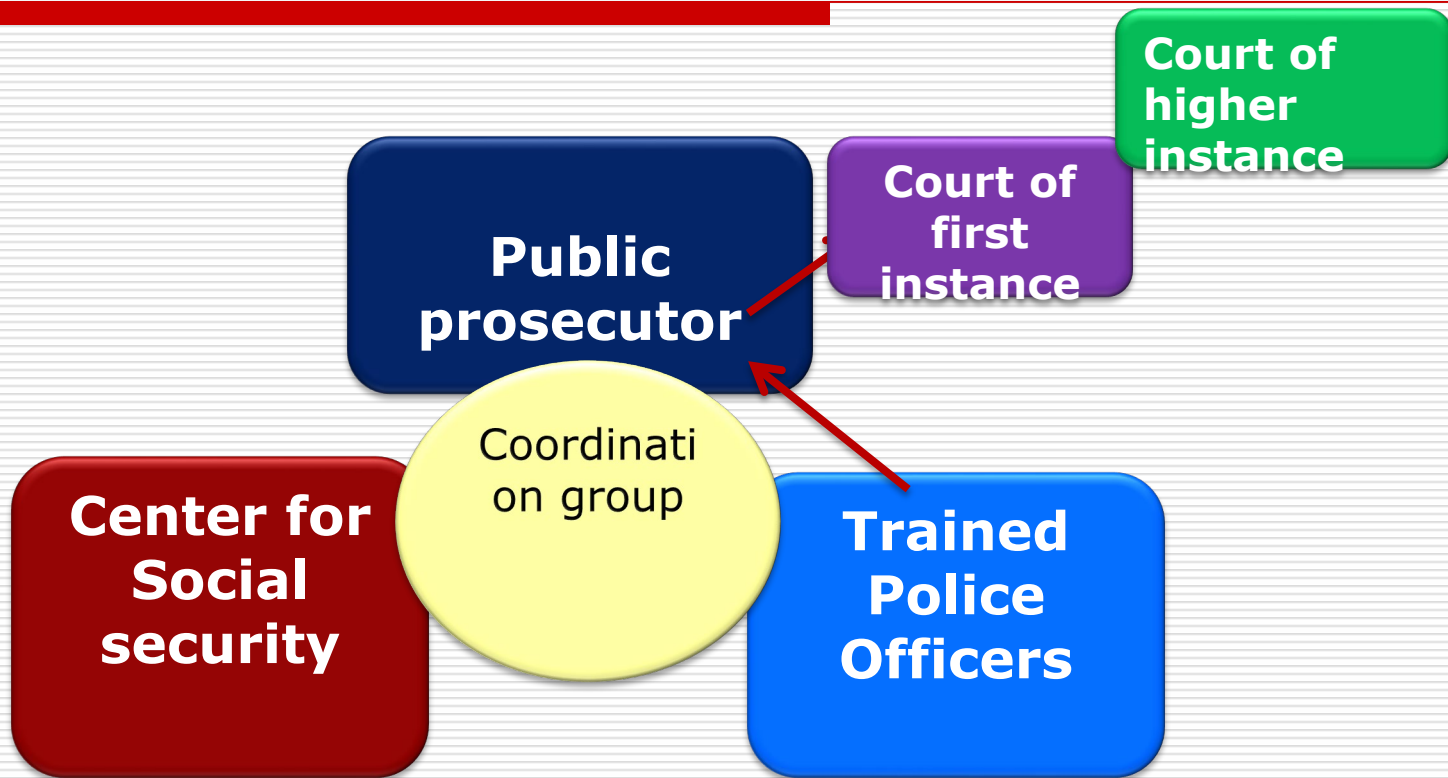
Strategical Framework

- ❑ **National Strategy for Gender Equality (2020-2025)**
- ❑ **National strategy for Preventing and Suppressing Violence over Women in the Family and Partnerships (2021-2025)**

Protocols for Institutional Prevention and Protection

- **General protocol about acting and interacting among institutions, bodies and organizations in the case of violence over women within families and partnerships (2011)**
- **Special protocols:**
 - **Institutions of health care (2010)**
 - **Centers for Social Care (2013)**
 - **Police officers (2013)**
 - **Judiciary (2014)**

Acters within the system of Preventive Protection



Persons for contacts appointed in all institutions

Functioning of Prevention



- ❑ **Registering the violence in police**
- ❑ **Police intervention**
- ❑ Bringing the perpetrator into the police station
 - Decision on keeping him in the police up to 8 hours
 - Risk estimation
 - Urgent measures of protection (48 hours)
 - Temporary displacement of perpetrator from the flat/home
 - Banning of contacts and approaching the victim
- ❑ **Judiciary intervention**
- ❑ **Prolonging of measures by the court on the request of public prosecutor – up to 30 days**
- ❑ Misdemeanour penalty for breach of urgent measure of protection – up to 60 days of imprisonment – enforces before the decision becomes final

Functioning of Prevention

- **Group for Coordination and Cooperation – formed at each basic public prosecution**
 - Consists of: representatives of basic Public Prosecution, specially trained police officers, representatives of the center for social Security
 - Meetings each 15 days
 - Common consideration of each case of family violence
 - Individual plan of protection and support for each victim is made



Family Law Protection

□ **Measures**

- Displacement of perpetrator from the common home/flat
- Prohibition on approaching to the victim
- Prohibition of the further harassment
- **Who can initiate the process?** / victim, court, public prosecutor

- **How long last measures of protection?** – up to one year, with possibility of prolongation

Criminal Code Protection

- **Criminal Act of family violence**
 - **Basic criminal offence** - ar. 194. p. 1. KZ – endangering the peace, physical integrity or psychological state of a family member by using violence, threatening with the attack to life or body, by insolent or reckless behavior.
- **Criminal offence is prosecuted ex officio**
- **Imprisonment – from three months to three years**
- **Aggravated forms of domestic violence** (use of dangerous tools and weapons, caused heavily bodily harm, crime committed against a child, death as a negligent consequence).
- **Special type in case that protective measures have been violated (from three months to three years of imprisonment)**

Profile of perpetrator



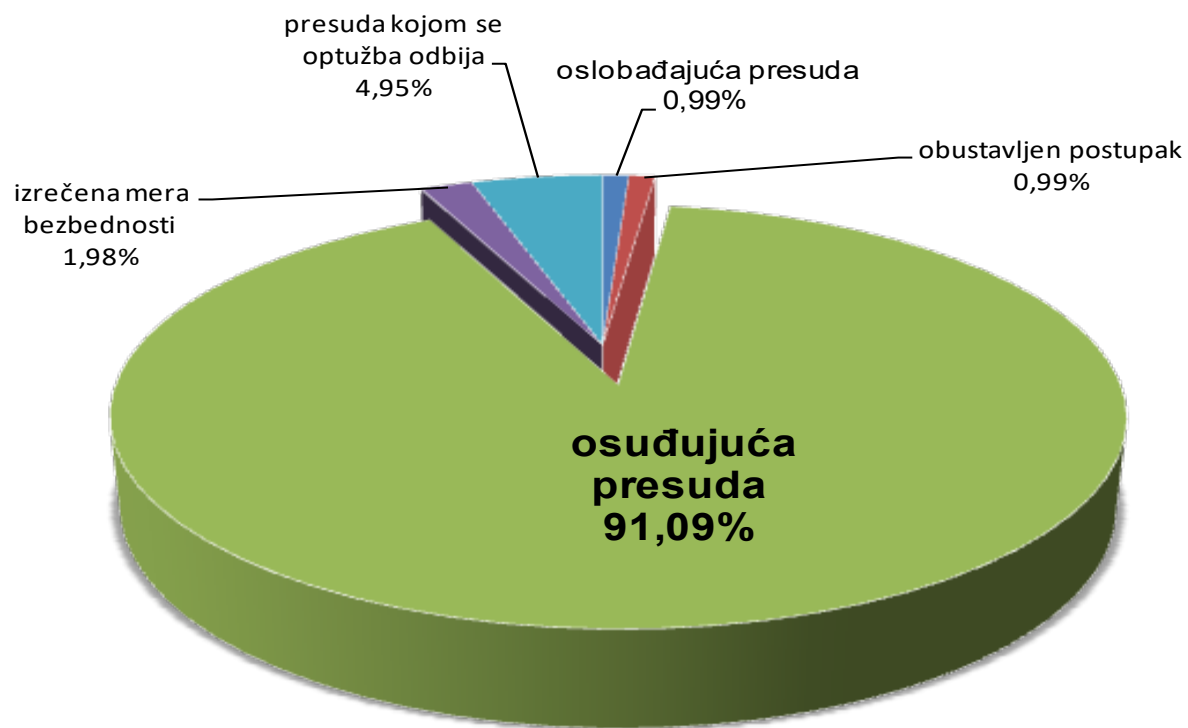
- Male, age 33-56
- Mentally within scope of normalcy/common reasoning
- Married, father of 2 or more kids
- Average education
- unemployed
- Living in urban centers, already convicted
- Violent acting under alcoholic condition, in the phase of a rather severe or extreme drunk condition
- Does not acknowledge the crime, does not accept responsibility

Profile of Victi



- Woman, age 25-65
- Married, mother of 2 or more kids
- Average education
- Born and lives in the city
- Most often employed or retired
- Most often does not want to witness
- Does not join the charge

Judicial Outcomes



Criminal Sanctions

	Percentage
Imprisonment	14,85
Prison and security measures	14,85
Conditional conviction	35,64
Conditional conviction and security measures	13,86
<u>In total convictions</u>	<u>91,08</u>

Duration of Imprisonment

	%
48 days	2,56
3 months	2,56
4 months	2,56
6 months	28,20
7 months	6,89
8 months	10,25
10 months	6,89
1 years	20,51
1 year 4 months	2,56
1 year 6 months	2,56
2 years	10,25
2 years 6 months	2,56
3 years 4 months	2,56
3 years 8 months	2,56
In total	100,00