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Violence against women

Criminal Offences of Domestic Violence

Note by the Statistical Office of the Republic of Serbia*

Abstract

Within the regular annual surveys, the Statistical Office of the Republic of Serbia (SORS) implements surveys on adult perpetrators of criminal offences, and these surveys are based on administrative data sources. In this paper we deal with the analysis of statistical data on the criminal offences of domestic violence. In our Criminal Code, the criminal offence of domestic violence has been specifically defined since 2002. According to our statistics, male persons make up the largest number of perpetrators of the criminal offence of domestic violence (about 90%) and the victims of this crime are female persons, on average 80%. The paper will present and analyse the statistics on reported, accused and convicted adult perpetrators of domestic violence in the period from 2012 – 2016. Data will be presented by sex, type of legal decision passed, sentence rendered, the victim of crime, etc. The data on domestic violence provided by the Ministry of the Interior and the RS Institute for Social Protection are also presented.

So far, the Serbian Statistical Office has not implemented a survey on violence against women. In the Republic of Serbia, certain non-governmental organizations have conducted research on violence against women; however the sample was too small or covered only a part of the territory of Serbia. The data from these surveys are not representative of the country as a whole.

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NOTE: The designations employed in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

I. Introduction

1. Domestic violence is a social problem faced by all countries and is defined as a way of behaviour or relationships in which coercion, intimidation, and control (in terms of restrictions of freedom) are used directly or through threats to hurt others and so make them mentally, physically, economically or socially oppressed. Domestic violence is a form of discrimination that violates basic human rights and freedoms, such as the right to freedom, security, psychological and physical integrity and life.
2. The term "domestic violence" is used to describe the act of violence among family members, including adult partners, parents and children (including adult children), caregivers, elderly people, brothers and sisters, etc.
3. In order to harmonize the national criminal legislation with the Istanbul Convention, ratified by the National Assembly of Serbia in 2013, Serbia became obligated to take appropriate measures in order to achieve the objectives proclaimed by this Act, such as: protecting women from all forms of violence, preventing, prosecuting and eliminating violence against women and domestic violence.
4. Before domestic violence was introduced into our criminal legislation in 2002, behaviours that would suit the incrimination of this criminal offence were foreseen by some other crimes, such as crimes against life and limb, or within the framework of light bodily injury or serious bodily harm.
5. The criminal offence of Domestic Violence (Article 194 of the Criminal Code) is described in Chapter XIX – Criminal offences against marriage and family, and it includes five paragraphs. The first paragraph reads as follows:

Whoever by use of violence, threat of attacks against life or body, insolent or ruthless behaviour endangers the tranquillity, physical integrity or mental condition of a member of his family, shall be punished with imprisonment of three months to three years.

II. Notes on Methodology

6. Statistical analyses of data on adult perpetrators of criminal offences of domestic violence is based on the results of two regular annual statistical surveys on perpetrators of criminal offences, carried out by the Statistical Office of the Republic of Serbia:
 - (a) Survey on adult persons against whom criminal proceedings are completed;
 - (b) Survey on accused adult persons against whom criminal proceedings are completed and sentence is rendered.
7. The data collected in these surveys provide information on perpetrator, criminal offence, procedural phases, through data on completion of the procedure, type of decision, duration of the procedure, imposed sanctions, etc. The subject of survey, and at the same time the unit of observation, is adult perpetrator of criminal offence, the person who at the moment of criminal offence committal was aged 18 and over and who committed the criminal offence as: perpetrator, co-perpetrator, agitator or assistant.
8. The objective of this survey is to collect data on reported, accused and convicted adult perpetrators of criminal offences. A "reported person" is taken to be an adult perpetrator of criminal offence against whom the proceedings by crime report and preliminary proceeding have been closed by a decision according to which: charge has been rejected, investigation suspended or charge sheet submitted.

9. An “accused person” is taken to be an adult against whom an indictment, information or private charge has been presented to a court; against whom criminal proceedings have been terminated by finally binding court decision, by which: proceedings have been suspended, vacated or exoneration judgement has been pronounced, or perpetrator has been pronounced guilty (pronounced guilty but discharged or pronounced guilty – condemning sentence).
10. “Convicted person” is an adult pronounced guilty, upon whom the sanctions have been imposed.
11. Criminal sanctions imply: imprisonment, fine; admonition measures; suspended sentence and court admonition; security measures and educational measures.
12. Observation period is a calendar year, survey is implemented on annual basis, regarding the fact that data are collected monthly. Reporting method is applied by the means of questionnaire forms. Filling forms is carried out at the moment of the completion of the procedure, that is, at the moment of determining the validity of the decision in accordance with the legal provisions. The basic sources from which data are downloaded are the final decisions of the competent Public Prosecutor's Office / Court.
13. The reporting units that fill out and submit statistical forms are the competent Basic /High Public Prosecutor's Office and the relevant Basic / High Court.
14. Statistical analysis of data on adult perpetrators of domestic violence in this paper covers the five-year period, from 2012 to 2016, and relates to the territory of the Republic of Serbia. Starting from 1999, the Statistical Office of the Republic of Serbia has not at disposal and may not provide available certain data relative to AP Kosovo and Metohija, and therefore these data are not included in the coverage for the Republic of Serbia (total).

III. Reported Persons

15. Table 1 shows the actual trends in the number reported, accused and convicted persons for criminal offence of domestic violence, from 2012 to 2016. In the observed period, the share of crime reports for the criminal offence of domestic violence ranges between 3.9% (in 2012 and 2014) and 7.5% (in 2016) out of the total number of all crime reports, while the percentage of the accused perpetrators is moving between 4.4% in 2012 and 6%, as recorded in 2016. The percentage of legally convicted adults for the referent period is between 4.7% (in 2012) and 6.3% (in 2016) in relation to all other crimes.

Table 1: Crime reports, accused and convicted adult perpetrators of criminal offence, 2012-2016

	2012		2013		2014		2015		2016	
	Number	%	Number	%	Number	%	Number	%	Number	%
Crime reports - total	92879	100	91411	100	92600	100	108759	100	96237	100
Criminal offences against marriage and family	6182	6.7	6268	6.9	5914	6.4	7891	7.3	10190	10.6
Domestic violence	3624	3.9	3782	4.1	3642	3.9	5040	4.6	7244	7.5
Accused - total	41621	100	45704	100	48425	100	42030	100	39610	100
Criminal offences against marriage and family	3353	8.1	3875	8.5	4248	8.8	4019	9.6	4230	10.7
Domestic violence	1827	4.4	2024	4.4	2215	4.6	2104	5.0	2386	6.0
Convictions - total	31322	100	32241	100	35376	100	33189	100	32525	100
Criminal offences against marriage and family	2771	8.8	3102	9.6	3465	9.8	3512	10.6	3766	11.6
Domestic violence	1472	4.7	1532	4.8	1712	4.8	1778	5.4	2065	6.3

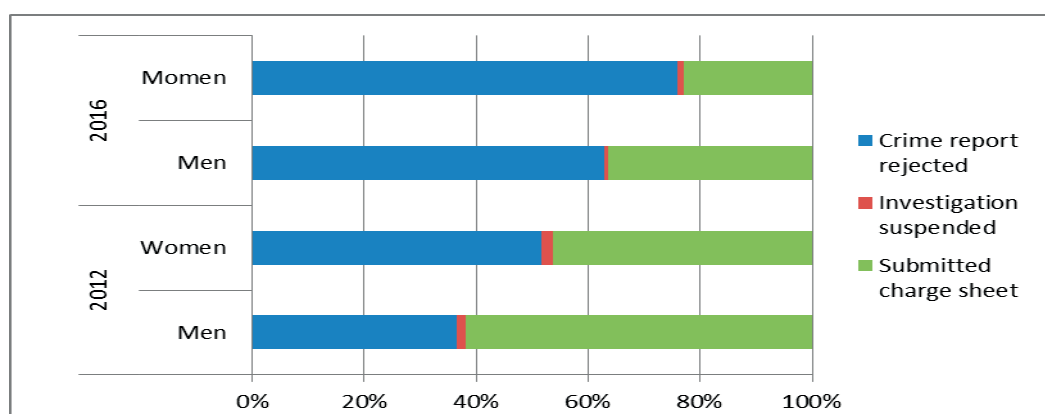
16. In 2016, for domestic violence, in 61.3% of all cases the crime reports were filed by the Ministry of the Interior, while in 32.9% of cases the applicant of the same crime report was an victims. The men to women proportion as regards perpetrators of this criminal offence, for which criminal charges are filed, is 88.7 to 11.3%. In 35% of cases, the public prosecutor filed and submitted charge sheet, and in 64.4% of cases the criminal charges were dismissed. One of the reasons for the large number of dismissed criminal charges is the withdrawal of the injured party.
17. Table 2 shows the data on the types of decision of the public prosecutor's offices for crime reports against adult persons for the criminal offence of domestic violence. In the observed period expressive was a rise in crime reports, while in the structure of decisions by type notable is a drop in filed indictments. However, in 2016 recorded was the highest number of filed indictments in absolute terms, 2533, but it equals only 35% of the total number of crime reports in that year.

Table 2: Reported adult perpetrators of criminal offences of domestic violence, by sex and types of decision, 2012-2016

	Total	Women	Men	Crime report rejected	Investigation suspended	Submitted charge sheet
2012	3624	314	3310	1373	61	2190
%	100	8.7	91.3	37.9	1.7	60.4
2013	3782	361	3421	1687	68	2026
%	100	9.5	90.5	44.6	1.8	53.6
2014	3642	347	3295	2296	37	1309
%	100	9.5	90.5	63.0	1.0	35.9
2015	5040	478	4562	3148	52	1837
%	100	9.5	90.5	62.5	1.0	36.4
2016	7244	820	6424	4663	47	2533
%	100	11.3	88.7	64.4	0.6	35.0

18. Graph 1 shows that the number of indictments filed for both women and men in 2016 decreased when compared to 2012. The number of charges brought against women who committed the criminal offence of domestic violence is 188, (22.3%), while the number of indictments filed against male perpetrators is 2345 (36.5%).

Graph 1: Reported adult perpetrators of domestic violence, by types of decision and sex, 2012 and 2016 (%)



IV. Accused and Convicted Persons

19. The statistics on the accused persons for the criminal offence of domestic violence according to the court decision are shown in Table 3, for the observed five-year period from 2012 to 2016. The increase in the number of defendants is noticeable, from 1827 in 2012 to 2386 in 2016. Men make up, on average, 94% of all accused persons. In the observed period, the courts ruled against the defendants in a range between 77.3% (in 2014) and 86.5% (in 2016).

Table 3: Accused adult perpetrators of domestic violence, by sex and types of decision, 2012-2016

	Total			Pronounced guilty	Not pronounced guilty
	Accused adult perpetrators	Women	Men		
2012	1827	110	1717	1472	355
%		6.0	94.0	80.6	19.4
2013	2024	137	1887	1532	492
%		6.8	93.2	75.7	24.3
2014	2215	158	2057	1712	503
%		7.1	92.9	77.3	22.7
2015	2104	122	1982	1778	326
%		5.8	94.2	84.5	15.5
2016	2386	138	2248	2065	321
%		5.8	94.2	86.5	13.5

20. Adult persons convicted for the criminal offence of domestic violence may be sentenced to imprisonment, fine, suspended sentence and judicial remedy. A suspended sentence can be pronounced when a perpetrator has been sentenced to imprisonment of less than two years. According to the data in Table 4 where the structure of sentences is presented, in the observed period the most frequently imposed penalty for the crime of domestic violence is conditional sentence, on average in 65% of cases, and sentence to imprisonment was pronounced by courts in 30% of cases. On average, the proportion of men to women convicted of this crime is 95% men and 5% women. In 2016, men were sentenced to imprisonment in 30.5% of cases and women in 19% of cases, while 62.5% of convicted men and 71% of convicted women were sentenced to the penalty of suspended sentence (Graph 2).

Graph 2: Convicted adult perpetrators of domestic violence, by pronounced criminal sanctions and sex, 2012 and 2016 (%)

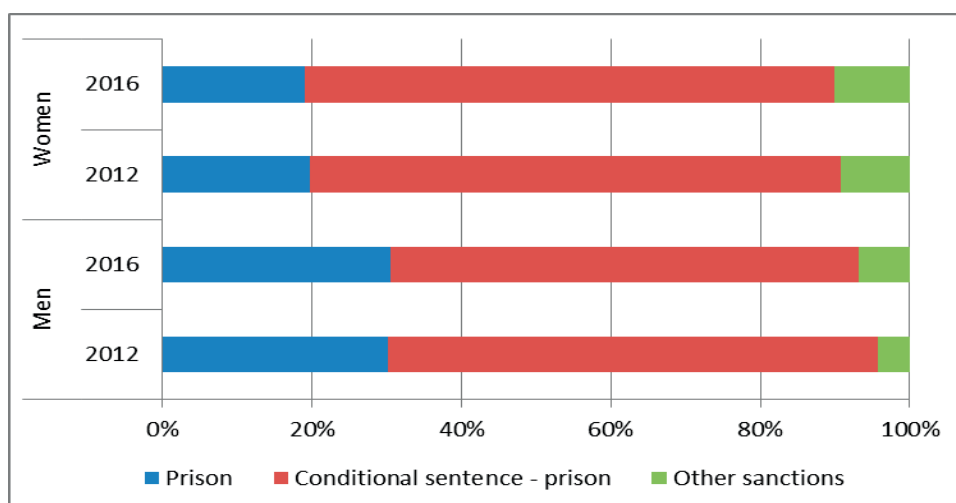


Table 4: Convicted adult perpetrators of domestic violence, by sex and pronounced criminal sanctions, 2012 -2016

	Total	Women	Men	Prison	Fine	Conditional sentence	Other penalties
2012	1472	76	1396	436	33	970	33
%		5.2	94.8	29.6	2.2	65.9	2.2
2013	1532	81	1451	533	8	977	14
%		5.3	94.7	34.8	0.5	63.8	0.9
2014	1712	98	1614	634	13	1041	24
%		5.7	94.3	37.0	0.8	60.8	1.4
2015	1778	81	1697	483	8	1193	94
%		4.6	95.4	27.2	0.4	67.1	5.3
2016	2065	100	1965	620	17	1301	127
%		4.8	95.2	30.0	0.8	63.0	6.2

21. The analysis of data by sex, age, working status and earlier conviction of convicted persons indicates that the criminal act of domestic violence has the largest figures among the age group 30 to 39 years: 30% for men and 32% for women. Only 12% of convicted women were employed, while for men this percentage was 29. The data on earlier convictions for domestic violence offences indicate that 23% of women and 40% of men among the convicted have already been convicted for similar or other crimes. All data refer to 2016. (Due to the limited size of this paper, these data were not specifically presented).

V. Victims

22. Most frequently the victims of domestic violence are female faces, of different age and family status. There are various forms of violence against children, and violence against parents. There are frequent cases in practice that the criminal offence of domestic violence intertwines with other crimes, such as, for example, neglecting and abusing a minor, light bodily injury or serious bodily harm, rape, etc.
23. The analysis of the statistics over the last five-year period (Table 5) shows that the most frequent victims of domestic violence in the Republic of Serbia are females (74.9 to 78%). When looking at the age structure of domestic violence victims, the highest percentage of them is aged 18 and over (94.4% in 2016). In 2016, a significantly lower percentage of children aged under 14 was notable (2.5%) than in 2012, when this percentage was 4.5%.

Table 5: Victims of convicted adult perpetrators of domestic violence crime, by sex and age, 2012-2016 (%)

	Sex		Age		
	Women	Men	Children under 14 years of age	Minors aged 14–18	Adult aged 18 and over
2012	74.9	25.1	4.5	5.4	90.1
2013	78.0	22.0	5.3	4.6	90.1
2014	77.7	22.3	3.5	3.1	93.3
2015	75.5	24.5	4.1	3.5	92.5
2016	77.3	22.7	2.5	3.1	94.4

24. According to the official statistics of the Ministry of the Interior, in 2016 the total number of both women and men who are domestic violence victims increased by 60% (Table 6) in relation to 2012. Domestic violence was mostly exerted on women aged 31 to 40, and on men over the age of 60.

Table 6: Victims of the crime of domestic violence, by age and sex, 2012 and 2016

	2012		2016	
	Women	Men	Women	Men
Total	2971	866	4915	1410
Up to 13 years	83	83	94	83
14-17	98	55	127	60
18-20	95	30	143	53
21-30	497	102	827	165
31-40	712	96	1158	152
41-50	580	80	1032	188
51-60	473	191	715	240
60+	433	229	819	469

Source: Ministry of the Interior.

25. It is a noticeable fact that victims of domestic violence are exposed to various forms of violence, depending on their age. According to the data of the Republic Institute for Social Protection, the most dominant form of domestic violence in both sexes over 18 is physical violence (Table 7). In 2016, girls and boys under the age of 17 were mostly exposed to negligence as a form of domestic violence (girls 34%, and boys 37%). Psychological violence is the second most dominant form of domestic violence in both sexes, in all age groups.

Table 7: Beneficiaries of Centre for social work – victims of domestic violence, by dominant type of violence, age and sex, 2016 (%)

	0-17 years		18-25		26-64		65+	
	Girls	Boys	Women	Men	Women	Men	Women	Men
Total	100	100	100	100	100	100	100	100
Physical violence	29	32	53	52	56	61	49	48
Sexual violence	4	1	3	1	1	0	0	0
Psychological violence	25	22	35	32	39	35	39	36
Negligence	34	37	5	8	1	1	7	11
Economic violence	0	0	2	4	2	1	4	4
Other	8	8	2	3	1	2	1	1

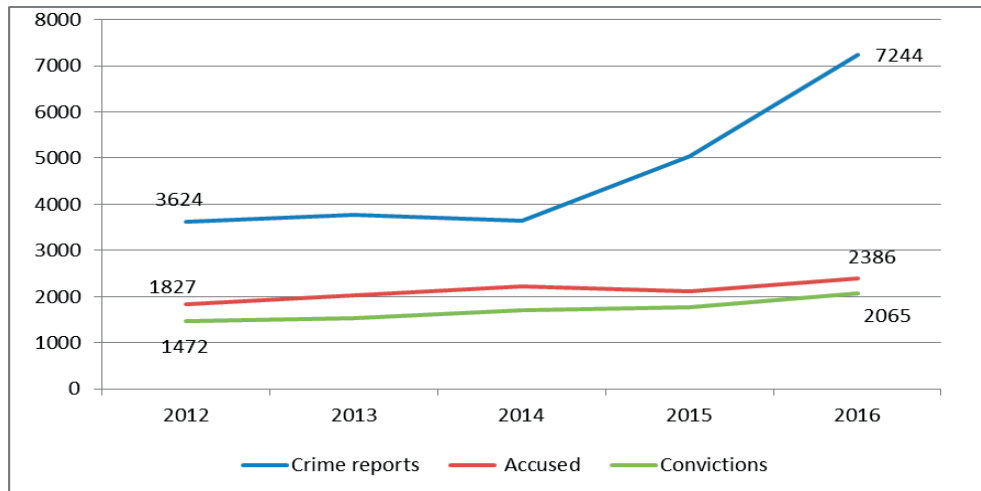
Source: Republic Institute for Social Protection.

VI. Conclusion

26. In the paper *Criminal Offences of Domestic Violence*, statistical data were analysed as a result of regular survey on adult persons who committed the subject criminal acts. The period of reference extends from 2012 to 2016.
27. The data indicate the fact that on yearly basis (Graph 3) the appearance of various forms of domestic violence is on the increase. The crime of domestic violence is one of the top ten criminal offences. The number of adult perpetrators of domestic violence, against whom the procedure at the public prosecutor's office was completed in 2016, is twice higher than in 2012. In the observed five-year period, 8559 persons were convicted of domestic violence, of which 8123 were males. In 76% of cases, victims of domestic violence were females. The data show that conditional sentence was mostly imposed (in 64% of the cases), while in 31.8% of the cases the perpetrators were sentenced to unconditional imprisonment.
28. In recent years, in the Republic of Serbia, a series of campaigns launched by NGOs, as well as the actions and measures taken by the Ministry of Justice and the Ministry of the Interior, have contributed to raising awareness and strengthening attitudes about the unjustified tolerance to violence and the importance of protecting victims of domestic violence. The increased number of crime reports cannot be regarded exclusively as an increase in the crime of domestic violence, but is also the result of awareness-raising, both regarding victims and citizens, of the importance of preventing this kind of violence.
29. The Republic of Serbia has adopted the Law on the Prevention of Domestic Violence (Official Gazette of RS, No. 94/2016), which is in force from 1 July 2017. The purpose of this law is to regulate on general and unique basis the organization and conduct of the government authorities and other bodies and organizations for the effective prevention of domestic violence, the suppression of

criminal offences established by this Law, as well as ensuring the provision of prompt, timely and effective protection for victims of domestic violence and criminal offences established by this Law.

Graph 3: Crime reports, accused and convicted adult perpetrators of domestic violence, 2012-2016



30. All forms of violence that endanger or violate the physical, psychological and moral integrity of a person represent a violation of one of the fundamental human rights contained in the United Nations Universal Declaration of Human Rights, which is the right to life and security.

