

**Second annual conference of the  
Victimology Society of Serbia**

**Victims of crime and victims of  
war: international and national  
contexts**

*Book of Abstracts*

**24<sup>th</sup> and 25<sup>th</sup> November 2011.**

**Victims of crime and victims of war**

**Žrtve kriminaliteta i žrtve rata**

**24. i 25. novembar 2011. godine**

*Knjiga apstrakata*

**Žrtve kriminaliteta i žrtve rata:  
međunarodni i domaći kontekst**

**Druga godišnja konferencija  
Viktimološkog društva Srbije**

**Second annual conference  
of the Victimology Society of Serbia  
Victims of crime and victims of war:  
international and national context**

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Belgrade, 24<sup>th</sup> and 25<sup>th</sup> November 2011

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FOND ZA OTVORENO DRUŠTVO - SRBIJA  
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## PROGRAM

### Day 1 – 24<sup>th</sup> November 2011

09.00 – 09.30 Registration of the participants

09.30 – 10.00 Opening of the Conference

10.00 – 10.15 Victimology Society of Serbia Awards

10.15 – 10.45 Presentation of the book ***Crime victims: International and Serbian perspective***

Stig Maansson, OSCE Mission to Serbia

Dr Magnus Lindgren, the Tryggare Sverige (Safe Sweden)

Prof. dr Vesna Nikolić-Ristanović, Faculty of Special Education and Rehabilitation, University of Belgrade, and Victimology Society of Serbia

10.45 – 12.00 **Plenary session 1: Victims, victimization and international regulations**

*Moderator: prof. dr Vesna Nikolić-Ristanović*

Prof. dr Liz Kelly: *Violence against women and children in the national legislations of the EU member states: an overview of the research results*

Prof. dr Vesna Nikolić-Ristanović: *Different understandings of the notion of victim and their consequences on the social responses to victimization*

12.00 – 12.30 Coffee break and poster presentations

12.30 – 14.00 **Plenary session 2: Victims of war, transitional justice and reconciliation**

*Moderator: dr Ljubinka Petrović-Ziemer*

Dr Ljubinka Petrović-Ziemer: *Victims' organizations in the interaction with other actors of the transitional justice on the territory of the former Yugoslavia*

Prof. dr Michael Humphrey: *The role of victims groups and human rights NGOs in the judicialisation of the politics of transition in Bosnia and Herzegovina*

Prof. dr Estela Valverde: *Constructing victimhood in post-Franco's Spain: the recovery of memory by the grandchildren of victims of the Civil War and dictatorship*

Dr Nusreta Kepeš: *Peace building through inter-religion understanding as a model of transitional justice and reconciliation*

14.00 – 15.00 Lunch break

15.00 – 16.30 Thematic sessions and workshop 1 (part I)

### **Thematic session 1: Victims of violence: prevention and social reaction**

*Moderator: Jasmina Nikolić*

Peter Strandell: *Domestic violence and crime prevention: the Swedish experience*

Prof. dr Zorica Mršević: *Media and gender based violence*

Dr Maria Alvanou: *The assistance of the Eastern Orthodox Church practice to victims of crime: criminological perspectives for the healing of crime victims*

Lepa Mladenović: *Healing is justice: 'Presente!: I Am the Voice of Memory and the Body of Liberty;' The Story of the Second Festival of the Memory of Women Raped in War in Guatemala*

### **Thematic session 2: Crime victims and social reaction**

*Moderator: prof. dr Oliver Bačanović*

Prof. dr Oliver Bačanović, mr Nataša Jovanova: *Victimological aspects of court judgments*

Jadranka Buljević: *Members of LGBT population as victims in the criminal legislation of Serbia*

Rada Grubić: *Qualitative standards and model of work with women and children victims of domestic violence in Germany and possibilities of their implementation in the organizations in Serbia*

Doc. dr Stojanka Mirčeva, prof. dr Violeta Čačeva: *Child victims of sexual abuse in the Macedonian judicial proceedings: protected or re-victimized?*

**Workshop 1: Recording and presenting the crime data and their importance for victims** (presenting results of the work on the project “Development of methodology for crime recording as the basis for efficient crime control and prevention”, No. 179044, Faculty for Special Education and Rehabilitation, University of Belgrade, funded by Serbian Ministry of Science, project coordinator prof. dr Vesna Nikolić-Ristanović)

### **Part I**

*Moderator: prof. dr Vesna Nikolić-Ristanović*

Prof. dr Vesna Nikolić-Ristanović: *Recording the data on war crimes and massive human rights violations: mapping the problem and experience of Germany*

Prof. dr Michael Humphrey: *Nunca Mas (Never Again) Politics and the Documentation of Past Political Crimes in Latin America*

Mr Danica Vasiljević-Prodanović: *The impact of statistics about victimization on the development of preventive strategies*

16.30 – 17.00 Coffee break

17.00 – 18.30 Thematic sessions and workshop 1 (Part II)

### **Thematic session 3: Victimization and social reaction**

*Moderator: Nikola Petrović*

Doc. dr Nataša Tanjević: *Society as a victim of corruption: political corruption in Serbia as an obstacle for the European integrations*

Doc. dr Svetlana Nikoloska: *Victims of transition and bankruptcy*

Doc. dr Frosina Taševska-Remenski: *Secondary victimization of victims of (non inter-state) armed conflict in Macedonia in the process of amnesty of crimes against humanity*

Mr Dragan Obradović: *Protection of victims and goods in the criminal offences against road traffic safety from the aspect of the environment's protection*

### **Workshop 1: Recording and presenting the crime data and their importance for victims**

#### **Part II**

*Moderator: dr Sanja Ćopić*

Prof. dr Saša Mijalković: *Current methodology of recording violent crime in the records of the Ministry of Interior of the Republic of Serbia*

Dr Sanja Ćopić: *(In)visibility of victims in the judicial statistics and the importance of the victimization surveys*

Ljiljana Stevković: *Recording and presenting the data about violence against children – victims' position in the official statistics*

Jelena Dimitrijević: *Recording the data about corruption and related victimization*

#### **Day 2 – 25<sup>th</sup> November 2011**

09.30 – 11.00 **Plenary session 3: Victims of crime and war: legislation and practice**

*Moderator: dr Sanja Ćopić*

Prof. dr Nataša Mrvić-Petrović: *Redress of crime victims*

Snežana Savić: *Protection of crime victims and the legal practice in Serbia*

Dr Anna Alvazzi del Frate: *Armed violence: the burden for the society and the state*

11.00 – 11.30 Coffee break and poster presentations

**11.30 – 13.00 Plenary session 4: Victims of war, law and institutions**

*Moderator: dr Sanja Čopić*

Prof. dr Geoffroy de la Grandmaison: *International Criminal Tribunal for the former Yugoslavia (ICTY) and the forensic pathologist: ethical considerations*

Axelle Reiter: *Victims' rights, international wrongs, and restorative justice: How to square the circle of accountability and redress for international crimes?*

Michelle Veljanovska: *The consequences of judicial obligations: as a politics of transformation in post-war Serbia, Bosnia and Herzegovina, and Croatia*

13.00 – 14.00 Lunch break

14.00 – 15.30 Thematic sessions and workshop 2

**Thematic session 4: Particularly vulnerable victims**

*Moderator: Ljiljana Stevković*

Vesna Stevanović: *Protection of child victims of criminal offences against road traffic safety*

Doc. dr Dragana Batić: *Resilience of the families of refugees*

Filip Mirić: *The social status of the elderly and the risk of victimization, with special emphasis on the criminal protection of the old persons*

Mr Biljana Milanović-Dobrota, prof. dr Marina Radić-Šestić: *Unemployment of persons with intellectual disability as a form of social discrimination*

**Thematic session 5: Consequences of victimization and victims' protection**

*Moderator: mr Ivana Vidaković*

Mr Ivana Vidaković, Mr Sandrina Speh-Vujadinović: *IAN experience in the rehabilitation of victims of torture*

Prof. Milanko Čabarkapa: *Stress and psychological trauma at the workplace and the right of redress of non-material damage*

Olivera Kuljić: *Visible and hidden victims of court proceedings*

Nikola M. Petrović, Bejan Šaćiri, Tamara Kljajić: *Victims of bad psychotherapeutic practice*

**Workshop 2: Steps necessary for organizational standardization of police behavior and tactics in working with victims of crime and development of a holistic approach toward victims of crime in policing**

Dr Magnus Lindgren, Stiftelsen Tryggare Sverige (Safe Sweden)

The Law Enforcement Department of the OSCE Mission to Serbia

15.30 – 16.00 Conclusions and recommendations

Closing the Conference

17.00 Annual Meeting of the Victimology Society of Serbia

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# PLENARY SESSIONS

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## ***Plenary session 1: Victims, victimization and international regulations***

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### **Violence against women and children in the national legislations of the EU member states: an overview of the research results**

***Prof. dr Liz Kelly***

*London Metropolitan University, (United Kingdom)*

The European Commission funded a study to examine the potentials for harmonization of legislation on violence against women, violence against children and sexual orientation violence. The presentation will be an overview of the main findings for the three fields of violence, focusing especially on the extent to which law delivers protection and justice to victims of violence. Data from Serbia will also be included where relevant.

### **Different understandings of the notion of victim and their consequences on the social responses to victimization**

***Prof. dr Vesna Nikolić-Ristanović***

*Faculty of Special Education and Rehabilitation, University of Belgrade  
Victimology Society of Serbia (Serbia)*

This paper analyzes different understandings of the term victim throughout history and in contemporary societies, primarily from the point of view of their width in terms of encompassing different types of victims and various forms of victimization. The analysis will include scientific papers and the various legal and political docu-

ments, as well as legal practice. Special attention will be paid to the notion of victim in the documents of the European Union and other international documents, and different understandings of the concept of crime victims and war victims in Serbia.

After reviewing and analyzing various understandings, the impact that these understandings have or may have on the victims' rights will be analyzed, primarily focusing on: the level of protection and assistance that victims receive; the relation of professionals of different profiles, non-governmental organizations and institutions, as well as of the society in general towards different categories of victims. The term victim and its consequences on realization of victims' rights will be analyzed on the specific cases and in the context of theoretical terms of "ideal victim," "real victim," "innocent" or a victim who deserves help.

In the conclusion, the proposal for a comprehensive and inclusive term "victim," which would encompass all persons who are in any manner violated or threatened by crime, war or other forms of human rights' violations, will be presented. A consequence of such an understanding of the term "victim" would be legislation that would apply to all victims, recognition of equal rights for all victims, provision of access to support and protection to all victims without discrimination and the adoption of minimum standards in working with victims.

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## ***Plenary session 2: Victims of war, transitional justice and reconciliation***

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### **Victims' organizations in the interaction with other actors of the transitional justice on the territory of the former Yugoslavia**

***Dr Ljubinka Petrović-Ziemer***

*Berghof Conflict Research Institute, Berlin (Germany)*

The subject of the presentation is the interaction between victims' organizations and other actors of transitional justice and dealing with the past in Bosnia and Herzegovina, Croatia and Serbia. The aim of the paper is to firstly highlight the contribution to and the specific role of victims' organizations in dealing with the past processes, and secondly to outline insights that have been gained and dilemmas that emerge in the interplay between victims' organizations and legal institutions, commissions for missing persons, human rights activists, peace practitioners, state/public institutions like ministries of justice and social welfare services. Investigating on the interaction between victims' associations and other actors of transitional justice and dealing with the past, the presentation will touch three topics that appear to be of high relevance for supporting and cooperating with victims: war crime prosecution and witness support, fact-finding activities and trauma work.

The presentation is based on preliminary empirical findings obtained in the scope of the research project „Dealing with the Past and Peace building in the Western Balkans“ affiliated to the Berghof Conflict Research in Berlin and supported by the German Foundation for Peace Research (DSF). The project has started in March 2010 and will be completed by the end of February 2012. The Berghof research team consists of Dr. Martina Fischer (project manager), Dr. Ljubinka Petrović-Ziemer (researcher) and Josefina Bajer (stu-

dent assistant). For conducting an extensive field research the team in Berlin was supported by local researchers in Croatia, Serbia and Bosnia and Herzegovina. In total, 170 semi-structured interviews have been conducted with representatives of legal institutions, human rights activists, peace practitioners, commissions for missing persons, victims' and veterans' organizations, political parties and journalists in the three countries under investigation. The field research has been carried out in 28 cities. The methodology of the project is a combination of qualitative and action research. This methodological focus implies that activists and researchers have been and will be consulted and involved in each phase of the project. The method chosen to approach the empiric material is qualitative interview analysis.

### **The role of victims groups and human rights NGOs in the judicialisation of the politics of transition in Bosnia and Herzegovina**

***Prof. dr Michael Humphrey***

*Department of Sociology and Social Policy,  
University of Sydney (Australia)*

This paper examines the role of victims organizations in the transitional justice process in post-war Bosnia and Herzegovina. It argues that the dominant accountability and prosecution agenda driven from the outset by the ICTY resulted in the top-down organization of victims. The judicialisation of the conflict also brought with it extensive projects to organize and mobilize civil society in the reconstruction, reconciliation and nation-building project in BiH. The sponsoring of Civil Society Organizations (CSOs) became a major thrust of international intervention and promotion of the participation of civil society. The external dependence of victims organizations on external funding and international agendas has been revealed with the withdrawal of funding and bilateral aid relationships as international community has shift away from the priorities of the

stabilization and reconstruction phase. The paper argues that in BiH victims groups have not emerged as key actors in social movements broadening human rights as a politics of citizenship and social justice as has happened in other political transitions such as Argentina and Latin America more generally.

**Constructing victimhood in post – Franco's Spain:  
the recovery of memory by the grandchildren of victims  
of the Civil War and dictatorship**

***Prof. dr Estela Valverde***

*Macquarie University, Sydney (Australia)*

Since the end of the Spanish Civil War their victims have lived in a state of repression and terror that did not allowed them to claim victimhood or any restitution to the State. Furthermore, the post Franco Amnesty Law in 1977 made a blanket statement about the issue: there were no winners or losers, no victims or perpetrators. Everything had to be forgiven and forgotten.

This paper will analyze the new Spanish movement for exhumation focused on the disappeared during the Civil War and the dictatorship of Franco. The attempt to challenge amnesty by the 2007 Law of Historical Memory and the Supreme Court's suspension of Baltazar Garzón to prevent further erosion of the Amnesty Law indicate that the path for these victims' claims will be thorny. Law seems not to be the essential ingredient to construct victimhood in a society whose rights have been quenched by the legacy of a *habitus* of repression built for more than 70 years.

The analysis will look into the judicialisation of politics; the reasons why the Law of Historical Memory has been resisted and whether this law will heal the body of the Spanish society and promote social reconstruction. What could be the ultimate danger of contesting collective memory 40 years after Franco's death in this highly stratified society?

## **Peace building through inter-religion understandings as a model of transitional justice and reconciliation**

***Dr Nusreta Kepeš***

*University of Zenica (Bosnia and Herzegovina)*

Bosnia and Herzegovina is by many things different from other states in the region, but what makes it specific in comparison to other states is the national and religious structure of the population which lives in it. Three basic religions in BiH were misused as ethnical identifiers. Namely, they have passed through similar process of showing discriminatory preference to own identity, ethnical group, religious community, culture and civilization during the war as well as manipulative causes and their transformation into ideological positions. Way towards peace building was not understood as an imperative, rather as a need for collective action in order to improve the quality of relationships between people and in order to recognize positive social values. The question of interpersonal relationships and a question in a close connection with it – the inter-religious understanding – is an actual problem which includes numerous fields of human life. In this paper we will present the research pilot project titled “Building of peace through inter-religious understanding” as a good example of peace building. The project was realized in 2009/2010 by the expert team in cooperation with religious communities and churches in BiH. The pilot project underlined the implementation of classes of religious education in 30 primary schools on the territory of BiH. The sample included 10 primary schools with catholic religious education, 10 schools with Islamic religious education and 10 schools with orthodox religious education, and they were divided into experimental and control schools. In all three phases, the total of 1424 pupils, 60 teachers of religious education and 500 parents were included. Additional contents on other religions as well as contents which proclaim a system of spiritual values which teach pupils how to respect members of other confessions, their parents, to have mercy towards youngsters, to help poor, disabled and sick, to keep the holiness of human life, its honor and dignity, and to endure temptations on every day

basis, have been realized in the experimental schools. The focus of work in the experimental departments was on education of young persons in the spirit of faith and forming of moral values, perspectives, attitudes, feelings, will, character, skillfulness and habits of moral behavior towards others and otherness. The purpose of moral principles in working with pupils was to synchronize individual and social interests, which demanded from the pupils to adjust to the conditions of living together, to accept rules, principles, and discipline of ethical behavior. In control schools there were no organized activities. At the end of the implementation of the project a re-test was done with the same questionnaire as in the initial assessment. Obtained results served to register differences in values between experimental and control groups of the research, which refer to the data about the influence of the experimental factor (implementing of new contents) on changing of knowledge and attitudes about other religions.

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## ***Plenary session 3: Victims of crime and war: legislation and practice***

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### **Redress of crime victims**

***Prof. dr Nataša Mrvić–Petrović***

*Law Faculty, Union University in Belgrade (Serbia)*

The right on redress of crime victims was proclaimed in 1985 as their universal human right. Effective realization of the right on redress is just one of many requests imposed in the context of broader support and assistance for crime victims, especially for the so called vulnerable categories, such as women, children, victims of violent crimes and terrorism. The purpose of this paper is to indicate the evolution of international standards in regard to the right on redress, to assess the current level of that protection, as well as to determine the degree of compatibility of existing legislation of the Republic of Serbia with international standards of the most important regional organizations (especially EU), because there is a legal framework in Serbia, which provides the possibility for the redress (but its effective use is lacking). Thus, in the first part of the paper the evolution of the most important international standards of the UN, Council of Europe and the EU that relate to this field will be presented and mutually compared. Special attention will be given to the documents of the European Union. Current legislation of the Republic of Serbia will be additionally analyzed in order to give recommendations which relate to its changes *de lege ferenda*. In the analysis, the author departs from the attitude that social conditions for the realization of the right on redress of crime victims have basically changed since 1985 until today. A justified demand for the protection of the right of crime victims is an important goal of every state, which is politically declared as a social state (state

of welfare). However, economic consequences of the crisis of global neoliberal capitalism have taken toll since European states have more and more difficulties in answering this request, because they are otherwise forced to reduce volume of expenditure for social needs of citizens. At the same time, on the legislative level the guarantees of the right on redress are continuously expanded in such a way that apart from primary victims (victims that suffered primary victimization) they also include secondary victims (relatives or other close persons of deceased primary victim) as well as the so called tertiary victims (potential victims of, for example, terrorist attacks). In spite of the fact that such tendencies are evaluated as progressive, the author notes that in the gap between proclaimed and accomplishable we come necessarily to a phenomenon of neglecting victim's interests, because the chances for redress are still predominantly used in function of accomplishment of state goals in prevention of victimization and crime in general. That is especially noticeable in the Republic of Serbia, which lacks strategic approach in creating legal protection of crime victims, as well as in the prevention of crime in general, which will undoubtedly lead to neglecting victims' interests.

## **Protection of crime victims and the legal practice in Serbia**

***Snežana Savić***

*Belgrade Appellate Court (Serbia)*

Article 221, paragraph 6 of the *Criminal Procedure Code* defines the term injured party as a person whose some personal or property right was violated or threatened by a crime. It is considered that most people become direct or indirect victim of a crime at least once in their life. Consequences of a crime affect victims in different ways: they suffer material and/or moral damages, physical injuries or psychological pain, while one person often suffers from both physical and psychological consequences. In addition, there are some particularly vulnerable groups of victims either because

of their personal characteristics (such as sex, age, disability etc.) or the form and seriousness of a crime they are exposed to (such as domestic violence, sexual violence, trafficking in human beings etc.). Given this, the focus of this paper will be on victims of domestic violence, which will be considered from the point of view of legal practice. There is a concern about the increase of the number of perpetrators of the criminal offence 'domestic violence,' which is stipulated in article 194 of the *Serbian Criminal Code*, in which women and children appear as victims, and partners (current or former) and parents as perpetrators. According to the available data, in the course of 2011, 35 women in Serbia were killed by their partners, while every third woman is exposed to physical or psychological violence. Keeping this in mind, in the paper I will present the analysis of the legal practice in 2011 in respect to the criminal offence 'domestic violence,' particularly focusing on the number of the committed crimes (according to the irrevocable verdicts), victims of this crime, and its perpetrators. In addition, I will point out the role of the court in terms of general prevention, and consider the institutes foreseen by the criminal legislation, which aim at the protection of victims of this form of crime.

## **Armed violence: the burden for the society and the state**

***Dr Anna Alvazzi del Frate  
Jasna Lazarević***

*The Graduate Institute of International and Development Studies in  
Geneva (Switzerland)*

The 2011 edition of the *Global Burden of Armed Violence* adopts an integrated approach to understanding the origins and outcomes of armed violence. Contemporary armed violence can take multiple forms and appear in many contexts. Whether the result of international interventions in Afghanistan, Iraq and Libya; post-colonial struggles in sub-Saharan Africa; or gang violence and killings associated with transnational organized crime, millions have suffered

injuries or lost their lives. Countless others have been forced to leave their homes and communities, or been exposed to forms of sexual violence.

Conventional analyses of armed violence often compartmentalize violence into distinct categories according to its context, or to the underlying intentions of the violent perpetrator. The two most common distinctions are between *organized* (collective) and *inter-personal* (individual) violence, and between *conflict* (politically-motivated) and *criminal* (economically-motivated) violence. These distinctions are intended to capture the level of organization of, and the motivations behind, violent acts. They are also commonly used to assess overall levels of violence, or to plan practical programs and policies. Yet these distinctions give the misleading impression that different forms and incidents of violence fit into neat and separate categories.

The 2011 *Global Burden of Armed Violence* challenges compartmentalized approaches to armed violence. In synthesizing available data on lethal and sexual violence from multiple sources, the report presents a global overview of violent deaths across different forms of violence, rather than confining its analysis to conflict, criminal or inter-personal forms of armed violence. It provides a solid foundation for further refining and deepening our understanding of how violence is manifested in different contexts, and how different forms of violence may interact with each other.

High levels of gang violence in El Salvador; vigilante justice in countries emerging from war and fragile states; post-election violence in Kenya; and high levels of urban crime in cities such as Kingston amply demonstrate how the lines between armed conflict and criminal violence are increasingly blurred. In post-war contexts, such as Iraq since 2003, for example, the targeting of non-combatants by insurgents, militias and sectarian groups at first glance seemed chaotic or random, while a closer look at underlying patterns of violence suggests, however, that seemingly arbitrary or criminal violence may also serve political purposes aligned with the goals of armed groups.

These recurring characteristics—the multiple, simultaneous, and shifting motivations of violent actors, and the links between different forms of violence—confound simple analytical classifications and policy responses. They require new ways of understanding the relationships and associations between what were previously held to be distinct forms of armed violence. The five chapters of the *Global Burden of Armed Violence* offer a preliminary roadmap to do precisely this.

**International Criminal Tribunal for the former Yugoslavia (ICTY) and the forensic pathologist: Ethical considerations**

***Prof. dr Geoffroy de la Grandmaison***

*Faculte des Sciences de la Sante, Paris Ile de France Ouest (France)*

War crimes in the former Yugoslavia since 1991 have been subjected to several international forensic investigations of mass graves within the framework of inquiries led by the ICTY. Forensic pathologists involved in the ICTY missions could be subjected to ethical tensions due to the difficulties of the missions, the emergent conflicts between forensic scientists of the teams and the original nature of the ICTY proceedings. In order to study the nature of such ethical tensions, review of the literature was performed. Analysis of forensic material available from the trial transcripts relative to Srebrenica massacre was also carried out.

According to these data, forensic evidence used in ICTY trials is weakened by many factors, including the difficulties of mass grave investigations (huge number of bodies, long post mortem interval, bad work conditions), the lack of objectivity and low level of professionalism of some forensic experts, the difficulties in the interpretation of the autopsy findings (*ante mortem* vs. *post mortem* trauma, determination of the bodies number, determination of the weapon which led to the injuries, determination of the manner of death) and the possibility of a biased selection of exhumations by the Office of the Prosecutor. Although discrepancies exist between forensic evidence and facts established by ICTY judgments about Srebrenica events in July 1995 (the pattern of injury analysis objectively suggests two major manners of death: execution and combat), genocide charge was not challenged by ICTY judges in Srebre-

nica-related trials, conflicting with the idea that reliably established facts are the foundation of legal analysis. The degree of ethical conflicts in forensic pathologist's community depends on their level of knowledge respectively about the fundamental principles of the law subverted by ICTY and the political implications of international justice. To ease such ethical tensions, alternatives to international justice through a truth and reconciliation commission and by the way of humanitarian mission of victims' identification combined with forensic investigations for historical purposes should be considered in the future.

### **Victims' rights, international wrongs, and restorative justice: How to square the circle of accountability and redress for international crimes?**

***Axelle Reiter***

*European University Institute, Firenze (Italy)*

International law is increasingly focusing on criminal avenues to deal with past human rights abuses in post-conflict societies. In this frame, the role of victims is often marginalized, if not totally ignored, and they are sometimes further victimized. The proposed paper explores the shortcomings of this approach and suggests possible solutions.

The first section analyses the rights of victims under international criminal law. The *Statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda* and the *International Criminal Court* recognize the rights of all parties to the trial, including victims. The rights of victims can be divided into two categories. The first group facilitates the victims' participation in the proceedings and make possible for them to receive some form of satisfaction or reparation. The second group provides them with some support, through the creation of a victims and witnesses unit, and protects them against intimidation or aggravation of their traumas.

The second section studies the ensuing practice of the tribunals and their failure to vindicate the rights of victims. Numerous victims and witnesses have been killed or threatened. In several instances, the tribunals or prosecutor's offices have actively contributed to an aggravation of the already dire situation of insecurity by disclosing sensitive confidential information. Besides, the whole system lacks an adequate redress mechanism and international judges discard the sensitivities and legitimate claims of victims on a regular basis.

The third section suggests that the problem lies largely in the punitive character of criminal law and its focus on prosecution. The criminal paradigm conflicts with a more compensatory or reconciliatory rationale and downsizes the role of victims to that of third parties in the proceedings. Moreover, international crimes are manifestations of collective violence, the upshot of structural or system criminality, and the penalization of specific individuals for this type of 'group' offence constitutes a paradox. Addressing these various concerns might involve abandoning the criminal approach or further developing parallel adjudication strategies.

Two promising alternatives are worth investigating. First, states' liability can now be invoked for international offences, through other avenues than penal justice. Secondly, more individuated compensatory and restorative mechanisms, grounded in tort law, contract and restitution, sidestep the tensions underlined. In particular, reliance on traditional horizontal private law remedies presents the significant advantage of perfectly fitting in the human rights paradigm and replacing the victims at the centre of the proceedings.

## **The consequences of judicial obligations: as a politics of transformation in post-war Serbia, Bosnia and Herzegovina, and Croatia**

***Michelle Veljanovska***

*Department of Sociology and Social Policy, University of Sydney  
(Australia)*

This paper explores the idea of society as victim regarding post-war Serbia, Bosnia and Herzegovina, and Croatia. The paper discusses the consequences of transitional justice mechanisms, such as ICTY prosecutions, for addressing wartime victimization in terms of constructing particular local responses to state obligations for how 'the past is processed.' Predominately, the processing has been legal with the establishment of judicial processes, which have produced particular interpretations of events and victims. I suggest that to some extent, the consequences of this have led to society being seen as victim, in very dynamic ways for each state. One example is how prosecutions influenced the local NGO understanding of victims through the need for information gathering and investigating of ICTY cases. That need for engaging with local activists and professionals to get to the victims and the facts led to the emergence of local legal advocacy groups attempting to provide legal advocacy for victims. In turn, this contributed to the gradual growth of rights consciousness with local impetus for victim visibility within international judicial avenues like the ICTY. Therefore, the paper will draw on examples of legally orientated local NGOs who deal with past regime wrongs, and on their campaigns for justice and truth seeking initiatives to demonstrate how society is implicitly seen as victim, and how it has also instilled a particular societal and political anxiety. This is where the paper will introduce the idea of "*pritisak*" (pressure) to problematize the social experience of international obligations.

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# **THEMATIC SESSIONS**

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## ***Thematic session 1: Victims of violence: prevention and social reaction***

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### **Domestic violence and crime prevention: the Swedish experience**

***Peter Strandell***

*Stiftelsen Tryggare Sverige (The Safer Sweden Foundation, Sweden)*

Despite the intensive efforts to prevent violence against women, every year more than 20.000 cases of domestic violence are reported to the Swedish authorities. In addition, between 13 and 20 women are killed every year by a husband, spouse, boyfriend etc. Several of these women have repeatedly appealed for help, aid or support from police, social services, hospitals and shelters. The knowledge about repeat victimization can be considered as an important tool in preventing domestic violence. By focusing on those who already have been affected by crime, there's a great possibility not only to prevent future crimes, but also to offer help to those who may need it most. The measures taken must however be well substantiated and adapted to the specific needs in each case.

The Swedish police are today familiar with the fact that the preventive action must be based on structured and professional approach. One of the measures stated as most important in preventing repeated victimization is the implementation of professional risk assessment tools. Structured Professional Judgment risk assessments provide a practical, systematic and standardized methodology for compilation of information, relevant to the assessment of relapse risk and for planning aid, support and protection measures for victims of crime.

The efforts to improve the situation for domestic crime victims have however not reached the desired impact. Despite changes in

legislation, extensive knowledge in the area and good assets, the aid, support and protection for domestic crime victims is still in many ways determinate by chance. A study conducted by the Safer Sweden Foundation shows that the majority of the Swedish police departments lack procedures for a structured work with domestic crime victims. Moreover, the study shows that there are major differences both between and within the same police department when it comes to issues of domestic crime, which means that the conditions for domestic crime victims to receive necessary aid, support and protection depend on which municipality the victim lives in.

## **Media and gender based violence**

***Prof. dr Zorica Mršević***

*Institute of Social Science, Belgrade*

*Faculty of European Legal and Political Studies*

*University Singidunum, Novi Sad (Serbia)*

The subject of this paper is the media reporting on violence against women and the social context in which it persists, as well as on the position of women. It will be pointed out that the media is for sure a good and useful source of information. Bringing information systematically and continuously, especially when we deal with the hardest acts of crime with lethal outcome, the media have also a very important social role of “whistle blower” for which we should give them special recognition. However, I will also analyze negative media moments in respect to gender based violence, with a particular focus on the specific media “blaming” of women victims of violence for the violence they had suffered from, and shifting a part of responsibility on them. The role of the media in that sense is important because they support existing misogynist attitudes, contributing in that way towards their further spreading. Namely, violence against women, domestic violence and partner violence are most often presented as individual, isolated and private problem. Overuse of stereotypical explanations for violent behavior,

i.e. emphasizing “unemployment,” “alcoholism,” “poverty,” “jealousy” etc. as causes of violence indicates the ignorance about the phenomenon of violence. It seems that it is important to emphasize that the “romantic approach” to a partner relationship which ends tragically—with the murder of the female partner, even than when the partner commits suicide, is totally inadequate because it is not a “Romeo and Juliet story.”

The purpose of this paper is to indicate negative trends, as well as directions for possible corrections of those elements of media reporting about violence against women, which can be corrected by expert and professional approach, and above all, by eliminating stereotypical display of gender relationships, as well as social and family roles of women and men, and by showing that media freedoms are not an obstacle to the more quality reporting of media about violence against women; on the contrary, they are the perfect instrument which makes it possible.

Basic themes of the presentation will include: recent examples of stereotypical and sensationalistic media reporting on violence against women, recent the worst examples, recent examples of quality, analytical approach to violence against women, what should be changed in media approach to violence against women, recent documents of the Council of Europe about the need for the elimination of stereotypical representation of gender based violence and relations of gender in media.

**Healing is justice: 'Presente!: I Am the Voice of Memory  
and the Body of Liberty;'  
The Story of the Second Festival of the Memory of Women  
Raped in War in Guatemala (Chimaltenango, Guatemala,  
February 24-28, 2011)**

***Lepa Mladenović***

*Belgrade (Serbia)*

This is a story of feminist organizing in the community of Chimaltenango in Guatemala, in order to put the theme of women raped in war out of private space and silence into the social responsibility. It is a story I write in the first person, as for the first time in my life after twenty years of working with women survivors of sexual violence, I participated in a Festival centred on the concept that healing is justice, and that healing must be done in wider community and society. For five days in February, I joined over two hundred, mostly indigenous women, celebrating the lives of women, and particularly the life stories and memories of the women raped in war in the Festival "Yo Soy Voz De La Memoria Y Cuerpo De La Libertad" - "I am the voice of memory and body of liberty," organized by the feminist group *Actoras de Cambio*, Women Actors for Change. It was an extraordinary experience with many surprises involving women's bodies, flowers and the blue sky. I left with the conviction that once again feminist activists were creating something new in the world, a way to make justice meaningful in the lives of women rape victims.

The presentation has three parts: first, a short discussion of the legal context of justice for women raped in war in the last twenty years, including the example of Bosnia and Herzegovina as well; then, the unique political implications of this Festival that sets emotional wellbeing at the core of the need for justice of women survivors; and third, I recreate some images and moments from the Festival as I experienced them. Each part is different and has its own way of telling. The conclusion is that for women raped in war neither criminal nor restorative justice is enough—this is an example

of feminist inclusive process that involves body, memory, families, friends, theatre, group work, citizens and healing in community that women need in order to have justice after experiencing such devastating crimes as rapes in wartime.

## **Victimological aspects of court judgments**

***Prof. dr Oliver Bačanović***

***Mr Nataša Jovanova***

*Faculty of Security, Skopje (Macedonia)*

The subject of the paper is the review of the results of the research “Analysis of judgments from the victimological aspect.” For the purpose of this research, the judgments of the Basic court Skopje I in Skopje, Macedonia, were analyzed. This is the first research of this kind in the Republic of Macedonia, which was carried out by the project team from the Faculty of Security in Skopje. The research was conducted in the period from January to April 2011. By using the content analysis method (for this purpose the special instrument was developed), we analyzed 189 irrevocable court judgments, brought in the period 2005-2010, for the following criminal offences: murder, rape, sexual assault on a minor, sexual intercourse with a helpless person, sexual intercourse with the abuse of position, severe bodily injuries, robbery and insult.

The aim of the research was to highlight the victimological dimension of mentioned criminal offences, while special attention was paid to the role of a victim in a crime, victim’s interaction with the perpetrator, individual characteristics of the victim, as well as the characteristics of the time when and the space where the crime occurred.

The structure of victims included in this sample was the following: in relation to gender—69.3% were male and 28.7% were female persons; according to age, the dominant was the group of those between 21 and 30 (21.7%), 31 and 40 (18%), and 41 and 50 (14.3%); as to the nationality - 63% were Macedonians, 16.4% - Albanians, 5.8% - Roma people, and 4% was others.

## Members of LGBT population as victims in the criminal legislation of Serbia

**Jadranka Buljević**

*Basic court in Novi Sad (Serbia)*

Criminal legislation of Serbia, specifically paragraph 1 of article 387 of the *Criminal Code of Serbia*, regulates protection of victims of discrimination regardless of their race, color, religion, nationality, ethnic origin or other personal characteristics. The terms ‘personal characteristic’ can be extensively interpreted. Consequently, this description may encompass members of different minorities, including sexual minorities (i.e. members of the LGBT population – lesbians, gay, bisexual, and transgender persons, for whom the term LGBT is used in order to cover all persons of different sexual and gender orientation) as victims. Nevertheless, this is not explicitly mentioned by this or any other criminal law regulation. We could be satisfied with the initial text of article 387 of the *Criminal Code*, but only if there would not be the extension in which it is stipulated that protection is provided only when “basic human rights and freedoms, guaranteed by the generally accepted rules of international law and international treaties ratified by Serbia are violated”. Such an approach of the criminal legislation means that protection of these categories of victims is not provided in cases when they are exposed to private harassment, negligence, and provocations. It is true that article 21 of the *Law on the prohibition of discrimination* explicitly mentions the protection of individuals, i.e. victims of discrimination because of their sexual (gender) orientation, and the right on the expression of their affiliation is recognized, but the protection is only provided through the civil suit proceedings, while criminal protection in these cases does not exist.

There is a possibility of criminal protection of members of LGBT population, as well as other minorities as victims of insulting and degrading acts (without elements of violence). Criminal protection can be obtained through the criminal offence of insult, which is stipulated in article 170 of the *Criminal Code*. However, as far as it has

been announced that this criminal offence will be decriminalized, there would not be a possibility for the criminal protection for the above mentioned acts. Such a situation may result in victims being exposed to insults and humiliation of hate speech, but not being able to receive adequate criminal protection. In case they are constantly exposed to this kind of harassment, their suffering can reach the unbearable level and cause their improper, even violent reaction, after which repression inevitably follows. In such situations, due to inadequate protection, victims can easily become perpetrators of criminal offences, which bring us to even greater intolerance and homophobia. Thus, this indicates the necessity of certain changes of criminal legislation either through introducing new criminal offences (which is unpopular) or through corrections of or amendments to the existing regulations. Nevertheless, an education of prosecutors and judges on proper and legally based reaction and timely and proper implementation of the laws in practice in order to protect victims of hate speech and intolerance, and, consequently, to protect their basic human rights, is necessary.

**Qualitative standards and model of work with women and children victims of domestic violence in Germany and possibilities of their implementation in the organizations in Serbia**

***Rada Grubić***

*Interkulturelle Initiative, Berlin (Germany)*

The results of the study of the Federal Ministry for Family of the Federal Republic of Germany suggest that every fourth woman is a victim of domestic violence, i.e. of partner violence, while every sixth woman is a victim of sexual abuse. Although the social awareness about problems of victims of violence has been raised, and the number of safe houses is satisfactory, certain problems in providing long-term perspectives have brought to necessity of making new concepts and solutions in working with victims of domestic violence.

ce. *Interkulturelle Initiative* (Berlin, Germany) developed a successful model of work, which does not have a purpose only to provide safe houses for the victims of violence, but to ensure, through the three-stage organizational structure, that these people reintegrate in society and also to open new perspectives in their further life.

In that respect, the subject of my paper is the presentation of this model for successful care, counseling and preventive work with victims of domestic violence. This will be done through the review of socio-political framework, legislative measures and normative acts in this field. Basic goal of the paper is to give a concrete proposal of the possibilities of implementation of this model in organizations in Serbia.

Victims of violence need continuous assistance from experts and institutions, as well as the society in general in the form of multi-degree programs of assistance. Without sensitizing the public opinion for recognizing and accepting domestic violence as a social problem, as well as a criminal offence and not as a harmless tort or a private matter, and without coordinated action of all social factors (political carriers of responsibility, judicial agencies, police, social institutions etc.) there would not be a successful combat against violence against women and children.

### **Child victims of sexual abuse in the Macedonian judicial proceedings: protected or re-victimized?**

***Prof. dr Stojanka Mirčeva***

*Faculty of Security, Skopje (Macedonia)*

***Prof. dr Violeta Čačeva***

*Institute for Sociological, Political and Juridical Research, Skopje (Macedonia)*

The aim of this paper is to present some of the findings from a survey entitled “Situation analysis of the child sexual abuse and pedophilia in the Republic of Macedonia” (CSA research), which was carried out in 2009 by the Institute for Sociological, Political and Juridical Research–Skopje (ISPJR). The scope of the research phenomenon has

been limited to the recorded cases by the criminal justice and social protection system. By its nature, the research is criminological, phenomenological and descriptive. One of the research goals was to assess the institutional response to child sexual abuse (CSA).

This paper aims to present only the methodology applied and research findings in relation to the position of child victims in the judicial proceedings. The research findings on judicial procedures are considered from the perspective of child protection. Thus, we examine the potential effect of the requirements of the basic principles of the judicial process on the wellbeing of the child, while simultaneously considering the application of exceptions which are legally allowed in order to protect child victims who participate in the procedure as witnesses.

Source of data for identifying the procedural protection of child victims of sexual abuse were judicial convictions for perpetrators of crimes defined in the research plan as crimes that constitute child sexual abuse. Document analysis was applied to judicial verdicts, which were passed in the period from 2004 to June 2009. With regard to the judicial process, 196 judicial proceedings for cases of child sexual abuse were analyzed. However, it is important to mention that in the cases where there was more than one victim, only the first recorded victim is considered as a unit for analysis.

The research findings presented in this paper refer to the application of the basic principles of criminal procedure, including the presence of members of the public in the court room and the verbal presentation of evidence by witnesses. With respect to the exclusion of the public when a child victim under 18 is being heard at the main hearing, the public was not excluded in 60% of the analyzed cases. Even for children under 14, the public was still allowed into the court room in over half of the cases (58%). Furthermore, the research findings indicate that a relatively high proportion of child victims of sexual abuse appeared and were heard in person at the main hearing of their judicial procedures during the research period. In 61% of all cases, the child victim was required to give evidence in person at least once during the main hearing. Perhaps surprisingly, this rate remained similar for both the child victims over and below the age of 14.

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### ***Thematic session 3: Victimization and social reaction***

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#### **Society as a victim of corruption: political corruption in Serbia as an obstacle for the European integrations**

***Doc. dr Nataša Tanjević***

*Faculty of European Business and Marketing, Belgrade (Serbia)*

This paper considers the problem of corruption in Serbia, as a dangerous social phenomenon that is usually classified as victimless crime, although the damage it causes is enormous, and its consequences affect an indefinite and large number of victims. Corruption leads to the expansion of economic inequalities, it slows down and hinders economic growth and development, destroys the legitimacy of institutions, endangers the protection of basic human rights and freedoms and undermines the fundamental values on which the society is based. In those societies where it is tolerated as an acceptable standard of conduct, corruption affects all citizens, since they feel the consequences of such practice in all social relationships that are important to them. The aim of this paper is to clarify the causes and mechanisms of corruption in Serbia and to point out its most important consequences, so that we could determine how to combat against this phenomenon on the basis of these findings. Particular attention is devoted to the issue of political corruption because it is the most dangerous form of corruption that involves the connection between the holders of economic and political power, which paves the way for major abuses of public functions and the smooth, rapid and enormous enrichment of individuals close to the authorities. This problem has been marked by the European Commission as the biggest obstacle on the way of our country towards European integrations. Political corruption is one of the primary and most dangerous forms of economic crime that

relies on organized crime and which spreads corrupt practices to all aspects of economic and social life. Within this framework, we have pointed out that the most dangerous crimes of corruption are under-detected and rarely prosecuted, which is influenced by the very fact that corruption is an essential link between the world of politics and economics, and that the perpetrators of these acts are persons that are holding prominent positions in the government or an exceptional economic power in the society, and on the other hand, the victims of these acts are all citizens of Serbia. In the end it is concluded that the combat against corruption must take place on the general societal level, with the implementation of preventive and repressive measures. The modern world trend in the fight against corruption is based on the effects of general prevention, and the anti-corruption policy is build upon rising awareness about political, economic, social and other consequences of corruption, promotion of integrity and accountability and the implementation of the highest standards. Plans for the fight against corruption must be specific and must be subject to permanent control by both the civil society and the independent bodies. But what is most important for a successful fight against this phenomenon is the political will that the cases of corruption, especially those at the highest level, are detected, prosecuted and punished.

## **Victims of transition and bankruptcy**

***Doc. dr Svetlana Nikoloska***

*Faulty of Security, Skopje (Macedonia)*

After the disintegration of former Yugoslavia, a large number of workers became a victim of the transition due to the loss of their jobs. Privatization and transformation of the social capital was accompanied by criminal acts of reduction of company values and their purchase at a much lower price than their real value is or an intentional bringing of the company into a financial crisis and causing its bankruptcy. The entire process was followed by countless crimi-

nal offenses with elements of misuse of the official position, fraud, forge of business records etc. in order to sell major industrial companies cheaply. The victims of these processes are the workers who have lost their jobs, being called victims of the transition process, when in fact they were the victims of new forms of crimes committed through the bankruptcy procedures themselves. Manipulation of the workers' rights in bankruptcy procedures is a very common occurrence that should be explored, particularly from the aspect of the victim's rights as an injured party. Case study is a method applied in the research of criminal cases in which workers have lost their jobs during bankruptcy procedures, being left without funds, and presenting potential perpetrators of illegal behavior related to "the gray economy." The process of victimization for certain people affects their criminalization, meaning that victims move to the category of the perpetrators of property crimes in order to provide the necessary money for survival. This is precisely the aim of this paper: to find ways, methods and procedures to help and support victims of bankruptcy in terms of new employment, starting their own business etc. by analyzing the criminal case studies regarding bankruptcy procedures that lead to the victimization of workers.

### **Secondary victimization of victims of (non inter-state) armed conflict in Macedonia in the process of amnesty of crimes against humanity**

***Doc. dr Frosina Taševska-Remenski***

*Faculty of Security, Skopje (Macedonia)*

International humanitarian law puts armed conflicts into two main groups: inter-state and non inter-state armed conflicts. With the adoption of the Geneva Conventions in 1949 and the Protocol on the protection of victims of inter-state armed conflicts and by defining the inter-state armed conflicts in 1977, the perception that the law on armed conflicts applies only in cases of inter-state wars was finally abandoned. In practice there are different views about the applica-

bility of international humanitarian law in the inter-state armed conflicts. In Macedonia in 2001 an armed conflict within the borders was ended with the adoption of the Ohrid Framework Agreement. Even today, a debate about the nature and the legal qualification of armed conflict in Macedonia in 2001 is present. In 2006, the International Criminal Tribunal for the former Yugoslavia has returned five cases regarding crimes against humanity to the Macedonian courts (Neprosteno, Mavrovo workers, Leaders of NLA, missing Albanians and Macedonians, and the Lipkovski dam). The adoption of an authentic interpretation of the *Law on amnesty* (from 2002) in July 2011, the Government and the Parliament of the Republic of Macedonia have become direct participants in the secondary victimization of victims in these five cases of crimes against humanity.

The aim of this paper is to present a legal argument and to assert that: 1) the authentic interpretation of the *Law on amnesty* is opposite to all conventions and obligations of the Republic of Macedonia, which stem out of the international humanitarian law, 2) opposite to the rule of law, and 3) the rights of victims in the armed conflict in Macedonia in 2001.

### **Protection of victims and goods in the criminal offences against road traffic safety from the aspect of the environment's protection**

***Mr Dragan Obradović***

*Legal center for children and juveniles, Valjevo (Serbia)*

The new *Law on Traffic Safety* contains many novelties related to the protection of traffic participants. Special attention is paid to improving safety – passive safety of different categories of road users. In respect to that, the regulations of the new Law represent a significant improvement in the comparison to the previously existing regulations in the field of traffic in our country.

This paper will analyze the most important regulations related to improving the safety of different categories of traffic partici-

pants – the victims – from the aspect of environment, what is rarely mentioned and known because the regulations of environmental protection are for the first time included in the new *Law on Traffic Safety*. In particular, the problem of proving the cause of traffic accidents (crimes) from the aspect of the environment will be emphasized in addition to numerous issues and problems faced by the police, public prosecutors and judges.

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## ***Thematic session 4: Particularly vulnerable victims***

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### **Protection of child victims of criminal offences against road traffic safety**

***Vesna Stevanović***

*Nis Appellate Court (Serbia)*

The new *Law on Traffic Safety* contains many novelties related to the protection of traffic participants. Special attention is paid to the improvement of the security of certain categories of traffic participants. In this respect, regulations of the new Law present a significant improvement in comparison to the previously valid regulations (federal and republic) in the field of traffic in our country.

In this paper we will present the most important regulations related to the improvement of the safety of child victims as one of the most vulnerable categories of traffic participants. These regulations are present in the new *Law on Traffic Safety* in a significantly greater extent than in previous regulations in this area. We will particularly focus on certain problems, which the police, public prosecutors' offices and courts are facing with in practice when this category of victims is concerned.

### **Resilience of the families of refugees**

***Doc. dr Dragana Batić***

*Faculty of Security, Skopje (Macedonia)*

The paper is an attempt to find a connection between the trauma of family members hurt by war and exile, on one hand, and the characteristics of family functioning on the other. To what degree is

it endangered, and is it possible to preserve the basic functions of a family in exile—the normal growth and development of children’s personality? Can a refugee family be resilient and what coping mechanisms does it use?

The term “family resilience” refers to the processes of adaptation and coping in the family as a functional unit. The essential idea is that family processes reduce stress and that family members can work together to find solutions.

The war that produced traumatic events such as violence and destruction, loss of close persons, refugees and adaptation to new conditions of life, threatens the family structure, its functioning and development of family members. Since all family members face a number of intense stressors, the refugee family presents a traumatized family.

This paper presents a study of refugee families from Bosnia, who were placed in Macedonia during the war time from 1992 to 1995. It included 40 refugee families (20 complete and 20 deficient) as well as 20 deficient families with divorced parents (control group) – that is a total of 60 families or 152 respondents.

The data was obtained by interviews, observations, and a number of separate psychological instruments for children and parents, which measured the effects of stress and the situation in the family and family relationships. Based on the results obtained by quantitative and qualitative analysis, and by the use of theoretical models of systemic theory and family therapy, the existence of four types of refugee families have been found and described, depending on the structure and level of functionality including: functional complete, functional incomplete, dysfunctional complete and dysfunctional incomplete families.

The results showed that the development of personality of the child is the least threatened in complete refugee families who have had prior functional forms of behavior. The degree of vulnerability of the child grows in structurally deficient refugee families, who had functional forms of behavior before the war. It is interesting that the development of personality of the child is more in danger in the complete refugee families that had dysfunctional patterns of

behavior prior to the exile, than in deficient families that were functioning well before the exile. It turned out that the highest degree of vulnerability occurs in structurally deficient families that had dysfunctional behavioral patterns before the exile.

The paper also presented coping mechanisms that resilient families use to maintain their functionality in the conditions of exile.

## **The social status of the elderly and the risk of victimization, with special emphasis on the criminal protection of the old persons**

*Filip Mirić*

*Basic court in Niš (Serbia)*

The aging process is inevitable. It follows an individual from the birth until the death. Due to the inability of an individual to affect it, there is a greater obligation of a society to provide persons in the “third age” a decent life, free from all forms of victimization. The subject of this paper is the social status of the elderly people, which is, according to the author, largely associated with their risk of victimization, which is specifically emphasized in the paper. Legal protection of the elderly is also in the focus of the paper, since it is one of the most effective tools of the state and society for the protection of particularly vulnerable social groups. Relevant provisions of the Criminal Code of the Republic of Serbia and the Code of Criminal Procedure of the Republic of Serbia will be analyzed.

From the subject of the paper defined as such results its aim—on the basis of the review of major theoretical views on social factors that influence the victimization of the elderly and the aging process in general, the aim of the paper is to point out the fact that the social status of old persons correlates with their risk of victimization, which is of a great importance in combating this negative social phenomenon.

## **Unemployment of persons with intellectual disability as a form of social discrimination**

***Mr Biljana Milanović- Dobrota***

***Prof. dr Marina Radić-Šestić***

*Faculty for Special Education and Rehabilitation,  
University of Belgrade (Serbia)*

Today, labor and employment acquire the primary value and are considered one of the most important criteria of personal competence, besides confidence and self-respect. The right to work is guaranteed by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Article 27 of the Convention on the Rights of Persons with Disabilities recognizes the right of persons with disabilities to work and foresees certain measures for the implementation of the right to work and other related rights of these persons. The Convention places a special emphasis on the prohibition of discrimination in this area, equal conditions of employment, employment in the open labor market, self-employment and incentives for employers. Serbia has, as a country in transition, taken legal steps and adopted a series of policy documents in order to improve the quality of life and encourage the employment of persons with disabilities, but social discrimination in the form of unequal treatment at the labor market is a problem that dominates.

Despite the active measures of many governmental and non-governmental institutions and organizations, the number of unemployed persons with disabilities in Serbia is still high, and the real number and structure of the unemployed are still unknown. The most commonly used and, so far, the most complete records are those managed by the National Employment Agency. According to these records, in May 2011 there were 20.965 unemployed people with disabilities in Serbia. If we exclude disabled workers, the majority of the unemployed, even 3811, belongs to the category of people with mild intellectual disabilities. As a particularly vulnerable group with insufficient qualifications and inadequate knowledge

and skills (with the first level of education there are 1437, and with the second 1167 persons) they are at risk of social exclusion. The highest number of unemployed people with mild intellectual disabilities belong to the group of younger age of 20-29 years (1217 of them), who represent an unused employment potential, while 890 belongs to the group of unemployed persons actively seeking employment for more than 10 years! Also, the National Employment Agency does not register people with severe intellectual disabilities; hence, these persons are excluded from the labor market and are socially invisible.

Based on the available data, and international and national literature, the aim of this paper is to synthesize and critically analyze relevant data about the forms of social discrimination of people with intellectual disabilities, which is reflected in an unequal treatment in employment and correlates with negative attitudes of employers and employees.

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## ***Thematic session 5: Consequences of victimization and victims' protection***

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### **IAN experience in the rehabilitation of victims of torture**

***Mr Sandrina Speh Vujadinović***

***Mr Ivana Vidaković***

*International Aid Network I.A.N. Belgrade (Serbia)*

The subject of this paper is the presentation of the experiences of the International Aid Network I.A.N. acquired in the long-term work on providing assistance and support to the victims of war trauma and torture. The aim is to point out learned lessons, examples of good practice and standards in working with victims, as well as the exchange of experiences with professionals and other colleagues who are dealing with victimology and victims of crime and war.

In the presentation, we will cover basic topics concerning development and specialization of services for the clients, such as the importance of a comprehensive approach in rehabilitation of clients, the importance of establishing and documenting evidences and consequences of torture, raising awareness of experts and general public as well as pleading for the rights of victims, etc.

During the thirteen years of work with different categories of vulnerable and marginal clients, IAN acquired significant experience in the field of victim support. Programs of IAN have been developed through recognition and monitoring of the needs of the users – from the psychological assistance to the population of Serbia during the bombardment, through direct material help for the most threatened categories (refugees, displaced, Roma people, clients of the institutions for taking care of people etc.), informative and legal aid, development of an educational program and providing of medical help to the establishment of a specialized centre for gene-

ral rehabilitation of victims of trauma and torture. Through ninety different projects of IAN, assistance was provided to more than 55.000 users, out of which more than 9.500 individuals in Serbia and Bosnia and Herzegovina used the services of the Center for the rehabilitation of victims of torture.

The experience has confirmed the importance of general rehabilitation of victims of torture, because their needs are manifold and complex, and only a comprehensive understanding and approach to solving their problems in the field of their health, psychological, family, social and working functioning, as well as assistance in achieving the compensation and redress, can actually give adequate results.

Of crucial importance is the establishment and documentation of experiences, evidences and consequences of torture, both for the process of rehabilitation of victims, recognition and punishment of perpetrators, and for the prevention of new cases, development of society without violence, and the process of reconciliation in the region. In order to increase awareness and knowledge of professional public about torture and its consequences, IAN works on promotion and education of professionals for applying principles of the Istanbul protocol as an internationally accepted instrument—standard for investigating and documenting the cases of torture.

IAN actively participates in working groups, initiatives and public campaigns for the rights of victims and prevention of new cases of torture. Republic of Serbia has made significant steps in legal recognition of torture in recent years through ratification of the Optional protocol with UN CAT, by incorporating the criminal act of torture in the Criminal Code and by recent appointment of the Ombudsman as the National preventive mechanism. Since torture does not occur only in war conditions, IAN activities are further directed to empowering of groups under risk and prevention of new cases of torture.

## **Stress and psychological trauma at the workplace and the right of redress of non-material damage**

***Prof. dr Milanko Čabarkapa***

*Faculty of Philosophy, University of Belgrade (Serbia)*

In the modern world, including our society as well, democratic tendencies, political freedoms, individual and collective rights are reinforcing; more organized legal and other measures have been undertaken in order to increase safety, protect health, and improve quality of life and work of employees. Hence, in spite of such a progress there still exist a large number of jobs and occupations where increased risks for endangering health and safety exist, while the risk of endangering the mental health at the working place is in particular increase.

In this paper, by using practical experience and the data from available literature, we focus on the problem of traumatic stress in working surroundings, paying special attention to the criteria for differential diagnostics and forensic expertise in proceedings for compensation of non-material damage.

One may ask whether the acute stress reaction, prolonged stress reaction and the acute PTSD, which have happened in spatial and causal relationship with conducting of work for which the worker is insured, can be treated as injury at work, according to the Law of pension and disability insurance of the Republic of Serbia.

There is also a question whether the consequences of chronic stress and psychological trauma that has occurred at the working place can fit into the term of the work related disease (BUR), which occurs by the long-term impact of numerous common factors from the field of working, physical and social surroundings, as well as endogen factors of risk. The effect of damage at the working place is just one, but also the main etiological factor from the group of common factors of risk responsible for formation, flow and progression of illness.

Starting point for the resolution of mentioned questions is the Law on safety and health at work, in which it is stated that the

“employer is obliged to insure his employees from injuries at work, professional illness and work related illness.” Thus, consequences of acute psychological trauma and consequences of chronic psychic trauma can bring along material and non-material damage, which should be compensated according to the general rules of compensational law.

## **Visible and hidden victims of court proceedings**

***Olivera Kuljić***

*Basic court in Zrenjanin (Serbia)*

Apart from public, recognizable victims (such as injured party, his/her relatives or witnesses), there are also hidden victims who rarely appear in the court during the court proceedings (these are often distant relatives of the accused). In this milieu of unrecognized victims, although indirect, suffering is probably bigger than of those victims whose injuries and damages have been recognized. The judge rarely succeeds in reaching out to these unrecognizable victims, but those victims are brutally revealed once in a while. From the experience of the civil suit judge, I will try to show some unrecognized court victims, i.e. those persons who do not suffer directly from the sanctions imposed by a court, but they suffer indirectly. Women who do not receive alimony or receive the minimum amounts of alimony, children without proper resources for schooling, parents that are uncared-for and similar examples belong to this group.

Recognizing hidden victims of court judgments is a complex task, which cannot be accomplished without the data from the center for social work, institutions for elderly persons or nursing homes. In this paper, I will try to show only one segment of unrecognized victims of court decisions on the territory of the city of Zrenjanin.

## **Victims of bad psychotherapeutic practice**

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Professional work of a therapist involves direct work with people who share their intimate problems and psychotherapists are expected to provide them help, and above all not to harm their clients. However, sometimes, patients can become victims of their therapists. Psychotherapy implies a difference in power between the therapists and their clients. This difference arises from the inequality in terms of having information and knowledge, different social roles they have and also from their relationship itself. By itself, this difference is not dangerous – it is even necessary for the success of therapy. However, some therapists choose to abuse this power, circumvent the ethical rules of the profession and harm the clients, for example, in the form of financial exploitation or sexual contact with a client. The subject of this paper are different types of power abuse in the psychotherapeutic relationship. While these abuses are present in practice, they are rarely reported - the Court of Honor of the Serbian Union of Associations For Psychotherapy did not discuss a single case since the founding of the association in 1997 until today, and the Court of Honor of the Association of Psychologist of Serbia had only a few cases since 1971. The aim of this paper is to show the frequency of these forms of abuse through a research conducted with a questionnaire on a sample of psychotherapists and clients. With this paper the authors wanted to highlight this problem, to raise awareness of the expert public about it and to propose some solutions for better monitoring and regulation of these issues.



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# **WORKSHOPS**

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## ***Workshop 1: Recording and presenting the crime data and their importance for victims***

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### **Recording the data on war crimes and massive human rights violations: mapping the problem and experience of Germany**

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The aim of this paper is to indicate specificities of collecting, recording and publicly presenting the data about war crimes and mass human rights' violations in comparison to the data on conventional crime. In addition, the paper aims at mapping out the existing ways of recording and presenting these data internationally, as well as the problems different countries are facing with in this respect and the ways in which they endeavor to overcome these problems.

The paper will consist from two parts: the general and the special. In the first part, problems and previous experiences on collecting, recording and publicly presenting the data on war crimes and mass human rights' violations in different parts of the world will be listed, while in the other part, the case study of Germany, related to crimes committed during the Second World War, will be presented. Analysis of experiences from different parts of the world will be based on the results of the research of the literature, while the case study will be based on the results of the research conducted in Berlin in June 2011.

The analysis will include the data on both victims, and perpetrators and crimes, while all the data will be considered from the point of view of their relevance for the victims and prevention of future victimization.

## ***Nunca Mas (Never Again) Politics and the Documentation of Past Political Crimes in Latin America***

***Prof. dr Michael Humphrey***

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This paper explores the ways in which past political crimes of the dictatorships in Latin America of the 1970s and 1980s have been exposed, documented and memorialized. It explores the role of victim organizations and human rights organizations in demanding accountability in the face of widespread amnesty laws that accompanied democratization. It focuses on role of victim organizations in putting legal and political pressure on governments to learn about the fate of the disappeared and find out who was responsible. The paper takes the example of the mothers' movements, the best known of these movements, in helping to document crimes for justice and 'not forgetting.' Their activities were instrumental in the development of innovative forensic techniques for identification of remains (e.g. Argentine Forensic Anthropology Team), the development of techniques for the analysis of DNA to identified stolen children of the disappeared, the use of the Inter American Commission of Human Rights (IACHR) to create the innovative 'truth trials' (the 'right to know') despite amnesty laws preventing prosecutions and the successful regional campaign to establish the Convention on Enforced Disappearance. The paper also explores the role of victim organizations in memorialisation by archiving oral histories, publications, creating research centers and developing educational curricula about the past. The cumulative impact of the *Nunca Mas* politics based on documenting past crimes and keeping the issue of the disappeared alive eventually led to amnesty laws being overturned or sidestepped in most Latin American states.

## **The impact of statistics about victimization on the development of preventive strategies**

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The crime rate on a certain territory is mostly expressed by incidence, i.e. by the proportion of the number of criminal offences and the number of inhabitants on a certain territory (for example a number of criminal offences on 1.000 or 100.000 inhabitants). However, there are two more indicators, which are far less used in analyses of crime rates on some territory: prevalence and the concentration of crime. Mathematically observed, the incidence presents a product of prevalence and concentration. The prevalence represents a relation between the number of actual victims of criminal offences and the number of residents (potential victims). The prevalence shows the degree of risk of victimization on a certain territory in an exactly defined timeframe. Concentration of crime is calculated as a relation of number of criminal offences and the number of victims. Concentration of crime is not the most accurate measure because crime is not equally distributed. In other words, prevalence shows an average number of victims, incidence the average number of criminal offences, and concentration the average number of criminal offences per victim.

The most common error which is made by those who use statistical data for describing crime is that they mainly rely on information about the incidence, i.e. the number of criminal offences. In that way, one may neglect the fact that there are certain forms of criminal offences, which are characterized by the high level of concentration, for example domestic violence, while some other forms of crime have a high prevalence rate (for example, property crimes). Two fields with equal crime rate (incidence) can have totally different prevalence rate (number of victims) and the crime concentration rate. Knowledge about these parameters directly influences planning of preventive strategies. If there is a high prevalence rate in a

certain territory (large number of persons, households or property is victimized), strategies directed towards reduction of general risk of victimization will be applied. If there is a high concentration of crime, preventive strategy will be individually oriented. In respect to this, one of the important assignments is the identification of cases of repeated victimization. Research shows that previous victimization is the best predictor of possible re-victimization.

### **Current methodology of recording violent crime in the records of the Ministry of Interior of the Republic of Serbia**

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Safety of individuals and families, public and national safety, and often international safety are multiply threatened by violent crime. Therefore, serious policy of prevention and suppression of violent crime demands activities and measures of the national system of security to be founded on the current improvements of both national and international security-crime theory and “the best crime-intelligence practice,” but also on a comprehensive crime-intelligence analysis of etiological, phenomenological and victimological dimensions of this form of crime. For enforcing certain scientific, analytic–statistical research, i.e. the crime-intelligence analysis, certain written sources on crime recording, which are comprehensive, accurate, precise, objective and practically applicable are necessary.

The most numerous records on violent crime are managed in the Ministry of Interior. The rationale for this is the fact that this subject of security is conducting criminal investigation of every discovered criminal offence with elements of violence, while different stages of police activity (recording the events, fixing of leads, conducting of operative and investigative activities, etc.), as well as various elements of the criminal offence (perpetrator, modus operandi, missing things, victim, etc.) are recorded in different records. In this respect, on the level of scientific description and analysis, in

this paper I will try to explore current methodology of recording crimes with elements of violence, primarily focusing on the following: the list of criminal offences (incriminations) which are classified as violent crime in the records of the Ministry of Interior, with particular emphasize on the misdemeanors with elements of violence; the type of data of the recorded criminal offences with elements of violence; the records into which the data on criminal offences with elements of violence are entered; the forms into which the listed data is entered and the possibilities of getting the data on state of crime with the elements of violence on the territory of Republic of Serbia in the period after 2000.

### **(In)visibility of victims in the judicial statistics and the importance of the victimization surveys**

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The knowledge on the prevalence, structure and characteristics of crime in a certain period of time and the state response to it presents an important precondition for monitoring the trend of crime and developing effective policies for its suppression. In most of the countries, the key source of such knowledge is the data contained in the official state statistics, i.e. police and judicial statistics in which the data about reported crime, pressed charges and cases finished with the irrevocable court judgments are recorded. These statistics mostly consist of data about the criminal offence, the perpetrator and the reaction of the criminal justice system. However, they far less frequently include the data about victims and their characteristics, which is an important basis for creating policies which respect the experiences and needs of crime victims. Therefore, in many countries victimization surveys present an important supplement to the existing sources of data on crime. Taking this as a departure point, the subject of this paper is the analysis of judicial statistics of

certain countries from the perspective of data on crime victims. The aim of this analysis is to find out whether data about crime victims are recorded in the judicial statistics, which data, and whether that is enough for understanding of the victimological aspect of crime. According to that, the purpose of the paper is to indicate which data about victims are presented in the judicial statistics of certain countries and in what way they are supplemented, before all, by victimization surveys, as well as to indicate the current situation in Serbia in respect to recording the data about victims in the judicial statistics.

### **Recording and presenting the data about violence against children–victims’ position in the official statistics**

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Violence against children presents a serious social problem, which due to its complexity and seriousness of consequences demands a multi-disciplinary approach in its prevention, suppression and mitigation of negative effects on development and quality of life of the victim. The absence of unique definitions of manifested forms of violence against children and the presence of different sources of data, with relying just on registered and discovered cases additionally makes the realizing of a real picture of the scope of the problem more difficult. The starting point for successful measures of prevention and elimination of victimization of children is an effective system of recording and presenting the data about violence against them, based on the data about incident, family, perpetrator and the victim. Based on the analysis of the examples of good practice of recording violence against children, the aim of the paper is to point out the place of the victim in the official crime statistics in Serbia and the possibilities of planning and realizing effective measures of their protection.

## **Recording the data about corruption and related victimization**

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Corruption as a complex form of crime, which manifests in various forms and different contexts, undoubtedly presents a universal problem. Practically, there is no country in the world which is not affected by the problem called “corruption,” and which does not try to develop adequate strategies to combat it. In that sense, the knowledge about phenomenological and etiological characteristics of corruption is very important. However, coming to such findings depends a lot on the way of collecting, recording and classification of data on crime. This is not a simple task at all, especially if we keep in mind the fact that corruption is a hardly measurable phenomenon, which belongs to crime with the high dark figure. Besides, it happens (not rarely) that state agencies authorized for the crime control use different or inconsistent methodology in collecting and recording the data about crime. That can be an obstacle for planning and effective managing of politics of combating against crime on the national, as well as on a wider, regional and international crime policy level. In order to overcome noticed shortcomings of existing ways of crime recording in general, including the corruption, different international organizations persist in developing and applying programs of harmonization of statistical data. Having in mind what was said before, as well as that corruption affects individuals as victims, but also the public and private sectors, and even a society in global, the data on victimization by corruption must be recognized while recording this phenomenon. Much more attention should be paid to the role of victim of corruption, because some corruptive behaviors are impossible to trace unless the victim reports them to the authorities.

Starting from the analysis of existing ways of recording of corruption and victimization by corruption, primarily in our society, this paper aims to identify and present ways of collecting and presenting the data on corruption and victims of corruption, and to indicate possible advantages and disadvantages of the same.

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***Workshop 2: Steps necessary for organizational standardization of police behavior and tactics in working with victims of crime and development of a holistic approach toward victims of crime in policing***

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The workshop will address the issues relevant for police service operations in providing the victim support and the possibilities for advancing the services. Other agencies will be subject of discussion given that police does not operate alone in the area of victim assistance and support. The workshop will be facilitated by the Swedish victim support organization Stiftelsen Tryggare Sverige (Safe Sweden), the Serbian Ministry of Interior, the Law Enforcement Department of the OSCE Mission to Serbia, the Victimology Society of Serbia, and the Serbian prosecutorial system. The workshop aims to further and deeper discuss points covered in the publication *Victims of Crime: international and Serbian perspective* that *Safe Sweden* and *the Victimology Society of Serbia* have developed.

In recent years the situation of crime victims has received increasing attention in many countries and as a result of this it has been emphasized that crime victim care is an important area of police work. Given this, it is very important that all police staff have a good knowledge of the typical needs and reactions of crime victims; there must also be a clear distribution of victim support duties and responsibilities within the police; the police must develop routines ensuring that crime victims are correctly treated and given relevant, accurate and ongoing information about the status of their case. There are two basic components that must be fully functional 24 hours a day in a police: continuous assessments of actual or po-

tential risks and threats to crime victims and active management of crime investigations to ensure victim support.

It has been difficult to translate this model into action. One reason is that police work traditionally has been focused on the apprehension of offenders, i.e. reacting to offences already committed, rather than on proactive crime prevention. As a result, the police sometimes have difficulties adopting new work methods. Another reason is that an already overworked organization, such as police, may be reluctant to assume what is perceived as new, additional tasks. In such cases, it may choose to launch temporary campaigns instead of pursuing more structured work aimed at bringing about lasting change in work content and methods. Thus, instead of integrating prioritized duties into everyday police work, responsibility for these duties has often been delegated to one, or a few, police officers, often people with a special interest in them.

In order for the police to be able to meet the demands made on them by different organizations, the government, and individual crime victims, a number of prerequisites must be fulfilled. Firstly, crime victim issues must be prioritized by the police and their senior managements. Secondly, all members of staff must have a good knowledge of the police routines, e.g. how stolen and recovered goods are handled and how referrals to local women's shelters and crime victim schemes are made. Finally, all members of staff must have the ability and the willingness to provide crime victims with this information.

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