



STUDIJA

**MAPIRANJE DOSTUPNOSTI USLUGA  
PODRŠKE ŽRTVAMA SEKSUALNOG NASILJA I  
ISKUSTVO ŽENA U KORIŠĆENJU USLUGA  
U REPUBLICI SRBIJI**

STUDY: MAPPING THE AVAILABILITY OF SUPPORT SERVICES  
FOR VICTIMS OF SEXUAL VIOLENCE AND  
WOMEN'S EXPERIENCES IN ACCESSING SERVICES  
IN THE REPUBLIC OF SERBIA



Studija

**MAPIRANJE DOSTUPNOSTI USLUGA  
PODRŠKE ŽRTVAMA SEKSUALNOG NASILJA  
I ISKUSTVO ŽENA U KORIŠĆENJU USLUGA  
U REPUBLICI SRBIJI**

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## LISTA AKRONIMA

RZN	Rodno zasnovano nasilje
SN	Seksualno nasilje
CSR	Centri za socijalni rad
CPUSZ	Centri za pružanje usluga socijalne zaštite
MUP	Ministarstvo unutrašnjih poslova
CPŽ	Centar za podršku ženama iz Kikinde
APV	Autonomna Pokrajina Vojvodina
CEDAW	Konvencija o eliminisanju svih oblika diskriminacije žena/Konvencija
ZRR	Zakon o rodnoj ravnopravnosti
KD	Krivično delo
KZ	Krivični zakonik
CŽSN	Centri za žrtve seksualnog nasilja
SŽ NVO	Specijalizovane ženske nevladine organizacije
EIDHR	European Instrument for Democracy and Human Rights
ZSNP	Zakon o sprečavanju nasilja u porodici
IK	Istanbulska konvencija - Konvencija Saveta Evrope o sprečavanju i borbi protiv nasilja prema ženama i nasilja u porodici
VJT	Vrhovno javno tužilaštvo
PP	Porodično pravo
ZSZ	Zakon o socijalnoj zaštiti
OPMS	Opšti protokol o postupcima i multisektorskoj saradnji u situacijama rodno zasnovanog nasilja prema ženama i porodičnog nasilja
OPZDN	Opšti protokol za zaštitu dece od nasilja
ZP	Zakon o policiji
OJT	Osnovno javno tužilaštvo
VJT	Više javno tužilaštvo
ZZZ	Zakon o zdravstvenoj zaštiti
ZZO	Zakon o zdravstvenom osiguranju
RZSZ	Republički zavod za socijalnu zaštitu

## UVOD

Projekat „Korak napred – Unapređenje usluga za žrtve seksualnog nasilja u Vojvodini“, sprovodi Centar za podršku ženama iz Kikinde (CPŽ) uz podršku Evropske unije, a usmeren je na unapređenje kvaliteta i dostupnosti specijalizovane usluge podrške žrtvama seksualnog nasilja, kao i koordinisanog i sveobuhvatnog institucionalnog odgovora na seksualno nasilje.

U okviru ovog projekata nastala je studija “Mapiranje dostupnosti usluga podrške žrtvama seksualnog nasilja i iskustvo žena u korišćenju usluga u Srbiji”. Istraživanje je sproveo tim istraživačica iz SeConS grupe za razvojnu inicijativu, za potrebe CPŽ-a i u saradnji sa njima, a uz finansijsku podršku Evropske unije, a kroz Evropski instrument za demokratiju i ljudska prava - European Instrument for Democracy and Human Rights (EIDHR).

**Svrha istraživanja, u prvoj fazi realizacije projekta, je da mapira dostupnost usluga podrške žrtvama seksualnog nasilja u Republici Srbiji, uzimajući u obzir perspektivu i iskustva žena koje su prijavile seksualno nasilje.**

Ova studija je dizajnirana kao mešovito kvantitativno i kvalitativno istraživanje, oslanjajući se na standarde EU FRA<sup>1</sup> metodologije, sa ciljem da analizira i ponudi odgovore na tri ključna aspekta podrške žrtvama seksualnog nasilja:

1. vrste usluga koje se pružaju žrtvama,
2. dostupnost i
3. kvalitet.

Rezultati istraživanja pružaju uvid u iskustva žena i devojaka koje su preživele seksualno nasilje, dostupnost, kvalitet i vrstu usluga, te ukazuju na pozitivne i negativne aspekte podrške ženama žrtvama seksualnog nasilja u različitim delovima Republike Srbije. Uvidi su poslužili za definisanje preporuka usmerenih ka poboljšanju dostupnosti i kvaliteta usluga za žene žrtve seksualnog nasilja.

**Biljana Stepanov,**  
Direktorka Centra za podršku ženama

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<sup>1</sup> EU FRA (European Union Agency for Fundamental Rights) metodologija se odnosi na standardizovane procedure prikupljanja, analize i izveštavanja podataka o fundamentalnim pravima u EU, koristeći kombinaciju kvalitativnih i kvantitativnih istraživačkih metoda. Više informacija dostupno na: <https://fra.europa.eu/en/about-fra>



# 1

## INSTITUCIONALNI I ZAKONODAVNI OKVIR

- 1.1 Međunarodni okvir
- 1.2 Nacionalni okvir
- 1.3 Uporedna analiza međunarodnog i nacionalnog okvira
- 1.4 Zakonske nadležnosti institucija i ustanova

# 1

## INSTITUCIONALNI I ZAKONODAVNI OKVIR

### 1.1 Međunarodni okvir

Početni dokument koji definiše međunarodni pravni okvir za zaštitu i sprovođenje zaštite žena od nasilja je **Konvencija o eliminaciji svih oblika diskriminacije prema ženama**<sup>2</sup> (Convention on the Elimination of All Forms of Discrimination against Women - CEDAW). Često se opisuje kao međunarodna povelja o pravima žena. CEDAW definiše šta se smatra diskriminacijom žena i postavlja agendu za nacionalne akcije koje imaju za cilj eliminaciju takve diskriminacije. Konvencija naglašava značaj jednakosti između muškaraca i žena u svim oblastima života, uključujući političku, socijalnu, ekonomsku i kulturnu sferu. Ratifikacijom CEDAW-a, države se obavezuju na usvajanje zakonskih mera i politika koje će eliminisati diskriminaciju, promovisati rodnu ravnopravnost i štiti prava žena. Pored toga, Konvencija zahteva redovno izveštavanje država članica o njihovom napretku u sprovođenju njenih odredbi, pružajući tako važan okvir za procenu i unapređenje nacionalnih politika vezanih za rodnu ravnopravnost. Srbija je ratifikovala CEDAW 2001. godine, kao pravna naslednica Savezne Republike Jugoslavije. Time se obavezala da će u svoje zakonodavstvo i prakse uvesti mere i politike usmerene ka eliminaciji diskriminacije žena i promovisati rodnu ravnopravnost.

<sup>2</sup> Convention on the Elimination of All forms of Discrimination against Women (CEDAW), usvojena UN rezolucijom 34/180 od 18.12.1979. godine, stupila na snagu 3.9.1981. godine. SFRJ je ratifikovala Konvenciju 1981. („Sl. list SFRJ – Međunarodni ugovori”, br. 11/81), a Opcioni protokol 2007. godine.



Pored CEDAW značajno je pomenuti dve deklaracije usvojene na Generalnim skupštinama Ujedinjenih nacija. Prva je **Deklaracija o eliminaciji nasilja prema ženama<sup>3</sup> (The Declaration on the Elimination of Violence against Women)** i usvojena je 1993. godine. Ova Deklaracija definiše nasilje prema ženama kao povredu ljudskih prava i oblik diskriminacije. Druga je **Pekinška deklaracija i Platforma za akciju<sup>4</sup> (Beijing Declaration and Platform for Action)** iz 1995. godine koja predstavlja sveobuhvatni okvir za unapređenje rodne ravnopravnosti. Pekinška deklaracija je usmerena na kritične oblasti, uključujući nasilje prema ženama, obrazovanje, zdravlje, ekonomsko osnaživanje, političku participaciju i ljudska prava žena. Prihvatanjem ovih deklaracija i ratifikacijom CEDAW, Srbija je izrazila političku volju i posvećenost unapređenju prava žena i rodne ravnopravnosti. Ovi dokumenti pružaju smernice za delovanje u oblastima kao što su suzbijanje nasilja, osnaživanje žena, zdravstvena zaštita, obrazovanje, politička participacija i ljudska prava žena, na koje se Srbija obavezala kao članica Ujedinjenih nacija.

**Rimski statut Međunarodnog krivičnog suda<sup>5</sup>**, usvojen je 1998. godine, uključuje odredbe koje definišu zločine protiv čovečnosti i ratne zločine, uključujući seksualno nasilje. Ovaj dokument prepoznaje silovanje, seksualno ropstvo, prisilnu prostituciju, prisilnu trudnoću i druge oblike seksualnog nasilja kao zločine protiv čovečnosti, ukoliko su preduzete kao deo šireg ili sistemskog napada uperenog protiv civilnog stanovništva.

Kada je reč o strateškim dokumentima, trenutno aktuelni **Strateški plan 2021–2025 Fonda Ujedinjenih nacija za podršku akcijama eliminacije nasilja prema ženama (United Nations Trust Fund to End Violence against Women Strategic Plan 2021–2025)<sup>6</sup>** predstavlja ključni okvir za unapređenje globalnih napora u borbi protiv nasilja prema ženama. Ovaj plan postavlja ciljeve i prioritete za pružanje podrške organizacijama civilnog društva i inicijativama koje se bave prevencijom nasilja i pružanjem pomoći ženama koje su preživele nasilje. Usmeren je na jačanje kapaciteta organizacija, povećanje dostupnosti specijalizovanih usluga, promovisanje rodne ravnopravnosti i

3 Deklaracija o eliminaciji nasilja prema ženama, Rezolucija Generalne skupštine UN 48/104 od 20.12.1993. godine. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women> (pristupljeno 5/7/2024)

4 Beijing Declaration and Platform of Action, usvojena na Četvrtoj svetskoj konferenciji o ženama, Ujedinjene nacije, 27. 10. 1995. <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> (pristupljeno 5/7/2024)

5 Tekst statuta dostupan na srpskom jeziku na: <https://www.paragraf.rs/propisi/zakon-o-potvrdivljanju-rimskog-statuta-medjunarodnog-krivicnog-suda.html>

6 UN Trust Fund to End Violence against Women Strategic Plan 2021-2025, <https://unf.unwomen.org/en/digital-library/publications/2021/06/strategic-plan-2021-2025> (pristupljeno 5/7/2024)



unapređenje zakonodavstva i politika u ovoj oblasti. Plan nastoji da postigne ovaj cilj kroz globalnu solidarnost i partnerstva koja omogućavaju organizacije civilnog društva, posebno organizacijama za prava žena, da sprovedu inicijative usmerene na žrtve i eliminaciju nasilja prema ženama i devojčicama. Strateški plan stavlja poseban akcenat na pružanje odgovarajućih specijalizovanih usluga za žrtve seksualnog nasilja, uključujući psihološku i pravnu podršku.

Najznačajniji dokument u domenu zaštite prava žena i sprečavanja nasilja prema ženama na evropskom nivou je **Konvencija Saveta Evrope o sprečavanju i borbi protiv nasilja prema ženama i nasilja u porodici<sup>7</sup>** (Council of Europe Convention on preventing and combating violence against women and domestic violence; Istanbul Convention), usvojena 11. maja 2011. u Istanbulu i ratifikovana od strane Narodne skupštine Republike Srbije 2013. godine.

Ovaj dokument prepoznaje da je nasilje prema ženama jedan od ključnih društvenih mehanizama pomoću kojih se žene prisilno stavljaju u podređeni položaj u odnosu na muškarce. Konvencija se bavi prevencijom, zaštitom i podrškom žrtvama, istragom i kažnjavanjem za dela nasilja, kao i integrisanim javnim politikama. Ciljevi konvencije su zaštita žena od svih vidova nasilja, sprečavanje, procesuiranje, i eliminisanje nasilja prema ženama i nasilja u porodici, suzbijanje diskriminacije žena, promovisanje ravnopravnosti žena i muškaraca, osnaživanje žena, usvajanje sveobuhvatnih politika i mera zaštite i podrške svim žrtvama nasilja prema ženama i nasilja u porodici.

Istanbulska konvencija je od velikog značaja za razumevanje seksualnog nasilja. Naime, seksualno nasilje obuhvata niz dela koja se vrše protiv pojedinaца bez njihovog pristanka, kao što su silovanje, seksualno uznemiravanje i slično. Može se događati u različitim kontekstima, uključujući intimne veze, porodice, radna mesta i javne prostore.

Sa druge strane, pristanak je ključni element u određivanju legalnosti bilo kog seksualnog čina i pristanak mora biti dat dobrovoljno, bez prinude, uz potpuno razumevanje situacije. Važno je naglasiti da se pristanak može povući u bilo kojem trenutku.

7 Council of Europe Convention on preventing and combating violence against women and domestic violence, („Sl. glasnik Republike Srbije – Međunarodni ugovori“, br. 12/13) <https://www.refworld.org/legal/agreements/coe/2011/en/79074>



Kada je reč o silovanju, Istanbulska konvencija zahteva jasno i nedvosmisleno izražen pristanak za seksualni odnos, kao i kažnjavanje svake seksualne radnje koja se izvrši bez pristanka. Pristanak mora biti dobrovoljan, nastao kao rezultat slobodne volje osobe, procenjene u kontekstu datih okolnosti. To uključuje i situacije u kojima žena nije u mogućnosti da dâ slobodan pristanak. Potpisnice Istanbulske konvencije se obavezuju da preduzmu neophodne zakonodavne ili druge mere i obezbede da sledeći vidovi nameranog ponašanja budu inkriminirani: vaginalna, analna ili oralna penetracija seksualne prirode na telu druge osobe bez njenog pristanka, korišćenjem bilo kog dela tela, odnosno, predmeta; druge seksualne radnje sa osobom bez njenog pristanka; navođenje druge osobe na pokušaj seksualnih radnji sa trećim licem bez njenog pristanka.

Ratifikacijom ove konvencije država Srbija se obavezala da preduzme neophodne zakonodavne ili druge mere i obezbedi da se odredbe vezane za seksualno nasilje takođe primenjuju na dela počinjena prema bivšim i sadašnjim supružnicama ili partnerkama u skladu sa nacionalnim propisima. Do sada su mnoge države potpisale i ratifikovale Istanbulsku konvenciju, dok se druge nalaze u različitim fazama rasprave u vezi sa konvencijom, uključujući i političke debate u pojedinim državama.

Ovaj dokument stavlja poseban naglasak na pružanje specijalizovanih usluga podrške, kao što su uspostavljanje sigurnih kuća za žrtve nasilja, uspostavljanje SOS telefonskih linija za podršku žrtvama nasilja, osnivanje Centara za žrtve seksualnog nasilja i mnoge druge mere koje države članice moraju sprovesti.

Član 25. Istanbulske konvencije obavezuje države članice da obezbede dostupnost specijalizovanih usluga, uključujući Centre za žrtve seksualnog nasilja, kako bi se omogućio sveobuhvatan pristup pomoći. Izveštaji o sprovođenju mera definisanih Istanbulskom konvencijom i rezultati u sprečavanju i borbi protiv nasilja prema ženama i nasilja u porodici se podnose Generalnom sekretaru Saveta Evrope, koji ih prosleđuje nezavisnoj stručnoj grupi (GREVIO) zaduženoj za praćenje sprovođenja Istanbulske konvencije.

**Centri za žrtve seksualnog nasilja su posebno istaknuti u Konvenciji kao ključni za pružanje sveobuhvatne podrške žrtvama,** uključujući usluge lekarskog i laboratorijskog pregleda, podršku u slučaju traume i savetova-



nje. Centri imaju za cilj pružanje neposredne i dugoročne podrške žrtvama seksualnog nasilja, stvaranje sigurnog prostora za razgovor i savetovanje, te omogućavanje pristupa pravnoj zaštiti.

Pored Istanbulske konvencije i drugi dokumenti na nivou EU regulišu oblast nasilja prema ženama.

**Preporukom 1450 (2000) – Nasilje prema ženama u Evropi<sup>8</sup>** ukazuje se na činjenicu da se stotine hiljada žena u Evropi suočava sa fizičkim i psihičkim nasiljem kod kuće ili van kuće, koje ponekad izvršavaju i organi javne vlasti. Ugnjetavanje žena, koje se manifestuje kroz porodično nasilje, silovanje i genitalno sakaćenje, realnost je poznata i osuđena u mnogim zemljama. Stoga je Komitetu ministara preporučeno da izradi evropski program za borbu protiv nasilja prema ženama, sa ciljem pravnog prepoznavanja silovanja u braku i njegovog proglašavanja krivičnim delom.

**Preporukom 1582 (2002) – Nasilje prema ženama u porodici<sup>9</sup>** konstatovano je da nasilje u porodici predstavlja najčešći oblik nasilja prema ženama, a njegove posledice utiču na mnoge oblasti života žrtava — stanovanje, zdravlje, obrazovanje i slobodu da žive bez straha i na način na koji one to žele. Ova raširena pojava prisutna je u svim evropskim državama i nije ograničena na određenu društvenu grupu ili klasu. Nasilje u porodici može imati različite oblike, kao što je fizičko nasilje, seksualno zlostavljanje i silovanje, pretnje i zastrašivanje, te ga treba prepoznati kao krivično delo. I u ovoj preporuci je naglašeno da silovanje u braku treba da bude inkriminirano kao krivično delo.

**Preporuka Rec (2002) 5 Komiteta ministara državama članicama Saveta Evrope o zaštiti žena od nasilja<sup>10</sup>** sadrži preporuke državama da obezbede da nacionalni krivični zakoni propisuju da svaki akt nasilja protiv osobe, posebno fizičko ili seksualno nasilje, predstavlja kršenje telesne, psihološke i/ili seksualne slobode i integriteta te osobe, a ne samo kršenje morala, časti ili pristojnosti. Od država se očekuje da propišu odgovarajuće mere i sankcije, čime će se omogućiti brzo i efikasno delovanje protiv učinilaca nasi-

8 Preporuka 1450 (2000) – Nasilje prema ženama u Evropi, Parlamentarna skupština Saveta Evrope, 2000. godine, dostupno na: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16783&lang=en>

9 Preporuka 1582 (2002) – Nasilje prema ženama u porodici, Parlamentarna skupština Saveta Evrope, 2002. godine, dostupno na: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17055&lang=en>

10 Preporuka Rec (2002)5 o zaštiti žena od nasilja, Komitet ministara Saveta Evrope, 2002. godine, dostupno na: <https://www.coe.int/en/web/genderequality/recommendation-rec-2002-5-and-other-tools-of-the-council-of-europe-concerning-violence-against-women>



lja i ispravljanje nepravde pričinjene ženama koje su preživele nasilje. Kako je ukazano, nacionalni zakon bi trebalo posebno da kazni seksualno nasilje i silovanje u braku, silovanje koje izvršavaju redovni ili povremeni partneri i osobe koje žive u istom prostoru sa žrtvom, da kazni bilo koji seksualni akt počinjen prema osobama koje nisu dale pristanak, čak i ako ne pokazuju znakove otpora, te da kazni seksualnu penetraciju bilo koje vrste ili izvršenu na bilo koji način prema osobi koja za to nije dala pristanak.

Zatim, potrebno je da države propišu da rok zastarelosti za seksualne delikte ne počinje da teče pre punoletstva žrtve. Dodatne mere u vezi sa suzbijanjem seksualnog nasilja obuhvataju preporuke državama da razmotre mogućnost uspostavljanja nacionalnih i evropskih baza podataka koje sadrže genetski profil svih identifikovanih i neidentifikovanih učinilaca seksualnog nasilja kako bi se uspostavila efikasna politika za hvatanje učinilaca i sprečavanje ponovnog izvršenja dela, uzimajući u obzir standarde koje propisuje domaće zakonodavstvo i Savet Evrope u ovoj oblasti.

### **Dokumenta na nivou EU koja se direktno bave seksualnim nasiljem prema ženama.**

**Direktiva 2012/29/EU**, <sup>11</sup> poznata kao **Direktiva o pravima žrtava**, usvojena je sa ciljem da osigura da žrtve krivičnih dela, uključujući one koje su preživele seksualno nasilje i silovanje, budu tretirane sa saosećanjem i poštovanjem, uz zaštitu njihovih prava. Ključni aspekti direktive koji se odnose na seksualno nasilje i silovanje su:

**Pravo na informisanje i podršku:** Žrtve seksualnog nasilja imaju pravo da prime jasne i razumljive informacije o svojim pravima i dostupnoj podršci. Ovo uključuje informacije o tome kako da pristupe medicinskoj pomoći, psihološkoj podršci i pravnoj pomoći.

**Pravo na usluge podrške:** Direktiva naglašava da je potrebno da države članice obezbede da žrtve, bez odlaganja, imaju pristup uslugama podrške, kao što su telefonske linije i savetodavne usluge. Ova podrška treba da bude osećljiva na traumu koju su preživele, posebno u slučajevima seksualnog nasilja.

**Pravo na zaštitu:** Žrtvama seksualnog nasilja treba obezbediti odgovarajuću zaštitu tokom pravnih postupaka. Ovo uključuje mere kojima se osigurava njihova bezbednost i sprečava dalja viktimizacija.

<sup>11</sup> Direktiva 2012/29/EU, dostupno na: <https://eur-lex.europa.eu/eli/dir/2012/29/oj>



**Pravo na učešće u pravosudnom procesu:** Žrtve imaju pravo da učestvuju u krivičnim postupcima i budu saslušane. Trebalo bi im omogućiti da iznesu svoje stavove o odlukama koje utiču na njihova prava, uključujući i korišćenjem alternativnih metoda za svedočenje, što može pomoći u smanjenju traume.

**Posebna pažnja za ranjive žrtve:** Direktiva ističe da određene grupe, uključujući decu i žrtve seksualnog nasilja, mogu zahtevati dodatnu pažnju i zaštitu. Stoga, treba preduzeti mere da se obezbedi ostvarivanje njihovih prava i izbegne ponovna viktimizacija.

**Pravo na naknadu štete:** Žrtve imaju pravo na naknadu štete koju su pretrpele kao rezultat krivičnog dela, što može uključivati medicinske troškove, psihološku podršku ili izgubljene prihode.

**Zabrana diskriminacije:** Direktiva obezbeđuje da se sve žrtve, bez obzira na njihovo poreklo ili okolnosti, tretiraju jednako i bez diskriminacije. Ovo je posebno važno za žrtve seksualnog nasilja, koje mogu biti suočene sa dodatnom društvenom stigmatizacijom.

**Obaveze država članica:** Države članice su obavezne da implementiraju ova prava u svoje pravne okvire i da redovno izveštavaju o naporima u zaštiti prava žrtava. Ovo uključuje obezbeđivanje da zakoni o seksualnom nasilju i silovanju budu usklađeni sa standardima postavljenim ovom direktivom.

**Direktiva 2011/93/EU<sup>12</sup> Direktiva o suzbijanju seksualnog zlostavljanja i seksualne eksploatacije dece i dečije pornografije** fokusira se na sprečavanje i borbu protiv seksualnog zlostavljanja i eksploatacije dece. Cilj joj je jačanje postojećih pravnih okvira protiv seksualnih delikata koji uključuju decu.

**Direktiva 2004/80/EC<sup>13</sup> Direktiva o naknadi za žrtve krivičnih dela** propisuje da žrtve nasilnih krivičnih dela, uključujući one koje su preživele seksualno nasilje, imaju pravo na naknadu za pretrpljenu štetu. Države članice su obavezne da uspostave sisteme koji pružaju žrtvama pristup naknadi.

**Direktiva 2011/36/EU<sup>14</sup> Direktiva o sprečavanju i borbi protiv trgovine ljudima i zaštiti žrtava** se fokusira na borbu protiv trgovine ljudima, koja često uključuje seksualnu eksploataciju. Ovom direktivom propisane su i mere za prevenciju trgovine ljudima, zaštitu žrtava i krivično gonjenje počinilaca.

<sup>12</sup> Direktiva 2011/93/EU, dostupno na: <https://eur-lex.europa.eu/eli/dir/2011/93/oj>

<sup>13</sup> Direktiva 2004/80/EC, dostupno na: <https://eur-lex.europa.eu/eli/dir/2004/80/oj/eng>

<sup>14</sup> Direktiva 2011/36/EU, dostupno na: <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>



Iako nije direktiva, **Okvirna odluka 2001/220/JHA<sup>15</sup> koja se odnosi na žrtve krivičnih dela** fokusira se na standardizaciju tretmana žrtava krivičnih dela u okviru EU, definišući prava koja sve žrtve imaju u pogledu podrške i informacija, uključujući slučajeve seksualnog nasilja.

**Direktiva 2024/1385 (EU)<sup>16</sup>** o borbi protiv nasilja prema ženama i nasilja u porodici („Direktiva o nasilju prema ženama/nasilju u porodici“) Direktiva o nasilju prema ženama/nasilju u porodici, koja se zasniva na Istanbulskoj konvenciji, sadrži ciljane mere kojima se osigurava da žrtve nasilja prema ženama i nasilja u porodici imaju pristup pravdi, odgovarajuću zaštitu i podršku, i da se preduzmu mere za sprečavanje ovog nasilja uopšte. Direktiva predviđa da:

- Specijalizovane službe podrške treba da pruže podršku žrtvama svih oblika nasilja prema ženama i nasilja u porodici, uključujući seksualno nasilje, sakaćenje ženskih genitalija, prisilne brakove, prisilne pobačaje i sterilizaciju, seksualno uznemiravanje i razne oblike sajber nasilja. Žrtvama treba ponuditi specijalizovane usluge podrške bez obzira na to da li su podnele formalnu žalbu.
- Specijalizovane službe za žene mogu igrati ključnu ulogu u pružanju save-ta i podrške žrtvama, uključujući centre za podršku ženama, skloništa za žene, telefonske linije za pomoć, centre za krizne situacije u slučaju silovanja, centre za upućivanje u slučaju seksualnog nasilja i usluge primarne prevencije. Takođe ih mogu pružati nevladine organizacije koje vode žene.
- Traumatična priroda seksualnog nasilja, uključujući silovanje, zahteva posebno osetljiv odgovor obučenog i specijalizovanog osoblja. Žrtvama seksualnog nasilja potrebna je hitna podrška u vezi sa traumom, u kombinaciji sa hitnim forenzičkim pregledima radi bezbednog čuvanja dokaza potrebnih za buduće krivično gonjenje. Krizni centri za silovanje ili centri za upućivanje žrtava seksualnog nasilja trebalo bi da budu dostupni u dovoljnom broju i adekvatno raspoređeni po teritoriji svake države članice, uzimajući u obzir geografski i demografski sastav države članice. Takvi centri mogu biti deo postojećeg zdravstvenog sistema u državi članici. Slično tome, žrtvama sakaćenja ženskih genitalija, koje su često devojčice, obično je potrebna ciljane podrška. Stoga, države članice treba da obezbede da pruže posebnu podršku prilagođenu ovim žrtvama. Uzimajući u obzir jedinstve-

<sup>15</sup> Okvirna odluka 2001/220/JHA, dostupno na: [https://eur-lex.europa.eu/eli/dec\\_framw/2001/220/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2001/220/oj/eng)

<sup>16</sup> <https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng>



ne okolnosti žrtava takvih krivičnih dela i njihovu povezanu ranjivost, takva specijalizovana podrška treba da se pruža uz najviše standarde privatnosti i poverljivosti.

- Da bi se pomoglo u dobrovoljnom obezbeđivanju dokaza, posebno u slučajevima seksualnog nasilja, nadležni organi će, bez nepotrebnog odlaganja, uputiti žrtve relevantnim zdravstvenim radnicima ili službama podrške navedenim u članovima 25, 26 i 27 koje su specijalizovane za pomoć u obezbeđivanju dokaza. Žrtve će biti obavestene o važnosti prikupljanja takvih dokaza u najkraćem mogućem roku.
- Države članice će obezbediti odgovarajuće opremljene i lako dostupne centre za upućivanje u krizne situacije ili seksualno nasilje, koji mogu biti deo nacionalnog zdravstvenog sistema, kako bi se osigurala efikasna podrška žrtvama seksualnog nasilja i osiguralo kliničko upravljanje silovanjem, uključujući pomoć u čuvanju i dokumentovanju dokaza.
- Države članice će osigurati da žrtve seksualnog nasilja imaju pristup medicinskim i forenzičkim pregledima. Ti pregledi mogu se pružati u centrima navedenim u ovom stavu ili upućivanjem u specijalizovane centre ili jedinice. Države članice će obezbediti koordinaciju između centara za upućivanje i nadležnih medicinskih i forenzičkih centara.

## 1.2 Nacionalni okvir

**Nacionalni okvir za sprečavanje i borbu protiv nasilja prema ženama i nasilja u porodici** određuju pravni propisi iz ove oblasti čiji su osnovni zadaci definisani gorepomenutim međunarodnim politikama i deklaracijama. Srbija se obavezala da će svoj zakonodavni okvir uskladiti sa međunarodnim standardima u ovoj oblasti.

Pravni i institucionalni okvir za rodnu ravnopravnost i zaštitu od rodno zasnovanog nasilja (RZN) razvija se u Srbiji dve decenije. Ustav Republike Srbije<sup>17</sup> iz 2006. godine garantuje ravnopravnost između žena i muškaraca i stvaranje jednakih mogućnosti, zabranjuje direktnu i indirektnu diskriminaciju po bilo kom osnovu, posebno na osnovu pola. Uz ostale opšte principe i zaštitu

<sup>17</sup> Ustav Republike Srbije, („Službeni glasnik RS“, br. 98/2006) [https://www.paragraf.rs/propisi/ustav\\_republike\\_srbije.html](https://www.paragraf.rs/propisi/ustav_republike_srbije.html) (pristupljeno 5/7/2024)



osnovnih ljudskih prava, **Ustav je temelj, zajedno sa međunarodnim propisima, za sprečavanje i borbu protiv nasilja prema ženama i nasilja u porodici.**

Pored Ustava, ključno je nekoliko zakona koji na različite načine definišu i regulišu pitanja RZN i seksualnog nasilja (SN) u Srbiji.

Prevažodno, **Krivični zakonik Srbije (KZ)**<sup>18</sup> definiše i sankcioniše krivična dela protiv polne slobode (Glava XVIII). Ukupno, zakon prepoznaje jedanaest krivičnih dela protiv polne slobode (vidi sliku 1).

Krivični zakonik Republike Srbije, pretpeo je nekoliko izmena i dopuna u pogledu inkriminisanja seksualnog nasilja. Navodimo najznačajnije:<sup>19</sup>

Zakonom o izmenama i dopunama Krivičnog zakonika iz 1994. godine<sup>20</sup> dekriminalizovan je dobrovoljni heteroseksualni odnos sa maloletnikom, tj. licem starijim od 14 godina koje nije navršilo 18 godina, čime je manifestovan stav da su lica starija od 14 godina sposobna za davanje pristanka na heteroseksualni odnos. Dobrovoljni homoseksualni odnos sa maloletnikom, tj. licem starijim od 14 godina koje nije navršilo 18 godina, ostao je, međutim, u kriminalnoj zoni;

Zakonom o izmenama i dopunama Krivičnog zakonika iz 2002. godine<sup>21</sup> izmenjena je definicija krivičnog dela silovanja izostavljanjem reči „sa kojom ne živi u bračnoj zajednici“, čime je omogućeno kažnjavanje ovog dela i kada je ono izvršeno prema bračnom drugu (tzv. bračno silovanje). Takvo zakonsko rešenje bilo je izraz stava da seksualni odnosi nisu bračna dužnost supružnika, već sfera prava ličnosti i da je neodrživa diskriminacija žrtava seksualnog nasilja na osnovu bračnog statusa u pogledu pružanja krivičnopravne zaštite. Istovremeno, pooštrena je kazna za osnovni oblik silovanja propisivanjem posebnog zakonskog minimuma od „najmanje jedne godine“ i izostavljanjem zakonskog maksimuma. Pored toga, proširene su kvalifikatorne okolnosti koje delo čine težim: okolnost da je silovanje „imalo za posledicu trudnoću ili težu zaraznu bolest“. Definisana su dva kvalifikovana oblika silovanja: silovanje

18 Krivični zakonik, („Sl. glasnik RS“, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013 i 108/2014) <https://www.paragraf.rs/propisi/krivnici-zakonik-2019.html> (pristupljeno 5/7/2024)

19 Videti: Petrušić, N., Beker, K. Integrisanje rodne perspektive u zakonodavstvo, u: Parlamentarizam u Srbiji iz ženskog ugla (Pajvančić Marijana, ur.), Beograd, Misija OEBS-a u Srbiji, 2021, str. 65-70. Dostupno na: <https://zenskestudije.org.rs/pdf/knjige/Parlament%20iz%20zenskog%20ugla%20OEPS.pdf>

20 Zakon o izmenama i dopunama Krivičnog zakona Republike Srbije, br. 47/1994.

21 „Službeni glasnik RS“, br. 10/2002.



usled koga je nastupila teška telesna povreda ženskog lica ili je delo izvršeno od više lica ili na naročito svirep ili naročito ponižavajući način ili je imalo za posledicu trudnoću ili težu zaraznu bolest, za koje je propisana kazna zatvora najmanje tri godine (čl. 103. st. 2) i silovanje koje je izvršeno prema maloletnom licu ili je usled njegovog izvršenja nastupila smrt ženskog lica, za koje je je propisana kazna zatvora najmanje pet godina (čl. 103. st. 3).

Izmenama i dopunama Krivičnog zakonika iz 2002. godine uvedeno je novo krivično delo „nasilje u porodici“ (čl. 118a) kao jedno od krivičnih dela iz grupe krivičnih dela protiv braka i porodice (Glava XIII). Ovo krivično delo ne obuhvata seksualno nasilje, tako da su za kvalifikaciju seksualnog nasilja prema članu porodice bile relevantne odredbe iz Glave XII „Krivična dela protiv dostojanstva ličnosti i morala“.<sup>22</sup>

#### **Krivično delo silovanja:**

Ovo osnovno krivično delo protiv polne slobode propisano je u čl. 178. KZ, a sastoji se u prinudi na obljubu ili sa njom izjednačenim činom upotrebom sile ili pretnje. Dok je po ranijim propisima radnja izvršenja krivičnog dela silovanja bila samo obljuba, koja je podrazumevala prodiranje muškog polnog organa u ženski polni organ (vaginalni koitus), prema sada važećim propisima radnja izvršenja obuhvata i druge polne akte koji se mogu izjednačiti sa obljubom. Prema preovlađujućem mišljenju, radnje koje se sa obljubom mogu izjednačiti jesu analni i oralni koitus.<sup>23</sup> Praktično su krivičnim delom silovanja obuhvaćene i radnje koje su prema ranijim propisima bile radnje izvršenja krivičnog dela protivprirodni blud.<sup>24</sup>

Druge prinudne polne radnje kojima se zadovoljava ili pobuđuje seksualni nagon, kao što su uvlačenje prsta, pesnice ili predmeta u vaginalni, analni ili oralni otvor uglavnom se ne smatraju radnjama izvršenja krivičnog dela silovanja, već su to radnje izvršenja lakšeg krivičnog dela – nedozvoljene polne radnje iz čl. 182. KZ.<sup>25</sup> Izraženo je i shvatanje, koje je prihvaćeno u delu

22 Budući da je prinuda neophodan element za postojanje krivičnog dela silovanja, a kao dokaz primenjene prinude zahteva se postojanje otpora žrtve, postavilo se pitanje da li postoji silovanje ako žrtva, bračna ili vanbračna supruga, ne pruža otpor izvršiocu. O tome šire: Konstantinović Vilić S., Petrušić, N. Krivično delo nasilja u porodici – pravna praksa u Republici Srbiji, Ženski istraživački centar za edukaciju i komunikaciju, Niš, 2004, str. 26.

23 Cvetković, V. Krivično delo silovanja iz člana 178 KZ RS u: Dragiša Slijepčević, et al. (urednik) Bilten sudske prakse Vrhovnog suda Srbije 2, Beograd, Intermeks, 2006, str. 79; Stojanović, S. Perić, O. Krivično pravo: posebni deo, Beograd, Pravna knjiga, 2006, str. 100, Stojanović, Z. op. cit, str. 588. .

24 Stojanović, Z. op. cit. str. 593.

25 Stojanović, Z. op. cit. str. 593.



sudske prakse, da pojam „drugi sa obljubom izjednačen čin“ treba ekstenzivnije tumačiti, što podrazumeva da on može obuhvatiti, pored analnog i oralnog koitusa i „druge vrste penetracije, pri čemu je odlučujući kriterijum da se te radnje, na osnovu svestrane procene njihovog ukupnog dejstva, oblika ispoljavanja i propratnih pojava, mogu uporediti sa obljubom, tj. vaginalnim koitusom.<sup>26</sup> U nekim situacijama polne radnje koje je učinilac preduzeo radi zadovoljenja polnog nagona kvalifikuju se kao silovanje u pokušaju, a ne kao krivično delo nedozvoljene polne radnje, ukoliko je njihov krajnji cilj obljuba, a ne samo zadovoljenje polnog nagona nedozvoljenom polnom radnjom.

Pod obljubom se u krivično pravnom smislu podrazumeva prodiranje muškog polnog organa u ženski polni organ, a pod pojmom čin izjednačen sa obljubom prodiranje muškog polnog organa u analni ili oralni otvor pasivnog subjekta. Nedozvoljene polne radnje su druge radnje kojima izvršilac ispoljava polni nagon.<sup>27</sup>

U domaćem krivičnom zakonodavstvu neophodan element silovanja jeste prinuda na obljubu ili sa njom izjednačen polni čin, koji se vrše primenom sile ili pretnje. Prinuda i obljuba, odnosno, sa njom izjednačen čin zajedno čine radnju izvršenja krivičnog dela silovanja. Smatra se da je upravo prinuda na seksualni odnos ono što silovanju daje karakter kriminalnog akta, budući da je sam seksualni odnos dozvoljeno ponašanje. Prema zakonskoj formulaciji dela, prinuda se sastoji u upotrebi sile ili pretnje da će se neposredno napasti na život ili telo žrtve ili njoj bliskog lica, a u cilju ostvarivanja obljube ili s njom izjednačene polne radnje.

Uobičajeno je da se upotrebljena sila deli na tzv. apsolutnu i tzv. kompulzivnu silu. Apsolutna sila postoji kada lice prema kojem je upotrebljena nije u mogućnosti da odlučuje ili nije u mogućnosti da realizuje donetu odluku, tačnije kada je lice onesposobljeno da pruža otpor. Kompulzivna sila podrazumeva kvalifikovanu pretnju da će se neposredno napasti na život ili telo žrtvi bliskog lica. Ta pretnja mora biti ozbiljna, ostvarljiva, tj. takva da žrtva osnovano može poverovati da će biti ostvarena. Prema stavu sudova, dovoljno da onaj kome se pretilo shvata kao moguće, odnosno ne mora postojati stvarna namera okrivljenog da to ostvari. Sila mora biti takva da može slomiti otpor žrtve, što je dominantan stav u sudskoj praksi.

<sup>26</sup> Škulić, M. Krivično delo silovanja u krivičnom pravu Srbije – aktuelne izmene, neka sporna pitanja i moguće buduće modifikacije, *Crimen*, 3/2017, str. 413-414.

<sup>27</sup> Rešenje Apelacionog suda u Nišu, KZ1 281/2020 od 21.5.2020. godine, dostupno na Paragraf(Lex)



Kao dokaz o upotrebljenoj prinudi, kojim se istovremeno dokazuje da je seksualni akt bio nedobrovoljan, u praksi se zahteva pružanje otpora, bez obzira na to što sam otpor nije nužno obeležje krivičnog dela silovanja. Prema još uvek dominantnom stavu u teoriji i praksi sudova, otpor treba da bude stvaran, ozbiljan i trajan, tj. da se ispoljava sve vreme tokom izvršenja dela.<sup>28</sup> U praksi se ocenjuje da je otpor stvaran ako se neprihvatanje obljube izražava ne samo verbalno, već fizičkim suprotstavljanjem, da je ozbiljan ako je izraz čvrste odluke da se izbegne polni odnos sa učiniocem, a da je trajan ako se permanentno pruža od momenta preduzimanja prinude do momenta kada je delo izvršeno.<sup>29</sup> Dominira stav da nepružanje takvog otpora znači da nije bilo prinude, iz čega se zaključuje da je seksualni odnos bio dobrovoljan, pa zato krivično delo silovanja ne postoji.<sup>30</sup> Poslednjih godina uočava se promena u razumevanju značaja otpora. Sudovi sve češće prihvataju stav da otpor treba shvatiti u relativnom smislu i da nepostojanje fizičkog otpora ne isključuje postojanje silovanja.<sup>31</sup>

Uprkos pozitivnim pomacima, u praksi je i dalje fokus stavljen na otpor žrtve, kao dokaz da je upotrebljena prinuda, a ne na činjenicu da je obljuba, odnosno, sa njom izjednačen čin izvršena bez pristanka, odnosno, protiv volje žrtva.<sup>32</sup>

#### ***Krivično delo Obljuba nad nemoćnim licem:***

Obljuba nad nemoćnim licem je jedno od krivičnih dela protiv polne slobode. Imajući u vidu da je po KZ prinuda bitan element krivičnog dela silovanja, čije postojanje podrazumeva pružanje otpora, u čl. 179. KZ, kao posebno krivično delo, inkriminisani su seksualni akti sa licem koje nije u stanju da pruži otpor zbog psihičkog ili fizičkog stanja u kome se nalazi.

Prilikom dokazivanja izvršenja ovog krivičnog dela dolazi do problema, budući da zakon ne definiše pojam „nemoćno lice“, već je to prepušteno teoriji i

<sup>28</sup> Lazarević, L.J., Komentar Krivičnog zakonika, Beograd, Pravni fakultet Univerziteta Union. 2011, str. 616. U literaturi se navodi da „ukoliko otpor nije bio ozbiljan već prividan, iza koga se krila želja ženskog lica na obljubu, ne postoji krivično delo silovanja“ (Radovanović, M. Đorđević, M. Krivično pravo, posebni deo, Beograd: 1977, str. 129

<sup>29</sup> Videti presudu Apelacionog suda u Beogradu, Kž. 350/2010 od 31.3.2010. godine

<sup>30</sup> Đurđić, V. Jovašević, D. Krivično pravo: posebni deo, Beograd, Nomos, 2010, str. 73; Radovanović, M. Đorđević, Krivično pravo, posebni deo, Beograd: Izdavač, 1977, str. 129.

<sup>31</sup> Stojanović, Z. op. cit. str. 590. [...] Upotreba sile radi izvršenja obljube ne mora uvek biti takvog intenziteta da ostavlja fizičke tragove u obliku povreda na telu oštećene, već je dovoljna sila kojom se i pored toga što ne ostavlja tragove, savladava otpor oštećene. Bilten Višeg suda u Beogradu 87/2016.

<sup>32</sup> Marković, I. Silovanje – krivično delo protiv polnog integriteta (dileme u sudskoj praksi), *Srpska pravna misao*, 53/2020, str. 13.



sudskoj praksi.<sup>33</sup> Dominantan je stav da se nijedno lice ne može *a priori* smatrati nemoćnim, tj. nesposobnim za pružanje otpora. Okolnost da osoba ima mentalni invaliditet ili narušeno mentalno zdravlje sama po sebi ne znači da je reč o nemoćnom licu, već se uticaj ovih okolnosti na mogućnost pružanja otpora procenjuje u svakom konkretnom slučaju. To važi i kad je u pitanju fizička nesposobnost za pružanje otpora uzrokovana starošću, različitim bolestima itd.<sup>34</sup>

Krivični zakonik posebno prepoznaje aspekte seksualnog nasilja unutar braka i porodice koji su uređeni i definisani u glavi devetnaest – Krivična dela protiv braka i porodice. Pre svega, značajno je ukazati član 196 Rodoskrvnuće. Ovaj član propisuje da će punoletno lice koje izvrši obljubu ili sa njom izjednačen polni čin sa maloletnim srodnikom po krvi u pravoj liniji ili sa maloletnim bratom, odnosno sestrom, biti kažnjeno zatvorom od šest meseci do pet godina. Dakle, zakon posebno sankcioniše seksualne odnose između bliskih srodnika kada je jedno od lica maloletno, što spada u delo incesta.

### 1.3 Uporedna analiza međunarodnog i nacionalnog okvira

Pregledom institucionalnog i zakonodavnog okvira stiče se uvid da se, na normativnom nivou, preduzimaju značajni koraci ka unapređenju zakonodavstva i usklađivanja sa međunarodnim standardima. U tom smislu može se reći da je **Srbija preduzela određene korake u skladu sa Istanbulsom konvencijom**, uključujući usvajanje Zakona o sprečavanju nasilja u porodici i kreiranje nacionalnog strateškog dokumenta koji se bavi rodno zasnovanim nasiljem.

Ipak, uporednom analizom međunarodnog i nacionalnog okvira kada je reč o seksualnom nasilju uviđamo značajne nedoslednosti između nacionalnih propisa i neusklađenost sa međunarodnim okvirima, pre svega kada je reč o samoj definiciji krivičnog dela silovanje.

<sup>33</sup> Mirić, F. Krivičnopravna zaštita osoba sa invaliditetom u Republici Srbiji, Beograd: Institut za kriminološka i sociološka istraživanja, 2023, str. 50.

<sup>34</sup> Ibid. str. 620.



Prema članu 36<sup>35</sup> Istanbulske konvencije: „1) Strane se obavezuju da preduzmu neophodne zakonodavne ili druge mere i obezbede da sledeći vidovi namernog ponašanja budu inkriminirani:

- a) vaginalna, analna ili oralna penetracija seksualne prirode na telu drugog lica bez njenog, odnosno njegovog pristanka, korišćenjem bilo kog dela tela, odnosno predmeta;
  - b) druge seksualne radnje sa licem bez njenog, odnosno njegovog pristanka;
  - c) navođenje drugog lica na pokušaj seksualnih radnji sa trećim licem bez njenog, odnosno njegovog pristanka.
- 2) Pristanak mora da bude dobrovoljan i nastao kao ishod slobodne volje lica procenjene u kontekstu datih okolnosti.
- 3) Strane se obavezuju da preduzmu neophodne zakonodavne ili druge mere i obezbede da se odredbe iz stava 1. ovog člana, takođe, primenjuju na dela počinjena nad bivšim, odnosno sadašnjim supružnicama ili partnerkama u skladu sa domaćim propisima.”

**Sa druge strane, KZ Republike Srbije u članu 178 definiše silovanje na sledeći način:**

- 1) Ko prinudi drugog na obljubu ili sa njom izjednačen čin upotrebom sile ili pretnjom da će neposredno napasti na život ili telo tog ili njemu bliskog lica, kazniće se zatvorom od pet do dvanaest godina.
- 2) Ako je delo iz stava 1. ovog člana učinjeno pretnjom da će se za to ili njemu blisko lice otkriti nešto što bi škodilo njegovoj časti ili ugledu ili pretnjom drugim teškim zlom, učinilac će se kazniti zatvorom od dve do deset godina.
- 3) Ako je usled dela iz st. 1. i 2. ovog člana nastupila teška telesna povreda lica prema kojem je delo izvršeno ili ako je delo izvršeno od strane više lica ili na naročito svirep ili naročito ponižavajući način ili prema maloletniku ili je delo imalo za posledicu trudnoću, učinilac će se kazniti zatvorom od pet do petnaest godina.

<sup>35</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, („Sl. glasnik Republike Srbije – Međunarodni ugovori”, br. 12/13) <https://www.refworld.org/legal/agreements/coe/2011/en/79074>



4) Ako je usled dela iz st. 1. i 2. ovog člana nastupila smrt lica prema kojem je delo izvršeno ili je delo učinjeno prema detetu, učinilac će se kazniti zatvorom najmanje deset godina ili doživotnim zatvorom.

Kako se navodi u izveštaju GREVIO-a<sup>36</sup>, **kriminalizacija silovanja još uvek nije u potpunosti usklađena sa zahtevima Istanbulske konvencije.**

Nadalje, u domaćem pravnom okviru nedostaju precizne definicije pojmova „nasilje prema ženama“ i „rodno zasnovano nasilje prema ženama“ koje bi bile usklađene sa Istanbulskom konvencijom<sup>37</sup>.

**Trenutne zakonske definicije različitih vrsta nasilja nisu rodno specifične, što pokazuje nedovoljno prepoznavanje činjenice da određeni oblici nasilja disproporcionalno pogađaju žene.**

Vrhovno tužilaštvo je uvelo evidenciju za krivično delo nasilja u porodici, ali ne i za sva ostala krivična dela obuhvaćena Zakonom o sprečavanju nasilja u porodici. Pored toga, jasno se uočava da nije uspostavljen jedinstven i standardizovan sistem za prikupljanje, evidentiranje, praćenje i razmenu podataka o svim oblicima nasilja prema ženama i nasilja u porodici, uključujući i femicid<sup>38</sup>. Podaci koje prikupljaju pojedine institucije (policija, tužilaštvo, zdravstvene ustanove i CSR) ne mogu se porediti jedni sa drugima **jer ne postoji centralna evidencija podataka**<sup>39</sup>, što i dalje otežava praćenje ishoda pojedinačnih slučajeva vezanih za RZN i SN.

**GREVIO<sup>40</sup> takođe ukazuje na nedostatak specijalizovanih usluga za žene, naročito centara za žrtve silovanja i seksualnog nasilja koji su ograničeni i nedostupni u većem delu zemlje.** Republika Srbija još uvek nije obezbedila finansiranje CŽSN, a trenutne usluge pokrivaju ograničenu geografsku oblast.

<sup>36</sup> Savet Evrope. (22. januar 2020). *Napori Vlade Srbije u borbi protiv nasilja prema ženama su pohvalni, ali potrebno je više*. Portal Saveta Evrope. <https://www.coe.int/en/web/portal/-/serbia-government-s-efforts-to-fight-violence-against-women-are-commendable-but-more-is-needed> (pristupljeno 5/7/2024)

<sup>37</sup> Strategija za sprečavanje i borbu protiv rodno zasnovanog nasilja prema ženama i nasilja u porodici za period 2021–2025. godine („Sl. glasnik RS”, br. 47/2021) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/47/1/reg> (pristupljeno 5/7/2024)

<sup>38</sup> Ibid.

<sup>39</sup> Stepanov, B. (2022). *Nasilje u porodici: Šta nam podaci govore*.

<sup>40</sup> Ibid.



**Silovanje** (Član 178): Definiše se kao prinuda na obljudu ili sa njom izjednačen čin upotrebom sile ili pretnje. Kazne variraju od pet do dvanaest godina zatvora, uz povećanje u slučaju otežavajućih okolnosti poput teških telesnih povreda, izvršenja dela nad maloletnikom ili smrti žrtve.

**Obljuba nad nemoćnim licem** (Član 179): Odnosi se na iskorišćavanje lica koje nije sposobno za otpor zbog duševnog oboljenja, zaostalosti ili druge nemoći. Predviđene su kazne od pet do dvanaest godina zatvora, koje se povećavaju ako nastupe teške posledice kao što su telesne povrede ili smrt

**Obljuba sa detetom** (Član 180): Sankcioniše obljudu ili sa njom izjednačen čin sa detetom, sa kaznama od pet do dvanaest godina zatvora. Kazne su strože u slučaju teških telesnih povreda, trudnoće ili smrti deteta.

**Obljuba zloupotrebom položaja** (Član 181): Obuhvata zloupotrebu položaja radi navođenja na obljudu ili sa njom izjednačen čin lica koje je u odnosu podređenosti ili zavisnosti. Kazne se kreću od tri meseca do deset godina zatvora, zavisno od okolnosti i posledica.

**Nedozvoljene polne radnje** (Član 182): Odnosi se na izvršenje drugih polnih radnji pod određenim uslovima, sa kaznama od novčane kazne do deset godina zatvora, u zavisnosti od težine dela i nastalih posledica.

**Polno uznemiravanje** (Član 182a): Definiše se kao svako verbalno, neverbalno ili fizičko ponašanje koje predstavlja povredu dostojanstva lica u sferi polnog života, izaziva strah ili stvara neprijateljsko, ponižavajuće ili uvredljivo okruženje. Kazne se kreću od novčane kazne do tri godine zatvora, naročito ako je delo učinjeno prema maloletnom licu.

**Podvođenje i omogućavanje vršenja polnog odnosa** (Član 183): Sankcioniše podvođenje maloletnog lica ili omogućavanje vršenja obljudbe sa maloletnim licem, uz kazne od šest meseci do osam godina zatvora i novčane kazne.

**Posredovanje u vršenju prostitucije** (Član 184): Odnosi se na navođenje ili podsticanje na prostituciju, sa kaznama od šest meseci do deset godina zatvora i novčanom kaznom, posebno ako je delo izvršeno prema maloletnom licu

**Prikazivanje, pribavljanje i posedovanje pornografskog materijala i iskorišćavanje maloletnog lica za pornografiju** (Član 185): Sankcioniše aktivnosti vezane za dečiju pornografiju, uključujući proizvodnju, posedovanje i distribuciju, sa kaznama od novčane kazne do osam godina zatvora.

**Navođenje deteta na prisustvovanje polnim radnjama** (Član 185a): Odnosi se na navođenje deteta da prisustvuje polnim radnjama, sa kaznama od jedne do deset godina zatvora, naročito ako je upotrebljena sila ili pretnja.

**Iskorišćavanje računarske mreže ili komunikacije drugim tehničkim sredstvima za izvršenje krivičnih dela protiv polne slobode prema maloletnom licu** (Član 185b): Sankcioniše korišćenje interneta ili drugih komunikacionih sredstava za dogovaranje sastanaka sa maloletnicima u cilju izvršenja krivičnih dela protiv polne slobode, sa kaznama od šest meseci do osam godina zatvora i novčanim kaznama.



**Porodični zakon**<sup>41</sup> predviđa hitne i dugoročne mere zaštite od nasilja u porodici, dok **Zakon o socijalnoj zaštiti**<sup>42</sup> definiše vrstu i obim zaštite i usluga za žrtve nasilja u porodici.

Značajan pomak je napravljen 2016.godine usvajanjem **Zakona o sprečavanju nasilja u porodici** (ZSNP)<sup>43</sup>. **Zakon u članu 6. određuje da su za sprečavanje nasilja u porodici i pružanje zaštite i podrške žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom nadležni policija, javna tužilaštva, sudovi opšte nadležnosti i prekršajni sudovi, kao nadležni državni organi, i centri za socijalni rad, kao ustanove.**

Pored nadležnih državnih organa i centara za socijalni rad, u sprečavanju nasilja u porodici, preko davanja pomoći i obaveštavanja o nasilju, kao i pružanju podrške žrtvama nasilja učestvuju i druge ustanove u oblasti dečje, socijalne zaštite, obrazovanja, vaspitanja i zdravstva (u daljem tekstu: državni organi i ustanove nadležne za primenu ovog zakona), kao i tela za rodnu ravnopravnost na nivou lokalnih samouprava.

**Podršku žrtvama nasilja u porodici i žrtvama krivičnih dela određenih ovim zakonom mogu da pruže i druga pravna i fizička lica i udruženja.**

Prema ZSNP, multisektorska saradnja u slučajevima porodičnog nasilja sprovodi se kroz Grupe za koordinaciju i saradnju, kao i preko lica određenih za vezu (čl.24-27).

Član 4 ZSNP određuje da se ovaj zakon primenjuje se i na saradnju u sprečavanju nasilja u porodici u krivičnim postupcima koji se odnose na krivična dela: proganjanje (član 138a Krivičnog zakonika); silovanje (član 178. Krivičnog zakonika); obljuba nad nemoćnim licem (član 179. Krivičnog zakonika); obljuba nad detetom (član 180. Krivičnog zakonika); obljuba zloupotrebom položaja (član 181. Krivičnog zakonika); nedozvoljene polne radnje (član 182. Krivičnog zakonika); polno uznemiravanje (član 182a Krivičnog zakonika); podvođenje i omogućavanje vršenja polnog odnosa (član 183. Krivičnog zakonika); posredovanje u vršenju prostitucije (član 184. Krivičnog zakonika);

41 Porodični zakon, („Sl. glasnik RS”, br. 18/2005, 72/2011 - dr. zakon i 6/2015) [https://www.paragraf.rs/propisi/porodicni\\_zakon.html](https://www.paragraf.rs/propisi/porodicni_zakon.html) (pristupljeno 5/7/2024)

42 Zakon o socijalnoj zaštiti, („Sl. glasnik RS”, br. 24/11 i 117/2022) [https://www.paragraf.rs/propisi/zakon\\_o\\_socijalnoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html) (pristupljeno 5/7/2024)

43 Zakon o sprečavanju nasilja u porodici, (Sl. glasnik RS, br. 94/16). [https://www.paragraf.rs/propisi/zakon\\_o\\_sprecavanju\\_nasilja\\_u\\_porodici.html](https://www.paragraf.rs/propisi/zakon_o_sprecavanju_nasilja_u_porodici.html)



prikazivanje, pribavljanje i posedovanje pornografskog materijala i iskorišćavanje maloletnih lica za pornografiju (član 185. Krivičnog zakonika); navođenje deteta na prisustvovanje polnim radnjama (član 185a Krivičnog zakonika); zapuštanje i zlostavljanje maloletnog lica (član 193. Krivičnog zakonika); nasilje u porodici (član 194. Krivičnog zakonika); nedavanje izdržavanja (član 195. Krivičnog zakonika); kršenje porodičnih obaveza (član 196. Krivičnog zakonika); rodoskvruće (član 197. Krivičnog zakonika); trgovina ljudima (član 388. Krivičnog zakonika); druga krivična dela, ako je krivično delo posledica nasilja u porodici.

Ovaj zakon se primenjuje i na pružanje zaštite i podrške žrtvama krivičnih dela iz stava 1. Člana 4 ZSNP.

Nakon stupanja na snagu ZSNP koji je predvideo obavezne obuke, većina aktivnosti u vezi sa sprovođenjem obuka usmerena je na organe koji se bave slučajevima porodičnog nasilja, poput organa unutrašnjih poslova, javnih tužilaštava i sudova.

Zakon o sprečavanju nasilja u porodici u članu 13. definiše obavezu prijavljivanja nasilja. Ovaj zakon jasno definišu obaveze i mere koje se moraju preduzeti kako bi se obezbedila adekvatna zaštita i podrška žrtvama nasilja, kao i efikasna prevencija nasilja zasnovanog na polu i rodu.

Konačno, 2021.godine usvojen je **Zakon o rodnoj ravnopravnosti**<sup>44</sup> (**ZRR**) i **Nacionalna strategija za rodnu ravnopravnost 2021-2030**<sup>45</sup>, sa akcionim planom za njenu implementaciju za period 2021-2025.

Zakon o rodnoj ravnopravnosti u delu VI Sprečavanje i suzbijanje rodno zasnovanog nasilja, reguliše zabranu nasilja na osnovu pola, polnih karakteristika, odnosno roda i nasilja prema ženama, reguliše posebne mere i programe, obavezu prijavljivanja nasilja, kao i opšte i specijalizovane usluge podrške.

Specijalizovane usluge podrške, u smislu ovog zakona, jesu: 1) pružanje u poverljivom obliku usluge SOS telefona za devojke i žene sa iskustvom rodno zasnovanog nasilja, koji pozivi se neće snimati niti na drugi način činiti dostupnim trećim licima, koju na teritoriji Republike Srbije u vidu besplatnog nacio-

44 Zakon o rodnoj ravnopravnosti, („Sl. glasnik RS”, br. 52/2021) <https://www.paragraf.rs/propisi/zakon-o-rodnoj-ravnopravnosti.html> (pristupljeno 5/7/2024)

45 Strategija za rodnu ravnopravnost za period od 2021. do 2030. godine, („Sl. glasnik RS”, br. 103/2021) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/103/1> (pristupljeno 5/7/2024)



nalnog SOS telefona obezbeđuje i finansira nadležno ministarstvo za socijalnu zaštitu, a na teritoriji jedinice lokalne samouprave ili u upravnim okruzima nadležni organ ili organi autonomne pokrajine i jedinice lokalne samouprave; 2) obezbeđivanje sigurnog smeštaja ženama žrtvama nasilja i njihovoj deci u sigurnim kućama ili prihvatilištima, koji su besplatni za sve žene i njihovu decu bez obzira na njihovo mesto prebivališta ili boravišta i dostupni 24 časa, sedam dana u nedelji, prilagođeni potrebama žena žrtava nasilja; 3) obavljanje specijalističkih i sudskomedicinskih (forenzičkih) lekarskih i laboratorijskih pregleda i pružanje psihološke podrške, u skladu sa potrebama žrtava nasilja; 4) pružanje besplatne podrške žrtvama seksualnog nasilja, koji su dostupni 24 časa, sedam dana u nedelji, kao i pružanje kontraceptivne zaštite i zaštite od polno prenosivih bolesti i sudskomedicinskog pregleda; 5) sprovođenje programa specijalizovanih savetovališta za žrtve nasilja, prilagođenih individualnim potrebama žrtava nasilja uključujući i žrtve iz osetljivih društvenih grupa.

Specijalizovane usluge podrške moraju biti pristupačne svima i prilagođene individualnim potrebama žrtava nasilja, uključujući i žrtve iz osetljivih društvenih grupa.

**Strategija za sprečavanje i borbu protiv rodno zasnovanog nasilja prema ženama i nasilja u porodici za period 2021-2025<sup>46</sup> je usvojena 2021 godine.** U sklopu ove Strategije, mera 2.4. predviđa unapređenje specijalizovanih usluga za žene koje su preživele nasilje, obezbeđujući im besplatnu pravnu i medicinsku podršku, kao i pristup sigurnim kućama, centrima za podršku i SOS telefonima dostupnim 24/7. Navodi se da će usluge biti prilagođene ženama iz svih društvenih grupa, uključujući marginalizovane grupe.

Mera 3.1. se odnosi na obezbeđivanje pune, efikasne i delotvorne krivičnopravne zaštite žena od rodno zasnovanog nasilja prema ženama i nasilja u porodici. Ova mera ima za cilj da ujednači definicije nasilja u porodici i kruga osoba koje se smatraju članovima porodice u svim relevantnim zakonima (Krivičnom zakonu, Porodičnom zakonu i Zakonu o sprečavanju nasilja u porodici). Na ovaj način osigurava se da zaštitu uživaju svi bivši supružnici i partneri, bez obzira na zajednički život ili decu, u skladu sa međunarodnim

<sup>46</sup> Strategija za sprečavanje i borbu protiv rodno zasnovanog nasilja prema ženama i nasilja u porodici za period 2021-2025. godine („Sl. glasnik RS”, br. 47/2021) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/47/1/reg> (pristupljeno 5/7/2024)



standardima i potrebama koje istraživanja potvrđuju – nasilje u porodici može trajati i nakon završetka bračne ili vanbračne zajednice.

**Dodatno, ovom merom se predlaže prebacivanje fokusa sa prinude na odsustvo slobodnog pristanka žrtve,** čime bi se zaštita dodatno osnažila i uskladila sa Istanbulskom konvencijom. Takođe, predlaže se preispitivanje tretmana dela obljube nad nemoćnim licem, koje se često koristi za kvalifikaciju slučajeva silovanja žena sa invaliditetom, šaljući poruku da kršenje njihovog prava na autonomiju i seksualno odlučivanje ne predstavlja silovanje. Predloženo je da se „nemoć” prepozna kao kvalifikatorna okolnost za krivično delo silovanja i da kaznena politika bude ujednačena za sve oblike seksualnog nasilja.

Mera 4.2. ima za cilj jačanje uloge ženskih specijalizovanih NVO kao pružalaca specijalizovanih usluga i učesnika u kreiranju politika. Njihovo iskustvo i ekspertiza, posebno u pružanju usluga kao što su SOS telefoni, pravna podrška i centri za podršku, trebalo bi da budu priznati i uključeni u tela i radne grupe za kreiranje zakona i politika u ovoj oblasti. Ova mera predviđa i kontinuirano finansiranje ovih organizacija kako bi usluge podrške za žene žrtve nasilja bile dostupne i održive.

ZRR<sup>47</sup> u svojim odredbama detaljno uređuju mere za suzbijanje i sprečavanje svih oblika rodno zasnovanog nasilja i jasno se usklađuje sa međunarodnim okvirima pogotovo kada je reč o **specijalizovanim uslugama za žrtve nasilja.**

Prema članu 55 Zakona o rodnoj ravnopravnosti, specijalizovane usluge podrške uključuju:

1. Pružanje poverljivih SOS telefonskih usluga za devojke i žene sa iskustvom rodno zasnovanog nasilja, pri čemu se pozivi ne snimaju niti postaju dostupni trećim licima. Na teritoriji Republike Srbije ovu besplatnu nacionalnu SOS liniju obezbeđuje i finansira nadležno ministarstvo za socijalnu zaštitu, dok su na lokalnom nivou odgovorni organi autonomne pokrajine i jedinice lokalne samouprave;

<sup>47</sup> U junu 2024. godine Ustavni sud Republike Srbije je privremeno obustavio primenu Zakona o rodnoj ravnopravnosti („Službeni glasnik RS”, br. 52/2021. Odluka Ustavnog suda Republike Srbije: Rešenje broj IY3-85/2021 od 28.6.2024. godine, doneto u Beogradu. Saopštenje Ustavnog suda o pokretanju postupka za ocenu ustavnosti: <https://ustavni.sud.rs/sednice-suda/saopstenja-sa-sednice-suda/saopstenje-sa-8-sednice-ustavnog-suda-odrzane>



2. Obezbeđivanje sigurnog smeštaja ženama žrtvama nasilja i njihovoj deci u sigurnim kućama ili prihvatilištima, koji su besplatni i dostupni 24 časa, sedam dana u nedelji, prilagođeni potrebama žena žrtava nasilja, bez obzira na mesto prebivališta;
3. Obavljanje specijalističkih i sudsko-medicinskih (forenzičkih) pregleda, kao i pružanje psihološke podrške u skladu sa potrebama žrtava;
4. Pružanje besplatne podrške žrtvama seksualnog nasilja, dostupne 24 časa, sedam dana u nedelji, uključujući kontraceptivnu zaštitu, zaštitu od polno prenosivih bolesti i sudsko-medicinske preglede;
5. Sprovođenje programa specijalizovanih savetovaništva za žrtve nasilja, prilagođenih individualnim potrebama, uključujući i žrtve iz osetljivih društvenih grupa.

Osim zakona i strategija značajno je osvrnuti se i na opšte i posebne protokole koji regulišu postupanje i saradnju. Pre svega, **Opšti protokol o postupanju i multi-sektorskoj saradnji u situacijama rodno zasnovanog nasilja prema ženama i nasilja u porodici**<sup>48</sup> koji je usvojen 2024. godine i definiše funkcionisanje mehanizama odgovora na RZN i nasilje u porodici, sa posebnim naglaskom na multisektorsku saradnju u procesu zaštite od nasilja. Pored ovog, 2022. usvojen je **Opšti protokol za zaštitu dece od nasilja**<sup>49</sup> koji definiše više od 20 oblika nasilja prema deci, među kojima su fizičko i vršnjačko nasilje, nasilje u porodici, seksualno i digitalno nasilje, zloupotreba dečijeg rada i dečiji brak kao oblik nasilja kojim se grubo krše prava deteta. Opšti cilj ovog protokola jeste obezbeđivanje sistemske kontinuirane prevencije svih oblika nasilja nad decom i kreiranje efikasnih, inter sektorskih mera zaštite kada postoji sumnja ili saznanje o nasilju koje uključuje decu.

Osim Opštih protokola primenjuju se i posebni protokoli na sektorskom nivou i protokoli za postupanje nadležnih institucija koji saradnju između policije, pravosuđa, centara za socijalni rad i ženskih SŽ NVOu slučajevima nasilja.

48 Opšti protokol o postupanju i multisektorskoj saradnji u situacijama rodno zasnovanog nasilja prema ženama i nasilja u porodici. <https://www.mpravde.gov.rs/files/Закључак%20Владе%20%20о%20усвајању%20Општег%20протокола%2029.3.2024.pdf> (pristupljeno 13/10/2024).

49 Opšti protokol za zaštitu dece od zlostavljanja i zanemarivanja. [https://www.paragraf.rs/propisi/opsti\\_protokol\\_za\\_zastitu\\_dece\\_od\\_zlostavljanja\\_i\\_zanemarivanja.html](https://www.paragraf.rs/propisi/opsti_protokol_za_zastitu_dece_od_zlostavljanja_i_zanemarivanja.html) (pristupljeno 03/10/2024).



- **Poseban protokol Ministarstva zdravlja za zaštitu i postupanje sa ženama izloženim nasilju (2010)**<sup>50</sup>, je instrument za prepoznavanje, evidentiranje i dokumentovanje rodno zasnovanog nasilja, s ciljem uključivanja zdravstvenih radnika i reakcije na planu detekcije, suzbijanja i prevencije ovog nepoželjnog društvenog fenomena.
- **Poseban protokol o postupanju policijskih službenika u slučajevima nasilja prema ženama u porodici i u partnerskim odnosima**<sup>51</sup> (2013), ima za cilj da standardizuje postupanje policijskih službenika u slučajevima nasilja prema ženama u porodici i partnerskim odnosima, kao i specijalizacije određenih policijskih službenika koji će biti angažovani prilikom postupanja u ovim slučajevima.
- **Poseban protokol o postupanju centara za socijalni rad - organa starateljstva, u slučajevima nasilja prema ženama u porodici i u partnerskim odnosima**<sup>52</sup> (2013), usvojen je s ciljem stvaranja sveukupne koordinacione uloge centara za socijalni rad u odgovoru na pojavu nasilja u porodici i partnerskim odnosima.
- **Poseban protokol za pravosuđe u slučajevima nasilja prema ženama u porodici i u partnerskim odnosima (2014)**<sup>53</sup>, ima za cilj prepoznavanje, prevenciju i pružanje pravne i druge stručne pomoći ženama žrtvama nasilja u porodici i partnerskim odnosima.

50 Poseban protokol Ministarstva zdravlja za zaštitu i postupanje sa ženama izloženim nasilju (2010). [https://pravdeteta.ombudsman.org.rs/attachments/653\\_ProtokolMZRSZaZastituPostupanjeSaZenamaKojieSulzlozeneNasilju.pdf](https://pravdeteta.ombudsman.org.rs/attachments/653_ProtokolMZRSZaZastituPostupanjeSaZenamaKojieSulzlozeneNasilju.pdf) (pristupljeno 03/10/2024).

51 Poseban protokol o postupanju policijskih službenika u slučajevima nasilja prema ženama u porodici i u partnerskim odnosima [https://www.paragraf.rs/propisi/posebni\\_protokol\\_o\\_postupanju\\_policijskih\\_sluzbenika\\_u\\_zastiti\\_maloletnih\\_lica\\_od\\_zlostavljanja\\_i\\_zanemarivanja.html](https://www.paragraf.rs/propisi/posebni_protokol_o_postupanju_policijskih_sluzbenika_u_zastiti_maloletnih_lica_od_zlostavljanja_i_zanemarivanja.html) (pristupljeno 03/10/2024).

52 Poseban protokol o postupanju centara za socijalni rad - organa starateljstva, u slučajevima nasilja prema ženama u porodici i u partnerskim odnosima <https://www.minrzs.gov.rs/sites/default/files/2018-11/Posebni%20protokol%20MRZSP%20nasilje%20u%20porodici.pdf> (pristupljeno 03/10/2024).

53 Poseban protokol za pravosuđe u slučajevima nasilja prema ženama u porodici i u partnerskim odnosima (2014), <https://hrcvr.org/wp-content/uploads/2020/09/Posebni-protokol-za-pravosu%C4%91e-u-slu%C4%8Dajevima-nasilja-nad-%C5%BEenama-u-porodici-i-partnerskim-odnosima.pdf> <https://www.minrzs.gov.rs/sites/default/files/201811/Posebni%20protokol%20MRZSP%20nasilje%20u%20porodici.pdf> (pristupljeno 03/10/2024).



## 1.4 Zakonske nadležnosti institucija i ustanova

### 1.4.1 Ministarstvo unutrašnjih poslova

**Policija**, u skladu sa Zakonom o policiji<sup>54</sup>, ima ključnu ulogu u zaštiti i podršci žrtvama nasilja. Prema čl.28 ovog Zakona policijski službenici „dužni su da, u saradnji sa drugim nadležnim organima, odmah preduzmu potrebne mere i radnje u skladu sa zakonom, čijim vršenjem se sprečava odnosno zaustavlja nasilje koje za posledicu može da ima nanošenje telesnih povreda ili lišenje života<sup>55</sup>“. Policija saraduje sa drugim institucijama, poput tužilaštva i centara za socijalni rad, kako bi omogućila koordinisani pristup u rešavanju slučajeva nasilja.

### 1.4.2 Uloga javnih tužilaštava

Javno tužilaštvo Republike Srbije čine Vrhovno javno tužilaštvo, apelaciona javna tužilaštva, viša javna tužilaštva, osnovna javna tužilaštva i javna tužilaštva posebne nadležnosti<sup>56</sup>. Vrhovno javno tužilaštvo, kao najviša instanca, obavlja nadzornu i koordinacionu funkciju u radu nižih tužilaštava. **Osnovna javna tužilaštva** krivično gone učiniocima krivičnih dela za koja je zaprećena kazna zatvora do 10 godina, a **viša javna tužilaštva** krivično gone učiniocima krivičnih dela za koja je zaprećena kazna zatvora preko 10 godina kao druga zakonom predviđena krivična dela.<sup>57</sup>

### 1.4.3 Centri za socijalni rad i ustanove socijalne zaštite.

**Centri za socijalni rad**, u skladu sa Zakonom o socijalnoj zaštiti<sup>58</sup>, **pružaju širok spektar usluga podrške žrtvama porodičnog i rodno zasnovanog nasilja, uključujući seksualno nasilje**. To uključuje psihološku podršku, smeštaj u sigurne kuće, pravnu pomoć, ekonomsku podršku i pomoć u reintegraciji u društvo.

54 Zakon o policiji, čl. 28 Postupanje policije u slučaju nasilja u porodici („Službeni glasnik RS”, br. 101/2016) [https://www.paragraf.rs/propisi/zakon\\_o\\_policiji.html](https://www.paragraf.rs/propisi/zakon_o_policiji.html) (pristupljeno 5. 7. 2024).

55 Ibid.

56 Zakon o javnom tužilaštvu, čl.13 Vrste javnih tužilaštva („Službeni glasnik RS”, br. 10/2023) [https://www.paragraf.rs/propisi/zakon\\_o\\_javnom\\_tuzilastvu.html](https://www.paragraf.rs/propisi/zakon_o_javnom_tuzilastvu.html) (pristupljeno 25/10/2024).

57 Dostupno na: <http://www.vrhovnojt.gov.rs/sr/organizacija/javno-tu%C5%BEila%C5%A1tvo-republike-srbije/uvodna-re%C4%8D-vrhovnog-javnog-tu%C5%BEioca> (pristupljeno 25/10/2024).

58 Zakon o socijalnoj zaštiti, („Službeni glasnik RS”, br. 24/2011, 110/2012 - dr. zakon, 93/2014 i 88/2019) [https://www.paragraf.rs/propisi/zakon\\_o\\_socijalnoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html) (pristupljeno 5. 7. 2024).



**Ustanove socijalne zaštite** osnivaju se radi ostvarivanja prava u oblasti socijalne zaštite i pružanja usluga socijalne zaštite utvrđenih ovim zakonom, kao i radi obavljanja razvojnih, savetodavnih, istraživačkih i drugih stručnih poslova u socijalnoj zaštiti i ostvarivanja drugog zakonom utvrđenog interesa<sup>59</sup>.

Prema članu 40. Zakona o socijalnoj zaštiti<sup>60</sup>, usluge socijalne zaštite podeljene su u sledeće grupe:

- 1) **usluge procene i planiranja** - procena stanja, potreba, snaga i rizika korisnika i drugih značajnih osoba u njegovom okruženju; procena staratelja, hranitelja i usvojitelja; izrada individualnog ili porodičnog plana pružanja usluga i mera pravne zaštite i drugih procena i planova;
- 2) **dnevne usluge u zajednici** - dnevni boravak; pomoć u kući; svratište i druge usluge koje podržavaju boravak korisnika u porodici i neposrednom okruženju;
- 3) **usluge podrške za samostalan život** - stanovanje uz podršku; personalna asistencija; obuka za samostalni život i druge vrste podrške neophodne za aktivno učešće korisnika u društvu;
- 4) **savetodavno-terapijske i socijalno-edukativne usluge** - intenzivne usluge podrške porodici koja je u krizi; savetovanje i podrška roditelja, hranitelja i usvojitelja; podrška porodici koja se stara o svom detetu ili odraslom članu porodice sa smetnjama u razvoju; održavanje porodičnih odnosa i ponovno spajanje porodice; savetovanje i podrška u slučajevima nasilja; porodična terapija; medijacija; SOS telefoni; aktivacija i druge savetodavne i edukativne usluge i aktivnosti;
- 5) usluge smeštaja - smeštaj u srodničku, hraniteljsku ili drugu porodicu za odrasle i starije; domski smeštaj; smeštaj u prihvatilište i druge vrste smeštaja.

Za razliku od Zakona o rodnoj ravnopravnosti, gde su usluge vezane za rodno zasnovano i porodično nasilje usklađene sa međunarodnim okvirom (Istanbulskom konvencijom) u ovom Zakonu one nisu usklađene sa međunarodnim okvirima i ne ukazuju na značaj specijalizovanih usluga za žrtve rodno zasnovanog i porodičnog nasilja.

59 Ibid. Čl.10

60 Ibid. Čl.40.



#### 1.4.4 Sistem zdravstvene zaštite

**Sistem zdravstvene zaštite**, u skladu sa Zakonom o zdravstvenoj zaštite<sup>61</sup> ima ključnu ulogu u pružanju podrške ženama koje su preživjele seksualno nasilje. Zdravstvene ustanove pružaju niz usluga, uključujući hitnu medicinsku pomoć, zdravstvene preglede, lečenje fizičkih i psihičkih posledica nasilja, kao i pružanje psihološke podrške.

Zakon o zdravstvenom osiguranju<sup>62</sup> prepoznaje žrtve nasilja u porodici kao lica koja se smatraju osiguranicima i u slučaju kada ne ispunjavaju zakonom propisane uslove za sticanje svojstva osiguranika ili da budu osigurana kao članovi porodice. Prema Pravilniku o nomenklaturi zdravstvenih usluga na primarnom nivou zdravstvene zaštite<sup>63</sup> prepoznaje uslugu zbrinjavanja žrtve nasilja i pruža mogućnost za praćenje i analizu broja pruženih usluga.

Takođe postoji i poseban protokol Ministarstva zdravlja Republike Srbije za zaštitu i postupanje sa ženama koje su izložene nasilju koji je usmeren na položaj žene žrtve nasilja i prepoznaje da nasilje ne rezultira samo akutnim stanjima i povredama, već i nizom zdravstvenih stanja i bolesti koje nastaju kao posledica izloženosti žene nasilju<sup>64</sup>.

#### 1.4.5 Specijalizovane ženske nevladine organizacije

**Specijalizovane ženske nevladine organizacije (SŽ NVO)**, u skladu sa Zakonom o socijalnoj zaštiti<sup>65</sup>, pružaju podršku žrtvama nasilja na lokalnom nivou kroz specijalizovane usluge kao što su SOS telefoni, centri za žrtve seksualnog nasilja i sigurne kuće. Prema Pravilniku o bližim uslovima i standardima pružanja usluge socijalne zaštite<sup>66</sup> uslovi za licenciranje usluga uklju-

61 Zakon o zdravstvenoj zaštiti, („Sl. glasnik RS”, br. 25/2019) [https://www.paragraf.rs/propisi/zakon\\_o\\_zdravstvenoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_zdravstvenoj_zastiti.html)

62 Zakon o zdravstvenom osiguranju, član 16. (Sl. Glasnik RS” br. 25/2019 i 92/2023) [https://www.paragraf.rs/propisi/zakon\\_o\\_zdravstvenom\\_osiguranju.html](https://www.paragraf.rs/propisi/zakon_o_zdravstvenom_osiguranju.html)

63 Pravilnik o nomenklaturi zdravstvenih usluga na primarnom nivou zdravstvene zaštite („Službeni glasnik RS”, br. 70/2019, 42/2020 i 74/2021).

64 Posebni protokol Ministarstva zdravlja Republike Srbije za zaštitu i postupanje sa ženama koje su izložene nasilju. Dostupan na: [https://pravdeteta.ombudsman.org.rs/attachments/653\\_ProtokolMZRSZaZastituPostupanjeSaZenamaKojesuIzlozeneNasilju.pdf](https://pravdeteta.ombudsman.org.rs/attachments/653_ProtokolMZRSZaZastituPostupanjeSaZenamaKojesuIzlozeneNasilju.pdf)

65 Zakon o socijalnoj zaštiti, („Sl. glasnik RS”, br. 24/11 i 117/2022) [https://www.paragraf.rs/propisi/zakon\\_o\\_socijalnoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html) (pristupljeno 5/7/2024)

66 Pravilnik o bližim uslovima i standardima pružanja usluga socijalne zaštite („Sl. glasnik RS”, br. 42/2013, 89/2018 i 73/2019)



čuju specifične kriterijume vezane za infrastrukturu, organizaciju i osoblje.

Pored ovog pravilnika, značajno je pomenuti i Pravilnik o bližim uslovima i standardima za pružanje usluge SOS telefona za žene sa iskustvom nasilja<sup>67</sup> kojim se propisuju se bliži uslovi i minimalni standardi za pružanje usluge SOS telefona ženama sa iskustvom rodno zasnovanog nasilja iz grupe savetodavno-terapijskih i socijalno-edukativnih usluga predviđenih Zakonom o socijalnoj zaštiti. Ovaj pravilnik ističe važnost pružanja anonimne i poverljive podrške, zasnovane na principima sigurnosti, osnaživanja i poštovanja ljudskog dostojanstva. Takođe, preciziraju se aktivnosti koje usluga obuhvata, kao što su informisanje, savetodavna podrška, procena rizika i upućivanje na druge relevantne službe. Pravilnik takođe naglašava neophodnost adekvatne obuke i stručnosti osoblja koje pruža uslugu, kao i važnost među sektorske saradnje u cilju pružanja sveobuhvatne pomoći ženama sa iskustvom nasilja.

Rad specijalizovanih ženskih nevladinih organizacija doprinosi osnaživanju žrtava, podizanju svesti o problemu seksualnog nasilja i promovisanju pozitivnih promena u društvu. **SŽ NVO često funkcionišu kao prvo mesto za podršku žrtvama i pružaju im sigurno okruženje za izražavanje i oporavak.** Značajno je napomenuti da su SŽ NVO koje pružaju usluge podrške umrežene sa ciljem zajedničkog rada na ovoj tematici.

#### Mreža Žene protiv nasilja

**Mreža Žene protiv nasilja je nastala u kontinuitetu ženskog umrežavanja u Srbiji oko pitanja smanjenja nasilja prema ženama**, 2005. godine, sa osnovnim ciljem osnaživanja i povezivanja specijalističkih ženskih organizacija koje pružaju usluge ženama koje su preživjele nasilje.<sup>68</sup>

Mreža okuplja udruženja koja pružaju direktnu podršku ženama sa iskustvom nasilja u porodici ili se nasiljem prema ženama bave putem istraživanja, zagarovanja ženskih prava na život bez nasilja, edukacije, lobiranja ili na drugi način.

(pristupljeno 5/7/2024)

67 Pravilnik o bližim uslovima i standardima za pružanje usluge SOS telefona za žene sa iskustvom nasilja („Sl. glasnik RS”, br. 93/2015 i 90/2020) [http://demo.paragraf.rs/demo/combined/Old/t/t2020\\_06/SG\\_090\\_2020\\_001.htm](http://demo.paragraf.rs/demo/combined/Old/t/t2020_06/SG_090_2020_001.htm)

68 U maju 2024. godine Mreža je registrovana kao pravno lice.



## Mreža SOS Vojvodina

**Tokom 2012. godine, formirana je mreža specijalizovanih organizacija za pomoć i podršku žrtvama nasilja pod nazivom Mreža SOS Vojvodina.**

Mreža je registrovana kao pravno lice 2017. godine i čini je pet organizacija sa teritorije Vojvodine „Centar za podršku ženama“ (Kikinda), „...IZ KRUGA – VOJVODINA“ (Novi Sad) „SOS ženski centar“ (Novi Sad), „Udruženje Roma Novi Bečej – SOS telefon na jezicima nacionalnih manjina“ (Novi Bečej) i Zrenjaninski edukativni centar (Zrenjanin).

Mreža SOS Vojvodina pruža usluge iz četvrte grupe socijalnih usluga u skladu sa Zakonom o socijalnoj zaštiti Republike Srbije – savetodavno-terapijske i socijalno-edukativne usluge koje podrazumevaju, između ostalog, savetovanje i podršku u slučajevima nasilja, usluge SOS telefona, aktivacija i druge savetodavne i edukativne usluge i aktivnosti. Mreža SOS Vojvodina je licencirani pružalac usluge SOS telefona.<sup>69</sup>

## Centri za žrtve seksualnog nasilja u Vojvodini

Prema Istanbulskoj konvenciji, država je dužna da obezbedi otvaranje adekvatnog broja kriznih centara namenjenih žrtvama seksualnog nasilja (CŽSN), kako bi im bila dostupne usluge lekarskog i laboratorijskog pregleda, podrška u slučaju traume i savetovanje (član 25).

**U Srbiji, u skladu sa Istanbulskom konvencijom, trenutno funkcioniše pet Centara za žrtve seksualnog nasilja.** Ovi centri funkcionišu u okviru četiri zdravstvene ustanove u Autonomnoj pokrajini Vojvodini: Opšta bolnica Kikinda, Opšta bolnica „Đorđe Joanović“ u Zrenjaninu, Opšta bolnica Sremska Mitrovica i Opšta bolnica Vrbas. Pored toga, jedan centar se nalazi u okviru Univerzitetskog kliničkog centra Vojvodine na Klinici za ginekologiju i akušerstvo u Novom Sadu.<sup>70</sup> U novembru 2024. godine, CSR je osnovao peti Centar za žrtve seksualnog nasilja (CŽSN) u AP Vojvodini, u GH Vrbas, koji omogućava veći pokrivenost i dostupnost usluga podrške za više žena i devojčica u Vojvodini, pokrivajući okruge Severne i Centralne Bačke, kroz projekat EIDHR „Korak napred – Unapređenje usluga za žrtve seksualnog

<sup>69</sup> Broj licence: 366 od 19.03.2018.

<sup>70</sup> Centar za žrtve seksualnog nasilja u okviru Opšte bolnice u Vrbasu počeo je sa radom u novembru 2024. godine, dok ostali centri funkcionišu od 2016. godine.



nasilja u Vojvodini“. Ovi centri pružaju integrisane usluge koje uključuju medicinsku pomoć, sudsko-medicinske preglede i psihosocijalnu podršku.

Centri za žrtve seksualnog nasilja (CŽSN) osnovani su 2016. godine i pružaju specijalizovanu uslugu podrške koja je jedinstvena u Republici Srbiji i postoji samo na teritoriji AP Vojvodine. Ne postoji nijedna druga institucija ili ženska organizacija koja pruža sličnu uslugu u Srbiji. Njihovo osnivanje predviđeno je Istanbulskom konvencijom, kao i Odlukom o Programu zaštite žena od nasilja u porodici i partnerskim odnosima i drugih oblika nasilja prema ženama u AP Vojvodini od 2023. do 2026. godine, kao jedna od mera za prevenciju nasilja i omogućava ženama i devojčicama da prevaziđu traumu seksualnog nasilja i nastave život bez iskustva nasilja.

CŽSN funkcionišu u skladu sa principima i standardima utvrđenim Istanbulskom konvencijom i dostupni su svim ženama koje su doživele seksualno nasilje, 24 sata, 7 dana u nedelji. Centar za podršku ženama je potpisao Memorandum o razumevanju i sporazume o saradnji sa ovih pet zdravstvenih ustanova radi upravljanja funkcionisanjem CŽSN i pružanja psihosocijalne podrške žrtvama seksualnog nasilja, dok su zdravstvene ustanove razvile interne procedure i formirale radne grupe za praćenje sprovođenja utvrđenih procedura u pružanju usluga podrške.

CŽSN pružaju sveobuhvatnu podršku ženama žrtvama seksualnog nasilja (medicinsku/forenzičku, savetodavnu i psihosocijalnu podršku). Medicinsku podršku pružaju zdravstveni radnici iz bolnica, dok savetnice za pružanje psihološke i psihosocijalne podrške angažuje nevladina organizacija (Centar za podršku ženama). Specijalizovane usluge podrške koje se pružaju u CŽSN uključuju psihološku podršku - kriznu intervenciju u roku od 72 sata, kao i produženu psihološku i psihosocijalnu podršku.



# 2

## RASPROSTRANJENOST I KARAKTERISTIKE SEKSUALNOG NASILJA U SRBIJI



# 2

## RASPROSTRANJENOST I KARAKTERISTIKE SEKSUALNOG NASILJA U SRBIJI

Seksualno nasilje predstavlja ozbiljan društveni problem koji utiče na sve aspekte života žrtava, uključujući fizičko i mentalno zdravlje, socijalnu integraciju i ekonomsku stabilnost. Doživljeno nasilje ne prouzrokuje samo fizičke posledice, već kao posledicu ima dugotrajne posledice psihičke prirode.<sup>71</sup>

Nasilje prema ženama pogađa žene svih uzrasta, bez obzira na visinu ličnih primanja i žene iz svih delova zemlje<sup>72</sup>. Prema izveštaju Organizacije za evropsku bezbednost i saradnju (OEBS) iz 2019. godine saznajemo da je u Srbiji **više od polovine anketiranih žena starijih od 15 godina doživelo neki oblik rodno zasnovanog nasilja, dok je skoro trećina doživela seksualno uznemiravanje.**<sup>73</sup>

„Istraživanje o rodno zasnovanom nasilju i drugim oblicima međuljudskog nasilja“ iz 2021.godine<sup>74</sup> pokazuje da je čak 22% žena nakon navršene 15. godine doživelo fizičko i/ili seksualno nasilje u vezi ili van nje, a 11% žena suoči se sa uhođenjem. **Ovi podaci ukazuju na visok nivo nasilja kojem su žene izložene u različitim fazama života i društvenim kontekstima.**

<sup>71</sup> Republički zavod za statistiku (2022) Žena žrtva nasilja iz ugla statistike. Dostupno na: <https://www.stat.gov.rs/media/358199/g20226007.pdf> (pristupljeno 5. 7. 2024).

<sup>72</sup> Babović, M., & Reljanović, M. (2019). Istraživanje o dobrobiti i bezbednosti žena: Izveštaj za Srbiju. OEBS. Dostupno na: <https://www.osce.org/files/f/documents/d/5/473256.pdf> (pristupljeno 5. 7. 2024).

<sup>73</sup> Ibid.

<sup>74</sup> Babović, M. (2022). Kvalitet života i bezbednost žena. Republički zavod z statistiku Srbije. <https://publikacije.stat.gov.rs/G2022/Pdf/G20226006.pdf> (pristupljeno 5. 7. 2024).



S druge strane, istraživanje o bezbednosti i kvalitetu života žena<sup>75</sup> pokazuje da je **seksualno uznemiravanje na radnom mestu u Srbiji češće od partnerskog i ne partnerskog seksualnog nasilja**. Najčešći oblik uznemiravanja je neprimereno ili bestidno gledanje, koje je iskusila svaka treća žena (33,2%)<sup>76</sup>. Nepristojne šale sa seksualnim sadržajem i uvredljivi komentari o telu ili privatnom životu doživelo je 22,1% žena, dok je neprikladne sugestije za izlazak iskusilo 19,2% žena<sup>77</sup>.

Kada je reč o devojkama mlađim od 15 godina, „Studija o zlostavljanju i zanemarivanju dece u Srbiji“ otkriva da je **8,49% dece uzrasta od 11 do 16 godina navelo da ima najmanje jedno iskustvo seksualnog nasilja, dok je 10,8% iskusilo neki oblik seksualnog nasilja tokom života**<sup>78</sup>.

**U Republici Srbiji se svake godine povećava broj prijavljenih slučajeva nasilja u porodici**<sup>79</sup>. Jedna od ključnih prepreka za prijavljivanje nasilja, koja je identifikovana u OEBS-ovom kvalitativnom i kvantitativnom istraživanju o nasilju prema ženama sprovedenom u Srbiji u proleće/leto 2018. godine<sup>80</sup>, bila je sramota pogotovo ako je u pitanju nasilje u porodici i braku. Pored sramote žene su navodile ekonomsku zavisnost, strah od osvete i nepoverenje nadležnih službi kao glavne prepreke u prijavljivanju nasilja<sup>81</sup>. Dodatno, **u manjim gradovima su se plašile da će počinitelj izbeći odgovornost za nasilje jer je dobro povezan sa pojedincima u nadležnim institucijama**<sup>82</sup>.

**Stopa prijavljivanja nasilja prema ženama još uvek je niska**: samo 25% žena koje su trpele nasilje od strane bivšeg partnera prijavilo je nasilje policiji, 18% onih koje su doživele proganjanje, i svega 3% žena prijavilo je policiji seksualno uznemiravanje<sup>83</sup>.

**Situacija je pogotovo zabrinjavajuća kada je reč o ranjivim grupama žena**, kao što su Romkinje, žene sa invaliditetom i žene sa sela. Konkretno, u

75 Ibid.

76 Ibid.

77 Ibid.

78 UNICEF. (2021). Research on Adverse Childhood Experiences in Serbia (ACE). Dostupno na: <https://www.unicef.org/serbia/en/research-adverse-childhood-experiences-serbia-ace> (pristupljeno 5. 7. 2024).

79 Stepanov, B. (2022). Nasilje u porodici: Šta nam podaci govore. UNDP. Dostupno na: <https://www.undp.org/sr/serbia/publications/nasilje-u-porodici-sta-govore-podaci> (pristupljeno 5. 7. 2024).

80 OEBS, Istraživanje o dobrobiti i bezbednosti žena: Izveštaj za Srbiju, 2019. Dostupno na: [https://www.osce.org/files/f/documents/7/5/419756\\_1.pdf](https://www.osce.org/files/f/documents/7/5/419756_1.pdf) (pristupljeno 5. 7. 2024).

81 Ibid.

82 Ibid.

83 Ibid.



Srbiji su retka istraživanja o nasilju prema Romkinjama.<sup>84</sup> Izveštaj iz senke odboru GREVIO NVO Bibija o rasprostranjenosti nasilja prema Romkinjama, iz 2017. godine, pokazuje da je **nasilje prema Romkinjama u porodičnim i partnerskim odnosima ozbiljan društveni problem**<sup>85</sup>. Od ukupnog broja ispitanih žena, 91,9% je bilo izloženo nekom obliku fizičkog i/ili seksualnog nasilja nakon navršene 18. godine<sup>86</sup>. Iz istog izveštaja saznajemo da se tek 27,6% ispitanih Romkinja okrenulo nekoj instituciji ili organizaciji za pomoć odmah nakon poslednjeg čina nasilja koji je počinjen nad njima, dok je samo 8,8% Romkinja prvo obavestilo policiju nakon što je počinjeno nasilje nad njima<sup>87</sup>.

**U većini slučajeva Romkinje nisu prijavile nasilje policiji** zbog nekoliko ključnih faktora: plašile su se daljeg nasilja (34,9%); bilo ih je sramota (31,5%); mislile su da zlostavljanje nije dovoljno ozbiljno da bi se opravdalo pozivanje policije (14,4 odsto) nisu verovala da će policija pomoći Romkinjama (5 odsto); i iz iskustva znaju da policija ne bi pomogla (3%)<sup>88</sup>.

**Žene sa invaliditetom su**, u poređenju sa ženama bez invaliditeta, **natprosečno izložene nasilju, zlostavljanju i zanemarivanju**<sup>89</sup>. Žene sa intelektualnim i mentalnim invaliditetom suočavaju se sa mnogo većim rizikom da postanu žrtve seksualnog nasilja od žena bez invaliditeta i žena sa fizičkim invaliditetom<sup>90</sup>. Rizik se dodatno povećava od trenutka kada se žena smesti u rezidencijalnu instituciju<sup>91</sup>.

Zabrinjavajući su i podaci da **više od polovine zdravstvenih radnika nije upoznato sa svojom zakonskom obavezom da vodi pisane izveštaje i evidencije o slučajevima RZN**<sup>92</sup>. Pružaoci zdravstvenih usluga su u zakonskoj obavezi da vode evidenciju i izveštaje o sumnji na slučajeve RZN, ali većina radnika nije upoznata sa tom obavezom. Svaki četvrti pružalac zdra-

84 Romski ženski centar Bibija. (2017). Monitoring javnih politika: efekti Dekade Roma na položaj Romkinja u Republici Srbiji. Dostupno na: [https://www.bibija.org.rs/wp-content/uploads/2021/02/Prelom\\_BOS1-1.pdf](https://www.bibija.org.rs/wp-content/uploads/2021/02/Prelom_BOS1-1.pdf) (pristupljeno 5. 7. 2024).

85 Ženski prostor i Romski ženski centar Bibija. (2018). Izveštaj iz senke odboru GREVIO – Nasilje nad Romkinjama u Republici Srbiji. Beograd. Dostupno na: <https://www.bibija.org.rs/publikacije/2023/01/17/shadow-report-to-the-grevio-committee-violence-against-roma-women-in-the-republic-of-serbia/> (pristupljeno 5. 7. 2024).

86 Ženski prostor i Romski ženski centar Bibija. (2018). Izveštaj iz senke odboru GREVIO – Nasilje nad Romkinjama u Republici Srbiji.

87 Ibid.

88 Ibid.

89 Strategija za sprečavanje i borbu protiv rodno zasnovanog nasilja prema ženama i nasilja u porodici za period 2012-2025. godine ("Službeni glasnik RS" br. 47/2021.) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/47/1/reg> (pristupljeno 5/7/2024)

90 Ibid.

91 Ibid.

92 Ibid.



vstvenih usluga nikada nije zabeležio izveštaje pacijenata o izloženosti nasilju u svojim dosijeima pacijenata, dok svaki treći zdravstveni radnik nikada nije dokumentovao fizičke povrede u svojim dosijeima<sup>93</sup>.

**Zdravstveni radnici/ce još uvek nisu u dovoljnoj meri uključeni u prevenciju i suzbijanje RZN/SN**, uprkos edukacijama o prepoznavanju i adekvatnom dokumentovanju nasilja<sup>94</sup>. Obuke za zdravstvene radnike/ce i saradnike/ce sprovode zdravstvene ustanove kroz akreditovane programe u okviru kontinuirane edukacije, ali ne postoje javno dostupni podaci o broju ovih programa<sup>95</sup>.

**Ne postoji objedinjena i javno dostupna evidencija o broju polaznika obuka.** Nevladine organizacije, poput Centra za podršku ženama, sprovode akreditovane edukacije. Konkretno, CPŽ sprovodi sledeće obuke: „Praktična primena procedure rada sa decom žrtvama seksualnog zlostavljanja“ (akreditovana kod Ministarstva za rad, zapošljavanje, boračka i socijalna pitanja br.002087997/12 2024), „Uloga i postupanje Centra za socijalni rad prilikom prijave sumnje na seksualno zlostavljanje dece i prilikom kriznih intervencija“ (akreditovana kod Ministarstva za rad, zapošljavanje, boračka i socijalna pitanja br. 000299833/1 2023), „Korak napred – Program obuke za rad na SOS telefonu za žene sa iskustvom nasilja“, „Program obuke - Primena novog Opšteg protokola o postupanju i multisektorskoj saradnji u situacijama rodno zasnovanog nasilja prema ženama i porodičnog nasilja“, „Program edukacije zdravstvenih radnika“ (akreditovna kod Lekarske komore Srbije br. 153-02-00118/2023-01), „Edukacija za zdravstvene radnike – nacionalni kurs I kategorije (akreditovana kod Lekarske komore Srbije br. 153-02-00131/2025-01)“<sup>96</sup>.

93 Ibid.

94 Strategija za sprečavanje i borbu protiv rodno zasnovanog nasilja prema ženama i nasilja u porodici za period 2021–2025. godine („Sl. glasnik RS“, br. 47/2021) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/47/1/reg> (pristupljeno 5/7/2024)

95 Ibid.

96 Centar za podršku ženama <https://www.cpz.rs/>

3



# 3

## METODOLOGIJA ISTRAŽIVANJA



# 3

## METODOLOGIJA ISTRAŽIVANJA

Istraživanje "Mapiranje dostupnosti usluga podrške žrtvama seksualnog nasilja i iskustvo žena u korišćenju usluga u Srbij" je sprovedeno u nekoliko faza u periodu od maja do septembra 2024.godine. **U prvoj (pripreмноj) fazi** pregledani su svi relevantni dokumenti i dostupni podaci kako bi istraživački tim bolje razumeo trenutnu situaciju kada je reč o dostupnosti usluga podrške. Zatim, na osnovu rezultata **desk pregleda**, druga **kvantitativna faza istraživanja** koja se sastojala iz dve komponente.

**Prva komponenta je uključivala analizu statističkih podataka iz zvaničnih izvora**, kao što su godišnju izveštaji Ministarstva unutrašnjih poslova, Vrhovnog javnog tužilaštva, Republičkog zavoda za socijalnu zaštitu, ali i SŽ NVO koji pružaju specijalizovane usluge podrške ženama i devojkama žrtvama RZN/SN nasilja.

**Druga komponenta je predstavljala analizu podataka dobijenih putem onlajn upitnika distribuiranog prethodno mapiranim NVO, članicama Mreže žena protiv nasilja, Mreže SOS Vojvodina i centrima za socijalni rad sa teritorije cele Srbije.** Mapirane ustanove i organizacije su anketirane o različitim aspektima rada i načinima pružanja usluga podrške ženama sa iskustvom seksualnog nasilja. Kriterijum selekcije bio je da ove organizacije i institucije pružaju direktnu podršku ženama sa iskustvom seksualnog nasilja.



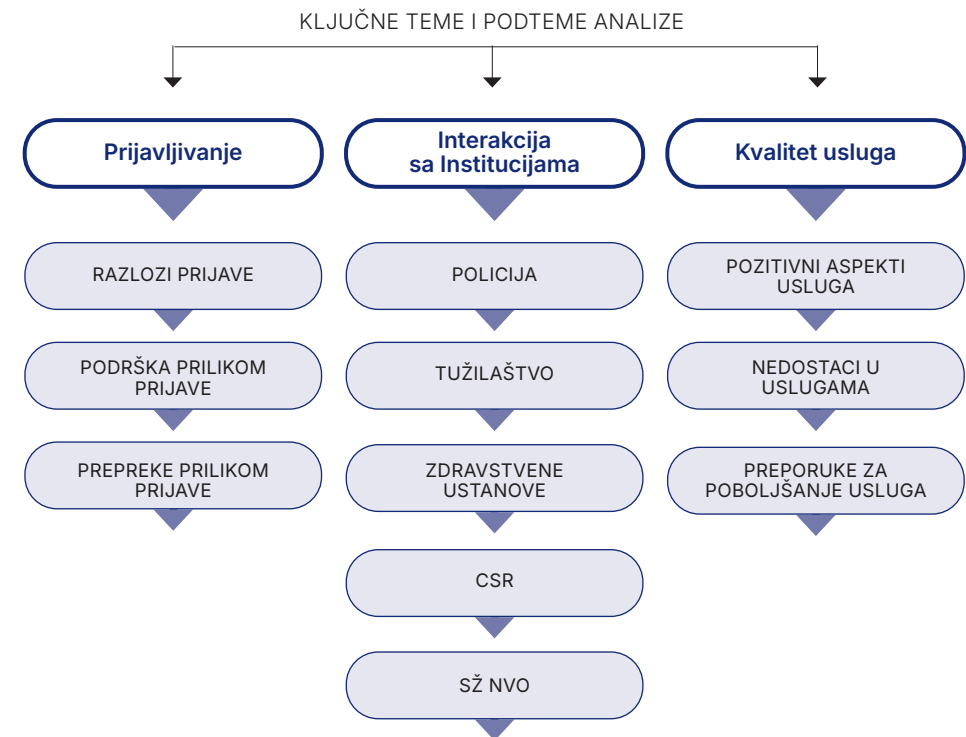
Ova komponenta je imala dvojak cilj. Pored uvida o kvalitetu i dostupnosti usluga podrške koju pružaju ove organizacije, **anketa je poslužila kao mehanizam izbora sagovornica za poslednju fazu istraživanja** – kvalitativnu analizu dubinskih intervju sa ženama i devojkama koje su prijavile seksualno nasilje i zatražile podršku SŽ NVO.

Upitnik je distribuiran, putem platforme Survey Monkey, na adrese ukupno 25 SŽ NVO, članicama Mreže Žene protiv nasilja i Mreže SOS VOjvodina, od kojih je 13 popunilo upitnik. Osim toga, upitnik je poslat i na 13 ustanova (centri za socijalni rad i centri za pružanje usluga socijalne zaštite) koje pružaju usluge prihvatilišta za žene žrtve nasilja, a od kojih je na upitnik odgovorilo 6.

**Treća i istovremeno i ključna komponenta istraživanja je bilo kvalitativno istraživanje koje je imalo za cilj da pruži detaljniju sliku o uslugama dostupnim žrtvama seksualnog nasilja iz perspektive žena i devojaka koje su prijavile SN.** Ova faza istraživanja je podrazumevala sprovođenje dubinskih intervju sa ženama i devojkama iz različitih delova Srbije koje su prijavile seksualno nasilje i bile voljne da podele svoja iskustva.

Sve sagovornice su doživele i prijavile seksualno nasilje, a njihova iskustva pružaju značajan uvid u izazove i prepreke sa kojima su se suočile tokom i nakon procesa prijavljivanja. Intervjui su obavljani po najvišim etičkim standardima. Obezbeđena je anonimnost svih sagovornica i poverljivost podataka dobijenih tokom intervju, te je otklonjen svaki rizik od nenamernog otkrivanja ličnih podataka o sagovornicama. Kako bi se izbegla retraumatizacija sagovornica, intervjuje su vodile savetnice iz SŽ NVO koje su i prethodno bile u kontaktu sa sagovornicama i pružale im podršku.

SeConS tim je održao radionicu za savetnice o vođenju intervju i pravilnom popunjavanju beleški. Analiza građe je omogućila identifikaciju ključnih obrazaca i tema u iskustvima sagovornica. Tematska analiza je korišćena kako bi se obradila iskustva žena koje su prijavile seksualno nasilje. Izdvojene su tri ključne teme i nekoliko podtema (vidi sliku 2).



Slika 2 Ključne teme i podteme analize

**Kvalitativna analiza je zasnovana na deset dubinskih intervju sa ženama i devojkama iz Vojvodine i Beograda,** različitih starosnih dobi i socijalnih pozadina, uključujući studentkinje, zaposlene i nezaposlene žene, žene iz urbanih i ruralnih sredina. Najmlađa sagovornica je imala 17 godina, dok najstarija žena, koja je podelila svoja iskustva prijavljivanja, ima 41 godinu. Polovina sagovornica dolazi iz urbanih sredina (Beograd, Novi Sad i dva grada u Vojvodini), a druga polovina iz ruralnih sredina u okolini Beograda i Vojvodine. Jedna sagovornica je majka šestoro dece, dok je jedna sagovornica starija maloletnica i pripadnica romske nacionalnosti. Iako se prema podacima među žrtvama nalaze i žene drugih karakteristika, na žalost u uzorku se nišu našle e osobe sa invaliditetom. Sagovornice su ušle u uzorak tako što su bile otvorene i spremne da govore.



**Tabela 1:** Anonimizovana lista učesnica u kvalitativnom istraživanju

PSEUDONIM	STAROST	SOCIO-EKONOMSKI STATUS	INSTITUCIJA I MESTO PRIJAVE SN
Mara	21 godina	Studentkinja sa sela sa iskustvom porodičnog nasilja (transgeneracijsko nasilje)	Zdravstvena ustanova u manjem mestu u Vojvodini
Teodora	21 godina	Studentkinja iz manjeg grada u Vojvodini.	Policija u Novom Sadu.
Sanja	23 godine	Studentkinja master studija iz Novog Sada	Urgentni centar u Novom Sadu
Ana	17 godina	Učenica iz ruralne sredine. Pripadnica Romske zajednice sa iskustvom seksualnog nasilja u porodici.	Obrazovna institucija koju devojka pohađa u manjem mestu u Vojvodini.
Svetlana	44 godine	Fakultetski obrazovana, nezaposlena iz Novog Sada	Dom zdravlja Novi Sad
Gorica	28 godina	Apsolventkinja, frilenserka iz sela kraj Beograda	Policijskoj upravi u Beogradu
Miroslava	41 godina	Nezaposlena, majka šestoro dece iz Smedereva	Policijska uprava u Velikoj Plani
Anđelija	33 godine	Fakultetski obrazovana, zaposlena iz Beograda	Policijskoj upravi u Beogradu
Zorana	27 godina	Zaposlena iz Beograda, boravila u domu za decu bez roditeljskog staranja, narušeni porodični odnosi.	Bolnica u Beogradu
Tanja	23 godine	Zaposlena iz Beograda, bila u domu za decu bez roditeljskog staranja i u hraniteljskoj porodici, istorijat porodičnog nasilja	Policijska uprava u Beogradu

4



# 4

## PREDSTAVLJANJE I ANALIZA KVANTITATIVNIH NALAZA

- 4.1 Statistički podaci
- 4.2 Podaci onlajn anketnog istraživanja
- 4.3 Podaci onlajn anketnog istraživanja – CSR i Centri za pružanje usluge socijalne zaštite

# 4

## PREDSTAVLJANJE I ANALIZA KVANTITATIVNIH NALAZA

### 4.1 Statistički podaci

Tokom izrade ove studije podneti su zahtevi za pristup informacijama od javnog značaja u vezi sa slučajevima seksualnog nasilja za period od prethodne tri godine (2021–2023). Zahtevi su upućeni institucijama koje su nadležne za zaštitu i podršku žrtvama seksualnog nasilja:

- **Ministarstvo unutrašnjih poslova** (Direkcija policije, Uprava za analitiku): Zatraženi su podaci o broju prijava za krivična dela: silovanje (čl. 178 KZ), obljuba nad nemoćnim licem (čl. 179 KZ), obljuba nad detetom (čl. 180 KZ), obljuba zloupotrebom službenog položaja (čl. 181 KZ), nedozvoljene polne radnje (čl. 182 KZ), polno uznemiravanje (čl. 182a KZ) i podvođenje i omogućavanje vršenja polnog odnosa (čl. 183 KZ). Podaci su traženi za teritoriju Republike Srbije, sa klasifikacijom prema polu žrtve, odnosu između žrtve i učinioca i starosnoj dobi žrtve, međutim Ministarstvo ne raspolaže dokumentom u kom su sadržani podaci o odnosu žrtve i učinioca, kao ni starosne dobi žrtve.
- **Republički zavod za socijalnu zaštitu**: Zatraženi su podaci o broju prijavljenih slučajeva seksualnog nasilja u ustanovama socijalne zaštite za 2021, 2022. i 2023. godinu, sa detaljnim razvrstavanjem prema polu žrtve, odnosu žrtve i učinioca i starosnoj dobi žrtve.



- **Vrhovno javno tužilaštvo:** Zahtevani su podaci o broju podignutih optužnica za krivična dela silovanje (čl. 178 KZ), obljava nad nemoćnim licem (čl. 179 KZ), obljava nad detetom (čl. 180 KZ), obljava zlostupotrebom službenog položaja (čl. 181 KZ), nedozvoljene polne radnje (čl. 182 KZ), polno uznemiravanje (čl. 182a KZ) i podvođenje i omogućavanje vršenja polnog odnosa (čl. 183 KZ), sa razvrstavanjem prema polu žrtve, odnosu žrtve i učinioca, kao i prema starosnoj dobi žrtve.

#### 4.1.1 Ministarstvo unutrašnjih poslova

Prema podacima kojima raspolaže MUP za specifična krivična dela vezana za seksualno nasilje (silovanje, obljava, nedozvoljene polne radnje, polno uznemiravanje i podvođenje) u protekle tri godine (2021-2023.), vidimo (tabela 2. i 3.) da je **ukupno bilo 151 prijavljenih svršenih dela silovanja i 40 prijavljenih dela u pokušaju** od toga najveći procenat oštećenih lica čine žene (88.39%).

**Najčešće prijavljeno krivično delo je polno uznemiravanje**, koje je u protekle tri godine prijavljeno policiji 365 puta, pri čemu su žrtve većinski ponovo bile žene (84.6%).

Ukupno su 62 prijavljena slučaja obljuje nad nemoćnim licem i obljuje sa detetom za prethodne tri godine. Procenat osoba ženskog pola koje su prijavile obljudu nad nemoćnim licem i obljudu sa detetom je čak 96.77%. Dok je za podvođenje i omogućavanje vršenja polnog odnosa bilo svega dve prijave i to 2021.godine, a žrtve su bile žene.

**Tabela 2:** Broj krivičnih prijava za krivična dela Protiv polne slobode u periodu od 2021. do 2023. godine na teritoriji Republike Srbije

Krivično delo	2021	2022	2023	Ukupno
Silovanje: Svršeno delo	46	54	51	151
Silovanje: Delo u pokušaju	12	17	11	40
Obljava nad nemoćnim licem	3	10	9	22
Obljava sa detetom	54	36	25	115



Obljava zlostupotrebom položaja	8	5	0	13
Nedozvoljene polne radnje	130	114	121	365
Polno uznemiravanje	355	242	271	868
Podvođenje i omogućavanje vršenja polnog odnosa	2	0	0	2

U periodu od 2021. do 2023. godine, zabeležena su različita krivična dela koja se odnose na različite oblike seksualnog nasilja. Ukupno je registrovan 151 slučaj svršenog dela silovanja, pri čemu je broj prijavljenih slučajeva varirao iz godine u godinu, sa 46 slučajeva u 2021. godini, 54 u 2022. godini i 51 u 2023. godini. Pokušaji silovanja su takođe prisutni, sa ukupno 40 prijavljenih slučajeva u trogodišnjem periodu.

U periodu od 2021. do 2023. godine, zabeležena su različita krivična dela koja se odnose na različite oblike seksualnog nasilja. Ukupno je registrovan 151 slučaj svršenog dela silovanja, pri čemu je broj prijavljenih slučajeva varirao iz godine u godinu, sa 46 slučajeva u 2021. godini, 54 u 2022. godini i 51 u 2023. godini. Pokušaji silovanja su takođe prisutni, sa ukupno 40 prijavljenih slučajeva u trogodišnjem periodu.

Krivično delo obljava nad nemoćnim licem zabeležena je u 22 slučaja, dok je obljava sa detetom, koja uključuje težak oblik zlostupotrebe, prijavljena u 115 slučajeva. Krivično delo obljuje zlostupotrebom položaja zabeleženo je 13 puta, s tim da je u 2023. godini zabeležen značajan pad ovih slučajeva.

Nedozvoljene polne radnje su jedan od najprisutnijih oblika seksualnog nasilja, sa 365 prijavljenih slučajeva tokom pomenutog perioda, dok je polno uznemiravanje zabeleženo čak 868 puta, što ga čini najčešće prijavljenim krivičnim delom.

Krivično delo podvođenje i omogućavanje vršenja polnog odnosa prijavljeno je samo dva puta, oba slučaja zabeležena u 2021. godini.

Ovi podaci ukazuju na kontinuiranu prisutnost različitih oblika krivičnih dela u vezi sa seksualnim nasiljem u Srbiji, s jasnim trendom prisutnosti polnog uznemiravanja kao najčešće prijavljivanog dela.



**Tabela 3:** Broj oštećenih lica za krivična dela protiv polne slobode, razvrstani prema polu u periodu od 2021. do 2023. godine na teritoriji Republike Srbije

Krivično delo	Pol	2021	2022	2023	Ukupno
Silovanje: Svršeno delo	M	6	6	6	18
	Ž	43	49	45	137
Silovanje: Delo u pokušaju	M	1	0	0	1
	Ž	11	17	11	39
Obljuba nad nemoćnim licem	M	0	1	0	1
	Ž	3	9	9	21
Obljuba sa detetom	M	3	1	1	5
	Ž	51	34	25	110
Obljuba zloupotrebom položaja	M	1	0	0	1
	Ž	8	5	0	13
Nedozvoljene polne radnje	M	12	18	35	65
	Ž	135	126	96	357
Polno uznemiravanje	M	20	21	26	67
	Ž	387	279	326	992
Podvođenje i omogućavanje vršenja polnog odnosa	M	0	0	0	0
	Ž	2	0	0	2

Podaci za period od 2021. do 2023. godine pokazuju da žene u velikoj meri čine većinu oštećenih lica. Najveći broj prijavi zabeležen je za dela polnog uznemiravanja, gde je ukupan broj oštećenih žena 992, sa blagim oscilacija-



ma godišnje, dok je broj prijavljenih muškaraca iznosio 67, uz blagi rast tokom godina. Takođe, silovanje, bilo kao svršeno delo ili pokušaj, beleži značajno veći broj prijavi žena (ukupno 94 za svršeno delo i 39 za pokušaj) u poređenju sa muškarcima (18 za izvršeno delo i 1 za pokušaj), što ukazuje na izrazitu razliku u zastupljenosti oštećenih po polu.

Kada je reč o delu nedozvoljene polne radnje, žene ponovo čine većinu sa ukupno 357 prijavi, iako je broj oštećenih muškaraca porastao, sa 12 u 2021. na 35 u 2023. godini. Kod krivičnog dela obljuje sa detetom, žene su daleko više zastupljene kao žrtve (110 prijavi), dok je broj prijavljenih muškaraca zanemarljiv (5 prijavi). Indikativno je da se kod obljuje zloupotrebom položaja broj prijavljenih slučajeva smanjio tokom posmatranog perioda, gde je poslednji prijavljeni slučaj zabeležen 2022. godine.

**Ovi podaci ukazuju na postojanje rodne neravnoteže u prijavljivanju seksualnih delikata, s obzirom na to da žene čine većinu od ukupnog broja prijavljenih žrtava.** Rezultati sugerišu potrebu za dodatnim usmerenjem na rodno zasnovano nasilje, kao i za prilagođenim merama zaštite koje će adekvatno odgovoriti na ovu rodno uslovljenu ranjivost i omogućiti bolje mehanizme prevencije i podrške.

#### 4.1.2 Vrhovno javno tužilaštvo

Prema javno dostupnim podacima, u 2023. godini, **nadležnim javnim tužilaštvima podnete su krivične prijave protiv 689 lica zbog krivičnih dela protiv polne slobode**, što predstavlja smanjenje od 9,11% u poređenju sa 2022. godinom<sup>97</sup>.

**Ukupno je rešeno 18% prijavi odbačajem**, a javna tužilaštva su postupala po prijavama protiv 1.344 lica, što je blago povećanje u odnosu na prethodnu godinu<sup>98</sup>. Optuženo je 421 lice, dok je 360 lica osuđeno, od kojih su većina dobila zatvorske kazne<sup>99</sup>.

**U 2023. godini, nadležnim javnim tužilaštvima prijavljeno je ukupno 108 lica zbog krivičnog dela silovanja**, što predstavlja smanjenje od 6,90% u

<sup>97</sup> [http://www.vrhovnojt.gov.rs/docs/SKM\\_95824041013280.pdf](http://www.vrhovnojt.gov.rs/docs/SKM_95824041013280.pdf)

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.



odnosu na prethodnu godinu. U izveštajnom periodu tužilaštva su postupala po krivičnim prijavama protiv ukupno 126 lica, uključujući nerešene prijave iz prethodnog perioda<sup>100</sup>.

**Većinu prijava podnela je policija (96 lica).** Odbačene su prijave protiv 48 lica, što čini **38,09% od ukupnog broja prijava**<sup>101</sup>.

**Optužnice su podignute protiv 47 lica, što je 60,25% od prijavljenih lica nakon odbačaja.** Sudovi su doneli presude protiv 38 lica, od kojih su 33 osuđujuće, sa većinom osuđenih na zatvorske kazne<sup>102</sup>.

U 2023. godini, nadležnim javnim tužilaštvima prijavljeno je ukupno 297 lica zbog krivičnog dela polnog uznemiravanja, što predstavlja povećanje od 4,57% u odnosu na prethodnu godinu.

Tužilaštva su postupala po prijavama protiv ukupno 552 lica, uključujući 255 nerešenih prijava iz prethodne godine. Većinu prijava podnela je policija (258 lica). Odbačeno je 114 prijava, što čini 20,65% od ukupnog broja prijava u radu. Na kraju izveštajnog perioda, nerešene su ostale prijave protiv 268 lica.

Optužni akti podneti su protiv 169 lica, što predstavlja 38,58% od prijavljenih lica nakon odbačaja. Sudovi su doneli presude protiv 147 lica, od kojih su 136 osuđujuće, sa većinom osuđenih na zatvorske kazne ili druge sankcije. Protiv prvostepenih odluka tužilaštva su izjavila ukupno 25 žalbi. Pritvor je određen za 32 lica.

**Tabela 4:** KD silovanje i obljava<sup>103</sup> u periodu 2021-2023.

Krivično delo	2023	2022	2021
<b>Silovanje iz čl.178.KZ</b>			
Optuženo:	47	29	48
Pol učinioca: muški	107	110	114

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Referiše se na oba dela: obljava nad nemoćnim licem i objubama nad detetom



Pol učinioca: ženski	1	1	1
Pol oštećenog - žrtve: muški	4	7	3
Pol oštećenog - žrtve: ženski	72	75	75
Maloletno lice	9	14	12

**Obljava nad nemoćnim licem iz čl.179.KZ**

Optuženo:	10	12	13
Pol učinioca: muški	10	13	12
Pol učinioca: ženski	0	0	0
Pol oštećenog - žrtve: muški	0	0	0
Pol oštećenog - žrtve: ženski	7	7	8
Maloletno lice	3	3	3

**Obljava nad detetom iz čl.180.KZ**

Optuženo:	14	25	27
Pol učinioca: muški	27	40	44
Pol učinioca: ženski	0	1	0
Pol oštećenog - žrtve: muški	0	0	0
Pol oštećenog - žrtve: ženski	3	3	3
Maloletno lice	23	36	45

Analizom izveštaja Vrhovnog javnog tužilaštva iz 2023.godine i preseka podataka u prethodne tri godine **uočavamo da najveći deo prijava podnosi policija, ali i da kada je reč o silovanju skoro polovina prijava je odbačena.**



### 4.1.3 Centri za socijalni rad

U 2022. godini, centri za socijalni rad u Republici Srbiji zabeležili su ukupno 38.896 prijava nasilja u porodici, sa konstantnim porastom broja prijava u prethodnih deset godina<sup>104</sup>. Prema starosnoj strukturi žrtava, najviše prijava odnosilo se na odrasle korisnike/korisnice (55,4%), dok su deca činila 21,9% prijava, stariji 12,1%, a mladi 10,6%<sup>105</sup>.

Značajan deo prijava nasilja uključuje psihičko (50,3%) i fizičko nasilje (47,4%), dok seksualno nasilje veoma mali broj prijava (0,6%)<sup>106</sup>. Ovi podaci pokazuju da se seksualno nasilje često nedovoljno prijavljuje. Potreba za specijalizovanim uslugama postoji i ne bi trebalo da zavisi od procene stvarnog obima seksualnog nasilja.

### 4.1.4 Specijalizovane ženske nevladine organizacije

Ne postoji centralizovana evidencija specijalizovanih ženskih nevladinih organizacija koje bi mogle biti predstavljene u okviru ovog odeljka. Možemo navesti dostupne podatke iz Godišnjeg izveštaja Centra za podršku ženama za 2023. godinu, na SOS telefonu evidentirano je 63 slučaja (22%) fizičkog nasilja, 132 slučaja (45%) psihičkog nasilja, 34 slučaja ekonomskog nasilja (13%), 47 slučajeva seksualnog nasilja (16%) i 5 slučajeva digitalnog nasilja (3%). U 235 slučajeva (97%) žrtva poznaje počinioca, u 105 slučajeva (43%) žrtva živi sa počiniocem, a u 224 slučaja (92%) počilnac je muškarac<sup>107</sup>.

Tokom 2023. godine u četiri CŽSN (Kikinda, Novi Sad, Zrenjanin i Sremska Mitrovica) ukupno je evidentirano 47 slučajeva seksualnog nasilja. Od toga, značajan broj čine maloletnice (7 mladih od 15 godina). Takođe, ukupno je registrovano 5 žena sa invaliditetom, 9 Romkinja i pripadnica drugih nacionalnih manjina.

Prema podacima CPŽ, ukupno je pruženo 423 usluga psihosocijalne podrške, uključujući 272 usluge psihološke intervencije u akutnoj krizi i 151 usluga produžene psihosocijalne i psihološke podrške žrtvama. Pored toga,

<sup>104</sup> <https://www.zavodsz.gov.rs/media/2572/izvestaj-o-rad-u-csr-u-2022-godini.pdf>

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Godišnji izveštaj Centra za podršku ženama za 2023. godinu.



obavljeno je 132 medicinskih pregleda, među kojima je bilo 22 opštih fizikalnih pregleda, 27 ginekoloških pregleda i 18 uzimanja uzoraka za forenzičku dokumentaciju prema nalogu višeg javnog tužilaštva.<sup>108</sup>

Tabela 5: Broj korisnica CŽSN (2021-2024)

Vremenski period	2021	2022	2023	2024
Broj slučajeva	33	32	47	67
Broj odraslih žrtava	15	18	33	34
Broj maloletnica	18	14	14	33
Maloletnice ispod 15 godina	18	14	7	18
Žene sa invaliditetom	5	-	5	7
Romkinje	2	3	9	17
Žene sa niskim primanjima	4	4	3	15

## 4.2 Podaci onlajn anketnog istraživanja

### Opšta slika SŽ NVO koje pružaju specijalizovane usluge ženama žrtvama nasilja (odgovorilo 13)

Sve anketirane organizacije više od dve decenije pružaju usluge podrške ženama. Najstarija SŽ NVO, koja je popunila naš upitnik, osnovana je 1997. godine, dok je najmlađa osnovana 2007. godine. Od SŽ NVO koje su popunile našu anketu većina ima sedišta u Beogradu i Novom Sadu. Samo tri SŽ NVO ne pružaju usluge i van sedišta svoje organizacije, dok ostale organizacije deluju ili na teritoriji cele države ili makar na nivou susednih gradova i opština.

Sve anketirane organizacije su navele da su im primarna ciljna grupa upravo žene sa iskustvom nasilja, s tim da su neke uže specijalizovane za rad sa višestruko ranjivim grupama, poput žrtvi trgovine ljudima, žene sa invaliditetom, Romkinjama i slično.

<sup>108</sup> Ibid.



**Pružanje usluga podrške ženama sa iskustvom nasilja je ujedno i glavna aktivnost anketiranih SŽ NVO.** Pored toga većina kao druge ključne aktivnosti navodi zagovaranje i sprovođenje treninga i obuka.

**Zaposlene u SŽ NVO čine uglavnom žene,** a samo tri organizacije su navele da među zaposlenima imaju i muškarce. Uglavnom je u pitanju ukupno mali broj zaposlenih unutar SŽ NVO od troje ili četvero zaposlenih do najviše dvadeset zaposlenih. Od toga vrlo mali broj zaposlenih ima ugovor o radu na neodređeno ili određeno vreme. **Većina zaposlenih u SŽ NVO su zaposleni ili putem ugovora o delu ili autorskih i volonterskih ugovora. Svi zaposleni su u obavezi da pre početka rada prođu obuke o radu sa ženama i devojkama žrtvama nasilja .**

**Većina anketiranih organizacija pruža SOS telefonske usluge,** psihosocijalnu podršku u kriznoj situaciji, neposredno nakon preživljene traume i tokom oporavka i pravnu pomoć u procesu prijave seksualnog nasilja. Samo tri organizacije pružaju podršku tokom sudsko-medicinskog pregleda, dok samo po jedna organizacija nudi ambulantne i smeštajne usluge.

Sve predstavnice SŽ NVO koji su popunile anketu saglasne su da **žene i devojčice, žrtve seksualnog nasilja u Srbiji, ne dobijaju adekvatnu podršku niti su im dostupne sve potrebne usluge.** Jedan od najozbiljnijih problema je nedostatak resursa, kako materijalnih, tako i ljudskih.

Većina njih ističe potrebu za većom finansijskom podrškom kako bi mogle osigurati održivost i pružiti kontinuiranu podršku žrtvama RZN/SN. Trenutno se mnoge oslanjaju na projektno finansiranje koje obezbeđuju međunarodni donatori i organizacije, ali **naglašavaju da je neophodno da država preuzme odgovornost za finansiranje ovih usluga.** Nedostatak finansijskih sredstava prisiljava stručnjakinje, poput psihoterapeutkinja, da rade volonterski, što dodatno otežava pružanje adekvatne podrške žrtvama.

Pored finansijske podrške, neke predstavnice ističu i potrebu za **kontinuiranim resursima i saradnjom sa različitim organizacijama i institucijama na koje mogu uputiti korisnice.**

Važno je obezbediti dodatne edukacije i jačanje kapaciteta, kako bi se obezbedila sveobuhvatna i dugotrajna podrška žrtvama seksualnog nasilja.



Takođe, predstavnice ukazuju na potrebu da njihove službe budu prepoznate od strane sistema u smislu finansijske i druge održivosti. Ističu da bi država trebalo da preuzme finansiranje ovih usluga kako bi osigurala njihovu dostupnost i kontinuitet.

Dodatno, centralizovanost SŽ NVO koje se bave ovim pitanjima komplikuje situaciju. Većina organizacija je smeštena u većim gradovima poput Beograda i Niša, dok u manjim mestima gotovo da nema ovakvih usluga.

Saradnja sa policijom je ocenjena „dobra“ ili kao „ni dobra, ni loša“ i često zavisi od senzibiliteta pojedinaca unutar institucije, što odražava odsustvo standardizovanih procedura i systemske neujednačenosti. Slične nedoslednosti prisutne su i u saradnji sa zdravstvenim institucijama, gde manjak obuke zdravstvenih radnica za rad sa žrtvama seksualnog nasilja stvara dodatne prepreke negativno utiče na kvalitet pružene podrške. Ipak, **tužilaštvo se ističe kao jedna od najproblematičnijih institucija, sa otežanom i neefikasnom saradnjom.**

Nasuprot tome, **saradnja sa centrima za socijalni rad uglavnom je pozitivna,** zahvaljujući prisutnosti angažovanih pojedinki i višem stepenu saradnje sa SŽ NVO, iako postoje regionalne razlike u kvalitetu podrške. Takođe, saradnja među organizacijama civilnog društva ocenjuje se kao dobra, omogućavajući međusobnu podršku i razmenu znanja, što može poslužiti kao model za unapređenje saradnje sa institucionalnim akterima.

Ukupno gledano, kvalitet saradnje sa institucijama zavisi od senzibilizacije i spremnosti pojedinaca unutar sistema, što rezultira neujednačenim praksama i može dovesti do dodatnih trauma za žrtve.

#### 4.3 Podaci onlajn anketnog istraživanja – CSR i Centri za pružanje usluge socijalne zaštite

Od ukupno kontaktiranih 13 centara, šest je učestvovalo u istraživanju. Od tih šest centara koji su popunili upitnik, četiri su centri za pružanje usluga socijalne zaštite (CPUSZ) i dva CSR. **Iako ovaj uzorak nije dovoljno obuhvatan, pruža svojevrsan uvid u percepcije i iskustva ovih institucija,** te se može koristiti kao kvalitativna građa.



## Opšta slika CSR i CPUSZ

Ovi centri rade sa različitim ciljnim grupama, uključujući žene sa iskustvom nasilja, ekonomski ugrožene žene, mlade žene i devojke, žene sa invaliditetom, Romkinje, žene sa sela i LGBTQ+ zajednicu.

Usluge se većinom pružaju isključivo u opštinama i gradovima sedišta ovih institucija i trenutno glavna aktivnost svih institucija je pružanje usluga podrške, poput podrške tokom sudsko-medicinskog pregleda, smeštaja za žrtve, pravne pomoći, psiho-socijalne podrške i dugoročnog psihološkog savetovanja.

Kada je reč o broju stručnih radnika i radnica, broj varira od trideset zaposlenih do samo četvoro zaposlenih. Pretežno su zaposlenina ugovor o radu na određeno i neodređeno, potom na privremeno povremenim poslovima i ugovorima o delu. Niko od anketiranih iz centara nije naveo da imaju zaposlene po volonterskim i autorskim ugovorima.

**Percepcija rada, na osnovu anketa iz centara razlikuje se od one koju imaju organizacije civilnog društva. Naime, one smatraju da žrtve u Srbiji dobijaju adekvatnu podršku i imaju pristup neophodnim uslugama,** što ukazuje na drugačiji pogled na trenutni sistem podrške. Ipak, neke predstavnice ističu nedostatak specijalizovanih servisa i terapijskih programa kao glavne prepreke.

**Mišljenja o raspoloživosti resursa među predstavnicama su podeljena.** Dok neke veruju da raspolažu dovoljnim materijalnim i finansijskim sredstvima za obezbeđivanje usluga podrške ženama i devojkaama žrtvama seksualnog nasilja, druge izražavaju zabrinutost po tom pitanju. Kada je reč o ljudskim resursima, većina smatra da imaju adekvatne kadrove za pružanje ovih usluga. **Saradnja sa drugim institucijama ocenjuje se pozitivno,** posebno sa policijom i tužilaštvom. Dok je saradnja sa SŽ NVO isto okarakterisana kao dobra. Neznatno lošija saradnja ostvaruje se jedino sa sa zdravstvenim institucijama.

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# 5

## PREDSTAVLJANJE I ANALIZA KVALITATIVNIH NALAZA

- 5.1 Prijavljivanje seksualnog nasilja
- 5.2 Iskustva sa institucijama
- 5.3 Procena kvaliteta pruženih usluga podrške

# 5

## PREDSTAVLJANJE I ANALIZA KVALITATIVNIH NALAZA

### ISKUSTAVA ŽENA KOJE SU PRIJAVILE SEKSUALNO NASILJE

**Seksualno nasilje predstavlja ozbiljan društveni problem koji utiče na sve aspekte života žrtava, uključujući fizičko i mentalno zdravlje, socijalnu integraciju i ekonomsku stabilnost.** Doživljeno nasilje ne prouzrokuje samo fizičke posledice, već kao posledicu ima dugotrajne posledice psihičke prirode.<sup>109</sup> Prijavljivanje seksualnog nasilja je od izuzetne važnosti za postizanje pravde za žrtve i sprečavanje budućih slučajeva nasilja. Ipak, kao što ukazuju prethodna istraživanja i šta nam govore javno dostupni podaci, proces prijavljivanja je izrazito težak i zahteva duboko razumevanje svih njegovih složenosti.

Ovo istraživanje, zasnovano na deset dubinskih intervju sa ženama koje su prijavile iskustva seksualnog nasilja u Srbiji, ima za cilj da osvetli nedostatke u postojećim procedurama i identifikuje oblasti koje zahtevaju hitna poboljšanja. Takođe ispituje emocije koje su žene doživljavale tokom i nakon prijavljivanja, kao i motive koji su ih naveli da se obrate institucijama. Nalazi otkrivaju složen niz ličnih, socijalnih i sistemskih faktora koji oblikuju odluke žena o prijavljivanju.

U narednom poglavlju prikazana je ova analiza i najznačajniji nalazi. Identifikovane su četiri teme: iskustvo prijavljivanja, interakcije sa institucijama, podrška i procena kvaliteta pruženih usluga.

<sup>109</sup> Republički zavod za statistiku (2022) Žena žrtva nasilja iz ugla statistike. <https://www.stat.gov.rs/media/358199/g20226007.pdf>



## 5.1 Prijavljivanje seksualnog nasilja

### Motivacija i podrška

Odluke žena da ne prijave slučajeve seksualnog nasilja već dugo su predmet zabrinutosti u oblasti istraživanja rodno zasnovanog nasilja. Postojeće studije<sup>110</sup> otkrile su različite razloge zbog kojih žrtve mogu odlučiti da ne prijave slučaj, uključujući nedostatak dokaza, osećanja stida i krivice, kao i strah od osвете ili počinioca. Međutim, dostupna literatura<sup>111</sup> uglavnom se fokusira na opšte prepreke prijavljivanju, sa ograničenim ispitivanjem specifičnih faktora koji utiču na odluke o prijavljivanju kod žena koje su zaista doživele seksualno nasilje.

### Mnoge žene u istraživanju bile su motivisane da prijave nasilje kako bi ostvarile pravdu i sprečile buduće viktimizacije, bilo njih samih ili drugih.

Taj osećaj odgovornosti i solidarnosti sa drugim žrtvama često je bio presudan faktor prilikom donošenja odluke o prijavljivanju.

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Htela je da ostane negde informacija da se to dogodilo.  
Imala je dužnost prema drugim ženama da to prijavi.

Beleška sa intervjua sa Goricom, 28 godina

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„Razmišljala sam sada ću im sve reći, on mora da ispašta,  
bude kažnjen zbog svega što mi je uradio.”

Beleška sa intervjua sa Zoranom, 27 godina

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110 UNDP (2023) Zašto žene ne prijavljuju nasilje u porodici?. Program Ujedinjenih nacija za razvoj. Dostupno na: <https://www.undp.org/sr/serbia/publications/zasto-zene-ne-prijavljuju-nasilje-u-porodici-rezultati-istrazivanja>

111 Ceelen, M., Dorn, T., Huis, F. S. V., & Reijnders, U. (2016). Characteristics and Post-Decision Attitudes of Non-Reporting Sexual Violence Victims. *Journal of Interpersonal Violence*, 34(9), 1961-1977. <https://doi.org/10.1177/0886260516658756>; Jones, J., Alexander, C. C., Wynn, B. N., Rossman, L., & Dunnuck, C. (2008). Why Women Don't Report Sexual Assault to the Police: The Influence of Psychosocial Variables and Traumatic Injury. *The Journal of Emergency Medicine*, 36(4), 417-424. <https://doi.org/10.1016/j.ajem.2007.10.077>; Kahn-Lang, A. (2008). Why Don't Rape and Sexual Assault Victims Report? A Study of How the Psycho-Social Costs of Reporting Affect a Victim's Decision to Report. *MPRA Paper*. <https://mpra.ub.uni-muenchen.de/43249/>; Patterson, D., Greeson, M. R., & Campbell, R. (2009). Understanding Rape Survivors' Decisions Not to Seek Help from Formal Social Systems. *Health & Social Work*, 34(2), 127-136. <https://doi.org/10.1093/hsw/34.2.127>; Sable, M. R., Danis, F. S., Mauzy, D., & Gallagher, S. (2006). Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students. *Journal of American College Health*, 55(3), 157-162. <https://doi.org/10.3200/jach.55.3.157-162>; Weiss, K. G. (2010). Too Ashamed to Report: Deconstructing the Shame of Sexual Victimization. *Feminist Criminology*, 5(3), 286-310. <https://doi.org/10.1177/1557085110376343>; Zinzow, H. M., & Thompson, M. P. (2011). Barriers to Reporting Sexual Victimization: Prevalence and Correlates among Undergraduate Women. *Journal of Aggression, Maltreatment & Trauma*, 20(7), 711-725. <https://doi.org/10.1080/10926771.2011.613447>



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„Nasilje sam prijavila u trenutku kada sam bila najviše  
uplašena za sebe ali i za svoju majku i brata, jer mi je taj  
čovjek pretio.”

Beleška sa intervjua sa Tanjom, 23 godine

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**Samo je jedna sagovornica, Zorana, samoinicijativno prijavila nasilje policiji.** Ostale sagovornice prijavile su nasilje nakon što su dobile podršku i ohrabrenje – bilo od porodice i prijatelja, bilo od predstavnica SŽ NVO putem poziva na SOS telefon – ili je nasilje prijavljeno u njihovo ime, po službenoj dužnosti u zdravstvenoj ili obrazovnoj ustanovi. Zorana je ispričala svoje iskustvo seksualnog/polnog uznemiravanja prilikom obuke za vozače. Prijavila je uznemiravanje u Beogradu i ukazala na podršku i razumevanje policije:

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Inspektor joj je tad rekao da je zahvalan što ga je prijavila jer  
se takve stvari ne prijavljuju.

Beleška sa intervjua sa Zoranom, 27 godina

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**Sagovornice su izrazile nezadovoljstvo zbog tretmana koji su imale u kontaktu sa policijom, što je dodatno otežalo njihovu odluku da prijave nasilje drugim organima.**

Tek nakon podrške i ohrabrenja konsultantkinje putem SOS telefona jedna od sagovornica se osećala spremnom da prijavi nasilje, ali se opet susrela sa nepoverenjem pripadnika policije koji su umanjivali značaj seksualnog/polnog uznemiravanja i pogrešno navodeći da se takvi događaji ne smatraju krivičnim delima iako je reč o krivičnom delu sa najvećim brojem prijava prema zvaničnim statističkim podacima MUP-a.

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Iz besa je krenula da zove policijske brojeve kao na „vrućoj  
liniji” kako navodi, a posebno bi istakla ponašanje policajca  
iz Beograda kojem kada je ispričala šta se desilo rekao joj je  
ironično „A gde se to prijavljuje?”

Beleška sa intervjua sa Goricom, 27 godina

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**Podrška prijatelja i porodice ispostavila se kao ključni faktor koji oblikuje odluke žena da prijave seksualno nasilje.** One koje su se osećale podržano i shvaćeno od strane svojih najbližih bile su sklonije da prijave nasilje, dok su one koje su se bojale odbacivanja ili osude bile manje sklone tome.

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Od samog početka Sanja je saopštila roditeljima, sestri i bratu kao i najužem krugu prijatelja šta joj se dogodilo. Svi su odmah stali na njenu stranu, sa puno razumevanja, ljubavi, utehe i podržavanja, ističe da verovatno bez njihove bezuslovne podrške ne bi tako brzo sve prebrodila

Beleška sa intervju sa Sanjom, 23 godine

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Dobila je podršku od svoje porodice i prijatelja, taj resurs joj je bio veoma značajan i smatra da bez toga ne bi podnela ceo postupak. Nije se pokajala što je prijavila.

Beleška sa intervju sa Marom, 21 godina

Još jedan važan izvor podrške bile su SŽ NVO, koje su pružale informacije i smernice o procesu prijavljivanja, kao i emocionalnu podršku. Prema navodima SŽ NVO **ukoliko žene ne dobiju podršku nakon napada, manja je verovatnoća da će prijaviti nasilje. Smatra se da je prvih 72 sata ključno, a kasnije želja za prijavljivanjem opada.**

### Izazovi prilikom prijave

Uprkos podršci koju su dobijale od svojih najbližih i predstavnica SŽ NVO, proces prijavljivanja predstavljao je izazov za sagovornice. **Strah od osvete počinioca bio je velika briga**, pri čemu su se mnoge žene plašile mogućnosti daljeg nasilja ili povrede. Pogotovo ako se pretpostavljalo da je nasilnik neko od uticaja i moći ili pripadnik policije.



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Sa ove distance, nije sigurna da li bi samoinicijativno prijavila nasilje zbog straha od osvete, nasilnik je znao gde ona živi i plašila se da li će se vratiti ponovo ukoliko ga policija ne uhapsi ili ako ga puste iz pritvora.

Beleška sa intervju sa Marom, 21 godina

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Nije želela da prijavi nasilje, bila je uplašena jer je znala da će prijavljivanje izazvati lavinu drugih događaja I pretnji (prijatelj koji je silovao I pretukao je pripadnik specijalnih jedinica MUPa). Javila se lekaru jer je imala bolove, a I prijatelji su je nagovorili da prijavi nasilje

Beleška sa intervju sa Svetlanom, 44 godine

Pored straha od osvete, žene su često izražavale nepoverenje u spremnost policije **i pravosudnog sistema da ih zaštiti ili da privede njihove napadače pravdi.** Mnoge su, poput Gorice, istakle potpuno nerazumevanje i neosetljivost ovih institucija za njihovo iskustvo. **Policajci su često umanjivali značaj njihovih iskustava ili su ih izlagali stavovima koji okrivljuju žrtve.**

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Po pozivu policije u Urgentni centar, mladi policajac i inspektor bili su sumnjičavi i nepoverljivi, izjavili su pred njom da imaju često devojke koje lažu da su silovane kako bi nekog lažno optužile.

Beleška sa intervju sa Sanjom, 23 godine

Kao posebno zabrinjavajuće sagovornice su navodile da su se policajci i inspektori koji su bili uključeni u njihov slučaj često smenjivali, da su većina njih bili muškarci, kao i da su bile prinuđene da više puta opisuju događaj koji su preživjele.



## 5.2 Iskustva sa institucijama

Istanbulska konvencija jasno definiše princip dužne pažnje<sup>112</sup>, prema kojem su institucije obavezne da postupaju s najvećom pažnjom, uvažavajući potrebe i dostojanstvo žrtve seksualnog nasilja. Uprkos tome, rezultati istraživanja ukazuju na nepovezan i neorganizovan proces prijavljivanja, pri čemu su žene često bile suočene s nizom birokratskih prepreka. Istraživanje je pokazalo da su žrtve seksualnog nasilja više puta morale da prepričaju svoja iskustva različitim institucijama. Ovakva iskustva zabeležena su kako u gradovima gde postoje ČŽSN, tako i u onima gde ovakvi centri nisu uspostavljeni.

Sistemske propusti i nedostatak koordinacije između policije, socijalnih službi i zdravstvenih ustanova ostavili su mnoge žene sa osećajem da su ponovo traumatizovane i bez adekvatne podrške. Takođe, za žrtve seksualnog nasilja ključno je da se usluge pružaju na jednom mestu, kako bi se olakšao proces prijavljivanja i obezbedila adekvatna podrška u skladu s principom dužne pažnje.

### Iskustvo sa policijom

Kao što je već navedeno, žene su se često suočavale sa omalovažavajućim i neosetljivim stavovima policijskih službenika, koji su ponekad umanjivali njihova iskustva ili ih izlagali optužujućim izjavama. Posebno zabrinjavajuće bilo je to što, bez obzira na to da li je žrtva prijavila nasilje u bolnici, i dalje je morala da ode u policijsku stanicu kako bi dala izjavu. U nekim slučajevima u Beogradu, žene su morale prelaziti iz jedne policijske stanice u drugu kako bi završile proces prijavljivanja.

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Prvo je otišla u jednu policijsku stanicu pa je tamo sve ispričala, pa su je poslali u drugu na drugi kraj grada jer se nasilje dogodilo tamo pa su oni nadležni. Morala je više puta da ponavlja priču i ispitivali su je dugo, kaže da je bila tri puta u policiji i svaki put su je ispitivali po više sati, misli 4,5

<sup>112</sup> Princip dužne pažnje (due diligence) definisan je u članu 5, stav 2 Istanbulske konvencije. Ovaj član precizira obavezu država potpisnica da preduzmu potrebne zakonodavne i druge mere kako bi sprečile, istražile, sankcionisale i obezbedile naknadu štete za dela nasilja obuhvaćena Konvencijom.



sati. Ona je sama morala da na usb prebaci sve fotografije, poruke, snimke kao i da poruke odštampa. Potpuno se razočarala u policiju.

Beleška sa intervjua sa Tanjom, 23 godine

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Prvo se javila svom lekaru u domu zdravlja, zbog telesnih povreda. Lekar je odmah obavestio najbližu policijsku stanicu, u koju je ona potom otišla. Potom je upućena u drugu policijsku stanicu, koji su je uputili u treću stanicu, koja je i bila nadležna za slučajeve nasilja. Iscrpljena i očajna otišla je kući. Tek sutradan se javila u policijsku stanicu, gde je ispitivana i gde je rekla da je pretrpela seksualno nasilje

Beleška sa intervjua sa Svetlanom, 44 godine

U pojedinim slučajevima, žene su se osećale ponovo traumatizovano tokom ispitivanja, koje su opisale kao nametljivo i stresno..

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Inspektori su bili vulgrani, napadni sa pitanjima „kako ti je stavio“, „koje boje su ti gaćice“, „da li si ga pipnula“. To su za nju bila ponižavajuća pitanja. Zagledali su je kao zamorče. Tokom ispitivanja su iz kancelarije ulazili i izlazili razni muškarci policajci.

Beleška sa intervjua sa Miroslavom, 41 godina

Ovi slučajevi pokazuju sistemsku neusklađenost postupanja policije, kao i nedostatak informacija koje je žrtva trebala da dobije o celom postupku. Samo u jednom slučaju žrtvi je ponuđena psihološka podrška savetnice za seksualno nasilje tokom davanja izjave u policijskoj stanici, što ukazuje da nekada predstavnici institucija nemaju dovoljno znanja i informacija o drugim uslugama na koje žrtva ima pravo. U pitanju je bilo iskustvo mlađe maloletnice pripadnice romske nacionalne manjine koja je prijavila seksualno nasilje unutar svoje porodice svojoj profesorki u školi.



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**Dodaje da joj je značilo što su joj savetnica i školska psihološkinja bile pratnja u Policijskoj upravi tokom davanja izjave.**

Beleška sa intervjua sa Anom, 17 godina

U slučajevima gde je seksualno nasilje prijavljeno u CŽSN, žrtve imaju mogućnost pratnje savetnica kroz institucije tokom prijavljivanja, ali u mestima gde ovih centara nema, žrtve su često same i bez ove vrste podrške.

Jedan od problema koje su sagovornice istakle je nedostatak pažnje predstavnika institucija na njihove osnovne potrebe tokom boravka u institucijama: nije im ponuđena voda, nisu pitane da li možda treba da odu do toaleta, da li su jele nešto, da li imaju neku terapiju i da li su im potrebni lekovi. Ovo nije bio slučaj ni tokom dugotrajnih ispitivanja.

Čini se da stepen razumevanja i **profesionalnost policijskih službenika zavise od njihovih ličnih osobina ličnosti, motivacije, razumevanja i obučenosti za rad sa žrtvama nasilja.**

Verovatno najviše uznemiravaju slučajevi kada su se žrtve tokom prijavljivanja susrele sa svojim napadačem. Takvi susreti dodatno su traumatizovali žrtve i ukazali na ozbiljan nedostatak zaštite tokom pravnog procesa.

## Iskustvo sa zdravstvenim radnicima

Neke žrtve su najpre podelile svoja iskustva sa zdravstvenim radnicima ili su potražile hitnu pomoć zbog fizičkih povreda. Četiri sagovornice su se prvo obratile zdravstvenim ustanovama nakon iskustva seksualnog nasilja.

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**„Ja sam morala da prijavim nasilje jer sam u pola noći pobešla od nasilnika i završila sam u bolnici. Prvo nisam htela da kažem u bolnici odakle mi povrede, celo telo me bolelo, nisam više znala kako sam i tačno gde povređena, kao ni šta se sve tačno dešavalo koliko sam bila u šoku. Doktori me nisu mnogo ni propitivali, valjda im je bilo sve jasno”**

Beleška sa intervjua sa Zoranom, 27 godina



U svih osam slučajeva silovanja, sagovornice su istakle su imale kontakt sa zdravstvenim ustanovama, bilo da su prijavile nasilje u policiji ili u domu zdravlja, bolnici ili urgentnom centru. Ohrabrujuće je saznanje da su, makar u slučajevima naših sagovornica, zdravstveni radnici u Novom Sadu postupili u skladu sa svojim zakonskim obavezama kada je reč o RZN i SN.

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**Doktorica je posumnjala da se radi i o silovanju i po službenoj dužnosti pozvala policiju. Policija je dalje po protokolu rešavala prijavu, od davanja izjave, pregleda, uzimanja krvi i briseva do ponovne izjave.**

Beleška sa intervjua sa Sanjom, 23 godine

Iako je evidentno da stepen podrške i ophođenja prema žrtvama varira u zavisnosti od mesta, i mnogih drugih faktora, sagovornice iz većih gradova, poput Novog Sada i Beograda, uglavnom su imale iskustva koja su ocenile kao 'korektna'. Zdravstveni radnici su obavljali svoje profesionalne dužnosti, ali je često nedostajala emocionalna podrška i saosećanje, što su žrtve prepoznale kao značajan nedostatak.

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**„Doktori u bolnici su bili da kažem ok, radili su svoj posao ali tamo sam malo osetila da sam još samo jedna osoba od sto kojoj treba pomoć lekara. Možda sam ja više nešto od njih očekivala, ne znam.”**

Beleška sa intervjua sa Zoranom, 27 godina

Iskustvo Miroslave sa zdravstvenim radnicima u Velikoj Plani ukazuje na **regionalne razlike u postupanju zdravstvenih radnika i opremljenosti zdravstvenih ustanova.**

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**Kod doktora je čekala tako pocepana, raščupana sa drugim pacijentima 2, 3 sata na pregled. Primio ju je muškarac ginekolog, bilo joj je neprijatno od samog pregleda, trzala se. Bilo bi joj lakše da je bila prisutna neka žena.**



Brisevi i odeća su poslani na veštačenje. Tražila je tabletu za dan posle, a on joj je odgovorio „odakle tebi da mi to dajemo“.“On je nasilno svršio u mene, zato mi je bilo važno da mi daju tabletu za dan posle.”

Beleška sa intervju sa Miroslavom, 41 godina

**Kao i u slučaju sa policijom, žrtve su bile primorane da idu od jedne do druge zdravstvene ustanove kako bi završile potrebne procedure za prijavljivanje.** Ova fragmentacija usluga prouzrokovala je dodatni stres i traumu za žrtve, što nije u skladu sa principom dužne pažnje koji je definisan Istanbulsom konvencijom.

Sagovornice su navele da su u nekim slučajevima morale dugo da čekaju na pregled, što ukazuje na nepoštovanje zdravstvenog protokola koji predviđa da žrtve seksualnog nasilja imaju prioritet i da budu odvojene od ostalih osoba koje čekaju na pregled. Posebno su istaknuta iskustva u kojima su sagovornice naišle na svog napadača u hodnicima bolnice, što je izazivalo dodatni stres i osećaj nesigurnosti. Nakon toga je u pratnji policije dovezene u Urgentni centar u NS na pregled (i nasilnik je dovezen na isti pregled kako bi se ustanovilo da li ima neke telesne povrede). Tu je imala zamerku za nedovoljno dobru organizaciju, jer se srela sa nasilnikom u hodniku dok su čekali pregled. Nakon toga je odvedena na psihijatrijski pregled, ponovo je srela nasilnika kada je izlazio iz ordinacije psihijatra u koju je ona trebala da uđe. Smatra da bi trebala da postoji drugačija prostorno-vremenska organizacija i procedura.

Beleška sa intervju sa Teodorom, 21 godina

Pored toga, sagovornice su ukazale na to da su medicinski tretmani bili usmereni na fizičke povrede, dok je briga o njihovom psihološkom stanju uglavnom bila prepuštena drugim stručnjacima. U mestima gde postoje Centri za žrtve seksualnog nasilja žrtve imaju mogućnost da dobiju pomoć i podršku od psihološkinja u okviru centra, što značajno doprinosi njihovom oporav-



ku. Nasuprot tome, u mestima gde ovakvi centri ne postoje, žrtve se često upućuju kod psihologa ili psihijataru, koji nisu obučeni za rad sa žrtvama seksualnog nasilja, što može dovesti do neprikladnog tretmana, poput zahteva za prepričavanjem traumatičnih događaja. Posebno se ističe negativno iskustvo sagovornice u Urgentnom centru, kao i interakcija sa psihijatom.

**Veoma je nezadovoljna pristupom psihijatra koji se smejaio tokom pregleda, pregled je trajao nekoliko minuta, dr je izjavljivao da ne fali ništa ni njoj ni njemu, da ne zna kada će prestati sa tom procedurom da dovode pacijente kod njega na razgovore nakon svake svade.**

Beleška sa intervju sa Teodorom, 21 godina

Iskustvo sa psihijatom i psihologom je pozitivno, smatra da su bili veoma profesionalni ali se ponadala da će se malo više pozabaviti pitanjima vezano za njena osećanja jer se ponovo sve vrtelo oko prepričavanja događaja i psiholoških testova.

Beleška sa intervju sa Marom, 21 godina

**Bolje iskustvo i adekvatniji tretman zdravstvenih radnika sagovornice opisuju prilikom ginekoloških pregleda, pogotovo u mestima gde postoje CŽSN.** Činjenica da sve sagovornice navode pozitivnija iskustva sa zdravstvenim radnicima u mestima gde postoje CŽSN može se povezati s nizom faktora, uključujući dostupnost obuka, prisustvo specijalizovane opreme, dostupnost hitne kontracepcije i prisustvo savetnica.

**Nakon toga je, u pratnji policije, odvezena na Kliniku za ginekologiju i akušerstvo u Novom Sadu, gde je obavljen ginekološki pregled i veštačenje. Veoma je zadovoljna pristupom doktorice i sestara, objašnjavali su joj svaku proceduru i imali nežan i saosećajan pristup.**

Beleška sa intervju sa Marom, 21 godina



## Iskustvo sa SŽ NVO

### Iskustva sagovornica su bila najpozitivnija prilikom interakcije sa SŽ NVO.

Ove organizacije bile su jedine koje su pružale psihološku podršku.

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„Zvala sam sos za žene koje trpe nasilje i tako je sve krenulo. Oni su mi pomogli da prijavim nasilje i da odem na sigurno. Bojala sam se i za moje. Organizacije sa kojima sam došla u kontakt su me prvo izmestile a zatim mi pomogle da prijavim policiji. Ja sama ne bih imala snage za to.”

Beleška sa intervju sa Tanjom, 23 godine

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„Sad kad pogledam mislim da mi je to bilo najpotrebnije ta ljudska psihološka podrška, pa onda sve ostalo. Svu podršku sam dobila od vas (SŽ NVO) i samo od vas. Ne znam šta bi bilo sa mnom da vas nije bilo...A sećam se da mi je najvažnije bilo kada mi je psiholog ovde rekla da ja nisam kriva niti sam uradila bilo šta loše.”

Beleška sa intervju sa Zoranom, 27 godina

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„Jako pozitivno iskustvo. Nisam nikad otišla na uživo razgovor u nevladinu organizaciju, ali zbog malog deteta mi je odgovaralo da se čujemo telefonom. Objasnili ste mi da idem pravim putem, da je dobro jer sam prijavila nasilje. Dati su mi saveti, podeljena su sa mnom iskustva osoba koje su se nalazile u sličnoj situaciji.”

Beleška sa intervju sa Anđelijom, 33 godine

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„Vi ste prvi broj koji bi ponovo pozvala da mi treba pomoć, ne bih zvala porodicu, već vas. Dajete tačne, adekvatne savete. Samo ste mi vi pomogli I vaši saveti su imali primat u mom rasuđivanju. Zvala sam bila samo da bih plakala. Bili



ste strpljivi, niste me ubrzavali, povredili. Fenomenalno iskustvo. Autentično. Veliki dar imate.”

Beleška sa intervju sa Goricom, 27 godina

**Pozitivno iskustvo je posebno primećeno u iskazima žena i devojaka koje su prijavile nasilje u gradovima u kojima funkcionišu centri za žrtve seksualnog nasilja.** U tim gradovima, savetnice iz NVO mogle su da pruže ključne usluge, poput psihološke intervencije u krizi i dalje psihološko savetovanje. Pohvalan je primer iz Sremske Mitrovice gde je savetnica iz CŽSN bila prisutna kao podrška i prilikom davanja izjave policiji, pogotovo jer je reč o starijoj maloletnici.

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Savetnica za psiho-socijalnu podršku se uključila u zdravstvenoj ustanovi tokom procesa; korisnica deli da su joj značile informacije o procedurama koje joj je tom prilikom savetnica davala; deli da su joj značili razgovori koje je u narednom periodu savetnica vodila sa njom; doprineli su da bude relaksiranija; takođe joj je značilo što je imala opciju da savetnicu kontaktira telefonskim putem kada bi imala neko pitanje.

Beleška sa intervju sa Anom, 17 godina

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Po završenom ginekološkom pregledu, ona je razgovarala sa savetnicom za pružanje podrške u namenjenom prostoru za to. Sada izveštava da joj je taj razgovor mnogo značio jer niko od nje nije ništa očekivao, već je mogla da bude maksimalno opuštena i svoja. Značila joj je empatija i podržavanje koje je dobila u tom trenutku. S obzirom da je i nakon toga nastavljen kontakt između savetnice i žrtve, što telefonski što uživo u kancelariji centra za podršku, kaže da je to super osmišljeno, da je odlično što postoji takva vrsta podrške devojka. Odlično je što je i besplatno, što je osoba koja je u ulozi savetnice empatična, topla, staložena što mnogo znači u ličnom napredovanju svake žrtve.

Beleška sa intervju sa Sanjom, 23 godine



## Iskustvo sa tužilaštvom

Za razliku od pozitivnih iskustava sa SŽ NVO, iskustva sa tužilaštvom ili ne postoje ili su krajnje negativna. Sve sagovornice ukazale su na osećaj iscrpljenosti koji je usledio nakon višestrukog davanja izjava u tužilaštvu.

U slučajevima seksualnog nasilja, tužilaštvo ima ključnu ulogu u vođenju istrage, pokretanju krivičnog postupka i obezbeđivanju zaštite žrtava. Njihova obaveza je da sprovedu sveobuhvatnu istragu, prikupe dokaze, pravovremeno procesuiraju počinioca i obezbede mere zaštite za žrtve, poput zabrane prilaska. Takođe, tužilaštvo bi trebalo da koordinira sa drugim institucijama, uključujući policiju i zdravstvene ustanove, kako bi se obezbedila efikasna podrška žrtvama.

**Međutim, sagovornice su izrazile zabrinutost zbog nedostatka komunikacije i transparentnosti tokom trajanja postupka, kao i zbog neizvesnosti u pogledu dinamike rešavanja slučajeva.** Posebno je istaknut problem izostanka pravovremenih i dostupnih informacija koje su institucije dužne da pruže žrtvama. Takođe, ukazano je na dugotrajnost postupaka, što dodatno povećava osećaj nesigurnosti i nepravde.

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Korisnica je podelila da je u sudstvo razočarana; iako je nasilje prijavljeno pre više od godinu dana sudski postupak još uvek nije okončan; pri tome, počilac je u pritvoru bio svega dvadeset dana; izrečena mu je mera zabrane prilaska i uznemiravanja u odnosu na nju na godinu dana; dodala je da se uz tu meru ne oseća potpuno bezbedno, jer bi je eventualni susret sa počiniocem, za koji postoji verovatnoća, veoma destabilizovao; dodala je da je uznemiravajuće bilo i što je više puta morala da svedoči, a nije isključeno da će morati ponovo.

Beleška sa intervjua sa Anom, 17 godina

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Posle 2 godine od dana prijavljivanja, dobila je poziv da ode u VJT da da podnese krivičnu prijavu protiv njega. Bila je



tužiteljka koja ju je pitala 5 puta da li je sigurna da želi da podnese krivičnu prijavu i da li je svesna da zbog njene odluke neko može da završi u zatvoru. Ona je potvrdila da je svega svesna i da želi da ga tuži za silovanje. Bila je pre toga 3, 4 puta u sudu da se raspita šta ima novo o slučaju, na šta su joj odgovorila da ne mogu d ga nađu da mu uruče poziv za sud jer je u inostranstvu. Dobila je u aprilu 2024. pismo od VJT gde piše da je tužba odbačena zbog nedostatka dokaza.

Beleška sa intervjua sa Miroslavom, 41 godina

Podaci iz analize javno dostupnih izvora ukazuju na to da veliki deo prijava za silovanje podnosi policija, ali da je skoro polovina prijava odbačena. U slučajevima polnog uznemiravanja uočava se značajan broj nerešenih slučajeva. Sagovornice su često ukazivale na to da nisu bile informisane o razlozima za odbacivanje prijava, što je kod njih izazivalo osećaj nepoverenja u rad sistema i sumnju u njegovu nepristrasnost.

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Kada je dobila da je odbačena prijava osećala se besno, ljuto.

Imala je rok za žalbu 8 dana, ali nije uspela se na verme dogovori sa advokatom. On joj je rekao da fali obrazloženje zašto je prijava odbačena, šta je učinjeno sa dokazima, zašto nisu pozvani svedoci. Ona sumnja da je potplatio tužiteljku.

Beleška sa intervjua sa Miroslavom, 41 godina

Takođe, **tužilaštvo, kao ni sud, često ne izriču mere zaštite koje imaju za cilj obezbeđenje sigurnosti i zaštite žrtve tokom trajanja postupka.** U pojedinim slučajevima, nisu sprovedene preventivne mere da se izbegnu susreti sa počiniocima ili ponovna traumatizacija tokom pravnog procesa. Sagovornice su ukazivale na ovakve propuste i isticale potrebu za boljom saradnjom tužilaštva sa policijom, sudovima, zdravstvenim ustanovama i nevladinim organizacijama.

**Ovi problemi ukazuju na izazove u oblasti komunikacije i informisanja žrtava seksualnog nasilja tokom sudskih postupaka.** Istaknuta je potreba



za osiguranjem dostupnih i pravovremenih informacija za žrtve, kako bi se smanjio osećaj nesigurnosti i nepravde, dok je efikasna saradnja među institucijama prepoznata kao važan segment u ovom procesu.

### 5.3 Procena kvaliteta pruženih usluga podrške

Sveukupno, kada se sagledaju mišljenja naših sagovornica, **kvalitet usluga podrške za žrtve seksualnog nasilja je vrlo nezadovoljavajući**. Seksualno nasilje je ozbiljan problem koji ostavlja duboke tragove na fizičko i mentalno zdravlje žrtava, utičući na sve aspekte njihovog života. Na osnovu deset dubinskih intervjua sa ženama koje su prijavile ovakva iskustva u Srbiji, uočeni su značajni nedostaci u sistemu podrške koji bi trebalo da im olakša proces oporavka.

**Žene su istakle da je prijavljivanje nasilja često opterećeno brojnim preprekama.** Iako su neke bile motivisane željom da spreče buduće slučajeve nasilja ili da zaštite druge, mnoge su se suočavale sa strahom od osвете počinioaca i nepoverenjem u institucije koje bi trebalo da ih zaštite. **Podrška porodice i prijatelja pokazala se kao ključna; one koje su imale ovaj oslonac bile su spremnije da prijave nasilje.**

**Iskustva sa policijom su, nažalost, uglavnom bila negativna.** Sagovornice su se suočavale sa nedostatkom empatije, neprofesionalnošću i čak optužujućim stavovima policijskih službenika. Često su morale da više puta prepričaju svoje traumatične doživljaje različitim osobama što je vodilo ka ponovnoj traumatizaciji. Nedostatak osnovnih uslova tokom procesa prijavljivanja, poput odsustva psihološke podrške ili čak osnovnih potreba, kao što su hrana i voda tokom dugih ispitivanja, dodatno je otežavao situaciju.

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Smatra da bi trebalo malo unaprediti rad policije u komunikaciji sa ženama, u smislu da ne budu tako nepoverljivi, nadmeni, da ne traje to toliko dugo, od prijave silovanja do odlaska iz policijske stanice po nekoliko sati bez ponudene flašice vode i slično.

Beleška sa intervjua sa Sanjom, 23 godine

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**U zdravstvenim ustanovama, iako su neke žene navele korektno postupanje, često je izostajala emocionalna podrška i saosećanje.** Posebno je zabrinjavajuće što su u manjim sredinama zdravstveni radnici pokazivali neadekvatan pristup, a žene su se suočavale sa dugim čekanjima i nelagodnostima poput pregleda od strane muškog osoblja ili susreta sa napadačem u hodnicima.

**Interakcija sa tužilaštvom bila je još jedno područje nezadovoljstva.** Žene su osećale iscrpljenost zbog višestrukih davanja izjava i nedostatka informacija o napretku svojih slučajeva. Ovaj nedostatak transparentnosti i komunikacije doveo je do gubitka poverenja u pravosudni sistem i osećaja nepravde.

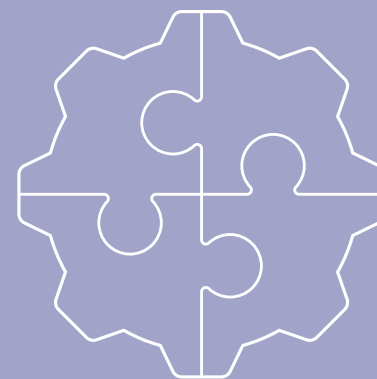
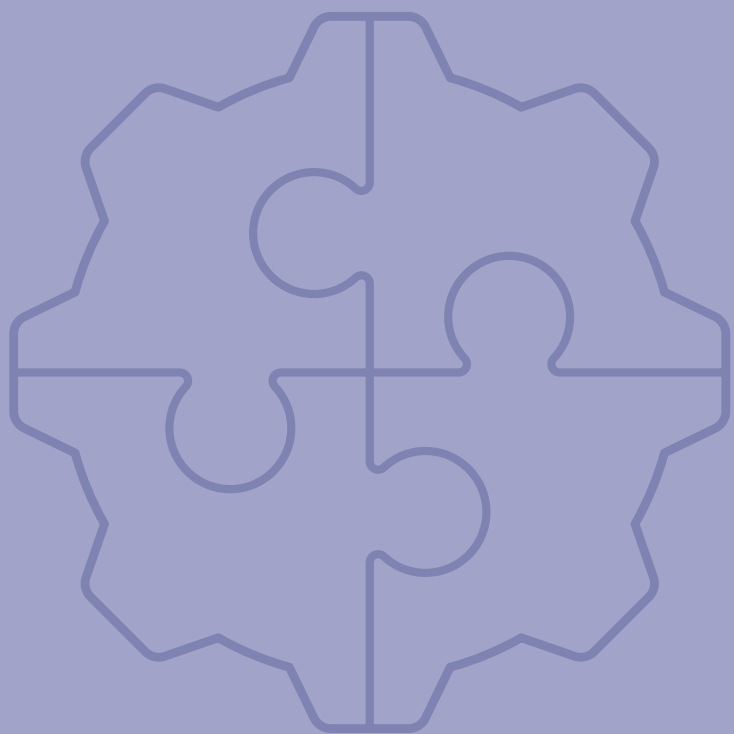
**S druge strane, SŽ NVO su se istakle kao značajan izvor podrške.** One su bile izvor ne samo praktičnih informacija i smernica, već i emocionalne podrške koja je ženama bila preko potrebna. Savetnice iz ovih organizacija pružale su empatiju i razumevanje, često jedine u tom procesu.

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„Koren samog problema nasilja je u nedelovanju institucija. Profesionalci trebaju da postupaju bez osuda, predrasuda, stereotipa. Može žrtvi da pomogne samo neko ko je I sam dobro, ima ljubav prema životu. Žrtva mora biti i iznad politike I položaja.“

Beleška sa intervjua sa Goricom, 28 godina

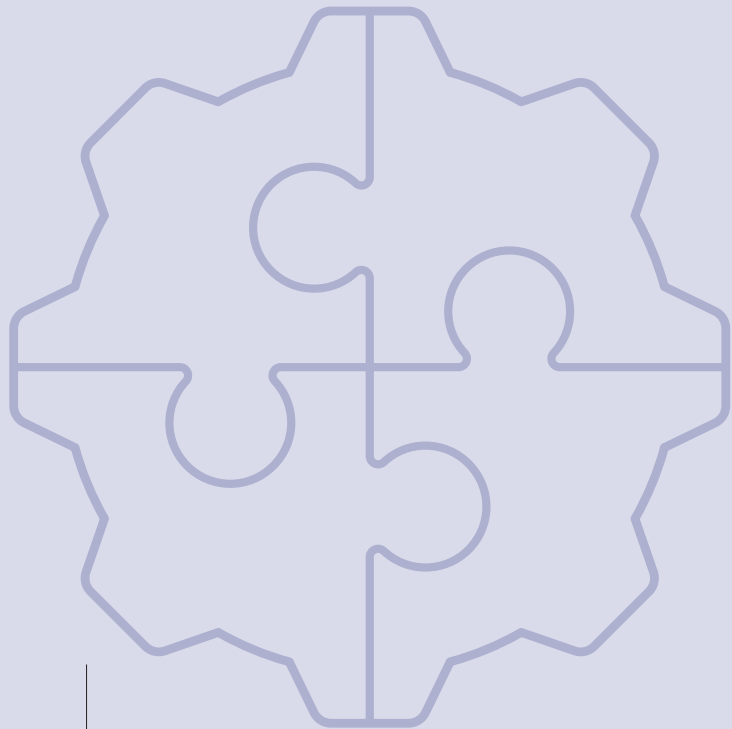
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# 6

## ZAKLJUČCI I PREPORUKE

Ključni problemi  
Preporuke za unapređenje



# 6

## ZAKLJUČCI I PREPORUKE

Izjave žena koje su podelile svoja iskustva u okviru ovog istraživanja jasno ukazuju na nedostatke u sistemu podrške za žrtve seksualnog nasilja u Srbiji.

Potrebno je uložiti dodatne napore kako bi se unapredio kvalitet usluga i osiguralo da žrtve dobiju adekvatnu pomoć i zaštitu. Ovo nije samo institucionalni zadatak već i društvena odgovornost koja zahteva koordinisane napore svih relevantnih aktera. Samo kroz konkretne akcije i reforme može se stvoriti okruženje u kojem će žrtve biti ohrabrene da potraže pomoć, a počinioci adekvatno sankcionisani. Time će se napraviti značajan korak ka društvu koje ne toleriše nasilje i aktivno radi na njegovom iskorenjivanju.

### Ključni problemi

Jedan od najvećih problema je **nedostatak resursa i specijalizovanih usluga**. Centri za žrtve seksualnog nasilja nisu dovoljno rasprostranjeni i nemaju održivo finansiranje od strane države, što utiče na ograničenu dostupnost usluga. Usluga treba da bude dovoljno geografski rasprostranjena (na nivou okruga za više JLS, za početak, ili u svakom gradu gde postoji opšta bolnica).

**Neadekvatna obuka i senzibilizacija profesionalaca** predstavlja drugi kritični problem. Mnogi zdravstveni radnici, policijski službenici i drugi pružaoci usluga nisu adekvatno obučeni za rad sa žrtvama seksualnog nasilja. Nedostatak kontinuirane edukacije o rodno zasnovanom nasilju i traumi dovodi do neprikladnih reakcija, kao što su neosetljivost, okrivljavanje i neprofesionalnost, koje mogu dodatno da traumatizuju žrtve.



**Problemi u koordinaciji između institucija** dodatno komplikuju situaciju. Slaba saradnja između policije, zdravstvenih ustanova, centara za socijalni rad i nevladinih organizacija rezultuje fragmentiranim uslugama. Žrtve su često prepuštene same sebi da navigiraju kroz složene birokratske procedure, što dovodi do dodatnog stresa i osećaja bespomoćnosti.

**Nepostojanje standardizovanog sistema za prikupljanje podataka** otežava praćenje i analizu ishoda prijava. Različiti sistemi evidentiranja u institucijama, poput policije i tužilaštva komplikuju praćenje pravosudnih postupaka, a žrtve često ostaju bez povratnih informacija o statusu svojih slučajeva.

Iako **specijalizovane nevladine organizacije** igraju ključnu ulogu u pružanju emocionalne, psihološke i pravne podrške, one se suočavaju sa **nedovoljnom institucionalnom podrškom**. Rad bez održivog finansiranja i institucionalnog priznanja njihovog znanja i iskustva, ograničava njihov kapacitet da pruže pomoć većem broju žena.

## Preporuke za unapređenje

Da bi se poboljšao kvalitet usluga podrške za žrtve seksualnog nasilja, neophodno je preduzeti konkretne korake:

1. **Poboljšanje dostupnosti specijalizovanih usluga:** Nadležna ministarstva treba da obezbede održivo finansiranje i institucionalnu prepoznatljivost CŽSN, proširujući njihovu dostupnost u svim regionima Srbije. Lokalne samouprave treba da uključe ove centre u svoje planove socijalne zaštite kako bi usluge bile dostupne svim ženama, bez obzira na njihov geografski položaj.
2. **Unapređenje obuke i edukacije pružalaca usluga:** Za unapređenje kvaliteta usluga podrške žrtvama seksualnog nasilja, neophodno je organizovati kontinuirane programe obuke za profesionalce koji dolaze u kontakt sa žrtvama. Obuke treba da budu usmerene na prepoznavanje rodno zasnovanog nasilja, trauma, kao i na metode pružanja emocionalne i pravne podrške.

Preporučuje se da sledeće institucije preuzmu odgovornost za sprovođenje ovih obuka:



**Ministarstvo unutrašnjih poslova:** Obuka policijskih službenika o prepoznavanju i odgovoru na slučajeve seksualnog nasilja, uz poseban fokus na empatijski pristup i zaštitu žrtava.

**Ministarstvo zdravlja:** Organizacija obuka za zdravstvene radnike kako bi pružali adekvatnu medicinsku pomoć i emocionalnu podršku žrtvama, s ciljem sprečavanja retraumatizacije.

**Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja:** Obuka socijalnih radnika za rad sa žrtvama seksualnog nasilja, uključujući metode usmeravanja na dostupne resurse i pružanje kontinuirane podrške.

**Ministarstvo pravde:** Obuka pravnika i pravosudnih službenika za postupanje u slučajevima seksualnog nasilja, sa posebnim naglaskom na poštovanje trauma žrtava, kako bi im se pružila adekvatna pravna zaštita i izbegla sekundarna viktimizacija.

Za sprovođenje ovih programa, potrebno je angažovati stručne organizacije sa dugogodišnjim iskustvom u radu sa žrtvama seksualnog nasilja, kao i međunarodne organizacije koje poseduju ekspertizu u oblasti rodno zasnovanog nasilja. Pored toga, uključivanje nacionalnih organizacija civilnog društva i akademskih institucija koje se bave ljudskim pravima i zaštitom žrtava može dodatno unaprediti kvalitet obuka. Razmena iskustava kroz međunarodne programe i studijske posete može doprineti dodatnom usavršavanju profesionalaca u ovoj oblasti.

3. **Unapređenje multisektorske saradnje:** Neophodno je dodatno unaprediti rad postojećih grupa za koordinaciju i saradnju, koje su formirane u skladu sa Zakonom o sprečavanju nasilja u porodici pri svim osnovnim i višim javnim tužilaštvima. Njihove uloge i odgovornosti treba precizno definisati, uz unapređenje komunikacionih kanala i procedura za pravovremeno delovanje. Važno je obezbediti kontinuirano i aktivno učešće predstavnika policije, zdravstvenih ustanova, centara za socijalni rad i nevladinih organizacija, uz mogućnost uključivanja stručnjaka iz oblasti obrazovanja i psihološke podrške kada je to potrebno. Povećana koordinacija ovih sektora doprinela bi pravovremenijem odgovoru na potrebe žrtava i obezbeđivanju sveobuhvatne podrške, koja uključuje i pravnu, psihosocijalnu i medicinsku pomoć.



Takođe, preporučuje se sprovođenje redovnih evaluacija rada ovih grupa kako bi se identifikovale prepreke u saradnji i predložile dodatne mere za povećanje efikasnosti, kao i organizovanje zajedničkih obuka i radionica za učesnike iz različitih sektora radi jačanja kapaciteta za koordinisano delovanje.

4. **Povećanje informisanosti i vidljivosti usluga:** Nadležna ministarstva treba da sprovedu informativne kampanje o dostupnim resursima i organizacijama koje pružaju podršku žrtvama seksualnog nasilja. Kampanje bi trebalo da budu prilagođene različitim grupama stanovništva i sprovedene putem društvenih mreža, lokalnih medija i direktnih aktivnosti u zajednicama.

Preporučuje se i da nevladine organizacije, u saradnji sa centrima za socijalni rad, treba da intenziviraju promociju sledećih usluga i aktivnosti: SOS telefoni, Psihosocijalno savetovanje, Grupe podrške, Edukativni programi i obuke, Pomoć u ostvarivanju prava, **Programi za ekonomsko osnaživanje**, kao što su obuke za zapošljavanje i podrška pri traženju posla.

5. **Unapređenje prikupljanja i obrade podataka:** Standardizacija metodologije za evidentiranje podataka o slučajevima seksualnog nasilja omogućila bi efikasnije praćenje i analizu ishoda prijave. Ovaj proces bi povećao odgovornost institucija i pružio jasniju sliku o efikasnosti sistema podrške žrtvama seksualnog nasilja.

Preporučuje se sledeći pristup:

**Ministarstvo unutrašnjih poslova:** Treba da razvije i implementira standardizovane procedure za evidentiranje slučajeva seksualnog nasilja, uključujući sve relevantne podatke o žrtvama, počiniocima i ishodima prijave. Ovo uključuje i saradnju sa policijskim stanicama širom zemlje kako bi se osigurala dosledna primena metodologije.

**Ministarstvo zdravlja:** Zdravstvene ustanove bi trebale usvojiti standardizovane protokole za prikupljanje podataka o žrtvama koje traže medicinsku pomoć, uz fokus na integraciju ovih podataka sa podacima iz drugih sistema (npr. policijskih ili socijalnih službi) kako bi se omogućila sveobuhvatna analiza.

**Ministarstvo za rad, zapošljavanje, boračka i socijalna pitanja:** Potrebno je osigurati da socijalne službe dosledno evidentiraju podatke o slučajevima



vima seksualnog nasilja, pruženim uslugama i ishodima podrške, uz korišćenje zajedničkog metodološkog okvira koji omogućava njihovu upotrebu u širim analizama.

**Ministarstvo pravde:** Treba da obezbedi standardizaciju prikupljanja podataka unutar pravosudnog sistema, kako bi se omogućilo praćenje sudskih procesa i presuda u slučajevima seksualnog nasilja, a ovi podaci bi trebali biti dostupni za analizu u cilju procene efikasnosti pravosudnog sistema (praće slučajeva od renka prijave do presude).

**Republički zavod za statistiku:** Kao centralna institucija za statističke podatke, Zavod bi trebao koordinisati sa nadležnim ministarstvima kako bi se osigurala konsolidacija prikupljenih podataka i njihova dostupnost u svrhu istraživanja i izveštavanja.

**Saradnja sa nevladinim organizacijama i akademskim institucijama:** Organizacije civilnog društva i akademske institucije koje se bave istraživanjima na temu rodno zasnovanog nasilja mogu pružiti podršku u razvoju i primeni standardizovanih metodologija, kao i u analizi podataka.



Study

**MAPPING THE AVAILABILITY OF SUPPORT  
SERVICES FOR VICTIMS OF SEXUAL VIOLENCE  
AND WOMEN'S EXPERIENCES IN ACCESSING  
SERVICES IN THE REPUBLIC OF SERBIA**

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## LIST OF ACRONYMS

<b>GBV</b>	Gender-Based Violence
<b>SV</b>	Sexual Violence
<b>SWC</b>	Social Work Centers
<b>CSPS</b>	Centers for Social Protection Services
<b>Mol</b>	Ministry of the Interior
<b>CSW</b>	Center for Support of Women
<b>APV</b>	Autonomous Province of Vojvodina
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women / Convention
<b>LGE</b>	Law on Gender Equality
<b>CA</b>	Criminal Act
<b>CC</b>	Criminal Code
<b>CVSV</b>	Center for Victims of Sexual Violence
<b>SW NGO</b>	Specialized Women's Non-Governmental Organizations
<b>EIDHR</b>	European Instrument for Democracy and Human Rights
<b>LPDV</b>	Law on Prevention of Domestic Violence
<b>IC</b>	Istanbul Convention - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
<b>SPPO</b>	Supreme Public Prosecutors Office
<b>FL</b>	Family Law
<b>LSP</b>	Law on Social Protection
<b>GPMC</b>	General Protocol on procedures and Multi sectoral cooperation in situation of GBV against women and Domestic Violence
<b>GPPCV</b>	General Protocol for the Protection of Children from Violence
<b>LP</b>	Law on Police
<b>BPPO</b>	Basic Public Prosecutors Office
<b>HPPO</b>	High Public Prosecutors Office
<b>LH</b>	Law on Healthcare
<b>LHI</b>	Law on Healthcare Insurance
<b>RISP</b>	Republic Institute for Social Protection

## INTRODUCTION

The project “Step Forward – Improving the Services for Victims of Sexual Violence in Vojvodina” is implemented by the Center for Support of Women in Kikinda (CSW), with the support of the European Union. The project aims to enhance the quality and accessibility of specialized support services for victims of sexual violence, as well as to establish a coordinated and comprehensive institutional response to sexual violence.

As part of this project, the study titled “Mapping the availability of support services for victims of sexual violence and women’s experiences in accessing services in the Republic of Serbia” was developed. The research was conducted by a team of researchers from the SeConS Development Initiative Group, commissioned by CSW and in collaboration with them, with the financial support from the European union, and thorough the European Instrument for Democracy and Human Rights (EIDHR).

**The purpose of the research, carried out during the project’s initial phase, is to map the availability of support services for victims of sexual violence in the Republic of Serbia, taking into account the perspectives and experiences of women who have reported sexual violence.**

This study is designed as a mixed-method research project, combining both quantitative and qualitative approaches, and is based on EU FRA<sup>1</sup> methodology standards. Its goal is to analyze and address three key aspects of support for victims of sexual violence:

1. Types of services provided to victims,
2. Accessibility, and
3. Quality.

The research findings offer insights into the experiences of women and girls who have survived sexual violence, the availability, quality, and types of services provided, and highlight both positive and negative aspects of support for women victims of sexual violence across different regions of the Republic of Serbia. These insights have informed the development of recommendations aimed at improving the accessibility and quality of services for women victims of sexual violence.

**Biljana Stepanov,**  
Director of the Center for Support of Women

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<sup>1</sup> The EU FRA (European Union Agency for Fundamental Rights) methodology refers to standardized procedures for collecting, analyzing, and reporting data on fundamental rights within the EU, using a combination of qualitative and quantitative research methods. More information is available at: <https://fra.europa.eu/en/about-fra>.



# 1

## INSTITUTIONAL AND LEGISLATIVE FRAMEWORK

- 1.1 International Framework
- 1.2 National Framework
- 1.3 Comparative Analysis of International and National Frameworks
- 1.4 Legal Competencies of Institutions and Establishments

# 1

## INSTITUTIONAL AND LEGISLATIVE FRAMEWORK

### 1.1 International Framework

The foundational document defining the international legal framework for the protection and enforcement of women's rights against violence is the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**<sup>2</sup>. Often described as the international charter of women's rights, CEDAW defines what constitutes discrimination against women and sets an agenda for national actions aimed at eliminating such discrimination. The Convention emphasizes the importance of equality between men and women in all areas of life, including political, social, economic, and cultural spheres.

By ratifying CEDAW, states commit to adopting legislative measures and policies to eliminate discrimination, promote gender equality, and protect women's rights. Additionally, the Convention requires member states to regularly report on their progress in implementing its provisions, thereby providing a critical framework for assessing and improving national policies related to gender equality. Serbia ratified CEDAW in 2001 as the legal successor of the Federal Republic of Yugoslavia, thereby committing to incorporating measures and policies aimed at eliminating discrimination against women and promoting gender equality into its legislation and practices.

<sup>2</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN Resolution 34/180 on December 18, 1979, entered into force on September 3, 1981. The Socialist Federal Republic of Yugoslavia (SFRY) ratified the Convention in 1981 ("Official Gazette of the SFRY – International Treaties," No. 11/81), and the Optional Protocol in 2007.



In addition to CEDAW, two declarations adopted by the United Nations General Assembly are noteworthy:

- **The Declaration on the Elimination of Violence against Women<sup>3</sup>** (1993) defines violence against women as a violation of human rights and a form of discrimination.
- **The Beijing Declaration and Platform for Action<sup>4</sup>** (1995) serves as a comprehensive framework for advancing gender equality. It focuses on critical areas such as violence against women, education, health, economic empowerment, political participation, and women's human rights.

By adopting these declarations and ratifying CEDAW, Serbia has demonstrated political will and commitment to advancing women's rights and gender equality. These documents provide guidelines for action in areas such as combating violence, empowering women, healthcare, education, political participation, and women's human rights, which Serbia has pledged to uphold as a member of the United Nations.

The **Rome Statute of the International Criminal Court<sup>5</sup>**, adopted in 1998, includes provisions defining crimes against humanity and war crimes, including sexual violence. This document recognizes rape, sexual slavery, forced prostitution, forced pregnancy, and other forms of sexual violence as crimes against humanity when committed as part of a widespread or systematic attack directed against a civilian population.

Regarding strategic documents, the current **United Nations Trust Fund to End Violence against Women Strategic Plan 2021–2025<sup>6</sup>** serves as a key framework for advancing global efforts to combat violence against women. This plan outlines goals and priorities for supporting civil society organizations and initiatives focused on preventing violence and assisting women who have survived violence. It emphasizes strengthening the capacity of organizations, increasing the availability of specialized services, promoting gender equality, and improving legislation and policies in this area. The plan aims to achieve these objectives through global solidarity and partnerships, enabling civil society organizations,

<sup>3</sup> The Declaration on the Elimination of Violence against Women, adopted by UN General Assembly Resolution 48/104 on December 20, 1993. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women> (accessed on 7/5/2024).

<sup>4</sup> The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, United Nations, October 27, 1995. <https://www.un.org/womenwatch/daw/beijing/pdf/BDPFA%20E.pdf> (accessed on 7/5/2024).

<sup>5</sup> The text of the Rome Statute is available in Serbian at: <https://www.paragraf.rs/propisi/zakon-o-potvrdivanju-rimskog-statuta-medjunarodnog-krivicnog-suda.html>.

<sup>6</sup> The UN Trust Fund to End Violence against Women Strategic Plan 2021–2025 is available at: <https://unftr.unwomen.org/en/digital-library/publications/2021/06/strategic-plan-2021-2025> (accessed on 7/5/2024).



particularly women's rights organizations, to implement victim-centered initiatives and eliminate violence against women and girls. The strategic plan places special emphasis on providing adequate specialized services for victims of sexual violence, including psychological and legal support.

The most significant document for protecting women's rights and preventing violence against women at the European level is the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)<sup>7</sup>**, adopted on May 11, 2011, in Istanbul and ratified by the National Assembly of the Republic of Serbia in 2013.

This document recognizes violence against women as one of the key social mechanisms by which women are forced into a subordinate position relative to men. The Istanbul Convention addresses prevention, protection, and support for victims, investigation and prosecution of acts of violence, and integrated public policies. The Istanbul Convention's objectives are to protect women from all forms of violence, prevent, prosecute, and eliminate violence against women and domestic violence, combat discrimination against women, promote equality between women and men, empower women, and adopt comprehensive policies and measures to protect and support all victims of violence against women and domestic violence.

The **Istanbul Convention (IC)** is of great importance for understanding sexual violence. Sexual violence encompasses a range of acts committed against individuals without their consent, such as rape, sexual harassment, and similar offenses. It can occur in various contexts, including intimate relationships, families, workplaces, and public spaces.

Consent is a key element in determining the legality of any sexual act, and it must be given voluntarily, without coercion, and with a full understanding of the situation. It is crucial to emphasize that consent can be withdrawn at any time.

Regarding rape, the Istanbul Convention requires clearly and unambiguously expressed consent for sexual intercourse and mandates the criminalization of any sexual act performed without consent. Consent must be voluntary and result from the free will of the person, assessed in the context of the given circumstances. This also includes situations where a woman is unable to give free consent. Signatories to the Istanbul Convention commit to adopting necessary legislative

<sup>7</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, („ Official Gazette of the Republic of Serbia – International Treaties ", No. 12/13) <https://www.refworld.org/legal/agreements/coe/2011/en/79074>



or other measures to ensure that the following deliberate acts are criminalized: vaginal, anal, or oral penetration of a sexual nature on another person's body without their consent, using any body part or object; Other sexual acts with a person without their consent; Coercing another person to engage in sexual acts with a third party without their consent.

By ratifying the Istanbul Convention, Serbia committed to adopting the necessary legislative or other measures to ensure that the provisions related to sexual violence also apply to acts committed against former and current spouses or partners in accordance with national regulations. Many states have signed and ratified the Istanbul Convention, while others are in various stages of debate regarding the Istanbul Convention, including political discussions in certain countries.

This document places a strong emphasis on providing specialized support services, such as establishing safe houses for victims of violence, setting up SOS hotlines for victims, creating Centers for Victims of Sexual Violence (CVSV), and implementing other measures that member states must undertake.

Article 25 of the Istanbul Convention obliges member states to ensure the availability of specialized services, including Centers for Victims of Sexual Violence, to provide comprehensive access to assistance. Reports on the implementation of measures defined by the Istanbul Convention and the outcomes in preventing and combating violence against women and domestic violence are submitted to the Secretary General of the Council of Europe, who forwards them to an independent expert group (GREVIO) tasked with monitoring the implementation of the Istanbul Convention.

**Centers for Victims of Sexual Violence are particularly emphasized in the Istanbul Convention as key to providing comprehensive support to victims,** including medical and laboratory examinations, trauma support, and counseling. These centers aim to provide immediate and long-term support to victims of sexual violence, create a safe space for discussion and counseling, and facilitate access to legal protection.

In addition to the Istanbul Convention, other EU-level documents regulate the field of violence against women.

**Recommendation 1450 (2000) – Violence against Women in Europe**<sup>8</sup> highlights the fact that hundreds of thousands of women in Europe face physical

<sup>8</sup> Recommendation 1450 (2000) – Violence against Women in Europe, Parliamentary Assembly of the Council of Europe, 2000. Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16783&lang=en>.



and psychological violence, both at home and outside, sometimes perpetrated by public authorities. The oppression of women, manifesting as domestic violence, rape, and female genital mutilation, is a reality that is widely recognized and condemned in many countries. Therefore, the Committee of Ministers was recommended to develop a European program to combat violence against women, with the aim of legally recognizing marital rape and classifying it as a criminal act.

**Recommendation 1582 (2002) – Domestic Violence against Women**<sup>9</sup> recognizes that domestic violence is the most common form of violence against women, with consequences affecting many areas of victims' lives, including housing, health, education, and their freedom to live without fear and in a manner of their choosing. This widespread phenomenon is present in all European countries and is not limited to any specific social group or class. Domestic violence can take various forms, such as physical violence, sexual abuse and rape, threats, and intimidation, and it should be recognized as a criminal act. This recommendation also emphasizes that marital rape should be criminalized as a specific criminal act.

Rec Recommendation<sup>10</sup> (2002) 5th Committee of Ministers to member states of the Council of Europe on the **protection of women against violence** contains recommendations for states to ensure that national criminal laws stipulate that any act of violence against a person, particularly physical or sexual violence, constitutes a violation of the bodily, psychological, and/or sexual freedom and integrity of that person, rather than merely a breach of morality, honor, or decency. States are expected to prescribe appropriate measures and sanctions to enable swift and effective action against perpetrators of violence and to rectify the injustices suffered by women who have experienced violence. As noted, national legislation should specifically penalize: Sexual violence and marital rape; Rape perpetrated by regular or occasional partners and persons living in the same household as the victim; Any sexual act committed against individuals who have not given consent, even if they do not exhibit signs of resistance; Sexual penetration of any kind or in any manner performed on a person without their consent.

Furthermore, states are required to stipulate that the statute of limitations for sexual offenses does not begin to run until the victim reaches adulthood. Addi-

<sup>9</sup> Recommendation 1582 (2002) – Domestic Violence against Women, Parliamentary Assembly of the Council of Europe, 2002. Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17055&lang=en>.

<sup>10</sup> Recommendation Rec (2002) 5 on the protection of women against violence, Committee of Ministers of the Council of Europe, 2002. Available at: <https://www.coe.int/en/web/genderequality/recommendation-rec-2002-5-and-other-tools-of-the-council-of-europe-concerning-violence-against-women>



tional measures to combat sexual violence include recommendations for states to consider establishing national and European databases containing the genetic profiles of all identified and unidentified perpetrators of sexual violence. This aims to implement an effective policy for apprehending offenders and preventing recidivism, while adhering to the standards prescribed by national legislation and the Council of Europe in this field.

### EU-level documents directly addressing sexual violence against women

**Directive 2012/29/EU**<sup>11</sup>, known as the **Victims' Rights Directive**, was adopted to ensure that victims of criminal acts, including survivors of sexual violence and rape, are treated with compassion and respect while their rights are protected. Key aspects of the Directive related to sexual violence and rape include:

- **Right to Information and Support:** Victims of sexual violence have the right to receive clear and understandable information about their rights and the available support. This includes information on how to access medical assistance, psychological support, and legal aid.
- **Right to Support Services:** The Directive emphasizes that member states must ensure that victims have prompt access to support services, such as helplines and counseling services. This support should be sensitive to the trauma experienced by victims, especially in cases of sexual violence.
- **Right to Protection:** Victims of sexual violence must be provided with adequate protection during legal proceedings. This includes measures to ensure their safety and prevent further victimization.
- **Right to Participation in the Judicial Process:** Victims have the right to participate in criminal proceedings and to be heard. They should be allowed to express their views on decisions affecting their rights, including the use of alternative methods for providing testimony, which can help reduce trauma.
- **Special Attention for Vulnerable Victims:** The Directive emphasizes that certain groups, including children and victims of sexual violence, may require additional care and protection. Measures should be taken to ensure the fulfillment of their rights and to prevent re-victimization.

<sup>11</sup> Directive 2012/29/EU, available at: <https://eur-lex.europa.eu/eli/dir/2012/29/oj>.



- **Right to Compensation:** Victims have the right to receive compensation for the harm suffered as a result of the criminal act, which may include medical expenses, psychological support, or lost income.
- **Prohibition of Discrimination:** The Directive ensures that all victims, regardless of their background or circumstances, are treated equally and without discrimination. This is particularly important for victims of sexual violence, who may face additional social stigmatization.
- **Obligations of Member States:** Member states are required to implement these rights into their legal frameworks and to regularly report on efforts to protect victims' rights. This includes ensuring that laws on sexual violence and rape are aligned with the standards set by this Directive.

**Directive 2011/93/EU**<sup>12</sup>, The Directive on Combating Sexual Abuse and Sexual Exploitation of Children and Child Pornography focuses on preventing and combating the sexual abuse and exploitation of children. Its aim is to strengthen the existing legal frameworks against sexual offenses involving children.

**Directive 2004/80/EC**<sup>13</sup>, The Directive on Compensation to Crime Victims stipulates those victims of violent crimes, including survivors of sexual violence, are entitled to compensation for the harm suffered. Member states are required to establish systems that provide victims with access to compensation.

**Directive 2011/36/EU**<sup>14</sup>, The Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims focuses on combating human trafficking, which often includes sexual exploitation. This directive also prescribes measures for the prevention of human trafficking, the protection of victims, and the prosecution of offenders.

**Framework Decision 2001/220/JHA**<sup>15</sup>, Although not a directive, the Framework Decision on the Standing of Victims in Criminal Proceedings focuses on standardizing the treatment of crime victims across the EU. It defines the rights of all victims regarding support and information, including cases of sexual violence.

<sup>12</sup> Directive 2011/93/EU, available at: <https://eur-lex.europa.eu/eli/dir/2011/93/oj>.

<sup>13</sup> Directive 2004/80/EC, available at: <https://eur-lex.europa.eu/eli/dir/2004/80/oj/eng>

<sup>14</sup> Directive 2011/36/EU, available at: <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>

<sup>15</sup> Framework Decision 2001/220/JHA, available at: [https://eur-lex.europa.eu/eli/dec\\_framw/2001/220/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2001/220/oj/eng)



**Directive 2024/1385<sup>16</sup>** (EU) on combating violence against women and domestic violence ( "VAW/DV Directive") The VAW/DV Directive, which is based on the Istanbul Convention, contains targeted measures to ensure that victims of violence against women and domestic violence are granted access to justice, adequate protection and support, and that measures are taken to prevent this violence from happening in the first place. The Directive foresees that:

- Specialized support services should provide support to victims of all forms of violence against women and domestic violence, including sexual violence, female genital mutilation, forced marriage, forced abortion and sterilization, sexual harassment and various forms of cyber violence. Victims should be offered specialist support services irrespective of whether they have filed a formal complaint.
- Women's specialist services can play a crucial role in providing advice and support for victims, including women's support centres, women's shelters, helplines, rape crisis centres, sexual violence referral centres and primary prevention services. They can also be provided by non-governmental women-led organizations.
- The traumatic nature of sexual violence, including rape, requires a particularly sensitive response by trained and specialized staff. Victims of sexual violence need immediate trauma support combined with immediate forensic examinations for the safe keeping of evidence needed for future prosecution. Rape crisis centres or sexual violence referral centres should be available in sufficient numbers and adequately spread over the territory of each Member State, taking into account the geography and demographic composition of the Member State concerned. Such centres can form part of the existing healthcare system in the Member State. Similarly, victims of female genital mutilation, who are often girls, typically are in need of targeted support. Therefore, Member States should ensure that they provide dedicated support tailored to these victims. Considering the unique circumstances of victims of such offences and their associated vulnerability, such specialist support should be provided with the highest standards of privacy and confidentiality.

<sup>16</sup> Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, available at: <https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng>



- In order to assist in the voluntary securing of evidence, in particular in cases of sexual violence, the competent authorities shall direct victims, without undue delay, to relevant healthcare professionals or to the support services referred to in Articles 25, 26 and 27 that are specialized in assisting with securing evidence. Victims shall be informed of the importance of collecting such evidence at the earliest possible time.
- Member States shall provide for appropriately equipped and easily accessible rape crisis or sexual violence referral centres, which may form part of the national healthcare system, to ensure effective support to victims of sexual violence and to ensure the clinical management of rape, including assisting in the safekeeping and documentation of evidence.
- Member States shall ensure that victims of sexual violence have access to medical and forensic examinations. Those examinations may be provided in the centres referred to in this paragraph or by referral to specialized centres or units. Member States shall ensure coordination between the referral centres and competent medical and forensic centres

## 1.2 National Framework

**The national framework for preventing and combating violence against women and domestic violence** is determined by legal regulations in this area, whose primary tasks are defined by the aforementioned international policies and declarations. Serbia has committed to aligning its legislative framework with international standards in this field.

The legal and institutional framework for gender equality and protection from gender-based violence (GBV) has been developing in Serbia for two decades. The Constitution of the Republic of Serbia<sup>17</sup> from 2006 guarantees equality between women and men and the creation of equal opportunities, prohibits direct and indirect discrimination on any basis, particularly gender. Alongside other general principles and the protection of fundamental human rights, **the Constitution serves as the foundation, together with international regulations, for preventing and combating violence against women and domestic violence.**

<sup>17</sup> Constitution of the Republic of Serbia, ("Official Gazette of RS," No. 98/2006), available at: [https://www.paragraf.rs/propisi/ustav\\_republike\\_srbije.html](https://www.paragraf.rs/propisi/ustav_republike_srbije.html) (accessed on 7/5/2024).



In addition to the Constitution, several key laws define and regulate issues of GBV and sexual violence (SV) in Serbia in different ways.

Primarily, the **Criminal Code of the Republic of Serbia (CC)**<sup>18</sup> defines and sanctions criminal acts against sexual freedom (Chapter XVIII). In total, the law recognizes eleven criminal acts against sexual freedom (see Image 1).

The Criminal Code of the Republic of Serbia has undergone several amendments and supplements regarding the criminalization of sexual violence. The most significant changes include:<sup>19</sup>

The Law on Amendments to the Criminal Code from 1994<sup>20</sup> decriminalized voluntary heterosexual intercourse with a minor, i.e., a person older than 14 but under 18 years of age, reflecting the stance that individuals over the age of 14 are capable of giving consent for heterosexual relations. However, voluntary homosexual intercourse with a minor, i.e., a person older than 14 but under 18, remained criminalized.

The Law on Amendments to the Criminal Code from 2002<sup>21</sup> changed the definition of the criminal act of rape by omitting the phrase “with whom the perpetrator does not live in a marital community,” thus allowing for the punishment of this act even when committed against a spouse (so-called marital rape). This legal solution reflected the position that sexual relations are not a marital duty but a sphere of personal rights and that discrimination against victims of sexual violence based on marital status in terms of criminal protection is untenable. At the same time, the penalty for the basic form of rape was increased by prescribing a specific legal minimum of “at least one year” and omitting the legal maximum. Additionally, qualifying circumstances that make the criminal act more severe were expanded, including the circumstance that the rape “resulted in pregnancy or a severe infectious disease.” Two aggravated forms of rape were defined: rape that resulted in serious bodily injury to the female victim or was committed by multiple individuals, in an exceptionally cruel or degrading manner, or resulted in pregnancy or a severe infectious disease, for which a minimum prison sentence of three years was prescribed (Article 103, Paragraph 2), and rape committed against a minor or

18 Criminal Code (“Official Gazette of the RS”, no. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013, and 108/2014) <https://www.paragraf.rs/propisi/krivicni-zakonik-2019.html> (accessed on 07/05/2024)

19 See: Petrušić, N., Beker, K. Integrating the Gender Perspective into Legislation, in: *Parliamentarism in Serbia from a Women’s Perspective* (Pajvančić Marijana, ed.), Belgrade, OSCE Mission to Serbia, 2021, pp. 65-70. Available at: <https://zenskestudije.org.rs/pdf/knjige/Parlament%20iz%20zenskog%20ugla%20OEPS.pdf>

20 Law on Amendments to the Criminal Code of the Republic of Serbia, No. 47/1994.

21 “Official Gazette of the Republic of Serbia,” No. 10/2002.



resulting in the death of the female victim, for which a minimum prison sentence of five years was prescribed (Article 103, Paragraph 3).

The Amendments to the Criminal Code from 2002 introduced a new criminal act, “domestic violence” (Article 118a), as one of the criminal act within the group of acts against marriage and family (Chapter XIII). This criminal act does not include sexual violence, so provisions from Chapter XII, “Criminal Acts Against the Dignity of the Person and Morality,” were relevant for qualifying sexual violence against a family member.<sup>22</sup>

### Criminal Act of Rape

The fundamental criminal act against sexual freedom is prescribed in Article 178 of the Criminal Code (CC) and consists of coercion into sexual intercourse or an act equated with it through the use of force or threats. Under previous regulations, the act constituting the act of rape was limited to sexual intercourse, which implied the penetration of the male sexual organ into the female sexual organ (vaginal intercourse). However, under the current legal provisions, the act also includes other sexual acts that can be equated with intercourse. According to prevailing legal opinion, acts that can be equated with intercourse include anal and oral coitus.<sup>23</sup> In practice, the criminal act of rape also encompasses acts that were previously classified as the criminal act of unnatural fornication.<sup>24</sup>

Other coerced sexual acts aimed at satisfying or stimulating sexual desire, such as the insertion of a finger, fist, or objects into the vaginal, anal, or oral opening, are generally not considered acts of execution of the criminal act of rape. Instead, they are categorized as acts of execution of the lesser criminal act of unauthorized sexual acts under Article 182 of the CC.<sup>25</sup> There is also an interpretation, accepted in some judicial practice, that the term “another act equated with intercourse” should be interpreted more broadly. This interpretation includes, besides anal and oral intercourse, “other forms of penetration, where the decisive criterion is whether such acts, based on a comprehensive assessment of their overall effect, form of expression, and accompanying circumstances, can be compared

22 Since coercion is a necessary element for the existence of the criminal act of rape, and as proof of applied coercion, the presence of the victim’s resistance is required, the question arises as to whether rape exists if the victim, whether a marital or common-law spouse, does not resist the perpetrator. For a more detailed discussion on this issue, see: Konstantinović Vilić S., Petrušić, N., *The Criminal Offense of Domestic Violence – Legal Practice in the Republic of Serbia*, Women’s Research Center for Education and Communication, Niš, 2004, p. 26.

23 Cvetković, V., *The Criminal Offense of Rape under Article 178 of the Criminal Code of the Republic of Serbia*, in: Dragiša Slijepčević, et al. (eds.), *Bulletin of Judicial Practice of the Supreme Court of Serbia 2*, Belgrade, Intermeks, 2006, p. 79.; Stojanović, S., Perić, O., *Criminal Law: Special Part*, Belgrade, Pravna knjiga, 2006, p. 100.; Stojanović, Z., op. cit., p. 588.

24 Stojanović, Z., op. cit., p. 593.

25 Stojanović, Z., op. cit., p. 593.



to intercourse, i.e., vaginal coitus.”<sup>26</sup> In some situations, sexual acts undertaken by the perpetrator for sexual gratification are classified as attempted rape rather than unauthorized sexual acts if their ultimate goal was intercourse rather than merely satisfying sexual desire through an unauthorized sexual act.

In the criminal legal sense, intercourse refers to the penetration of the male sexual organ into the female sexual organ, while an act equated with intercourse refers to the penetration of the male sexual organ into the anal or oral opening of the passive subject. Unauthorized sexual acts refer to other acts through which the perpetrator expresses sexual urges.<sup>27</sup>

Under domestic criminal legislation, a necessary element of rape is coercion into intercourse, or an act equated with it, carried out through the use of force or threats. Coercion and intercourse, or an act equated with it, together constitute the execution of the criminal act of rape. It is considered that coercion into sexual relations is what gives rape its criminal character, as consensual sexual relations are legally permitted. According to the legal formulation of the act, coercion consists of the use of force or threats of immediate attack on the life or body of the victim or a person close to them to achieve intercourse or an act equated with it.

The applied force is commonly divided into absolute and compulsive force. Absolute force exists when the person against whom it is used is unable to decide or execute a decision, meaning they are incapacitated from resisting. Compulsive force entails a qualified threat of an immediate attack on the life or body of the victim or a close person. This threat must be serious, feasible, and such that the victim can reasonably believe it will be carried out. According to judicial opinion, it is sufficient that the threatened individual perceives the threat as possible; the actual intent of the accused to carry it out is not required. The force must be such that it can overcome the victim's resistance, which is the prevailing stance in judicial practice.

As proof of applied coercion, which simultaneously establishes that the sexual act was non-consensual, judicial practice requires evidence of resistance, even though resistance itself is not necessarily an element of the criminal offense of rape. According to the still dominant view in legal theory and judicial practice, resistance must be genuine, serious, and continuous, meaning it must be expressed throughout the execution of the criminal act.<sup>28</sup> In practice, resistance

26 Škulić, M., The Criminal Offense of Rape in Serbian Criminal Law – Recent Amendments, Some Controversial Issues, and Possible Future Modifications, *Crimen*, 3/2017, pp. 413-414.

27 Decision of the Court of Appeals in Niš, Kž1 281/2020 dated May 21, 2020, available on Paragraf(Lex).

28 Lazarević, L.J., Commentary on the Criminal Code, Belgrade, Faculty of Law, Union University, 2011, p. 616. The literature states that “if the resistance was not serious but merely apparent, concealing the woman's desire for intercourse, the criminal act of rape does not exist” (Radovanović, M., Đorđević, M. Criminal Law, Special Part, Belgrade: 1977, p. 129).



is considered genuine if the rejection of intercourse is expressed not only verbally but also through physical opposition. It is considered serious if it reflects a firm decision to avoid sexual relations with the perpetrator, and continuous if it is maintained from the moment coercion begins until the act is completed.<sup>29</sup> The prevailing view is that the absence of such resistance means there was no coercion, leading to the conclusion that the sexual act was voluntary and that, therefore, the criminal act of rape did not occur.<sup>30</sup> In recent years, there has been a shift in understanding the significance of resistance. Courts increasingly accept the view that resistance should be understood in relative terms and that the absence of physical resistance does not exclude the existence of rape.<sup>31</sup>

Despite these positive developments, judicial practice continues to focus on the victim's resistance as proof that coercion was applied, rather than on the fact that intercourse or an act equated with it was carried out without consent or against the victim's will.<sup>32</sup>

### **Criminal Act of Sexual Intercourse with a “Helpless Person”**

Sexual intercourse with a “helpless person” is classified as one of the criminal acts against sexual freedom. Given that coercion is a crucial element of the criminal act of rape under the Criminal Code (CC), which requires evidence of resistance, Article 179 of the CC establishes a separate criminal act that incriminates sexual acts involving a person who is unable to resist due to their psychological or physical condition.

There are challenges in proving this criminal act, as the law does not explicitly define the term “helpless person,” leaving its interpretation to legal theory and judicial practice.<sup>33</sup> The prevailing legal stance is that no individual can be deemed helpless a priori, meaning incapable of resisting. The fact that a person has a mental disability or impaired mental health does not automatically categorize them as helpless; instead, the impact of these conditions on their ability to resist is assessed on a case-by-case basis. The same principle applies when physical incapacity to resist is due to old age, various illnesses, or other factors.<sup>34</sup>

29 See the judgment of the Court of Appeals in Belgrade, Kž. 350/2010 dated March 31, 2010.

30 Đurđić, V., Jovašević, D. Criminal Law: Special Part, Belgrade, Nomos, 2010, p. 73; Radovanović, M., Đorđević, Criminal Law, Special Part, Belgrade: Publisher, 1977, p. 129.

31 Stojanović, Z. op. cit., p. 590. [...] The use of force to commit sexual intercourse does not always have to be of such intensity that it leaves physical traces in the form of injuries on the victim's body. It is sufficient for the force to overcome the victim's resistance, even if it does not leave visible traces. Bulletin of the Higher Court in Belgrade 87/2016.

32 Marković, I. Rape – A Criminal Offense Against Sexual Integrity (Dilemmas in Judicial Practice), *Serbian Legal Thought*, 53/2020, p. 13.

33 Mirić, F. Criminal Law Protection of Persons with Disabilities in the Republic of Serbia, Belgrade: Institute for Criminological and Sociological Research, 2023, p. 50.

34 “Ibid., p. 620.”



The Criminal Code specifically recognizes aspects of sexual violence within marriage and the family, which are regulated and defined under Chapter XIX—Criminal Acts Against Marriage and Family. A particularly significant provision is Article 196: Incest. This article stipulates that an adult who engages in sexual intercourse or an equivalent sexual act with a minor blood relative in the direct line or with a minor sibling shall be punished with imprisonment ranging from six months to five years. Thus, the law explicitly sanctions sexual relations between close relatives when one of the individuals is a minor, classifying it as the act of incest.

### 1.3 Comparative Analysis of International and National Frameworks

A review of the institutional and legislative framework reveals significant steps are being taken at the normative level to improve legislation and align it with international standards. In this regard, it can be stated that **Serbia has made certain advances in accordance with the Istanbul Convention**, including the adoption of the Law on the Prevention of Domestic Violence and the creation of a national strategic document addressing gender-based violence.

However, a comparative analysis of international and national frameworks concerning sexual violence highlights significant inconsistencies between national regulations and a lack of alignment with international standards, particularly regarding the definition of the criminal act of rape.

According to Article 36<sup>35</sup> of the Istanbul Convention: “1) Parties undertake to adopt the necessary legislative or other measures to ensure that the following intentional conducts are criminalized:

- a) Vaginal, anal, or oral penetration of a sexual nature on another person’s body without their consent, using any body part or object;
- b) Other sexual acts performed on a person without their consent;
- c) Coercing another person to engage in sexual acts with a third person without their consent.

35 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, (“Official Gazette of the Republic of Serbia – International Treaties,” No. 12/13) <https://www.refworld.org/legal/agreements/coe/2011/en/79074>



- 2) Consent must be given voluntarily as the result of the person’s free will, assessed in the context of the surrounding circumstances.
- 3) Parties undertake to adopt the necessary legislative or other measures to ensure that the provisions of paragraph 1 of this article also apply to acts committed against former or current spouses or partners in accordance with national laws.”

**On the other hand, Article 178 of the Criminal Code of the Republic of Serbia defines rape as follows:**

- (1) Whoever coerces another into intercourse or an act equivalent to intercourse through the use of force or threats of immediate assault on the life or body of that person or someone close to them, shall be punished by imprisonment of five to twelve years.
- (2) If the act under paragraph 1 of this article is committed by threatening to reveal something that would harm the honor or reputation of the victim or someone close to them, or by threatening other severe harm, the perpetrator shall be punished by imprisonment of two to ten years.
- (3) If the act under paragraphs 1 and 2 of this articles results in severe bodily harm to the person against whom the act was committed, or if the act was committed by multiple individuals, in a particularly cruel or degrading manner, or against a minor, or if the act resulted in pregnancy, the perpetrator shall be punished by imprisonment of five to fifteen years.
- (4) If the act under paragraphs 1 and 2 of this article results in the death of the person against whom the act was committed or is committed against a child, the perpetrator shall be punished by imprisonment of at least ten years or life imprisonment.”

As noted in the GREVIO report<sup>36</sup>, **the criminalization of rape is still not fully aligned with the requirements of the Istanbul Convention.**

Furthermore, the domestic legal framework lacks precise definitions of the terms “violence against women” and “gender-based violence against women” that align with the Istanbul Convention.<sup>37</sup>

36 Council of Europe. (January 22, 2020). Serbia Government's efforts to fight violence against women are commendable, but more is needed. Council of Europe Portal. <https://www.coe.int/en/web/portal/-/serbia-government-s-efforts-to-fight-violence-against-women-are-commendable-but-more-is-needed> (accessed on 07/05/2024).

37 Strategy for the Prevention and Fight Against Gender-Based Violence Against Women and Domestic Violence for the Period 2021–2025 („Official Gazette of the Republic of Serbia”, No. 47/2021) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/47/1/reg> (accessed on 07/05/2024).



**The current legal definitions of various types of violence are not gender-specific, reflecting an insufficient recognition of the fact that certain forms of violence disproportionately affect women.**

The Supreme Public Prosecutor's Office (HPPO) has established records for the criminal act of domestic violence, but not for all other criminal acts covered by the Law on the Prevention of Domestic Violence. Additionally, it is evident that a unified and standardized system for collecting, recording, monitoring, and sharing data on all forms of violence against women and domestic violence, including femicide, has not been established<sup>38</sup>. Data collected by individual institutions (police, prosecution, healthcare facilities, and Social Work Centers) cannot be compared **due to the absence of a central database**<sup>39</sup>. This continues to hinder the tracking of outcomes in individual cases related to gender-based violence (GBV) and sexual violence (SV).

**GREVIO<sup>40</sup> also highlights the lack of specialized services for women**, particularly rape crisis centers and sexual violence support centers, **which remain limited and inaccessible in most of the country**. The Republic of Serbia has yet to secure funding for such centers, and current services cover only a limited geographical area.

38 Ibid.

39 Stepanov, B. (2022). Domestic Violence: What the Data Tell Us.

40 Ibid.



**Rape (Article 178):** Defined as a coerced sexual act or intercourse using force or threat. Sentences range from five to twelve years in prison, increasing in cases of aggravating circumstances such as causing severe bodily harm, committing the crime against a minor, or resulting in death.

**Sexual Intercourse with a Helpless Person (Article 179):** Refers to coercion of a person incapable of resisting due to illness, disability, or other circumstances. Sentences range from three to ten years in prison, with an increase in punishment if severe bodily harm results.

**Sexual Intercourse with a Child (Article 180):** Punishable as a coerced sexual act or intercourse, with sentences ranging from five to twelve years in prison. Sentences are harsher in cases of severe bodily harm, pregnancy, or multiple offenders.

**Sexual Intercourse through Abuse of Authority (Article 181):** Covers cases where a person abuses their authority to coerce someone into a sexual act or intercourse. Sentences range from one to eight years in prison, increasing if severe harm is caused.

**Unlawful Sexual Acts (Article 182):** Refers to various forms of non-consensual sexual conduct, including groping or forcing inappropriate contact. Sentences range from six months to five years in prison, with stricter penalties if committed against a minor.

**Sexual Harassment (Article 182a):** Any unwelcome sexual behavior that humiliates or intimidates a person, including inappropriate touching, coercion, or threats. Sentences range from three months to three years in prison.

**Pandering and Enabling Sexual Intercourse (Article 183):** Punishes those who facilitate or encourage prostitution. Sentences range from six months to five years in prison, increasing if committed against minors.

**Mediation in Prostitution (Article 184):** Penalizes those who profit from or facilitate prostitution. Sentences range from six months to five years in prison.

**Displaying, Procuring, and Possessing Pornographic Material and Exploiting Minors for Pornography (Article 185):** Criminalizes the production, distribution, and possession of child pornography. Sentences range from one to eight years in prison.

**Inducing a Child to Witness Sexual Acts (Article 185a):** Criminalizes forcing a minor to watch sexual activities. Sentences range from six months to three years in prison.

**Exploitation of a Computer Network or Communication via Other Technical Means for Committing Criminal Offenses Against Sexual Freedom of a Minor (Article 185b):** Penalizes the use of the internet or other communication means to arrange meetings with minors for the purpose of committing sexual offenses, with sentences ranging from six months to eight years in prison, along with monetary fines.

Image 1: Criminal Code, Chapter Eighteen



The **Family Law**<sup>41</sup> provides for urgent and long-term protective measures against domestic violence, while the **Law on Social Protection**<sup>42</sup> defines the type and scope of protection and services for victims of domestic violence.

A significant step forward was made in 2016 with the adoption of the **Law on the Prevention of Domestic Violence (LPDV)**<sup>43</sup>. **Article 6 of the law stipulates that the police, public prosecutor's offices, general jurisdiction courts, and misdemeanor courts, as competent state authorities, along with social welfare centers as institutions, are responsible for preventing domestic violence and providing protection and support to victims of domestic violence and victims of criminal acts specified by this law.**

In addition to the competent state authorities and social welfare centers, other institutions in the fields of child protection, social protection, education, upbringing, and healthcare (hereinafter referred to as: state authorities and institutions responsible for the implementation of this law), as well as gender equality bodies at the local self-government level, participate in preventing domestic violence by providing assistance, reporting violence, and offering support to victims.

**Support for victims of domestic violence and victims of criminal acts specified by this law may also be provided by other legal and natural persons, as well as associations.**

According to the Law on the Prevention of Domestic Violence (LPDV), multi-sectoral cooperation in cases of domestic violence is implemented through Coordination and cooperation groups, as well as through designated liaison officers (Articles 24–27).

Article 4 of the LPDV stipulates that this law also applies to cooperation in the prevention of domestic violence within criminal proceedings related to the following criminal acts: stalking (Article 138a of the Criminal Code); rape (Article 178 of the Criminal Code); sexual intercourse with a helpless person (Article 179 of the Criminal Code); sexual intercourse with a child (Article 180 of the Criminal Code); sexual intercourse through abuse of position (Article 181 of the Criminal Code); unlawful sexual acts (Article 182 of the Criminal Code); sexual harassment (Article 182a of the Criminal Code); procuring and enabling sexual intercourse (Article 183 of the Criminal Code); mediation in prostitution (Article 184 of the Criminal

41 Family Law, ("Official Gazette of RS", No. 18/2005, 72/2011 - other law, and 6/2015) [https://www.paragraf.rs/propisi/porodicni\\_zakon.html](https://www.paragraf.rs/propisi/porodicni_zakon.html) (accessed 7/5/2024).

42 Law on Social Protection, ("Official Gazette of RS", No. 24/11 and 117/2022) [https://www.paragraf.rs/propisi/zakon\\_o\\_socijalnoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html) (accessed 7/5/2024).

43 Law on the Prevention of Domestic Violence, ("Official Gazette of RS", No. 94/16) [https://www.paragraf.rs/propisi/zakon\\_o\\_sprecavanju\\_nasilja\\_u\\_porodici.html](https://www.paragraf.rs/propisi/zakon_o_sprecavanju_nasilja_u_porodici.html) (accessed 10/03/2024).



Code); displaying, obtaining, and possessing pornographic material and exploiting minors for pornography (Article 185 of the Criminal Code); inducing a child to witness sexual acts (Article 185a of the Criminal Code); neglect and abuse of a minor (Article 193 of the Criminal Code); domestic violence (Article 194 of the Criminal Code); failure to provide child support (Article 195 of the Criminal Code); violation of family obligations (Article 196 of the Criminal Code); incest (Article 197 of the Criminal Code); human trafficking (Article 388 of the Criminal Code); other criminal acts if the crime is a consequence of domestic violence.

This law also applies to the provision of protection and support to victims of criminal acts listed in paragraph 1 of Article 4 of the LPDV.

After the LPDV came into force, which mandated obligatory training, most activities related to the implementation of training were directed towards institutions handling cases of domestic violence, such as law enforcement agencies, public prosecutors' offices, and courts.

Article 13 of the Law on the Prevention of Domestic Violence defines the obligation to report violence. This law clearly establishes the duties and measures that must be undertaken to ensure adequate protection and support for victims of violence, as well as the effective prevention of gender-based violence.

Finally, in 2021, the **Law on Gender Equality**<sup>44</sup> (**LGE**) was adopted, along with the **National Strategy for Gender Equality 2021–2030**<sup>45</sup>, which includes an action plan for its implementation for the period 2021–2025.

The Law on Gender Equality, in Part VI – Prevention and Suppression of Gender-Based Violence, regulates the prohibition of violence based on sex, sexual characteristics, or gender, as well as violence against women. It also regulates special measures and programs, the obligation to report violence, as well as general and specialized support services.

Specialized support services, as defined by this law, are: 1) The provision of confidential SOS helpline services for girls and women with experiences of gender-based violence, where calls will not be recorded or otherwise made available to third parties. The responsible ministry for social protection ensures and funds a free national SOS helpline in the Republic of Serbia, while the competent authority or authorities of the autonomous province and local self-government units ensure

44 Law on Gender Equality, ("Official Gazette of RS", No. 52/2021) <https://www.paragraf.rs/propisi/zakon-o-rodnoj-ravnopravnosti.html> (accessed 07/05/2024).

45 Strategy for Gender Equality for the Period 2021–2030, ("Official Gazette of RS", No. 103/2021) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/103/1> (accessed 07/05/2024).



its availability at the level of the local government unit or administrative districts; 2) The provision of secure accommodation for women victims of violence and their children in safe houses or shelters, which are free of charge for all women and their children regardless of their place of residence or stay, available 24 hours a day, seven days a week, and adapted to the needs of women victims of violence; 3) The performance of specialized and forensic (forensic medical) examinations and laboratory tests and the provision of psychological support in accordance with the needs of the victims of violence; 4) The provision of free support services for victims of sexual violence, available 24 hours a day, seven days a week, as well as the provision of contraceptive protection and protection against sexually transmitted diseases and forensic medical examinations; 5) The implementation of specialized counseling programs for victims of violence, tailored to the individual needs of victims, including victims from vulnerable social groups.

Specialized support services must be accessible to everyone and tailored to the individual needs of victims of violence, including victims from vulnerable social groups.

**The Strategy for the Prevention and Combating of Gender-Based Violence Against Women and Domestic Violence for the Period 2021-2025<sup>46</sup> was adopted in 2021.** The Action Plan for implementation of this Strategy is not adopted. As part of this Strategy, Measure 2.4. foresees the enhancement of specialized services for women who have survived violence, ensuring them free legal and medical support, as well as access to safe houses, support centers, and SOS helpline available 24/7. It is stated that the services will be adapted to women from all social groups, including marginalized groups.

Measure 3.1. pertains to ensuring full, effective, and efficient criminal law protection for women from gender-based violence and domestic violence. The goal of this measure is to harmonize the definitions of domestic violence and the scope of persons considered family members across all relevant laws (Criminal Code, Family Law, and the Law on the Prevention of Domestic Violence). This ensures that protection is extended to all former spouses and partners, regardless of whether they lived together or have children, in accordance with international standards and research findings confirming that domestic violence can continue even after the end of a marital or non-marital relationship.

**Additionally, this measure proposes shifting the focus from coercion to the absence of free consent of the victim,** thereby strengthening protection and

<sup>46</sup> Strategy for the Prevention and Combating of Gender-Based Violence Against Women and Domestic Violence for the Period 2021-2025, ("Official Gazette of RS", No. 47/2021) <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/47/1/reg> (accessed 07/05/2024).



aligning it with the Istanbul Convention. It also suggests re-evaluating the treatment of the acts of sexual intercourse with an incapacitated person, which is often used to classify cases of rape of women with disabilities, sending the message that violating their right to autonomy and sexual decision-making does not constitute rape. It has been proposed that "incapacity" be recognized as an aggravating circumstance for the crime of rape and that penal policies be standardized for all forms of sexual violence.

Measure 4.2. aims to strengthen the role of specialized women's NGOs as providers of specialized services and participants in policy development. Their experience and expertise, particularly in providing services such as SOS helplines, legal support, and support centers, should be recognized and included in bodies and working groups for drafting laws and policies in this area. This measure also foresees continuous funding of these organizations to ensure that support services for women victims of violence remain accessible and sustainable.

The Law on Gender Equality<sup>47</sup> (LGE) thoroughly regulates measures for the prevention and suppression of all forms of gender-based violence and is explicitly aligned with international frameworks, particularly regarding **specialized services for victims of violence.**

According to Article 55 of the Law on Gender Equality, specialized support services include:

1. Providing confidential SOS helpline services for girls and women with experiences of gender-based violence, ensuring that calls are not recorded nor made available to third parties. In the territory of the Republic of Serbia, this free national SOS helpline is provided and financed by the competent ministry for social protection, while at the local level, the responsible authorities are the organs of the autonomous province and local self-government units;
2. Providing safe accommodation for women victims of violence and their children in safe houses or shelters, which are free of charge, available 24 hours a day, seven days a week, and adapted to the needs of women victims of violence, regardless of their place of residence;
3. Conducting specialized and forensic medical examinations, as well as providing psychological support in accordance with the needs of victims;

<sup>47</sup> In June 2024, the Constitutional Court of the Republic of Serbia temporarily suspended the implementation of the Law on Gender Equality ("Official Gazette of RS", No. 52/2021). Decision of the Constitutional Court of the Republic of Serbia: Resolution No. IY3-85/2021, dated June 28, 2024, issued in Belgrade. Official statement of the Constitutional Court regarding the initiation of the procedure for assessing constitutionality: <https://ustavni.sud.rs/sednice-suda/saopstenja-sa-sednice-suda/saopstenje-sa-8-sednice-ustavnog-suda-odrzane>.



4. Providing free support to victims of sexual violence, available 24 hours a day, seven days a week, including contraceptive protection, protection against sexually transmitted diseases, and forensic medical examinations;
5. Implementing specialized counseling programs for victims of violence, tailored to individual needs, including those of victims from vulnerable social groups.

In addition to laws and strategies, it is important to consider general and special protocols that regulate procedures and cooperation. First and foremost, the **General Protocol on Procedures and Multisectoral Cooperation in Situations of Gender-Based Violence Against Women and Domestic Violence**<sup>48</sup> (GPMC), which was adopted in 2024, defines the functioning of response mechanisms to gender-based violence (GBV) and domestic violence, with a particular emphasis on multisectoral cooperation in the process of protection from violence. In addition to this, the **General Protocol for the Protection of Children from Violence**<sup>49</sup> (GPPCV), adopted in 2022, defines more than 20 forms of violence against children, including physical and peer violence, domestic violence, sexual and digital violence, child labor exploitation, and child marriage as forms of violence that grossly violate children's rights. The general goal of this protocol is to ensure systematic and continuous prevention of all forms of violence against children and to create effective intersectoral protective measures when there is suspicion or knowledge of violence involving children.

In addition to General Protocols, special protocols are applied at the sectoral level, as well as protocols for the procedures of competent institutions, which regulate cooperation between the police, judiciary, social protection centers, and specialized women's NGOs (SW NVO) in cases of violence.

- **Special Protocol of the Ministry of Health for the Protection and Treatment of Women Exposed to Violence**<sup>50</sup> (2010) is an instrument for identifying, recording, and documenting gender-based violence, with the aim of engaging healthcare professionals and ensuring detection, suppression, and prevention of this harmful social phenomenon.

48 General Protocol on Procedures and Multisectoral Cooperation in Cases of Gender-Based Violence Against Women and Domestic Violence <https://www.mpravde.gov.rs/files/3акрључак%20Владе%20%20о%20уцајању%20о%20нтер%20протокола%2029.3.2024.pdf> (accessed on 13/10/2024).

49 General Protocol for the Protection of Children from Violence [https://www.paragraf.rs/propisi/opsti\\_protokol\\_za\\_zastitu\\_dece\\_od\\_zlostavljanja\\_i\\_zanemarivanja.html](https://www.paragraf.rs/propisi/opsti_protokol_za_zastitu_dece_od_zlostavljanja_i_zanemarivanja.html) (pristupljeno 03/10/2024).

50 Special Protocol of the Ministry of Health for the Protection and Treatment of Women Exposed to Violence (2010) [https://pravdeteta.ombudsman.org.rs/attachments/653\\_ProtokolMZRSZaZastituPostupanjeSaZenamaKojeSulzlozeneNasilju.pdf](https://pravdeteta.ombudsman.org.rs/attachments/653_ProtokolMZRSZaZastituPostupanjeSaZenamaKojeSulzlozeneNasilju.pdf) (accessed on 10/03/2024).



- **Special Protocol on the Procedure of Police Officers in Cases of Violence Against Women in Family and Partner Relationships**<sup>51</sup> (2013) aims to standardize police procedures in cases of violence against women in family and partner relationships, as well as to specialize certain police officers who will be assigned to handle these cases.
- **Special Protocol on the Procedure of Social Work Centers – Guardianship Authorities in Cases of Violence Against Women in Family and Partner Relationships**<sup>52</sup> (2013) was adopted with the aim of establishing the overall coordination role of social work centers in responding to family and partner violence.
- **Special Protocol for the Judiciary in Cases of Violence Against Women in Family and Partner Relationships**<sup>53</sup> (2014) aims at recognizing, preventing, and providing legal and other professional assistance to women who are victims of domestic and partner violence.

## 1.4 Legal Competencies of Institutions and Establishments

### 1.4.1 Ministry of the Interior

**The police**, in accordance with the Law on Police<sup>54</sup> (LP), play a key role in the protection and support of victims of violence. According to Article 28 of this Law, police officers are “obliged, in cooperation with other competent authorities, to immediately take necessary measures and actions in accordance with the law, which prevent or stop violence that may result in bodily injuries or loss of life.”<sup>55</sup> The police cooperates with other institutions, such as the prosecutor's office and social work centers, to ensure a coordinated approach in handling cases of violence.

51 Special Protocol on the Conduct of Police Officers in Cases of Violence Against Women in the Family and in Partner Relationships [https://pravdeteta.ombudsman.org.rs/attachments/653\\_ProtokolMZRSZaZastituPostupanjeSaZenamaKojeSulzlozeneNasilju.pdf](https://pravdeteta.ombudsman.org.rs/attachments/653_ProtokolMZRSZaZastituPostupanjeSaZenamaKojeSulzlozeneNasilju.pdf) (accessed on 10/03/2024).

52 Special Protocol on the Conduct of Social Work Centers – Guardianship Authorities in Cases of Violence Against Women in the Family and in Partner Relationships <https://www.minrzs.gov.rs/sites/default/files/2018-11/Posebni%20protokol%20MRZSP%20nasilje%20u%20porodici.pdf> (accessed on 10/03/2024).

53 Special Protocol for the Judiciary in Cases of Violence Against Women in the Family and in Partner Relationships (2014) <https://hrcvr.org/wp-content/uploads/2020/09/Posebni-protokol-za-pravosu%C4%91e-u-slu%C4%8Dajevima-nasilja-nad-%C5%BEenama-u-porodici-i-partnerskim-odnosima.pdf> <https://www.minrzs.gov.rs/sites/default/files/201811/Posebni%20protokol%20MRZSP%20nasilje%20u%20porodici.pdf> (accessed on 10/03/2024).

54 Law on Police, Article 28 - Police Action in Cases of Domestic Violence (“Official Gazette of the RS”, No. 101/2016) [https://www.paragraf.rs/propisi/zakon\\_o\\_policiji.html](https://www.paragraf.rs/propisi/zakon_o_policiji.html) (accessed on 07/05/2024).

55 Ibid.



## 1.4.2 The Role of Public Prosecutor's Offices

The Public Prosecutor's Office of the Republic of Serbia consists of the Supreme Public Prosecutor's Office, Supreme Public Prosecutor's Offices, Higher Public Prosecutor's Offices, Basic Public Prosecutor's Offices, and Public Prosecutor's Offices with special jurisdiction.<sup>56</sup> The Supreme Public Prosecutor's Office, as the highest instance, performs supervisory and coordination functions over the work of lower prosecutor's offices. The **Basic Public Prosecutor's Offices (BPPO)** prosecute perpetrators of criminal acts punishable by imprisonment of up to 10 years, while the **Higher Public Prosecutor's Offices (HPPO)** prosecute perpetrators of criminal acts punishable by more than 10 years of imprisonment, as well as other criminal acts specified by law.<sup>57</sup>

## 1.4.3 Social Work Centers and Social Welfare Institutions

**Social Work Centers (SWC)**, in accordance with the Law on Social Protection<sup>58</sup>, provide a wide range of support services to victims of domestic and gender-based violence, including sexual violence. These services include psychological support, accommodation in safe houses, legal assistance, economic support, and help with reintegration into society.

**Social welfare institutions** are established to ensure the realization of rights in the field of social protection, provide social welfare services as defined by this law, and perform developmental, advisory, research, and other professional activities in social protection, as well as fulfill other legally defined interests.<sup>59</sup>

According to Article 40 of the Law on Social Protection<sup>60</sup>, social welfare services are categorized into the following groups:

1. **Assessment and Planning Services** – Assessing the condition, needs, strengths, and risks of beneficiaries and other significant individuals in their environment; assessing guardians, foster parents, and adoptive parents; developing individual or family service plans, legal protection measures, and other assessments and plans.

<sup>56</sup> Law on Public Prosecution, Article 13 - Types of Public Prosecutor's Offices ("Official Gazette of the RS", No. 10/2023) [https://www.paragraf.rs/propisi/zakon\\_o\\_javnom\\_tuzilastvu.html](https://www.paragraf.rs/propisi/zakon_o_javnom_tuzilastvu.html) (accessed on 10/25/2024).

<sup>57</sup> Available at: <http://www.vrhovnojt.gov.rs/sr/organizacija/javno-tu%C5%BEila%C5%A1tvo-republike-srbije/uvodna-re%C4%8D-vrhovnog-javnog-tu%C5%BEioca> (accessed on 25/10/2024).

<sup>58</sup> Law on Social Protection, ("Official Gazette of the RS", No. 24/2011, 110/2012 - other law, 93/2014, and 88/2019) [https://www.paragraf.rs/propisi/zakon\\_o\\_socijalnoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html) (accessed on 5. 7. 2024).

<sup>59</sup> Ibid. Article 10.

<sup>60</sup> Ibid. Article 40.



2. **Community-Based Daily Services** – Daycare; in-home assistance; shelters and other services that support beneficiaries in their family and immediate environment.
3. **Support Services for Independent Living** – Supported housing; personal assistance; training for independent living and other necessary support for beneficiaries' active participation in society.
4. **Advisory, Therapeutic, and Socio-Educational Services** – Intensive family support services in crisis situations; counseling and support for parents, foster parents, and adoptive parents; family support for caring for children or adults with disabilities; maintaining family relationships and family reunification; counseling and support in cases of violence; family therapy; mediation; SOS helplines; activation programs, and other advisory and educational services and activities.
5. **Accommodation Services** – Placement in kinship, foster, or other family care for adults and the elderly; residential accommodation; placement in shelters and other forms of accommodation.

Unlike the Law on Gender Equality, which aligns services related to gender-based and domestic violence with international frameworks (such as the Istanbul Convention), the Law on Social Protection is not harmonized with international standards and does not emphasize the importance of specialized services for victims of gender-based and domestic violence.

## 1.4.4 The Healthcare System

The **healthcare system**, in accordance with the Law on Healthcare<sup>61</sup> (LH), **plays a key role in providing support to women who have survived sexual violence.** Healthcare institutions offer a range of services, including emergency medical assistance, medical examinations, treatment of physical and psychological consequences of violence, and psychological support.

The Law on Health Insurance<sup>62</sup> (LHI) recognizes victims of domestic violence as insured persons, even in cases where they do not meet the legally prescribed conditions for acquiring the status of an insured person or for being insured as a family member. According to the Regulation on the Nomenclature of Health Services at the Primary Level of Healthcare<sup>63</sup>, the system recognizes services for

<sup>61</sup> Law on Health Care, ("Official Gazette of the RS", No. 25/2019) [https://www.paragraf.rs/propisi/zakon\\_o\\_zdravstvenoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_zdravstvenoj_zastiti.html) (accessed 7/5/2024).

<sup>62</sup> Law on Health Insurance, Article 16. ("Official Gazette of the RS", No. 25/2019 and 92/2023) [https://www.paragraf.rs/propisi/zakon\\_o\\_zdravstvenom\\_osiguranju.html](https://www.paragraf.rs/propisi/zakon_o_zdravstvenom_osiguranju.html).

<sup>63</sup> Rulebook on the Nomenclature of Health Services at the Primary Level of Health Care ("Official Gazette of the RS", No. 70/2019, 42/2020, and 74/2021).



assisting victims of violence and allows for tracking and analyzing the number of services provided.

Additionally, a special protocol from the Ministry of Health of the Republic of Serbia exists for the protection and treatment of women exposed to violence. This protocol focuses on the position of women victims of violence and acknowledges that violence not only results in acute conditions and injuries but also causes a range of health conditions and diseases as a consequence of prolonged exposure to violence.<sup>64</sup>

#### 1.4.5 Specialized Women's Non-Governmental Organizations (SWs NGO)

**Specialized Women's Non-Governmental Organizations (SW NGO)**, in accordance with the Law on Social Protection<sup>65</sup>, provide **support to victims of violence at the local level** through specialized services such as SOS helplines, centers for victims of sexual violence, and safe houses. According to the Regulation on Detailed Conditions and Standards for the Provision of Social Protection Services<sup>66</sup>, the licensing requirements for these services include specific criteria related to infrastructure, organization, and personnel.

In addition to this regulation, it is important to mention the Regulation on Detailed Conditions and Standards for the Provision of SOS Helpline Services for Women with Experiences of Violence<sup>67</sup>, which prescribes the detailed conditions and minimum standards for providing SOS helpline services for women experiencing gender-based violence. This service falls under the category of counseling-therapeutic and socio-educational services, as defined by the Law on Social Protection. This regulation highlights the importance of providing anonymous and confidential support, based on the principles of safety, empowerment, and respect for human dignity. It also specifies the activities included in the service, such as information dissemination, counseling support, risk assessment, and referral to other relevant services. Furthermore, the regulation emphasizes the necessity of proper training and expertise for personnel providing these services, as well as

64 Special Protocol of the Ministry of Health of the Republic of Serbia for the Protection and Treatment of Women Exposed to Violence. Available at: <https://www.sigurnakuca.net/sites/default/files/inline-files/TirkizniTekst.pdf>.

65 Law on Social Protection, ("Official Gazette of the RS", No. 24/11 and 117/2022) [https://www.paragraf.rs/propisi/zakon\\_o\\_socijalnoj\\_zastiti.html](https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html) (accessed on 7/5/2024).

66 Rulebook on Detailed Conditions and Standards for Providing Social Protection Services, ("Official Gazette of the RS", No. 42/2013, 89/2018, and 73/2019) (accessed on 7/5/2024).

67 Rulebook on Detailed Conditions and Standards for Providing SOS Telephone Services for Women with Experience of Violence ("Official Gazette of the RS", No. 93/2015 and 90/2020) [http://demo.paragraf.rs/demo/combined/Old/t/2020\\_06/SG\\_090\\_2020\\_001.htm](http://demo.paragraf.rs/demo/combined/Old/t/2020_06/SG_090_2020_001.htm).



the importance of intersectoral cooperation to ensure comprehensive assistance to women who have experienced violence.

The work of specialized women's NGOs contributes to empowering victims, raising awareness about the issue of sexual violence, and promoting positive societal changes. SW NGOs often serve as the first point of support for victims, providing them with a safe space for expression and recovery. It is also significant to note that SW NGOs providing support services are networked to ensure collaborative efforts in addressing this issue.

#### Women Against Violence Network

**The Women Against Violence Network was established in 2005, continuing the tradition of women's networking in Serbia around the issue of reducing violence against women.** Its primary goal is to empower and connect specialized women's organizations that provide services to women who have survived violence.<sup>68</sup>

The network brings together associations that offer direct support to women with experiences of domestic violence or work on violence against women through research, advocacy for women's rights to a life free from violence, education, lobbying, or other initiatives.

#### SOS Vojvodina Network

**In 2012, a network of specialized organizations for assistance and support to victims of violence was formed under the name SOS Vojvodina Network.**

The network was officially registered as a legal entity in 2017 and consists of five organizations from the territory of Vojvodina: "Center for Support of Women" (Kikinda); "...OUT OF CIRCLE – VOJVODINA" (Novi Sad); "SOS Women's Center" (Novi Sad); "Roma Association Novi Bečej – SOS Helpline in Minority Languages" (Novi Bečej); "Zrenjanin Educational Center" (Zrenjanin).

SOS Vojvodina Network provides services from the fourth group of social services in accordance with the Law on Social Protection of the Republic of Serbia—counseling-therapeutic and social-educational services. These include, among other things, counseling and support in cases of violence, SOS helpline services, activation programs, and other advisory and educational services and activities. SOS Vojvodina Network is a licensed provider of SOS helpline services.<sup>69</sup>

68 In May 2024, the Network was registered as a legal entity.

69 License number: 366 from March 19, 2018.



### **Centers for Victims of Sexual Violence in Vojvodina (CVSVs)**

According to the Istanbul Convention, the state is obligated to ensure the establishment of an adequate number of crises centers for victims of sexual violence (CVSVs) to provide medical and laboratory examinations, trauma support, and counseling services (Article 25).

**In Serbia, in accordance with the Istanbul Convention, five Centers for victims of sexual violence are currently operating.** These centers function within four healthcare institutions in the Autonomous Province of Vojvodina: General Hospital Kikinda, General Hospital “Đorđe Joanović” in Zrenjanin, General Hospital Sremska Mitrovica and General Hospital Vrbas. Additionally, one center is located within the University Clinical Center of Vojvodina at the Clinic for Gynecology and Obstetrics in Novi Sad.<sup>70</sup> In November 2024, CSW established fifth Center for Victims of Sexual Violence (CVSV) in AP Vojvodina, in GH Vrbas, which enables greater coverage and availability of support services, for more of women and girls in Vojvodina, covering districts of North and Central Backa, through EIDHR “Step Forward – Improving services for Victims of Sexual Violence in Vojvodina” project. These centers provide integrated services that include medical assistance, forensic medical examinations, and psycho-social support.

Centers for Victims of Sexual Violence (CVSVs) were founded in 2016 and provide a specialized support service that unique in the Republic of Serbia, they exist only in the territory of AP Vojvodina. There is no other institution or women's organization that provides a similar service in Serbia. Their establishment is foreseen by the Istanbul Convention, and by the Decision on the Program for the Protection of Women from Domestic Violence and Partner Relations and other forms of violence against women in AP Vojvodina from 2023 to 2026 as one of the measures for the prevention of violence and enables women and girls to overcome the trauma of sexual violence and continue living without the experience of violence.

CVSVs work according to the principles and standards established by the Istanbul Convention and are available to all women who have experienced sexual violence, 24 hours, 7 days a week. Center for Support of Women has signed Memorandum of Understanding and cooperation agreements with these five health institutions to manage the functioning of the CVSVs and to provide psychosocial support to victims of sexual violence, while the health institutions developed internal procedures and formed working groups to monitor the implementation of established procedures in the provision of support services.

<sup>70</sup> The Center for Victims of Sexual Violence within the General Hospital in Vrbas began operating in November 2024, while the other centers have been functioning from 2016.



The service provides comprehensive support for women victims of sexual violence (medical/forensic, counseling and psycho-social support). Medical support is provided by the health professionals from hospitals, while the counsellors for providing psychological and psycho-social support are engaged by the NGO (Center for Support of Women). Specialised support services provided in CVSVs include psychological support - crisis intervention within 72 hours, as well as extended psychological and psycho-social support.



# 2

## PREVALENCE AND CHARACTERISTICS OF SEXUAL VIOLENCE IN SERBIA



# 2

## PREVALENCE AND CHARACTERISTICS OF SEXUAL VIOLENCE IN SERBIA

**Sexual violence is a serious social problem that affects all aspects of victims' lives, including physical and mental health, social integration, and economic stability.** Experiencing violence does not only cause physical consequences but also leads to long-term psychological effects.<sup>71</sup>

**Violence against women affects women of all ages, regardless of their income level, and women from all parts of the country.**<sup>72</sup> According to a 2019 report by the Organization for Security and Co-operation in Europe (OSCE), **more than half of the surveyed women in Serbia aged 15 and older had experienced some form of gender-based violence, while nearly one-third had experienced sexual harassment.**<sup>73</sup>

The "Research on Gender-Based Violence and Other Forms of Interpersonal Violence" from 2021<sup>74</sup> revealed that 22% of women aged 15 and older had experienced physical and/or sexual violence within or outside a relationship, while 11% had encountered stalking. **These figures indicate the high level of violence women are exposed to throughout different stages of life and in various social contexts.**

<sup>71</sup> Statistical Office of the Republic of Serbia (2022) Woman Victim of Violence from a Statistical Perspective. Available at: <https://www.stat.gov.rs/media/358199/g20226007.pdf> (accessed 5. 7. 2024).

<sup>72</sup> Babović, M., & Reljanović, M. (2019). Research on the Well-Being and Safety of Women: Report for Serbia. OSCE. Available at: <https://www.osce.org/files/f/documents/d/5/473256.pdf> (accessed 5. 7. 2024).

<sup>73</sup> Ibid.

<sup>74</sup> Babović, M. (2022). Quality of Life and Safety of Women. Statistical Office of the Republic of Serbia. Available at: <https://publikacije.stat.gov.rs/G2022/Pdf/G20226006.pdf> (accessed 5. 7. 2024).



On the other hand, research on women's safety and quality of life<sup>75</sup> shows that **sexual harassment in the workplace in Serbia is more common than both intimate partner and non-partner sexual violence**. The most frequent form of harassment is inappropriate or obscene staring, experienced by one in three women (33.2%).<sup>76</sup> Inappropriate sexual jokes and offensive comments about the body or private life were reported by 22.1% of women, while 19.2% of women experienced inappropriate suggestions for dating.<sup>77</sup>

When it comes to girls younger than 15, the "Study on Child Abuse and Neglect in Serbia" found that **8.49% of children aged 11 to 16 stated to have experienced at least one incident of sexual violence, while 10.8% had experienced some form of sexual violence during their lifetime**.<sup>78</sup>

**In the Republic of Serbia, the number of reported cases of domestic violence has been increasing every year**.<sup>79</sup> One of the key barriers to reporting violence, as identified in the OSCE qualitative and quantitative research on violence against women conducted in Serbia in 2018<sup>80</sup>, was shame, especially in cases of domestic and marital violence. In addition to shame, women cited economic dependence, fear of retaliation, and distrust in relevant institution as the main obstacles to reporting violence.<sup>81</sup> Furthermore, in smaller towns, women feared that the **perpetrator would avoid accountability due to connections with individuals in relevant institutions**.<sup>82</sup>

**The rate of reporting violence against women remains low**: only 25% of women who had suffered violence from a former partner reported it to the police, 18% of those who experienced stalking reported it, and only 3% of women reported sexual harassment to the police.<sup>83</sup>

**The situation is especially concerning when it comes to vulnerable groups of women**, such as Roma women, women with disabilities, and women from rural

75 Ibid.

76 Ibid.

77 Ibid.

78 UNICEF. (2021). Research on Adverse Childhood Experiences in Serbia (ACE). Available at: <https://www.unicef.org/serbia/en/research-adverse-childhood-experiences-serbia-ace> (accessed 5. 7. 2024).

79 Stepanov, B. (2022). Domestic Violence: What the Data Tell Us. UNDP. Available at: <https://www.undp.org/sr/serbia/publications/nasilje-u-porodici-sta-govore-podaci> (accessed 5. 7. 2024).

80 OSCE, Research on the Well-Being and Safety of Women: Report for Serbia, 2019. Available at: [https://www.osce.org/files/f/documents/7/15/419756\\_1.pdf](https://www.osce.org/files/f/documents/7/15/419756_1.pdf) (accessed 5. 7. 2024).

81 Ibid.

82 Ibid.

83 Ibid.



areas. Research on violence against Roma women is scarce in Serbia.<sup>84</sup> According to a 2017 shadow report submitted to the GREVIO committee by the NGO Bibija, domestic **and partner relationships violence against Roma women is a serious social issue**.<sup>85</sup> Among all surveyed Roma women, 91.9% had experienced some form of physical and/or sexual violence after turning 18.<sup>86</sup> The same report reveals that only 27.6% of surveyed Roma women had sought help from an institution or organization immediately after the last act of violence committed against them, while only 8.8% first contacted the police after experiencing violence.<sup>87</sup>

**In most cases, Roma women did not report violence to the police** due to several key reasons: 34.9% feared further violence, 31.5% felt ashamed, 14.4% believed the abuse was not serious enough to justify calling the police, 5% did not believe the police would help Roma women, and 3% knew from experience that the police would not help.<sup>88</sup>

**Women with disabilities are disproportionately exposed to violence, abuse, and neglect** compared to women without disabilities.<sup>89</sup> Women with intellectual and mental disabilities face a much higher risk of becoming victims of sexual violence compared to women without disabilities and women with physical disabilities.<sup>90</sup> The risk increases further once a woman is placed in a residential institution.<sup>91</sup>

Alarmingly, **more than half of healthcare workers are not aware of their legal obligation to keep written records and documentation of gender-based violence (GBV) cases**.<sup>92</sup> Healthcare providers are legally required to record and report suspected GBV cases, yet the majority of workers are unaware of this obligation. One in four healthcare providers has never recorded a patient's report of exposure to violence in their medical files, while one in three healthcare workers has never documented physical injuries in patient records.<sup>93</sup>

84 Roma Womens' Center Bibija. (2017). Monitoring of Public Policies: Effects of the Decade of Roma on the Position of Roma Women in the Republic of Serbia. Available at: [https://www.bibija.org.rs/wp-content/uploads/2021/02/Prelom\\_BOS1-1.pdf](https://www.bibija.org.rs/wp-content/uploads/2021/02/Prelom_BOS1-1.pdf) (accessed 5. 7. 2024).

85 Women's space and NGO Bibija. (2018). Shadow Report to the GREVIO Committee – Violence Against Roma Women in the Republic of Serbia. Belgrade. Available at: <https://www.bibija.org.rs/publikacije/2023/01/17/shadow-report-to-the-grevio-committee-violence-against-roma-women-in-the-republic-of-serbia/> (accessed 5. 7. 2024).

86 Women's space and NGO Bibija. (2018). Shadow Report to the GREVIO Committee – Violence Against Roma Women in the Republic of Serbia.

87 Ibid.

88 Ibid.

89 Strategy for the Prevention and Combatting of Gender-Based Violence Against Women and Domestic Violence for the Period 2012-2025 ("Official Gazette of the RS", No. 47/2021). Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2021/47/1/reg> (accessed on 07/05/2024).

90 Ibid.

91 Ibid.

92 Ibid.

93 Ibid.



**Healthcare workers are still not sufficiently involved in the prevention and suppression of gender-based and sexual violence (GBV/SV),** despite training programs on recognizing and properly documenting violence.<sup>94</sup> Training for healthcare workers is conducted by health institutions through accredited programs as part of continuous education, but there is no publicly available data on the number of such programs.<sup>95</sup>

**There is no centralized and publicly available database on the number of participants** in these training programs. Non-governmental organizations (NGOs), such as the Center for Support of Women (CSW), conduct accredited training programs, including: "Practical Application of Procedures for Working with Child Victims of Sexual Abuse" (accredited by the Ministry of Labour, Employment, Veterans and Social Affairs, No. 002087997/12 2024); "Role and Actions of the Social Work Center in Reporting Suspected Child Sexual Abuse and Crisis Interventions" (accredited by the Ministry of Labour, Employment, Veterans and Social Affairs, No.000299833/1 2023); "Training program for working on the SOS Helpline for women with experience of violence"; "Training program Implementation of the new General Protocol on handling and multisectoral cooperation in situations of gender-based violence against women and domestic violence "; "Education program for health workers" (accredited by the Health Chamber of Serbia No. 153-02-00118/2023-01); "The role of health workers in supporting victims of sexual violence" (accredited by the Health Chamber of Serbia No. 153-02-00131 /2025-01).<sup>96</sup>

94 Strategy for the Prevention and Combatting of Gender-Based Violence Against Women and Domestic Violence for the Period 2021-2025 ("Official Gazette of the RS", No. 47/2021). Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sqrs/vlada/strategija/2021/47/1/reg> (accessed on 07/05/2024).

95 Ibid.

96 Center for Support of Women <https://www.cpz.rs/>

3



# 3

## RESEARCH METHODOLOGY



# 3

## RESEARCH METHODOLOGY

The research “Mapping the availability of support services for victims of sexual violence and women’s experiences in accessing services in the Republic of Serbia” was conducted in several phases between May and September 2024. **In the first (preparatory) phase**, all relevant documents and available data were reviewed to help the research team better understand the current situation regarding the availability of support services. Based on the results of this **desk review**, the second, **quantitative phase** of the research was carried out, consisting of two components.

**The first component involved analyzing statistical data from official sources**, including annual reports from the Ministry of the Interior, the Supreme Public Prosecutor’s Office, the Republic Institute for Social Protection, as well as specialized women’s NGOs (SW NGO) that provide support services for women and girls who are victims of gender-based and sexual violence (GBV/SV).

**The second component involved analyzing data collected through an online questionnaire distributed to pre-mapped specialized women’s NGOs, members of the Women Against Violence Network, the SOS Vojvodina Network, and social work centers across Serbia.** The mapped institutions and organizations were surveyed about various aspects of their work and the ways they provide support services to women with experiences of sexual violence. The selection criterion was that these organizations and institutions directly provide support to women with experiences of sexual violence.



This component had a dual objective. In addition to gaining insight into the quality and availability of support services these organizations provide, the survey also served as a **mechanism for selecting interview participants for the final phase of the research**—a qualitative analysis based on in-depth interviews with women and girls who had reported sexual violence and sought support from SW NGOs.

The questionnaire was distributed via the Survey Monkey platform to a total of 25 specialized women's NGOs (SW NGO), members of the Women Against Violence Network and the SOS Vojvodina Network, of which 13 completed the questionnaire. Additionally, the questionnaire was sent to 13 institutions (social work centers and social protection centers) that provide shelter services for women victims of violence, and 6 of them responded.

**The third and simultaneously the key component of the research was qualitative research, aimed at providing a more detailed picture of the services available to victims of sexual violence from the perspective of women and girls who had reported sexual violence.** This phase of the research involved conducting in-depth interviews with women and girls from different parts of Serbia who had reported sexual violence and were willing to share their experiences.

All interviewees had experienced and reported sexual violence, and their testimonies provided significant insight into the challenges and obstacles they faced during and after the reporting process. The interviews were conducted according to the highest ethical standards. The anonymity of all participants and confidentiality of the data collected during the interviews were ensured, eliminating any risk of inadvertent disclosure of personal information about the interviewees. To prevent re-traumatization, the interviews were conducted by counselors from specialized women's NGOs (SW NGO) who had previously been in contact with the participants and had already provided them with support.

The SeConS team conducted a workshop for counselors on conducting interviews and properly recording notes. The analysis of the collected material enabled the identification of key patterns and themes in the experiences of the interviewees. Thematic analysis was used to process the experiences of women who had reported sexual violence. Three key themes and several sub-themes were identified (see Image 2).

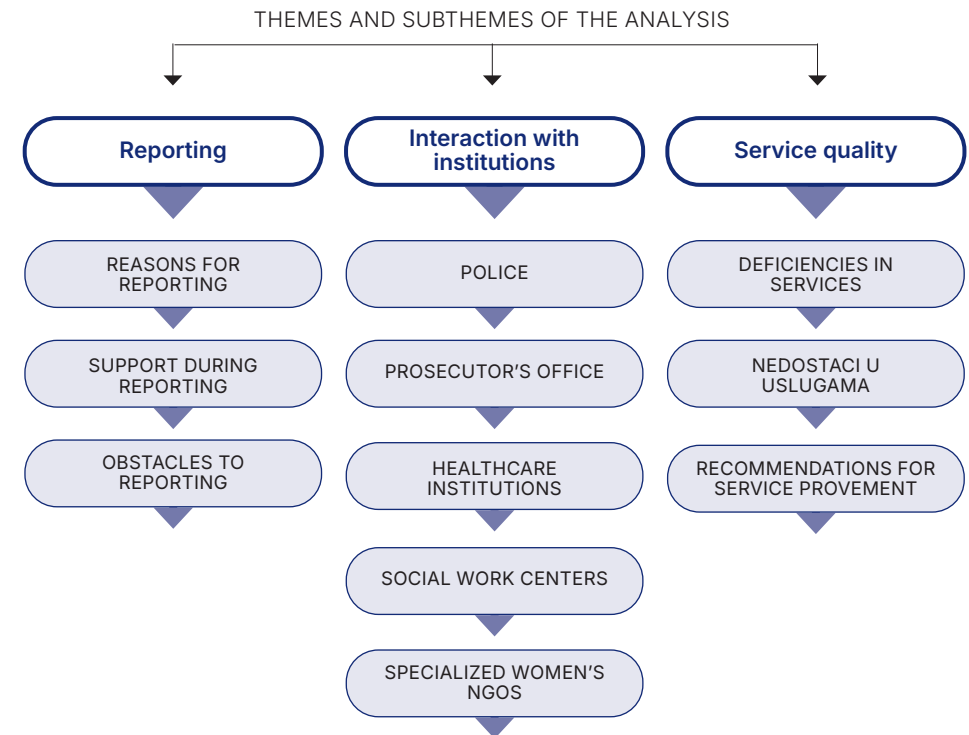


Image 2 Key Themes and Subthemes of the Analysis

**The qualitative analysis is based on ten in-depth interviews with women and girls from Vojvodina and Belgrade,** representing different age groups and social backgrounds, including students, employed and unemployed women, as well as women from both urban and rural areas. The youngest interviewee was 17 years old, while the oldest woman who shared her experiences of reporting sexual violence was 41 years old. Half of the interviewees come from urban areas (Belgrade, Novi Sad, and two other cities in Vojvodina), while the other half are from rural areas near Belgrade and across Vojvodina. One interviewee is a mother of six children, while another is a minor and a member of the Roma community. Although data indicates that victims also include women with other characteristics, unfortunately, no women with disabilities were included in the sample. The selection of interviewees was based on their openness and willingness to share their experiences.



**Tabela 1:** Anonymized List of Participants in the Qualitative Research

PSEUDONYM	AGE	SOCIO-ECONOMIC STATUS	INSTITUTION AND LOCATION OF SV REPORTING
<b>Mara</b>	21	Student from a rural area with a history of family violence (transgenerational violence).	Healthcare institution in a small town in Vojvodina
<b>Teodora</b>	21	A female student from a small town in Vojvodina.	Police precinct in Novi Sad
<b>Sanja</b>	23	Master's student from Novi Sad.	Emergency Center in Novi Sad
<b>Ana</b>	17	A student from a rural area. A member of the Roma community with experience of sexual violence in the family.	The educational institution the girl attends in a smaller town in Vojvodina
<b>Svetlana</b>	44	University-educated, unemployed woman from Novi Sad	Health Center Novi Sad
<b>Gorica</b>	28	Graduate student, freelancer from a village near Belgrade.	Police precinct in Belgrade
<b>Miroslava</b>	41	Unemployed, mother of six from Smederevo.	Police precinct in Velika Plana Smederevo.
<b>Andelija</b>	33	University-educated, employed woman from Belgrade.	Police precinct in Belgrade
<b>Zorana</b>	27	Employed woman from Belgrade, previously lived in a home for children without parental care, with disrupted family relationships.	Hospital in Belgrade
<b>Tanja</b>	23	Employed woman from Belgrade, previously lived in a home for children without parental care, and a foster family, with a history of domestic violence.	Police precinct in Belgrade

4



# 4

## PRESENTATION AND ANALYSIS OF QUANTITATIVE FINDINGS

- 4.1 Statistical Data
- 4.2 Online Survey Data
- 4.3 Online Survey Data – SWC and Centers for Social Protection Services

# 4

## PRESENTATION AND ANALYSIS OF QUANTITATIVE FINDINGS

### 4.1 Statistical Data

During the preparation of this study, requests for access to information of public interest regarding cases of sexual violence over the past three years (2021–2023) were submitted. These requests were sent to institutions responsible for the protection and support of victims of sexual violence, including:

- **Ministry of the Interior (Moi)** (Police Directorate, Analytics Department): Data was requested on the number of reports for criminal acts of rape (Article 178 of the Criminal Code), sexual intercourse with a helpless person (Article 179 CC), sexual intercourse with a child (Article 180 CC), sexual intercourse through abuse of position (Article 181 CC), unlawful sexual acts (Article 182 CC), sexual harassment (Article 182a CC), and procuring and enabling sexual intercourse (Article 183 CC). The data was requested for the entire territory of the Republic of Serbia, classified by the gender of the victim, the relationship between the victim and the perpetrator, and the victim's age group. However, the Ministry does not have documentation containing data on the victim-perpetrator relationship or the victim's age group.
- **Republic Institute for Social Protection (RISP)**: Data was requested on the number of reported cases of sexual violence in social protection institutions for the years 2021, 2022, and 2023, with detailed categorization by the victim's gender, relationship with the perpetrator, and victim's age group.



- **Supreme Public Prosecutor’s Office:** Data was requested on the number of indictments filed for the criminal acts of rape (Article 178 CC), sexual intercourse with a helpless person (Article 179 CC), sexual intercourse with a child (Article 180 CC), sexual intercourse through abuse of position (Article 181 CC), unlawful sexual acts (Article 182 CC), sexual harassment (Article 182a CC), and procuring and enabling sexual intercourse (Article 183 CC). The requested data included classification by the victim’s gender, the relationship between the victim and the perpetrator, and the victim’s age group.

#### 4.1.1 Ministry of the Interior

According to the data available to the Ministry of the Interior regarding specific criminal acts related to sexual violence (rape, sexual intercourse with a helpless person, unlawful sexual acts, sexual harassment, and procuring and enabling sexual intercourse) over the past three years (2021–2023), we observe (Tables 2 and 3) that **there were a total of 151 reported committed rapes and 40 reported attempted rapes**, with the majority of victims being women (88.39%).

**The most frequently reported criminal act is sexual harassment**, which was reported to the police 365 times over the past three years, with the majority of victims again being women (84.6%).

A total of 62 cases of sexual intercourse with a helpless person and sexual intercourse with a child were reported over the past three years. The percentage of female victims who reported these crimes was as high as 96.77%. Meanwhile, there were only two reports of procuring and enabling sexual intercourse, both in 2021, and the victims were women.

**Table 2:** Number of Criminal Complaints for Criminal Acts Against Sexual Freedom in the Period from 2021 to 2023 in the Territory of the Republic of Serbia

Criminal Act	2021	2022	2023	Total
Rape: Committed Act	46	54	51	151
Rape: Attempted Act	12	17	11	40
Sexual Intercourse with a Helpless Person	3	10	9	22



Sexual Intercourse with a Minor	54	36	25	115
Sexual Intercourse through Abuse of Position	8	5	0	13
Unlawful Sexual Acts	130	114	121	365
Sexual Harassment	355	242	271	868
Facilitating Sexual Relations and Enabling Sexual Intercourse	2	0	0	2

Between 2021 and 2023, various criminal acts related to different forms of sexual violence were recorded. A total of 151 cases of committed rape were registered, with the number of reported cases varying from year to year: 46 cases in 2021, 54 in 2022, and 51 in 2023. Attempted rapes were also present, with a total of 40 reported cases over the three-year period.

The criminal act of sexual intercourse with a helpless person was recorded in 22 cases, while sexual intercourse with a child, which involves a severe form of abuse, was reported in 115 cases. The acts of sexual intercourse through abuse of position were recorded 13 times, with a significant decrease in these cases noted in 2023.

Unlawful sexual acts were one of the most prevalent forms of sexual violence, with 365 reported cases during the mentioned period, while sexual harassment was recorded as many as 868 times, making it the most frequently reported criminal act.

The acts of procuring and enabling sexual intercourse were reported only twice, both cases recorded in 2021.

These data indicate the continued presence of various forms of criminal acts related to sexual violence in Serbia, with a clear trend of sexual harassment being the most frequently reported act.



**Table 3:** Number of Victims of Criminal Acts Against Sexual Freedom, Classified by Gender, in the Period from 2021 to 2023 in the Territory of the Republic of Serbia

Criminal Act	Gender	2021	2022	2023	Total
Rape: Committed Act	M	6	6	6	18
	F	43	49	45	137
Rape: Attempted Act	M	1	0	0	1
	F	11	17	11	39
Sexual Intercourse with a Helpless Person	M	0	1	0	1
	F	3	9	9	21
Sexual Intercourse with a Minor	M	3	1	1	5
	F	51	34	25	110
Sexual Intercourse through Abuse of Position	M	1	0	0	1
	F	8	5	0	13
Unlawful Sexual Acts	M	12	18	35	65
	F	135	126	96	357
Sexual Harassment	M	20	21	26	67
	F	387	279	326	992
Facilitating Sexual Relations and Enabling Sexual Intercourse	M	0	0	0	0
	F	2	0	0	2

Data from the period between 2021 and 2023 indicate that women overwhelmingly constitute the majority of victims. The highest number of reports was recorded

for the acts of sexual harassment, where the total number of affected women reached 992, with slight annual fluctuations, while the number of reported male victims was 67, showing a slight increase over the years. Additionally, for acts of rape, whether as a committed or an attempt, there is a significantly higher number of reports involving women (a total of 94 for committed rape and 39 for attempted rape) compared to men (18 for committed rape and 1 for an attempt), highlighting a pronounced gender disparity among victims.

Regarding the acts of unlawful sexual acts, women again form the majority, with a total of 357 reports, although the number of affected men increased from 12 in 2021 to 35 in 2023. In cases of sexual intercourse with a child, women were overwhelmingly represented as victims (110 reports), while the number of reported male victims was negligible (5 reports). Notably, the number of reported cases of sexual intercourse through abuse of position decreased over the observed period, with the last reported case recorded in 2022.

**These data reveal a significant gender imbalance in the reporting of sexual acts, as women make up the majority of all reported victims.** The findings suggest a need for additional focus on gender-based violence, as well as tailored protective measures that adequately address this gendered vulnerability and improve mechanisms for prevention and support.

#### 4.1.2 Supreme Public Prosecutor's Office

According to publicly available data, in 2023, **criminal complaints were filed with competent public prosecutor's offices against 689 individuals for criminal acts against sexual freedom**, representing a decrease of 9.11% compared to 2022.<sup>97</sup>

**A total of 18% of complaints were dismissed**, and public prosecutors handled cases against 1,344 individuals, marking a slight increase compared to the previous year.<sup>98</sup> Charges were brought against 421 individuals, while 360 were convicted, with the majority receiving prison sentences.<sup>99</sup>

**In 2023, a total of 108 individuals were reported to the competent public prosecutor's offices for the crime of rape**, which represents a decrease of 6.90% compared to the previous year. During the reporting period, prosecutors acted on criminal complaints against a total of 126 individuals, including unresolved complaints from previous periods.<sup>100</sup>

<sup>97</sup> [http://www.vrhovnojt.gov.rs/docs/SKM\\_95824041013280.pdf](http://www.vrhovnojt.gov.rs/docs/SKM_95824041013280.pdf)

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.



**The majority of complaints were filed by the police (96 individuals).** Complaints against 48 individuals were dismissed, **accounting for 38.09% of the total number of reports.**<sup>101</sup>

**Indictments were filed against 47 individuals, which represents 60.25% of those reported after dismissals.** Courts issued verdicts against 38 individuals, of which 33 were convictions, with most convicted with prison sentences.<sup>102</sup>

In 2023, a total of 297 individuals were reported to the competent public prosecutor's offices for the crime of sexual harassment, marking an increase of 4.57% compared to the previous year.

Prosecutors handled complaints against a total of 552 individuals, including 255 unresolved complaints from the previous year. The majority of complaints were filed by the police (258 individuals). A total of 114 complaints were dismissed, accounting for 20.65% of all cases under review. At the end of the reporting period, complaints against 268 individuals remained unresolved.

Indictments were filed against 169 individuals, representing 38.58% of those reported after dismissals. Courts issued verdicts against 147 individuals, of which 136 were convictions, with most convicted with prison sentences or other sanctions. A total of 25 appeals were filed by prosecutors against first-instance decisions. Pre-trial detention was ordered for 32 individuals.

**Table 4:** Criminal Acts of Rape and Sexual Intercourse by Abuse<sup>103</sup> in the Period 2021-2023.

Criminal Act	2023	2022	2021
<b>Rape under Article 178 of the Criminal Code</b>			
Accused:	47	29	48
Perpetrator Gender: Male	107	110	114
Perpetrator Gender: Female	1	1	1
Victim Gender: Male	4	7	3

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Refers to both acts: abuse of a helpless person and abuse of a child.



Victim Gender: Female	72	75	75
Minor	9	14	12

**Sexual intercourse with a helpless person under Article 179 of the Criminal Code**

Accused:	10	12	13
Perpetrator Gender: Male	10	13	12
Perpetrator Gender: Female	0	0	0
Victim Gender: Male	0	0	0
Victim Gender: Female	7	7	8
Minor	3	3	3

**Sexual intercourse with a Child under Article 180 of the Criminal Code**

Accused:	14	25	27
Perpetrator Gender: Male	27	40	44
Perpetrator Gender: Female	0	1	0
Victim Gender: Male	0	0	0
Victim Gender: Female	3	3	3
Minor	23	36	45

An analysis of the Supreme Public Prosecutor's Office report from 2023 and a review of data from the previous three years reveal that **the majority of complaints are filed by the police. However, when it comes to rape cases, nearly half of the complaints are dismissed.**



### 4.1.3 Social Work Centers

In 2022, Social Work Centers in the Republic of Serbia recorded a total of 38,896 reports of domestic violence, with a steady increase in the number of reports over the past ten years.<sup>104</sup> According to the age structure of the victims, the majority of reports involved adult users (55.4%), while children accounted for 21.9% of reports, the elderly for 12.1%, and youth for 10.6%.<sup>105</sup>

A significant portion of reported violence includes psychological (50.3%) and physical violence (47.4%), while sexual violence accounts for a very small number of reports (0.6%).<sup>106</sup> **These data indicate that sexual violence is often underreported. The need for specialized services exists and should not depend on the assessment of the actual scope of sexual violence.**

### 4.1.4 Specialized Women’s Non-Governmental Organizations

There is no centralized record of specialized women’s non-governmental organizations that could be presented in this section. However, available data from the 2023 Annual Report of the Center for Support of Women can be cited. According to this report, the SOS hotline recorded 63 cases (22%) of physical violence, 132 cases (45%) of psychological violence, 34 cases (13%) of economic violence, **47 cases (16%) of sexual violence**, and 5 cases (3%) of digital violence. In 235 cases (97%), the victim knew the perpetrator, in 105 cases (43%), the victim lived with the perpetrator, and **in 224 cases (92%), the perpetrator was male.**<sup>107</sup>

During 2023, **a total of 47 cases of sexual violence were recorded in the four Centers for Victims of Sexual Violence** (Kikinda, Novi Sad, Zrenjanin, and Sremska Mitrovica). **Among these, a significant number were minors (7 under the age of 15).** Additionally, 5 women with disabilities, 9 Roma women, and members of other national minorities were identified as victims.

**According to CSW data, a total of 423 psychosocial support services were provided**, including 272 crisis psychological interventions and 151 extended psychosocial and psychological support services for victims. In addition, 132 medical examinations were conducted, including 22 general physical exami-

<sup>104</sup> <https://www.zavodsz.gov.rs/media/2572/izvestaj-o-radu-csr-u-2022-godini.pdf>

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Annual Report of the Center for Support of Women for 2023.



nations, 27 gynecological examinations, and 18 sample collections for forensic documentation ordered by the Higher Public Prosecutor’s Office.<sup>108</sup>

**Tabela 5:** Number of beneficiaries of the Centers for Victims of Sexual Violence (2021-2024))

Time Period	2021	2022	2023	2024
No. of Cases	33	32	47	67
No. of Adult Victims	15	18	33	34
No. of Minors	18	14	14	33
Minors Under the Age of 15	18	14	7	18
Women with Disability	5	-	5	7
Roma Women	2	3	9	17
Women with Low Income	4	4	3	15

## 4.2 Online Survey Data

### General Overview of Specialized Women’s NGOs Providing Services to Women Victims of Violence (Responses from 13 Organizations)

All surveyed organizations have been providing support services to women for over two decades. The oldest women’s NGO that completed the survey was founded in 1997, while the youngest was established in 2007. Most of the responding NGOs are based in Belgrade and Novi Sad. Only three of the surveyed NGOs do not provide services beyond their headquarters, while the rest operate either nationwide or at least in neighboring cities and municipalities.

**All surveyed organizations stated that their primary target group consists of women with experiences of violence**, with some NGOs specializing in working with particularly vulnerable groups, such as victims of human trafficking, women with disabilities, Roma women, and others.

<sup>108</sup> Ibid.



**Providing support services to women with experiences of violence is the main activity of the surveyed specialized women's NGOs.** In addition, most of them list advocacy, training, and education as their other key activities.

**Employees in specialized women's NGOs** are predominantly women, with only three organizations reporting that they have male employees. Generally, the total number of employees within these NGOs is small, ranging from three to four staff members to a maximum of twenty employees. Of these, only a small number have permanent or fixed-term employment contracts. **Most employees in these NGOs work under temporary contracts, service agreements, or as volunteers. All employees are required to complete training on working with women and girls who have experienced violence before beginning their roles.**

**Most of the surveyed organizations provide SOS telephone services,** psycho-social support in crisis situations, immediate assistance after trauma, and legal aid for reporting sexual violence. Only three organizations offer support during forensic medical examinations, while only one provides medical and accommodation services.

All representatives of the surveyed NGOs agree that **women and girls who are victims of sexual violence in Serbia do not receive adequate support, nor do they have access to all the necessary services.** One of the most serious problems is the lack of both material and human resources.

Most organizations highlight the need for increased financial support to ensure sustainability and continuous support for victims of gender-based and sexual violence. Currently, many rely on project-based funding provided by international donors and organizations. However, **they emphasize that the state must take responsibility for financing these services.** The lack of financial resources forces specialists, such as psychotherapists, to work on a voluntary basis, which further hinders the provision of adequate support to victims.

In addition to financial support, some representatives emphasize the **need for continuous resources and collaboration with various organizations and institutions to which they can refer beneficiaries.**

It is crucial to provide additional education and capacity-building initiatives to ensure comprehensive and long-term support for victims of sexual violence.

Furthermore, representatives stress the need for their services to be recognized by the system in terms of financial and other sustainability. They argue that the



state should assume responsibility for funding these services to ensure their availability and continuity.

Additionally, the centralization of women's NGOs working on this issue complicates the situation. Most organizations are located in major cities such as Belgrade and Niš, while in smaller towns, such services are nearly nonexistent.

Collaboration with the police is rated as "good" or "neither good nor bad" and often depends on the sensitivity of individual officers within the institution, reflecting the absence of standardized procedures and systemic inconsistencies. Similar inconsistencies exist in collaboration with healthcare institutions, where the lack of training among healthcare professionals in dealing with victims of sexual violence creates additional barriers and negatively impacts the quality of support provided. However, **the prosecutors office stands out as one of the most problematic institutions, with difficult and inefficient cooperation.**

In contrast, **cooperation with social work centers is generally positive,** thanks to the involvement of dedicated professionals and a higher level of collaboration with women's NGOs, although regional differences in support quality remain. Additionally, collaboration among civil society organizations is rated as good, allowing for mutual support and knowledge exchange, which could serve as a model for improving cooperation with institutional actors.

Overall, the quality of cooperation with institutions depends on the sensitivity and readiness of individuals within the system, resulting in inconsistent practices that may lead to additional trauma for victims.

### 4.3 Online Survey Data – SWC and Centers for Social Protection Services

Out of the 13 contacted centers, six participated in the survey. Among these, four were Centers for Social Protection Services (CSPS), and two were Social Work Centers (SWC). **Although this sample is not extensive, it provides valuable insight into the perceptions and experiences of these institutions** and can be used as qualitative data.

#### General Overview of SWC and CSPS

These centers work with various target groups, including women with experiences of violence, economically disadvantaged women, young women and girls, women with disabilities, Roma women, rural women, and the LGBTQ+ community.



Most of the services are provided exclusively in the municipalities and cities where these institutions are based. Currently, the main activity of all institutions is providing support services, such as assistance during forensic medical examinations, shelter for victims, legal aid, psycho-social support, and long-term psychological counseling.

Regarding the number of professional staff, it varies from thirty employees to as few as four. Most employees are on fixed-term or permanent contracts, followed by those on temporary and occasional contracts or service contracts. None of the surveyed centers reported having staff employed under volunteer or freelance contracts.

**The perception of service provision among surveyed centers differs from that of civil society organizations. The centers generally believe that victims in Serbia receive adequate support and have access to necessary services,** suggesting a different perspective on the current support system. However, some representatives highlighted the lack of specialized services and therapeutic programs as major obstacles.

**Opinions on the availability of resources among representatives were divided.** While some believe they have sufficient material and financial resources to provide support services to women and girls who are victims of sexual violence, others expressed concerns about resource limitations. In terms of human resources, most respondents believe they have an adequate workforce for providing these services. **Collaboration with other institutions was generally rated positively,** particularly with the police and prosecution. The cooperation with specialized women's NGOs (SW NGO) was also considered good. However, collaboration with healthcare institutions was rated slightly lower, indicating some challenges in that sector.

5





# 5

## PRESENTATION AND ANALYSIS OF QUALITATIVE FINDINGS

- 5.1 Reporting Sexual Violence
- 5.2 Experiences with Institutions
- 5.3 Assessment of the Quality of Support Services Provided

# 5

## PRESENTATION AND ANALYSIS OF QUALITATIVE FINDINGS

### EXPERIENCES OF WOMEN WHO REPORTED SEXUAL VIOLENCE

**Sexual violence represents a serious social issue that affects all aspects of victims' lives, including physical and mental health, social integration, and economic stability.** The violence experienced not only results in physical consequences but also causes long-term psychological effects.<sup>109</sup> Reporting sexual violence is of utmost importance for achieving justice for victims and preventing future cases of violence. However, as previous research and publicly available data suggest, the reporting process is exceptionally challenging and requires a deep understanding of all its complexities.

This research, based on ten in-depth interviews with women who reported experiences of sexual violence in Serbia, aims to shed light on the shortcomings of existing procedures and identify areas requiring urgent improvements. It also examines the emotions women experienced during and after the reporting process, as well as the motivations that led them to turn to institutions. The findings reveal a complex array of personal, social, and systemic factors that shape women's decisions to report.

The following chapter presents this analysis and its most significant findings. Four key themes were identified: experiences with reporting, interactions with institutions, support, and assessment of the quality of services provided.

<sup>109</sup> Statistical Office of the Republic of Serbia (2022) Women Victims of Violence from a Statistical Perspective. <https://www.stat.gov.rs/media/358199/g20226007.pdf>



## 5.1 Reporting Sexual Violence

### Motivation and Support

Women's decisions not to report cases of sexual violence have long been a concern in the field of gender-based violence research. Existing studies<sup>110</sup> have uncovered various reasons why victims may choose not to report, including a lack of evidence, feelings of shame and guilt, and fear of retaliation or the perpetrator. However, the available literature<sup>111</sup> mainly focuses on general barriers to reporting, with limited exploration of the specific factors influencing the decisions of women who have actually experienced sexual violence.

**Many women in the study were motivated to report violence to seek justice and prevent future victimization, either of themselves or others.** This sense of responsibility and solidarity with other victims often played a decisive role in their decision to report.

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She wanted there to be a record somewhere that it had happened.  
She felt a duty to other women to report it.

Note from an interview with Gorica, 28 years old

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„I thought, now I'll tell them everything; he has to pay, be punished  
for everything he did to me.”

Note from an interview with Zorana, 27 years old

110 UNDP (2023) Why Do Women Not Report Domestic Violence? United Nations Development Programme. Available at: <https://www.undp.org/sr/serbia/publications/zasto-zene-ne-prijavljuju-nasilje-u-porodici-rezultati-istraganja>

111 Ceelen, M., Dorn, T., Huis, F. S. V., & Reijnders, U. (2016). Characteristics and Post-Decision Attitudes of Non-Reporting Sexual Violence Victims. *Journal of Interpersonal Violence*, 34(9), 1961-1977. <https://doi.org/10.1177/0886260516658756>; Jones, J., Alexander, C. C., Wynn, B. N., Rossmann, L., & Dunnuck, C. (2008). Why Women Don't Report Sexual Assault to the Police: The Influence of Psychosocial Variables and Traumatic Injury. *The Journal of Emergency Medicine*, 36(4), 417-424. <https://doi.org/10.1016/j.jemermed.2007.10.077>; Kahn-Lang, A. (2008). Why Don't Rape and Sexual Assault Victims Report? A Study of How the Psycho-Social Costs of Reporting Affect a Victim's Decision to Report. MPRA Paper. <https://mpra.ub.uni-muenchen.de/43249/>; Patterson, D., Greeson, M. R., & Campbell, R. (2009). Understanding Rape Survivors' Decisions Not to Seek Help from Formal Social Systems. *Health & Social Work*, 34(2), 127-136. <https://doi.org/10.1093/hsw/34.2.127>; Sable, M. R., Danis, F. S., Mauzy, D., & Gallagher, S. (2006). Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students. *Journal of American College Health*, 55(3), 157-162. <https://doi.org/10.3200/jach.55.3.157-162>; Weiss, K. G. (2010). Too Ashamed to Report: Deconstructing the Shame of Sexual Victimization. *Feminist Criminology*, 5(3), 286-310. <https://doi.org/10.1177/1557085110376343>; Zinzow, H. M., & Thompson, M. P. (2011). Barriers to Reporting Sexual Victimization: Prevalence and Correlates among Undergraduate Women. *Journal of Aggression, Maltreatment & Trauma*, 20(7), 711-725. <https://doi.org/10.1080/10926771.2011.613447>.

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“I reported the violence at the moment when I was most afraid for myself, but also for my mother and brother, because that man had threatened me.”

Note from an interview with Tanja, 23 years old

**Only one respondent, Zorana, independently reported the violence to the police.** The other respondents reported the violence after receiving support and encouragement—either from family and friends or from representatives of specialized women's NGOs (SW NGO) through calls to the SOS helpline—or the violence was reported on their behalf as an official duty in healthcare or educational institutions. Zorana shared her experience of sexual harassment during driver training. She reported the harassment in Belgrade and highlighted the support and understanding she received from the police:

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The inspector then told her that he was grateful she reported it because such incidents are rarely reported

Interview note with Zorana, 27 years old

**The interviewees expressed dissatisfaction with the treatment they received during their interactions with the police, which further complicated their decision to report the violence to other authorities.**

Only after receiving support and encouragement from a consultant via the SOS helpline did one of the interviewees feel ready to report the violence. However, she once again encountered distrust from police officers, who downplayed the significance of sexual harassment and incorrectly stated that such incidents were not considered criminal acts, despite official police statistics showing that this is one of the most frequently reported crimes.

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Out of frustration, she started calling police numbers “like on a hotline,” as she described it, and specifically highlighted the behavior of a police officer from Belgrade, who, after she explained what had happened, responded sarcastically, “And where do you report that?”

Interview notes with Gorica, 27 years old



**Support from friends and family proved to be a key factor influencing women's decisions to report sexual violence.** Those who felt supported and understood by their loved ones were more likely to report the violence, while those who feared rejection or judgment were less inclined to do so.

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From the very beginning, Sanja shared what had happened to her with her parents, sister, brother, and closest friends. They all immediately stood by her with a great deal of understanding, love, comfort, and support. She emphasized that she probably wouldn't have recovered as quickly without their unconditional support.

Interview notes with Sanja, 23 years old

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She received support from her family and friends, which was a crucial resource for her, and she believes that she wouldn't have endured the entire process without it. She has no regrets about reporting the incident.

Interview notes with Mara, 21 years old

Another important source of support came from women's specialized NGOs, which provided information and guidance about the reporting process, as well as emotional support. According to these NGOs, **if women do not receive support immediately after the attack, they are less likely to report the violence. It is believed that the first 72 hours are crucial, as the desire to report decreases over time.**

## Challenges in Reporting

Despite the support they received from their loved ones and representatives of women's NGOs, the reporting process presented challenges for the interviewees. **Fear of retaliation from the perpetrator was a significant concern**, as many women feared further violence or harm. This was especially true when the perpetrator was believed to be influential, powerful, or a member of law enforcement.



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From this perspective, she's not sure whether she would have reported the violence on her own due to fear of retaliation. The perpetrator knew where she lived, and she was afraid he might return if the police didn't arrest him or released him from custody.

Interview notes with Mara, 21 years old

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She didn't want to report the violence. She was scared because she knew that reporting would trigger a chain of other events and threats (the friend who raped and beat her was a member of the special units of the Ministry of the Interior). She sought medical attention because she was in pain, and her friends persuaded her to report the violence.

Interview notes with Svetlana, 44 years old

In addition to the fear of retaliation, women often expressed **distrust in the ability of the police and judicial system to protect them or bring perpetrators to justice**. Many, like Gorica, highlighted the complete lack of understanding and sensitivity from these institutions regarding their experiences. **Police officers often downplayed the severity of their experiences or subjected them to victim-blaming attitudes.**

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After being called to the Emergency Center, a young police officer and an inspector were skeptical and distrustful, stating in front of her that they often deal with women who falsely claim to have been raped to make false accusations against someone.

Interview notes with Sanja, 23 years old

Particularly concerning, the interviewees reported that **police officers and inspectors involved in their cases were frequently replaced, most of them were men, and they were forced to repeatedly recount the traumatic events they had experienced.**



## 5.2 Experiences with Institutions

The Istanbul Convention clearly outlines the principle of due diligence<sup>112</sup>, which obligates institutions to act with the utmost care, respecting the needs and dignity of victims of sexual violence. Despite this, the research findings indicate a fragmented and disorganized reporting process, where women often faced numerous bureaucratic obstacles. The research revealed that victims of sexual violence had to recount their experiences multiple times to various institutions. Such experiences were recorded both in cities where Centers for Victims of Sexual Violence (CVSV) exist and in those where such centers have not been established.

Systemic shortcomings and a lack of coordination between the police, social services, and healthcare institutions left many women feeling re-traumatized and without adequate support. Furthermore, for victims of sexual violence, it is crucial that services are provided in one place to simplify the reporting process and ensure appropriate support in line with the principle of due diligence.

### Experiences with the Police

As previously mentioned, women frequently encountered dismissive and insensitive attitudes from police officers, who often downplayed their experiences or subjected them to victim-blaming statements. Particularly concerning was the fact that, regardless of whether a victim reported the violence at a hospital, they were still required to visit a police station to give a statement. In some cases, in Belgrade, women had to travel between multiple police stations to complete the reporting process.

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“She first went to one police station and told everything there. Then, they sent her to another station across the city because the violence occurred in that jurisdiction. She had to repeat her story multiple times and was questioned for long hours, about 4–5 hours each time. She said she went to the police three times and each time the questioning lasted for hours. She herself had to transfer all the photos, messages, and recordings to a USB stick and print the messages. She was completely disappointed in the police.”

Note from an interview with Tanja, 23 years old

<sup>112</sup> The principle of due diligence is defined in Article 5, Paragraph 2 of the Istanbul Convention. This article specifies the obligation of state parties to take necessary legislative and other measures to prevent, investigate, punish, and provide compensation for acts of violence covered by the Convention.

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“She first sought medical help for her injuries at her local health center. The doctor immediately informed the nearest police station, where she then went. From there, she was directed to another police station and then to a third one, which was responsible for handling cases of violence. Exhausted and desperate, she went home. Only the next day did she go to the appropriate police station, where she was questioned and disclosed that she had suffered sexual violence.”

Note from an interview with Svetlana, 44 years old

In some cases, women felt re-traumatized during questioning, describing the process as intrusive and stressful.

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“The inspectors were vulgar, aggressive with their questions: ‘How did he put it in?’, ‘What color were your panties?’, ‘Did you touch him?’ She found these questions humiliating. They looked at her like she was a lab animal. During the questioning, various male police officers kept entering and leaving the office.”

Note from an interview with Miroslava, 41 years old

These cases highlight systemic inconsistencies in police procedures and the lack of adequate information provided to victims about the process. Only in one case was a victim offered psychological support from a counselor for sexual violence during her statement at a police station. This case involved a young underage girl from the Roma minority who reported sexual violence within her family to her schoolteacher.

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“She added that it meant a lot to her that the counselor and the school psychologist accompanied her to the Police Department during her statement.”

Note from an interview with Ana, 17 years old

In cases where sexual violence was reported at Center for Victims of Sexual Violence (CVSV), victims had the opportunity to be accompanied by counselors through institutional procedures. However, in areas without these centers, victims were often left alone without this type of support.



Another issue raised by interviewees was the lack of attention to their basic needs during their time in institutions. They were not offered water, not asked if they needed to use the bathroom, eat, take any medication, or if they required medical assistance. This lack of care extended even during prolonged questioning sessions.

It appears that the **level of understanding and professionalism displayed by police officers depends largely on their individual personalities, motivation, understanding, and training for working with victims of violence.**

Perhaps the most distressing cases involved victims encountering their attackers during the reporting process. Such encounters further traumatized victims and highlighted a severe lack of protection during the legal process.

### Experience with Healthcare Workers

Some victims initially shared their experiences with healthcare workers or sought emergency medical assistance due to physical injuries. Four interviewees approached healthcare institutions immediately after experiencing sexual violence.

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“I had to report the violence because I escaped from the abuser in the middle of the night and ended up in the hospital. At first, I didn’t want to say in the hospital where my injuries came from. My whole body was in pain; I didn’t even know how badly or exactly where I was injured or what had happened, as I was in complete shock. The doctors didn’t ask too many questions, I guess they understood everything.”

Note from an interview with Zorana, 27 years old

In all eight cases of rape, the interviewees mentioned contact with healthcare institutions, whether they reported the violence to the police or visited health centers, hospitals, or emergency rooms. It is encouraging to note that in the cases of the interviewees, healthcare workers in Novi Sad acted in accordance with their legal obligations concerning gender-based violence (GBV) and sexual violence (SV).




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“The doctor suspected rape and, as part of her duty, called the police. The police followed protocol, handling the report, statements, examinations, blood and swab collection, until another statement.”

Note from an interview with Sanja, 23 years old

While the level of support and treatment of victims varies depending on the location and other factors, interviewees from larger cities like Novi Sad and Belgrade generally rated their experiences as “fair.” Healthcare workers fulfilled their professional duties, but emotional support and empathy were often lacking, which victims identified as a significant shortcoming.

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“The doctors at the hospital were, let’s say, fine—they did their job, but I just felt like I was another person among hundreds who needed their help. Maybe I expected more from them, I don’t know.”

Note from an interview with Zorana, 27 years old

Miroslava’s experience with healthcare workers in Velika Plana highlights **regional disparities in the treatment provided by healthcare workers and the resources available in healthcare institutions.**

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“She waited torn, disheveled, among other patients for 2–3 hours to be examined. A male gynecologist saw her; she felt uncomfortable during the examination and flinched. She wished a woman had been present. Swabs and clothes were sent for forensic analysis. She asked for the morning-after pill, and he responded, ‘Where did you get the idea that we give those?’ ‘He ejaculated inside me, so it was important for me to get the morning-after pill.’”

Note from an interview with Miroslava, 41 years old

**As with the police, victims were often forced to go from one healthcare institution to another to complete the necessary procedures for reporting.** This fragmentation of services caused additional stress and trauma for the victims, which is inconsistent with the principle of due care defined by the Istanbul Convention.



The interviewees stated that in some cases, they had to wait a long time for an examination, indicating non-compliance with the health protocol, which stipulates that victims of sexual violence should be given priority and be separated from other patients waiting for an examination. Particularly concerning were experiences where interviewees encountered their attacker in the hospital hallways, causing additional stress and a sense of insecurity. One interviewee, after being escorted by the police to the Emergency Center in Novi Sad for an examination (where the perpetrator was also brought for an assessment of potential bodily injuries), noted issues with poor organization. She encountered the perpetrator in the hallway while waiting for the examination. Later, when she was taken for a psychiatric evaluation, she once again ran into the perpetrator as he was leaving the psychiatrist's office, which she was about to enter. She believes that a different spatial and procedural arrangement should be in place to prevent such encounters.

Note from an interview with Teodora, 21 years old

Additionally, the interviewees pointed out that medical treatments were primarily focused on physical injuries, while care for their psychological well-being was largely left to other professionals. In places where Centers for Victims of Sexual Violence exist, victims have access to psychological support within these centers, which significantly contributes to their recovery. Conversely, in areas where such centers do not exist, victims are often referred to psychologists or psychiatrists who are not trained to work with survivors of sexual violence. This can lead to inappropriate treatment, such as being asked to recount traumatic events in detail. One interviewee particularly emphasized her negative experience at the Emergency Center, as well as her interaction with the psychiatrist.

“She was very dissatisfied with the psychiatrist's approach, who laughed during the session. The examination lasted only a few minutes, and the doctor commented that there was nothing wrong with her or the perpetrator. He even remarked that he didn't understand why they kept bringing patients to him for conversations after every quarrel.”

Note from an interview with Teodora, 21 years old



“Her experience with the psychiatrist and psychologist was positive; she felt they were very professional. But she had hoped they would focus more on addressing her emotions, as the session revolved mostly around recounting the events and psychological tests.”

Note from an interview with Mara, 21 years old

**Better experiences and more appropriate treatment were described by interviewees during gynecological examinations, especially in locations where CVSV facilities exist.** The fact that all the interviewees reported more positive interactions with healthcare workers in areas with CVSV can be attributed to factors such as available training, specialized equipment, emergency contraception, and the presence of counselors.

After that, accompanied by the police, she was taken to the Clinic for Gynecology and Obstetrics in Novi Sad, where a gynecological examination and forensic were conducted. She was very satisfied with the approach of the doctor and nurses, as they explained every procedure to her and demonstrated a gentle and compassionate approach.

Note from an interview with Mara, 21 years old

### Experience with Specialized Women's NGOs (SW NGO)

**The experiences of the interviewees were most positive during their interactions with SW NGO.** These organizations were the only ones to provide psychological support.

“I called the SOS line for women experiencing violence, and that's how it all started. They helped me report the violence and find a safe place. I was afraid for myself and my loved ones. The organizations I came into contact with, first relocated me, and then helped me report to the police. I wouldn't have had the strength to do it on my own.”

Note from an interview with Tanja, 23 years old



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“Looking back now, I think what I needed most was that human psychological support, and then everything else. I got all my support from you (SW NGO) and only from you. I don’t know what would have happened to me if you hadn’t been there... And I remember that the most important thing was when the psychologist here told me that I wasn’t to blame and that I didn’t do anything wrong.”

Note from an interview with Zorana, 27 years old

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“A very positive experience. I never went for an in-person conversation with an NGO because I had a small child, but it suited me to talk on the phone. You explained to me that I was doing the right thing by reporting the violence. I was given advice and shared experiences of people who had been in similar situations.”

Note from an interview with Anđelija, 33 years old

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“You’re the first number I would call again if I needed help; I wouldn’t call my family, but you. You give accurate, adequate advice. Only you helped me, and your advice was paramount in my reasoning. I called just to cry. You were patient, didn’t rush me, or hurt me. It was a phenomenal experience. Authentic. You have an incredible gift.”

Note from an interview with Gorica, 27 years old

**Positive experiences were particularly evident in the accounts of women and girls who reported violence in cities where Centers for Victims of Sexual Violence (CCSV) operate.** In these cities, NGO counselors were able to provide critical services, such as crisis psychological intervention and ongoing psychological counseling. An example worth noting is from Sremska Mitrovica, where a counselor from CVSV was present as support person during a police statement, especially as it involved an older minor.



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“The psychosocial support counselor got involved at the healthcare facility during the process; the beneficiary shared that the information about procedures provided by the counselor at that moment was valuable to her; she also appreciated the conversations the counselor had with her in the following period, which helped her feel more relaxed. She valued having the option to contact the counselor by phone when she had questions.”

Note from an interview with Ana, 17 years old

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After completing the gynecological examination, she spoke with a counselor for psychological support in a room designated for such conversations. She now reports that this discussion meant a lot to her because no one expected anything from her, allowing her to be completely relaxed and authentic. She greatly valued the empathy and encouragement she received at that moment. Given that contact between the counselor and the beneficiary continued afterward, both via phone and in person at the Center for Support of Women office, she says it was very well organized. She highlights how great it is that this kind of support exists for young women, that it’s free of charge, and that the counselor is empathetic, warm, and calmed, which greatly contributes to the personal progress of every victim.

Note from an interview with Sanja, 23 years old

## Experience with the Public Prosecutor’s Office

Unlike the positive experiences with specialized women’s NGOs, experiences with the prosecutor’s office were either absent or extremely negative. All interviewees pointed to a sense of exhaustion that followed the repeated giving of statements at the prosecutor’s office.

In cases of sexual violence, the prosecutor’s office plays a key role in conducting investigations, initiating criminal proceedings, and ensuring victim protection. It is their obligation to conduct a comprehensive investigation, gather evidence, promptly prosecute perpetrators, and implement protective measures for victims, such as restraining orders. Additionally, the prosecutor’s office should coordinate with other institutions, including the police and healthcare facilities, to ensure effective victim support.



**However, the interviewees expressed concerns about the lack of communication and transparency throughout the proceedings, as well as uncertainty regarding the progress of their cases.** A particular issue highlighted was the absence of timely and accessible information that institutions are obligated to provide to victims. Furthermore, the lengthy nature of proceedings exacerbates feelings of insecurity and injustice.

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The participant shared her disappointment with the judicial system; despite reporting the violence over a year ago, the court proceedings have not been concluded. Meanwhile, the perpetrator was in custody for only twenty days, after which a restraining order was issued to prevent contact and harassment for one year. She added that this measure does not make her feel entirely safe, as any potential encounter with the perpetrator, which is a possibility, would greatly destabilize her. She also found it distressing to have had to testify multiple times, with the likelihood of having to do so again.

*Note from an interview with Ana, 17 years old*

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Two years after filing the report, she received a summons to go to the High Public Prosecutor's Office to file a criminal complaint against him. The prosecutor questioned her five times, asking if she was sure she wanted to file the complaint and if she understood that someone might end up in prison because of her decision. She affirmed that she was fully aware and wished to make complaint against him for rape. Before this, she visited the court three or four times to inquire about updates on the case, only to be told that they could not locate the accused to serve him with a court summons as he was abroad. In April 2024, she received a letter from the High Public Prosecutor's Office stating that the case had been dismissed due to insufficient evidence.

*Note from an interview with Miroslava, 41 years old*

Data from the analysis of publicly available sources indicates that a significant portion of rape reports is filed by the police, but nearly half of these reports are dismissed. In cases of sexual harassment, a substantial number of cases remain unresolved. Interviewees often mentioned that they were not informed about the



reasons for the dismissal of their reports, leading to a sense of distrust in the system and doubts about its impartiality.

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**“When she received the notification that her complaint had been dismissed, she felt angry and furious. She had an 8-day deadline to file an appeal, but she couldn't arrange it with her lawyer in time. He told her that the dismissal lacked an explanation, such as what was done with the evidence, why witnesses were not called, and other crucial details. She suspects that the prosecutor may have been bribed.”**

*Note from an interview with Miroslava, 41 years old*

Additionally, **the prosecutor's office and courts often fail to impose protective measures aimed at ensuring the safety and protection of victims during legal proceedings.** In some cases, preventive measures to avoid encounters with perpetrators or further traumatization during the legal process were not implemented. Interviewees highlighted such shortcomings and emphasized the need for improved collaboration between the prosecutor's office, police, courts, healthcare institutions, and non-governmental organizations.

**These issues highlight challenges in the area of communication and providing information to victims of sexual violence during judicial proceedings.** The need for ensuring accessible and timely information for victims was emphasized to reduce feelings of insecurity and injustice, while effective inter-institutional cooperation was identified as a crucial segment in addressing these challenges.

### 5.3 Assessment of the Quality of Support Services Provided

Overall, based on the feedback from our interviewees, **the quality of support services for victims of sexual violence is highly unsatisfactory.** Sexual violence is a serious issue that leaves deep scars on the physical and mental health of victims, affecting all aspects of their lives. Through ten in-depth interviews with women who reported such experiences in Serbia, significant shortcomings in the support system, which should facilitate their recovery process, were observed.

**Women emphasized that reporting violence is often burdened with numerous obstacles.** While some were motivated by a desire to prevent future incidents or



protect others, many faced fears of retaliation from the perpetrator and distrust in the institutions that were supposed to protect them. **Family and friends' support proved crucial; those who had this support system were more willing to report the violence.**

**Experiences with the police were, unfortunately, mostly negative.** The interviewees encountered a lack of empathy, unprofessionalism, and even accusatory attitudes from police officers. They often had to recount their traumatic experiences multiple times to different people, leading to re-traumatization. The absence of basic provisions during the reporting process, such as psychological support or even basic needs like food and water during lengthy questioning sessions, further exacerbated the situation.

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She believes that communication of police with women victims should be improved, emphasizing the need for officers to be less distrustful and arrogant. Additionally, she points out that the process takes too long, with several hours passing from reporting the rape to leaving the police station, often without being offered even a bottle of water or similar basic consideration.

Note from an interview with Sanja, 23 years old

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**In healthcare institutions, while some women described their treatment as acceptable, emotional support and empathy were often lacking.** Particularly concerning were the inadequate approaches reported in smaller communities, where women faced long waiting times and discomfort, such as examinations conducted by male personnel or encountering the perpetrators in the hallways.

**Interactions with the prosecution were another source of dissatisfaction.** Women felt exhausted by having to provide multiple statements and were frustrated by the lack of information regarding the progress of their cases. This lack of transparency and communication led to a loss of trust in the judicial system and a pervasive sense of injustice.

**On the other hand, specialized women's NGOs (SW NGO) emerged as a critical source of support.** These organizations provided not only practical information and guidance but also much-needed emotional support. Counselors from these organizations offered empathy and understanding, often being the only ones to do so throughout the process.

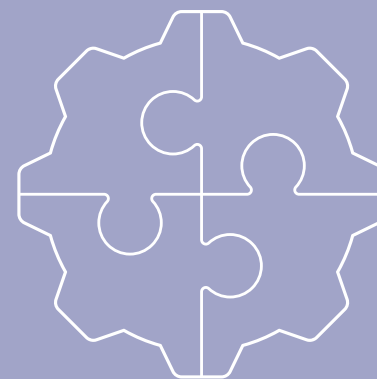
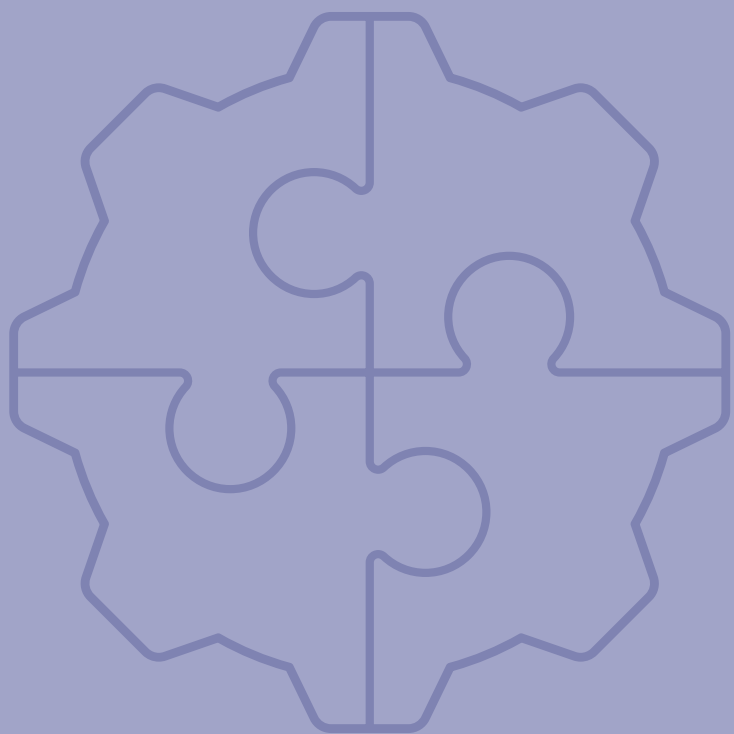


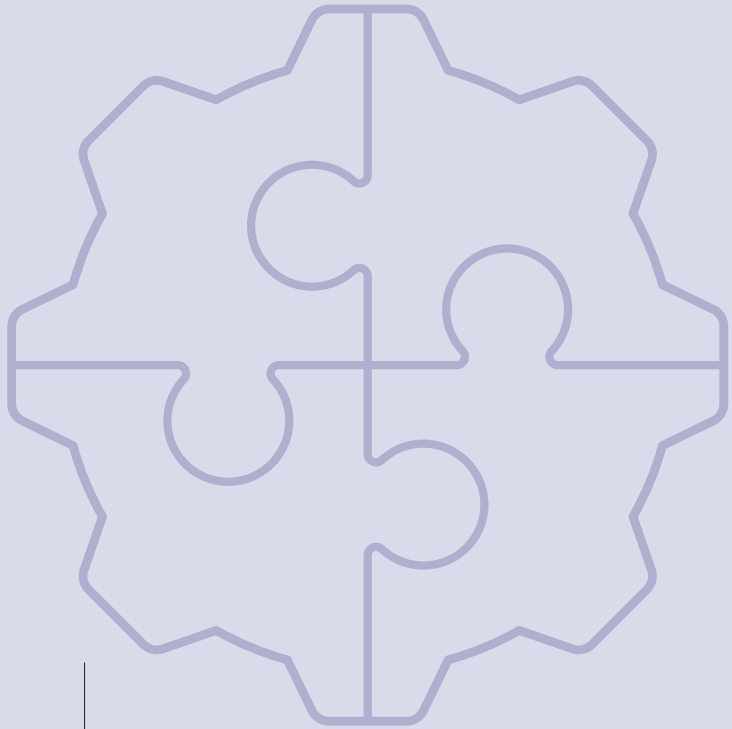
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“The root of the problem of violence lies in the inaction of institutions. Professionals must act without judgment, prejudice, or stereotypes. Only someone who is well themselves and has a love for life can help a victim. A victim must transcend politics and status.”

Note from an interview with Gorica, 28 years old

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# 6

## CONCLUSIONS AND RECOMMENDATIONS

Key Issues  
Recommendations for Improvement

# 6

## CONCLUSIONS AND RECOMMENDATIONS

The testimonies of women who shared their experiences in this study clearly highlight the deficiencies in the support system for victims of sexual violence in Serbia.

It is essential to invest additional efforts to improve the quality of services and ensure that victims receive adequate assistance and protection. This is not solely an institutional task but also a societal responsibility requiring coordinated efforts from all relevant stakeholders. Only through concrete actions and reforms can an environment be created where victims are encouraged to seek help and perpetrators are appropriately sanctioned. This will mark a significant step toward a society that does not tolerate violence and actively works to eradicate it.

### Key Issues

One of the biggest problems is the **lack of resources and specialized services**. Centers for victims of sexual violence are not sufficiently widespread and do not have sustainable funding from the state, which affects the limited availability of services. Services should be geographically widespread enough (at the district level for multiple local self-governments to start with, or in every city where there is a general hospital).

**Inadequate training and sensitization of professionals** represent another critical issue. Many healthcare workers, police officers, and other service providers are not adequately trained to work with victims of sexual violence. The lack of continuous education on gender-based violence and trauma leads to inappropriate responses, such as insensitivity, victim-blaming, and unprofessional behavior, which can further traumatize victims.



**Problems in coordination between institutions** further complicate the situation. Weak cooperation between the police, healthcare institutions, social welfare centers, and non-governmental organizations results in fragmented services. Victims are often left to navigate complex bureaucratic procedures on their own, leading to additional stress and a sense of helplessness.

**The lack of a standardized system for data collection** hinders the tracking and analysis of case outcomes. Different record-keeping systems within institutions, such as the police and prosecution, complicate the monitoring of judicial proceedings, leaving victims often without feedback on the status of their cases.

Although specialized non-governmental organizations play a key role in providing emotional, psychological, and legal support, they face insufficient institutional support. Operating without sustainable funding and without institutional recognition of their expertise and experience limits their capacity to assist a larger number of women.

## Recommendations for Improvement

To enhance the quality of support services for victims of sexual violence, the following concrete steps are recommended:

1. **Improving Accessibility of Specialized Services:** Relevant ministries should ensure sustainable funding and institutional recognition of Centers for Victims of Sexual Violence (CVSV), expanding their availability across all regions of Serbia. Local governments should integrate these centers into their social protection plans to ensure that services are accessible to all women, regardless of their geographic location.
2. **Enhancing Training and Education for Service Providers:** Continuous training programs for professionals interacting with victims of sexual violence must be organized to improve the quality of support services. These training programs should focus on recognizing gender-based violence, understanding trauma, and providing emotional and legal support.

It is recommended that the following institutions take responsibility for the implementation of these trainings:

**Ministry of the Interior:** Training of police officers to recognize and respond to cases of sexual violence, with a particular focus on empathetic approaches and victim protection.



**Ministry of Health:** Organize training for healthcare workers to ensure they provide adequate medical assistance and emotional support to victims while preventing re-traumatization.

**Ministry of Labor, Employment, Veterans, and Social Affairs:** Training of social workers to support victims of sexual violence, including methods for guiding them toward available resources and providing ongoing support.

**Ministry of Justice:** Training of legal professionals and judicial staff on handling cases of sexual violence with respect for the victims' trauma, ensuring adequate legal protection and preventing secondary victimization.

For the implementation of these programs, it is necessary to engage specialized organizations with long-standing experience in working with survivors of sexual violence, as well as international organizations with expertise in the field of gender-based violence. Additionally, the inclusion of national civil society organizations and academic institutions focused on human rights and victim protection can further enhance the quality of training programs. Experience-sharing through international programs and study visits can contribute to the further professional development of practitioners in this field.

3. **Improvement of Multisectoral Cooperation:** It is essential to further enhance the work of existing Coordination and cooperation groups established in accordance with the Law on the Prevention of Domestic Violence at all basic and higher public prosecutor's offices. Their roles and responsibilities should be precisely defined, with improvements in communication channels and procedures to ensure timely action. It is important to secure the continuous and active participation of representatives from the police, healthcare institutions, social welfare centers, and non-governmental organizations, with the possibility of including experts in education and psychological support when necessary. Increased coordination among these sectors would contribute to a timelier response to the needs of survivors and ensure comprehensive support, including legal, psychosocial, and medical assistance.

Additionally, it is recommended to conduct regular evaluations of the work of these groups to identify obstacles in collaboration and propose further measures to enhance efficiency. Organizing joint training sessions and workshops for participants from different sectors would strengthen capacities for coordinated action.



4. **Increasing awareness and visibility of services:** The relevant ministries should conduct informational campaigns about available resources and organizations that provide support to survivors of sexual violence. These campaigns should be tailored to different population groups and carried out through social media, local media, and direct community activities.

It is also recommended that non-governmental organizations, in cooperation with social welfare centers, intensify the promotion of the following services and activities: SOS helplines, psychosocial counseling, support groups, educational programs and training, assistance in exercising legal rights, and economic empowerment programs, such as job training and employment support.

5. **Improving data collection and processing:** Standardizing the methodology for recording data on cases of sexual violence would enable more efficient tracking and analysis of case outcomes. This process would increase institutional accountability and provide a clearer picture of the effectiveness of the support system for survivors of sexual violence.

The following approach is recommended:

**The Ministry of the Interior:** Develop and implement standardized procedures for recording cases of sexual violence, including all relevant data on victims, perpetrators, and case outcomes. This should also involve collaboration with police stations across the country to ensure consistent application of the methodology.

**The Ministry of Health:** Require healthcare institutions to adopt standardized protocols for collecting data on victims seeking medical assistance, with a focus on integrating this data with other systems (e.g., police or social services) to enable comprehensive analysis.

**The Ministry of Labor, Employment, Veterans, and Social Affairs:** Ensure that social services consistently document cases of sexual violence, the support services provided, and the outcomes of such support, using a common methodological framework that allows for broader analysis.

**The Ministry of Justice:** Ensure standardization of data collection within the judicial system to enable tracking of legal proceedings and verdicts in cases of sexual violence. This data should be made available for analysis to assess the effectiveness of the judicial system (tracking cases from the initial report to the final verdict).



**The Statistical Office of the Republic of Serbia:** Should, as the central institution for statistical data, coordinate with the relevant ministries to ensure the consolidation of collected data and its availability for research and reporting.

**Collaboration with non-governmental organizations and academic institutions:** Civil society organizations and academic institutions specializing in research on gender-based violence can support the development and implementation of standardized methodologies, as well as the analysis of collected data.

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## Studija

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# MAPIRANJE DOSTUPNOSTI USLUGA PODRŠKE ŽRTVAMA SEKSUALNOG NASILJA I ISKUSTVO ŽENA U KORIŠĆENJU USLUGA U REPUBLICI SRBIJI

STUDY: MAPPING THE AVAILABILITY OF SUPPORT SERVICES  
FOR VICTIMS OF SEXUAL VIOLENCE AND  
WOMEN'S EXPERIENCES IN ACCESSING SERVICES  
IN THE REPUBLIC OF SERBIA