



FemPlatz
UDRUŽENJE GRAĐANKI

Submission to the Special Rapporteur on violence against women, its causes and consequences

**Information for the Special Rapporteur's report on femicide to be
presented at the 76th session of the General Assembly**

Submission by Women's rights organization FemPlatz

Pančevo

April 2021



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Women's rights organization FemPlatz would like to thank the Special Rapporteur on violence against women, its causes and consequences for the opportunity to send a written submission to inform the Special Rapporteur's report on femicide to be presented at the 76th session of the General Assembly.

Women's rights organization FemPlatz is a non-profit, non-partisan and non-governmental organization dedicated to protection from discrimination and full realization of human rights of women and girls, especially those exposed to inter-sectional and multiple forms of discrimination. FemPlatz contributes to creation of enabling environment for gender equality, inclusive growth, and social inclusion of women and girls by conducting independent research and policy impact analysis for improving legislation and practices and building capacities of stakeholders relevant for gender equality. Programs are planned and implemented by respecting principles of equality, independence and respect to personal autonomy, social inclusion and participation, and empowerment of women. FemPlatz is based in Pancevo, Serbia, email: femplatz@gmail.com.

About our research on femicide and attempted femicide

During 2018-2019, under the project "Eradicating and Preventing Femicide in Serbia (phase I)", with the support of UN Women and EU, three women CSOs – FemPlatz, Women's Research Center for Education and Communication and Gender Knowledge Hub conducted a ground-breaking, interdisciplinary, and thoughtful research entitled "*Social and Institutional Responses to Femicide in Serbia*", [volume I](#) and [volume II](#). The first volume represents a study on the phenomenology and etiology of femicide in Serbia, analyzing the social and institutional responses to femicide cases, while the second edition is presenting the analyses of the findings of the capacities of relevant stakeholders to effectively prevent and eradicate femicide, along with the proposed model for quantitative femicide data collection.

The project "Eradicating and Preventing Femicide in Serbia (phase II)" was implemented by the same organizations and builds on the knowledge, lessons learned, and outputs produced under the phase I. Research is available in the publication [Femicide and Attempted Femicide in Serbia – Prevention and Processing](#).



MAIN RESEARCH RESULTS

FEMICIDES

The convictions examined concerned the **cases of violent taking of life of women committed by men**, and they involved the criminal offences of murder,¹ of all forms of aggravated murder,² of serious bodily harm resulting in death,³ of manslaughter in a heat of passion,⁴ and of domestic violence resulting in death of a family member.⁵ In the 94 judgments examined, there were 100 criminal offences in total, classified in court judgments as: murder (45%), various forms of aggravated murder (47%), manslaughter in a heat of passion (2%), serious bodily harm resulting in death (3%), and domestic violence resulting in death of a family member (3%).

There were several court judgments where a modification of the legal classification of the crime at different stages of the proceedings could be seen to have taken place, resulting in a change to a less grave criminal offence,⁶ which led to milder punishment being imposed. Murders were committed in a town for the most part (54%), while 35% of these acts were committed in a village. Most criminal offences of murder were committed in the joint flat/house/yard of the victim and the perpetrator (38.2%) and in the flat/house/yard of the victim (31.9%). These data confirm that the least safe and most hazardous place for a woman to stay is her home. Overall, most of the murders were committed using cold weapons (35.1%) and physical force (21.2%), followed by the use of several methods of committing the murder (20.2%), and then by firearms (14.8%).

The total number of perpetrators is 98, and the most common age categories are from 49 to 56 and from 33 to 40 years of age (11.2% each). The largest number of perpetrators was married (28.5%) or lived in common law marriage (15.3%) at the time they committed the criminal offence. The largest number of perpetrators had completed primary education (27.5%), secondary education was completed by 25.5% of the perpetrators, while 10.12% had no education or had not completed primary education. The perpetrators of femicide are of different occupation, which is understandable, considering that persons with primary and secondary education predominate among them. At the time of committing the murder, more perpetrators were unemployed (30.6%) than employed (21.4%). Although the data on employment are very important for considering the economic status of the perpetrators and a possible impact of this factor on committing the criminal

¹ Article 113 of the Criminal Code

² Article 114 of the CC

³ Article 121, para. 3 of the CC

⁴ Article 115 of the CC

⁵ Article 194, para. 4 of the CC

⁶ E.g. aggravated murder was reclassified as murder, murder was reclassified into manslaughter in a heat of passion, and aggravated murder was reclassified into domestic violence resulting in death of a family member



offence, a number of court judgments did not mention this circumstance, while in some judgments the employment data were anonymised (30.6%). The data on previous convictions of the perpetrators show that one half of the perpetrators had had no convictions before committing this crime, and 33.6% had been convicted. Only three perpetrators had previously been convicted of criminal offence of domestic violence.

In 48.9% of the cases the perpetrators had not consumed excessive quantities of alcohol before committing the crime; excessive alcohol use was recorded in 28.5% of the instances. There were no data on psychoactive substances abuse in 42.8% of cases, while substance addiction was established in only 4.08% of the cases. The largest number of perpetrators (36.7%), based on the findings and opinion of expert witnesses, were found to have had diminished mental capacity at the time the criminal offence was committed, but not to a substantial degree, which means that they were capable of reasoning and decision-making and were aware that the act they were committing was not in accordance with the law. There were 12.2% who lacked mental capacity due to a “mental illness”, while about 14% were accountable (in terms of their mental capacity).

The most common relationships between the perpetrator and the victim in the examined sample were intimate partnerships (48.8%) and family relationships (29%). The largest percentage of perpetrators did not admit to a criminal offence (22.4%); there are slightly fewer perpetrators who expressed regret and remorse (14.2%), and the same number of perpetrators did not give an explanation for the committed act or did not have an explanation. As for accepting their own responsibility, 13.2% of the perpetrators accepted it, while 7.1% of the perpetrators shifted the responsibility and blamed the victim.

There were 99 victims in the examined sample, which is more than the perpetrators (98) because in some cases there were several perpetrators acting as co-perpetrators, but also in some cases one perpetrator murdered more than one victim. The victims were of different age, but it can be noticed that in the examined sample there was a significant share of women over 65 years of age (19.1%), which points to the fact that the perpetrators often made use of the helplessness and defencelessness of the victim. Given that the structure of the criminal offence of murder involves a large percentage of partner violence, it is logical that at the time the criminal offence was committed, the largest percentage of victims were married (27.2%) or in a common law union (7.07%). The data on the victims' employment status are missing in a large number of court judgments (64.6%). For a comprehensive analysis of the phenomenon of femicide, it is necessary to have data on the social status of women victims of femicide, which largely depends on their occupation and employment status.



The court, as a rule, does not consider the history of the relationship between the perpetrator and the victim in the situations where the perpetrator has no previous convictions for acts of violence against the victim. In most cases the victims rely on their own strategies and seek solutions to the situation of violence on their own; it is very rarely that they turn for help to the competent state bodies and institutions, which shows great distrust in the institutions of the system.

The predominant sanction is prison sentence, alone or with security measures (84.8%). Duration of sentences ranged from three to 40 years. In the largest number of cases 40-year and 15-year prison sentences (15.4% each) were imposed, followed by imprisonment for 20 years (14.08%). It may be concluded that the courts in the reasoning of the judgments stated only those extenuating and aggravating circumstances that were mentioned in the Law just for the sake of giving an example. Although these circumstances refer to the perpetrator's past life, his personal situation, his behaviour after the commission of the criminal offence, and particularly his attitude towards the victim of the criminal offence, as well as other circumstances related to the personality of the offender, it was not possible to find out from the judgments whether the court looked into and established these circumstances during the proceedings. Moreover, in several cases, the reasoning of the judgments failed to state any extenuating or aggravating circumstances at all, and some judgments only mentioned that the court found no aggravating circumstances.

ATTEMPTED FEMICIDES

The research sample consists of 30 final and enforceable court judgments for 33 criminal offences of attempted murder⁷ (69.7%) and aggravated attempted murder⁸ (24.2%). The prevalence of femicide attempts in the examined sample was significantly higher in towns (60.6%) than in villages (33.3%). The site of committing the criminal offence was most often the victim's flat/house/yard, as well as the shared dwelling of the perpetrator and the victim. **As in the case of femicide, research has shown that the most dangerous place for a woman is her home.**

The most common method of attempting femicide was a cold weapon (45.4%), firearms (21.2%). The available data on the perpetrator's age show that the category of the perpetrators who were 25-56 years old dominates (39.4%). An almost equal percentage of perpetrators were married (30.3%) or unmarried (33.3%) but in an emotional relationship or in an intimate partnership with the victim. The largest number of perpetrators has secondary education (30.3%), followed by the number of the ones with completed primary education (21.2%). At the time of committing the criminal offence of attempted femicide, more perpetrators were unemployed (27.3%) when compared to the number of the employed ones (15.1%).

⁷ Article 113 in conjunction with Article 30 of the CC

⁸ Article 114 in conjunction with Article 30 of the CC



The data on previous convictions of the perpetrators who attempted femicide show that there was a higher percentage of perpetrators with no previous convictions (66.7%). Two perpetrators had previously been convicted of the criminal offence of domestic violence, for which they were given suspended sentences.

Almost one third of the perpetrators abused alcohol, and in 12.1% of the cases there were no data on alcoholism. In 15.2% of the cases the perpetrators abused psychoactive substances. For most of the perpetrators of attempted femicide it was found that their mental capacity was diminished, but not significantly (36.4%), 30.3% of the perpetrators had mental capacity, while 15.2% of the perpetrators were mentally incapacitated. Most of the perpetrators (30.3%) gave no explanation or had no explanation why they attempted femicide, 24.2% expressed remorse for the committed criminal offence, and 18.2% mostly accepted their responsibility. However, 12.1% found their action to be appropriate, and felt no remorse about what they had done.

In the largest number of cases the perpetrator and the victim were married/in common law union/intimate partners (current or former – 69.7%). The relationship between the perpetrator and the victim prior to committing the criminal offence is rarely mentioned in the reasoning of the judgments. Based on the available data, it may be concluded that the relationship between the perpetrator and the victim prior to committing the criminal offence was mostly bad, that their relationship was disturbed, that committing the criminal offence was preceded by quarrels and arguments, with or without physical violence, especially if it was an intimate partnership. The dominant motives were jealousy, revenge for the breakup of an emotional relationship, marital union or common law marriage, as well as hatred and resentment due to unrequited love and termination of marital or common law union.

There were 35 victims of attempted femicide, mostly under 49 years and married (31.4%). In the court judgments, there was almost no information on the education level and occupation of the victims. Only seven victims (20%) turned to the police by filing a criminal complaint before femicide was attempted, for 25.7% it remained unknown whether they had approached anyone before, while 54.3% of victims had contacted no one.

The most frequently imposed sanctions were imprisonment, either as a stand-alone sanction or together with a security measure (78.8%). Prison sentences ranged from three to 20 years of imprisonment. The largest number of prison sentences was for five years (19.2%), followed by 10-year (15.4%) and three-year sentences (11.5%). The reasoning of the judgments listed the aggravating and extenuating circumstances is very similar as in femicide cases. In 33.3% of the cases the court found no aggravating circumstances and made no mention of them in the judgment.