

**FEMICIDE IN THE REPUBLIC OF SRPSKA**

**PREVALENCE, UNDERSTANDING AND JUDICIAL PRACTICE**



## Credits

Name: *Femicide in the Republic of Srpska, prevalence, understanding and judicial practice*

Authors: *Olga Lola Ninković, PhD Ivanka Marković, Radmila Žigić, Željka Mileusnić*

Editor: *Ljiljana Čičković*

Publisher: *Foundation Ženski Centar*

Publisher's address: *Trebinje, Sjeverni logor bb*

For the publisher: *Ljiljana Čičković*

Year of issue: *2021*

Language-editing: *Jelena Škrbić*

Translated into English: *Sanja Bjelanović*

Design and print: *“PL PRINTEX” SP, M. Janjic, Trebinje*

Number of copies: 500

Development of the publication has been supported by the OAK Foundation and Trag Foundation from Belgrade. The authors and publishers take full responsibility for the content of the publication.



*This research has emerged from a need to draw attention of the professional public, but also of the male and female citizens of the Republic of Srpska, to a present ever-increasing phenomenon of femicide. For nineteen years, the Foundation "Ženski Centar" Trebinje has worked directly with victims of domestic violence and on advocacy activities aimed at changes of policies targeted at more adequate protection of victims of domestic violence. In addition, we have decided to use this research to indicate the relevant institutions/organizations and the public on the ever-raising problem of femicide and to contribute to its decrease. On behalf of the foundation, I would like to express my gratitude to researchers: PhD Ivanka Marković, Željka Mileusnić, Radmila Žigić and Olga Lola Ninković, who have completely satisfied our expectations.*

*Ljiljana Čičković*

*Director*

*Foundation "Ženski Centar" Trebinje*



**FEMICIDE IN THE REPUBLIC OF SRPSKA**  
**PREVALENCE, UNDERSTANDING AND JUDICIAL PRACTICE**



# CONTENTS:

## Chapter I

FEMICIDE.....	8
1.1. DEFINITION OF FEMICIDE .....	9
1.2. INTERNATIONAL LEGAL FRAMEWORK .....	11
1.3. CATEGORIZATION OF FEMICIDE IN THE CRIMINAL CODE .....	14
1.4. LEGAL REGULATIOS IN THE REPUBLIC OF SRPSKA .....	16
1.5. FORMS OF FEMICIDE .....	18

## Chapter II

SCOPE AND CHARACTERISTICS OF FEMICIDE IN THE REPUBLIC OF SRPSKA .....	21
2.1. TEN-YEAR INDICATORS OF FEMICIDE IN THE REPUBLIC OF SRPSKA .....	22
2.2. MODUS OPERANDI OF FEMICIDE IN THE REPUBLIC OF SRPSKA FOR 2019 .....	24
2.3. A BRIEF OVERVIEW OF SITUATION OF WOMEN’S SUICIDES IN THE REPUBLIC OF SRPSKA .....	25
2.4. SUICIDE OF FEMICIDE PERPETRATORS .....	26

## Chapter III

ANALYSIS OF COURT RECORDS .....	30
3.1. CIRCUMSTANCES OF PERPETRATION .....	31
3.2. CHARACTERISTICS OF PERPETRATORS .....	37
3.3. CHARACTERISTICS OF VICTIMS / INJURED PARTIES.....	43
3.4. FLOW OF PROCEEDINGS .....	49
3.5. FINDINGS AND FINAL OBSERVATIONS .....	55

## Chapter IV

ATTITUDES AND UNDERSTANDING OF FEMICIDE WITHIN THE JUSTICE AND ORGANIZATIONS OF SOCIAL SOCIETY .....	60
4.1. JUDGES .....	60
4.2. PROSECUTORS .....	65
4.3. ACTIVISTS OF NON-GOVERNMENT ORGANIZATIONS .....	71
4.4. FINAL OBSERVATIONS .....	75
4.5. RECOMMENDATIONS .....	76

## Chapter V

ANNEX 1. CASE STUDY .....	79
ANNEX 2. A FORM FOR COLLECTING DATA FROM COURT RECORDS .....	83

## PREFACE

The research ***“Femicide in the Republic of Srpska – prevalence, understanding and court practice”*** has emerged within the project “Building capacities V” financially supported by the Trag Foundation, and implemented by the Foundation “Zenski Centar” from Trebinje.

Taking into account the prevalence of femicide in the region and world, we regarded that it was necessary to through research work reach the data not only about the condition and scope of the issue but also its characteristics and types of femicide in partners' relations.

According to the research conducted in the USA, Great Britain, India and Singapore during 2008, roughly 50% of women killed by someone they knew were the victims of their intimate partners, whereas the number of men killed by their intimate partners is ten times fewer and it occurs in 5.5% cases (Renzetti & Edleson, 2008).

The previous researches conducted in Serbia state that in Belgrade in the period from 1985 to 1993 65.6% of women were victimized by their partners (Simeunovic-Patic, 2002), and in the period 2010-2021, in the context of family-partner relationships roughly 30 women a year were killed (Network “Women against Violence”, 2013). The similar trend continued in Serbia in 2019, when according to the data of organization “Fem-Platz”(2020a; 2020b), 28 women were killed, and in the first six months of 2020 16 women. According to the records of the observation body “Femicide Watch” (2019) in Croatia, in the period from 2016 to 2018, 46 women were killed, with 39 being killed by someone close to them.

The last ten years that were characterized by different changes in social, political, economic and legal context, no research regarding femicide has been conducted. It is not a novelty, since the society has not concerned it over the previous years.

The objective of the research was to investigate phenomenology of femicide in marriage and partner relationships from the perspective of a victim, a perpetrator, context, judicial practice and experts' attitudes. We are aware that this research and its outcomes cannot response all questions, but we hope that it will draw attention of the public on this issue.

The research we have commenced in 2020 is of a quality-quantity type and it consists of three parts.

*The first part* of the research represents an analysis of the statistical records of the Ministry of Interior of the Republic of Srpska for the period from 2010 until 2019 referring to the scope and characteristics of the femicide.

*The second part* represents the quality-quantity analysis of 15 judicial records, final decisions, with victims murdered by their spouses or partners, what is the most prevalent type of femicide in the world. The Form for gathering information was created for these needs which can be found in Annex.

*The third part* is focused on analysis of attitudes of the experts from judiciary system (judges and prosecutors) and the representatives of women's associations with whom a structured interview was conducted and their understanding of femicide.

*The introductory chapter* clarifies a term of femicide with reference to various theoretical approaches here and in the world and the legal framework for procession of these criminal acts and it is significant contribution to better understanding of the matter which is all-present in the media of the Republic of Srpska, but it is insufficiently present in the scientific and professional discussions and in the academic community and among practitioners in the criminal-legal practice, what has been confirmed by this research.

Despite the limitations which accompanied the research, and conditioned by the epidemic situation due to the spread of Corona virus during 2020 and 2021, we have managed to rise to the challenges which followed this elaborate work and to offer to the public responses to some of the key questions such as the following:

- How prevalent femicide is in the Republic of Srpska and what are the key risks contributing to the prevalence of these serious crimes?
- How inter-dependent are the phenomena of domestic violence and femicide?
- Are the male and female professionals in the judicial system aware of the risk of femicide and are the protection mechanisms against women's murders sufficiently used?
- Does the domestic legal framework secure the sufficient protection from domestic violence and does it contribute to reduction in femicide?

We are aware that this research does not provide definitive answers to the questions asked. However, we are satisfied with the fact that the obtained results initiate the launch of new research on the topic of femicide, i.e. countering of femicide and its prevention and suppression. We hope that this research will initiate public dialogue and social actions that will transfer the phenomenon of femicide, i.e. gender-based murder of women, from the sphere of press and literature and impose it as an important social topic in the field of public policies.

**We would like to express our gratitude to the Ministry of Interior of the Republic of Srpska for all submitted statistical records, all district courts and public prosecutors' offices in the Republic of Srpska which submitted indictments and verdicts which are the subject matter of the analysis, and to all professionals with whom we have had interviews.**

I FEMICIDE



# INTRODUCTION

Gender-based violence is a global phenomenon mostly affecting women and girls worldwide, in all countries and cultures regardless of their social administration, religion, value and attitudes. It occurs every day and everywhere, and the scope of this type of violence has never been and it will never be clearly determined. According to the data of the UN WOMEN in June 2020, on a global level 243 million of women and girls aged between 15 and 49 in the previous twelve months were exposed to sexual and/or physical violence by their intimate partner.<sup>1</sup> If it is known that there is a high “dark figure of criminality” due to “culture of silence”, that is that less than 40% of women who were exposed to violence report the violence or seek any kind of help, then it is clear that physical, psychological, economic or emotional violence represents everyday life of a large number of women.<sup>2</sup> The fact underlying all types of violence is that it is committed against a woman because in man's eyes a woman is less valuable due to that fact. Therefore, it concerns the gender-based violence.

The gender-based violence has multiple and far-reaching consequences for victims and society as a whole. It is considered that its roots are deeply interwoven in the patriarchal tradition and that the change of harmful stereotypes and abolishing the gender discrimination (discrimination based on gender) can affect reduction, i.e. elimination of gender-based violence as an extreme type of discrimination.

Every type of gender-based violence, based on man's desire to dominate and exercise power over woman is unacceptable; regardless of the extent it hurts or violates rights and freedoms of a woman. However, the most serious type of gender-based violence is certainly murder of a woman, as an act of her physical destruction. This murder has all characteristics of a criminal act of murder, but due to specialty of its cause and motive which are in its basis, in the literature it is known as femicide.

## 1.1. DEFINITION OF FEMICIDE

Although a term femicide was first used in 1801 in the British publication *The Satirical Review of London at the Commencement of the Nineteenth Century* to **define the killing of women** (English, the killing of women, Russel, 2008:28, cited according to Batricevic, 2016:434)<sup>3</sup>, there is still not a unique definition of femicide. The most frequently used definition is one given by Diana Russel when testifying on killing women at the International

---

<sup>1</sup> Stated according to the data found on the website <https://www2.unwomen.org/> 14/08/2020

<sup>2</sup> According to the data of the UN Agency, published in the media in 2012, in the whole world over 60 million girls are “girl brides”, and about 100 to 140 million girls and women experienced mutilation/cutting of female genitals. More than 100 million girls „are missing“ due to prenatal gender choice and preference of male children. Every year more than 600 000 women and girls become victims of human trafficking.

<sup>3</sup> Stated by S. Konstatnovic S. Konstantinović Vilić, N. Petrušić, K. Beker, the social and institutional response to femicide in Serbia, Pancevo, 2019, p. 67; Researching for the book *Femicide in Global Perspective* (2001), Russel and her co-author **Roberta Harmes** found out that the word “femicide” was first used in Britain in 1802 in the publication *Satirical Review of London at the Commencement of the Nineteenth Century* as a term used to define the killing of women, and the third issue of *The Oxford English Dictionary* (1989) contains the same definition of the femicide which appeared in 1848 in *Wharton Law Dictionary*, where it is stated to denote the criminal act. Stated according to S. Kovačević, Murder of women because they are women – organized, encouraged, allowed and unpunished, LIBELA, a portal on labour, gender and democracy, available on [libela.org/sa-stavom/6656-ubojstva-zena-zato-sto-su-zene](http://libela.org/sa-stavom/6656-ubojstva-zena-zato-sto-su-zene), accessed on 11/08/2020.

Tribunal on Crimes against Women in Brussels in 1876. The crimes for which the testimonies were prepared were the following: “forced maternity (inability of access to contraception or miscarriage), crimes of medical nature (violations by gynecologists, psychiatrists and other doctors; dangerous experiments on women's bodies; unnecessary operations – hysterectomies, mastectomies, forced sterilization); economic and legal crimes against women (double loading of women at labor market, double discrimination of women from the Third World and immigrants, unpaid work from home, oppression of women in a patriarchal family, prohibition of divorce, persecution of single mothers, persecution of lesbians and neglect of women in older ages); and violence against women (rape, abuse of female children, beating, murder, brutalization of women in pornography and prostitution, and violence against female inmates, politically and non-politically)” (Russel, 1972:2).<sup>4</sup> At her testimony Russel said: We have to realize that many homicides are actually femicides. “We have to recognize that the gender is in the basis of those homicides. From burning witches in the past until the widely spread custom of killing female babies in many societies and to killing of women “in the name of honor“, we realize that femicide has existed for a long time. But, since it refers only to women there was no specific name for it, until a term femicide was created” (Russell, Van de Ven 1990:104).<sup>5</sup>

In its early iteration femicide was defined as “the murder of women by men motivated by hatred, contempt, pleasure, or a sense of ownership of women” and “the misogynistic killings of women by men.” In such a context, killing a woman while committing another criminal act, i.e. a homicide which is not motivated by misogynistic feelings of a perpetrator cannot be regarded as femicide. Therefore, for existence of femicide it is necessary that a homicide is motivated by a victim's gender, i.e. a fact that a victim is a woman.

An interesting definition of femicide can be found in a book *Femicide in Global Perspective* from 2001, in which this term was broadened to all women's homicides, encompassing killing of women by other men, and not only those committed by current or former partners. “Femicide usually represents the culmination of violence against women encompassing a wide specter of verbal and physical abuse such as rape, torture, sexual slavery (especially in prostitution), incest and sexual abuse of children outside the family, physical and emotional abuse, sexual harassment (on a phone, in a street, in an office, in a classroom), genital mutilation, unnecessary gynecological operations, forced heterosexuality, forced sterilization, forced maternity (criminalization of contraception and abortion), psycho-surgery, deprivation of food for some women in some cultures, esthetic surgery and other deformities in the name of beautification. When these forms of violence result in woman's death, they become femicide.”<sup>6</sup>

According to some authors, a term femicide also involves disguised forms of killing women when a woman's death is in a way permitted by misogynistic attitudes and/or social institutions. For example, in societies which do not recognize a woman's right on maternity, thousands of women die every year as a result of illegal abortions. Some other forms of disguised femicide are: death caused by unnecessary operations such as hysterectomy and genital mutilation, experiments with a woman's body such as insufficiently tested or checked methods of contraception, dangerous marital practice, such as when a young woman is

---

<sup>4</sup> V. M. Mihelić, *Femicide in Latin America*, Diploma paper, <https://urn.nsk.hr/urn:nbn:hr:114:439387>. Accessed on 16/08/2020.

<sup>5</sup> V. S. Konstantinović Vilić, et al., op. cit. p. 68.

<sup>6</sup> D. Russell, *The Origin and the Importance of the Term Femicide*, 2011, [www.dianarussell.com/origin\\_of\\_femicide.html](http://www.dianarussell.com/origin_of_femicide.html), 13/08/2017, stated according to Majida Lubura, *The term femicide and significance of it legal regulation*, [www.stranipravnizivot.rs](http://www.stranipravnizivot.rs), accessed on 16/08/2020.

forced to marry much older man and forced sexual intercourse; neglect (physical, health) of female children, disease and hunger in impoverished countries.<sup>7</sup>

It is necessary to emphasize that Diana Russel suggested introducing a category “massive femicide” which would account for lethal cases arising as a result of power and man dominance, including, for example, women who die from genital mutilation, women killed in so called crimes in the name of honor or during armed conflicts, etc. Nowadays, a term femicide encompasses all misogynistic and sexist homicides of women regardless of their age, including torture, burning widows on a husband's bonfire or for dowry (India), homicides for insult of family honor (Pakistan), lethal cases due to mutilation of women's genital organs (clitoridectomy, infibulation – genital mutilation of females – Female genital mutilation FGM) and rape, serial homicides, homicide during domestic violence, women trafficking, mortality of pregnant women, as well as killing of newly born female children in order to give preference to male children (Caputi, Russell, 1992:15).<sup>8</sup>

No matter what definition of femicide we accept as an adequate one, it is important to emphasize that all definitions are based on killing of a woman motivated by a fact that she is a woman and open or disguised desire (need) of a man for domination in all relations with a woman. The prevalence of this phenomenon can be found in the data by UN Women that during 2017 87 000 women were killed. More than a half (58%), that is 50 000 were killed by their intimate partners or family members, what means that 137 women worldwide every day are killed by family members. According to reviewed data, the estimated number of women killed by their intimate partners or family members in 2012 was 48 000 (accounting for 48% of all homicides of women). Based on this, it seems that the number of femicides, i.e. homicides of women by their intimate partners or family members worldwide is increasing.<sup>9</sup>

## 1.2. INTERNATIONAL FRAMEWORK

Realizing the necessity of creating a different relation towards the gender-based violence, and particularly towards a problem of femicide, international organizations have adopted a large number of documents which determined that the gender-based violence represents the violation of the fundamental human rights and freedoms and that is a form of discrimination of women. By the documents adopted at the level of the United Nations, European Committee and the European Union, but also in the decisions by which bodies monitor the application of these documents make decisions in particular cases of violation of rights guaranteed by them, the international standards regarding countering violence against women were established.

The relevant legal acts impose a liability on a country to undertake active measures in preventing and countering gender-based violence and to provide adequate protection of victims of this form of violence. A special attention should be drawn to the Declaration on Elimination of Violence Against Women<sup>10</sup> which in Article 1 violence against women defines *as any act of gender-based violence which results in physical, gender or psychological injury*

---

<sup>7</sup> See S. Kovačević, Ibidem.

<sup>8</sup> More thoroughly on femicide see S. Konstantinović Vilić, N. Petrušić, K. Beker, p. 67–71.

<sup>9</sup> UNITED NATIONS OFFICE ON DRUGS AND CRIME Vienna GLOBAL STUDY ON HOMICIDE Gender-related killing of women and girls, 2018, <https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18....>, accessed on 17/08/2020

<sup>10</sup> Adopted at the General Assembly of the United Nations on 20th December 1993, Resolution 48/104.

*or suffering of a woman, including threats by such deeds, coercion or voluntary deprivation of freedom, either in public or private life.*

The general recommendation no. 19 adopted by the Committee for Elimination of Discrimination against Women in 1992 emphasizes that “gender-based violence targeted at a woman because she is a woman or violence affecting women to a larger extent than men, when imposed by the public authority or whatever subject, organization or enterprise fall under the definition from Article 1 of the Convention on Elimination of All Forms of Discrimination Against Women.”<sup>11</sup> Thus, the gender-based violence is a form of discrimination against women. A series of documents followed all insisting on establishing a normative system which would disable any form of discrimination against women, that is which will be the normative foundation for establishment of gender equality in all spheres of the public and private life. It is significant to mention that the UN Committee for Human Rights in 1995 appointed the first Special Correspondent for Violence against Women, causes and consequences of violence. The third Special Correspondent for Violence against Women included gender-based homicides of women regardless of where they were committed and who committed them in her thematic report on gender-based homicides, submitted in 2012 to the UN Committee for Human Rights. The report highlights that different terms were used to define these homicides in different parts of world (femicide, feminicide, murder “in the name of honor”, and a crime of passion). Besides, it has been noticed that on the global level gender-based homicides are scaling up, and a special problem is that in a large number of cases there was no responsibility of a perpetrator and his punishment.<sup>12</sup> According to the UN Secretary General, when a country does not punish perpetrators of such crimes, it does not only increase subordination and impotence of violence victims, but it also sends a message to the society that the male violence against women is acceptable and inevitable, resulting in normalization of abusive patterns of behaviour.<sup>13</sup> After this report, several documents regarding femicide were adopted.

**Vienna Declaration on Femicide<sup>14</sup>**, 2012 signers expressed huge concern due to increase in the number of femicides in the world and due to the fact that it is often not punished and it does not only increase subordination and absence of power in women, but it also sends a message to the society that the violence against women is acceptable and inevitable. Femicide is defined as the killing of men and girls for their gender, and inter alia, it can occur in the following forms: 1) the killing of women as a result of intimate partner's violence; 2) torture and misogynistic killing of women; 3) the killing of women and girls in

---

<sup>11</sup> Approved and proposed for signature, ratification and accession by General Assembly Resolution 34/180 on 18 December 1979, and entered into force on 3 September 1981 in accordance with Article 27 (1). According to Article 1 of this Convention, the term "discrimination against women" means any difference, exclusion or restriction as to sex, which has the effect or purpose of jeopardizing or preventing the recognition, realization or exercise by women of human rights and fundamental freedoms in political, economic, social, cultural, civic or other fields, regardless of their marital status, on the basis of equality of men and women.

<sup>12</sup> Report of the Special Rapporteur on violence against women, its causes and consequences Rashida Manjoo: Gender-related killings of women, 2012, available on: [http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16\\_En.pdf](http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf), accessed on 17/08/2020.

<sup>13</sup> V. Slobodanka Konstantinović Vilić, et al., ibidem, p. 73,74.

<sup>14</sup> At the symposium of the Academic Committee of the United Nations, Small Arms Survey and Vienna NGO Committee on the status of women, on the occasion of commemorating the International Day of Elimination of Violence against Women, the participants agreed and adopted the Declaration on Femicide.

“the name of honor”; 4) targeted killing of women and girls in the context of armed conflicts; 5) the killing of women related to dowry; 6) the killing of women and girls due to their sexual orientation and gender identity; 7) the killing of aboriginal or women and girls from autochthonous groups for their gender; 8) female infanticide and gender-based feticide on the basis of gender; 9) deaths related to genital mutilation; 10) accusations for witchcraft; and 11) other forms of femicide related to bands, organized criminal, drug dealers, human trafficking, and arms trade.”

The Declaration signers highlight that the tradition and culture cannot be used as an excuse for violation of human women's rights, especially the right on life and the right to be free of violence, and it is necessary to put effort on all society levels in order to eradicate femicide. The Declaration once again confirmed the dedication to joint work on completely stopping femicide while obeying the national and international legal instruments and a call has been targeted to all member states to create, apply and assess the overall strategies targeted at removing obstacles which prevent women and girls from entirely exercising their rights. The member states should incorporate their public schemes of education with the aim of empowering women and girls, but also sensibilization of men and boys, in order to alter the society awareness. Moreover, it is necessary to conduct research on a role of gender-based causes (or motives) of femicide, including misogyny, and inform the public about the strategies and schemes of protection of women.<sup>15</sup>

The UN General Assembly in 2013 adopted the Resolution on taking measures against gender-based homicides against women and girls requiring from the UN member states to prevent with due attention acts of violence against women, as well as to investigate, process and punish perpetrators in accordance with the national laws. The Resolution emphasizes the need to enhance the prevention of gender-based homicides of girls and women and adoption of more adequate legal framework securing the application of legal instruments and damage compensation. Therefore it is required that the states adopt a series of measures related to resolution of the problem of violence, including homicides of girls and women, to draft programs of prevention of gender-based violence, to periodically check if the measures give results, and if it is found as necessary, to amend and adopt them to more concrete needs. It is further said that it is necessary to strengthen the system of criminal justice in order to punish perpetrators in an appropriate manner. The Resolution emphasizes the need to research the gender-based homicides of women, their empowerment and education, particularly regarding the factors which make them more vulnerable and more at risk. The UN General Assembly invited countries to enhance their data gathering and statistics, to cooperate with the UN bodies and other countries, as well as with organizations of civil society and scientists and researchers, in order to jointly work on developing different mechanisms for stopping gender-based homicides and to use examples of good practice from other countries.

In 2015 The UN General Assembly adopted the second Resolution on Undertaking Measures Against Gender-based homicides of women and (A/RES/70/176, 2015), in which it reminded the countries of the previous resolution from 2013, particularly regarding the promotion and protection of all human rights and fundamental freedoms, including rights and freedom of women and girls. It is significant to emphasize that by this resolution the

---

<sup>15</sup> Declaration available on <https://www.unodc.org/documents/commissions...> Accessed on 18/08/2020.

countries were invited to strengthen their criminal-legal system regarding the gender-based homicides, to enhance the international cooperation and exchange of examples of good practice in criminal justice matters regarding the violence against women, to fight against society attitudes which sustain, justify and tolerate violence against women, to adopt the integrated and encompassing strategies targeted at diminishing risks from gender-based homicides of women, as well as to gather, analyze and report on gender-based homicides of women (A/RES/70/176, 2015, paragraph 2–11).<sup>16</sup>

With the aim of understanding the femicide, as a separate form of gender-based violence which is present in all parts of the world, it is necessary to collect data on the basis of which it is possible to determine the causes, manifestations, measures undertaken and their efficacy, etc. Numerous international documents indicate this need, but also the fact that the successful fight against any phenomenon requires deep insight into its etiology and phenomenology.<sup>17</sup>

It is interesting to indicate that the term femicide was firstly used in the international judicial practice in 2009 by the Inter-American Court for Human Rights when it found that country Mexico was responsible for the homicide of women in Ciudad Juarez (a case concerns the homicide of three young women, in 2001). The court found Mexico guilty for discrimination and because it had not protected the victims, nor secured the efficient investigation of abduction and homicides. The court ordered Mexico to conduct a new investigation, to build a national monument to victims, to pay compensation to the families and to enhance measures regarding prevention of disappearance and homicides of women, and to investigate the murder of women and girls in an adequate manner.<sup>18</sup>

The first act on the European continent directly devoted to the femicide, as a type of gender-based violence, is the Resolution of the European Committee of 11th October 2007 on the killing of women in Mexico and Middle America and on the role of European Union in the fight against this phenomenon. There are many adopted documents after that such as The Conclusions of the European Committee on fight against violence in European Union (2010), The Istanbul Convention (2011), the Resolution of the European Parliament of 8th October 2013 on massive homicides for gender discrimination: Disappearance of women (2012/2273(INI)), The Resolution of the European Parliament of 25th February 2014 with recommendations to the Committee for Fight against Violence against Women (2013/2004(INL)), etc.<sup>19</sup> All documents are targeted at establishment of more efficient strategies and policies to suppress violence against women, particularly suppression of femicide.

### 1.3. CATEGORIZATION OF FEMICIDE IN THE CRIMINAL CODE

---

<sup>16</sup> In more details on UN resolution see in S. Konstantinović Vilić et al., *ibidem*, p. 74–76.

<sup>17</sup> This need was emphasized in the General Recommendation No. 19 of CEDOW Committee, Istanbul Convention and other documents.

<sup>18</sup> More details on this in: Majda Lubura, The term of femicide and importance of its legal regulation, Foreign legal work, p. 124.

<sup>19</sup> More on this see in: M. Luburda, *op. cit.* p. 124,125.

The United Nations encourage countries to recognize femicide in their laws, and the **UN Women** have advocated for years for categorization of femicide as a separate criminal act. It is regarded that over 100 countries in their laws recognize and treat femicide as a crime (e.g. a series of countries of South America, where femicide has taken enormous proportions, determined this term in their laws). In 1994 all countries of South America ratified the Inter-American Convention on Prevention, Punishment and Elimination of violence against women, which represents a unique regional agreement dedicated to fight against violence against women. In accordance with it, the countries incriminated the femicide as a separate criminal act, or as a special type of criminal act of homicide (Carcedo, 2006: 10). In 2013 Bolivia adopted a special law – The General Law which guarantees women a life without violence.<sup>20</sup> Towards the end of 2015 the following countries incriminated the femicide as a separate criminal act: Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Dominican Republic (ECLAC, 2015: 1; Mujica, Tuesta, 2014: 10). Argentina and Venezuela treat the femicide as a separate form of serious murder. (ECLAC, 2015: 1).<sup>21</sup>

In the majority of legal decisions the femicide refers to the killing of women committed inside or outside the family sphere, and some countries, such as Chile and Costa Rica as a criminal act limit the killing of a woman by a current or former intimate partner. Other countries, such as El Salvador, Mexico, Panama and Peru, adopted the legal definitions which significantly expand a circle of circumstances on which the law can be applied. Costa Rica has also amended their legislation in recent years, expanding an area of application of definition of femicide in the public sphere by adopting a term “extended femicide”. In the majority of legal definitions, femicide victims are women killed by their current or former intimate partners or family members.

If femicide committed outside the family sphere is concerned, the laws lay down elements of the criminal act indicating a presence of sexual assault, extreme torture and brutality related to the killing of a woman or a girl. The fact that adoption of special laws, i.e. adoption of a special criminal act in the legal system does not enable always the criminal prosecution of this crime as a homicide related to the gender of a woman and girl, since it can be difficult to identify additional gender-based elements which are the constituent elements of this homicide. The laws which provide the femicide as a special type of homicide most frequently provide longer prison sentences than for a homicide.

---

<sup>20</sup> This law amended the Criminal Code of Bolivia so that femicide was incriminated as a separate criminal offense. Under Article 252, the offense of femicide is committed by any person who kills a woman under any of the following circumstances: 1) if the perpetrator is the current or former partner of the victim, regardless of whether they lived in a joint household or were in an emotional or intimate relationship without cohabitation; 2) because he is a victim refused to establish a partnership, emotional or intimate relationship with the perpetrator; 3) because the victim is pregnant; 4) because the victim is in a subordinate position in relation to the perpetrator or is in a friendly, business or partnership relationship with him; 5) if the victim is in a situation that makes him / her particularly vulnerable; 6) if before the murder the victim was exposed to physical, psychological, sexual or economic violence by the perpetrator; 7) when the murder was preceded by another criminal offense against personal or sexual freedom; 8) when the murder of a woman is related to the criminal offense of human trafficking or smuggling; or 9) when the murder of a woman was committed during a ritual, by a group of perpetrators or as a result of custom. The crime of femicide in Bolivia is punishable by 30 years in prison, without the possibility of pardon. Listed according to Batričević, op. cit., p. 439

<sup>21</sup> Ibidem, p. 438.



Apart from providing for the special criminal acts, such as femicide, there are other ways of criminalization of certain aspects of homicides related to gender. Some countries adopted the aggravating factors for homicides and other crimes. In some cases, these provisions are defined in a gender neutral manner, whereas the others are applied especially to women. The aggravating factors can include the specific motives (such as bias, hatred and discrimination related to gender of a person, like in Belgium, Canada and Spain, or motive of honor and customs such as in Turkey) and factual circumstances (such as pregnancy in the Russian Federation and Turkey, or a victim's spouse, such as in Belgium, Spain and Turkey). Some countries, such as Turkey and Palestine, removed the mitigating circumstances from the criminal justice code which were formerly used to diminish sentences for adultery and other family circumstances. Moreover, other special provisions were adopted for incrimination of the killing of children such as infanticide (for example, in Angola, Canada and Guatemala).

It is stated in the literature that the data regarding assessment of efficacy of criminal justice responses to the gender-based homicide of women are available neither on regional nor on international level. Countries rarely separate the statistics of the criminal prosecution or conviction according to a type of murder and it is difficult to quantify if a level of conviction is an adequate response to the issue. The data in El Salvador show that a gradual application of law on femicide is occurring and gradual increase in convictions for this crime. Even though the effect of those convictions is not large, the fact is that the law enables the criminal-legal response to the issue of femicide.<sup>22</sup>

According to available data, it seems that in Europe not a single country has introduced a special criminal act named femicide in their criminal justice. Countries mainly develop the special policies for suppressing violence against women which is recognized as serious violation of human rights and a serious issue which requires attention of the public. Within the legal solutions adopted with the aim of suppressing violence against women and domestic violence, there are norms which incriminate the killing of a woman by a family member or a member of family community, i.e. by an intimate partner, but the term femicide is not used for such cases.

### 1.3 LEGAL REGULATIONS IN THE REPUBLIC OF SRPSKA

Although the criminal legislation of the Republic of Srpska is one of those legislations that have implemented most international standards related to the protection of women from all forms of violence and abuse, the Criminal Code of the Republic of Srpska does not contain a specific criminal offense that would exclusively incriminate the murder of a woman, i.e. femicide. This does not mean that there are no cases of femicide in Republic of Srpska, because the media inform us about cases of murders of women after leaving a marital or extramarital union by an intimate partner (current or former, marital or extramarital). Therefore, the basis of such murders is precisely the motive of jealousy and possessiveness because "his wife belongs to him", i.e. the desire to keep a woman under control or to

---

<sup>22</sup> More about the legal regulation of femicide see UNITED NATIONS OFFICE ON DRUGS AND CRIME Vienna GLOBAL STUDY ON HOMICIDE Gender-related killing of women and girls, 2018, p. 48–54.  
<https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18>, accessed on 18/08/2020.



punish her for disobedience or abandonment and to physically destroy her, and these are all characteristics of femicide.

However, it would be wrong to conclude that the legislator did not pay some attention to this problem, he just failed to call it by its real name, that is femicide. There are incriminations in the Criminal Code of the Republic of Srpska that are gender neutral, but the practice so far shows that they are actually based on femicide.

Before we look at the incriminations that can and should be applied to such cases, we will remind you that the Republic of Srpska introduced into its criminal legislation back in 2000 the special criminal offense of violence in the family or family union, which incriminates all forms of violence, and insolent and reckless behavior that endangers the peace, physical integrity, or mental health of a family member or family union. Although this incrimination is gender neutral, it is quite clear that the goal of this incrimination was, and still is, to ensure the protection of women from the violence they experience within the family or family community. As a special more severe form of this act, a case is provided when, due to the basic and several more severe forms of the act, the death of a family member or family community occurs. The criminal act in question is qualified as a more serious consequence, so that in relation to the occurrence of a fatal consequence, there must be negligence on the part of the perpetrator. In practice, this means that this form of crime will be applied to cases in which the perpetrator did not want the death of a family member or family member against whom he used violence, but took it lightly that it would not happen or that he would be able to prevent it. It is even possible that the perpetrator was not even aware of the fact that his violent behavior could result in death, but according to the circumstances of the act and his personal characteristics, he was obliged to foresee it and he could have foreseen it. Thus, there is no expressed will for the occurrence of a fatal consequence of a family member or family community. In addition to this form of crime, the most serious form that exists in the case when the perpetrator takes the life of a family member or family community whom he previously abused is also provided. This form of crime was punishable by imprisonment for at least ten years (and a special maximum of twenty years). This form of crime is the premeditated murder of a family member or family member who has previously been a victim of domestic violence. (Unfortunately, in the case law of the Republic of Srpska, the indictment for this form of the crime of domestic or family violence was changed to a murder indictment with the oral explanation that it is very difficult to prove previous abuse.) Starting from the fact that in the mentioned murder case it is actually a premeditated murder of a family member or family community that differs from other murder cases only by the specific relationship between the perpetrator and the victim, the editors of the new Criminal Code from 2017 moved this form of domestic violence or the family community where it belongs, i.e. in the forms of the criminal offense of aggravated murder (Article 125, paragraph 1, point 3 ). Therefore, a person who deprives a member of his family of life who was previously abused will be punished by imprisonment for at least ten years or long-term imprisonment (according to the Draft Law on Amendments to the Criminal Code, life imprisonment is provided for this form of crime instead of long-term imprisonment).

In addition to this form of aggravated murder, it is possible to apply the legal qualification of aggravated murder out of hatred to cases of murder of a woman for misogynistic reasons, because, according to Article 123, paragraph 1, point 21 of the RS Criminal Code, a hate crime is an offense committed in whole or in part because of a person's racial, national or

ethnic origin, language, religion, color, sex or sexual orientation, health status or gender identity.

In cases of femicide, i.e. murder of a woman committed out of revenge or retaliation for leaving a marital or extramarital union, for the establishment of a new partnership, it is possible to apply some other forms of aggravated murder, such as murder for low motives or reckless revenge (Article 123, paragraph 1, point 2). In older court practice, this form of aggravated murder was applied to such murder cases.

As a special form of aggravated murder, the Criminal Code also provides for the murder of a pregnant woman, i.e. the murder of a woman for whom the perpetrator knows is pregnant (Article 125, paragraph 1, point 7).

If the death occurred as a result of domestic violence, and was covered by the perpetrator's negligence, the criminal offense of domestic or family violence will be applied to these cases (Article 190, paragraph 4) with a prison sentence of three to fifteen years.

A special form of femicide is the murder of a woman that occurred as a result of some form of genital mutilation. The RS Criminal Code provides for punishment for these acts, but again not through the special crime of femicide, but through the crime of genital mutilation of women, i.e. its more severe form with a prison sentence of two to twelve years.

Infanticide, as a special form of murder of a woman, occurs at her birth due to the fact that she is a woman. There have been such cases in the practice of the people living in BiH, and even today one can read information about found dead or abandoned newborns. The RS Criminal Code, through the incrimination of murder of a child at birth, provides for the punishment of a mother who deprives her child of life, during childbirth or immediately after birth, under the influence of the condition caused by childbirth, by imprisonment from one to five years. This act protects the life of the newborn, regardless of gender, but previous practice, as well as practices in some other countries, show that female children are more likely to be victims of this crime.

The case of unlawful termination of pregnancy could be considered as a specific case of murder of a woman if it was performed against the will of the pregnant woman, and as a result death occurs (Article 130, unlawful termination of pregnancy).

A special form of femicide, one could say a covert form of femicide, exists in all cases in which a woman has committed suicide due to long-term harassment, mental or physical, by her intimate partner. Such situations are covered by the criminal offense of inducing suicide or aiding and abetting suicide (Article 129, paragraph 2 - who cruelly or inhumanely treats a person who is in a relationship of some subordination or dependence, and as a result of such conduct commits suicide which can be attributed to the negligence of the perpetrator will be punished by imprisonment from 6 months to 5 years). However, there is almost no example of this crime in court practice, and we believe that a significant number of women's suicides, especially if a woman has previously been a victim of domestic violence, are the result of cruel and inhuman treatment of her intimate partner (marital or extramarital).

## 1.5. FORMS OF FEMICIDE

Depending on the criteria on which it is based, different forms of femicide are listed in the literature.

The most common classification of femicides was performed according to the relationship between the perpetrator and the victim. In this sense, the following forms of femicide are listed: intimate partner femicide (perpetrators husbands / ex-husbands, lovers / sexual partners, ex-lovers / sexual partners, boyfriends / ex-boyfriends), family femicide (perpetrators father / stepfather, brothers, half-brothers, uncle, grandfather, father-in-law, brother-in-law), femicide committed by other known perpetrators (family friend, male authority figure, for example teachers, priests, colleagues at work), femicide committed by unknown males while committing another crime, robbery, robberies with a fatal outcome, in armed conflicts.<sup>23</sup>

According to the available data, it seems that the most common form of femicide is the murder of a woman by an intimate partner. Studies conducted in Australia, Canada, Israel, South Africa, and the United States during the 1990s and early 2000s showed that between 40% and 70% of women were killed by their intimate partners, usually in the context of abuse or violence. (WHO, 2002). An analysis of 249 court records in Zimbabwe, conducted in 1993, found that in 59% of cases, the murder of a woman was committed by the victim's intimate partner. In the United Kingdom during 2001, 37% of women killed were victims of murders committed by their spouses or intimate partners. According to a 2006 report by the Russian government, it is estimated that in a ten-year period (1995-2005), an average of 14,000 Russian women were killed by partners or other family members. Among them, almost 20% suffered from continuous violence, almost half of them were abused during pregnancy, illness, that is, many were victims of systematic abuse. Official data from the Russian government confirm that the number of women killed (the number of femicides) is higher than the number of Russian soldiers who died during the ten-year war in Afghanistan (about 13,000 soldiers in the period from 1979 to 1989). A study on partner violence and homicide in 104 countries and territories analyzed between 2009 and 2013 shows that an average of around 44,000 homicides in the context of domestic violence are reported annually.<sup>24</sup>

These forms of murder are based on various factors. In jealousy of an intimate partner, sexual jealousy and loss of control over the victim are considered to be the most common causes of murder. This is indicated by the results of the analysis of data from police files on murders committed by Brookman, according to which the highest percentage of murders of women by men exists between intimate partners (83% out of 19 cases), and out of these, almost half (eight cases) occurred when a woman made the decision to leave a male partner or where she was perceived (founded or not) as unfaithful to a man, which also poses a threat to an intimate partnership.<sup>25</sup>

---

<sup>23</sup> V. S. Konstantinović Vilić, et al., op. cit., p. 78.

<sup>24</sup> Data listed according to D. Spasić, D. Kolarević, Z. Luković, Femicide in partnerships, Temida, no. 3/17, p. 415, 416.

<sup>25</sup> Ibidem, p. 79.

However, no matter what form of femicide it is, its basic characteristic is that it is gender-based, then control and discrimination that escalates at one point and ends in murder.

## REFERENCES

S. Kovačević, Murder of women because they are women – organized, encouraged, allowed and unpunished, LIBELA , a portal on labour, gender and democracy, available on [libela.org/sa-stavom/6656-ubojstva-zena-zato-sto-su-zene](http://libela.org/sa-stavom/6656-ubojstva-zena-zato-sto-su-zene), accessed on 11/08/2020.

S. Konstantinović, S., Vilić, N. Petrušić, K. Beker, 2019, Social and institutional response to femicide in Serbia, Pančevo.

Lubura, M., The term femicide and significance of its legal regulation, Strani pravni život, [www.straniprav nizivot.rs](http://www.straniprav nizivot.rs), accessed on 16/08/2020.

Mihelić, M., Femicide in Latin America, Diploma paper, <https://urn.nsk.hr/urn:nbn:hr:114:439387>, accessed on 16/08/2020.

Report of the Special Rapporteur on violence against women, its causes and consequences Rashida Manjoo:

Gender-related killings of women, 2012, available on: [http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16\\_En.pdf](http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf), accessed on 17/08/2020

Spasić, D., Kolarević, D., Luković, z., Femicide in partner relationships No. 3/17.

UNITED NATIONS OFFICE ON DRUGS AND CRIME Vienna GLOBAL STUDY ON HOMICIDE Gender-related killing of women and girls, 2018. , <https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18....> accessed on 18/08/2020

## II SCOPE AND CHARACTERISTICS OF FEMICIDES IN THE REPUBLIC OF SRPSKA

The demographics of domestic violence indicate that domestic violence with a fatal outcome is the only crime in which women are more often victims than men. According to studies by the World Health Organization, the murder of women by an intimate partner accounts for between 40% and 70% of all murders of women.<sup>26</sup>

Global analyses of statistics from all parts of the world show that an average of about 44,000 homicides are reported annually in the context of domestic violence in 104 countries and territories analyzed between 2009 and 2013.

Femicide in the most general sense is the murder of a woman. The most common form of femicide in Southeast Europe is the murder of a woman by a family member and intimate partner. This follows from the following indicators:

- 61% of all murdered women were killed by a family member, compared to 12.4% of all murdered men.
- In Southeast Europe, 38.6% of all women killed and 1.2% of all men killed were killed by an intimate partner.
- In Southeast Europe, 37.7% of murders committed by a family member were committed with firearms.
- In Southeast Europe, 36.5% of women and 39.6% of men killed by a family member were killed by firearms.
- In Southeast Europe, 43.5% of all women killed by an intimate partner are killed by firearms.
- In Southeast Europe, 60.6% of women and 47.1% of men think that firearms at home make them less safe.
- In Southeast Europe, 68.6% of women killed by firearms were killed in their homes, apartments or yards.
- In Southeast Europe, 37.4% of reported cases of domestic violence involving firearms were fatal.
- In Southeast Europe, only 8.5% of rejected applicants for new firearms licenses were rejected due to domestic violence.
- In Southeast Europe, only 2.3% of all revoked firearms licenses were revoked due to domestic violence.
- In Southeast Europe, firearms abuse was reported in only 0.3% of registered domestic violence crimes.<sup>27</sup>

In Bosnia and Herzegovina, 66.7% of women killed and 15.5% of men killed were killed by a family member, while 45.5% of women killed by their intimate partner were shot dead.<sup>28</sup> Reviewing the presented indicators, it can be indisputably stated that the state of femicide

---

<sup>26</sup> L. L. Dahlberg, E. G. Krug, A. J. Mercy, A. Zwi and R. Lozano, *World report on violence and health*. Geneva, World Health Organisation, 2002

<sup>27</sup> Source: [https://www.seesac.org/f/docs/Gender-and-SALW/Misuse-of-firearms-in-SEE\\_ENG\\_WEB\\_FINAL\\_1.pdf](https://www.seesac.org/f/docs/Gender-and-SALW/Misuse-of-firearms-in-SEE_ENG_WEB_FINAL_1.pdf), accessed on 15/10/2020

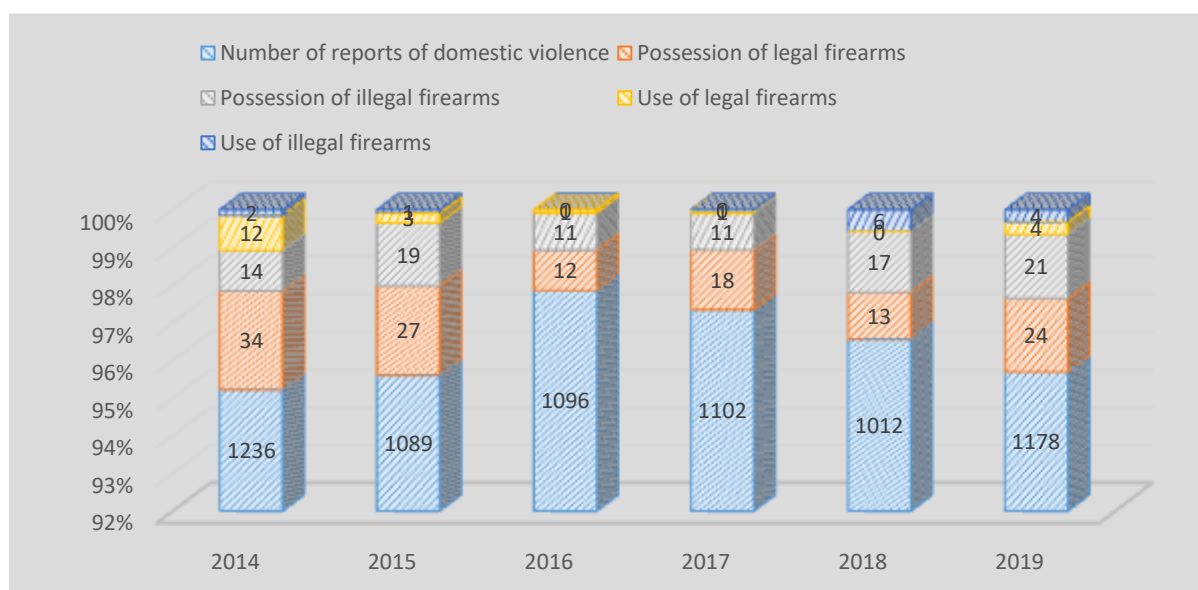
<sup>28</sup> Source: [https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms\\_BiH\\_BCS\\_WEB.pdf](https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_BiH_BCS_WEB.pdf), accessed on 20/9/2020

in Southeast Europe and Bosnia and Herzegovina does not deviate from the global demographic picture.

## 2.1. TEN-YEAR INDICATORS OF FEMICIDES IN THE REPUBLIC OF SRPSKA

Taking into account the fact that the murder of women by a family member or intimate partner is usually preceded by long-term violence, it is expedient to find out the state of reported domestic violence, as well as statistics of legal and illegal possession of firearms, which is the most common means of execution of femicide.

The chart below presents the data of the Ministry of Interior of the Republic of Srpska for the period 2014-2019.

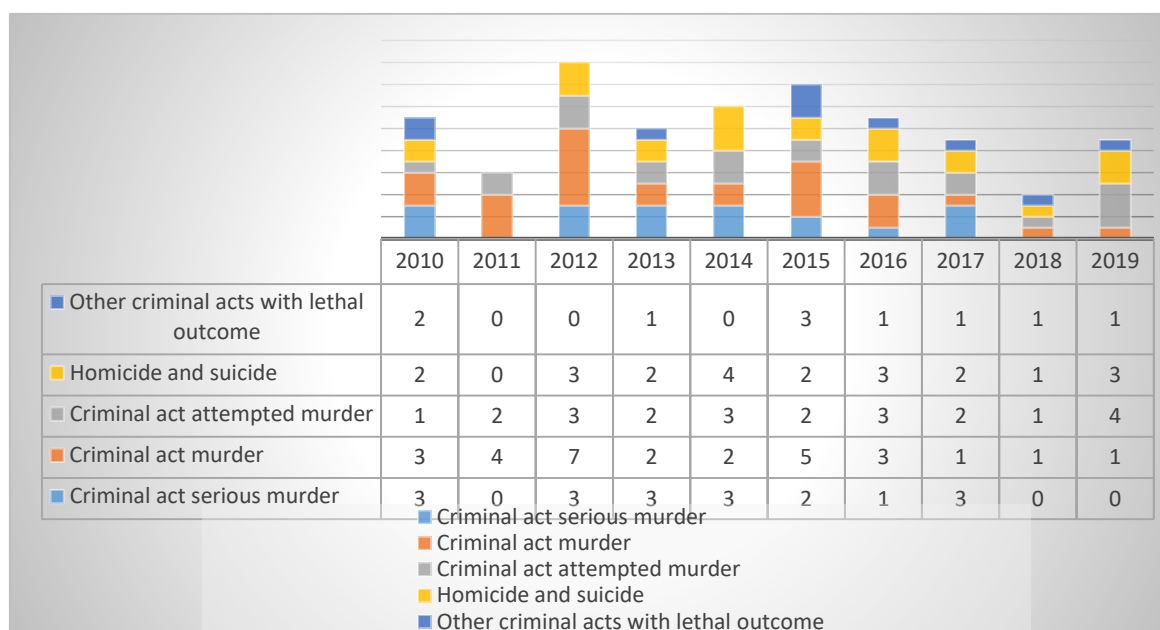


*Graph 1.* The data of the Ministry of Interior of the Republic of Srpska for the period 2014-2019

According to the presented chart, in 2014, 1236 cases of domestic violence were reported, within which inspections of police officers in 34 cases recorded legal possession of firearms and in 14 cases illegal possession of firearms. In 12 cases of domestic violence, weapons that the perpetrator legally possessed were used, and in two cases weapons that were in the perpetrator's illegal possession. During 2015, domestic violence in the Republic of Srpska was reported 1,089 times, and during the actions of the police, legal possession of firearms was determined in 27 cases, and illegal possession in 19 cases. In the same year, in three cases of domestic violence, firearms that were legally possessed were used, and in one case, weapons that the perpetrator illegally possessed. Later, in 2016, 1,096 reports of domestic violence were received, within which in 12 cases the perpetrators owned firearms legally, and in 11 cases illegally. In one case, the perpetrator used a firearm he legally possessed. In 2017, 1102 cases of domestic violence were recorded, and during the procedure, the police officers determined that in 18 cases the perpetrators legally possessed firearms, and in 11 cases, illegally. As in previous years, in one case, the perpetrator who legally possessed the

firearm used that firearm. Slightly lower number of reports of domestic violence compared to the previous year was in 2018 and amounted to 1012, and the established number of legal possession of firearms was 13, and illegal 17. During 2018, in six cases of domestic violence, weapons were used which the perpetrators illegally possessed. In 2019, there is an increase in the possession and use of firearms, which results from the data that in 1178 reported cases of domestic violence, legal possession of firearms was ascertained in 24 cases, and in 21 cases there was illegal possession of firearms. In four cases, firearms that were in illegal possession were used, and the same number of firearms that the perpetrator legally possessed were used.

The importance of perceiving and understanding these data on the possession and abuse of firearms in cases of domestic violence is directly causally related to the data on murders of women presented in Graph 2.



Graph 2. Data on the murder of women

As it can be seen from Graph 2, during the ten-year period, in the interval from 2010 to 2019, 47 women were killed in the Republic of Srpska, and another 10 females were killed as victims of some other crimes. Namely, one case of involuntary deprivation of life was recorded during 2010, while one criminal act of murder of a child at birth was recorded during 2015, 2016 and 2017. Moreover, one criminal act of causing general danger during 2013, 2015 and 2018 was recorded, as well as one criminal act of grievous bodily injury during 2010 and one criminal act of domestic violence during 2015 and 2019 in which females were mortally wounded. In addition, in the same period, there were another attempted murders of 23 women, and it is especially important that 22 perpetrators of female murder committed suicide, which implies that in almost half of the cases, or, more precisely, in 46.81% of cases after the crime they killed themselves.

## 2.2. MODUS OPERANDI OF FEMICIDE IN THE REPUBLIC OF SRPSKA FOR 2019

During 2019, five women were killed, out of whom, observed in the relationship of kinship with the perpetrator, there are two wives, two intimate partners and one daughter-in-law. The perpetrators are identified as men, two of whom are spouses - a husband, two are intimate partners and one is a father-in-law.

Chronological overview of women's deprivation of life during 2019 in the Republic of Srpska:

### Case one

On 31st March, 2019, around 7:55 p.m., N.P. - **father-in-law** perpetrator (1952) from S ...., municipality of S .... reported to PS Srbac that at around 7.35 pm he killed by **using a firearm - a pistol** his daughter-in-law I.P. (1978) from that place. The person was deprived of liberty and his weapon was confiscated. An autopsy was performed on the body. A criminal act qualified as murder.

### Case two

On 12th April, 2019, at around 7:40 am, it was reported to the Teslić Police Station - Blatnica Police Department that in the yard of the family house in O ...., T ... municipality, D.K. - the perpetrator (1959) **by using a firearm - an automatic rifle** killed the long-term **intimate partner** M. K. (1970), and then committed **suicide**. Police officers found the mentioned weapon, and then, during the search of the passenger motor vehicle of the "Caravele" brand, they found the property of the perpetrator and confiscated ammunition and a military bag. A criminal act qualified as **murder**, after which the perpetrator committed suicide.

### Case three

On 2nd July, 2019, around 3:30 p.m., S.R. - the perpetrator **husband** (1966) from T .... **by using a firearm - an automatic rifle** at her work in the Affiliate of the Health and Pension Fund in T.... killed his wife Lj.R. (1968 )from that place. The perpetrator **tried to kill himself**, but he was urgently transported to the hospital, where doctors are fighting for his life. On 26th July, 2019, the executor **passed away** in KC Podgorica. A criminal offense qualified as **domestic violence or violence in family community with a fatal consequence**.

### Case four

On 9th November, 2019, K.B. – **the husband** perpetrator (1967) killed his **wife** S.B.(1980) in the garage of the family house, in I ... I ..., **firing from an automatic rifle**, with several shots. , and then committed **suicide** with that weapon. In the mentioned case, it is a committed criminal act of **murder**, after which the perpetrator committed suicide.

### Case five



On 17th December, 2019, around 7:00 pm, Đ.T. - the perpetrator (1995) drove to a location known as "S ..." in R ... Lj ..., municipality of S ..., where, for unknown reasons, he stabbed several times in the stomach and body with **a kitchen knife** his **intimate partner** BM (1999), who died on the spot from her injuries. After the murder, the suspect committed **suicide by hanging** on a tree branch at the said location. In the mentioned case, it is a committed criminal act of **murder**, after which the perpetrator committed suicide.

The presented cases from 2019 unequivocally indicate the existence of a kinship or intimate relationship between the victim and the perpetrator of the crime of murder, which indicates that this is a typical case of femicide. Thus, for example, in the third and fourth cases, there are obvious similarities in terms of kinship because the husband deprives the wife of her life. After the act is committed, he acts self-destructively towards himself and inflicts life-threatening and fatal injuries. He uses small-caliber firearms as a means. However, in the third case, the competent prosecutor's office applies the legal qualification of the criminal act of murder, and in the fourth case, the act qualifies as violence in the family or family community with a fatal consequence.

From the criminal aspect, especially the criminal analysis, and from the preventive aspect, the modus operandi or the manner of committing these crimes is extremely important. In four cases, the acts were committed with small-caliber firearms<sup>29</sup>, and in one case the perpetrator used a cold steel firearms suitable for inflicting life-threatening injuries. The facts recorded in the presented case studies, such as "killed with multiple shots" and "found and seized ammunition and a military bag", indicate the existence of intent and persistence in committing the crime, as well as the planned and easy availability of firearms and ammunition. Therefore, as in other countries in the region and beyond, the use of firearms is the most common way of committing crimes that deprive a woman of her life. The "dark number" of criminal acts of domestic violence in which the same firearm was used as a means of inflicting bodily injuries, threats to life and body and all forms of psychological violence in general remains unknown. This is supported by the fact that in Bosnia and Herzegovina only 1.9% of all rejected applications for a license to possess and / or carry a firearm were rejected on the basis of domestic violence, and of all revoked licenses only 1.3% were confiscated on the basis of domestic violence.<sup>30</sup>

## 2.3. A BRIEF REVIEW OF THE SITUATION OF WOMEN'S SUICIDE IN THE REPUBLIC OF SRPSKA

Suicide<sup>31</sup> is the conscious and intentional active or passive destruction of one's own life, whereby the perpetrator must be aware that a consequence (death) will occur after this act. In addition to this most commonly used, there are countless others that define suicide as:

---

<sup>29</sup> Small-caliber firearms include any carrying / portable lethal weapon for individual use that is dropped or ejected, or used to flush or eject bullets, bullets or projected ejection. Also, this group of weapons consists of those that can be repaired by firing or ejecting bullets, bullets or projectiles by explosives.

<sup>30</sup> Source: [https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms\\_BiH\\_BCS\\_WEB.pdf](https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_BiH_BCS_WEB.pdf), accessed on 20/09/2020.

<sup>31</sup> <https://sh.wikipedia.org/wiki/Samoubistvo#Terminologija>, accessed on 20/09/2020

- *a lonely and desperate solution to suffering that for one person seems like a situation with no alternative*
- *a form of disturbed communication in moments of severe life crises, or metaphorically speaking, as an intra-psychic drama on the interpersonal stage, or behavior that moves between normal and pathological.*

Although women's suicide is not the subject of this analysis and does not prove a direct link with the state of femicide in Republic of Srpska, given that, at least in part, the cause-and-effect relationship of women's suicide with long-term domestic violence that may ultimately end in deprivation of life of a woman by a perpetrator or a woman's suicide cannot be denied, it is considered justified to present data on women's suicide over a ten-year period:

YEAR	NUMBER OF FEMALE SUICIDES
<b>2010</b>	46
<b>2011</b>	65
<b>2012</b>	52
<b>2013</b>	58
<b>2014</b>	48
<b>2015</b>	50
<b>2016</b>	49
<b>2017</b>	52
<b>2018</b>	42
<b>2019</b>	37
	<b>499</b>

Table 1. Number of female suicides for the period 2010–2019.

As it can be seen from Table 1, in the period from 2010 to 2019, 499 women committed suicide, the most in 2011, 65 women, and the least in 2019, 37 women. Undoubtedly, the indicators presented in the table require in the forthcoming period a commitment and the need to investigate the causes of the alarming number of suicides of women in the Republic of Srpska and the potential connection with the consequences of gender-based violence.

## 2.4 SUICIDE OF FEMICIDE PERPETRATORS

A special research challenge represent the cases of homicides of women by their intimate partners who after killing their partner commit a suicide, because these cases cannot be processed, and we mostly find out about them from the media or statistical police reports. Notwithstanding that in these cases the methodological access is aggravated, the social and scientific community should not neglect them, considering the tragic consequences and threat they represent.

According to the empirical findings of different researches, the perpetrators of homicide violence against their partner who immediately after that commit a suicide represent a special type of perpetrators differentiating from others primarily by prominent depression and suicide ideas in the prolonged period which preceded the critical period. The killing of the partner followed by the suicide is commonly committed by middle-aged and older men, married or divorced from the victim, and as means of perpetration they most commonly use firearms (Banks, Crandall, Sklar & Bauer, 2008). Taking into account that the suicide of the perpetrator of the homicide of a woman within the partner relationship participates relatively high in the structure of victimization (20–40%), this phenomenon certainly needs to be paid special attention.

What makes them socially dangerous is the manifesting resolution of women killers/suicides to at all costs destroy both and other lives, not stopping at the femicide followed by the suicide, but killing his own or other children and/or some relatives or unrelated persons, and it is therefore necessary to devote increased phenomenological etiological attention to this field (Mršević, 2014).

According to the data of the RS Ministry of Interior for the period from 2010 to 2019, there were 22 registered cases of murders of women in which perpetrators committed suicides.

Table 2. Number of cases of homicides of women in which the perpetrator committed a suicide, source: The RS Ministry of Interior

Year	Number of cases
2010	2
2011	0
2012	3
2013	2
2014	4
2015	2
2016	3
2017	2
2018	1
2019	3
<b>TOTAL</b>	<b>22</b>

Comparing this number of cases with the number of 70 killed women in the same period, whose perpetrators were charged for different qualifications of murders (serious

murder, murder and attempted murder), it could be concluded that in every third case of the murder of women the perpetrator kills himself. This finding is in line with the analysis of the judicial records in which out of 15 cases for three cases there are the data that the perpetrators tried to commit suicides after the perpetration of the criminal act. Thus in one court case there are the data that the indictee after the perpetration went home, climbed the attic and tried to hang himself, but was stopped by his son. In the second and third case, the indictees in a similar way during their testimonies at court state that they had no intention of hurting their former partner/wife when they came to their work carrying a bomb<sup>32</sup>, but they wanted to kill themselves before them.

As it was above-mentioned, there are serious limitations regarding the research of this phenomenon which would need to encompass the psychological autopsy<sup>33</sup> of both victims and perpetrators, what is rarely done. The previous research singles out this phenomenon in relation to other forms of femicide regarding the characteristics of perpetrators as emotionally dependent and conformist personalities. The threat of committing the femicide followed by suicide is perpetrated by types for whom it can be difficult to assume to be able to commit the extreme violence since they have not performed it earlier. Commission of suicide following the killing of the partner as a rule indicates the emotional dependence of the perpetrator on the victim, associated with the symptoms of depression (Polk, 1994; Liem & Roberts, 2009), or even in an non-adaptable way of releasing the perpetrator of the ambivalent feelings towards the partner on whom he is emotionally dependent and without whom he cannot, and who disappointed him (Elisha, Idisis, Timor & Addad, 2010). The empirical findings indicate that the perpetrators who committed suicide after the killing of the partner exhibit a higher level of conformist behavior in relation to other perpetrators of partner homicides (they are more frequently married, employed, rarer abuse psychoactive substances) and therefore it is more difficult to perceive the signs of risk in them (Koziol-McLain et al., 2006).

The different criminological studies indicate that the suicide of murderers is typical for the femicide, i.e. that the highest percentage of suicides among women killers who are in some kind of intimate/partner relationship, and most frequently at the time of commission that relationship broke up. The expert literature from the field of psychiatry especially emphasizes and explains the cases of suicidal behavior combined with the aggression towards others. In rare cases of combined murder and suicide, in which one person kills the other and then he commits a suicide, with the former lovers or former spouses (MSD, 2010).

The main risk factors for femicide with suicide always include the prior existence of partner / domestic violence and are generally the same as in the case of murders by an intimate partner without the suicide of the woman's killer, with some previous, unsuccessful suicide attempts as an additional element (Drew, 2009).

Thus, this type of suicide is perceived in the light of the previous murder, but the motive for perpetration of the suicide can be explained in different ways. In the public it can

---

<sup>32</sup> In one case a former partner came to victim's work in the catering object where she worked as catering worker, and in the second example to the bet shop which is located in the bigger shopping mall.

<sup>33</sup> Psychological autopsy is a procedure in which by means of psychological principles and knowledge with the help of different psychological techniques and methods reconstruction of cognitive and conative functions of the person before his/her death is conducted.

be recognized as “a just and brave act”, as dramatic and public confession of the guilt, need for self-punishment of the highest level, an principled act and act of moral superiority of suicide/killer etc. However, the vocation and science do not allow the idealization of this situation and there are different psychological explanations: that an act of suicide can be continuation of aggression, an act of self-pity, non-maturity and impulsiveness, suppressed aggression and serious disorders of mental health etc.

If we put aside that the majority of murderers after the committed femicide are taken to suicide by remorse, the following possible response is non-acceptance of the certainty of the loss of domination of that who in the dark world of his family union was a mean ruler of the life and death, the fear of mechanisms of social depression as facing for the first time in his life "something more powerful than himself", a fear of definite loss of his own style (Mršević, 2014).

## REFERENCES

- Banks, L., Crandall, C., Sklar, D., & Bauer, M. (2008). A Comparison of Intimate Partner Homicide to Intimate Partner Homicide-Suicide: One Hundred and Twenty Four New Mexico Cases. *Violence Against Women*, 14(9), 1065–1078.
- Drew, H. (2009). *Women, violence, and the Media*. Boston, Hanover and London: University press of New England & Northeastern University Press.
- Elisha, E., Idisis, Y., Timor, U., & Addad, M. (2010). Typology of Intimate Partner Homicide: Personal, Interpersonal, and Enviromental Characteristics of Men Who Murdered Their Female Intimate Partner. *International Journal of Offender Therapy and Comparative Criminology*, 54(4), 494–516.
- Koziol-McLain, J., Webster, D., McFarlane, J., Block, C. R., Ulrich, Y., Glass, N., & Campbell, J. C. (2006). Risk factors for femicide-suicide in abusive relationships: Results from a multisite case control study. *Violence and Victims*, 21(1), 3.
- Liem, M., & Roberts, D. W. (2009). Intimate Partner Homicide by Presence of Absence of a Self-Destructive Act. *Homicide Studies*, 13(4), 339–354.
- Mršević, Z. (2014) Violence and us towards a society without violence. Belgrade: Institute of Social Sciences.
- MSD (2010). *MSD - handbook [diagnostics and therapies]*. Split: Placebo. Downloaded from: <http://www.msd-prirucnici.placebo.hr/msd-prirucnik/psihijatrija/samoubilacko-ponasanje>
- Polk, K. (1994). *When men kill: Scenarios of masculine violence*. Cambridge University Press, Cambridge, UK.

### III ANALYSIS OF THE JUDICIAL RECORDS

Analysis of the judicial records encompassed 15 final court cases in the period from 2010 to 2019, from the competent district courts in the Republic of Srpska for criminal acts of murder and serious murder, in which women were killed or survived. In ten cases a legal classification of criminal act murder (N=10 was applied), and in five cases a serious murder (N=5).<sup>34</sup> In the above-mentioned cases 10 women were killed, whereas five survived. Out of survived victims according to the expert testimony accepted by the court, three injured women had serious physical injuries, and one had a serious physical injury with permanent disability, and the other a mild physical injury. Out of ten dead women, eight died on the spot, whereas two died after being given the medical aid.

The cases processed, that is the judicial records were those in which there is or there was the following:

- marital relation,
- extramarital union,
- former spouses,
- spouses in divorce proceedings or separated,
- romantic relationship (boyfriend and girlfriend).

The second criterion for the choice of judicial records was their availability on the site of the High Court of RS in terms of final cases, and on the basis of them, the research team made a list of concrete cases and addressed the district courts to deliver the data.

Taking into account the data of the RS Ministry of Interior according to which in the last ten years 70 women were killed, and those cases were processed before the competent courts as criminal acts of murder, serious murder or attempted murder, it can be said that the analysis encompassed 21% of all cases of homicides of women in the Republic of Srpska.

Apart from 15 mentioned court cases, we analyzed one more court case which will be presented as a case study in this work, and it could not be a matter of quantitative analysis due to its specific characteristics and circumstances (see Annex 1).

As analysis units the following were used:

1. Indictment,
2. First-instance verdict,
3. Second-instance (final) verdict.

---

<sup>34</sup> The Criminal Code of RS ("The Official Gazette of the Republic of Srpska, No. 49/03) was into effect until 2017 (Murder, Article 148; Serious murder, Article 149), The Criminal Code of RS ("The Official Gazette of the Republic of Srpska, No. 64/17) was put into effect in 2017 (Murder, Article 124; Serious murder, Article 125).

For the needs of the research a form was created to gather information divided into segments with the aim of gathering relevant information about a perpetrator, victim, circumstances of perpetration and the judicial proceedings itself (see Annex 2).

As risk factors of lethal masculine violence against a female partner the following were identified:

- Availability of a firearm;
- Stalking a victim;
- Unemployment of a perpetrator;
- Intensive use of controlling tactics by a perpetrator;
- Former threatening to kill a victim;
- Forced sexual intercourse;
- Perpetrator is not a biological father of a woman's child;
- Victim abuse during her pregnancy (Jordan, 2010).

### 3.1. PERPETRATION CIRCUMSTANCES

As perpetration circumstances of a criminal act, in the context of this research, we have observed a place of perpetration, space of perpetration, motive of perpetration, relationship status between a victim and a perpetrator and existence of former reports for violence.

Regarding a place of perpetration rural – urban area – there is no difference, the cases of femicide are equally committed in the urban and rural areas (see Table 3).

Table 3. Place of perpetration

PLACE	F	%
Rural area in a place of residence of the injured party	7	46.67
Rural area beyond a place of residence of an injured party	0	0
Urban area in a place of residence of the injured party	7	46.67
Urban area beyond a place of residence of an injured party	1	6.67
Unknown	0	0

Regarding the space of perpetration, the results of our research overlap with other researches and findings in this field, and they show that the perpetration most frequently takes places at home (family house) of the injured in 60% of cases. The second most

frequent place is a public place (cafe, disco club, restaurant, shopping mall and etc) in 20% of cases (see Table 4).

Table 4. Space of perpetration

<b>SPACE</b>	<b>f</b>	<b>%</b>
<b>Flat/house/garden in a place of residence of an injured party</b>	9	60
<b>Flat/house/garden beyond a place of residence of an injured party</b>	1	6.67
<b>Joint flat/house/garden of an injured party and a perpetrator</b>	0	0
<b>Flat/house/garden in a place of residence of a perpetrator</b>	1	6.67
<b>Public place (cafe, restaurant, disco club, betting shop)*</b>	3	20
<b>Public place (park, street, open space)</b>	0	0
<b>Motel</b>	1	6.67

\*In the cases encompassed by our analysis, a public place is also the working place of the injured. In two cases it was a catering object, and in the case it was a betting shop located in the shopping mall.

Taking into account that the previous finding on space where the femicide is most often perpetrated, the finding anticipated was that these acts are usually committed without presence of other people, potential witnesses-eyewitnesses, in 53% of cases, that is in 47% of cases they are committed before witnesses.

Regarding the means of perpetration, perpetrators in our sample have equally used cold steel and firearms in 40% of cases, while in remaining 20% of cases physical force was used. According to the research conducted in Serbia (Simeunović-Patić and Jovanović, 2013) in 60% of cases perpetrators used a firearm, while according to the research in Croatia (Femicide Watch, 2018) 42.1% of perpetrators used a cold steel weapon, and 39.5% used a firearm.

Comparing the data on means of perpetration with space of perpetration, it is expected that the perpetrators use physical force, cold steel and firearms when they are with a victim in closed space, most frequently the injured party's home, while the use of explosive devices is more frequent in places regarded as public, which were already mentioned as the injured party's working places.

It is interesting that of six cases in which a firearm and explosive devices were used, only in one case the court found out that it was illegal possession of firearms. Furthermore, out of total of 15 cases only in two analyzed cases was applied a criminal act of murder and unauthorized production and trade of weapons and explosive devices. Therefore, for one



case the court found that the possession of weapon was illegal, while in the other the indictee was released for this offence, because the defense managed to prove that it was his late father's bomb who was a war participant.

In the similar available researches and literature, the most frequent motives of femicide and attempted femicide almost as a rule is a breakup of the family community or breakup initiated by the victim. If the woman decides to leave her partner, that is going to present a direct impact to his belief that he owns his wife and it can lead to the escalation of the violence (Serran & Firestone, 2004).

Our findings also confirm this allegation (see the Table 5 and example 1)

Table 5. The motive of the perpetration

MOTIVE	F	%
Breakup/divorce	7	46.67
Jealousy	1	6.67
Breakup/divorce and jealousy	2	13.33
Unknown	5	33.33

It needs to be emphasized that these information refer to cases (N=10) in which the court, during the explanation clearly pointed out the motive, that is that in five cases neither the prosecutor in the indictment, nor the court in the verdict stated the motive, therefore it could be indirectly concluded on the basis of other data in the units of analysis. We could say that in these five cases we cannot exclude the existence of the motive in the form of jealousy, divorce or breakup, that is that we did not find some other sort of motive.

**Example 1. Part of the verdict in which the motive is stated to be leaving the family community.**

*Criminal act, negligent homicide, from the Article 1510 Criminal Code of RS commits the one who deprives the life out of negligence, brought without its fault to strong irritability, with heavy abuse or bad insult by the killed. Therefore, for the existence of this criminal act, one extraordinary state of mind is required, which with its intensity significantly negatively affects the perpetrator's mind, in the way that they uncritically make the decision directed towards the attacker, that is to kill the person that is insulting them. Keeping in mind that this is a "provoked murder" it is necessary that the perpetrator, as a normal human being, mentally sane, falls into that state without his fault, and that the irritability started in the moment of provocation or shortly after that.*

*Accepting the finding and the opinion of the expert of the indictment, and thus the conclusion that the indictee has personality traits to be offensive, vulnerable, has insecurities and a sense of revenge, that the indictee tolerates quarrels and conflicts in marriage, to some point even, but not abandonment, that the crucial moment is the fact that his wife left him for another man, that it is a replacement but of a narcissistic personality injury, which is also manifested through the injury the indictee made on the*

*injured party in the area of her genitals, it is established that the indictee was brought to a state of affect due to his personal characteristics. The court also finds such foothold in regard of the personality of the indictee in the factual finding that after the factual ending of the marriage, the indictee repeatedly tried to return the injured, which she refused, and that he "circled around her home with his vehicle" trying to prove his suspicion that there was another man in the life of the injured. The accused saw the vehicle in the back yard, then while entering the house he heard voices and he had the ability to consciously act, which proves the non-existence of strong irritation as a requirement for the existence of this criminal act, so it could only be about an emotionally-impulsive reaction, whose quality and level do not have characteristics of mental disorder, as the witnesses state, too. Besides, state of heavy irritability is estimated by objective standards of the most people's reaction, the way that normal persons react to those triggers, and not by subjective judgment of the indictee that he committed the crime negligently with no critical judgment. Even if the court accepted existence of hard irritability in the indictee, the fact that the indictee with his act brought himself to that state, because the injured did not invite the indictee that morning in the house, they did not invite him in the room that they were in, but quite the contrary, the indictee came in uninvited, aware that the injured were at home, conscious of their privacy, still went upstairs, opened the ajar door, and faced the scene. Therefore, the injured did not commit any illegal act to trigger the indictee to act negligently because they were not aware of his presence in the house, from which arises that there is no insult as a base of mild murder qualification.*

Analyzing the relationship status between the perpetrator and the victim, in the moment of committing the act the same and the highest percentage of these couples (26.67%) was married or divorced (see the Table 6)

Table 6. Relationship status between the indictee and the injured party

<b>RELATIONSHIP STATUS</b>	<b>F</b>	<b>%</b>
<b>Married</b>	4	26.67
<b>Common law marriage</b>	3	20
<b>Ex-spouse</b>	4	26.67
<b>Spouse during divorce/divorced</b>	3	20
<b>Boyfriend</b>	0	0
<b>Ex-boyfriend</b>	1	6.67

Generally speaking, the most important risk factor from the history of interpersonal relationship is the previous abuse of the murdered partner, while the most important contextual factor is considered to be separation, that is the victim leaving the partnership. Significant contextual markers of increasing risk include losing a job, increased alcohol

consumption, beginning to stalk the partner, increased depression and suicide ideas in the perpetrator (Jordan, 2010).

The cases of femicide which happen in a family union are related to the victim's announcement that she could leave the partner, and seek a divorce.

Thus, in an analyzed case all of the witnesses (including close relatives of both victim and the perpetrator) stated that there was no previous violence in the perpetrator and victim's relationship, thinking of physical violence, but the perpetrator did have some gambling problems which the victim could not put up with anymore (see Example 2).

**Example 2. Parts of the verdict with the witnesses' statements.**

*A female witness, a work colleague of the deceased, stated that the late talked often that she and indictee were often fighting, because he drank alcohol and gambled, and he did not come home on time, that the late acted strangely after every visit of the indictee at her work, that she saw her giving him money every time, that she heard the late talk on the phone with the indictee's mother telling her that she cannot live with him anymore, that is why she expresses her opinion that the indictee killed the injured party because she wanted to leave him.*

.....

*The witness, an employer in XX where the murdered woman worked, stated that the indictee often came to the murdered woman's work, that she would always give him money, that she heard that the indictee gambled, that she had recently forbidden the murdered woman's husband to visit her at work, and that the murdered woman told her on 28.03.2021 that she needs the day off the next day to sort out her life, that she will never come back to the indictee, then she expresses her opinion that the injured party lived in fear.*

*\*The victim was murdered on 29<sup>th</sup> March 2020, in early morning hours.*

This example indicates that the environment does not recognize the danger of mental and economical violence, even less expects that the consequence of that violence could lead to a tragic outcome, but in every case, illustrates the phenomenology of the femicide where the factor of risk number one is the victim's announcement of leaving the partner very well. Victim's decision to leave the partner so she could stop the violence can at the same time be a motive for the escalation of violence with lethal outcome. Intensity of possessiveness could play the main role of the key factor - a man who does not allow a woman to leave a partnership can be diverted from the project of her retention, to the mission of her punishment, which he realizes by the escalation of violence towards her, until the lethal outcome (Block, 2008; Dobash, Dobash, Cavanagh & Medina-Ariza, 2007).

The existing researches also point out that existing violence precedes every femicide, putting emphasis on the physical, in connection with that, combination with mental and/or economic violence. Therefore, the special attention was paid to this type of data in the analysis of court verdicts, and it was determined that in six cases there was previous violence, in three there was none, and in six cases it was not possible to determine (but not to exclude) anything about history of violence of that kind. Out of the mentioned six cases with the previous violence, only two perpetrators were convicted for that kind of criminal act (see Table 7).

Table 7. Reporting the former violence

<b>REPORTING THE PREVIOUS VIOLENCE</b>	<b>F</b>	<b>%</b>
<b>Proceedings was not filed</b>	1	20
<b>Proceedings is not finished</b>	1	20
<b>Convicted</b>	2	40
<b>Unknown</b>	1	20

The data about the previous conviction should be regarded with reserve, considering the possibility of the statute of limitations, and the kind of criminal act. Thus, for example, for one indictee who killed his unmarried wife by inflicting her injuries with the cold steel arms, and by burning the flat, it is stated that he had been convicted for a number of criminal acts which do not belong to the group of acts against life and body, marital union, i.e. domestic violence.

According to Simeunović-Patić & Jovanović (2013), 44% of perpetrators of femicide are convicted for the different criminal acts. In our sample, seven out of 15 indictees were previously convicted, while for one perpetrator we could not confirm this information.

Thus in one case (see Example 3) it is stated in the verdict that the indictee was convicted by the verdict of the Basic Court on the probation sentence – six months of prison for the criminal act for theft and the other criminal proceedings is not initiated, whereas in the rationale content it is clear that prior to the homicide of his wife, the perpetrator committed various kinds of violence against her and children, including harassment of the neighborhood by firing from the firearms from which the wife was killed, and how much was not determined (according to the judgment) that was in legal or illegal possession of the perpetrator. At the same time, the court accepts the facts about the previous violence as determined, but defines them as disturbed relationships in the family, implying the shared responsibility of the perpetrators and the victim for such a situation even though it is clear in the remaining statements in the verdict that he was committing violence.

**Example 3.**

*The court accepted as confirmed facts that the relations in the family prior to commission of the criminal act were seriously disturbed, what was testified, after they had been duly warned with reference to provisions of the Article 148, paragraph 1, point b) of the Criminal Code of the RS, by witnesses – the injured parties, as well as the other heard witnesses, relatives and neighbors, who all were familiar that the indictee drank often and in that state committed physical and psychological violence against his children, and especially against the late injured party, whom he bit and got out of the house, at any time, due to what they had to seek the shelter at their relatives or neighbors on several occasions. At the trial, all indictee's children declared that, in the previous period, repeatedly pulled a rifle at them, that he used to harass them and neighbors by shooting in the late hours, which is why the police came, but that family members of the indictee's family never had the courage to file a complaint against the perpetrator, because everyone in turn was afraid. The fear of the indicted party's reaction is especially evidenced by the statements of the injured parties that at time a minor XY tried to kill herself several years ago by drinking poison, because she lost the money her father gave her to pay for something, and was not allowed to face his rage. In this regard, the court accepts the testimonies of all examined witnesses, finding that they fully agree and that they corroborate each other. The defense did not have any special objections to these statements either, except for the explanation that the indictee did not want to object to the statements of his children for moral reasons.*

In the second example (see Example 4) the court does not consider the fact that there was the indictment for domestic violence filed against the indictee.

**Example 4. The judge's explanation**

*The court did not consider as aggravating circumstance for the indictee that there had been the indictment against him, because according to it the criminal proceedings was not final, and he gave importance to this circumstance in the sufficient and necessary extent.*

### **3.2. CHARACTERISTICS OF PERPETRATORS**

Bearing in mind the main objective of the research regarding determination of (possibly) new forms of femicide, the data were gathered about the main and specific characteristics of perpetrators. Even though the numerous previous researchers indicate that the perpetrators of femicide committed against their partners do not belong to the homogenous groups regarding socio-demographic, criminal and psychological traits, a lot of researchers have concerned the typology of men who commit violence against their partners.

Holtzworth-Munroe & Stuart (1994) talk about two types of abusers in family:

- 1.) Abusers who commit violence exclusively in the family (*family only* - FO) belong to the half of all abusers in the family, they do not commit murders, i.e. violence of this group is not common and extreme.
- 2.) Generally violent/antisocial (*generally violent/antisocial* – GVA) commit the moderately serious to extremely serious forms of violence, both in the family and outside it. A quarter of the family abusers belong to this group.
- 3.) Dysphoric/borderline personalities (*dysphoric/borderline* – DB) commit moderate to harsh violence, mainly within the family. They react with violence to the breakup of the relationship and by stalking the partner. There is a high probability that this group would commit a murder of their partner (Dixon, Hamilton-Giachritsis & Browne, 2008).

Newer typology developed on the basis of the quality research within which 15 interviews were held with inmates of the Israeli prison “Ajlon” convicted for the murder of the marital or love partner states three types of murderers (Elisha, Idisis, Timor & Addad, 2010):

- 1.) **Betrayed husband** kills his partner after he finds adultery (real or imagined), and he usually was not formerly violent to his wife. As a rule, they have common children with the victim and they are frequently employed on a permanent contract. They use adultery as a socially acceptable excuse for the femicide. This type is not characterized by the diagnosis of personality disorder.
- 2.) **Rejected obsessive lover** kills his partner after she expresses her wish to leave him. The murder is usually committed soon after they separate. The partner relationship is characterized as pathological since the beginning and as a rule, this type is characterized by the borderline personality disorder.
- 3.) **Tyrant** kills his partner after a conflict which escalates with time. Those are usually cases characterized by a long-lasting marriage and children. They usually commit all kind of violence against their partner. The murder is usually committed some time after the separation or highly conflicting divorce. They are usually diagnosed with narcissists/antisocial personality disorder.

According to our research, the femicide is most frequently committed by middle-aged men aged 36-45, unemployed and with the secondary level of education, i.e. with the finished secondary school (see Table 8).

Table 8. Perpetrators of femicide regarding their age, education and employment

		F	%
Age	25–35	3	20
	36–45	8	53.33
	46–55	1	6.67

<b>Education</b>	56–65	3	20
	Primary school	5	33.33
	Secondary school	8	53.33
	Higher or faculty	1	6.67
	Unknown	1	6.67
<b>Employment</b>	Employed	5	33.33
	Unemployed	8	53.33
	Retired	2	13.33

The findings indicate that the largest numbers of perpetrators are in marital union, i.e. married and that they have children with the injured party, i.e. victim (see Table 9).

In two analyzed cases a murder was committed before the common children. In one case two adult children

were present, and in the other a minor child of almost five years old and that circumstance was regarded as aggravating by the court (see Example 5). The consequences of such a traumatic experience for children are complex, multiple and long-lasting.

#### **Example 5. Murder of a woman before the minor child**

*Opting for the long prison sentence the jury had to value the circumstances which followed the commission of the criminal act, that the indictee committed actions, that he stepped on her, sat on her stomach and tightened her with his fists in the region of her neck, until the death ensued, in the presence of their minor son, who was sleeping next to his mother, a boy of almost five years old, who was telling his father: "Dad, don't do it." In spite of these son's words who expresses them due to his love and care for his mother, he shows insensitivity, recklessness and determination. Therefore, not even his son's words affect the indictee, because he finished his action. The indictee, after the death of his late wife ensued, remains and keeps the child in the room – flat for some time, around one hour and a half after committing the murder (according to the indictee's statement, the statements of witnesses 1 and 2), and in the room he keeps the minor boy, smokes cigarettes and drink brandy, while the son, even though very little, becomes aware what his father did, through the tears tells his father: "What did you do", "Dad, the three of us would never go to the seaside together again." From the photo-documentation, the boy's pajamas is visible in the photograph (photographs numbers 4 and 5), which contains traces of blood, and what was stated by the murdered woman's brother and mother, therefore, the boy touched – reached for his dead mother on whose body are visible traces of blood in the region of the neck (photographs numbers 6, 7, 8, 9, 10, 11, 13 i 14). The above-mentioned is also confirmed by the expert testimony of the traces of blood, that on the child's pajamas are the traces of the late woman (...). Therefore, the indictee's behavior in the presence of the minor child exhibits the insensitivity of the indictee not only towards his wife but also towards their common minor child.*

Therefore, the murder of the partner most frequently happens in the family home, sometimes in the presence of children, and the long-lasting unfavorable psychological effects of witnessing the murder have not been entirely determined (Frye & Wilt, 2001). The children in these cases are left not only without their mother but without both parents (because the father is punished on a long prison sentence), they often need to alter the living environment (because other family members continue taking care of them or a custody body overtake them), and not rarely (especially due to the inappropriate media reporting on the case) they remain stigmatized as murderers' children forever (Lewandowski, McFarlane, Campbell, Gary & Barenski, 2004).

Table 9. Perpetrators of femicide in relation to the marital status and parenthood

		<b>F</b>	<b>%</b>
<b>Marital status</b>	Married	6	40
	Extramarital union	2	13.33
	Divorced	3	20
	Widow	0	0
	Divorce proceedings	2	13.33
	Single	2	13.33
<b>Children</b>	No children	3	20
	Children with the injured	6	40
	Children with other woman	4	26.68
	Children with the injured party and the other person	2	13.33

Out of the specific data, we collected data if the indictee was a war participant or served an army, and we tried to relate these data with the means of perpetration. Regarding it, we obtained the data that the perpetrators who served the army opt for cold arms, and for those for whom we had data that they were the war participants opt for use of explosive devices. We tried to relate the means of perpetration with the indictee's level of education, and it can be concluded that the perpetrators with the finished primary school more frequently opt for use of physical force when compared to higher level of education, whereas the cold arms is almost to the same extent used by the perpetrators with the finished both primary and secondary school (see Table 10).

Table 10. Crossed data on perpetrator's education, means of commission and army service/war participants

	<b>ARMY</b>	<b>WAR</b>	<b>SCHOOL</b>
--	-------------	------------	---------------



MEANS	Yes	No	Yes	No	Primary	Secondary	Higher/High
Physical force	10%	0	0	0	14.29%	7.14%	0
Cold arms	40%	0	20%	0	14.29%	21.43%	7.13%
Firearms	20%	10%	0	40%	7.14%	14.29%	0
Explosive devices	20%	0	40%	0	0	14.29%	0
<i>TOTAL</i>	<i>90%</i>	<i>10%</i>	<i>60%</i>	<i>40%</i>	<i>35.72%</i>	<i>57.15%</i>	<i>7.13%</i>
	<i>100%</i>		<i>100%</i>		<i>100%</i>		

The attitude of perpetrators towards the act is also interesting, with the largest number of femicide indictees confessing the crime, whereas the lowest percentage of them do not remember it. (see Table 11 and Example 6). The research confirmed that there is no significant difference between the attitude towards the crime of the indictee and the fact he has children, i.e. that parenthood has no influence on the attitude towards the crime.

Table 11. The attitude of the perpetrator towards the act

THE ATTITUDE TOWARDS THE ACT	F	%
Confesses the act	4	26.67
Transfers responsibility to the injured party	2	13.33
Blames both himself and the injured party	2	13.33
Considers it as an accident	0	0
Rationalizes his responsibility	0	0
He gives no explanation or does not have one	2	13.33
Denies the relation with the event	2	13.33
Does not remember it	1	6.67
Unknown	2	13.33

**Example 6. Part of pronouncement of the verdict about indictee's testimony who does not remember that he killed his wife**

*In his defense the indictee testified that he used to drink, that he remembered that he drank that morning when the incident happened, as well as a few days before,*

*that he drank brandy and beer, and he fell asleep at one moment, and when he woke up, he was "sour", that no one was at home, and that he remembered nothing after that, that he regained consciousness, as he said in the garden, near water, that he "heard flames", knelt down, he felt sick from the smell of gunpowder, and he began vomiting, that he was moved when he saw blood. After that he saw that Y. (witness Y.) was standing next to him. He could not remember taking a rifle, which he had ever since the war and he kept it in his porch where the police found it. He denied inflicting any violence against his family members, especially physical, he confessed hitting his son once, he underestimates the witnesses, his relatives, that they were bad people, and he objected to their statements, he did not remember kissing his daughter when she came and telling her about the blood, but he remembered that she came and that he talked to her. He denied having threatened with weapons to his wife and children, he denies being a motive of X. (daughter's) suicide, he denied that the police had come, except in action "Ž". He emphasized that his wife was a hard-working and good woman, a good mother. He asked himself where the bullet in the barrel came from, he recalled previously taking the rifle to scare away a dog, he did not know if he had put the bullet in the barrel on that occasion.*

In the previous chapter (see Chapter II) a subject of suicide of women murderers was separately covered on the basis of the data of the RS Ministry of Interior. According to the analysis of the judicial records, every third perpetrator of femicide tried to commit a suicide after the commission of crime.

According to court verdicts, the equal number of persons committed the suicide in the condition of significantly diminished mental capacity or diminished capacity, but not significantly, with the lowest percentage of those for whom the court determined that they committed the crime in the condition of mental incompetence (see Table 12).

The findings of the expert testimony accepted by the court indicate that in the largest number of cases it concerns diseases of alcohol addiction in 27% of cases, but it should be taken into account that for 33% of cases neither in the indictment, nor in the verdict there were data about expert testimony nor if the indictees were under expert examination at all.

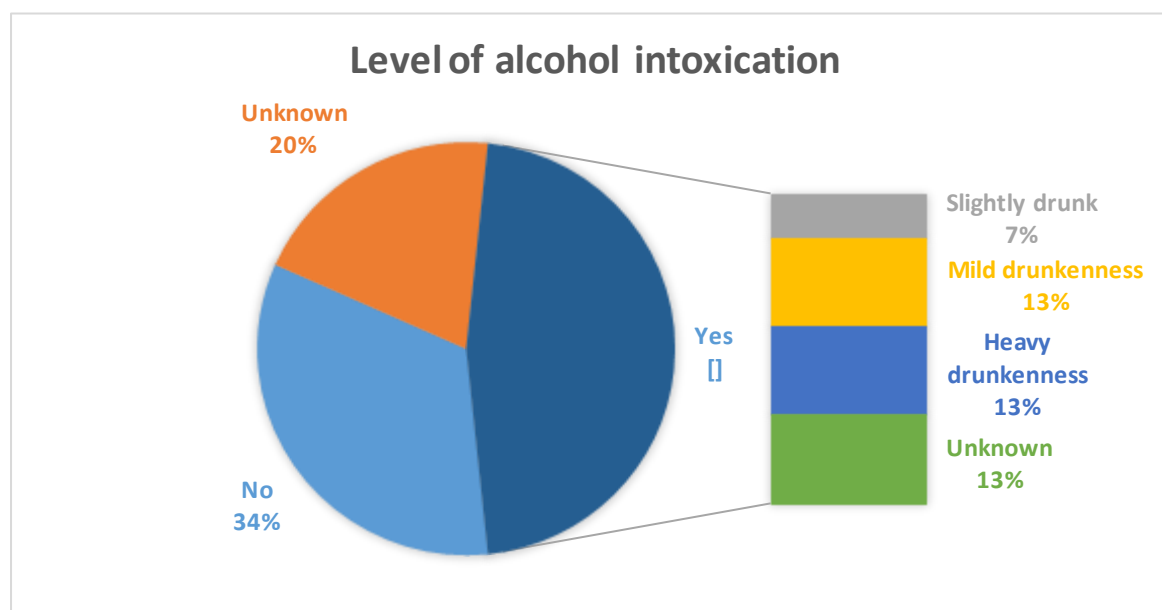
Table 12. Mental capacity of perpetrators and findings of expert testimonies accepted by the court

PERPETRATOR		f	%
Mental capacity	Mentally competent	4	26.67
	Diminished capacity, but not significantly	5	33.33
		5	33.33
	Significantly diminished capacity	1	6.67
	Mentally incompetent		

<b>Expert testimony</b>	No disorders	2	13.33
	Psychopathic structure of personality	2	13.33
	Personality disorder	1	6.67
	Anxiety-depression disorder	1	6.67
	Alcoholism	4	26.67
	Unknown	5	33.33

Related to that are the data on existence of alcohol at the time of commission of the crime, and it was found that 46% of inditees/convicted parties were under alcohol intoxication, and the lowest percentage of them were tipsy, and the highest and the equal percentage of them were slightly drunk i.e. heavy drunk. For two cases the court determined that the crime was committed under alcohol intoxication, but there are no data on the level of alcohol intoxication (see Graph 3).

Violence by an intimate partner can occur in every relationship, regardless of the class or ethnic orientation, but the noticeable regularity is that the abusers themselves were most commonly raised in violent families. They are oriented to control and power in a relationship with intimate partners and they are intensely jealous and revenge-oriented. Use of drugs and alcohol intensifies these issues (Drew, 2009).



Graph 3. Alcohol intoxication in perpetrators at the time of committing the crime

### 3.3. CHARACTERISTICS OF VICTIMS/INJURED PARTIES

As mentioned earlier, in the five cases observed, it was an attempted murder, so that five victims survived. Three victims testified in court. For the other two victims / injured parties, no reasons were found in the analyzed verdicts for which they were not called as

witnesses (in one case the court found that the act was committed in a state of insanity, so this may be related to the stated fact).

In survived women's testimonies – victims of attempted homicides, the protection measures were not provided neither determined according to the Law on Protection of Witnesses in the criminal proceedings of the Republic of Srpska.<sup>35</sup>

Regarding exercising the property claim, it was noticed that four victims were referred to the civil proceedings, and we could not find the data for one injured party.

It is interesting that in trials in two cases there were the injured parties' minor children witnesses – victims of murder, and the provisions of the Law on Protection and Acting with Minors in the criminal proceedings were applied.<sup>36</sup> Therefore, those are cases with killed women, and the children testified on the circumstances of existence of the former violence. In such an example a 17-year old testifies from a separate room with a psychologist's assistance – expert court adviser (Example 7).

#### **Example 7. A minor's testimony**

*From the testimony of a minor witness XY (a son of the indictee and the killed woman, who gave the statement after he had been warned of the provision of Article 148, paragraph 1, point b) of the Law on Criminal Proceedings, concludes that his father consumed alcohol, that he would drink for 10-15 days, and then he would take a break for 5-6 days, that he behaved aggressively, that he insulted him and his mother, that the insulting often turned into violence, that he knew to hit him, and sometimes his mother to her head, too, that it happened several time a month, that he tried to protect his mother, and the mother him from the aggressive behavior, that his mother would hide in the other room until the indictee fell asleep, that his mother used to have injuries, bruises in the region of her face, arms, that she would not go out to avoid being seen, that she rarely meet other people, that his mother and he were afraid to report the indictee, that they were embarrassed to talk to others about that, that after losing his job his father drank more and he became more aggressive, too. Due to such behavior, his mother and he went to their grandparents on several occasions. He gives the detailed description of the mentioned events, as well as the situation when the indictee attacked his mother and she ran away to the neighbour. That from August 2014 to January 2015 his mother was at her parent's, and he with his father in N., and in January they rented a flat, that his mother filed the document for divorce, that his mother and he started living alone and started to live a normal life, that the indictee came to that flat twice, and he called him on the day when he killed his mother, that he told his father that he was at his grandparents' so he knew that N. was alone in the flat. Then he gave a detailed description of their life at their grandparents' in N., that his mother was ill, that she took insulin four times a day, and she had to do demanding housework, that he misses his mother a lot, that she encouraged him to endure, that he had feelings for his father, but he said he did not write to him while he was in retention, that he does not want to see*

<sup>35</sup> „The Official Gazette of the Republic of Srpska“, No. 48/03.

<sup>36</sup> „The Official Gazette of the Republic of Srpska“, No. 13/10.

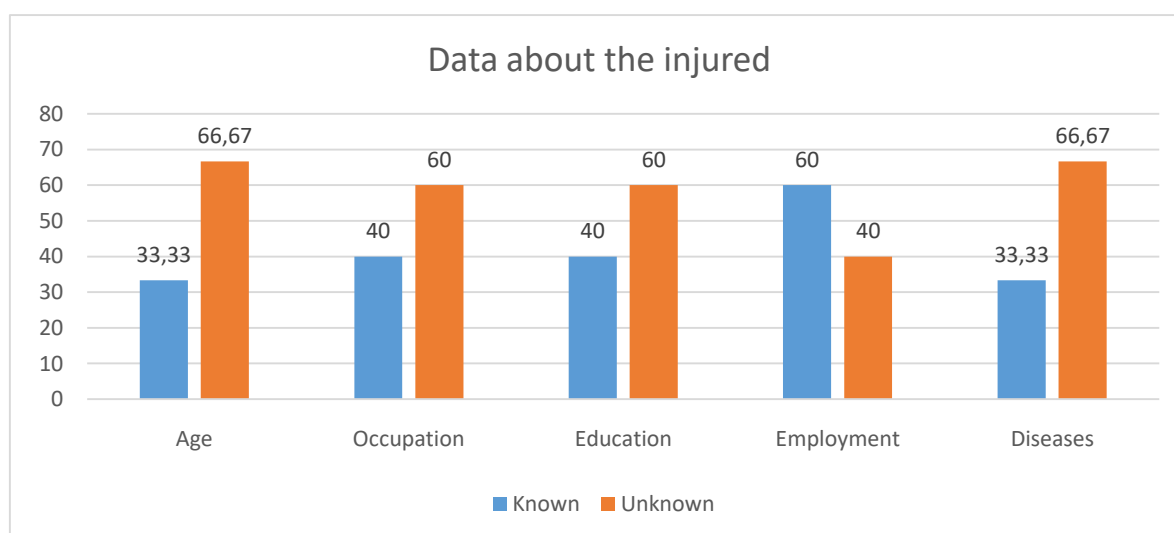
*him, that he asks for punishment and he files the property claim.*

These data about the victims, such as age, education/occupation, employment or health condition in the majority of cases are not possible to be found neither in the indictment nor in verdicts. Thus, for as many as 10 victims we do not know how old they were at the time of commission. Out of the remaining five victims, we determined that two of them belonged to the age group between 26 and 36 years, and per one to age groups 18-25, 36-45 and 56-65, This is extremely significant information because it confirms a hypothesis that the victim of gender-based violence, even when concerning the most severe form, are not given the special attention. The data about the victim remain unknown, and therefore out of the sphere of measuring the punishment, although in our opinion it is extremely significant to take into consideration the circumstances related to the victim in that proceedings.

According to empirical findings, the riskiest age group within the partner relationship is young women under 25 years (Serran & Firestone, 2004). The similar information was found within the research in Serbia (Simeunović-Patić & Jovanović, 2013)<sup>37</sup> according to which the highest percentage of women victims belongs to age of 33 to 46.

Moreover, for ten women in our sample we did not find information about their occupation as well as about their level of education (see Graph 4).

Graph 4. Analysis of the basic information about the injured parties in the court cases



<sup>37</sup> The research was conducted by examining the records of the High Court in Belgrade and the Higher Public Prosecutor's Office In Belgrade for the period from 2006 to 2011 on the sample N= 25.

The lack of relevant data in the court records followed the mentioned research from Serbia, thus the data about the level of education of victims was gathered for 64% of women victims, and they indicate that the highest percentage of them (75%) have the secondary education, then the primary education (12.5%), whereas in the lowest percentage women victims with the high education and without any education (6.2%).

Observing the above-mentioned graph, it is evident that the highest percentage of known data regarded the working status of victims, according to which 53.33% of victims worked, for 40% we could not assess it, while for 6.67% of victims we gathered that they were seeking employment. This finding according to which the majority of victims at the time of victimization were employed contradicts the traditional beliefs that the women victims of femicide and domestic violence are mainly housewives economically dependent of abusers. On the other hand, the data about the working status of perpetrators which indicate that 33% of them were employed, i.e. 53% unemployed while 13% of perpetrators are retired, indicate that a new trend of phenomenological characteristics of the femicide regarding our region. The congruent finding was found in the above-mentioned research from Serbia. Women slowly turn to (traditionally male) the world of labor and providing an income (even within the modest frames of poorly-paid occupations), whereas men remain (become) more sensitive to such a change of roles and loss of (traditional) supremacy in the relationship (Simeunović-Patić & Jovanović, 2013).

The analysis of the above-mentioned cases in our sample indicates to the conclusion that the characteristics of victims are, including the personal information, irrelevant for rationale of court verdicts, although there are examples (Example 8) that the court uses them to amplify the verdict rationale.

***Example 8. Rationale of the verdict***

*The court considered that at the time of committing the crime the injured party XX was 35 years old, and the indictee YY was 41 years old, and that their life was improving and they were in their best years.*

*Apart from the above-mentioned, the court regarded the consequences of this criminal act, that a young woman XX was killed (born in 19..), a mother of their mutual child, who was almost 5 years old at the time of mother's murder, that after the late XX remained her minor child, father, mother and brother, who find it hard to bear the loss of the loved ones, what was evident in the courtroom after the murdered mother's and brother's hearing.*

Gathering information about women murders within the partner relationships is a great challenge, considering that in the majority of countries statistics (police, judicial etc) most frequently do not contain information about the relationship between a perpetrator and a victim or about motives of the murder or they are reached by examining the concrete cases, what is comprehensive and very demanding research task (Simeunović-Patić & Jovanović, 2013).

Out of specific data, the significant information was a marital status of the injured party (see Table 13), and the highest percentage of them (27%) were divorced or separated, but we could not relate this information with the fact that the former marital partner was also the femicide perpetrator. Furthermore, the injured party could end the marital relationship with one partner, after which she could start extramarital union or partner relationship with another partner. It should be considered that the majority of women homicides are committed by their intimate partner (67-80%), and it encompasses the former history of perennial physical violence by male partner or former partner before the homicide, regardless of her current condition in that relationship (Renzetti, Edleson & Bergen, 2001)

Table 13. Marital status of a victim

<b>MARRIAGE</b>	<b>F</b>	<b>%</b>
<b>Married</b>	3	20
<b>Extramarital union</b>	2	13.33
<b>Divorced/separated</b>	4	26.67
<b>Widow</b>	0	0
<b>Divorce proceedings</b>	2	13.33
<b>Not married</b>	3	20
<b>Unknown</b>	1	6.67

Comparing the relationship between the indictee and the injured party with the motive of commission, higher compatibility was obtained regarding former partners in divorce proceedings (see Table 14).

Table 14. Crossed data between the indictee and the injured party and the motive of perpetration

		<b>Breakup/ divorce</b>	<b>Jealousy</b>	<b>Both</b>	<b>Unknown</b>	<b>TOTAL</b>
<b>Relationship/marriage</b>	<b>F</b>	2	1	0	4	7
	<b>% per relationship</b>	28.57	14.29		57.14	100
	<b>% per motive</b>	28.57	100		80	46.67
	<b>% out of total</b>	13.33	6.67		26.67	46.67

<b>Former Partners</b>	F	3	0	1	1	5
	% per relationship	60		20	20	100
		42.86		50	20	33.33
	% per motive	20		6.67	6.67	33.33
	% out of the total					
<b>Partners in divorce proceedings/ divorced</b>	F	2	0	1	0	3
	% per relationship	66.67		33.33		100
		28.57		50		20
	% per motive	13.33		6.67		20
	% out of total					
<b>TOTAL</b>	<i>F</i>	<i>7</i>	<i>1</i>	<i>2</i>	<i>5</i>	<i>15</i>
	% per relationship	46.67	6.67	13.33	33.33	100
		100	100	100	100	100
	% per motive	46.67	6.67	13.33	33.33	100
	% out of total					

The analysis of the judicial records regarding the statements of witnesses shows that there are data that eight victims who prior to the criminal event sought help and most commonly from the police, i.e. in 31% of cases (see Table 14).

Generally speaking, prior to the femicide, a small number of victims decides to report violence, and frequently instead of them other family members or neighbors do that. According to the former researches, the reason is fear and regarding it, inadequate mechanisms of institutional protection. The domestic violence committed prior to the homicide of a woman by her intimate partner is number one risk factor for the femicide by the intimate partner, and even though widespread, it is hidden from the public eye because it is not reported due to shame, disbelief in efficacy of the institutional intervention and fear of the abuser (Drew, 2009). In order to prevent the femicide, what is necessary is to efficiently identify cases of domestic and partner violence and, according to most researches, the adequate reaction of the competent services in the first three months following the victim's leaving the abuser.

Table 14. Seeking help



HELP	F	%
Parents, friends, children...	3	18.75
Police	5	31.25
Centre for Social Work	1	0
Unknown	7	43.75

\*The same victim addressed both the police and the Centre for Social Work

Out of the mentioned number of victims who sought help regarding some form of violence by the indictee, 83% of them had children. In relation to this is the data that the majority of victims, 47% of them have children with the indictees.

According to the relevant data, it is concluded that one victim was a beneficiary of the psychiatric institution, and one of the centre for social work. Moreover, there are data on having health problems for only two victims.

The majority of findings we obtained, and in relation to the victims, should be taken with a grain of salt due to lack of data which represent a problem not only to this research but to many other formerly conducted.

The circumstance that, despite deeper interest of the researchers into the phenomenon of violence against women, the homicide violence against women within the partner relationships still represents the insufficiently investigated problem, it unfavorably reflects on the actual efficacy of intervention and effectiveness of prevention in this domain. Therefore, it is not surprising that the international organizations impose requests on the countries to use evidence-based approach in developing their responses to violence against women, i.e. in conducting researches which would enable the former deeper insight into the problem – characteristics of the violence, risk factors and possibilities of protection. (WHO, 2010).

### 3.4. FLOW OF THE PROCEEDINGS

Out of 15 indicted persons, detention was ordered for 12 of them and in nine cases it lasted until the end of the proceedings, whereas in three cases the persons were released from retention in average of 7.33 months. In one case retention was not ordered, a measure of prohibition of leaving a place of residence was pronounced, while for two indictees this information could not be reliably adduced from the analysis units.

The qualification of acts in the indictment and the court verdict in 13 cases remained the same, whereas it was changed in two cases. In both cases the qualification from the verdict referred to the criminal act of domestic violence or violence in the family union from Article 208, paragraph 5 (The Criminal Code of RS), and it was prequalified to the murder (Example 9).

**Example 9. Prequalification of the verdict**

*At the main trial held on 2. 12. 20-- , after the evidence of the prosecution was presented, the district prosecutor changed the factual description, legal description and legal qualification, so that the indictee was charged with committing the criminal act of murder under Article 148, paragraph 1 of the RS Criminal Code.*

*After that, in terms of Article 290 of the Law on Criminal Proceedings, the court invited the defense counsel to plead to the amendment to the indictment, so the defense counsel stated that this amendment was understandable to the defense, more favorable for the indictee, and that the indictee wanted to plead guilty for the criminal act he is charged with the amended indictment, and that the Defense for the Indictee has no objections to the presented evidence of the Prosecution, nor to the content, nor to the legality of obtaining the presented evidence.*

All 15 indictees were found guilty and convicted on prison sentences which in average lasted from 11 years and eight months with the standard deviation of 9 years and 6 months (see Table 16). One person was found guilty, but the act was committed in the state of mental incapacity and the court pronounced the security measure of obligatory psychiatric treatment and retention in the health institution.

Table 16. Punishment policy

	Prison sentence
<b>Min</b>	33 months (2years 9months)
<b>Max</b>	420 months (35 years)
<b>Median</b>	114months(9years6 months)
<b>I quarter</b>	66 months(5years 6 months)
<b>III quarter</b>	153 months (12years9 months)
<b>AS</b>	11years 8 months
	9 years 6 months

It should be emphasized that of 15 indictees, one was punished on a long imprisonment of 35 years, because he “intently killed two persons”, and it concerns the above-mentioned case where the indictee apart from his former life killed her new partner.

For 13 out of 15 cases, an appeal was pronounced on the first-degree decision by both the defense and the prosecution and it referred mostly to the length of the term imprisonment,

especially regarding the defense on the wrong and incomplete determination of the factual state.

The second-instance court confirmed the first-instance decision in eight cases, whereas in four cases the second-instance decision changed the imprisonment term, in one case from 10 to 13 years, and in three cases from 30 to 25 years, from 11 to eight and from four to three years.

Table 17. Duration of the criminal proceedings

	<b>Commission of criminal act Filed indictment</b>	<b>of Indictment-Trial</b>	<b>Trial-Verdict</b>	<b>I verdict-II verdict</b>
<b>Min-max</b>	17 days – 11 years 0 months 9 days	21 days – 4 months 8 days	0 days – 8 months 12 days	20 days – 5 months 5 days
<b>Central value/Median</b>	2.85 (months)	2,4 ( months )	2.13 ( months )	4.3 ( months )
<b>I quarter</b>	1.9 ( months )	2.3 ( months )	1 ( month)	3.1 ( months )
<b>III quarter</b>	4.2 ( months )	2.8 ( months )	2.5 (months)	4.6 ( months )
<b>Average (AS)</b>		2.5 ( months )	2.4 ( months )	3.8 ( months )
<b>Deviation from average (SD)</b>		0.9 ( months )	2.5 ( months )	1.4 ( months )

Table 12 shows the duration of the proceedings, and it can be noticed that in these 15 cases the duration range of the investigation was variable. The shortest investigation lasted for 17 days, and the longest for 11 years due to unavailability of the indictee to the prosecution bodies. The central value of the investigation duration was 2.85 months, i.e. 85.5 days. The average time period from the confirmation of the indictment until commence of the trial was 2.5 months, and from the trial until the verdict 2.4 months. The longest period was necessary to impose the second-instance verdict and its average value was 3.8 months.

These data indicate the higher efficacy of the first-instance courts in relation to the second-instance ones.

There are interesting data we gathered concerning how the court stated and regarded the mitigating and aggravation circumstances when imposing the verdict, thus it can be concluded that the courts tend to value more the conduct of the indictee after commission of the criminal act in relation to other circumstances which the legislator provides as relevant while measuring the punishment.

Concerning the aggravating circumstances, if we put aside the level of criminal responsibility which should be in the first place, in the second place mostly valued are the intensity of risk or the injuries of values under protection (see Table 18).

In one case the court does not find the aggravating circumstances even though the indictee goes to his wife's work, takes her out (in front of the shopping mall) and tells her: "Whore, you won't be with anyone", and then, in intention to kill her, activates a grenade M52, when she was inflicted serious physical injuries (see Example 10). The mentioned behavior preceding the commission indicates the existence of direct intent, and the direct intent, in the context of the criminal responsibility, can be regarded as aggravating circumstance.

**Example 10. The court does not find the aggravating circumstances**

*While measuring the punishment, in accordance with provisions of the Article 37 of the Criminal Code of RS, the court assesses that the circumstances in favor of the indictee as well as circumstances to this detriment, i.e. all circumstances affecting the punishment to be lower or higher. The court has not found the aggravating circumstances in the indictee's case, whereas the mitigating circumstances were taken into account that he was not previously convicted, what could be learnt from the excerpt from his criminal records, diminished mental capacity, but not significantly, without more serious, more permanent and significant consequences on the indictee's health, and the circumstances under which the criminal act was committed, a father of two minor children, expressed regret as well as the legal provision which stipules a possibility of milder punishment for attempted criminal act, therefore the court pronounced a prison sentence in duration of two years and nine months, with the assessment that this pronounced prison sentence provides a balance between the regarded circumstances and that it was decent and adequate, to both the guilt and for his injuries and health impairment due to which he lost his job and was retired, as mitigating circumstances,*

*because his injuries occurred as a result of his actions as perpetrator of the criminal act with intent.*

In the second example (see Example 11) the court assesses the regret of the indictee as insincere.

***Example 11. The court does not accept the indictee's regret as sincere***

*The court did not accept the indictee's regret in his closing remarks as sincere but exclusively targeted at personal decrease of the criminal responsibility regarding that the consequences of committing the criminal act and number of the injured parties in this proceedings require honest regret which has deeper meaning than the words spoken.*

Analyzing the verdicts from our sample by application of the mentioned institute, the absence of clear judicial practice is perceived regarding the adequate rationale of mitigating and aggravating circumstances. They are most frequently only listed, without detailed explanation, what they consist of and why, in the concrete example, they are regarded as mitigating, i.e. aggravating. It is particularly evident in mitigation of punishment, i.e. in pronouncing the punishment under the legal minimum as in Example 10.

Table 18. Mitigating and aggravating circumstances

	Mitigating	f	T	Aggravating	f	T
Level of criminal liability	Significantly diminished mental capacity	3	8	Insensitivity	2	20
	Diminished mental capacity	3		Ruthlessness	8	
	Mental incapacity	2		Brutality	1	
				Cruelty	1	
				Direct intent	1	
				Determination	6	
				Killed a wife, a mother of their children	1	
Motive of perpetration						
Intensity of harm or injuries of protected objects	Without severe consequences	2	3	Number and kind of perpetration case	1	7
	It remained an attempted act	1		Severity of physical injuries	1	
				Consequences per injured party	1	
				Number of stabs	2	
				Intensity of hits	1	
				Injuries	1	
Circumstances under which criminal act was committed	Circumstances under which criminal act was committed	1	1	Planned in advance	1	5
				Public place of execution	1	
				Child's presence	1	
				Absence of motive	1	
				Manner of execution	1	
Former life of a perpetrator	Previously not convicted	8	8	Conviction	2	3
				Conviction for serious physical injures	1	
His personal circumstances	Indictee's illness	1	10			
	Indictee a young person	1				
	Unemployed	1				
	Father	7				
His conduct after committing a criminal act	Decent conduct in court	4	17	Getaway	1	6
	Regret	7		Behavior after the act	2	
	Behavior after perpetration (he took the injured to hospital)	1		Addressing family ("you got what you deserved")	1	
	He reported himself	2		He did not help the injured	1	
	Confession	3		Lack of regret	1	
	Other circumstances related to the perpetrator's personality					

### 3.5. FINDINGS AND FINAL EXPLANATION

Analysis findings of the court records unequivocally indicate that the highest risk factor of the femicide is the breakup (attempt or even notice) of partner relationship (marital, extramarital, romantic), and the main trigger for a man to kill the possessiveness, jealousy and failure to establish (or continue) the control over a wife victim. These findings are in line with the similar researches in the region which we have mentioned, as well as with that the most common context of victimization is a relationship in which the victim already suffered some form of violence, most commonly physical. Other forms of violence should not be neglected such as psychic violence (jealousy, alcohol addiction, gambling), and stalking the victim after she leaves him, because these risk factors of the femicide are difficult to recognize. Moreover, the victims themselves do not take these risk factors as alarming, and therefore the preventive activities must encompass other, less escalating risk factors.

The findings which indicate that the femicide most frequently happens in a victim's family home, without the presence of witnesses, eye witnesses, indicates how specific this phenomenon is in the criminal-legal terms, and how events and circumstances surrounding the criminal act are important, as well as how significant information about the perpetrator and the victim are.

Regarding it, it has already been emphasized that the data about the victim is missing in the judicial records, even the most important (how old she was), and there is a serious remark to the courts for not devoting enough attention to the injured party and for not determining all relevant data.

It is particularly worrying information that the majority of victims prior to the critical event has already addressed for help, and in most cases to the police. Taking into account that one of perpetrators already had a problem with behavior (they were prosecuted or convicted), we come to the conclusion that the social reaction was missing and the femicide could have been prevented.

We should not omit to mention that the majority of perpetrators are married and have children with the injured party, i.e. the victim, and along with the former existence of violence (even towards children) there is a question if there is an efficient cooperation among the relevant institution (police, school, centers for social work, centers for mental health) and application of normative protocols among the institutions. Thus, even when a woman victim of domestic violence does not address for help, the relevant records of the institutions can by timely recognition of risks prevent the extreme violence. For example, children victims of domestic violence (children who are victims and when they witness the violence between their parents, i.e. they do not have to be direct victims) can be recognized by expert services in schools.

In addition, centers for mental health who work with perpetrators can be a significant factor of prevention from femicide, given that most perpetrators commit the femicide when drunk

or have problems with mental health. Of course, centers for mental health cannot be responsible for persons who are not in their systems, regarding the rights of persons with mental issues, in terms of their voluntary coming to the treatment and treating. However, what can be done, and might be neglected, are the rights of the family of the persons with mental issues regarding better insight into risks and manner how to cope with this issue.

The social reaction to risk factors is at the low level, implying that we are still tolerant to violence against women leading to lethal forms.

Given that the main objective of the research was to determine new forms and circumstance of perpetration of the femicide, the finding that more than a half of victims are financially independent, and the majority of perpetrators are unemployed, indicates that there has been a change in gender roles from the traditional ones to new equalized systems of gender-working roles. Evidently positive social improvement in which a woman is competent to a man on the labor market must be followed not only by economic but also commercial development and development regarding the culture and education. It seems to us, the latter much more, in order for stereotypes to be de-constructed not only formally but also essentially.

Even though our finding indicate that in perpetration of the femicide equally are used both cold and firearms, it does not mean that it should be more advocacy for higher control in terms of tightening regulations on purchase and weapons possession, but also conditions of taking away it from a person who was reported, who commits or committed domestic violence. Furthermore, women whose violent partners own arms are at six times higher risk of murder than women who suffer violence by partners who do not own arms (Cambell, 3003: 16).

It might be surprising information from the analysis of the flow of the criminal proceedings that the longest period is necessary for pronouncement of the second-degree verdict when compared to the other phases of the proceedings, since the focus of the public and the critic regarding the duration is unduly more on the first-degree courts. The disturbing data are from the judicial practice regarding not filing the property claim during the criminal proceedings, in order to avoid the secondary victimization of the injured party in the litigation proceedings.

The analysis results of the judicial practice show that in measuring the punishment, almost as a rule and uncritically, the certain circumstances are taken as alleviating, i.e. as mitigating. Such is a case of attempted criminal act, which is a facultative circumstance to mitigate the punishment. If the act remained in attempt, the punishment is always decreased, while the other circumstances are not evaluated sufficiently, such as the motive of an act (jealousy which is mostly treated as low motive or for example desire to possess a wife in a case when she is leaving him), prolonged violence which culminated in murder of a woman, etc. Thus, for example, confession, regret and decent conduct before the court are stated as mitigating circumstances even though the regret was not manifested in some actions, and the decent conduct before the court (in a way) is the indictee's liability since for disrespect of the court expressed in indictment conduct one can be punished. It is particularly under question taking into account parenthood as mitigating circumstance in a situation when a perpetrator killed the child's mother. The analysis of the court verdicts showed that the court in seven of 15 cases emphasizes this as a mitigating circumstance. One gets the impression that courts pay



more attention to searching and finding the mitigating circumstances in a case, and even when they are evident, they do not find the aggravating circumstances. In a few cases the court did not take the former violence as an aggravating circumstance.

It is important to emphasize a question of the act qualification, since not a single case we analyzed was qualified as a murder or as an attempted murder of a family member, even though the objective circumstances of the act gave the basis for such legal qualification.

#### **KEY FINDINGS OF THE JUDICIAL RECORDS ANALYSIS**

- The femicide and attempted femicide are equally committed in the urban and rural areas.
- The femicide most frequently occurs in the victim's family house, then in the public place which is at the same time the working place of the injured party.
- The femicide is most frequently committed without presence of other persons, potential witnesses/eyewitnesses.
- Every fifth indicted party tries to commit a suicide after the perpetration of the femicide.
- Cold and firearms are equally used in perpetration of the femicide. Perpetrators with the finished primary most frequently resort to using physical force when compared to perpetrators with higher level of education, whereas the cold arms are almost equally used by both those who finished the primary and secondary school.
- The most prevalent femicide and the attempted is the breakup of the marital union, the end of the relationship or announcement that the victim could leave that relationship, i.e. to seek divorce.
- The femicide is preceded by the violence, mostly physical, and combination with the physical and/or economic violence.
- The femicide is most commonly committed by middle-aged men between 36 – 45 years, unemployed and with elementary level of education, i.e. with finished secondary school. The majority of perpetrators are married, and they have children with the injured party, i.e. the victim.
- According to the court verdicts, the equal number of persons commit the femicide in the state of significantly diminished mental capacity or diminished capacity, but not significantly. The least percentage of the indictees are those for whom the court determines that they committed the crime in the state of insanity.
- The majority of perpetrators commit the femicide under the influence of alcohol, and it is confirmed by the expert's report for every third that he suffers from alcohol addiction.
- More than half of the victims of femicide and attempted femicide are employed, i.e. financially independent of the perpetrator.
- Before the tragic event the majority of victims had already sought aid, mostly by the police.
- The majority of women victims have/had children, more than half of them with the indictee.
- The analysis of the flow of the criminal proceedings indicates that the longest period is necessary to pronounce the second-instance verdict, in relation to other phases of the proceedings (investigation, trial, first-instance verdict).

## REFERENCES

- Block, C. R. (2003). How can practitioners help an abused woman lower her risk of death? *National Criminal Journal* 250, 15–19.
- Dixon, L., Hamilton-Giachritsis, C., & Browne, K. (2008). Classifying partner femicide. *Journal of Interpersonal Violence*, 23(1), 74–93.
- Dobash, R.E., Dobash, R.P., Cavanagh, K., Medina-Ariza, J. (2007). Lethal and nonlethal violence against an intimate female partner: Comparing male murderers to nonlethal abusers. *Violence Against Women*, 13(4), 329–353.
- Drew, H. (2009) *Women, violence, and the Media*. Boston, Hanover and London: University press of New England & Northeastern University Press
- Elisha, E., Idisis, Y., Timor, U., Addad, M. (2010). Typology of intimate partner homicide: Personal, interpersonal, and environmental characteristics of men who murdered their female intimate partner. *International Journal of Offender Therapy and Comparative Criminology*, 54(4), 494–516.
- Femicide Watch (2018). *Gender-based violence* (Presentation of research on the International Day for the Elimination of Violence against Women). Croatia: Femicide Watch.
- Femicide Watch (2019). *Femicide - Regional and Global Challenges* (Conference). Croatia: Femicide Watch.
- FemPlatz (2020a). Report on women's rights and gender equality in Serbia for 2019. In: Beker, B., Janjić, B., and Lepojević, V. (ed.). Pancevo: Association of Citizens "FemPlatz". Downloaded from: [https://www.femplatz.org/library/reports/2020-08-10\\_PreneraZena.pdf](https://www.femplatz.org/library/reports/2020-08-10_PreneraZena.pdf), Accessed on 04/09/2020.
- FemPlatz (2020b). Prevention and eradication of femicide in Serbia. In: Vilić, V. (ed.) Electronic bulletin no. 4. Pancevo: Association of Citizens "FemPlatz". Downloaded from: [https://www.femplatz.org/library/newsletters/Bilten\\_4\\_SR.pdf](https://www.femplatz.org/library/newsletters/Bilten_4_SR.pdf), Accessed on 08/10/2020
- Frye, V., & Wilt, S. (2001). Femicide and social disorganization. *Violence Against Women*, 7(3), 335–351.
- Holtzworth-Munroe, A., & Stuart, G. L. (1994). Typologies of male batterers: Three subtypes and the differences among them. *Psychological Bulletin*, 116(3), 476.
- Jordan, E.C. (2010). Safety planning for battered women. In: B.S. Fisher, S.P. Lab (Eds.) *Encyclopedia of Victimology and Crime Prevention*. Sage Publications Inc.
- Lewandowski, L. A., McFarlane, J., Campbell, J. C., Gary, F., & Barenski, C. (2004). “He killed my mommy!” Murder or attempted murder of a child's mother. *Journal of Family Violence*, 19(4), 211–220.

Women Against Violence Network, Belgrade (2013). FEMICIDE - MURDER OF WOMEN IN SERBIA: Quantitative-narrative report 2010–2012. Downloaded from: [www.zeneprotivnasilja.net](http://www.zeneprotivnasilja.net).

Renzetti, C. M., & Edleson, J. L. (Eds.). (2008). *Encyclopedia of interpersonal violence*. Sage Publications Inc.

Renzetti, C. M., Edleson, J. L., & Bergen, R. K. (2001). *Sourcebook on violence against women*. Sage Publications Inc.

Serran, G., & Firestone, P. (2004). Intimate partner homicide: A review of the male proprietariness and the self-defense theories. *Aggression and Violent Behavior*, 9(1), 1- 15.

Simeunović-Patić, B. (2002). Murders of heterosexual partners: criminological and victimological characteristics. *Temida*, 5 (3), 3-13

Simeunović-Patić, B., & Jovanović, S. (2013). *Women murder victims in a partnership*. Belgrade: Institute for Criminological and Sociological Research.

Vetten, L. (1996). "[Man Shoots Wife": Intimate femicide in Gauteng, South Africa](#). *Crime and Conflict*, 6, 1-4, Accessed on 8.10.2020

World Health Organization / London school of Hygiene and Tropical Medicine (2010). *Preventing intimate partner and sexual violence against women: taking action and generating evidence*. Geneva, WHO.

## IV ATTITUDES AND UNDERSTANDING THE FEMICIDE WITHIN THE JURISDICTION AND ORGANIZATIONS OF THE CIVIL SOCIETY

Attitudes and understanding the femicide were investigated within the judicial community, among judges and public prosecutors and within women's organizations who work on protection of women's rights, primarily because these are the social groups which, beside the police, most tightly work on the phenomenology of violence against women. The research was conducted by means of a structured interview consisting of 12 questions which were given in the same form to all male and female respondents. The survey sought the responses to understanding and training on the term of femicide, the opinion who are the most frequent victims and who are the most frequent perpetrators, if the victims have an appropriate institutional protection, primarily during the judicial proceedings, practices of victim's compensation during the criminal proceedings, to effects of improving the legal framework for protection of women against violence, cooperation within different sectors (police, public prosecution, court, Center for social work, NGO), to importance of psychological support to victims of criminal acts during the criminal proceedings, and to registers and relations towards the perpetrators of violence against women within the structures of justice.

More than half of respondents were males, with male respondents from the judicial sector and respondents from the civil society are females since it was targeted at women's non-government organizations. The relation towards the research was extremely positive, all persons surveyed had experience in work on suppressing gender-based violence, that is in the research and processing the act of femicide, when regarding the judges and prosecutors.

### 4.1. JUDGES

#### A. The term femicide and education

The judges interviewed perceive the femicide as the killing of women, mostly by their marital, extramarital or intimate partners and “as the most serious form of violence against women ending in a murder by a man”. The gender prejudices are perceived as a cause of the femicide. The majority of respondents said that they have been informed about the femicide on the level of general knowledge through reporting of the media or from the professional literature. Femicide as a phenomenon has not been integrated in the training programs for judges and it is not the subject in the formal structures of the court. The judges have divided opinions if the femicide should be a consistent part of training, because they are not sure how it could help them in practice:

*We judge as we judge for murders, in a usual manner.*

However, none of respondents was exclusive regarding the opinion that judges should not have the training on femicide. One of judges regards that it is good to talk about the femicide, primarily because of women, in order to be aware of risks which might appear in marital and partner relationships and to think more how to timely react and protect themselves. One of the respondents thinks that the courts should have an attitude to the femicide and other forms of violence against women, that the escalation of this kind of violence is worrying and that more severe penal policy could be a response and not a problem.

## **B. Femicide perpetrators**

***War and war consequences, untreated***

***PTSD***

***Persons prone to alcohol and drugs addicts***

***Former history of domestic violence***

***Syndrome “either mine or nobody’s”***

*On the question who are the most frequent femicide perpetrators and if they could give some personality traits, i.e. the profile of persons who are the perpetrators of this kind of violence, the judges said that there are different types of personalities, but they highlighted persons prone to alcohol consumption, “insanely jealous persons”, as well as poor persons and persons of lower level of education. In answering this question we are going to use more citations stated by respondents, providing examples from their practice.*

*There were different examples. Somehow, they came to a condition when they cannot control their acts, react reasonably, control their feelings. There are alcohol addicts, or those who were under the influence of alcohol. I think the war also affected, that PTSD which is not treated to lose control over their actions, there were people of diminished mental capacity due to mental disorders who could not accept that a girlfriend or a wife leaves them, or that they reject to be with them.*

*I remember a murder of a young girl, it was long time ago, she was killed by a boyfriend, it was difficult to assess if they had a relationship, or he perceived her behavior as acceptance, that she gave him some hope, and when he was rejected, he killed her with a burst from an automatic rifle. A terrible case.*

One of the interviewed judges thinks that the perpetrator can be anyone, but the practice shows that those are most frequently persons who have a problem in their mental health or a problem of addiction to alcohol or drugs. Moreover, he emphasizes that the victims of femicide or attempted femicide have been previously exposed to some kind of violence by the perpetrator.

## **C. Victims of femicide**

### ***Victims of prolonged domestic violence***

### ***She threatened to leave and he killed her***

*On the question who are the most frequent victims of femicide, all male and female respondents agree that the most frequent victims of femicide are persons from communities already burdened with domestic violence, but without timely and appropriate intervention by state institutions, if they reported the violence. Furthermore, they emphasize that the frequent phenomenon is that victims did not report the former violence, due to shame ("that it happens to her, victim"), fear of community condemnation, a wrong attitude that by not reporting they protect children, opinions that the victim is guilty for the violence, as well as for the hope the violence will stop.*

*I had cases that the violence had lasted for years before a woman was killed. She threatened that she would leave and he killed her. Sometimes, if we suspect of violence, if there are no reports, it remains only a murder. I believe that history of violence is not investigated, if there are no verdicts, evidence to prove him guilty for murder, he confessed, and no one wants to investigate further. For the society it is important to be investigated, but for the part of proving the act it is not, and thus the proceedings ends.*

Some of male/female judges emphasize that the wrong assumption is that the victims of femicide are economically dependent women.

*We have practice which indicates that the most of those women work, i.e. they are economically independent. According to judicial practice, a motive is when a woman decides to divorce or leave a marital community.*

## **D. Prevention of femicide and the rights of gender-based victims**

- ❖ ***Victims left to themselves***
- ❖ ***Protective measures are not pronounced***
- ❖ ***No one represents the injured parties***

*Although the rights of the injured, and particularly the rights of victims of domestic violence and at the same time the most frequent victims of the femicide in the recent years have significantly improved, all respondents agree that in practice victims still do not have the appropriate protection, not even in situations when the attempted femicide occurs, i.e. the attempted murder. They regard that the relation of institutions towards the domestic violence is not decisive enough in the intention to stop it, leading to the femicide, i.e. the attempted femicide. It is particularly emphasized that the possibility of pronouncing the protective measures is not sufficiently used. I think we deal more with consequences than with the causes of domestic violence, i.e. femicide.*

*When detecting and reporting, for example, the domestic violence which can lead to the femicide, a victim is left to herself, more care is taken about the suspect/indictée's rights than the victim's. Such a system surely does not encourage victims of domestic violence to report it.*

One of judges thinks that protection should be taken into account before the escalation of the violence:

*When a murder is concerned, nothing makes sense anymore, she is dead and he is in custody. But, now, when we have an attempted murder, those things matter, but the injured parties are alone, if they have money, they hire a lawyer.*

The judges admit that adjudication of property claim, i.e. the compensation for the victims during the criminal proceedings, is rare in the practice of justice of the Republic of Srpska and that they have not experienced it in their practice. One judge thinks that filing a property claim requires responsibility and duty of a prosecutor. They agree that these practices need to be changed, and as positive state that compensation was adjudicated in a case of human trafficking.

## E. Legal changes, practice and ambiguities

### ***Domestic violence – who is to be protected – victims or the family?!***

One of the questions in the interview was if the law amendments in the Republic of Srpska brought changes in the practice of the justice in relation to criminal acts of gender-based violence, particularly adoption of the Criminal Code in 2017 and the Law on Protection from Domestic Violence.

The Law on Protection from Domestic Violence, then adoption of the Criminal Code in 2017 are focused on more severe attitude of the society towards women and domestic violence. In judges' opinions, novelties in the laws is that judges pronounce more severe punishments for some criminal acts which disproportionately affect women, without reference to domestic violence because for this criminal act a mild criminal policy is retained, despite more severe legal sanctions.

One of the interviewed judges explains that low punishments for criminal acts of domestic violence are care for further existence of the family.

*Punishments are too mild, especially in some cases when it is clear that the violence lasted for a long time. However, because of the family, I have never ordered increase in the*

*punishment, because the family needs to continue to live, there is no use for children if their father is in prison, other kinds of punishments need to be sought.*

This response answers all present attitudes of the judicial community that in investigation and processing the domestic violence they do not prioritize the guilt and severity of the act, but the “destiny of the family and thus they reproduce the attitudes of domestic violence as a family and private problem, and not as a social problem and violation of human rights.

One of judges comments the amendments to the criminal code as perplexing and inappropriate.

*The Criminal Code from 2017 stipulates the criminal act of domestic violence and family union where, if one of family members or family union is killed, and the provided punishment is from 3 to 15 years, whereas for the severe murder the provided punishment is from at least 10 years if a family member previously being abused is killed. I think that a murder of a family member in every case should be qualified as severe murder and it does not have to be confirmed that she was previously abused. In our court, prior to adoption of the Criminal Code in 2017, a case was validly terminated and qualified as a serious murder where a husband before his minor four-year child killed his wife and a child's mother... In that case there was no single evidence that the perpetrator had previously abused his wife, that was what all witnesses stated, including her family... A motive was that the wife requested a divorce because he was gambling and there are witnesses' testimonies about that... Therefore, it is an extremely severe crime which according to these amendments could not be qualified as a serious murder because there is no evidence of former violence, i.e. there has never been violence.*

## F. Femicide, cooperation and women's NGOs

The judges have different opinions about cooperation with other institutions important for work on cases of violence and femicide. There are assessments that the cooperation is great, and that it was not good, to the attitude that the cooperation is important before a murder takes place.

*When a case gets to the courtroom, there is no cooperation. There are witnesses, parties, experts, records. What was done, is done. The cooperation is important before the case appears in court.*

The judges have a positive attitude to the work of non-government organizations on accommodating victims, aid and work with survivors, they think that the non-government organizations had a great role in raising awareness of domestic violence and violence against women and in providing aid to victims and that “some NGOs are good at their work”.

*They have right attitudes, but I have an impression that we in courts are too far away to perceive those problems in the same way. They come to courtrooms, they follow the trials, they accompany the injured parties, it is good that the public is present.*

*A model of safe houses for accommodation of victims functions well, I think that the NGOs work well in those terms, but there are things to be improved.*

These opinions confirm that in the previous period the non-government organizations have built a good relation with the courts and that they are accepted as the social public and as



aid providers and this relationship is a good foundation for further activities on improvement of protection of women against violence.

## G. Role of the department for support to witnesses

Judges have a positive relation to the work and contribution of psychologists in judicial institutions, but it is clear that not all courts have departments for support to witnesses.

*The Department helps the judges and the judicial committee, thus their work is significant for the work of both the courts and the judges. It would be good if every judicial institution which has a large number of cases would hire such competent persons.*

The interviewed judges confirm that the courts do not keep records of perpetrators of criminal acts and the victims/the injured parties sorted out according to their gender and their opinion is that this practice should be introduced in the work of courts.

The judges as key structures of the society which should work on prevention of violence against women perceive centers for social work, non-government organizations, the media, authority. They see their role in prevention in tightening the penal policies which is more expressed in the last years and it contributes to suppressing different kinds of crimes, as well as violence against women.

*We can act by punishing, the punishments are rather severe regarding murders, it is not always so for other acts, but for us, judges, it is not easy to pronounce a severe punishment, there are many years to be spent in prison, unless it is a case of murder. When you take somebody's life, it is a different story.*

Regarding the ethic code and incompatibility of performing this duty in a situation when the judge commits domestic violence, examiners are cautious. They think that it is regarded as ethical and legal norm, but that they are not familiar that a judge was accused of this type of violence.

*I think that a judge should set an example in everything, and even in this. And I would not like to comment the private life of my colleagues. I don't know anything, who knows, he/she should report it.*

*I don't think that it should be especially separated. The ethic code stipulates a zero tolerance on any form of violence in the public and private sphere. If a judge or a prosecutor is punished for any form of violence against anyone, his suitability to perform his/her function should be examined.*

## 4.2. PUBLIC PROSECUTORS

### A. Femicide – term and causes

**The impact of the consequences of war**

**The prevailing attitude is that alcoholism is the most common cause of femicide, followed by jealousy, mental illness, drug use, hatred, without specifying whether it is misogyny or hatred of women.**

Prosecutors understand the term of femicide in the same way as judges and none of the interviewed prosecutors has been educated about the phenomenon of femicide and they all think that this type of education would mean them a lot. Bearing in mind the role of prosecutors in conducting investigations into domestic violence that are detected as a cause and a criminal act preceding femicide, this education can be considered, especially for prosecutors, as very important in the work on the suppressing femicide.

Discussions on femicide are not included in the work of prosecutorial body and colleges, and prosecutors base their understanding of the concept of femicide on the information from the media and non-institutional sources. However, all respondents present the correct views on femicide and define it on the basis of the theoretical consideration of this phenomenon, which is a consequence of the fact that all respondents responded to the interviews in writing.

*I understand that term and I interpret it as all deprivations of women's life, just because she is female. There I mean cases when a husband kills his wife, or a father-in-law his daughter-in-law, when a mother or father kills a female child at birth, because they expected the male etc.*

*I understand and interpret femicide as a gender-based act of violence against woman that results in death.*

It is interesting that prosecutors also bring the term of femicide in a connection with the consequences of war and socio-economic situation in the society, similar to some of the interviewed judges. Otherwise, the prevailing attitude is that alcoholism is the most common cause of femicide, followed by jealousy, mental illness, drug use, without specifying whether it is misogyny or hatred of woman.

## B. Femicide victims

***I am of the opinion that in a significant number of cases the fatal consequence could have been prevented if the victims had reported previous violence, and that timely reactions of the subjects of protection had followed.***

All the interviewed prosecutors are united in the attitude that femicide was preceded by unreported domestic or partner violence or, if reported, the reaction of the society was not appropriate to stop the violence.

***I am almost convinced that each femicide or attempted femicide was preceded by some type of violence. The problem is that the violence is often not reported, out of fear, shame or hope that it will not happen again... because of the children... there are many reasons why victims do not report it. Moreover, the situations when it is reported are troublesome.... It seems to me that it is not taken seriously. For example, a man is given a suspended sentence of one year for domestic violence... with that condemnation, the***

*interest of the society, i.e. the institutions that deal with violence, ends. **No one has a liability to check what happens meanwhile...***

*The most common victims are 30 – 50 years old, and as a rule, almost all cases are preceded by the domestic violence, and I attribute the reason for the attack to the presence of the mental illness of the attacker.*

*I am of the opinion that in the significant number of the cases, fatal consequences could have been prevented if the victims had reported previous violence, and that timely reactions of the subjects of protection followed.*

Femicide victims, according to the opinion of some prosecutors, are most often women who are unemployed or have a lower education level, and therefore, following this opinion, one of the causes of femicide would be the economic inequality of women. Prosecutors also agree that femicide victims are most often the wives or partners of the perpetrators. A previous history of violence is highlighted as the most common cause of femicide.

*It was certainly an indicator or an alarm, but due to the lack of the proper or timely reaction from both the victim and the subject of protection, the most severe consequence occurred.*

Prosecutors see the appropriate education of subjects of protection and full information of women victims of domestic violence about the phenomenon of domestic violence and the procedures of countering, suppression and prevention and the rights of the victim, as the best protection and prevention of femicide.

### C. Victims' rights

In the structure of the victims' rights and their legal security, the authors of the research had in mind the availability of free legal aid, the possibility of hiring lawyers, the pronouncement of protection measures, the availability of services of social work centers and health care institutions and other rights provided by international standards of the protection of women from domestic violence. Prosecutors consider the existing concept of the free legal aid inappropriate for the needs of the victims, because it is only available in the litigation and is conditioned by formal criteria, and victims need legal aid in the form of advice before the procedure, because these are persons whose financial circumstances do not enable the engagement of a lawyer. Prosecutors also consider that protection measures function only when it comes to children, and the services of social work centers and other institutions are not sufficient for the needs of victims, because these services do not have enough recourses to provide legal and social security for the victims. However, the views of the interviewed prosecutors are not entirely uniformed. Some of them consider that the protection of women victims of violence has been improved, but thanks to the work of non-governmental organizations.

*It is evident that the field of protection of women victims of violence has recently improved significantly, primarily due to the dedicated work of the non-governmental organizations dealing with this issue, but I am of the opinion that it is insufficient because all the subjects of protection must participate actively in the protection of the victims.*

One of the respondents emphasizes the importance of informing victims: "(...) that the victim is informed about the rights which she has as a victim of violence, then with all entities that are obliged to provide protection and assistance, and on the other hand to have a complete, legal, and the proper application of the legal and sub-legal provisions governing this area. The same prosecutor thinks that "the provision of free legal aid to victims, their social care and free health care" must be improved legally.

None of the prosecutors has dealt with the case in which a property-legal claim for damages the injured part has been filed and they are not familiar with such cases. In order to collect evidence for a property claim, as prosecutors, ex officio they need time to conduct an expert examination, which affects the length of the proceedings and they express the opinion that the injured party should be more engaged in this procedure, through her legal representative.

*It is somehow left to the personal feeling of the prosecutor, but the prosecutors are not so sensitized. On the other hand, it is the right of the victim/injured party, she has to engage more, but of course not alone, but through a legal representative who would be free of charge. Because of all this I consider that the solution would be in legal representative, in timely legal representation of victims/injured parties that must be effective, efficient and accessible to those in need. I remember one injured party who was rejected for free legal aid because her salary, working as a trader, exceeded the criterion by 20 BAM. It is about a woman who is a single mother and part of that low salary went to her loan.*

Most of the interviewed prosecutors think that the resolving the property-legal claim during the criminal proceedings would contribute to the victim's trust in the work of the competent institutions and exercising of their rights.

#### D. Law amendments

***If the abuser – perpetrator of the criminal act was adequately punished for the previous act, there is a high probability that he would not be able to commit the murder later.***

Prosecutors have divided opinions on the legislative changes, assessing them as both good and confusing and inapplicable in practice. The answers also point to certain misunderstandings of legislative changes, as well as ignorance of the catalog of rights of victims of gender-based violence guaranteed by international standards, which may be an indicator of shortcomings in education of judges and prosecutors in all legal innovations under domestic law and ratification of international conventions and treaties.

*In my opinion, a confusing situation has been created in the relation between police and prosecutor... the confusion happens in practice regarding qualifications... there are some wanderings and I consider it necessary to resolve it and educate the police and prosecutors on how to work in specific situations... For example, we have a situation: detention is one of our measures in the investigation, but often we do not meet the*

*conditions for it, then we send the woman to a safe house, and he stays at home... Practically, we order her detention... Therefore, one – in my opinion - nonsense. I have not thought much about how to solve it, but it is certain that we lack measures and mechanisms, and that these situations could be solved in a better way.*

Some of the interviewed prosecutors think that the legislative changes are good, especially the introduction of new criminal acts in the Criminal Code from 2017, which include violence against women – genital mutilation of women, forced sterilization, persecution, sexual blackmail, sexual harassment, forced marriage. In this way, the legislator wants to work on combating the negative social phenomenon of violence against women, which prosecutors consider correct. However, they believe that the implementation of the law in practice is not appropriate because the penal policy is bad and protection measures are not applied.

*They are insufficiently applied, especially protection measures, which everyone needs to improve in the coming period. Regarding the penal policy in the field of violence against women, I think it is disastrous. We are witnessing that these cases are dominated by suspended sentences, which means that the courts treat these criminal acts as less socially dangerous, which is completely wrong especially considering the numerous consequences that violence against women leaves in society. The penal policy is completely inadequate and it does not achieve the purpose of punishment, both from the aspect of special and general prevention of criminal-legal protection.*

One of the prosecutors thinks that an inappropriate penal policy towards domestic violence can also be seen as a cause of femicide. It means: *if the abuser – perpetrator of the criminal act was adequately punished for the previous committed violence there is a high probability that he would not be able to commit the murder later.*

#### E. Cooperation and work of women's NGOs, prevention of femicide

***...That the slap today does not turn into the bullet tomorrow...***

Prosecutors have divided opinions in the perception of cooperation with other institutions involved in the work of the femicide cases, ranging from the assessment that is bad and depends on the individual, over the fact that it is good, but it still should be improved, to the exclusive assessment that it is excellent. Similarly, attitudes to the work of NGOs in the care, assistance and work with survivors of violence are uneven and are expressed on the basis of personal experiences:

*I have to admit that I do not rate it well, because every time when I should have taken care of someone, do something for the injured parties/victims, I could not do that because of their procedures, because they do not have it in the project etc. We have a lot of protocols, memoranda cooperation and what not, but everything is great on the paper, but in practice, unfortunately - not.*

One of the respondents rates the work of the NGOs as “satisfactory” and one opinion stands out as extremely positive: *It was of immeasurable importance to me as a prosecutor. Take into account that the prosecution has no legal basis or capacity to care for victims of violence, and that the capacity of social welfare bodies is modest and limited. In a situation where violence has been committed, when it is necessary to relocate the victim from the environment in which the violence was committed, the role of non-governmental organizations is crucial.*

Prosecutors' attitudes are unique when they talk about the contribution of the work of psychologists in judicial institutions and they all think that it is very important. Some respondents think that psychologist's assistance would be important to prosecutors during the investigation phase to advise them on how to approach different categories of the witness victims and that psychologist's work should not be limited to assisting witnesses and witness victims, but also included in the investigation process.

As expected, prosecutors also confirm that the prosecutor's office do not keep records of crimes by gender of the victim and perpetrator, and believe that this practice should be introduced in the work of judicial institutions and that this type of initiative should be sent to the High Judicial and Prosecutorial Council.

All the respondents agree that the prevention of femicide and violence against women is responsibility of all society structures, from the police, the judiciary, centers for social work, educational institutions, NGOs, the media. However, views differ on the significance of a more severe penal policy for violence prevention. Some of the interviewed prosecutors believe that penal policy, i.e. harsher punishments, contribute to prevention, while one is explicitly opposed and believes that a harsher penal policy is the ultimate and the least effective means of prevention:

*I consider this pure populism for the simple reason that by increasing penal policy we have not influenced general prevention, but it is easier for our politicians to increase the penal range than to deal with all the previous ones, prevention above all, protection of victims to react in time so that the worst does not happen. That the slap today does not turn into the bullet tomorrow... Thus, the key is not in the penal policy, of course it is important, but it is not the key.*

Prosecutors believe that the code of ethics for judicial office holders sufficiently dictates how a judge or prosecutor must behave in the community and that it is not necessary to emphasize domestic violence as a separate segment for elimination, as judges and prosecutors must not commit any kind of violence. Some respondents cite examples of judicial officials also committing domestic violence but without being prosecuted: *I am familiar with two cases of domestic violence committed by a judicial office holder and that both cases were “swept under the carpet”.*

One of the respondents cites the example of a case that he worked on in which *the holder of a judicial office was a victim of domestic violence and the procedure ended with a final convicting judgment, although it is not clear whether it was a man or a woman.*

### 4.3. FEMALE ACTIVISTS OF NON-GOVERNMENT ORGANIZATIONS

#### A. A term femicide and education

***Education about femicide should be mandatory and continuous for all employees of the subjects of protection – the police, centers for social work, health care institutions, schools, but also for the wider social community – the media, students and other social groups.***

As expected, activists and professionals from women's NGOs state that they have received more education on the phenomenon of femicide and define it in accordance with some of the international documents on women's rights and in accordance with different, mostly feminist theoretical approaches, which is logical, because feminist researchers and theorists mostly work on the femicide.

*I view femicide as the murder of a female person who is gender conditioned, that is, it is committed over a woman or girl because of the special relationship of power and control that the perpetrator has over the victim over whom he has a sense of ownership. Femicide points to the objectification and dehumanization of a woman or a girl by the perpetrator and reflects the social role and expectations of the woman to be submissive and to suffer, and, if she refuses, that the perpetrator “has the right to punish” her.*

All the female respondents believe that education about femicide should be very important for the judges and prosecutors and it should be mandatory, especially in order to improve the understanding of the causes and consequences of violence against women and girls and wider social impact and consequences of severe gender-based violence, which includes femicide, too. Besides judges and prosecutors, they think that education about femicide should be mandatory and continuous for all employees of the subjects of protection – the police, centers for social work, health care institutions, schools, but also for the wider social community – the media, students and other social groups.

#### B. Perpetrators and victims

Female activists of women organizations, as well as judges and prosecutors, see the former or current partners or spouses of the victims, as well as male family members, as the most common perpetrators of femicide. However, they do not consider that the causes of femicide are alcoholism, PTSD, or mental illnesses, although these factors may appear as personality traits of the perpetrator of femicide. In their opinion, the cause of femicide is considered to be a pronounced social tolerance towards violence against women.

*I believe that the impact of the absence of a social reaction is important, as well as the insufficient reaction of the competent institutions to the violence against women, which very often precedes femicide. I think that perpetrators of violence know very well that penal policy for the violence against women is very mild, that women who are exposed to violence usually do not have the help and support of institutions and that it gives them “tailwinds” to continue violence that can end in femicide.*

Femicide victims, according to the female activists, are in the largest number of cases current or former partners of the perpetrators, to a lesser extent mothers or sisters, or women and girls who have been the target of prosecution by the perpetrator because they broke up an emotional connection or did not respond to an emotional connection.

### C. Protection and the rights of the injured parties

The activists think that the support and the assistance that a victim, i.e. the injured party in proceedings related to the gender-based violence, receive from the institutions which are recognized as the subjects of protection – are insufficient. This assessment also includes access to the free legal aid, the work of social work centers, as well as the work of judicial institutions.

*Protective measures, i.e. security measures provided by the Criminal Code of the Republic of Srpska are generally not imposed by courts in order to protect the injured parties, except for the measure of confiscation of weapons from the perpetrator, which is very common and indicates that a significant number of cases of violence against women can potentially lead to femicide and end in murder. I think that the coordination between institutions in the direction of providing support to the injured parties is mild and that a small number of women use psychological support from mental health centers, mostly on their own initiative, without referrals from other professionals in the protection system.*

One of the respondents cites cases of good practice in the work of courts, which are rare: in one case before the Basic Court in Bijeljina for the criminal act of violence in the family or family community, with a suspended sentence for the perpetrator of the violence, the judge imposed a security measure prohibiting communication with the victim of violence. Furthermore, in the procedure before the Basic Court in Prijedor for the criminal act of stalking, with a prison sentence, the court imposed a measure prohibiting communication with the victim of violence for a period of two years, which is applied after the perpetrator's releasing from prison. The respondent emphasizes that these examples should be cited and publicly highlighted in order to encourage victims, and the judicial community on a more responsible attitude towards the issue of protection of victims of violence and prevention of femicide.

The activists emphasize that the practice of filing a property claim during the criminal proceedings has not become a reality and indirectly address the responsibility of the prosecution for this situation.



*A large number of the cases that include gender-based violence end in plea agreements, without a trial and testimony of the injured party in court, and victims are generally informed of the property claim through the pronouncement of a judgment referring them to civil proceedings. The law here also imposes an obligation on the prosecutor to acquaint the victim with the possibilities of a property claim, but it is not clear through the judgments whether this happened.*

*The practice of the courts is to complete the criminal proceedings as quickly as possible and consciously avoid informing the victim during the proceedings about the possibilities to file a property claim, because of the fear that the process will be further extended. I assume that the judges are also bound by the fulfillment of the norm, so for these reasons they try to complete the criminal proceedings as soon as possible.*

The activists do not comment on the legal amendments, but they are all of the opinion that they did not give the desired expectations in law enforcement practice, although there are individual and isolated cases of good practice and responsible attitude of the judicial community towards the rights of victims/ injured parties.

*There are individual cases and examples of good practice in which the court pays more attention to the testimony of the injured party to a significant degree, the prosecution uses its legal powers and asks the court to extend custody against the perpetrator in order to protect the injured party, but those are still isolated cases.*

The obstruction on the relation of the police – judiciary in initiating and imposing protective measures is emphasized as a special problem.

*Protection measures are not imposed, no matter how the law changes.*

#### **D. Cooperation and work of NGO, prevention and attitudes to violence perpetrators from the structures of public services**

From the perspective of civil society organizations, according to the interviewed activists, cooperation between NGOs and institutions exists and it is correct, including the police, social work centers, the prosecutor's office and the courts. Respondents' comments are more focused on the treatment of victims by these services, based on the experiences shared by survivors of gender-based violence.

*From the women victims of violence who turned to us for help, we received information that after the report of violence, the police do not come to intervene, do not provide information about the possibilities of support and actions taken to prevent the perpetrator from committing further violence ...*

Similar remarks, based on the testimonies of victims, were made on the work of social work centers, courts, prosecutor's offices and they generally indicate that the response of institutions to the problem of violence against women is not enough to make victims feel that the system is on their side and that they will be supported and protected.

*The most painful thing is that various trainings have been conducted with all the mentioned institutions for many years in terms of establishing functional multi-sectoral cooperation, and we are still not making progress due to the lack of connection between institutions and inadequate response to violence, said one of the respondents.*

All respondents are of the opinion that NGOs work extremely responsibly to provide assistance and support to victims of gender-based violence, that the assistance they provide is of high quality and tailored to the needs of survivors.

*I am not biased, although I have been in the NGO sector for many years, but I think that NGOs have given much greater support and protection to survivors of violence than institutions. NGOs were the first to establish free legal aid for victims, SOS hotlines, and later safe houses for the care and support of victims of violence.*

NGO activists have an absolutely positive attitude towards the work of psychologists in judicial institutions and believe that it should be resolved legally that psychological support for victims and witnesses involved in court proceedings should be a binding standard.

NGOs keep records that include the gender and the structure of their beneficiaries, although they are mostly women and girls.

As actors of prevention, respondents from the non-governmental sector perceive all subjects of protection as well as judicial institutions and believe that prevention is very important and that it should encompass all structures of society, starting with education. All respondents are united in the view that the current policy of the judicial community in punishing perpetrators of violence against women does not contribute to prevention.

*I think that the penal policy is very mild, the perpetrators of all forms of violence are mostly sentenced to suspended sentences as warning sanctions and it has not changed for many years. In terms of general prevention, penal policy does not affect the suppression of violence, but, on the contrary, encourages it, because perpetrators of violence know that they will not be sanctioned for violence.*

Unlike judges and prosecutors, respondents from non-governmental organizations believe that the code of ethics for judges and prosecutors should contain a provision prohibiting all forms of domestic violence and a sanction in terms of banning activities. Like some of the prosecutors, the respondents from this group point out that they have unofficial information that there are judges and prosecutors who commit domestic violence, but that there are no reports.

*Yes, it would be great if judges and prosecutors included a sphere of life related to their family life in the code of ethics, in terms of banning all forms of domestic violence.*

NGOs activists state that they are approached by women who are the wives of police officers who are afraid to report that they are victims of violence and that there are perpetrators of violence among officers of all subjects of protection, but that victims rarely report them for fear that the report will be "covered up".

*It also happens that the users who contact us report domestic violence in which the perpetrators are police officers, and women are afraid to report them to the police due to the lack of reaction or fear of recurrence of violence.*

#### 4.4. FINAL OBSERVATIONS

Femicide as a social phenomenon is not included in educational programs for judges and prosecutors, nor in the consideration in formal structures of joint work in the judiciary, such as professional colleges of judges or prosecutors, etc. The knowledge of judicial office holders about femicide is at the level of general information from the media or professional journals. Nevertheless, all the respondents from the judiciary correctly perceive the emergence of femicide as the most extreme form of violence against women committed by former or current spouses / partners or family members. There is also awareness that domestic violence represents the key risk factor for the occurrence of femicide, and thus a danger when it is not reported and adequately sanctioned and treated by all institutions that are recognized as subjects of protection.

While activists of women's NGOs understand femicide as a form of violence caused by gender stereotypes, patriarchal attitudes about the roles of women and men in society and unequal power between the genders, representatives of the judicial community view femicide from the perspective of risk factors such as PTSD, alcoholism, mental disorders, alcohol and drug addiction and etc.

Women were recognized as victims of femicide, and men as perpetrators; and among the judges and prosecutors' responses it is clear that the attention of the holders of these functions is unequally focused on perpetrators and victims. While most respondents from the judiciary profile femicide perpetrators well, data on victims are scarce, except that women who suffer or have survived domestic violence and / or are in the process of leaving a marital / extramarital union or partnership. This conclusion coincides with the content of the judgments, which contain a lot of information about the perpetrators, while the victims are completely depersonalized.

Both respondents from the judiciary and the non-governmental sector have the same view - that victims of gender-based violence do not have and / or do not exercise their rights to protection and support during the court proceedings and that their needs are neglected; the security risks of domestic violence and attempted femicide have been especially neglected. Some of the respondents also state that some cases of femicide could have been prevented if the institutions had responded correctly to the report of violence or that the violence had been reported at all. There is a single position of all respondents that it is necessary to work on informing and encouraging women to report every form of domestic or partner violence, in order to prevent the escalation of that violence or femicide.

All the respondents are of the same opinion - that legal amendments and / or the adoption of new laws (Law on Protection from Domestic Violence and Violence in Family Union) have

not given sufficient results yet, because the application of the law is not always complete and appropriate and penal policy is inadequate.

The judicial community has refrained from the possibility of compensating victims during criminal proceedings through the submission and acceptance of a property claim. Although no clear opposition has been expressed, there is resistance, especially from prosecutors, to consistently file a property claim during criminal proceedings in all situations of violence.

It is evident that inter-sectoral cooperation during the work on violence and femicide cases exists, including cooperation with NGOs that provide support to victims, but it is not fully functional, focused on the best interests and protection of victims and does not take place equally in all situations.

All respondents have a common view that the work of psychologists in criminal proceedings is very important and should be legally regulated as part of the judicial system. While NGO respondents seek a clear stipulation in the code and laws that perpetrators of domestic violence cannot hold judicial office, judges and prosecutors agree in principle, but are much more reticent and believe that the code of ethics and laws clearly prohibit all types of violence and that it is not necessary to emphasize domestic violence as a factor of elimination for judges and prosecutors. However, most judicial respondents acknowledge that there are judges and prosecutors who commit domestic violence, but that they are rarely punished because their wives / partners do not report them or the case remains covered up.

## **4.5. RECOMMENDATIONS**

- 1. Gender-based violence as a social problem and the phenomenon of femicide must be included in the regular and continuous training program for judges and prosecutors, especially the part related to the theoretical approach from a gender perspective in order to sensitize judicial officials and their treatment in individual cases of violence against women.**
- 2. Training programs for judicial officials need to be improved by the psychosocial aspect of working with victims, and the importance and significance of collecting relevant data on the context, the victim and the perpetrator, as well as on cooperation with relevant institutions and organizations, should be emphasized.**
- 3. It is necessary to work on a comprehensive campaign on the vulnerability of victims / injured parties in criminal proceedings, especially victims of domestic violence, in order to use the existing legal possibilities for protection of victims / witnesses / injured parties (protective measures, prohibition measures, security measures) and improve the legal framework in this area, if practice shows that it is necessary.**
- 4. Invite the media outlets to be more involved in prevention campaigns that would make the public and potential victims aware of all the risk factors and consequences of femicide, and to report on them without sensationalism while respecting the victims' right to privacy in accordance with journalistic ethics.**

5. Improve cooperation and consistent application of existing protocols on cooperation between relevant institutions (courts, prosecutor's offices, police, schools, centers for social work, mental health centers, health care institutions, non-governmental sector) in order to timely identify risks and report all forms of violence and abusing women.
6. Improve the role of mental health centers in preventing, identifying and detecting cases of violence against women, and in particular working with the families of people with mental health problems.
7. Within cultural and educational activities, create programs related to gender equality and breaking stereotypes about gender roles in society.
8. The Criminal Procedure Code and the Criminal Code need to be harmonized with international standards in the field of protection of victims of gender-based violence, primarily with the Istanbul Convention and Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards for rights, support and protection of victims of crime.
9. In the RS Criminal Code, incriminate a special criminal act - femicide, as a form of aggravated murder for low motives or reckless revenge.
10. Point out the importance of the correct legal qualification of the act in cases in which the victim of murder is a woman who has been previously abused or the murder is the result of jealousy and possessive aspirations of the perpetrator.
11. Through the process of training judicial office holders, permanently emphasize the importance of applying adequate forms of aggravated murder to cases that have the characteristics of femicide.
12. It is necessary to improve the informing of victims / injured parties of all forms of gender-based violence by consistent application of the Law on Protection from Domestic Violence on the obligation / i.e. the right of victims to information and in accordance with the standards of the Istanbul Convention.
13. Although the RS Law on Weapons and Ammunition provides for the possibility of confiscating weapons, ammunition and weapons documents to the competent police administration if required by security interests as well as circumstances that negatively affect security, including disrupted family relations, social conflicts, aggressive and excessive behavior and other circumstances that make a person unfit to possess a weapon, it is expedient to consider the procedures by which the administrative procedure would be conducted by the competent authority for confiscation of weapons and permits to purchase, hold and / or carry weapons regardless of the outcome of the crime procedure.
14. Analytical reports of subjects of protection in the field of possession of weapons in cases of work-based violence should be introduced and extended by recording the elements related to the use of weapons as a means of committing criminal acts of gender-based violence.
15. Develop unified procedures or incorporate them into existing ones in terms of weapons possession checks in cases of gender-based violence.

- 16. Analyze the documentation and filing of administrative proceedings for confiscation of weapons and permits for purchase, possession and / or carrying of weapons, regardless of the outcome of criminal proceedings, in order to prevent the misuse of weapons in cases of gender-based violence, i.e. prevention of femicide.**

## ***Annex 1.***

### ***CASE STUDY***

Given that some forms of femicide or attempted femicide for methodological reasons could not be processed through the analysis of court records by qualitative-quantitative method, one case was singled out in which the victim of gender-based violence was not included in the indictment. We cannot consider this case as an illustration of the attitude of judicial institutions towards the phenomenon of femicide or attempted femicide, but as an omission whose causes we can only guess.

Therefore, the case was qualified as an attempted murder of a passive subject who defended a woman – a victim of domestic violence by her intimate partner, and an event which preceded the attempted murder, and is a classic example of violence against a woman, is not included in the indictment. Thus, a public prosecution filed the indictment against the indictee for concurrence of criminal acts committed against persons who defended the woman whom he initially physically attacked, and the physical assault was not in the indictment. We could say that he neglected the violence against the woman and he did not qualify it as one of criminal acts of gender-based violence, although based on the facts stated in the verdict, it comes out that the indictee first committed a crime against the woman.

Based on the data from this case we can reach two conclusions. Firstly, in this case the competent bodies did not recognize the gender-based violence, even though all circumstances indicated the existence of the criminal act from this field, and secondly, that the competent bodies consciously missed to include the criminal act which preceded the actions encompassed in the indictment. Both conclusions have their specific weight, but we would rather believe that the competent bodies did not recognize the gender-based violence, that is the criminal act from this field.

The woman in the study V.V. before the court appears as a witness and states that the indictee threatened her, dragged her, i.e. he took some actions confirmed by other witnesses.

#### **Elements of the case:**

**Qualification:** The criminal act of attempted murder from the Article 148, paragraph 1 of the Criminal Code of the Republic of Srpska with reference to Article 20, paragraph 1 of the same Code in concurrence with the criminal act of minor physical injury from Article 155, paragraph 2 with reference to paragraph 1 of the Criminal Code of the Republic of Srpska.

**Indictee:** At the time of perpetration K.K. was 46 years old, residing in a city, finished the secondary school, electrician by profession, unemployed, divorced, a father of one adult child, indigence.

**Court decision:** The court found K.K guilty and determined the criminal act of attempted murder a prison sentence of two years, and for the criminal act of minor physical injury a prison sentence of four months, with the application of provision of the Article 42, paragraph 2, point 2 of the Criminal Code of the Republic of Srpska adjudicates on a unique prison sentence in term of 2 (two) years and 2 (two) months.

**Verdict statement:** He is guilty, because on 00. 00. 20- around 10 pm, after previous alcohol consumption came to the condition when his ability to control his actions was diminished, verbally and physically attacked his girlfriend V.V in a garden of the house where she lived, and because of that, and afraid for her physical integrity, she ran away in the neighboring garden, trying to hide from the indictee who was following her running after her she hid after the injured M.M. whom she accidentally met in the neighboring garden, and after arriving in the vicinity of V.V., the indictee on several occasions physically attacked M.M. who was trying to defend V.V. with his own body while telling the indictee to leave the girl alone and to talk to her the next day after he gets sober, and not managing in his intentions, the indictee leaves the garden and the girl and the injured party, and the same night, abruptly around midnight, he appeared from the dark part of the garden and approached V.V. who was sitting, grabbed her in the region of shoulder and dragged her backwards, in intention to physically drag her to her house, and the present injured party M.M. in intention to protect her, pushed the indictee, after that they both moved in the dark part of the garden where their mutual pushing takes places, when the injured M.M. punched the indictee in the region of his head, and the indictee stumbled and fell down on the ground, and the injured party M.M. bent over towards the indictee with the intention to hit him again, and when the indictee said: "No, it's ok", the injured understood that it was the end of the conflict, and he held the indictee for his left arm and he lifted him up saying: "Why did you need this?", and the indictee used that moment and holding a knife in his hand, swung in the direction of the injured party's stomach, aware that he could kill him by doing so and he accepted it, causing the three injuries to the injured party, the puncture wound in the region of the left part of his stomach due to what his peritoneum was hurt and blood retained in his abdominal cavity and due to that injury the injured party could have died but he was saved thanks to fast and adequate medical intervention, the puncture wound in the region bellow his left rib arch and the puncture wound below his left loin, when the present D.D. approached the injured M.M. thinking that he needed help , and he hit the indictee with his leg and the indictee using the same knife stabbed D.D. in the region of his left knee and posterior part of his left elbow and he inflicted a minor physical injury, and after committing both criminal acts, the indictee with the knife ran away from the spot and he hid from the prosecution bodies until 00.00.20- when he was found and arrested.

Therefore, he tried to kill someone and with an instrument suitable for serious hurting, he inflicted a minor physical injury to the other person.



**The injured party/witness M.M.:** (...) Declared that he saw an unknown man who was running after V.V. and it seemed that the man was violent towards V.V., he had a feeling that she wanted to beat her. V.V. was disheveled, on her arm in the region of her lower arms she had redness, as if someone was dragging her, he stood in front of the indictee who was plucking V.V., dragged her arm and told her to go home, he told him „move away from her“, however, the indictee did not look at him, but he was trying to grab V.V. over him and he was preventing it with his body. Given that the indictee was attacking V.V. even he had already told him not to do it, at one moment he pushed him away with both arms, and the indictee moved backwards, he remained on his feet, but he was still telling V.V. „Go home, go, home“, she replied that she wouldn't go home until he sobered up.

Suddenly, out of the darkness the indictee appeared, in his socks, without shoes, he approached V.V. and R.R. who were sitting and he knocked them down from plastic chairs, on which they were sitting, he grabbed V.V. for the region of her shoulders and dragged her backwards, with the intention to violently drag her home, but she did not want to do that, he jumped from his chair with the intention to protect V.V., he pushed away the indictee with his both hands in his chest, the indictee staggered backwards, there was mutual pushing, he punched the indictee in the region of his head, the indictee staggered from that punch and fell on the floor, he tried to punch him again, but the indictee said, while he was lying on the ground, and he was half bent towards him: „No, no, it's enough“, he thought that it was the end of the conflict, so he took his left arm and helped him to stand up and told him: „Why did you need this?“ When the indictee stood up, he felt that something stabbed him, he did not see what stabbed him, he was wearing fluorescent yellow shirt and blue shorts. He saw that D.D. (the injured party) approached and kicked the indictee, he told D.D., „Stay away, he has a knife“, after that he heard D.D. saying: „He cut me, too, my leg and arm“, and then he saw that D.D. fell on the ground.

**The injured witness D.D.:** (...) Declared that he found V.V. on the spot, that she went home to change her clothes and in half an hour she returned running and saying: „He is beating me, he's killing me“, she was screaming, and after her came the indictee, he went towards V.V., so M.M. stood up and stood between them and said: „Are you insane, why are you beating the woman?, after that the indictee left...

**The female witness V.V.:** The female witness declared that she had a romantic relationship with the indictee, that she lived in her house and he occasionally visited her, they were not in extramarital union. On 00. 00. 20- he came around in the evening around 9 pm, he was visibly drunk, they had a relationship for three to four months, and she had already seen him drunk. After he came so drunk, she told him that she went to the neighbor, and he said that he went to visit a friend, too. He left the house before her, and when she set off, he approached and asked her where she was going, and he threatened that she would see what would happen to her if she did not come home. She did not want to do it, he approached her, dragged her hands, her hair and grabbed her neck and told her to come back home. She tore off, ran out of the garden, she heard that he was running after her, she ran towards the neighbor's garden and there she saw M.M., D.D. and a neighbor S.... She was screaming, so they all stood up and went towards her, she told them that the indictee

was chasing her, that she was afraid... The indictee approached her and told her to go home. Since she did not want, he grabbed her in the region of her shoulders and pulled her, telling her to go home...

It was already around 10pm, they were standing at the table, the indictee had already called her five to six times, she did not answer, and he sent her a message that everything was fine and to come home. She did not want to go, and around 12 am the indictee came there, from behind, he appeared from the darkness. They all leaped....

**The indictee K.K.** declared that he lived in the extramarital union with V.V. since the end of January 20- until the incident, they lived in a rented house, with her child.

In the evening around 9 pm he came home, he was a bit drunk, and he found V.V. at home. She was getting ready to go to her neighbor. He objected to that, she went out, he followed her... He found V.V., he told her to enter the house to talk about going to P, she told him that she did not want to enter, that she wanted to stay at her neighbor's, and he grabbed her hair... However, V.V. left, he entered the house, had a shower, and then he went to look for her... He approached V.V. and invited her to go home, everyone was telling him to leave her alone, not to harass her...

**Court decision:** The court found K.K. guilty and determined the criminal act of attempted murder and a prison sentence of two years, and for criminal act of a minor physical injury a prison sentence of four months, with the application of provision of the Article 42, paragraph 2, point 2 of the Criminal Code of the Republic of Srpska adjudicates on a unique prison sentence in term of 2 (two) years and 2 (two) months.

**Rationale:** Analysis of the above mentioned witnesses' statements, it is clear that on the incriminated day the indictee V.V. executed the verbal and physical assault on V.V. in her house garden, when the indictee plucked her hair and threatened to kill her, after that afraid for her physical integrity she ran away at S., who lives in the neighborhood and there she met the injured M.M., and since the indictee was about to catch her running, she sought help, saying that he was going to kill her, she was disheveled, she was red on her arms, and the indictee ran to them, M.M. stood in front of her to protect her, and not paying attention to M.M. he continued grabbing V.V., telling her to go home. The witnesses confirmed that he again, around midnight, returned, that he suddenly jumped from the dark part of the garden, that he was not wearing shoes, what means that he did not want to be noticed, he headed towards V.V. who was sitting, and when she saw him, she got frightened, she screamed and fell down, the indictee came to her, grabbed her in the region of her shoulders and pulled her in order to drag her to her house.

## **Annex 2.**

### **A FORM FOR COLLECTING DATA FROM COURT RECORDS**

Court: \_\_\_\_\_

Number of criminal case: \_\_\_\_\_

#### **I MODALITY OF PERPETRATION OF CRIMINAL ACT**

*1) Indictment (date of filing and qualification):*

*2) Time of perpetration (date and time, from the indictment):*

*3) Place of perpetration:*

1. rural area in a place of residence of an injured party
2. rural area beyond a place of residence of an injured party
3. urban in a place of residence of an injured party
4. urban beyond a place of residence of an injured party
5. miscellaneous

*4) Space (place) of perpetration:*

1. flat/house/garden, place of residence of an injured party
2. flat/house/garden, beyond a place of residence of an injured party
3. public place – closed (cafe/restaurant/disco club)
4. public place – open (park/street/open space)
5. working environment of an injured party \_\_\_\_\_ (fill in)
7. miscellaneous \_\_\_\_\_

8. unknown

*5) Factual description of an offence according to judgment disposition:*

*6) Motive of committed offence (briefly state if it is presented in an indictment or judgment):*

*7) Means and manner of perpetration:*

1. physical force

2. cold steel

3. firearms

4. explosive devices

5. drugs and poisons

6. acid

7. incineration

6. miscellaneous: \_\_\_\_\_

*8) If a means of perpetration is firearms (or explosive devices), is it:*

1. official

2. legal

3. illegal

4. unknown

*9) Were there immediate witnesses /eyewitnesses?*

1. yes

2. no

*10) If the question 9) had a positive response, state who those persons were and if they were heard in court? If not, state the reasons.*

*11) Consequences of an offence (finished femicide):*

1. fatal outcome (on the spot)
2. fatal outcome (after being given the medical aid and/or during the treatment)
3. fatal outcome (miscellaneous)\_\_\_\_\_

*12. Consequences of an offence when an injured party survived:*

1. serious body injury with permanent disability
2. serious body injury
3. aggravated mental health
4. miscellaneous \_\_\_\_\_

*13) Relationship between an indictee/convicted and an injured party:*

1. husband (marriage)
2. extramarital union
3. ex-husband (marital or extramarital)
4. spouses in divorce proceedings (or separated)
4. boyfriend
5. ex-boy-friend
6. miscellaneous \_\_\_\_\_

*14) Did the injured party with reference to the indictee/convicted person hide or deny the previous violence) If she did, state the specific records if they exist.*

*15) If a victim already suffered some type of violence by an indictee/convicted person, was the violence reported? If it was, was it under criminal proceeding, for what criminal offence and how was it finalized?*

*16) Were before the crime commitment pronounced the protective measures to an indictee/convicted regarding an injured party and which) (For example, measures of restraining order to a perpetrator in the divorce proceedings, distancing from family household, minor offence proceedings)*

## **II CHARACTERISTICS OF INDICTEE/CONVICTED PARTY**

### *17) Years (age):*

1. 18–25
2. 25–35
3. 35–45
4. 45–55
5. 55–65
6. over 65

### *18) Marital status:*

1. married
2. lives in extramarital union
3. divorced
4. separated
5. widow
6. single
7. in divorce proceedings
8. unknown

### *19) Children*

1. number of children (joint) with injured party\_\_\_\_\_
2. number of children from previous/latter marriages/relationships\_\_\_\_\_
3. unknown or none

### *20) Occupation: \_\_\_\_\_*

### *21) Education:*

1. unfinished primary school

2. primary school
3. secondary school
4. higher education or faculty degree
5. Master degree or PhD

*22) Employment*

1. employed (in a place of residence or not far away from it)
2. employed (at temporary work abroad)
2. unemployed
3. works in agriculture
4. occasionally works for a wage, seasonal works
5. retired \_\_\_\_\_ (fill in if there are records on possible early retirement)
6. student
7. miscellaneous \_\_\_\_\_

*23) If he is unemployed, are there records that he ever worked? If he did, for what reasons and when did he stop working? (e.g. dismissed, he quit a job and etc)*

---

*24) Residence:*

1. village
2. city
3. suburban area

*25) Previous conviction:*

1. yes
2. no
3. unknown

*26) If he was convicted, how many times and for what criminal offences::*

---

27) *Service in the army:*

1. yes
2. no
3. unknown

28) *War participant:*

1. yes
2. no
3. unknown

29) *If he is a war participant, is he:*

1. a war invalid
2. a surviving inmate/prisoner
3. unknown

30) *Suicide attempt:*

1. no
2. yes, before the perpetration
3. yes, after perpetration
4. unknown

31) *Relation of a perpetrator towards the perforated act:*

1. he admits the criminal act
2. he shifts responsibility on an injured party (such as she made him angry and/or triggered because she left him, she took the children)
3. he blames himself and an injured party
3. he perceives an event as an accident
4. he rationalizes his responsibility (such as alcohol consumption, drugs, mental illness)



5. he does not provide an explanation or he does not have one
6. he denies being involved in the event
7. miscellaneous\_\_\_\_\_

*32) Psychiatric-psychological expertise confirmed the following:*

1. Existence of psychopathic structure of personality
2. Personality disorder
3. Presence of a mental illness (state which)\_\_\_\_\_
4. Alcoholism
5. Addiction to psychoactive substances
6. Symptoms of PTSD
7. miscellaneous\_\_\_\_\_

*33) Mental capacity at the time of perforation of the criminal act:*

1. mentally competent
2. diminished capacity, but not significantly
3. significantly diminished capacity
4. mentally incompetent
5. self-inflicted insanity

34) If the response is under 3 or 4, are pronounced any safety measures to an indictee and which?

*35) Alcoholism of a perpetrator at the time of committing a criminal act:*

1. yes (state the stage)\_\_\_\_\_
2. no

*36) At the time of committing a criminal act, a perpetrator was under the influence of drugs:*

1. yes (state the facts confirmed by an expertise)\_\_\_\_\_
2. no

### III CHARACTERISTICS OF AN INJURED PARTY

#### *37) Residence:*

1. village
2. city
3. suburban area

#### *38) Years (age):*

1. 18–25
2. 25–35
3. 35–45
4. 45–55
5. 55–65
6. over 65

#### *39) Marital status:*

1. married
2. lives in extramarital union
3. divorced
4. separated
5. widower
6. single
7. in divorce proceedings
8. unknown

#### *40) Children*

1. number of children (joint) with an indictee/convicted party\_\_\_\_\_
2. number of children from previous/latter marriages/relationships\_\_\_\_\_

41) Occupation: \_\_\_\_\_

42) Education:

1. unfinished primary school
2. primary school
3. secondary school
4. higher education or faculty degree
5. Master degree or PhD

43) Employment

1. employed (in a place of residence or not far away from it)
2. unemployed/housewife
3. she has recently been dismissed
4. seasonal works
5. retired
6. student
7. miscellaneous \_\_\_\_\_

44) *Are there any records that a victim has already been harassed physically or in any other way by a perpetrator?*

45) *If there are records on the previous forms of violence, did a victim seek help (confided to somebody):*

1. no
2. there are no records of that
3. to her parents, friends, children
4. police
6. center for social work
6. NGO
7. psychologist and (or) psychiatrist
8. doctor
9. miscellaneous \_\_\_\_\_

46) *Are there any records that a victim has suffered from some disease? Which one?*

47) *Are there any records that a victim had problems with her mental health or with addiction? State the specific records if they are available.*

48) *If a victim regarding the violence was a service user of any of the following institutions, state of which:*

1. Centre for Social Work
2. Centre for Mental Health/Psychiatric institutions
3. NGO/Safe house
4. Miscellaneous\_\_\_\_\_

#### **IV FLOW, DURATION AND CHARACTERISTICS OF THE CRIMINAL PROCEEDINGS**

49) *Date of commence of the trial:*

50) *Date of pronouncement of the first-instance verdict:*

51) *If an agreement was reached, state the date:*

52) *Date of pronouncement of the final verdict:*

53) *Was pre-trial detention ordered to an indictee? If yes, how long did it last?*

54) *If pre-trial detention was not ordered, were any prohibition measures pronounced and which?*

---

55) *Did a surviving victim witness the trial? If yes, was she assigned any protection measures? \**

56) *Was an injured party assigned a property claim during the criminal proceedings?*

1. yes
2. no

57) Did a minor witness the trial? If yes, were the protection measures assigned? State a relationship between a minor and an indictee and (or) injured party.\*<sup>38</sup>

---

58) Judicial-medical expert-testimony on the stage of injuries and (or) cause of death:

59) Psychiatric-psychological expertise of a victim (brief opinion review):

60) Is there a difference in qualification of the offence in the indictment and the verdict?

61) Qualification of the act in the verdict (if it was different when compared to the indictment):

62) Court decision:

63) Aggravating circumstances:

64) Mitigating circumstances:

65) Kind and amount of the verdict \_\_\_\_\_

66) Was an appeal pronounced against the verdict? If yes, state the appellate basis.

67) Decision of the second-instance court per appeal:

---

<sup>38</sup> Law on Protection of Witnesses in the Criminal Proceedings of the Republic of Srpska; Law on Protection and Acting with Children and Minors in the Criminal Proceedings.