

Independent Monitoring of the Implementation of Resolution 1325 in Serbia

*Dedicated to Nevena Nena Kostić
(August 1, 1968 – October 21, 2011)*

*From 1999, Nena was an activist in Women for Peace – Leskovac
and the Women in Black Serbia Network.
Nena was active in nearly all segments
of the work of the Women in Black Network.*

*Nena was also one of the Resolution 1325 action coordinators.
From the very start, she was fully involved
in the Working Group for the Monitoring of the Implementation
of the NAP for R1325 in Serbia,
in which, as an activist,
she invested her untiring passion,
dedication,
knowledge and
solidarity.*

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INTRODUCTION

Political Context in Serbia

The collapse of the Eastern (Socialist) Bloc, symbolized by the 1989 fall of the Berlin Wall, had its most devastating consequences in the Socialist Federal Republic of Yugoslavia (SFRY), despite the fact that the country did not officially belong to the Bloc. Besides the Bloc's collapse, the most important factors contributing to the disintegration of the SFRY – a so-called “self-managed socialist state” and one of the founders of the Non-Aligned Movement – were the bureaucratization of the state and the rise of strong nationalist tendencies, which increasingly gained prominence after the death of the leader of the Socialist Revolution and the country's “president for life,” Josip Broz Tito. Yugoslavia shared the economic problems of other socialist countries around the world at the time; it had entered a socialist revolution as an agrarian society and then skipped, in an extremely short time-span, an entire historical epoch – industrialization. This took its toll in the form of the frequent economic crises that shook the country.

Insufficient economic development and pervasive bureaucratization, followed by an increasing regionalization of Yugoslavia, all contributed to the development of nationalism in each of the country's constituent republics. The state's continued failure to manage recurrent economic crises only widened the gap between the Yugoslav republics, providing fertile ground for the development of nationalist ideologies and the shifting of the blame for the disruption of people's everyday life to the “other republics” that seemed to be, “enjoying a better life simply because they are exploiting us.” Soon enough, this way of thinking set the scene for the rise of militant nationalism in most of the republics.

This form of militant nationalism gained its strongest foothold in Serbia which was the largest and most populous of all the republics, but lagged behind some others in terms of economic development. Although nominally communist, Serbia's political elite, led by Slobodan Milošević, took some political steps that were typical of a capitalist leadership. Seeing that the Eastern bloc had fallen and that socialism was “dead,” it sought a solution to its economic problems by adopting an imperialistic attitude towards the other republics and looking to redistribute social assets, while pursuing the policies of a chosen few – the political elite in Serbia – that excluded

the majority of the population. In this “accumulation of capital” after the fall of socialism, the nationalist ideology was used to mobilize the masses to the interests of Serbia’s ruling class, which, in effect, plunged Yugoslavia right into war.

The exact price of the wars led by the then political elite with Slobodan Milošević at the helm is difficult to calculate accurately. The entire state and corporate sectors were controlled by Milošević and harnessed in the service of the war effort. The international sanctions that were later imposed on the country only contributed further to the general impoverishment of the population coupled with the abuse of power by the elite. Even after the fall of Slobodan Milošević in 2000, the state of Serbia has never come forth with final casualty counts and damage estimates in terms of material and financial losses.

The losses suffered by the population in Serbia, especially by women, are visible everywhere but have not yet been fully calculated. One of the measurable categories pertaining to such losses is reflected in the shorter lifespan of women in the Autonomous Province of Vojvodina, which is the only part of the country where such research has been undertaken (in 2003) since World War II. In this region, women paid the price of the wars and sanctions with a decline in their average life expectancy.

The losses suffered by women in Serbia are evident in the work sphere (lower employment rates, greater job insecurity, which was unknown under socialism and lower wages for equal work). It can also be seen in the drastic reduction of social care for children, poorer access to healthcare etc. At the same time, another loss is evident in today’s prevailing perception of a women’s role in society, where nationalism has once again transformed the former socialist, “equal-to-man female comrade” into either a mother and a housewife, or a mere object of men’s (sexual) desires.

In this context, where the new country had recently emerged from war and was facing extreme poverty and a nationalist ideology that, far from being abolished, had grown stronger after the fall of Slobodan Milošević, the United Nations Security Council (UNSC) Resolution 1325 (R1325) provided civil society activists with a potential mechanism to improve the institutional position of women and possibly influence and change the entire social climate. Specifically, Resolution 1325 provides for the possibility that, in a country that refuses to face up to its criminal past and the consequences for society, mechanisms can be established to dismantle the militant nationalist matrix and start with the building of a just peace.

R1325 Context in Serbia

“UN Security Council Resolution 1325 of October 31, 2000 was ‘our’ project and ‘our’ success. Yet, the more energetically we push for its implementation, the more we see its limitations. Worse, we realize how it can be used for ends quite contrary to those we intended. In this respect, NATO is a thought-provoking case. No... more than that, it’s an enraging example of how good feminist work can be manipulated by a patriarchal and militarist institution.”

Cynthia Cockburn¹

On October 31, 2000, the UNSC passed Resolution 1325 known as Women, Peace and Security. It was the first time, at such a high level, that the UNSC had advocated inclusion of women in peace processes and in the implementation of peace accords.² Although R1325 over the past 10 years has become part of the official security discourse of the United Nations (UN), it still does not have a binding character. This is reflected in the vocabulary used in the Resolution itself. In general, there is a distinction between the UNSC resolutions adopted under Chapter VI (non-coercive measures) and the resolutions adopted under Chapter VII (coercive measures) of the UN Charter.³ When it comes to UN resolutions, it should be borne in mind that, in terms of public international law (PIL), all these resolutions fall within the category of so-called soft law. They do not have the binding character of international agreements that are the “hardest” forms of obligation in international law. They do not even have the importance of international customary and generally accepted rules of international law. Even though Resolutions are indeed less binding, this should still be taken conditionally. If a country decides to adopt a UN resolution, as Serbia has done in the case of R1325, it does have to take concrete measures that really mean actual and not only normative acceptance of the resolution.⁴

Women NGO activists, including a number who had been involved in initiating, drafting and adopting Resolution 1325, perceived a trend overshadowing the core intent of the resolution

1 *Cynthia Cockburn, Feminist Responses to UN SC Resolution 1325, the Women, Peace, Security supplement, December 2011, page 16*

2 *Dragana Dulić, Prilog diskusiji o Nacrtu Akcionog plana (A Contribution to the Discussion of the National Action Plan Draft), November 2010, Women in Black, page 1*

3 *Ibid.*

4 *Vesna Rakić Vodinelić, The Feminist-Antimilitarist Approach to the Concept, Interpretation and Practice of R1325, March 2012*

to advance the political empowerment of women to assure gender equality in dealing with all matters of peace and security. While that trend embodied in resolutions 1820, 1888, 1889 and 1960 toward ever stronger measures to overcome violence against women in armed conflict is, in itself a necessary end, it is not sufficient to the fundamental circumstance that makes it so difficult to eliminate all forms of gender violence, especially that which results from the interstate system of militarized security – women’s essential exclusion from security policy making.⁵

In Serbia, in the ten years since the adoption of Resolution 1325, not only did the local institutions do nothing to implement the Resolution, but chose to ignore for years the continued efforts of civil society organizations (CSOs). Between 2005 and 2010, when the Resolution was adopted, Women in Black (WIB) called both for the implementation of Resolution 1325 and the adoption of their own resolution called Women, Peace and Security, which had requirements specifically pertaining to the political context in Serbia. In doing so, they enjoyed the support of dozens of CSOs and even some of the female MPs in the Serbian National Assembly. Unfortunately, the WIB’s requests were not included in the agenda of the parliamentary session. This testifies to an extremely limited democratic capacity, and a lack of political will on the part of Serbian institutions either to recognize the initiatives and efforts of autonomous civil society organizations or to comply with international obligations. In early 2010 state institutions started the process of drafting a National Action Plan (NAP) for the implementation of Resolution 1325, but this was done solely for the sake of form. As many activists around the world have repeatedly warned, there is a danger of R1325 becoming bureaucratized by the state and a good part of Civil Society and this was the fate of the Resolution in Serbia. The international instrument was adopted in order to achieve the political goals of the ruling elite and certain CSOs.⁶

5 *Betty Reardon*, UN SC Resolution 1325 – An Instrument of Peace, Women, Peace, Security, supplement, December 2011, page 14

6 See *Žene, mir, bezbednost Rezolucija 1325 - 10 godina*, (*Women, Peace, Security Resolution 1325 - 10 Years, Women in Black*, Belgrade), 2010, page 10

Monitoring of Implementation of NAP for R1325 in Serbia

“The relationship of Serbian policy-making towards war, conflict and violence in war makes Serbia a very intriguing case study of the conceptualization of “post-conflict” and the way in which the political interpretation of Resolution 1325 can be influenced. The treatment of various post-conflict issues that must be resolved depends on the ways in which actors see the linkage of the Serbian state to the war of the 1990s. In fact, the problems identified by actors present in the Serbian post-conflict reality – which are influenced by different perceptions of the past and hopes for the future – are actually shaping current responses to R1325.”

Laura McLeod⁷

“Through Resolution 1325, Serbia seeks not just to promote itself as a “regional leader in the implementation of R1325,” but to put forward its “candidacy” as an important factor in multinational operations, i.e. to “actively contribute to building peace, stability and security” and present itself as a progressive and credible country that is strongly committed to world peace. It uses R1325 to redesign Serbia as a “peace power,” reinvent the past without war and wash away the blood stains of its war crimes. We, however, believe that “one of the priorities of the resolution’s implementation in Serbia must also be a post-conflict reconstruction of society, i.e. the initiation of processes which would establish facts about past crimes, determine individual criminal responsibility, punish perpetrators and carry out institutional reforms (especially lustration) which will allow for the discontinuity of certain institutions and of the regime that bears responsibility for genocide and the gravest crimes.”

Staša Zajović⁸

⁷ Laura McLeod: Impacts of Representations of Conflict and Postconflict upon the (Political) Translations of Gender Security within UNSCR 1325, *The International Feminist Journal of Politics* Vol. 13, No. 4 (2011): pp. 594-611.

⁸ Staša Zajović, *Viol de masse une arme de guerre, quelles réponses, quels outils pour les femmes* (Massive Sexual Abuse as a Strategy in War. How to Find a Way Out and What Answers to Provide to Women Victims) conference organized by the „La Fédération Nationale Mères pour la paix, (Mothers for Peace France), Villeneuve-d’Ascq, France, Movement of Mothers of Srebrenica and Žepa, B-H, Sarajevo, March 9-10, 2012

Having taken due notice of the non-transparent, undemocratic and non-participative process of drafting the National Action Plan (NAP) for the implementation of UNSC Resolution 1325, the absence of civil society organizations from the process (as evidenced in the research conducted by Women in Black in 2010⁹), the policy of ignoring civil society's long-term commitment in education and lobbying for the promotion and adoption of Resolution 1325, the purely normative approach to meeting the requirements for the integration of Serbia into the European Community without any real change in women's lives, as well as the militaristic approach to the creation of the NAP and the militarization of gender issues, Women in Black have identified the need to undertake more effective oversight of the process of NAP implementation and for the monitoring of all activities of the state in this regard in order to make the activities related to Resolution 1325 more transparent to the citizens of Serbia.

Women in Black feel that women are peace-makers and those that maintain the system of human, rather than national security and hence need to maintain constant vigilance over the strategies adopted by the state on behalf of women.

Women in Black have therefore begun the process of lobbying for independent monitoring that would follow the implementation of the NAP for R1325 and would be organized in the way the NAP process should have been organized from the start – that is, with the participation of a great number of women's CSOs and involvement of independent institutions of the Republic of Serbia.

By monitoring the implementation of the NAP for the implementation of Resolution 1325 in the Republic of Serbia through the project of Engendering human security, WIB continued their feminist-antimilitarist efforts to question the traditional, militarized notion of security, and to monitor and insist on the responsibility and accountability of state institutions. The goal of Women in Black is the promotion of the concept of human security, the creation of a feminist concept of security and the building of a just peace in keeping with the needs of women and their human rights. By the same token, by monitoring the implementation of NAP activities, Women in Black sought to strengthen the capacities of women's CSOs in Serbia for more effective control of the state and its institutions charged with the implementation of NAPs and other international documents.

Between June 2 and 3, 2011, in Radmilovac, the process of monitoring the implementation of the NAP for R1325 started out with a training session on indicators, carried out by UN Women trainers from New York. The two-day training brought together a representative of the Ombudsman and nineteen women activists from various CSOs (ASTRA, The Autonomous Women's Center,

9 See *Žene, mir, bezbednost Rezolucija 1325 - 10 godina, (Women, Peace, Security Resolution 1325 - 10 Years, Women in Black, Belgrade), 2010, page 155.*

Labris, Belgrade Center for Security Policy - BCBP, Youth Initiative, Women of the South, Women for Peace, Fractal, Alternative Circle, Esperanca, Roma Women Network from Banat and the Danica Association of Roma) from seven cities from across Serbia (Belgrade, Leskovac, Pirot, Kragujevac, Pančevo, Novi Sad and Novi Bečej), all of them dealing with the issues of security. A total of forty-eight indicators were established at the training, which the participants felt to be most important for the political context in Serbia and for the improvement of human security. They set up a working group to monitor the implementation of the NAP for R1325 in Serbia (hereinafter referred to as Working Group), which over the following 10 months (July 2011 to April 2012) followed the application of the NAP. The working group was made up of eight activists from civil society organizations, who had taken part in the training and had extensive experience on issues of security, human security and human rights. They came from eight different CSOs (Women in Black, ASTRA, Women of the South, Women for Peace, Fractal, Alternative Circle, Esperanca and the Association of Roma from Novi Bečej) and six cities and towns in Serbia (Belgrade, Leskovac, Pirot, Kragujevac, Novi Sad and Novi Bečej) where the research was conducted. In the course of the training, a total of six Working Group meetings were held as well as a conference called A Feminist Anti-militarist Approach to the Concept, Practice and Interpretation of Resolution 1325, the purpose of which was to encourage brainstorming of not only the concept and implementation of Resolution 1325 but also the problems, challenges and difficulties encountered in implementing and monitoring the implementation of Resolution 1325.

Providing a generous contribution to the work of Women in Black and the Working Group were lecturers from the Universities of Belgrade and Zagreb: Zagorka Golubović, Dragan Dulić, Vesna Rakić Vodinelić, Saša Gajin and Lino Veljak, an independent expert Biljana Branković and many local and foreign volunteers to whom Women in Black hereby wish to extend their heartfelt gratitude.

With the aim of making the work of Women in Black and the Working Group as transparent as possible, the entire research process was followed by the Women, Peace and Security Supplement Editor, Tamara Kaliterna. In order to disseminate the feminist anti-militarist concept of security, the Supplement was not only published on the Women in Black website, but also on the websites of Security Made to Citizens' Measure, the Belgrade Centre for Security Policy (BCBP) and the Global Network of Women Peace-builders (GNWP) Group, and was also forwarded to the international and national Women in Black Network, whom Women in Black also wish to thank for their interest.

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Gordana Subotić and Marija Perković



Institutional Preconditions¹⁰

The Draft National Action Plan (NAP) for the implementation of Resolution 1325 was prepared in the ambitiously short period of 6 months. The process of drafting the document took place within the framework of the Administration for Strategic Planning of the Ministry of Defense. Serving as a starting point for developing national indicators¹¹ was the UN Secretary General's 2004 Report, which contained recommendations for the development of national action plans to implement Resolution 1325. When compiling the final list of indicators for the NAP in Serbia, special attention was paid to indicators falling within the jurisdiction of the Ministry of Defense and the Ministry of Interior, while some of the indicators from the jurisdiction of the Ministry of Health, Ministry of Labor and Social Policy, and Ministry of Justice were excluded from consideration¹². In the process of drafting the NAP for the Implementation of Resolution 1325 several CSOs, primarily those dealing with security issues, took part. Autonomous women's groups were not invited to participate or contribute to the creation of the NAP for the implementation of Resolution 1325 in Serbia by sharing their experience and knowledge.

The shortcomings of the consultative process, the insufficient involvement of other ministries and the exclusion of women's peace organizations affected the core character of the NAP and the interpretation of Resolution 1325 in the Republic of Serbia. The traditional security concept thus prevailed over the concept of human security, and R1325, as an instrument that recognizes the special needs of women during and after conflict, and their role in peace processes, was not properly contextualized in the NAP.

The Republic of Serbia adopted the Action Plan for the implementation of Resolution 1325 in December 2010. In this way, as stated in the NAP, the Republic of Serbia as a member of the

10 **Objective:** Providing systemic prerequisites for the implementation of the National Action Plan to implement UN SC Resolution 1325 in the Republic of Serbia.

11 Indicators "clearly present the most important characteristics necessary to support informed decision making." Indicators are used also to measure progress.

12 Biljana Stojković, *Indikatori za utvrđivanje položaja žena u sektoru bezbednosti R. Srbije (Indicators for the Identification of Women's Status in the Security Sector of the Republic of Serbia)*, Western Balkans Security Observer, Gender and Security, Issue No. 19 (January – April 2011), Belgrade Centre for Security Policy.

United Nations and a country aspiring to be admitted to the European Union, showed “a special interest to commit itself to exercising human rights, with a special emphasis on the empowerment of women in society” and a desire to, “contribute actively to the processes of building peace, stability and security.” Unfortunately, the reasons for the adoption of the NAP point to a security sector that is more oriented towards responding to future security challenges and less towards a security sector which is assisted by the NAP to better respond to the consequences of the recent wars in Serbia and the region.

Ten months after the adoption of the NAP, the institutional preconditions for its implementation started to fall into place. By a decision of the Government of the Republic of Serbia taken in October 2011, institutional bodies were created to implement the NAP and enforce Resolution 1325 Women, Peace and Security until 2015. These are the Political Council and the Multisectoral Coordination Body. In December 2011, the Government also adopted an amendment to the Decision on the formation of the Political Council and the Multisectoral Coordination Body.

The Political Council is a high-level political body directly in charge of overseeing the creation of political conditions for the fulfillment of NAP objectives and activities. According to the Political Council Annual Work Plan for 2012, the following activities were envisaged: creating conditions for the implementation of the objectives and activities of the NAP on the basis of R1325 in the Republic of Serbia, steering of the work of the Multisectoral Coordination Body towards the implementation of the NAP, organization of meetings of the Political Council and submission to the competent committee of the Government of reports on the implementation of activities in the period from December 2011 to March 2012. Minimal funds were allocated for the planned activities, mainly for the meetings of the Political Council and the Analytical Group of the Ministry of Defense and the Serbian Armed Forces (SAF).

The transparency of the Political Council should be ensured by publishing all the “important”¹³ news on the official website of the Ministry of Defense. Instead of only short news items and a simple list of its core activities, the Working Group asked the Political Council to provide other important information that was not available on the Ministry of Defense website¹⁴. The Working Group received only the report from the constitutive session of the Political Council, which meant that no other sessions of this body had been held at all. The Political Council Report with the recommendations intended to serve as guidelines for the future work of the Multisectoral

13 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of NAP to implement R 1325 sent to the MoD on January 13, 2012. The replies were received on April 3, 2012

14 Web page: <http://www.mod.gov.rs/>, May 25, 2012

Coordination Body was not submitted for review to the Working Group. The same problem occurred with the report on the implementation of activities in the period from December 2011 to March 2012 submitted to the competent government committee.

The Multisectoral Coordination Body (MCB) is an operational body of the Serbian Government that ensures the fulfillment of goals and objectives of the National Action Plan and is chaired by the Ministry of the Interior. The inaugural session of the Multisectoral Coordination Body was held in November 2011. In late January 2012, the MCB was expected to make its first report, a comprehensive document that was to be submitted to the Political Council and the competent committee of the Government. This report was never submitted for review to the Working Group for monitoring. Instead, a reply of the Ministry of the Interior noted that the Multisectoral Coordination Body decided at its meeting in June 2012 to start creating as soon as possible an internet presentation that would present all the MCB's activities.¹⁵

The reporting of the Political Council and the Multisectoral Coordination Body has so far been insufficient. Their emphasis was typically placed on listing undertaken activities rather than on their results, impact and effects. Civil society organizations have not been involved in the work of these bodies, nor was cooperation with them envisaged within the mechanisms for monitoring and evaluating their work. The Working Rules of the Political Council, for example, have no provision for the inclusion of women's associations and other civil society organizations in the Council's work or in monitoring activities. According to a reply given by the Ministry of Defense, however, "there are no barriers to finding an appropriate model of cooperation. On the contrary, any constructive suggestion and proposal of cooperation will only be welcome."¹⁶

Analytical groups or research teams set up with the relevant ministries, departments, or agencies in the security sector are tasked with monitoring, annual planning and initiating implementation of the NAP in practice and determining statistical and other indicators of its implementation on the basis of established indicators. Analytical groups were formed under the Ministry of Defense, the Customs Administration, the Administration for the Execution of Criminal Sanctions, the Security Information Agency (SIA) and the Ministry of the Interior.

15 Replies at the Request of the Working Group sent on June 13, 2012 to the Ministry of the Interior, were received after initiation a procedure before the Commissioner for Information of Public Importance, on July 4, 2012

16 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

Rather than strengthen the establishment and implementation of a normative and institutional framework and instruments (e.g. the Law on Gender Equality) in the Ministry of Defense and the SAF, the NAP for the Implementation of Resolution 1325 in Serbia provides for the introduction of additional mechanisms of gender equality such as a “gender equality advisor” and “trustees” in the Defense Ministry, the Interior Ministry, the Customs Administration, the Security Information Agency and the Administration for the Execution of Penitentiary Sanctions.

For now, gender equality advisors have been appointed by the Ministers of Defense, the Interior and the Director of the Customs Administration. Since the plan is being implemented in a total of five institutions, SIA and the Administration for the Execution of Penitentiary Sanctions are also expected to introduce this mechanism.

The introduction of the “trustee” mechanism, as an institutional gender-equality mechanism, which was envisaged by the NAP and was supposed to address cases of gender-based discrimination in the security sector, has been postponed for 2012.

Twelve months after the adoption of the NAP, a supervisory body was not yet in place. On the occasion of its first anniversary, in late 2011, a public hearing was held during which the progress in implementing the NAP for the implementation of Resolution 1325 was presented. It stressed the importance and urgency of holding a session of the National Assembly, which should make a decision on the establishment of a Supervisory Body to which the competent parliamentary committees would delegate their representatives. The Supervisory Body would serve as a democratic oversight mechanism for the implementation of the NAP and would be set up by the Serbian National Assembly. This body would be charged with monitoring and supervising the work of all bodies and mechanisms related to the implementation of the National Action Plan. The Political Council and the Multisectoral Coordination Body would submit biannual and annual reports to the Supervisory Body .

Nineteen months after the adoption of the NAP, the Supervisory Body has yet to be set up.

Decision-Making

The Republic of Serbia has established a regulatory framework that should allow for the creation of an environment conducive to equal participation of women in decision-making in public affairs. Recognizing the international standards and documents that are binding on creating the right conditions for greater representation of women in positions of public importance, the state has ensured that through its Constitution, laws and a number of national strategies, a methodology is established for the implementation of international standards.

Since 2000, following the fall of the Milošević regime, several bodies have been established at national level, such as the Gender Equality Council at the level of the Government, and a separate internal organizational unit within the Ministry of Labor and Social Policy and the Gender Equality Directorate, while a Committee for Gender Equality has been set up within the National Assembly. At the same time, changes have been made in criminal, labor and family legislation. The Anti-Discrimination Law and the Law on Gender Equality have also been passed, as have a number of national strategies¹⁷. The Law on Gender Equality (Official Gazette of the Republic of Serbia No. 104/2009) ensures equal access to jobs and positions, and introduces a quota system in public institutions, prescribing the use of affirmative measures for achieving at least 30% representation of women (Article 14 of the Law). The Law on the Prohibition of Discrimination establishes a Commissioner for Equality as an independent supervisory body protecting the rights guaranteed by this law, as well as a special judicial procedure for protection against discrimination. The national strategy for the empowerment of women and promotion of gender equality (Official Gazette No. 15/2009) covers areas related to women's participation in the formation of policy and decision-making in the areas of the economy, education, health, violence against women and issues related to public media and public opinion, all of which were identified as key to the empowerment of women and the promotion of gender equality, during the process of drafting the document.

17 National Strategy for Preventing and Combating Domestic and Partner Relationship Violence against Women, *The Official Gazette of the Republic of Serbia*, No. 027/2011, April 20, 2011, National Strategy for the Advancement of the Position of Women and Promotion of Gender Equality for the Period between 2009 and 2015 (*The Official Gazette of the Republic of Serbia*, No.115/09), National Security Strategy of the Republic of Serbia (*The Official Gazette of the Republic of Serbia*, No. 88/09), etc.

However, regardless of such a wide range of regulatory instruments for the promotion of gender equality, little progress has been made in practice in this respect which can, essentially, be attributed to a purely nominal approach to the obligations set forth in the formal documents. As a case in point, Article 40a of the Law on the Election of Members of Parliament (Official Gazette No. 104/2009, etc.) stipulates that at least one in three candidates on the electoral list must be of the less represented gender. After the elections held on May 6, 2012, it was noted after the verification of mandates in the National Assembly of the Republic of Serbia, the Assembly of Vojvodina and local councils, that many of the elected women deputies had already been replaced by male party colleagues, because there is no requirement that in the post-election period, parties still have to retain 30% of women as councilors or MPs. Practice also shows that even when quotas for the less represented gender are met in order to meet a formal legal requirement, the prevailing social and political climate in Serbia is such that the work of women MPs typically reflects the attitudes of the ruling gender majority.

When it comes to monitoring the participation of women in decision-making in the security sector, it is inseparable from the normative and institutional general framework. There is still a need to continue working on improving this framework in order to make sure that the general provisions of the Law on Gender Equality are consistently applied to individual Ministries in the areas of defense and security, as well as in the National Parliament and its committees. Equally so, mandatory mechanisms have to be established in order to ensure that institutional bodies for gender equality are invariably involved in the decision-making processes.

As described in the NAP, the period from 2010 to 2013 is the timeframe during which activities should be implemented with the aim of increasing the participation and influence of women in decision-making in defense and security. The results obtained by the Working Group for Monitoring the Implementation of the NAP, which are presented in this report, show a complete lack of action by the state authorities to implement these activities. Top-down cooperation was not established either, i.e. from the republic to local authorities, in order to achieve a more effective implementation of the NAP. For this reason, NAP objectives and activities to implement those goals remain a complete unknown at the local level. Another thing that must be stressed here is a lack of adequate training on implementation of Resolution 1325 for male and female representatives of institutions at all levels of government.

Cooperation between state institutions and CSOs has been reduced to declarative expressions of appreciation for the CSO sector, although this cooperation does not exist in practice. The immensity of the gap between institutions and civil society organizations in the field of defense and security is perhaps best evidenced by the fact that Working Group members have often had

repeatedly to send written requests for information to institutions and in many cases address their misgivings to the Commissioner for Information of Public Importance. In the process of developing and implementing the NAP, the focus is primarily on government institutions, while the role and support of the mission and the activities of civil society organizations that were among the first to promote Resolution 1325 have been completely sidelined.

Influence of Women on Decision-Making in Defense and Security¹⁸

As envisioned by the NAP, boosting women's representation in security structures and in the leading positions in state institutions that decide on security issues should increase their influence on decision-making in the security sector. However, the Working Group has not made any notable progress in the implementation of these activities. At the same time, it is important to emphasize that the level of political participation can not be measured solely by the number of women employed at various government levels, but by their ability to substantially influence the political agenda and public policy making.

In the last National Assembly, only one woman (5.88%) participated in the work of the Security Committee and 29.4% in the Committee for Foreign Affairs, while the highest representation of women (as much as 82.3%) was noted in the Committee for Gender Equality.

The Working Group tried to collect more information on the effects of the work of the National Assembly, especially as regards the Committee for Gender Equality, in terms of impact analysis of draft laws on women and men, especially on those who were exposed to multiple discrimination, and on the number of proposed amendments. The reply it received, however, was that the requests submitted by the Working Group were "thematically very complex and extensive and as such required consultations of the National Assembly Office with the National Assembly Board members authorized to deal with such matters. Since new parliamentary elections have already been scheduled, the required National Assembly Board session is not likely to be held during the tenure of the current Assembly. The Office of the National Assembly has meanwhile launched full-scale activities related to the forthcoming election process as part of the service to the Republic Electoral Commission."¹⁹

Although in the last session of the National Assembly (2008-2012), the number of women MPs increased almost twofold in comparison to 2002, the increase did not necessarily result in a change of the political agenda of the Assembly or in a stronger representation of the interests of different groups of women in parliamentary debates. The interests of the most vulnerable

18 **Objective:** Increase participation and impact of women on decision-making in defense and security. **Special objective:** Increase the representation of women in the security sector and in managerial positions, particularly in state institutions deciding on security issues.

19 Reply from the Parliament of the Republic of Serbia, received on March 16, 2012

women, the Roma and other multiply disadvantaged groups, remain at the very margins of parliamentary debates.

This problem is closely related to the much broader issue of the personal integrity of MPs, the degree of professionalism and adopted democratic values of political parties and their political priorities. As highly centralized, male-dominated organizations within which most key decisions are made, Serbia's political parties limit the opportunity for women to exert a greater influence in decision-making. In this political climate, it is small wonder that there are so few examples of women having independent roles in management positions or their mutual association across party division lines to address issues of common concern to all women and to improve the representation of their own opinions and interests in politics.

The society's unwillingness to take measures that offer women and men equal chances of representation and influence in decision-making is also reflected in the Government of the Republic of Serbia. Although the Law on Gender Equality does not prescribe a strictly required percentage of women appointed to ministerial positions, there is a recommendation that their share be at least one third, just as in the Serbian National Assembly. In the last Government (2008-2012) only 20% were women while only two (11.8%) of the seventeen Ministries were headed by women. In the provincial government, the share of women in the presidency was 17%, while only 9.1% of the total number of Cabinet members were women. According to data from 2008, women accounted for just 4.2% of all mayoral positions in Serbia's municipalities, which is an extremely low figure.

As for the Ministry of Defense, some positive changes have been noted in the representation of women in 2011.

Institution	Percentage of women employed		Percentage of women in executive positions	
	2010	2011	2010	2011
Ministry of Defense	19.5	19.25		8.95
Civilians in the Defense System	51.8	49.53		10.07
Military Intelligence Agency		17.2		2.27
Military Security Agency		11.11		4.65
Military Medical Academy	65.11	65.54	27.64	13.86

T1: Representation of women in the security sector in 2010-2011.

According to the Annual Report on the implementation of the NAP to enforce United Nations Security Council Resolution 1325 which covers the period from September 2010 to September 2011, activities in the Ministry of Defense and the Serbian Armed Forces which should contribute to the greater influence of women in decision-making are either at square one or only partially completed. The creation of a normative and institutional framework and instruments and measures that guarantee the rights of women to equal representation in the MoD and the SAF (e.g. the Law on Gender Equality) has not been undertaken. The appointment of a female Secretary of State for Defense has created the conditions for an increased impact of women on crucial defense and security issues. However, the normative preconditions for achieving this goal throughout the system have not been met. No progress has been made in the creation of opportunities for an organized representation of the interests of women in the MoD and the SAF by establishing professional associations of female commissioned and non-commissioned officers or by organizing an Association of Women in the MoD and the SAF²⁰. The MoD and the SAF have not determined the obligations of those proposing decisions, strategies, policies and measures to include, in their submitted proposals, any consideration of the effects that the implementation of their proposed decisions would have on women and men. Also, the procedural rules governing the planning of work in the MoD and the SAF in order to create procedural requirements for a timely inclusion of appropriate gender-equality institutional mechanisms have not been put in place.²¹

20 Annual report on the implementation of the NAP to implement the UN Security Council's Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

21 Ibid.

Inclusion of Gender Equality Mechanisms²²

The existing gender-equality mechanisms, be they in the Directorate for Gender Equality, the parliamentary committees on gender equality at national or local level, or in local commissions for gender equality, should be linked to the decision-making mechanisms of the defense and security sector, and influence, through their actions, the shaping of gender-sensitive security policies. However, in the vast majority of strategic documents and plans, there is a noted absence of mutual understanding and coordination between different bodies in the process of drafting these documents. Not only do these bodies not cooperate in the process of document production, but they also fail to do so when the document reaches its final phase because they do not share them in order to check their content and come up with possible suggestions.

As institutional mechanisms for implementing the NAP, the Political Council and the Multisectoral Coordination Body should enhance communication and cooperation between the gender equality bodies and the state authorities with jurisdiction to make decisions on defense and security matters. As their reporting has so far been insufficient, it remains to be seen what long-term effects, if any, these measures and mechanisms will have on Security and Defense policy.

At the local level, the challenges of introducing or strengthening mechanisms for gender equality and the establishment of better trans-sectoral cooperation are more than obvious. For example, the consultations organized by the Gender Equality Directorate during the development phase of the Action Plan for the implementation of the National Strategy for the empowerment of women and the promotion of gender equality between 2010 and 2015, also brought onboard the Association of Roma from Novi Bečej, which deals with the problems of Roma women and their position as the most vulnerable group. A situation analysis of the position of Roma women, which was made on that occasion, listed numerous examples of violence, racism, and discrimination suffered by Roma women. Special emphasis was placed here on the problem of security as one of the most important issues. Although this should have served as an incentive for the local self-government to establish a local body for gender equality, this has not been

22 **Objective:** Increase women's influence on decision-making and realization of women's rights to participate in decision-making on defense and security issues equally and together with men. **Activity:** Establishing an institutional and regulatory framework and undertaking measures to ensure increased influence of women in decision-making on defense and security issues, through inclusion of institutional mechanisms for gender equality at all levels in increasing influence and exercise of the women's rights to participate in decision-making on defense and security issues.

done to this day, just as the local action plan for improving the situation of Roma women has not yet been initiated. Even the Safety Council of the Municipality of Novi Bečej did not see fit to accept the above-mentioned situation analysis or at least to take it into consideration in their work. This body has no Roma women members, or other representatives of national minorities, while channels of communication with the local representatives of the Safety Council are almost non-existent. Since the establishment of the local Safety Council, not a single CSO has been invited by it for consultations. Obviously, the role of civil society is particularly important here.

In its reply to the questions put forward by the Working Group for the Monitoring of Resolution 1325, the Ministry of Defense said that there were as yet no plans for 2012 for financial support of any CSO projects related to the issues of gender equality. According to the Ministry of Defense reply, no such funds had been allocated for this purpose in 2011 either.²³ In addition, the Ministry noted that it “is under no obligation to allocate any funds for this purpose” and that “apart from the Association of Reserve Army Officers of Serbia, the Ministry of Defense did not finance any other non-governmental organization.”²⁴ This is just another indication of a lack of understanding of the role of CSOs in the process of security sector reform.

Looking at the situation at the local level, and the example of Leskovac in particular, we can see that the allocation of funds for non-governmental organizations (budget line 481) is divided into two groups – as project funding and funding from the budget, where the recipient organizations are divided according to their fields of activity into organizations of general interest, and those dealing with sports, culture and social welfare. Associations “of public interest” and associations dealing with culture issues were project financed. In 2011, there were two such associations of general interest (a Roma Association called Rosa and a Municipal Board of Reserve Army Officers), while others were financed from the budget and were chiefly associations of various categories of patients or people with special needs.

It is interesting to note that the category of budget-financed associations also included a 1991-1999 War Veterans Association, which, in 2011, received only 50,000 RSD out of the initially earmarked sum of 750,000 RSD, which is associated with the protests the war veterans held in front of the municipal hall at one time. Not a single civil society organization dealing with gender issues is financed from the budget of Leskovac, nor was there any project financing in this area.

23 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of the NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

24 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of the NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

Civil Society Involvement in Public Debates on Defense and Security Issues²⁵

In the past three years, a number of strategy documents on defense and security issues have been adopted at national, provincial, local, municipal and city levels. These are: The National Security Strategy of the Republic of Serbia, The National Strategy for Preventing and Combating Domestic and Partner Relationship Violence against Women, The Defense Strategy, and local security strategies which have been adopted in several municipalities and cities in Serbia.

When it comes to cooperation with CSOs, the Ministry of Defense can quote only one good example of it in its work so far. It pertains to the participation of civil society organizations in two round-tables as part of a public debate on the draft National Security and Defense Strategies of the Republic of Serbia, and the acceptance of initiatives to extend the duration of the public debate on these documents. In the course of 2008 and in early 2009, civil society organizations submitted their own drafts and suggestions regarding these documents which, according to representatives of the Ministry of Defense, "have been adopted to a significant extent."²⁶ The Ministry did not make it clear which comments were actually adopted (the whole of this process is better explained in the Effectiveness of the Strategies and Laws of the Republic of Serbia, the National Security Strategy section). However, it is noticeable that in the existing documents and also in the research papers that served as a basis for these documents, there is no mention of any gender perspective of security and no inclusion of any relevant CSOs in the consultation process.

As we have already explained in the introduction, when developing the NAP for the Implementation of Resolution 1325, the role of women's peace activism was neither recognized nor taken into account. The Ministry of Defense only formally considers the role of CSOs as "very important,"²⁷

25 **Objective:** Increase women's influence on decision-making and realization of women's rights to participate in decision-making on defense and security issues equally and together with men. **Activity:** involvement of the associations from the NGO sector in the public debate about the content of strategic documents on defense and security issues in an open and democratic, participatory decision-making process.

26 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

27 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

while reducing any cooperation with them to mere communication with a selected few CSOs that it deems acceptable.

In order to increase the influence of women in decision-making on defense and security issues, the NAP also provides for consultations with women²⁸ and with persons and groups exposed to multiple discrimination, especially when a measure, regulation or policy has direct consequences for their status or rights. In the annual report on the implementation of the NAP in the Ministry of Defense and the Serbian Armed Forces, it states that consultations with women employees in the security sector, and persons and groups exposed to multiple discrimination were not held in 2011. For 2012 consultations have been planned in the form of questionnaires, surveys or through organization of consultative meetings proposed by the female gender-equality advisor to the Defense Minister.²⁹

The problem here is that the Ministry of Defense sees this activity only in the context of women employed in the security sector, and thus completely ignores the experiences and needs of women affected by the wars in former Yugoslavia, their influence on decision-making in defense and security issues, and the consequences that various policies and regulations have on their status and rights. This should be the main objective of the implementation of Resolution 1325 in Serbia. In practice, however, the NAP acts as just another mechanism of gender equality, one that is specifically tailored to the needs of the security sector and oriented to the (security challenges of the) future, without taking into account the fact that Serbia continues to face many consequences of the recent wars and is still in the process of building a lasting peace. What is more, it is difficult to talk about the willingness and sincere efforts of the authorities to establish an open and democratic, participatory decision-making process within the security system, given that more than two years since the adoption of the NAP, the MoD and the SAF have not yet determined the obligations of those proposing decisions, strategies, policies or measures to include, in their submitted proposals, or given any consideration of the effects that

28 Objective: Increase women's influence on decision-making and realization of women's rights to participate in decision-making on defense and security issues equally and together with men **Activity:** Organization of consultations with women employed in the security sector, and persons and groups exposed to multiple discrimination, especially when a measure, regulation or policy has direct consequences on their status or rights.

29 Annual report on the implementation of the NAP to implement the UN Security Council's Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

the implementation of their proposed decisions would have on women and men.

Information on consultations with women, and especially with persons and groups exposed to multiple discrimination, have also been requested from the Gender Equality Directorate. In her reply, the Director of the Gender Equality Directorate herself pointed to the shortcomings of the NAP in terms of its failure to clearly define the responsibilities of those tasked with carrying out specific activities and duties.³⁰ Her reply emphasizes further that the Gender Equality Directorate held consultations with CSO representatives in connection with the preparation and implementation of the Law on Gender Equality, the NAP for the implementation of the National Strategy for the Empowerment of Women and Promotion of Gender Equality for the period from 2010 to 2015, the General Protocol on Procedures and Cooperation of Institutions, Agencies and Organizations in Situations of Domestic and Partner Relationship Violence against Women and the National Strategy for Preventing and Combating Violence against Women and Domestic Violence.³¹ The aforementioned consultations were conducted by the Directorate as part of its regular work plan to improve the situation of women and promote gender equality.

Without an effective mechanism of trans-sectoral cooperation or processes that will ensure consistent implementation of the NAP through the policies and budgets of all ministries, there is reasonable concern that the activities of the NAP for the implementation of Resolution 1325 may be implemented only if they coincide with the regular activities and priorities of the ministries involved. This makes room for selectivity and inconsistency in the implementation of the NAP and the shifting of attention to only a few aspects of Resolution 1325.

30 Reply of the Gender Equality Directorate of December 26, 2011, to a questionnaire of the Working Group for Monitoring: "the Gender Equality Directorate has not been directly quoted as an implementing agency, although it could be interpreted, since the Directorate is part of the Ministry of Labor and Social Policy pursuant to the Law on Ministries (Official Gazette of the RS No. 16/11), that this section of the Plan refers also to this institution. Still, if one looks at the entire Action Plan, especially the column with implementing agencies and associates, one can find that the Gender Equality Directorate is explicitly indicated in several places although the Ministry of Labor and Social Policy is already mentioned within the same activity (activities I 1.1, 2.7 and 2.9; III 1.1; V 1.2, 1.3, 1.4 and 2.3), which, as it said, is not the case with activity III 2.8 about which the Working Group for Monitoring the Implementation of the National Action Plan for Implementation of United Nations Security Council Resolution 1325 in Serbia, that is, the Roma Association from Novi Bečej, required information."

31 Reply of the Gender Equality Directorate of December 26, 2011, to the Working Group questionnaire.

At local level, several cities and municipalities have so far adopted local safety strategies. The methodology of these documents and their content varied greatly from city to city, depending on which organization supported their creation (PBILD, UN, USAID or OSCE). In Leskovac, for example, the Local Safety Diagnosis was funded by the UN PBILD program, whereas in Niš it was USAID.

Although the methodology of the Safety Diagnosis³² (which is actually a feasibility study), requires mandatory participation of CSOs in the Strategy development process, that was not the case in Leskovac. A local women's organization Women for Peace got involved in the process only when it was in its final stage. Having identified its numerous shortcomings, the Women for Peace organization responded to this with a number of comments and recommendations, thus managing to postpone the process of adopting the document.

The city of Niš³³, on the other hand, adopted its Safety Strategy at a session of the city assembly in June 2010. During its preparation, it had involved three civil society organizations. The reply to the questionnaire sent by the Working Group failed to specify what type of CSOs they were and whether they also included local women's organizations.

The experiences from Leskovac and other municipalities lead to the conclusion that the concept of civil society involvement in the drafting process is often reduced to bringing onboard only organizations that are funded from municipal budgets (people with disabilities, patients' associations, etc.), which does not produce the required quality when it comes to the gender dimensions of security. Also, during the monitoring of the implementation of the NAP, it was observed that safety of women at the local level was primarily viewed through safety from general crime, and was not even specified in terms of gender-based violent crimes (sexual assault, domestic violence).

32 Methodological guidelines: <http://rs.one.un.org/organizations/12/SAFER%20CITIES%20FINAL.pdf>

33 Web page: www.ni.rs/strategije-grad.html, March 15, 2012

Inclusion

Many women in Serbia and throughout the region have paid a high price for the national militaristic policies of the Serbian regime in the 1990s. Women took care of war victims, refugees, deserters. Women were the first to take to the streets and protest against the war. They organized the largest number of non-violent protests against the war, and were persistent and unwavering in their struggle to bring about the overthrow of the dictatorial regime. Unfortunately, the fall of the regime in 2000 has not brought the expected change and has failed to make good on the promises made. Women in Serbia are still the biggest losers of war, transition, unfair privatization and, on top of it all, they also suffer from gender inequality in terms of their labor rights, economic and political power, and in the education sphere.³⁴

Women practically never took part in the peace treaties that marked the end of the wars in former Yugoslavia. Although they accounted for the majority of civilian casualties, and have actively contributed to building peace through women's solidarity and mutual support regardless of their national, ethnic and religious background, women are still disadvantaged and excluded from the institutional process of mediation and negotiation. When the peace-building phase was launched, women were excluded from decision-making and influencing important issues of national stability and security. When it comes to conflicts in the former Yugoslavia, the status of women is not surprising, given that women were never appointed to high commanding positions and ranks in the Yugoslav People's Army (YPA) where they could make decisions about peace and war in the 1990s, except as soldiers, volunteers and civilian victims of war. Women only started to enroll in the Military Academy as late as 2007. In addition, the security system continues to be a closed and non-democratic structure, allowing women to have little influence in decision-making.

One of the prerequisites for creating a lasting peace based on the principles of democracy and human rights is the gender mainstreaming of the post-conflict reconstruction processes, and an increase in the number of women involved in these processes and the impact they have. Inclusion of women in the resolution of conflicts and post-conflict situations is at the heart of R1325, and the NAP for the Implementation of R1325 in Serbia provides for a range

34 *Žene, mir, bezbednost Rezolucija 1325 - 10 godina, (Women, Peace, Security Resolution 1325 - 10 Years, Women in Black, Belgrade), 2010, page 8*

of measures and activities to contribute to this goal. The primary activities of women are participation in multinational operations, while the post-conflict-related problems of women include rehabilitation and reintegration programs. The primary activities of the NAP, however, are activities aimed at increasing women's participation in multinational operations, while post-conflict issues, such as rehabilitation and reintegration programs, programs for disarmament and programs addressing the issues of women refugees and internally displaced persons, have been pushed into the background without any indication that these issues are being given equal importance to women's participation in multinational operations.

The results obtained by the Working Group for the Monitoring of the Implementation of the NAP showed a worrying level of inconsistency and selectivity on the part of the state authorities in pursuing the implementation of these activities. Having in mind that their attention is primarily devoted to the participation of Serbia in international multinational operations, the Working Group wishes to emphasize that for Serbia and its specific problems related to R1325, gender mainstreaming in peacekeeping missions cannot be regarded as more crucial than the importance of better protection of internally displaced persons (of which women constitute the majority), or punitive measures against those who committed crimes against women in armed conflict, or reintegration and rehabilitation programs that would resolve the status of military reservists and veterans, or the program of disarmament, the fight against trafficking in women and girls, the support to defenders of human rights, and many other post-conflict problems facing Serbia today.³⁵

This approach points to Serbia's need to ensure international legitimacy and demonstrates its intention to avoid being associated in any way with the war and post-conflict past. R1325 was therefore used as a way to "prove" to the world that Serbia is a progressive country that has managed to overcome a myriad of problems caused by the wars of the 1990s.³⁶ Testifying to this assumption are ever more frequent statements from senior officials in the Serbian government, which emphasize the importance of Serbia's participation in multinational operations. Since the adoption of the NAP for the Implementation of Resolution 1325, we have been hearing official statements from security sector officials to the effect that "for a long while now, Serbia has been looking forward to establishing itself in international relations as a country that "exports security," as opposed to the relatively recent past when we "imported" it. This is one of the best ways to

35 Dragana Dulić, Contribution to the discussion of the Action Plan Draft, November 2010, *Women in Black*, page 1

36 Impacts of Representations of Conflict and Postconflict upon the (Political) Translations of Gender Security within UNSCR 1325, *The International Feminist Journal of Politics* Vol. 13, No. 4 (2011): pp. 594-611

position Serbia in international security.”³⁷

The example of the NAP for the Implementation of Resolution 1325 in the Republic of Serbia and the whole experience of Serbia’s institutional involvement in the activities related to the implementation of R1325, indicate that the integration of Serbia into the international community, and especially into the EU, actually boils down to setting up normative and institutional mechanisms alone.³⁸ All this raises doubts about the sincerity of the Republic of Serbia’s intentions to really make sure that, through the implementation of Resolution 1325, women’s peace initiatives and organizations are recognized and strongly supported in their role, resolving conflicts and establishing sustainable peace in the context of Serbia and its role in the wars in Yugoslavia.

Taking all this into account, the Working Group for the Monitoring of the Implementation of the NAP must ask whether Serbia can really be considered a guarantor of security for women in other conflict-affected parts of the world. The country has failed properly to address the numerous social, economic and security concerns which remain as a legacy of its war past, neither has it recognized or supported the role of women’s peace initiatives in peace building processes. On top of it all, it was only after the NAP for the Implementation of Resolution 1325 was drafted that the textbooks and syllabi used in the training of peace-keeping mission officers started to include the experiences of women from the war in the former Yugoslavia. Based on this formula, the Working Group has established indicators that it now uses to monitor the implementation of the NAP to enforce Resolution 1325 in Serbia, which are described below.

37 Dragan Šutanovac, Tanjug, February 25, 2012

38 Comments by the *Women in Black* on the draft National Action Plan (NAP) for the Implementation of the United Nations Security Council Resolution 1325 – Women, Peace, Security in the Republic of Serbia November, 2010

Women in Peace Talks³⁹

The work on the recognition of the importance of the role of women in the process of peace negotiations and reaching agreements has a long history in the former Yugoslavia, primarily through the action of women's peace networks and other civil society organizations. Despite the initiatives, efforts and commitments of CSOs, the Republic of Serbia has a history of excluding women from negotiating peace agreements and from the peace-building process. This has had a negative impact on the practice of the Republic of Serbia in the interpretation and implementation of international instruments dealing with women, peace and security through national laws and practices. In the peace treaties signed after the Yugoslav wars, the role of women and the consequences for women of the war and human rights violations against them were not respected or even considered. Similarly, the peace activism and experiences of women were ignored again when developing the NAP for the Implementation of Resolution 1325.

For example, the long and sustained commitment of civil society organizations in the process of reconciliation and peace building has remained on the margins of the dialogue between Belgrade and Priština, ever since the start of the Vienna negotiations.

In fact, back in 2005, shortly after the UN Security Council approved the start of negotiations on the future status of Kosovo, the Kosovo Women's Network and the Network of Women in Black established the so-called Women's Peace Coalition, which campaigned to improve women's representation in and influence over the negotiations. The Women's Peace Coalition gathered together a large number of activists from the region. The year 2006 then saw the establishment of the Regional Women's Lobby for Peace, Security and Justice in South-East Europe. The lobby connected women from civil society, female activists and politicians from all the republics of the former Yugoslavia, so that they were able to make a united front when representing issues of common interest. Both the Women's Peace Coalition and the Regional Women's Lobby advocated the idea of greater involvement and influence of women in the negotiations. Their political platform argued for the following: advocating the application of the United Nations Security Council Resolution 1325 Women, Peace and Security, women's participation in negotiations on Kosovo's status, recognition and appreciation of the role of women's peace initiatives in connection with

39 Objective: Asserting the importance of the role of women in conflict resolution, negotiating, reaching agreements and in their enforcement in practice **Activity:** Providing institutional mechanisms for equal participation of women in conflict resolution, by ensuring the participation of at least 30% of women in negotiating teams and multi-national operations

the negotiations and the status of Kosovo, transparency in the negotiations, intense monitoring of the peace talks by women's peace networks (from both Serbia and Kosovo), informing the public about the progress made in the negotiations, and, finally, the recognition of and respect for women's human rights by the relevant actors in the international community.

In the second half of 2010, three-and-a-half years after the completion of the Vienna dialogue, the European Union facilitated the launching of a dialogue between the governments of Serbia and Kosovo. Symbolically, the dialogue started on 8th March, International Women's Day, with the aim of establishing bilateral relations after the promulgation of the Declaration of Kosovo's Independence in 2008 and to kick-start the process of solving the accumulated problems in the everyday lives of the people. Civil society organizations welcomed the dialogue between Priština and Belgrade as a necessary step towards solving the major issues facing communities in Kosovo and Serbia, which was also of importance for the entire territory of the former Yugoslavia and the EU as a whole. In recent years, local, regional and international civil society organizations have played an important role in all aspects of peace-building both during and after the Kosovo war. As a result of their constant presence in local communities, civil society organizations have gained considerable experience and knowledge about the different challenges faced by citizens and communities. Thanks to their cooperation and close ties, civil society organizations have created alliances that transcend political and ethnic divisions, paving the way to cross-border communication and cooperation between different areas and communities. In the belief that knowledge, expertise and experience acquired over the years of joint work can make an important contribution to the process of dialogue between Priština and Belgrade, civil society has tried to initiate the establishment of a suitable framework for the participation of CSOs in the dialogue process, in order to facilitate a mutually acceptable agreement, improve the outcomes of the dialogue and the implementation of its decisions in the field.

As part of the Serbian delegation, one woman also took part in the Vienna negotiations, but her selection and participation in the delegation was not motivated by a perceived need to increase women's influence on the content and outcome of the talks. Speaking about the current dialogue between Belgrade and Priština, the Working Group has not been provided with any official information on the composition of the Serbian negotiating team in spite of the fact that a request to that effect was duly submitted to the head of the negotiating team. Besides the head of the negotiating team, other public officials who received the most media coverage regarding the dialogue with Priština were the head of the Government Office for Media Relations, the Minister and State Secretary for Kosovo and Metohija, as well as the Foreign Minister.⁴⁰ What

40 The working group did not receive a reply with information on the makeup of Serbia's negotiating team in the dialogue with Kosovo. The request was repeated twice in the period November-December 2011.

is even more important than the mere number of women involved in the negotiating team is the existence of communication channels that would enable women's groups to propose and advocate issues of concern at the negotiating table. So far, the dialogue process with Priština has been marked by a lack of cooperation between the Serbian negotiating team and the women's peace networks and other civil society organizations. The publication of the texts of the agreement eventually introduced greater transparency in the process, but the state institutions demonstrated no readiness to secure and exploit opportunities arising from the avoidance of arbitrary interpretation of the agreement and to extend the number of those informed about the process, which could ultimately result in more enduring longer-term solutions.⁴¹

Not even the EU, which mediated in the Belgrade-Priština dialogue, made any special contribution to the inclusion of women. According to the "Report on the EU-indicators for the Comprehensive Approach to the EU implementation of the UNSC Resolutions 1325 and 1820" which refers to the period 2007-2008,⁴² the progress in supporting women's participation in peace talks has been assessed as very poor. Also, the 2011 EPLO report "10 Points on 10 Years UNSCR 1325 in Europe" states that there has been no recorded increase of women's representation in peace talks.⁴³

As regards women's participation in peace negotiations, the implementation of NAP did not produce any tangible results. NAP not only ignores the role and contribution that women's peace organizations (observers, advisors, negotiators etc.) may have in the negotiations, but it approaches the issue primarily in terms of the quotas policy (NAP foresees the participation of at least 30% of women in the negotiating teams until 2013). Given the challenges and shortcomings in implementing the policy of quotas in Serbia, it is necessary to use the NAP-implementation exercise to meet other preconditions for increasing the participation and influence of women in peace negotiations.

41 V. Todorčić, L. Malazoglu, *Dijalog Beograda i Prištine: proces usklađivanja interesa*, (Belgrade-Priština Dialogue - the Process of Harmonizing the Interests), Priština-Belgrade, 2011, <http://www.d4d-ks.org/wp-content/uploads/2012/04/DijalogPriština-Beograd.pdf>, June 16, 2012

42 Council of the European Union - Indicators for the Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news272.pdf, June 16, 2012

43 10 points on 10 years UNSCR 1325, EPLO, 2011, http://www.eplo.org/assets/files/2.%20Activities/Working%20Groups/GPS/CSO_Position_Paper_10_Points_on_10_Years_UNSCR_1325_in_Europe_1008.pdf, June 16, 2012

Education for Women and Men On Gender Aspects of Conflicts⁴⁴

In connection with the intention to promote the importance of the role of women in conflict resolution, negotiating, reaching agreements and their implementation in practice, the NAP provides support for formal and informal forms of education and training of women and men in conflict prevention and also trainings on mediation, negotiation and building consensus in matters of security and peace. The manner in which this activity is defined in the NAP can be understood in practice in very different ways. In this regard, they impose a number of questions: ...What are the informal forms of education and training of men and women in conflict prevention? ...Who creates them?...Who carries them out and where?

In its reply to the questionnaire of the Working Group for Monitoring, Ministry of Defense said that this activity would be carried out through education at the Military Academy, and training at the Centre for Peacekeeping Operations for MoD and SAF staff deployed in multinational operations. the MoD further notes that the regular training of candidates for participation in multinational operations is carried out according to the basic standardized training model of UN multinational operations training, which includes topics such as prevention of sexual exploitation and abuse as well as gender equality in multinational operations. Besides these, there are also other issues, such as responsibility towards the civilian population, primarily women and children and mechanisms to prevent violence against women and bear full accountability in cases of misconduct by members of multinational forces. The training course entitled International Course in Law of Armed Conflict (LOAC) held at the Center for Peacekeeping Operations, and the Training Course for Gender Advisers to National Contingent Commanders in Multinational Operations, which was implemented with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) were included by the Ministry as additional activities undertaken during 2011 and 2012. In preparing candidates of

44 **Objective:** Asserting the importance of the role of women in conflict resolution, negotiating, reaching agreements and in their enforcement in practice. **Activity:** Providing support to formal and informal forms of education and training of women and men in conflict prevention as well as training in mediation, negotiation and building a consensus on issues of security and peace. **Objective:** Ensuring an increased participation of women in peace building and post-conflict reconstruction of society. **Activity:** Raising awareness of potential new conflicts and initiating educational programs on gender aspects of conflicts.

the Serbian Armed Forces for participation in multinational operations, no cooperation, inclusion or consultations with women from the territory of former SFRY who were directly affected by conflicts, or representatives of women's peace initiatives have been established so far and there are no plans to do so for 2012.

At the local level, given that no vertical cooperation has been established with line ministries responsible for achieving this objective, primarily the MoD and the Center for Peace Operations, the Military Medical Academy, the Ministry of the Interior and other government authorities, it cannot be claimed that this activity has been implemented. Accordingly, at the local level, there is no understanding of what these forms of education are and what their purpose would be.

Based on information collected during the research carried out by the Working Group for Monitoring, it can be concluded that the manner in which this activity has been designed and provided in the NAP prevents the achievement of its objective. Implementation of this activity is entrusted only to specific sectors within the Ministry of Defense and the Ministry of the Interior. The training is, therefore, primarily intended for candidates wishing to become members of multinational forces. This leaves an impression that the creators of the NAP believe that only members of the Serbian Armed Forces who participate in international peacekeeping missions should have knowledge of conflict prevention, gender equality, war crimes and sexual violence, while this is unnecessary for other members of the security sector and/or representatives of other state institutions.

Although a Gender Equality Directorate is not envisaged in the NAP for the implementation of this activity, the Annual Report on the Work of the Gender Equality Directorate for the period January - December 2011 cites as an achievement that specialized curricula in the field of gender equality and sexual and gender-based violence have been developed for the Judicial Academy (JA), the Police Academy (PA) and the Human Resources Management Service (HRMS) of the Republic of Serbia. These curricula have become an integral part of these institutions' educational programs. 150 police officers and 300 judges and prosecutors had received training by the end of 2011. There were three training courses for civil servants.⁴⁵

These numbers are encouraging at first glance, but unless the reports provide more information about the quality of the training delivered, the numbers in themselves say very little. This point can be illustrated by an example from Leskovac. During a lecture on gender equality and gender-

45 Annual report on the work of the Directorate for Gender Equality for the period January-December 2011 http://www.gendernet.rs/files/dokumenta/Izvestaji_Uprave/Izvestaj_za_2011_URR_finalno.pdf, June 16, 2012

based violence for police officers, held in Leskovac on December 9, 2011 by professors from the Criminal Police Academy in cooperation with the Ministry of Labor and Social Policy, various explanations of the causes of violence against women were given, including an interpretation of Sigmund Freud's psychoanalysis, according to which the offender is actually afraid of death which is what makes him so violent. Such interpretations and analyses will not contribute to a better quality insight and understanding of the causes of violence against women in specific social and political circumstances in Serbia, nor, as a result of these and similar educational activities, can we expect positive results in terms of preparedness for conflict prevention, mediation, negotiation and consensus building in matters of security and peace. A lot more attention needs to be dedicated to quality improvement and to continuous monitoring of training delivery. Otherwise, they could have more negative than positive effects in practice.

Support to Women's Local Initiatives For Reconciliation and Peace Building⁴⁶

Local women's initiatives for reconciliation and peace building are not included in any category of programs financed from the budget. Targeted funding could have been provided by inviting civil society organizations with programs for nonviolent conflict resolution and peace building to apply for grants, but such support was not recorded in 2011. In addition to collecting information on financing local women's initiatives, the Working Group tried to find out more about the attitudes of representatives of local institutions on issues of reconciliation and peace building. Questionnaires were sent to the addresses of several administrations of cities and towns across Serbia (Kragujevac, Bujanovac, Subotica, Novi Bečej, Leskovac). Despite the relatively poor response, based on the collected replies, it can be concluded that institutions have insufficient understanding of the core meaning of the term "reconciliation and peace building." The most common replies were: "we have no such target group" ... "the financing is in line with priorities adopted in the Local Development Strategies"... "Women's organizations and civil society organizations in these areas have not taken actions outside their established program and project activities"... "To raise awareness among citizens and local institutions of the importance of reconciliation and peace building one needs to actively involve the media and women's CSOs".

46 **Objective:** Ensuring equal participation of women in conflict resolution, post-conflict situations and in multinational operations. **Activity:** Financial backing and support to activities and local women initiatives for reconciliation and peace building.

Reintegration and Rehabilitation Programs for Men and Women who Participated in Armed Conflicts⁴⁷

The Reintegration and rehabilitation programs envisaged by the NAP to implement Resolution 1325 in Serbia are part of the Disarmament, Demobilization, Reinsertion, Repatriation, Resettlement, Rehabilitation, and Reintegration (DDRRRRR) Program. These programs have been developed under the auspices of the United Nations, as the international community's response to the risk of a possible reversion to violence in post-conflict societies if former soldiers fail to be rehabilitated and reintegrated into the community. The objectives of this program are: prevention of recurrence of conflict by encouraging economic development, crime and violence prevention, incentivizing civic and political participation, healing traumas that are the consequences of war.⁴⁸

There are several types of rehabilitation. Firstly, there is social rehabilitation, which involves the process of rehabilitation of internally displaced persons and former combatants in the places from which they came, without fear of discrimination. Secondly, there is psychosocial rehabilitation, which should ensure a wide range of social, educational and vocational assistance and protection. Thirdly, psychiatric rehabilitation should ensure better functioning of the community by helping people who suffer from a mental deficiency, mental illness or disorder as a consequence of conflict/war. Fourthly, cognitive rehabilitation should provide support to connecting the memory which led to the trauma with conflict/war.⁴⁹

Reintegration means that ex-combatants, having been demobilized, efficiently and sustainably return to and reintegrate into civilian life. This process should contribute to the prevention of a new conflict. In the short-term, ex-combatants who fail to find a peaceful way of making a living, tend to return to conflict. In the long term, disgruntled veterans can play an important role in the destabilization of social peace and polarization of political debate; they become easy prey to populist and extremist movements.⁵⁰ Also, reintegration must take into account the special

47 **Objective:** Ensuring an increased participation of women in peace building and post-conflict reconstruction of society. **Activity:** Encouraging and financing the program of reintegration and rehabilitation of men and women who took part in armed conflicts.

48 *Ibid*, page 5.

49 Bishnu, Pathak, *Women and DDR in the World*, site: <http://www.author-me.com/nonfiction/womenandddr.html>, May 18, 2012

50 Fussato, Massimo, *Disarmament, Demobilization, and Reintegration of Ex-Combatants*, July, 2003, web page: <http://www.beyondintractability.org/bi-essay/demobilization>

needs of vulnerable groups of women, child soldiers, the sick and persons with disabilities who depend on soldiers' wages.⁵¹

The peace treaties that concluded the wars on the territory of the former Socialist Federal Republic of Yugoslavia did not include reintegration and rehabilitation programs beyond Resolution 1244⁵², within which a program was implemented in Kosovo between 1999 and 2004 under the authority of the UN. Serbia was left to carry out these programs on its own.⁵³

The processes of implementing programs of rehabilitation and reintegration must be accompanied by serious studies and analysis of the impact of conflict on women and men and trauma caused by war and other elements of post-conflict reconstruction.⁵⁴ Since the objective of these programs is to restore peace and stability in the region/country that has previously been involved in a conflict, these processes are carried out in parallel with the processes of transitional justice and the implementation of transitional laws.

In the case of Serbia and the reintegration and rehabilitation programs, the following questions need to be answered: How many soldiers took part in the war? How many of them were members of paramilitary units? How many of them now live in Serbia? How many of them suffer from post traumatic stress disorder (PTSD) caused by the war? It is necessary to determine the impact and consequences of war on the citizens of the state and the region.⁵⁵ Reintegration and rehabilitation programs cannot be successfully implemented without accurate data. Also, Serbia should clearly determine its position relative to the wars in former Yugoslavia. Serbia's current position – that it did not participate in the wars of the 1990s, but that there are a large number of Serbian victims and Serbian refugees and internally displaced persons as a result of these wars – inspires little hope that these programs will be implemented in Serbia.

51 Edloe L, Lenise, *Best Practices for Successful Disarmament, Demobilization, and Reintegration (DDR)*, New voices of public policy, Volume I, spring 2007. page 4

52 52 United Nations Security Council Resolution 1244, Point 8. b

53 53 *Ibid*, page 46

54 Secretary General's report (no. 50), paragraph 8: "When a conflict ends, different countries and regions have their contexts and specific priorities, ranging from the need to ensure physical and legal security, demobilization, reintegration of former combatants; return and reintegration of internally displaced persons and refugees, strengthening the legal system and setting up functional and electoral processes."

55 See - Kampanja Žene pitaju, Žene, mir, bezbednost Rezolucija 1325 -10 godina, Žene u crnom, Beograd, (the *Women Ask, Women, Peace, Security Resolution 1325 - 10 Years, Women in Black*, Belgrade) page 136

It is important to recall that on December 10, 1991, the so-called rump presidency of SFRY (a collective authority consisting only of Serbia and Montenegro, after all other SFRY republics had withdrawn early that year) decided to put all the volunteer units under the Yugoslav People's Army (YPA) central command. It was decided to grant all volunteers the same status as other members of the YPA, in order to create an impression that there were no paramilitary forces in Serbia. Thus, the YPA placed all paramilitary units under its command, including those that committed the gravest atrocities. By doing so, the YPA (which became the Yugoslav Army in 1992 and the Serbian Armed Forces in 2006, following Montenegro's declaration of independence) enrolled itself in a criminal aggressor organization which imposed liability (criminal, but above all political and moral liability for complicity in campaigns of aggression)⁵⁶ on hundreds of thousands of those it had pushed into war and on whose behalf it spoke and operated. This can be better understood by looking at the case of the death of soldier Marko Hrnjak from Belgrade, who died in a foreign country, in the vicinity of Mostar, at a time when officials claimed that Serbia was not at war and that no Serbian soldier was outside Serbia.⁵⁷ The fact that, years after the end of the wars of the 1990s, Serbia still does not know the number of victims, the number of death camps, refugees, raped women in Croatia, Bosnia and Herzegovina and Kosovo, for which Serbia was directly responsible, that the number of victims of genocide in Srebrenica is being played down and that it does not know the number of criminals who committed these crimes in the name of Serbia, speaks about the continuum of impunity that has become part of the overall reality in Serbia, despite the 2000 democratic changes.

The main support for the implementation of the reintegration and rehabilitation programs should come from accurate data on how many soldiers participated in the wars of the 1990s on the Serbian side and how many of them returned home after the signing of peace accords in Dayton⁵⁸ and Kumanovo⁵⁹. Also, it is important to specify how many Serbian paramilitary units there were, how many men and women members of these units were not demobilized, disarmed, rehabilitated and reintegrated into society after the war through reintegration and

56 *Žene za mir, Žene u crnom*, Artprint, Novi Sad, 2012, (*Women for Peace, Women in Black*, Artprint Novi Sad, 2012) page 64

57 http://www.istocnabosna.com/myjoomla/index.php?option=com_content&view=article&id=4507:porodica-poginulog-vojnika-jna-pita-se-za-ta-je-dao-ivot-ituljom-traeod-srbije-da-prizna-agresiju-na-bih&catid=44:svijet&Itemid=73, May 19, 2012

58 Dayton Peace Accords, web page: <http://www.state.gov/www/regions/eur/bosnia/bosagree.html>, as of: May 19, 2012

59 Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, web page: <http://www.nato.int/kosovo/docu/a990609a.htm>, as of May 19, 2012

rehabilitation programs. Some of them are now leaders of political parties in Serbia. The case in point is the example of political party called United Serbia led by Dragan Marković Palma. The party which had a paramilitary group as its foundation is accepted today on Serbia's political scene as equal to other parties. The most difficult task is to contend with the emergence of private groups which turn into legal political parties in the postwar period.⁶⁰ This should be one of the key fields of action for the NAP and the implementation of R 1325 in Serbia.

Rehabilitation and reintegration programs must run in parallel with other programs of post-conflict reconstruction such as the implementation of transitional laws and transitional justice mechanisms, since these processes complement each other and allow post-conflict reconstruction to be carried out, not only among soldiers, but also among civilians in order to bring about "reconciliation".⁶¹ Many former participants in military, police and paramilitary units who participated in the wars of the 1990s on the Serbian side have now moved to the private security sector (as owners or employees of private security agencies) or have established their own political parties. Reintegration and rehabilitation programs should have been implemented immediately after the wars, in 1995, and 1999, respectively.

By May 2012, the Ministry of Defense, responsible for the implementation of the NAP to enforce R 1325 in Serbia had not implemented the activities of encouraging and financing programs of reintegration and rehabilitation of men and women who had participated in armed conflicts.

These programs are mentioned in the NAP, and a proposal is made that in the future this activity should be the responsibility of the Directorate for Tradition, Standard and Veterans within the MOD Human Resources sector. The MoD plans for 2012 are as follows: to ensure cooperation and joint programs for analysis of the specific needs of women and girls, particularly among refugees and internally displaced persons; involvement of women employed in the MoD and SAF in planning and implementation of assistance programs relating to assistance to refugees

60 Vesna Rakić Vodinelić, *The Feminist-Antimilitarist Approach to R 1325 Concept, Interpretation and Practice*, March, 2012

61 More on reconciliation, the concept of reconciliation, see in: Bloomfield, D., T. Barnes & L. Huyse (2003.) *Reconciliation after Violent Conflict. A Handbook*. International Idea, Stockholm, Chapter 1: Reconciliation: An Introduction, pp. 12-17 & Chapter 2: The Process of Reconciliation, pp. 19-32 Bar-Tal, D. (2000.) From Intractable Conflict Through Conflict Resolution to Reconciliation: Psychological Analysis. *Political Psychology*, Vol. 21, No 2, page 351-366 Janja Neumann Bec, lecture on genocide, May 2012: "I do not use the word reconciliation, because it is a Christian word, it does not exist in Islam, Judaism, Buddhism and Hinduism. The Guatemalan Maya use the terms *curing, healing*. Cambodians use the word *healing*."

and internally displaced persons in Serbia.⁶²

It is important to note that there has not been a single reintegration and rehabilitation program from the end of the wars of the 1990s to this day. Also, in 2011 and up to May 2012, no funds were allocated for rehabilitation and reintegration programs. Cooperation between the institutions responsible for implementation of these programs, the way it is provided in the NAP, has not been established.⁶³

Judging by media reports and events in Serbia over the past few years, the country has a serious problem with long-term non-implementation of reintegration programs. In 2010 and 2011, Serbia saw several protest rallies by veterans and reservists who had not been paid their wages from the war in which Serbia “had not participated”, and some former participants in the wars have committed suicide. Homeless ex-servicemen rallied in Kragujevac⁶⁴, Leskovac reservists went on strike for over 8 months⁶⁵, a veteran from Kragujevac who was also a war invalid went on hunger strike, a war veteran committed suicide⁶⁶, a retired captain jumped from the building of the Military Hotel along with his wife and child following the receipt of an eviction order and MoD attempts to evict them in a military police action⁶⁷, the Association of Homeless Military Staff has continued to appeal to the president and defense minister to resolve the issue of homelessness among military staff who were moved from former Yugoslav republics and are living in army barracks and collective centers.⁶⁸ However, to date, none of this has been done except for the eviction of the occupants of two buildings at the Military Technical Institute at Bele

62 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

63 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

64 http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=02&dd=08&nav_category=12&nav_id=491433, May 19, 2012

65 <http://www.juznevesti.com/Drushtvo/Leskovacki-rezervisti-strajkuju-259-da-na.sr.html>, May 9, 2012

66 Webpage: http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=02&dd=07&nav_category=16&nav_id=491203, as of May 19, 2012

67 Web page: <http://www.naslovi.net/2011-12-06/vesti-online/roditelji-sa-detetom-skocilisa-zgrade/3010707>, May 19, 2012

68 Web page: <http://udruzenjevojnihbeskucnika.com/download/apel.pdf>, May 9, 2012

Vode in Belgrade,⁶⁹ on the order and with the signature of the Minister of Defense, who heads the Ministry responsible for the implementation of the NAP for the enforcement of R 1325 which envisages reintegration and rehabilitation programs.

Omission of the demobilization program, and disregard for the post-conflict reconstruction programs envisaged by the UN reveal that Serbia not only continues to deny the definition of war by referring to it as an armed conflict, but also ignores the consequences of war on men, women and children in the post-conflict period. The Republic of Serbia is continuing its national security militarist policy and implementing security sector reform in that spirit.

The questions that the Working Group for Monitoring submitted to the MoD related to the rehabilitation and reintegration programs, were, on the whole, answered negatively and only very briefly. The replies support the conclusion that the NAP activities related to programs of rehabilitation and reintegration are of a declaratory nature, and not the result of a sincere intention actually to carry them out. Policy-makers who sit on institutional and coordination bodies, teams and working groups within the security sector do not consider these issues a priority, just as Serbia does not see it as a priority to take a position on the wars of the 1990s and to begin finally to solve the problems, not only of the victims of war resident on its own territory (reintegration and rehabilitation), but also of victims from the former republics for whom it is directly responsible (war reparations). The fact that Serbia uses military police against its own citizens, war victims, refugees and internally displaced persons does not inspire hope that these programs will be implemented as befits a democratic nation that successfully implements the processes of transition from a post-conflict to a democratic state and that guarantees fundamental human rights and a high level of human security to all.

69 Interview with former resident of one of the Military-Technical Institute's buildings in Bele Vode in Belgrade who has been evicted.

Women and Girls among Refugees and Internally Displaced Persons⁷⁰

Serbia's approach to solving the problem of refugees and internally displaced persons has, so far, been more focused on political issues than on adequately addressing the rights and needs of utmost existential importance. Many refugees and displaced persons are still faced with the everyday problems in meeting basic needs, while women with the status of refugees and displaced persons are identified as a particularly vulnerable group.

Although the Republic of Serbia's strategic documents⁷¹ identify women among refugees and internally displaced persons as a group exposed to multiple discrimination, so far there is very little information in the official government reports on the effects of the activities undertaken on their position and rights. At the local level⁷², the impact of refugee women and women displaced from Kosovo on documents and strategies is almost invisible. In documents, they usually appear in statistical surveys that do not have real capacity to transform reality.⁷³ All this

70 **Objective:** Ensuring an increased participation of women in peace building and post-conflict reconstruction of society **Activity:** Ensuring and financing programs for special needs of women and girls, especially among refugees and internally displaced persons and engagement of women in planning and implementation of programs for assistance to refugees and internally displaced persons.

71 In the Republic of Serbia, resolving problems of refugees and displaced persons is governed by the National Strategy for addressing the Issues of Refugees and Internally Displaced Persons for the period between 2011 and 2014. The Commissariat for Refugees in cooperation with other national authorities is in charge of implementing the Strategy. In addition, the National Strategy for the Advancement of the Position of Women and Promotion of Gender Equality, which coordinates the implementation of which is coordinated by the Directorate for Gender Equality at the Ministry of Labor and Social Policy, recognizes women in exile and displacement as a group exposed to multiple discrimination.

72 In 2008, the Commissariat for Refugees, in cooperation with IOM, started a project of developing local action plans to address the issue of refugees and internally displaced persons. So far, this project has included 125 municipalities and cities, with plans to include the remaining municipalities and cities in the coming period.

73 Mapiranje praznine, Nezavisni nadzor nad sprovođenjem Zaključnih komentara i preporuka UN Komiteta za eliminaciju diskriminacije žena u državi Srbiji, (*Mapping Gaps*, Independent Monitoring of Implementation of the Concluding Comments and Rec-

is not particularly surprising, given the chronic lack of systematic government monitoring of their position in different spheres of social life. Several studies that were conducted at the state level in the 2007-2010 period, do not contain gender-disaggregated data and say very little about the needs and problems of women among refugees and internally displaced persons (Social and Economic Position of IDPs in Serbia⁷⁴, the Status and Needs of the Refugee Population in Republic of Serbia⁷⁵, Needs Assessment of Internally Displaced Persons in Serbia⁷⁶). In the absence of baseline data relating to women and without their involvement, it is unlikely that government policies and activities will be planned, implemented and improved in accordance with actual needs.

Life experiences and stories of displaced and refugee women, illustrating the gravity and complexity of the problems they face, are generally collected and documented through the work of civil society organizations. The publication entitled *Slabosti sistema zaštite od nasilja u porodici u sedam slika* (The Weaknesses of the System of Protection against Domestic Violence in Seven Stories), published in 2012 by the organization Praxis, points out the problems and deficiencies in the actions of competent authorities in accordance with existing regulations, making the system of protection of women who suffer violence completely inefficient. The situation is particularly complex and difficult when it comes to women from the refugee or displaced population as they are faced with many additional and specific problems arising from their forced displacement (such as a lack of personal documents, a difficult financial position, and the absence of a long-term solution for refugees and the internally displaced, etc.).⁷⁷

Activities envisaged by the NAP, which should ensure the involvement of women in planning and implementing programs relating to assistance to refugees and displaced persons have not yet been implemented. In response to the questionnaire of the Working Group for Monitoring,

ommendations of the UN Committee on the Elimination of Discrimination against Women in Serbia,) Autonomni ženski centar, Belgrade, 2009

74 *Društveni i ekonomski položaj IRL u Srbiji: Analiza na osnovu ankete o životnom standardu IRL (Social and Economic Position of IDPs in Serbia: Analysis based on Questionnaire on the IDPs' Standard of Living)*, 2008

75 *Stanje i potrebe izbegličke populacije u Republici Srbiji, Komesarijat za izbeglice, (The Situation and Needs of the Refugee Population in the Republic of Serbia), Commissariat for Refugees)*, 2008

76 *Needs Assessment of Internally Displaced Persons in Serbia*, UNHCR, 2011

77 Praxis, *Slabosti sistema zaštite od nasilja u porodici u sedam slika (Weaknesses of the System of Protection from Domestic Violence in Seven Stories)*, 2012, http://www.praxis.org.rs/index.php?option=com_docman&task=doc_view&gid=252 June 16, 2012

the Ministry for Kosovo and Metohija stated that the Ministry did not have a person in charge of gender equality issues, but that the Human Resources Management Service was implementing a program of general vocational training and that seminars were held for all interested civil servants and government officials in order for them to gain knowledge in the field of gender equality, as well as in the area of building interpersonal relationships. Nevertheless, the Ministry cannot really showcase programs that focus on assisting and empowering refugees and internally displaced women, nor are there any programs/organizations with which the Ministry closely cooperates on this matter. The Ministry for Kosovo and Metohija has so far financially supported only one association of women from Kosovo and Metohija.⁷⁸ The Ministry of Defense, in its annual report, states that the material, financial and institutional conditions necessary for the implementation of these activities in 2011 did not exist. Also, as recommended by the MoD and SAF Analytical Group, the Directorate for Tradition, Standard and Veterans of the sector for Human Resources at the MoD will deal with this issue in future.⁷⁹

Although, generally speaking, the NAP pays very little attention to the inclusion of CSOs, when it comes to the establishment and financing of programs addressing the special needs of women and girls, particularly those who are also refugees or internally displaced persons, the Plan places such activities within the competence of humanitarian and healthcare organizations, associations and funds, as well as the MoD and the Ministry for Kosovo and Metohia.⁸⁰ It does not, however, recognize the fact that the situation regarding the provision of legal protection and representation of interests of refugees and internally displaced persons by associations and civil society organizations is becoming more and more problematic. Foreign donors are withdrawing or substantially reducing the scope of their activities. In such circumstances, many organizations and associations have ceased to provide legal aid and some associations have been closed. That is why a large number of refugees and internally displaced persons in Serbia today have been left without legal or other forms of assistance.

In addition to the inclusion of women, the NAP also provides for improving the position of refugees and internally displaced persons by means of appropriate executive authority decisions at all levels of decision-making. Examples from 2011 and 2012 have not been very

78 Reply from the Ministry for Kosovo and Metohija of July 4, 2012

79 Annual report on the implementation of NAP to implement the UN Security Council's Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

80 NAP does not define precisely which funds.

encouraging and are directly contrary to the above NAP recommendations. For example, although civil society organizations have been the leading providers of free legal aid to refugees and displaced persons in Serbia in the past twenty years, in 2011⁸¹, the state has not only failed to recognize and support the role and work of civil society in improving the status and the position of refugees and displaced persons, it has even excluded the role and work of civil society organizations from the legislation by adopting the new Law on Civil Procedure. An Initiative of 68 civil society organizations, together with the Association of Judges of Serbia, the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia and the Office of the Ombudsman of Subotica was sent to the legislative authorities in order for them to consider amending the proposed solutions in the new Law on Civil Procedure. No response was received to the initiative and a decision has been adopted that will restrict the access to court for the most vulnerable population categories, including women refugees and displaced persons. The Platform for Exercising the Right to Adequate Housing should be added to this. In response to the eviction of informal settlements in Block 72 in Belgrade, it expressed concern about the increased number of forced evictions and provided recommendations to the competent authorities to take action in order to find a humane solution and ensure appropriate temporary or permanent housing for families, including a large number of internally displaced persons from Kosovo. A large number of appeals from civil society organizations indicate that there is a need to address the problems faced by legally invisible persons (mostly Roma, Ashkali and Egyptians) and the unresolved status of returnees and internally displaced persons.

Many problems, which still, after so many years, affect refugees and displaced persons as well as the direct victims of war, and especially women and girls among them, require greater commitment and resolve on the part of the Republic of Serbia in the search for lasting solutions and help for them to exercise their human rights. This would greatly contribute to the processes of reconciliation and peace building after the wars on the territory of former Yugoslavia.

81 *Diskriminacija u Srbiji 2011, Izveštaj Koalicije protiv diskriminacije (Discrimination in Serbia, Report of the Coalition against Discrimination)*, [http://www. stopdiskriminaciji.org/wp-content/uploads/2012/05/Diskriminacija-u-Srbiji-2011.pdf](http://www.stopdiskriminaciji.org/wp-content/uploads/2012/05/Diskriminacija-u-Srbiji-2011.pdf), June 16, 2012

Disarmament⁸²

Disarmament is a process that involves collection, documentation, control and destruction of the small-arms and light weapons (SALW), munitions, explosives and heavy weapons of the combatants and often also of the civilian population. Disarmament also includes the development of responsible policies and programs that govern weapons.⁸³

The process of disarmament in post-conflict societies (countries) is one of the most important factors ensuring human security promotion⁸⁴. The indispensable element in the early stages of post-conflict reconstruction is a carefully planned program of disarmament with the reconciliation⁸⁵ concept at its core. In 2004, the United Nations Security Council (UNSC) adopted the Resolution on Non-Proliferation of Weapons of Mass Destruction (Resolution 1540) that labels the spread of nuclear, biological and chemical weapons as the main threat to international peace and

82 **Objective:** Ensuring an increased participation of women in peace building and post-conflict reconstruction of society. **Activity:** Equal treatment in decision making and greater presence of women in the process of planning and implementation of: disarmament, peace building, reconstruction of society and reintegration of refugees.

83 United Nations Disarmament, Demobilization and Reintegration Resource Center; <http://www.unndr.org/whatisddr.php>, January 22, 2012

84 Dragana Dulić, *Ljudska bezbednost*, Zbornik tekstova, Fond za otvoreno društvo (Human Security, Collected Papers, Fund for an Open Society), Belgrade, 2006, p.61: **Human Security** is a security which in its broadest sense, includes much more than absence of violent conflict. It includes human rights, good governance, access to education and health care, and ensures that every individual has the ability and choice to realize their potential ... freedom from poverty, freedom from fear and freedom of future generations to inherit a healthy environment – these are interdependent construction materials used to build human, and therefore national security. The 1994 UNDP Report defines **8 dimensions of human security**: economic security, environmental security, safety, health and nutrition security, education and security, social security, political and institutional security, security in the community and cultural security, personal security.

85 For more on reconciliation and the concept of reconciliation, see: Bloomfield, D., T. Barnes & L. Huyse (2003.) *Reconciliation After Violent Conflict*. A Handbook. International Idea, Stockholm, Chapter 1: Reconciliation: An Introduction, pp. 12-17 & Chapter 2: The Process of Reconciliation, pp. 19-32 Bar-Tal, D. (2000.) From Intractable Conflict through Conflict Resolution to Reconciliation: Psychological Analysis. Political Psychology, Vol. 21, No 2, page 351-366

security.⁸⁶ However, small arms and light weapons (SALW) are the cause of death of more than 90% of all the victims of conflict, thus becoming de facto Weapons of Mass Destruction (WMD).⁸⁷ Small arms and light weapons continue to be one of the major causes of death of women in post-conflict societies if the peace treaties and disarmament programs do not include a gender analysis of the impact of conflict and small arms and light weapons and violation of women's human rights on the post-conflict security policies and practice. Small arms and light weapons are widely available, especially in countries emerging from conflict. Without effective disarmament programs in post-conflict countries, it is impossible to establish an appropriate level of human security.

For Serbia, as a post-conflict country, the question of disarmament is of multiple importance, given that a large number of soldiers and paramilitary organizations returned to Serbia with weapons that they had used in the wars of the 1990s and that disarmament programs have not been implemented since the end of the last war in 1999 to date. The NAP for the implementation of R 1325 in Serbia provides inclusion of women in the disarmament process and decision making. The NAP does not emphasize that women are now and have been during the wars of the 1990s the primary, secondary and tertiary victims of non-implementation of disarmament programs in Serbia and does not offer other necessary steps to address this problem. The fact that there are more than three million pieces of illegal arms in Serbia, which means that there are at least three illegal guns for every registered gun and that illegal weapons are usually the legacy of the war in Bosnia or Croatia is certainly a matter of concern.⁸⁸

South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) was established in May 2002. It is one of the components of the Regional Plan Combating the Proliferation of Small Arms and Light Weapons formulated and adopted by the Stability Pact for South Eastern Europe in 2001. The plan was revised in 2006. The objective of this Plan is to stop the flow and availability of SALW in the region, the consolidation of the results and support to socio-economic conditions for peace and development in South Eastern and Eastern Europe. SEESAC helps governments in the region to solve the problem of

86 The Ministry of Economy and Regional Development, Annual Report on the Progress of Foreign Trade of Controlled Goods for 2009, page 8

87 Discussion Paper on Disarmament and Human Security, 41st Session of the UN Secretary-General's Advisory Board on Disarmament Matters, 16-18 July 2003, Geneva, Switzerland, web-site: <http://www.disarm.embjapan.go.jp/statements/Statement/030716UNAB.htm> on May 18, 2012

88 Web page: http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=06&dd=04&nav_category=16&nav_id=615358, May 25, 2012

SALW proliferation and misuse and supports the activities of governments such as: destruction, renovation of depots, collecting weapons and raising awareness, organizing training in the field of weapons storage, labeling (tracking and registration) possession of SALW, control of arms exports.⁸⁹ SEESAC works only at the invitation of states and governments.

For the purpose of European integration, the Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods was adopted in 2005. Thus, the international regulations and standards were harmonized with national standards and regulations. The main changes from the previous legislation meant, in accordance with international practice, the transfer of authority in the implementation of export control from a military (Ministry of Defense) to a civilian administrative body (the former Ministry of International Trade Relations of Serbia and Montenegro, now the Ministry of Economy and Regional Development). Although not a member of the European Union (EU), in 2008 Serbia introduced the EU Code of Conduct on Arms Exports into national legislation by means of a by-law.⁹⁰ Annual reports on the progress of foreign trade of controlled goods in Serbia are issued by the Ministry of Economy and Regional Development. Based on annual reports, parliament and civil society should assess the extent to which the government fulfills the obligations undertaken within the scope of the weapons policy. Without these reports it is impossible to achieve public supervision in the process of decision-making on arms exports. The last annual report for Serbia covers 2009. In several cases, national annual reports were accompanied by civil society organizations' reports that attempted to raise the issue of the arms trade, and compel the government to tighten export controls.⁹¹

Serbia has also established the National Weapons and Military Equipment Control List, the National Control List of Dual-Use Items on keeping the Ordinances on the Method of keeping the Register of Persons Who May Engage in Foreign Trade of Arms and other important documents as stipulated by the EU in connection with the export/import of weapons.⁹² According to SEESAC staff, Serbia is one of the most transparent countries in the region in terms of reports on arms foreign trade.⁹³ The criteria for issuing permits for export of arms and military equipment dual-use goods are as follows:

89 Meeting with SEESAC representatives in Belgrade, January 27, 2012

90 Ministry of Economy and Regional Development, Annual Report on the Progress of Foreign Trade of Controlled Goods for 2009, page 7

91 Drafting national and regional reports on arms trade in in the EU and South Eastern Europe, page 7

92 See Ministry of Economy and Regional Development, Annual Report on the Progress of Foreign Trade of Controlled Goods for 2009, page 12

93 Meeting with SEESAC representatives in Belgrade, January 27, 2012

1. respect for international obligations, in particular sanctions voted by the UN Security Council, international agreements on non-proliferation of weapons and other international obligations,
2. respect for human rights in the country of final destination,
3. internal situation in the country of final destination, in terms of existence of tensions or armed conflicts,
4. maintaining regional peace, security and stability,
5. national security and security of friendly countries,
6. behavior of the buyer country - in relation to the international community, particularly its attitude to terrorism, the nature of its alliances and respect for international law,
7. existence of a risk that the subject of the export will end up in the hands of others in the buyer-country or that it will be re-exported under adverse conditions,
8. compatibility of arms exports with the technical and economic capability of the recipient country, taking into account the desirability that countries fulfill their legitimate security and defense needs with the lowest possible use of human and economic resources for the procurement of weapons.

According to the EU Code of Conduct on Arms Exports, if the application contains elements and data on violation of the first four criteria, the license application should automatically be rejected and Member States informed of it, while the violation of criteria 5-8 is assessed by the competent national institutions. The rules are politically binding on EU member states.⁹⁴ These rules are binding for Serbia, too, since it introduced the EU Code of Conduct on Arms Exports in its legislation.

If we look at the latest annual report on the progress of foreign trade and controlled goods, we can conclude that, in 2009, Serbia exported weapons to 58 countries, most notably the United States of America (USA), Iraq, Italy, Belgium, Bulgaria, Kenya, Cyprus, Germany, Egypt, Saint Kitts and Nevis, Montenegro, Bangladesh and Libya. It is also important to note that the export of arms to seven countries was carried out through a broker, so that one in eight destinations was not the end-user country.⁹⁵

94 Ministry of Economy and Regional Development, Annual Report on the Progress of Foreign Trade of Controlled Goods for 2009, page 19

95 Ministry of Economy and Regional Development, Annual Report on the Progress of Foreign Trade of Controlled Goods for 2009, page 28

From year to year there is an upward trend in the number of permits issued for the export of arms from Serbia, with variable profits. Thus, in 2007, 372 licenses for arms export were issued worth \$ 299.8 million,⁹⁶ in 2008, Serbia was the leader in the region in terms of issuing arms export licenses with 343 licenses issued, and a turnover of \$ 580 million,⁹⁷ in 2009, 360 licenses were issued, worth \$ 467.02 million. Annual reports on the progress of foreign trade of controlled goods for 2010 and 2011 were not available to the public so we are unable to continue with reliable monitoring of the rising trend of arms production and export in the Republic of Serbia and destinations of exports. If we compare the criteria on which arms export licenses are issued and major destinations, we can conclude that in 2011 unrest and civil war began in the two most important destinations of Serbian arms exports, Egypt and Libya. The question is then how the states ensure the fulfillment of these criteria? In this case it would be very important to determine the exact quantity of arms that Serbia exported to Libya and how much money was earned in the production of civilian deaths in Libya. Also, from the feminist anti-militarist position and the position of the culture of accountability, it should be determined on the basis of which criteria the companies that export arms were granted licenses in 2010. Who should be held responsible for the lives of civilians in the civil war in Libya according to international law? Is it Serbia, that issued the export license and exported weapons just before the outbreak of war, or the EU, which oversaw the process (since it violates criterion 3)? Could this then be the reason why Serbia does not have annual reports on the progress of foreign trade of controlled goods for 2010 and 2011?

It is necessary to determine what impact the arms trade has in a country that is on the verge of civil war on the violation of human rights and, on the basis of this data, to make decisions about treaties related to arms trade and control. There is hope that this will be included in the initiative of the Nobel laureates, the Arms Trade Treaty which will be further discussed at the UN summit in New York in July 2012. This agreement is a great hope for all anti-war and anti-militarist-minded movements, networks and organizations around the world.

In line with the feminist anti-militarist security concept, and in the spirit of the Women in Black's 2005 Women, Peace and Security 2005 resolution and R 1325, in 2010, 2011 and 2012, Women in Black, held eight street campaigns calling for disarmament in cooperation with other civil society organizations and artists. One of these demonstrations was held against the war in Libya to which Serbia had been exporting arms until the outbreak of the civil war in 2011. In addition to the arms trade, Serbian "security officers" also participated in the civil war in

96 Ministry of Economy and Regional Development, Annual Report on the Progress of Foreign Trade of Controlled Goods for 2007, page 18

97 Ministry of Economy and Regional Development, Annual Report on the Progress of Foreign Trade of Controlled Goods for 2007, page 21

Libya.⁹⁸ The absence of legislation regulating the private security sector and the work of multinational private security corporations in Serbia leaves room for arbitrary estimates not only on the number of small arms and light weapons in the possession of private security corporations but also on the presence of the Serbian “professionals” in wars around the world, the number of intermediaries, channels used to get them there, and human rights violations that occur in areas of “security” services trade and arms trade.⁹⁹

Since 2010, the Women in Black have been calling on the state and its institutions to adopt a law that would govern the operation of private security agencies and multinational security corporations in Serbia. However, after the first draft of the Law on Private Security Agencies prepared in November 2010, today in Serbia we have no information on its adoption. Since 2012, the Women in Black have been calling on the President of Serbia and the Minister of Defense to sign the Convention on Cluster Munitions, an important convention in the field of disarmament and demining operations referred to in R 1325 and the Serbian NAP for the implementation of the R 1325. The signing and ratifying of the Convention is important in many ways. Not only would the victims receive financial assistance and protection, but the Convention also envisages funds for the clean-up of unexploded cluster bombs which still exist in Serbia. Civil society organizations and networks of civilian victims of this type of ammunition all over the world provided the most substantial contribution to the adoption of the Convention on Cluster Munitions¹⁰⁰. This is one of the first conventions on disarmament which includes a clause on assistance to victims. Serbia is the only former Yugoslav republic that has not signed the convention. Serbia’s failure to sign the Convention is an oxymoron in international relations, since Serbia attended the initial sessions which led to the adoption of the Convention and since its citizens have been victims of cluster munitions themselves.¹⁰¹ Serbia’s refusal to sign the Convention on Cluster Munitions means Serbia’s refusal to provide victims of cluster munitions access to exercising their fundamental human rights. The victims of cluster munitions which are not recognized as such by the government continue to suffer not only due to physical injuries but also due to poverty since they depend on their families, especially in smaller towns and

98 Web page: <http://www.putvjernika.com/U-zizi/ekskluzivno-uhapseni-srbi-u-libiji-su-pla-cene-ubice-siroti-neduzni-miroljubivi-srpski-teroristi-pardon-gradjevinari.html>, May 25, 2012

99 Web page: <http://www.novosti.rs/vesti/naslovna/aktuelno.290.html:321740-Srbi-cuva-ju-Bliski-istok-za-3000-dolara>, May 25, 2012

100 Web page: <http://www.clusterconvention.org/>, February 16, 2012

101 Web page: <http://www.mic.org.rs/2011/03/18/regionalni-sastanak-protiv-upotrebe-kasetnih-bombi/>, May 25, 2012

villages. In Serbia there is no data on how many people died from this type of ammunition. The victims of this type of ammunition are civilians in 97% of cases, and cluster munitions remain dangerous even after 30 years. Women in Black attended the Regional Meeting of Victims of Cluster Bombs in Niš on May 11, 2011 where they once again raised the issue with the Serbian institutions. No representatives of Belgrade institutions attended the meeting. The mayor of Niš reiterated in the meeting: "If the city of Niš had been the only one asked to sign the Convention, it would have been signed long ago".¹⁰²

The National Security Council is responsible for signing the Convention on Cluster Munitions, at the proposal from the Defense Minister or Minister of Foreign Affairs. In 2009, the Ministry of Foreign Affairs approved the signing of the Convention, but the process was blocked at the Ministry of Defense and the National Security Council.¹⁰³ The citizens of Serbia do not know the reason why, but the statements of military analysts and the Ministry of Defense imply that cluster bombs are part of the conventional military arsenal of the Republic of Serbia.¹⁰⁴

The President of the Republic of Serbia, the Minister of Defense and the National Security Council never responded to the 2010 initiatives and demands from the Women in Black. Moreover, they never answered the question from the Women in Black as to whether Serbia had used cluster bombs in the shelling of Vukovar and in the wars in former Yugoslavia. In 2007, eight years after it had bombed Serbia, NATO forwarded to Serbia the coordinates of bombs dropped in the 1999 bombing campaign.¹⁰⁵ It has been almost 13 years since the last war and Serbia has not yet admitted how many cluster bombs it dropped during the period between 1991 and 1995 and in 1999, during the wars on the territory of the former Yugoslav republics.

Neither have the institutions of the Republic of Serbia answered requests from the Women in Black related to disarmament, demilitarization and cessation of arms exports. The UNDP and SEESAC in Serbia noted that the use of small arms and light weapons (SALW) has a different impact on gender and that police reports on the use of SALW and domestic violence include no gender-disaggregated records.¹⁰⁶ The only data about this is from initiatives of women's

102 Regional meeting with cluster bomb victims, Niš, May 11, 2011 on behalf of *Women in Black* attended by Gordana Subotić

103 Web page: <http://www.politika.rs/rubrike/Drustvo/Kasetne-bombe-do-daljegu-arsenalu-Vojske-Srbije.lt.html>, May 25, 2012

104 Web page: <http://www.e-novine.com/sr/drustvo/clanak.php?id=19722>, May 25, 2012

105 Web page: http://www.b92.net/info/vesti/index.php?yyyy=2007&mm=09&dd=16&nav_category=11&nav_id=263738

106 SEESAC, SALW i rodne uloge, web page: <http://www.seesac.org/uploads/>

organizations, namely the Network of Women against Violence, collected on the basis of newspaper reports on the number of women killed by male former police officers/soldiers in 2011. Also, there is a need to disaggregate this data and to insert a category - the use of SALW. For Serbia as a post-conflict country, it is essential to introduce records on former soldiers/police officers who suffer from post-traumatic stress disorder (PTSD) and who possess SALW, and also on domestic violence. This type of data is needed in order to adopt new laws and protect women who report such cases and to comprehend the impact of war on women in the post-conflict period.

Serbian institutions have so far not proven to be democratic by opening up these processes to women and women's NGOs. Disarmament in Serbia is planned and performed exclusively by the Ministry of Defense in cooperation with the SEESAC. At the meeting on the occasion of the Open Days held in 2011¹⁰⁷ and 2012¹⁰⁸ on the premises of the UNDP, the Women in Black, joined by the network organizations, stressed the need to include the experiences of women's organizations in the process of planning programs that are relevant to women, peace and security, such as disarmament and sent their requests to the competent institutions. It remains to be seen whether and how the Ministry of Defense and the institutional bodies in charge of implementing the NAP will show readiness to include women in the disarmament processes or if they will continue with the dominant policy of quantitative inclusion of women in processes related to the implementation of the NAP, without any impact on the lives of women outside the security sector.

rmdsg/RMDSG_06.30RMDS_06.30__SALW_i_rodne_uloge_(Edition_1).pdf, page 8

107 For contents of discussions with UN representatives in the 2011 Open Days meeting, see: <http://www.unwomen.org/wp-content/uploads/2010/12/UN-Women-Open-Days-2011-Report.pdf>, May 25, 2012

108 For more on the contents of discussions with UN representatives, see the Žene, mir, bezbednost, (Women, Peace, Security) supplement, May, page 3, http://www.zeneucnom.org/index.php?option=com_content&task=view&id=17&Itemid=18

Protection

Introduction

The United Nations define violence against women as a “manifestation of historically unequal relations of social power between men and women which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. Violence against women is an obstacle to achieving equality, development and peace. “

The National Action Plan for implementation of R 1325, states, inter alia, that “many women and girls live in poverty and deprivation. They are exposed to discrimination and their rights are violated and they are victims of different forms of gender-based violence (domestic violence, sexual violence, economic violence, trafficking, etc.). Women with the status of refugees, internally displaced persons, returnees (hereinafter referred to as migrants), trafficked women, etc. asylum seekers, etc. “

Since 2002, the Republic of Serbia has significantly improved its legislative framework to protect women from violence, but the competent government authorities responsible for acting in this area, often do not provide adequate protection to women victims of various forms of violence. In addition, state institutions are taking no systematic steps to eradicate violence against women, to overcome gender stereotypes, to reduce the use of firearms and solve other problems that threaten peace and security. Neither is enough attention paid to raising public awareness about discrimination against women and violation of their rights.

Although Serbia has over 70 action plans, they have almost no impact in terms of changing the way of thinking or improving the life of citizens. Formal meeting of international standards does not necessarily lead to the establishment of the rule of law, a culture of responsibility, to punishing crimes and respecting human rights. If one follows only the pragmatic political principles of “normative optimism” and “mass production” of laws without substantive change of the value system as the basis for achieving gender justice and equality, the laws and strategies dealing with protection will have no impact on the reality.¹⁰⁹

109 Comments by the *Women in Black* in Cooperation with Centar za unapređenje pravnih studija (CUPS - Centre for Advanced Legal Studies), prof. Vesna Rakić Vodinelić,

For this reason, in the indicator survey, the Working Group analyzed what had been achieved in the strategic documents adopted by the Republic of Serbia related to the development of a system to protect women victims of violence and system of prevention of violence against women, the elimination of poverty among women and girls and the prevention of the emergence of poverty as well as developing and improving all aspects of security and improving the role and the position of women in decision-making processes and strengthening national mechanisms for ensuring gender equality. In addition, the Working Group monitored the implementation of NAP activities related to; the establishment of effective protection of women and girls from discrimination, violation and endangering of their rights, gender-based violence. Particular attention was paid to the adoption of a National Strategy for the Elimination of all Forms of Violence against Women and harmonization of the relevant legislation in the field of security and defense with the provisions of the Law on the Prohibition of Discrimination and the Law on Gender Equality and also to cooperation of the security sector with independent institutions of the Republic of Serbia. In accordance with the purpose of monitoring, it was particularly important for the Working Group to pay due attention to the following; to monitor the implementation of planned activities established by strategic documents concerning the protection of women against gender-based violence; to assess the improvement of the system of government statistics for collecting processing and archiving data on violence against women; to establish whether legal protection and psycho-social support to migrants, trafficked women and asylum-seekers, including women victims of sexual and other gender-based crimes against humanity had been ensured and to what extent, and whether an efficient system of legal aid had been established, free of charge or at reduced prices, by adopting and implementing the Law on Free Legal Aid; to establish whether a special-purpose government fund had been established to provide compensation to women victims of discrimination and all forms of gender-based violence in cases of negligence on the part of the authorities and institutions.

In accordance with the long-term efforts of the Women in Black on facing the past and the feminist-antimilitarist concept of human security, the Working Group has put a special emphasis on research related to NAP activities regarding war crimes, sex crimes and crimes against humanity and informing the public about prosecuted cases of rape, sexual slavery, enforced prostitution, forced pregnancy and other forms of sexual abuse of women committed in the former Socialist Federal Republic of Yugoslavia. The relationship of the Republic of Serbia to the human rights defenders and those who carry out the monitoring of the prosecution of war crimes and the exercise of human rights, and provide help and support to victims of discrimination and gender-based violence makes up the core of the Working Group research within the framework of NAP activities, which are laid down below.

PhD, and Mr. Saša Gajin, MA, November 16, November 2010

Development of the System of Protection for Women Victims of Violence in the Republic of Serbia ¹¹⁰

The NAP envisages the implementation of activities that are established by the National Millennium Development Goals in the Republic of Serbia (2006) in order to carry out Task No. 4, and that is to develop the system of protection of women victims of violence and a system of prevention of violence against women by 2015. Although there is no sufficiently precise and systematic data on gender-based violence in the Republic of Serbia,¹¹¹ the goal of the Working Group for Monitoring is to show whether Task No. 4 from the NMDG was carried out by April 2012.

The following four indicators monitor success in the carrying out of this task.

Filed charges and indictments in cases of domestic violence: Information on the percentage of indictments in cases of domestic violence, compared to the total number of filed charges cannot be obtained from the statistical data of the Statistical Office of the Republic of Serbia. The number of indictments in one year is available, but not the ratio between the number of charges and number of indictments.¹¹²

The percentage of sentences passed in cases of domestic violence in relation to the number of indictments: Data on the ratio between the number of sentences in cases of domestic violence and the number of indictments does not exist, because the sentence and the indictment are not necessarily from the same year.¹¹³

The number of state funded women's safe houses¹¹⁴: Domestic violence, as a pervasive problem is a conditioned social phenomenon, regardless of the socio-economic, cultural and historical characteristics of communities. Regardless of the different forms of violence the root causes

110 Objective: Gender mainstreaming in all social policies, including policy in the field of security and defense. **Activity:** Implement activities established in the Millennium Development Goals in the Republic of Serbia (2006) in order to accomplish task number four – by 2015 develop a system of protecting women victims of violence and a system of prevention and disabling violence against women

111 *Progress in the Implementation of the National Millennium Goals of Development in the Republic of Serbia and the United Nations, 2009*

112 Autonomni Ženski Centar (The Autonomous Women's Center), July 6, 2012

113 Ibid

114 *Progress in the Implementation of the National Millennium Goals of Development in the Republic of Serbia and the United Nations, 2009*

are almost the same and involve power and control. Poverty and unemployment are only triggers of increasing violence, with women and children being the biggest victims. The interest of women's NGOs in addressing domestic violence emerged as a reaction to the approach of official state institutions and the outcomes of the work in addressing this problem. Through their practical actions to protect women and children, women started, with the help of foreign donors, to organize safe houses in order to facilitate the relocation of victims of violence until conditions are created for their reintegration into life without violence. In Serbia there are 9 shelters run by Centers for Social Work, in Novi Sad, Kragujevac, Zrenjanin, Jagodina, Sombor, Pančevo, Smederevo and two in Niš. The Millennium Development Goals plan 30 shelters to be opened by 2015. The number of shelters does not provide security to women who are in a situation of violence for several reasons. Firstly, because violence against women is a widespread social phenomenon, and the construction of shelters in itself cannot solve this problem. It can be solved through adequate and efficient legal measures aimed solely at the perpetrators; secondly, because the shelters are still inaccessible to many women from marginalized groups such as Roma or women with disabilities. Accessing the shelters is still possible only with the assessment of the Center for Social Work, which also leads to a number of problems if the persons in charge of CSWs are not sufficiently sensitized to the problem of violence.

Number of state-funded counseling centers for women victims of violence: Specialized counseling centers for women who suffer violence are offered only by women's organizations. The process of standardizing the services in the Centers for Social Work (CSW) is currently underway, but some CSWs do not even have an operational emergency telephone service, although it is listed as a new service. On the basis of the research carried out by the network of Women Against Violence, of the 14 CSWs included in the Institute for Social Protection website more than half (9), are, in fact, not operational.¹¹⁵

115 Web page: http://www.zeneprotivnasilja.net/images/stories/pdf/Zahtev_Zavodu_za_socijalnu_zastitu.pdf, April 18, 2012

Violence against Women and National Statistics¹¹⁶

The current government statistics do not include data on the relationship between the plaintiffs and the perpetrators, that is, whether the offender was a partner, spouse, former spouse, son, or father. Also this data is absent when it comes to murders of women, and they can be obtained only from newspaper reports and thanks to statistics and data collection carried out by women's organizations dealing with violence against women. The reply of the Statistical Office to the request of the Working Group for Monitoring did not explain the reasons for the lack of evidence about the relationship between the perpetrator and the victim, which is necessary to accurately determine the number of femicides in the context of the family law. Statistics on the victims have been kept only since 2007 on the basis of statistics on deaths and judicial statistics, but only in relation to their number, sex and age. No relation is made in terms of kinship, so it is impossible to obtain data on the femicide, i.e. the murderer.

There is no aggregate data from relevant government institutions when it comes to violence against women.

After learning that the new job classification was underway at the Ministry of the Interior, the Autonomous Women's Center (AWC) sent a special initiative for the introduction of a special (new) line of work in the field of domestic violence. The initiative, despite the positive indicators from police practice, was brushed off by decision makers, on the grounds that it was not necessary to introduce a new line for domestic violence because "some police officers have attended training on domestic violence, and police officers, anyway, take steps and actions to prevent, detect and solve criminal acts of domestic violence in their work, in accordance with applicable legislation and deal with them professionally and to a high standard."¹¹⁷

116 **Objective:** Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence. **Activity:** Improving the system of data collection and processing and keeping government statistics records of violence against women and of protection of women against gender-based violence

117 Report on advocacy activities of the Autonomous Women's Center, http://www.womenngo.org.rs/images/zagovaranje/IZVESTAJ_AZC_zagovaranje_2011.pdf, May 20, 2012

Effectiveness of the Strategies and Laws of the Republic of Serbia

Poverty Reduction Strategy (PRS)¹¹⁸

The Poverty Reduction Strategy was introduced in Serbia in 2002 by the IMF and the World Bank and is part of the overall development strategy of Serbia and, also at the time, Montenegro, towards EU accession. The strategy is also part of activities to achieve the UN Millennium Development Goals. The objectives of this strategy laid down by Serbia as early as 2001 in the Serbia Reform Agenda document are as follows:

- setting up of a modern state based on rule of law and fighting corruption and organized crime,
- revitalization of the economy by introducing market-oriented reforms,
- combating poverty and improving social protection systems for vulnerable groups.

In accordance with the UN Millennium Goals, the Poverty Reduction Strategy defines poverty as a multi-dimensional phenomenon that, in addition to insufficient income to cover the basic cost of living, is characterized by lack of employment opportunities, inadequate housing and access to social protection and health care, education and utilities. These aspects are particularly important for vulnerable and socially excluded groups.¹¹⁹

After Montenegro declared independence from Serbia on June 3, 2006, the Serbian PRS, although written while Serbia and Montenegro were still one country, continued to be implemented regardless of political changes. The Newsletter on the Implementation of the PRS in Serbia of August 2006¹²⁰ does not mention the secession of Montenegro from Serbia and

118 Objective: Gender mainstreaming in all social policies, including policy in the field of security and defense. **Activity:** Implement activities established in the Poverty Reduction Strategy (2002) which would eliminate the poverty of women and girls and prevent the re-emergence of poverty, i.e. prevent the situation in which girls and women in the security system are usually being made redundant, even if they are the only bread-winners or single mothers

119 *Poverty Reduction Paper for Serbia*, page 3, http://www.ngoserbia.com/res/poverty_reduction_strategy.pdf, May 20, 2012

120 Newsletter on the implementation of the PRS – Issue No. 7, August, 2006 <http://www.prsp.gov.rs/download/Bilten%20SSS,%20broj7.pdf>, May 20, 2012

its impact on the implementation of the PRS and the data presented in the PRS and the PRS itself mentions Montenegro only twice. Montenegro has developed its own PRS and it was adopted at the same time as the one in Serbia. The PRS motto was: “to reduce the number of poor in Serbia by half by 2010.” In 2002, Serbia had approximately 800,000 poor people (10.6% of the population or 205,000 households)¹²¹ The data was obtained following two annual Living Standard Measurement Surveys carried out in 2002 and 2003 at the initiative of the Government of Serbia and with IMF’s professional assistance. To make this data comparable, the following survey was carried out by the Statistical Office in 2007, but this is not the Office’s regular activity, so no further poverty surveys by means of the LSMS were expected from this Office.¹²² According to the 2007 Living Standard Measurement Survey, 8.3% of the population was poor. The website of the Serbian Government and Social Inclusion team then states that in 2002, (14%) or about a million people were poor¹²³, which is different from the initial figures for 2002 stated in the PRS itself.

Coordination of the PRS was first run by the PRS implementation team set up in 2004 within the Deputy Prime Minister’s office.¹²⁴ According to the data from the first report on PRS implementation, the unemployment rate (the share of unemployed in the total active population) in 2005 was 14.6%, and the expected unemployment rate for 2010, according to the PRS was 10.5%.¹²⁵ However, in April 2010, the unemployment rate in Serbia was 19.2%, that is, higher than the PRS team had expected in its report, 18.6% for male population and 20.1% for female population.¹²⁶ This did not stop the then Deputy Prime Minister, Božidar Đelić, from stating as early as 2007 that there were 6.6% poor people in Serbia and that “poverty in Serbia has been halved in the 2002-2007 period, thanks to the implementation of the PRS.”¹²⁷ Since poverty had been halved earlier than planned, the strategy continued to be implemented by a new team. The

121 The Government of the Republic of Serbia, *Poverty Reduction Strategy in Serbia*, 2003, page ii

122 Instruments to Measure Poverty, <http://www.prsp.gov.rs/instrumenti.jsp>, May 21, 2012

123 Government of the Republic of Serbia, *Social Inclusion and Poverty Reduction*, web page:[http:// www.inkluzija.gov.rs/?lang=cs](http://www.inkluzija.gov.rs/?lang=cs), May 20, 2012

124 Poverty Reduction Strategy implementation team, web page: <http://www.prsp.gov.rs/tim/index.jsp>, May 20, 2012

125 The first report on the implementation of the PRS in Serbia, *Increased Employment Opportunities*, 2005, page 32

126 Statistical Office of the Republic of Serbia, *Labor Force Survey*, 2010

127 Government of the Republic of Serbia, *Social Inclusion and Poverty Reduction*, web page: [http:// www.inkluzija.gov.rs/?p=236](http://www.inkluzija.gov.rs/?p=236)

new team which continued the implementation of the PRS within the scope of Social Inclusion and Poverty Reduction was set up in 2009, within the Office of the Deputy Prime Minister for European Integrations.¹²⁸

If we look at the unemployment rate since 2002, it has been on a constant increase and, at the end of November 2011, it amounted to 23.7 percent.¹²⁹ The number of homeless people in Serbia who live without any shelter, on the street, without a home, in temporary accommodation, shelters and collective centers or in unsafe or inadequate housing is around 800,000 (as of 2012)¹³⁰. The latest data on poverty show that there were about two million poor people in Serbia in early 2011.¹³¹ If we compare the data obtained from both institutional and independent sources, we can conclude that poverty in Serbia has become twice as high, rather than being halved, unemployment has not decreased, but has increased, and instead of 800,000 poor people at the beginning of the PRS, now we have the same number of homeless people. The authorities and institutions responsible for implementing the PRS blame this increase, after poverty was “halved” in 2007 on the financial downturn.

Since the adoption of the PRS, the preface of which had been written by the then Prime Minister Zoran Đinđić who was assassinated shortly before the adoption of the PRS, in March 2003, two reports were published on the implementation of the PRS; one in 2005 and the other one in 2007 by the PRS Implementation Team. Data on the funds from the IMF, the World Bank and the budget allocated for PRS activities was not entered in the budget of the Republic of Serbia for 2003 and 2004, nor in the budget for 2011, so it is not possible to verify how and on what activities the funds were spent, what the amount of these funds was and who granted the money (IMF, World Bank or someone else). The Social Inclusion and Poverty Reduction Team developed one report, that is, the First National Report on Social Inclusion and Poverty Reduction in Serbia for the period between 2008 and 2010 adopted in 2011. This report states that the unemployment of women and men has continued to increase and that the employment of women and men has continued to decline since the 2008 – 2010 period.¹³²

128 Government of the Republic of Serbia, *Social Inclusion and Poverty Reduction*, http://www.inkluzija.gov.rs/?page_id=913&lang=cs, May 20, 2012

129 Statistical Office of the Republic of Serbia, *Labor Force Survey*, 2011

130 Web page: http://www.alo.rs/vesti/49664/U_Srbiji_800000_beskucnika, May 20, 2012

131 Web page: http://www.b92.net/biz/vesti/srbija.php?yyyy=2011&mm=01&dd=31&nav_id=489501

132 The First National Report on Social Inclusion and Poverty Reduction, 2008 – 2010, page 209

Questions related to the number of programs for financial support to women and girls who are single mothers in the security sector, as provided by this strategy, were forwarded to the Ministry of Defense. In the reply, they stated that no special activities had been planned for the implementation of this activity and that so far no programs of financial support to women and girls who are single mothers in the security sector had been introduced and, “that planning to prevent the practice in which it is the women and girls who are usually made redundant in the security system” is being carried out by respecting the law. The report of the MoD and SAF Analytical Group states that there were no redundancies of women and girls at the MoD and SAF, and that there were especially no redundancies of single mothers and women absent from work due to pregnancy or maternity leave. Since the implementation of the NAP for the R 1325 applies to the entire security sector, not just the MoD and SAF, additional programs need to be planned within this activity which will protect women and girls, in addition to the legislation in all the security sector institutions. Given that the main objections made by the Women in Black to the first draft of the NAP for the implementation of R 1325 in Serbia were that the NAP was focusing only on the security sector and institutions, and that in accordance with the principles of human security, programs to protect women and girls needed to be expanded to include the private sector due to the difficult financial situation in a society in which the vulnerable and minority groups were the first victims of every crisis. This would show that institutions are committed to promoting women’s human and labor rights, even when they are not formally obliged to do so and that they are open to shifting the scope of the NAP beyond the security sector.

National Security Strategy¹³³

In connection with the activities of the NAP to ensure implementation of the National Security Strategy, the Working Group monitored the level of effectiveness of implementation of the National Security Strategy and transparency of work and reporting of the National Security Council which is accountable to the citizens of Serbia for implementation of the National Security Strategy.

The National Security Strategy of Serbia was adopted following the passing of the Decision on Adoption at the Serbian Parliament session of October 26, 2009, together with the Defense Strategy of the Republic of Serbia. Both strategies came into effect within eight days of the adoption of the Decisions.¹³⁴ These two were adopted in a package, in response to new security risks and threats in the region for the purpose of better coordination of stakeholders in the security sector, the security sector reform and the introduction of the principle of democratic civilian control over Serbia's security sector.

The National Security Strategy started to be drafted as early as 2006, but came to a halt due to early parliamentary elections in Serbia. In early 2007, it was redefined by the new team at the Ministry of Defense (MoD). The adoption of the Law on Defense, in late 2007, created the legislative conditions for the National Security Strategy to be adopted. The strategy was adopted two years later. The strategy provides that the National Security Council should monitor and coordinate the work of the national security system elements, establish the level of effectiveness of implementation of the National Security Strategy and propose appropriate steps for its updating in accordance with the significance of changes in factors that determine it. Professional and technical conditions for the operation of the National Security Council are provided by the National Security Council Office. The makeup of the National Security Council includes the President of the Republic of Serbia, top-level representatives of executive authorities and representatives of the key elements of national security such as the Armed Forces and Security and Intelligence system. Where appropriate, other heads of other government authorities and

133 Objective: Gender mainstreaming in all social policies, including policy in the field of security and defense. **Activity:** Implement activities established in the National Security Strategy (2009) in line with Serbia's commitment to develop and promote all security aspects, its dedication to creating conditions to improve the role and position of women in the processes of decision-making and strengthening the state mechanisms for ensuring gender equality.

134 The Ministry of Defense of the Republic of Serbia's web page: <http://www.mod.gov.rs/lat/dokumenta/strategije/strategije.php>, May 20, 2012

institutions and other persons who are not members of the Council participate in the work of the National Security Council.¹³⁵

The adoption of the Strategy in the Republic of Serbia was delayed due to internal and external political developments, and was accompanied by the usual lack of transparency and lack of democracy in Serbia's institutional authorities, which allow only 15 days for public debates and comments on drafts of strategies important for the citizens of Serbia. The Belgrade Center for Security Policy (BCSP) drafted an initiative to extend this deadline to January 31, 2009, which the MoD in the end allowed. This initiative was signed by 24 civil society organizations, including Women in Black.¹³⁶ Five Serbian civil society organizations participated in the public debate on the content of the Strategy.¹³⁷ On the adoption of the Strategy, the Women in Black published an analytical review in which they reviewed the Serbian institutions' concept and practice of human security.¹³⁸

In order to investigate, the Working Group for monitoring approached the Office of the National Security Council with questions on: reports on the implementation of activities envisaged by the National Security Strategy, the reporting period, reports on the effectiveness of implementation of the strategy, the deadlines provided, activities that have been undertaken to date which concern the improvement of human security and promotion of the role of women in decision-making processes and strengthening national mechanisms for ensuring gender equality, and on whether the National Security Council has proposed steps towards updating the content of the Strategy since October 2009 and what these steps were.

The reply received from the Office of the National Security Council, which, pursuant to the National Security Strategy, is in charge of ensuring professional and technical conditions for the operation of the National Security Council, stated that the Office provided only professional and administrative support to the Council and that the President of the Republic of Serbia, Boris Tadić at the time, was the only person competent to comment on the work and activities

135 National Security Strategy of the Republic of Serbia, Item 3, page 19

136 The Belgrade Center for Security Policy, A Plea to Extend the Public Debate on the drafts of the National Security Strategy and the Defense Strategy, web page: <http://www.bezbednost.org/Bezbednost/1194/Poziv-da-se-produzi-javna-rasprava-onactima.shtml>, May 15, 2012

137 Ministry of Defense of the Republic of Serbia's web page: http://www.mod.gov.rs/novi_lat.php?action=fullnews&id=1749&showcomments=1, as of May 20, 2012

138 Marija Perković, *O strategiji bezbednosti Republike Srbije*, Žene, mir, bezbednost Rezolucija 1325 -10 godina (*On the Republic of Serbia's Security Strategy, Women, Peace, Security Resolution 1325 – 10 years*), *Women in Black*, Belgrade, page 31

of the National Security Council. The working group then forwarded the same questions to the President of the Republic of Serbia on April 25, 2012 and did not receive a reply within the legally stipulated deadline.¹³⁹ Since the Law on Free Access to Information rules that one may not make a complaint, but only launch an administrative action against the President before the Commissioner for Information of Public Importance¹⁴⁰ (which would not be completed by the time of publication of this article), the Working Group will continue to demand answers from the newly elected president, Tomislav Nikolić in further research.

The National Security Council holds closed sessions and there are no records available from which one can conclude what was discussed at the meeting except the issue on which the session was convened and one can learn that information from the media. There have been no official reports on the Strategy that are available to the public, and the National Security Strategy itself does not provide for specific actions and deadlines. Also, the general public is not informed as to whether there have been any revisions to the Strategy since its adoption, and at whose initiative.

The Government Work Plan for 2011 with the activities mentioned in the National Security Strategy planned for 2011 is not available to the public. Information was obtained from the General Secretariat of the Government that, according to the Government Rules of Procedure, we cannot get the revised Government Work Plan of July 2011.

The Government Work Plan for 2012¹⁴¹ is available to the public and one can find the planned activities and acts which the Government puts forward to the National Assembly, as well as the programs and projects of the state administration authorities, whose frame of reference is the National Security Strategy. The plan also highlighted the amount of money to be spent on these activities (within the National Security Strategy projects and programs).

Judging by the plans for 2012, the National Security Strategy activities are as follows: within the Ministry of Foreign Affairs (MFA), they are to establish the exchange and protection of classified information with the European Union (EU), the ratification of the agreement on the participation of our EU soldiers in EU peacekeeping missions and crisis management operations, compliance with standards in the field of disarmament and non-proliferation of arms and arms control (EUR 3,700), participation in conferences on nuclear weapon-free zone (EUR 3,700), fulfilling

139 The Law on Free Access to Information of Public Importance, Article 16

140 Ibid, Article 22

141 The Government Work Plan for 2012, web page: <http://www.civilnodrustvo.gov.rs/wp-content/uploads/2011/12/Plana-rada-Vlade-za-2012.-godinu2.pdf>, May 23, 2012

obligations under the UN Resolutions and other international documents. Within the Security Information Agency (SIA) - the protection of national security, preventing threats to national security (which will spend a staggering RSD 14,234,460,000 on these activities). Within the Office of the National Security Council - cooperation with international organizations (RSD 13,700,000) and regional initiatives in the field of mutual protection and exchange of classified information (RSD 12,000,000 + RSD 11,700,000).

According to the Government report on the activities for 2012, dimensions of human security¹⁴² are recognized in the activities of MFA and the Office of the National Security Council, but it is still noticeable that institutions continue to practice the traditional security principle and look at the Serbian citizens' need for security from the "outside." This practice shows that Serbia has not adopted the principles of human security or changed the traditional militaristic vision of security within its institutions since the 90's. The perception that the security of citizens can be threatened only from the "outside" does not contribute to a better standard of living, increased employment, greater freedoms and rights of citizens, greater legal security and the rule of law. If we compare how much money from the budget will be allocated to activities vital to improving human security of Serbian citizens: subsidies in the economy (RSD 2,790,000,000), subsidies in agriculture (RSD 19,945,662,000), subsidies for culture (RSD 368,000,000), National Employment Service (RSD 9,900,000,000), the Young Talents Fund (RSD 712,721,000), support for refugees and IDPs (RSD 1,166,949,000), preventive health care (RSD 915,979,000), hazardous waste disposal projects (RSD 17,884,000), it becomes clear that more will be spent on the protection of national security than on employment, the economy and culture combined.¹⁴³ However, according to the Annual Report on the Implementation of the NAP, all activities under the National Security Strategy have been implemented because "in 2011 the Directorate of Strategic Planning of the Defense Policy Sector within the MoD drafted a plan for the implementation of the NAP

142 Dragana Dulić, *Ljudska bezbednost*, Zbornik tekstova, Fond za otvoreno društvo (*Human Security*, Collected Papers, Fund for an Open Society), Belgrade, 2006, p.61: Human Security is a security which in its broadest sense, includes much more than absence of violent conflict. It includes human rights, good governance, access to education and health care, and ensures that every individual has the ability and choice to realize their potential ... freedom from poverty, freedom from fear and freedom of future generations to inherit a healthy environment – these are interdependent construction materials used to build human, and therefore national security. The 1994 UNDP Report defines 8 dimensions of human security: economic security, environmental security, safety, health and nutrition security, education and security, social security, political and institutional security, security in the community and cultural security, personal security.

143 The Law on the Budget of the Republic of Serbia for 2012

for the enforcement of UNSCR 1325, and thus for the carrying out of the stated commitments from the National Security Strategy in the MoD and SAF practice¹⁴⁴. We should note here that the activity “Implement the activities set out in National Security Strategy (2009) in accordance with the commitment of Serbia to develop and improve all aspects of security, its commitment to creating the conditions for the promotion of human security, improving the role of women in decision-making processes and strengthening national mechanisms for ensuring gender equality”¹⁴⁵ cannot be implemented just by the adoption of the NAP for the implementation of R 1325 in Serbia, but through specific activities that will enhance the dimensions of human and not national security.

In a series of seminars organized in 2010, the Women in Black came to the conclusion that women (to whom the NAP, in any case, refers) do not put national security on top of the agenda, but are primarily concerned about economic, political and personal security (the dimensions of human security).¹⁴⁶ Economic development problems are ranked 11th in the National Security Strategy, so security cannot be achieved through the NAP for the implementation of R 1325 alone.

Improvements in human security can be achieved if the government starts to invest more money from the budget into the economy and human rights rather than into the “prevention of threats to national security.” Investment in national rather than human security means that the funds intended for the economy and human rights are reallocated to the standard structures of the security sector (army and police forces), that is, to national security. This security practice violates the principles of human security and it can therefore be concluded that the concept of human security in the Republic of Serbia’s strategic documents such as the National Security Strategy and the NAP for the implementation of R 1325 is mentioned by name only, as something that is now modern to include in the documents in view of the upcoming EU integrations, but not as something that should be applied in practice.

144 Annual report on the implementation of NAP to implement the UN Security Council’s Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

145 *National Action Plan (NAP) to implement the UNSC R 1325 Women, Peace, Security in the Republic of Serbia*, December, 2010, page 45

146 See Žene, mir, bezbednost Rezolucija 1325 -10 godina, (*Women, Peace, Security Resolution 1325 - 10 Years, Women in Black*, Belgrade), 2010, page 90

National Strategy for the Elimination of all Forms of Violence against Women¹⁴⁷

The activity that was planned in the second draft of the NAP, and which refers to “women who were subjected to torture and sexual abuse during the wars in former Socialist Federal Republic of Yugoslavia” was dropped from the final draft of the NAP. Before this activity was excluded, the Women in Black had provided the following comment: “...without listing the numerous social groups that are directly affected by the violence of war, we want to remind the representatives of institutions responsible for the implementation of R 1325 of the extent of the problem and to ask them how they plan to organize, financially support and implement, for example, programs of support to women raped in the war, whose number is estimated at about 20,000 in Bosnia and Herzegovina alone?”¹⁴⁸. To date, the Working Group for Monitoring has not received replies to this and other comments and questions submitted, although the same request was repeated and forwarded to the coordinator of the MOD work team for support to the Government Working Group for the development of the NAP for R 1325. Deletion of this section which is directly related to R 1325 and post-conflict problems for women, not only in Serbia but in the whole region and denial of the link between war and violence against women reflect the policy of the Republic of Serbia and the MoD on the wars of the 1990s and their effects on women, peace and security.

Only a few activities related to the wars of the 1990s, and sexual crimes against women from former SFRY have remained in the NAP for the implementation of R 1325 (activity related to “effective and efficient detection, arrest and prosecution of perpetrators of international war crimes located on the territory of the Republic of Serbia, including the perpetrators of all forms of crimes against humanity in the territory of the Socialist Federal Republic of Yugoslavia, whose victims are women and girls”¹⁴⁹ an activity related to creating and implementing information

147 Objective: Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence. **Activity:** Adopt and implement the National Strategy to Eliminate all Forms of Violence against Women which would establish a comprehensive and harmonized government policy to prevent violence against women and girls and to ensure legal protection and psycho-social and economic support to victims of violence, including women who were exposed to torture and sexual abuse during wars on the territory of former Socialist Federal Republic of Yugoslavia.

148 Comments from the *Women in Black* in cooperation with the Center for Advanced Legal Studies, (CUPS), prof. Vesna Rakić Vodinelić, PhD and Saša Gajin, MA, November 16, 2010

149 *National Action Plan (NAP) for the implementation of the UNSC R 1325 Women,*

programs and “impartial reporting on the prosecuted cases of rape, sexual slavery, forced prostitution, forced pregnancy and other forms of sexual abuse of women committed during the wars on the territory of former Socialist Federal Republic of Yugoslavia”).¹⁵⁰

A survey carried out in 2009 by the Victimology Society of Serbia showed that the effect of war on domestic violence continued even after the wars had ended, that around 25% of perpetrators of domestic violence had participated in the wars and that one fifth of the perpetrators (among those who participated in the war) had used a firearm in their last assault.¹⁵¹ The National Strategy for Preventing and Combating Domestic and Partner Relationship Violence against Women was adopted on April 1, 2011, but it does not provide any protection or mention women victims of sexual violence and abuse in the former SFRY.

To date, June 2012, there is still no Action Plan for the National Strategy for Preventing and Combating Domestic and Partner Relationship Violence against Women, which is necessary for the implementation of the National Strategy.

When it comes to femicide, 29 women were killed during 2011 within the context of family law.¹⁵² Out of this number, the cases in which the perpetrators possessed firearms make up 41.38%. The fact that over a third of homicides were committed using firearms (41.38%) indicates the absence of adequate control of possession and use of weapons. The fact that 25% of women had reported the offender who possessed a weapon even before the murder took place indicates that women were not adequately protected and that the actions of the competent institutions were inefficient and ineffective, or that relevant institutions failed to respond. With regard to this, in a meeting with UNDP and UN Women (in 2011 and 2012), AWC and Women in Black highlighted the lack of records on femicide committed using firearms and put forward a proposal for the police and the Statistical Office to introduce these records. They also proposed the adoption of specific measures to protect women immediately after they report violence at gunpoint or after the first police intervention. Also, Women for Peace and Women in Black demanded an increase in taxes on firearms as a mode of protection of women in addition to other disarmament measures.

Peace, Security in the Republic of Serbia, December, 2010, page 60

150 *National Action Plan (NAP) for the implementation of the UNSC R 1325 Women, Peace, Security in the Republic of Serbia*, December, 2010, page 60

151 *National Strategy for Preventing and Combating Domestic and Partner Relationship Violence against Women, The Official Gazette of the Republic of Serbia*, No. 027/2011, April 20, 2011, page 15

152 Data of the Network of Women against Violence

According to the annual report on the implementation of the NAP for the purpose of implementing this activity it has been planned to “improve the system of planning, data processing and record keeping in the MoD and SAF statistics regarding violence against women and protection of women members of the MoD and SAF from gender-based violence.” The objective was rated as partially implemented since the Analytical Group found out that the MoD and SAF were not keeping records and statistics on gender-based violence and protection of women and proposed that in 2012 these records and statistics be introduced within the scope of The Directorate for Tradition, Standards and Veterans of the MoD’s HR Department.¹⁵³ Although this activity of the Analytical Group refers only to the security sector, primarily the MoD and SAF, monitoring of the Working Group should continue in order to establish whether the steps taken are harmonized for all women, both within the security sector and outside the security sector and whether the women who were subjected to torture and sexual abuse in the wars in the former Socialist Federal Republic of Yugoslavia are at all covered by any future activity or strategy.

153 Annual report on the implementation of NAP to implement the UN Security Council’s Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

Strategy to Combat Human Trafficking¹⁵⁴

Strategy to Combat Trafficking in Human Beings (the Strategy) was adopted by the Government of the Republic of Serbia on December 12, 2006. The adoption of the Strategy followed long-term efforts by members of the National Team for Combating Trafficking in Human Beings, above all its Advisory Body, and the OSCE Mission in Serbia. As stated in the introductory part of the strategy, it has been developed according to the Guidelines for National Plans of Action of the Stability Pact for South Eastern Europe and in accordance with the Program for the Development and Implementation of a Comprehensive National Anti-Trafficking Response and Best Practice in the Region, prepared by the International Center for Migration Policy Development (ICMPD).

The first draft of the Strategy, which was forwarded to members of the Advisory Body, and from there to members of the working groups of the National Team for Combating Trafficking in Human Beings, was drafted by representatives of the OSCE Mission in Serbia and the Serbian Border Police Directorate. Members of the National Team were quite indifferent about the whole process of developing the Strategy, although one should bear in mind it was not a participatory process or one based on a precise arrangement between all Team members. The final version of the first draft of this strategy was completed in August 2005 at a meeting in Novi Sad, which was attended by coordinators of working groups of the National Team, representatives of the Serbian Border Police Directorate and representatives of the OSCE Mission. This version was forwarded to other members of the National Team for further comments.

For over a year after that, there was no word on the Strategy. Then, in mid-2006, the work on the Strategy was resumed within the Serbian Interior Ministry, namely the Border Police Directorate and the Bureau of Strategic Planning. They did not start from square one, but rather opted to adapt and considerably abbreviate the text of the Strategy based on the previous draft. The new text did not go to public debate, it was not presented to members of the National Team, but directly distributed to members of the Council on Combating Trafficking in Human Beings, which adopted it following consideration and forwarded it to the Government of the Republic of Serbia.

The strategy can, relatively speaking, be divided into two parts. The first part describes the

154 **Objective:** Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence. **Activity:** Implement and monitor implementation of planned activities established in the strategic documents regarding protection of women against gender-based violence.

current situation in the country in connection with human trafficking and presents the institutional framework for its suppression. The second part contains strategic and overall objectives in the fight against trafficking in human beings and protection of victims.

The goals of prevention of trafficking are set out in the Strategic Objectives section of the Strategy. The defined objective and its relevant sub-objectives provided in Item 5 of the Strategy refer to “increasing awareness of the problem of human trafficking as a form of modern slavery,” among the general public, risk groups, clients and potential exploiters of human trafficking victims, representatives of government institutions and civil society organizations that work with risk groups. Next, the defined objectives and sub-objectives set out in Item 6 of the Strategy are related to the reduction of risk factors and susceptibility to the problem (of trafficking in human beings), through; increasing knowledge among the risk groups on precautions they can take to reduce the risk of being trafficked; improving social and economic conditions for risk groups, particularly through the implementation of the Poverty Reduction Strategy and through developing economic and social programs for the empowerment of women and children at risk. In addition to the objectives set forth in the Prevention section, the Institutional Framework section defines the next objective and sub-objectives, which can also be viewed in the context of human trafficking prevention “training and professional development of all stakeholders involved in identifying and providing services to victims of human trafficking for the purpose of better identification, support and protection of victims”, for those who may be the first point of contact with victims of human trafficking, experts who work in law enforcement, and those working on providing direct assistance to victims. In a separate section, the Strategy deals with objectives of international cooperation (Objective 10). Finally, the section entitled Assistance to, Protection and (Re)integration of Victims, sets out the objectives related to prevention activities aimed at preventing recurrence, i.e. the victims’ return to the human trafficking chain.

Although the very existence of the Strategy represents a major step in developing a policy to combat human trafficking in Serbia, the document has many shortcomings. If we exclude the very method of adopting the Strategy and structural deficiencies, its concept is not a guarantee of successful implementation in practice.

First of all, the text does not specify to which period the Strategy refers. Without a precise time frame in which the defined objectives are to be achieved, there is a real concern that there will be a long wait for the next revised Strategy, which would be harmonized with new trends and problems in the field. Also, the section which refers to Monitoring Implementation of Mechanisms to Combat Trafficking in Human Beings and Evaluation of Results outlines very briefly the obligations of stakeholders involved in combating trafficking in human beings in Serbia. Knowing

the situation on the ground, when there is a long wait for the adoption of relevant documents and/or setting up of relevant bodies and implementation of activities, it is unlikely that the National Team members will regularly submit reports to the National Coordinator, or that he/she will forward them to the Council to Combat Human Trafficking, which will then “analyze the results, submit recommendations to the competent authorities for review of strategic objectives and propose necessary steps.” We believe that an opportunity was missed to specify the duties and responsibilities of relevant stakeholders in such a document.

As noted above, the Strategy to Combat Trafficking in Human Beings in the Republic of Serbia received its final form within the Serbian Ministry of the Interior, with the Border Police Directorate and the Bureau of Strategic Planning. Careful reading of the Strategy leaves the impression that the document is actually a strategy of the Serbian Ministry of the Interior. The fact that it came about as a result of the commitment and perseverance of representatives of the Serbian Border Police Directorate does not justify the reality that the text of the Strategy was written in a report style, with unnecessary emphasis on achievements, particularly of representatives of state institutions of the Republic of Serbia.

Adoption of the Strategy should have created preconditions for further development of plans and programs to combat trafficking in human beings in the Republic of Serbia, primarily of annual national action plans, which provide a structured, comprehensive approach to the problem. By inclusion of international organizations and NGOs, the government shows willingness to cooperate in these activities and to exchange information with them. However, although the strategy was adopted in the autumn of 2006, the first National Plan of Action to Combat Trafficking in Human Beings (NPA) was developed and adopted as late as in early 2009. Luckily, the adoption of the NPA was one of the European Commission’s conditions for the visa liberalization that followed in late 2009.

In the concluding comments of the thirty-eighth session of the Committee on the Elimination of Discrimination against Women, recommendation 26 reads as follows: “The Committee calls on the State party to adopt the draft National Plan against Human Trafficking without delay and to establish a mechanism to monitor and evaluate its effectiveness. The Committee further calls on the State party to effectively apply its anti-trafficking legislation and programs and to enhance international, regional and bilateral cooperation in order to further curb the phenomenon. The Committee also requests the State party to establish human rights-based protection and long-term reintegration programs for victims.”¹⁵⁵

155 Concluding Comments of the Committee on Elimination of Discrimination against Women: Republic of Serbia, Committee for Elimination of Discrimination against

This process was initiated by the Ministry of the Interior in a preparatory meeting of Coordinators for Combating Trafficking in Human Beings and of the Advisory Body of the National Team for Combating Trafficking in Human Beings of January 12, 2009. This was followed by meetings of working groups of the National Team for Combating Trafficking in Human Beings which initiated a broad consultation process and agreed urgent drafting of the NPA. On January 23, 2009 on the official premises of the Ministry of the Interior a full-day workshop was held for the development of the NPA with the participation of relevant institutions, international organizations and NGOs. As already mentioned, the strategic objectives from the Strategy are divided into five areas: institutional framework; prevention, assistance to, protection and (re)integration of victims, international cooperation, monitoring the implementation of mechanisms to combat trafficking in human beings and evaluation of results, and the fields of activity in the NPA have been divided accordingly. It is important to note that representatives of governmental, nongovernmental and international organizations agreed on the NPA. The introduction states that, "thanks to that, this comprehensive plan is an example of good practice and unique cooperation in the region."

The relevant state bodies have never published a report on the implementation of the National Plan, but this has been done within the scope of the joint UNHCR/UNODC/IOM project to combat trafficking in human beings.

At the time we concluded this report, the Republic of Serbia was still without a new strategy to combat trafficking in human beings and a new National Plan of Action to accompany it.

Cooperation between the Security Sector and Independent Institutions in the Republic of Serbia ¹⁵⁶

The office of the Ombudsman was established as an autonomous and independent institution pursuant to the Law on the Ombudsman. He reports directly to the National Assembly, protects citizens' rights and monitors the work of state administration authorities, the authority responsible for the legal protection of property rights and interests of the Republic of Serbia, and other agencies and organizations, enterprises and institutions entrusted with public jurisdictions. The Ombudsman takes care of protecting and promoting human and minority rights and freedoms. He/she is elected by the National Assembly, the term of office is five years and the same person may be elected no more than twice.¹⁵⁷

The Commissioner for Information of Public Importance was established by the Law on Free Access to Information of Public Importance, for the purpose of exercising the right of access to information of public importance held by public authorities. The Commissioner, as an autonomous public authority, acts independently in carrying out his/her responsibilities. The Commissioner is elected by the National Assembly for a 7-year term, the same person may be elected no more than twice and he/she reports exclusively to the National Assembly.¹⁵⁸

The institution of the Commissioner for Protection of Equality was established by the Law on Prohibition of Discrimination as an independent state body, discharging duties related to the general prohibition of discrimination and protection against discrimination. The Commissioner is elected by the National Assembly for a 5-year term and the same person may be elected no more than twice.¹⁵⁹

The roles of the independent institutions (Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection Commissioner for Equality) in the implementation of activities envisaged by the NAP, differ, depending on the institution concerned. In response to

156 **Objective:** Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence. **Activity:** Ensure conditions for cooperation between the sectors of defense and security with the Gender Equality Commissioner, the Citizens' Ombudsman, the Commissioner for Information of Public Importance and the Commissioner for Personal Data Protection.

157 *The Official Gazette of the RS*, Issue No.79/2005 and 54/2007

158 *The Official Gazette of the RS*, Issue No.120/2004,54/2007,104/2009,36/2010

159 *The Official Gazette of the RS*, Issue No.22/2009

questions from the Working Group for monitoring the implementation of Resolution 1325, the Ombudsman stated that, since he was legally authorized to monitor the regularity and legality of public authorities when they apply national legislation, and to protect and promote human rights, he refused to participate in the work of the Political Council because he was monitoring the implementation of the NAP for the implementation of Resolution 1325 as an act of the Republic.¹⁶⁰ At the same time, the Ombudsman expressed his willingness to take part in the Supervisory Board (which was not established by June 2012, although the NAP envisaged its establishment by the end of 2011).

As part of her regular activities in monitoring the implementation of the NAP for the enforcement of Resolution 1325, the Deputy Ombudsman for Gender Equality held a meeting in early 2012 with representatives of the security sector, police and MoD in order to ascertain what steps had been taken towards the implementation of the NAP. She was informed that Serbia had achieved the best results in improving the position of women in this sector, compared to countries emerging from the former SFRY. The Ombudsman appointed a representative of the, Belgrade Center for Security Policy (BCBP) as CSO member of the Council for Gender Equality. No special activities were planned for monitoring of the NAP in 2012. It was decided to monitor them through the regular function of monitoring the legality of national regulations. In response to the Working Group, the Ombudsman highlights the necessity of continuity of work on women's empowerment, in all spheres of life and in the security sector, and mentions as indicative the information that in 2011 only one complaint was filed by a woman who had applied for professional military service.¹⁶¹

The Commissioner for Protection of Equality took part in the debate of the Women for Peace NGO from Leskovac, a member of the Working Group for Monitoring the implementation of Resolution 1325. The subject of the forum was Domestic Violence – an Insecurity Factor, in which she delivered a presentation entitled Gender Dimension of Security from the Position of the Commissioner for the Protection of Equality. She highlighted examples from her practice, the case of B.I. versus P.J., which is related to the position of women in the armed forces and the case of D.T. versus B. where she expressed her opinion about the misogynistic text published in the daily press. The Commissioner also made a recommendation to the Army of Serbia General Staff about the introduction of gender sensitive language into official communication

160 Replies from the Ombudsman to the Questions from the Working Group, April 19, 2012

161 Replies from the Ombudsman to the Questions from the Working Group, April 19, 2012

and a recommendation to the National Assembly on women's participation in international delegations.¹⁶²

The Commissioner for Gender Equality said that “no institutional cooperation has been established with the relevant ministries in terms of concluding an agreement on cooperation.”¹⁶³ At the invitation of the MoD, on December 9, 2011 the Commissioner attended the meeting which saw the constitution of the Political Council and the adoption of the Rules of Procedure and the Plan of the Political Council. The reply also states that the Commissioner will continue to monitor the implementation of the NAP.

The Commissioner for Information of Public Importance and Personal Data Protection also participated in the work of the first session of the Political Council held on December 9, 2011 and the public hearing of the Implementation of the National Action Plan for the implementation of UN SC Resolution 1325 - Women, Peace and Security at the invitation of the Committee for Defense and Security of the National Assembly of the Republic of Serbia. Cooperation with the MoD, Mol, Security Information Agency, Military Intelligence Agency and the Military Security Agency was deemed satisfactory: there are no special activities to monitor the NAP; it will be monitored through the Commissioner's regular activities.

The reports and statements in the media by independent bodies lead to the conclusion that their current role in the implementation of the NAP was quite satisfactory compared to other government authorities. However, these independent institutions, given their already established public authority, could significantly contribute to the proper implementation of the NAP as part of their regular activities, but it would certainly be much more appropriate to establish institutional cooperation between relevant ministries and independent bodies as soon as possible.

The Commissioner for Information of Public Interest has contributed significantly to the efficiency of the Working Group, and thus to the oversight role of civil society, since following his intervention, the Working Group received the first report of the MoD and SAF Analytical Group

162 Web page: <http://www.ravnopravnost.gov.rs/lat/polRod.php?idKat=18>, April 25, 2012 <http://www.ravnopravnost.gov.rs/files/2011.11.02.%20Preporuka%20Generalstaba%20Vojske%20Srbije%20lat.doc>, April 25, 2012 <http://www.ravnopravnost.gov.rs/files/2011.01.27.%20Preporuka%20Narodnoj%20skupstini%20za%20obezbedjivanje%20ucesca%20zena%20lat.doc>, April 25, 2012, http://gradleskovac.net/index.php?option=com_content&view=article&id=1868:leskovac-nasilje-u-porodicifaktor-nebezbednosti&catid=114:drutvo&Itemid=1011, April 25, 2012

163 Replies from the Commissioner for Protection of Gender Equality sent on February 24, 2012

and the Annual Report on Implementation of the NAP for the enforcement of R 1325 which had been classified, although the implementation of the NAP (and therefore all reports related to the implementation of NAP, including the report from the MoD and SAF Analytical Group) stipulate regular reporting to the public.¹⁶⁴ Also, all members of the working group had excellent cooperation with the institution of the Commissioner for Information of Public Importance.

164 *National Action Plan (NAP) to Implement the UNSC R 1325 Women, Peace, Security in the Republic of Serbia*, December, 2010, page 25

Status of Legal and Psycho-Social Support to Women Victims of War¹⁶⁵

There are no precise figures on the number of cases of legal, psychological and medical assistance provided to women victims of human trafficking and to those who have sought asylum in the Republic of Serbia due to the lack of a common database.

The Law on the Budget of the Republic of Serbia does not provide a specific budget line for support to victims of trafficking and asylum seekers. Funding from the Republic of Serbia's budget is limited to salaries of the staff at the Office for Coordination of Protection of Victims of Trafficking. Specialized assistance to the victims of human trafficking is provided solely by civil society organizations, with support from foreign donors. Funds provided by the government for direct assistance to victims are of an ad hoc nature.

For example, several years ago, in order to overcome the lack of funds to support and protect the victims of trafficking, the Serbian government decided to start selling surcharge postage stamps during one week in January 2008, despite the fact that such financing was not sustainable or reliable. The funds raised during this week (RSD 4,600,000, worth about EUR 55,000 at the time) were given that the Office which was supposed to spend them on direct assistance to victims. In addition to enabling the Office to avoid cooperation with non-government organizations in assisting the victims of human trafficking (i.e., to act as a direct provider of assistance to the victims instead of helping coordinate its provision), this action is often used as proof that the Serbian Government provided funds to help the victims, although it was actually done by the citizens of the Republic of Serbia who sent mail in the specified period (in addition to paying taxes and without being asked about this additional cost). The idea for this action was inspired by a similar one, which had been organized to help build the Cathedral of Saint Sava in Belgrade).

On February 17, 2011, Belgrade Mayor Dragan Đilas allocated RSD 4 million (about EUR 35,000) from the city budget to the Office for Coordination of Protection of Victims of Human

165 Objective: Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence. **Activity:** Ensure comprehensive legal protection and psycho-social support to migrants, trafficked women and asylum seekers, including women victims of sexual and other gender-based crimes against humanity, with maximum respect of the needs of these women and their inclusion in developing the assistance and support programs.

Trafficking in order to cover the costs of emergency care of victims of human trafficking. However, this fund is not available to all victims, due to unclear criteria for approval and the lack of transparency in spending the money. Since the Office was not independent, but existed as an organizational unit of the Institute for Children and Youth in Belgrade, the Institute Director was responsible for deciding if, how and how much of the funds would be spent. Thus, for example, out of four requests for funding submitted to the Office by ASTRA so far, only one has (partly) been approved. ASTRA has never received any explanation for the rejection. In one case, we received a long list of documents to be submitted to the Agency to obtain the funding. ASTRA decided not to submit the required documents for several reasons, primarily because there was no legal basis for such decision. Also, some of the necessary documents are the responsibility of the social protection system and CSOs cannot provide them, while others cannot be submitted for reasons of confidentiality. Finally, some documents that had been required of us were in conflict with the whole concept of recovery and reintegration. Based on the Law on Free Access to Information, in autumn 2011, a request was sent to the Treasury Department in which we asked for information on how the money from this grant had been spent. However, we only received data on the total spending of the Ministry of Labor and Social Policy for the overall operation of the Institute for Education of Children and Youth. Based on this data, it was not possible to determine the total income and expenditures of the Office for Coordination of Services to Protect Victims of Trafficking, as an organizational unit of the Institute.

As of May 2011, organizations providing support to victims have been joined by the Novi Sad Humanitarian Centre, which provides assistance to victims in Vojvodina. In addition to this, in October 2011, the activity of two shelters for victims of domestic violence coordinated by the local centers for social work - in Novi Sad and Niš - was expanded to include primary health care to victims of human trafficking. This work is also supported by foreign donors.

In November 2011, the Minister of Justice and the Minister of Labor and Social Policy signed an agreement under which a temporarily confiscated house (pursuant to the Law on Seizure and Confiscation of the Proceeds of Crime) in Belgrade would be used for emergency accommodation of the victims of human trafficking. In fact, this house will be the address of the Centre for the Protection of the Victims and will also house the Office and the Shelter. This center has not yet become operational and it is unclear how the operation of the center will be funded.

Since January 2012, the Belgrade Center for Human Rights with the support of the UNHCR has been implementing a project aimed at providing adequate legal aid to asylum seekers. Through regular visits to reception centers, the Center maintains regular contact with asylum seekers and also with the government authorities responsible for this issue. Monitoring of the decision-

making process and access to all individual decisions will give a clear picture of the degree to which the human rights standards that the Republic of Serbia is committed to are respected. The Belgrade Center's legal team talks to potential asylum seekers in order to clarify fully their rights and obligations, and everyone who applies for asylum in the Republic of Serbia will be entitled to their full support and assistance. In addition to providing direct legal aid, the attention of the Belgrade Center will be focused on raising the awareness of the authorities and the public on this subject, promoting new and more effective solutions, keeping accurate statistics on the number of asylum seekers, and gathering information on the countries of origin. The Belgrade Center team collaborates with the Refugee Legal Clinic at the Law School of Belgrade University, which is where they will transfer their knowledge and experience to young, future lawyers. The Group 484, Belgrade Center for Security Policy and the Belgrade Center for Human Rights are carrying out the Networking and Capacity Building project for a More Effective Migration Policy in Serbia, under the auspices of the Embassy of the Kingdom of Norway.

Accommodation centers for asylum seekers are located in Banja Koviljača and in Bogovađa, they are under the jurisdiction of the Commissariat for Refugees, and they are financed from the budget of the Republic of Serbia. The Serbian government has decided to build a new center to house asylum seekers. Currently there are currently no provisions in Serbia for the integration of persons granted protection.

When it comes to women victims of sexual and other gender-based crimes against humanity, the NAP does not specify how many such women there are in the Republic of Serbia, how they will be provided with legal and psycho-social support or how the said activity will include women in developing the assistance and support programs. Also, the Annual Report on the Implementation of the NAP¹⁶⁶ does not provide any information about this activity for 2011 or mention any other activities planned for 2012. Based on this, the Working Group concluded that it was necessary to continue monitoring these activities in order to avoid complete neglect of women victims of sexual and other gender-based crimes against humanity.

166 Annual report on the implementation of NAP to implement the UN Security Council's Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

Free Legal Aid in the Republic of Serbia¹⁶⁷

The Strategy for the Development of a System of Free Legal Aid, adopted by the Government in October 2010, announced the introduction of the system of free legal aid to citizens. The draft Law on Free Legal Aid was available for public comment until the end of 2011. The Autonomous Women's Center, a Women's NGO, has submitted comments on 11 articles of the Law which were related to the expansion of the range of beneficiaries of legal aid, expanding the circle of legal aid providers and better regulation of the status of civil society.

In late January 2012, a new draft law was prepared which accepted proposals from the AWC regarding providers of secondary legal aid, proof of competence of providers as a condition for inclusion in the roster of free legal aid providers, and the option that the provider may state in advance in which proceedings, legal fields, or to which categories of beneficiaries they were unable to provide legal aid due to insufficient training or for other justified reasons. Also accepted was the proposal that the right to free legal aid should be granted to all children, not only children without parental care, the issue of provision of free legal aid to illiterate, deaf, and immobile persons and persons who do not understand the language in official use was regulated, and the conditions under which the Associations and the Legal Clinics were to be included in the Register of Providers were amended. It is planned that the law will enter parliamentary procedure in the fall of 2012.

Free legal aid in Serbia is currently regulated by the Law on Civil Procedure. The provisions of the Law limit the rights of poor citizens, because they must be represented by lawyers, whereas the Constitution stipulates that everyone has the right to appeal or other legal remedy at no additional cost. The adopted Law on Civil Procedure puts limits on the poor and is in conflict with the Constitution. The Ombudsman of the Republic of Serbia, Saša Janković, reacted as early as September 2011 by sending an official letter to the Ministry of Justice expressing concern that Article 85 of the Law on Civil Procedure "constitutes, legally and factually a forbidden and excessively harsh restriction of citizens' rights of access to the courts and use of legal redress."¹⁶⁸

167 Objective: Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence. **Activity:** Set up an efficient legal aid mechanism through adoption and implementation the Law on Free Legal Aid in order to ensure an effective approach to justice for all women – victims of discrimination and gender-based violence

168 The Republic of Serbia Ombudsman, Saša Janković, Web page: <http://www.cins.org.rs/?p=9237>, May 20, 2012

The Commissioner for the Protection of Equality also gave an opinion on Article 85 of the Law on Civil Procedure, which in the current social and legal context, puts at a disadvantage those persons who are unable to conduct the proceedings in court personally and who do not have financial resources to pay a lawyer: "This violates the principle of equality in exercising the right of access to the courts as one of the fundamental rights to a fair trial, guaranteed by Article 32 of the RS Constitution and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms."¹⁶⁹

Currently, all of Belgrade's municipalities provide free legal aid generally two hours a day in the morning, which is an inadequate service for women who are employed. Also, free legal aid services are provided to all citizens, while only the municipality of Zvezdara has a specialized legal counseling service for women victims of violence for 2.5 hours three times a week. Free legal aid is provided by 21 civil society organizations in Serbia within the network of Women Against Violence.

Exemption from advance payment of court costs in applications for protection against domestic violence may encourage those who are unable to cover the expenses of court proceedings not to abandon applications for judicial protection. According to a survey carried out by the Autonomous Women's Center (from 2006 to 2008 for proceedings that were conducted before 26 courts in Serbia, not including the autonomous regions) in only 4.6% of cases did the court exempt the plaintiffs from advance payment of the costs of proceedings.¹⁷⁰

169 Commissioner for the Protection of Equality Nevena Petrušić, Web page: <http://www.cins.org.rs/?p=9237>, May 20, 2012

170 *Porodičnopravna zaštita od nasilja u porodici u pravosudnoj praksi Srbije (Family Law Protection against Domestic Violence in Serbia's Judicial Practice)*, Nevena Petrušić, Slobodanka Konstantinović-Vilić, Beograd: Autonomous Women's Center, Niš: Women's Research Center for Education and Communication, 2010, p. 74.

Reparations to Women Victims of Sex Crimes and Crimes against Humanity ¹⁷¹

1. Damages for women victims of trafficking

One of the mandatory requirements set out in Article 6 of the Palermo Protocol refers to the obligation of a State Party to ensure that its domestic legal system contains measures that offer victims of human trafficking the possibility of obtaining compensation for damage suffered. A State Party may meet this obligation by adopting: (1) regulations allowing victims to sue offenders or other persons for damages in civil proceedings, or (2) provisions allowing criminal courts to award damages in criminal proceedings (i.e. to rule that the offender is to pay compensation to the victim) or to issue an order for compensation of damages or restitution against persons convicted of the crime, or (3) provisions to establish a fund or a program through which a victim could seek damages from the state on grounds of personal injury or damage caused by the criminal act.

In Serbia's legal system, victims of trafficking have the opportunity to obtain compensation for damage suffered in criminal or in civil proceedings. Also, on October 12, 2010, the Republic of Serbia signed the Council of Europe Convention on the Compensation of Victims of Violent Crime, which allows victims to seek compensation from the state for injury or damage suffered as a result of the crime of human trafficking. The Working Group for Monitoring would like to take this opportunity to appeal to the authorities to ratify this convention as soon as possible.

As already mentioned, the victims may exercise their right to damages in criminal proceedings. The Law on Criminal Procedure dictates that; a claim for compensation arising as a result of a criminal act shall be considered in criminal proceedings at the request of authorized persons provided this does not considerably delay the proceedings (Article 232). A claim for compensation may consist of a demand for compensation for damages, recovery of and object or the annulment of a particular legal transaction. The court conducting the proceedings shall inform the victim of this right (Article 234). A request for compensation may be submitted no

171 **Objective:** Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence. **Activity:** Ensure a special state fund for compensation of damage to women – victims of discrimination and gender-based violence and in case of inefficient action of the system authorities and institutions.

later than prior to the conclusion of the trial before the court of first instance. Persons entitled to submit such requests, including victims of trafficking, may withdraw their request for damages in criminal proceedings at any time before the conclusion of the main hearing and submit it as a civil action (Article 235).

The court may, when the defendant is found guilty, satisfy the claim of the authorized person fully or in part, while directing the authorized person to pursue their outstanding claims in a civil action (Article 237 Paragraph 2). If data established in criminal proceedings furnishes no reliable basis for either full or partial adjudication, the court shall instruct the authorized person to assert his/her claim in its entirety in a civil action (Article 237 Paragraph 2). When rendering a judgment of acquittal, a judgment dismissing the charges or a ruling discontinuing criminal proceedings, the court shall instruct the authorized person to assert his/her claim to compensation in a civil action (Article 237 Paragraph 3).

Such a legislative solution would be difficult to criticize if there were more actual judgments awarding prompt compensation to victims. The criminal proceedings are open to criticism because the court is not obliged to decide on compensation claims, or provide a detailed statement of reasons for its decision. The court also has no obligation to inform the victim in detail about the procedure for making a compensation claim. The practice is that during criminal proceedings the court does not decide on the compensation claim of the plaintiff (although the law allows this), the court instructs the plaintiffs to exercise their right to compensation through civil proceedings, which is typically expensive, time consuming and requires the presence of the victim, which certainly represents another form of secondary victimization and prevents the victim from leaving behind what happened and continuing with her life. To date, no victim of human trafficking in Serbia has been compensated for what has been done to her.

In the course of 2010, The OSCE Mission to Serbia, in cooperation with the Association of Public Prosecutors and Deputy Prosecutors of Serbia and the Serbian Association of Judges, assembled a group of experts to look at the options and put forward a proposal for a new solution regarding actions for compensation of damages. The working group comprises one judge and two prosecutors, a university professor, a lawyer and ICMPD and one representative of ASTRA. Their work focused not only on human trafficking, but also on the victims of violent crimes. The working group came up with some proposals, that is, possible solutions to this issue, one of which is establishing of a compensation fund, as a solution that would ensure fair and effective compensation as in some European countries. (<http://www.uts.org.rs/images/kompenzacija.pdf>). The final proposal will be submitted to the Ministry of Justice for consideration by the end of 2012.

The following example illustrates the position of victims in civil proceedings: M.S, a Ukrainian national, was identified as a victim of human trafficking in 2003. In criminal proceedings, which started in December 2004, the trafficker was found guilty of rape, illegal detention and coercion. In 2005, he was sentenced to a prison term of one year and four months. Human trafficking was not criminalized at the time in Serbia. After the criminal proceedings, the victim, represented by an attorney from ASTRA, filed a lawsuit for compensation of damages. In 2008, the Belgrade District Court rendered a judgment partly accepting the victim's claim and awarded her damages of RSD 400,000 (around EUR 4,650), RSD 250,000 for fear suffered and RSD 150,000 for mental anguish caused by detention. The defendant had to pay damages within 15 days of receipt of the judgment. To our knowledge, this has not been done to this day. In June 2006, the victim had to come back to Serbia to give her deposition in a civil action. All preparations for her arrival in Serbia were made in cooperation with the "Women's Center" a Ukrainian NGO, the OSCE Mission in the Ukraine, which covered the costs of air transportation and ASTRA, which informed the Embassy of the Republic of Serbia in the Ukraine why she required a visa, and prepared a letter of invitation sent by the Agency for Coordination of Assistance to Victims. It was also agreed that, during her stay in Belgrade, the victim would stay in the shelter for victims of human trafficking. Her testimony, however, did not go as smoothly as planned. The defendant kept delivering inappropriate comments and claimed, although the judge had warned him that he would be removed from the courtroom and fined, that he could not listen to more lies, and kept leaving and re-entering the courtroom. At the point when the victim was giving her statement on how the exploitation had taken place, the defendant started interrupting her, saying it was all lies. The judge warned him again, and then fined him RSD 30,000. Thereafter, the defendant requested that the judge be replaced, accusing the court of being biased and left the courtroom. However, this did not have a negative impact on the further course of the proceedings. The motion to replace the judge was denied and, after psychological expert evidence on the victim had been submitted, there was no further need for her testimony. ASTRA's database, No. 439.

Although victims of trafficking are able to exercise their right to compensation of damages, the Working Group for Monitoring recommends amendments to the Law on Criminal Procedure to ensure that a victim can exercise a claim for compensation only in criminal proceedings, so as to eliminate the need for filing a civil suit. This would lead to more efficient exercise of the right to compensation for victims of trafficking. In addition, the establishment of a fund for victims of violent crimes would provide additional guarantees for the compensation of victims.

2. Women victims of sexual crimes during the war and compensation to victims and their families

When it comes to women victims of sexual and other gender-based crimes against humanity, there is no mechanism in Serbia for reparations to all victims of crimes associated with the war. Applicable laws provide for administrative compensation for a limited number of victims. Former detainees of prison camps, victims of sexual violence and victims of torture cannot pursue administrative compensation, unless the result of abuse that they suffered was physical injury beyond a certain limit. The victims from these excluded categories can seek pecuniary and non-pecuniary damages through the courts. In practice, national courts apply a high standard of evidence, and in many cases the statute of limitations has prevented the victims from seeking and obtaining compensation for physical and psychological pain. In 2004, the Supreme Court of Serbia ruled that, in connection with an event that caused alleged damage a claim against the state must be initiated within five years. The five-year period had expired for victims of grave human rights violations committed during the nineties.¹⁷²

172 *Post-war Justice and Lasting Peace in Former Yugoslavia*, a report of the Council of Europe's Human Rights Commissioner, 2012, p.27

Transitional Justice and Cooperation of the Republic of Serbia with the International Criminal Tribunal for the Former Yugoslavia¹⁷³

Based on research conducted from July 2011 to May 2012 it can be concluded that Belgrade cooperated with the International Criminal Tribunal for the Former Yugoslavia (ICTY) very slowly and reluctantly, regardless of who was in power in Serbia. Arrests or surrenders of the accused were always the result of international pressure, and never pressure originating from public opinion and institutions. In December 2011, in the report to the UN Security Council, the Prosecutor of the ICTY, Serge Brammertz emphasized the role of the international community which “continued the pressure and provided positive incentives to Serbia to choose responsibility instead of impunity and the rule of law rather than inappropriate loyalty to war criminals”.¹⁷⁴

The trials in Serbian courts are very long, the witnesses for the prosecution receive threats, judgments are often overturned at higher instance courts and the cases sent back for retrial. Media reports of trials for the most serious crimes against humanity are published in the crime sections of the media and the reporters, as a rule, side with the defendants. These statements are also recommendations - the key for Serbia to face its past more quickly is in the hands of both the Serbian government and its society.

After his visit to Serbia in June 2011, the Council of Europe Commissioner for Human Rights Thomas Hammarberg urged Serbia to improve its witness protection system and pointed to the slow progress in proceedings related to war crimes in Serbia because they did not receive wide, clear and unconditional political support. The Commissioner underlined that he was seriously concerned about the widespread ignoring and occasional denial of serious human rights violations during the wars in former Yugoslavia, expressed in public and political discourse in Serbia.

To date, the ICTY has completed 126 trials, and 35 defendants have not yet received judgment.

173 **Objective:** Ensure objective informing of the public about the problems facing women and girls victims of sexual abuse and other international crimes against humanity. **Activity:** Effective and efficient work on discovering, arresting and processing the perpetrators of international war crimes who are on the territory of the Republic of Serbia, including perpetrators of all forms of crimes against humanity in the territory of the Socialist Federal Republic of Yugoslavia whose victims are women and girls.

174 Web page: <http://www.e-novine.com/srbija/vesti/55008-Bramercov-poklon-Srbiji.html>; 2 http://coe.org.rs/def/news_sr_def/?conid=2215, May 20, 2012

Since its establishment on May 25, 1993, the ICTY has indicted 161 persons. Out of the total number of the accused, 104 were Serbian nationals. Of these, there were four Serbs from Croatia, 80 from the Bosnia, and 20 from Serbia or from the YPA units. Out of 80 Bosnian Serbs, after the war in Bosnia the majority fled to Serbia, which was a safe haven. They were granted Serbian citizenship, and have benefited from the national law adopted in March 2004, on the support to the defendants and their families. Under this law, Serbia shall finance salaries, pensions, travel expenses to the ICTY in the Hague every 15 days for family members, shall pay the phone bills and petty cash expenses to defendants and their attorneys' fees. During one week in April 2004, in the streets of Serbia, the Women in Black collected 22,000 signatures of citizens against this law, with the slogan "Not in our name - not with our money". The signatures were sent to the National Assembly of the Republic of Serbia, seeking annulment of the Act and reallocation of the money for assistance to ICTY indictees to charitable purposes. They never received a reply. In late October 2005, the Women in Black sought from the National Council for Cooperation with the ICTY to intervene in favor of the abolition of this law. The result was the same - silence. In 2005, the Serbian government paid EUR 400,000 to the Hague prisoners and their families, in 2008, EUR 200,000 and in 2010, 190,000. In addition to this, from 1995 to 2011, every citizen of Serbia, including those still in their cribs, lost EUR 159 every month for the purpose of hiding Ratko Mladić. At one point there were 46 fugitives from the Hague Tribunal in Serbia. They have blocked Serbia's path to the EU and shut off European funds to Belgrade. Overall, this amounts to an annual loss of EUR 1.2 billion.

The law on assistance to ICTY defendants and their families was adopted by votes of the Democratic Party of Serbia, the Serbian Radical Party and the Socialist Party of Serbia, on March 30, 2004. On April 8, 2004, the Vojvodina Parliament MPs adopted a bill on the termination of the law on the rights of defendants of the ICTY and their families which they referred to the national assembly, but it was never considered. On April 15, 2004, the Constitutional Court of Serbia suspended the implementation of the Law on Assistance to the Hague defendants. Since then, a procedure has been underway for the assessment of compliance of its provisions with the Constitution. Following an internal decision of February 1, 2005, the Government of the Republic of Serbia has been assisting the ICTY indictees from the budget reserve. The Lawyers' Committee for Human Rights asked the Ministry of Finance which funds it used to pay assistance to the Hague indictees, how much was allocated and to whom the funds were awarded. The Ministry responded that the Government allocated half a million Euros from the budget to assist all Hague indictees who had surrendered voluntarily, and their families.

Ratko Mladić was arrested in May 2011 in the village of Lazarevo near Zrenjanin. The former military leader of Republica Srpska, was arrested under the false name of Milorad Komadić in

the house of his relative Branko Mladić.¹⁷⁵ The last Hague fugitive Goran Hadžić was arrested on July 20, 2011 in the Fruška Gora hills. When Hadžić was arrested, and after the arrest of Mladić, the Serbian president at the time, Boris Tadić, highlighted that the authorities had not known where the fugitive had been hiding.¹⁷⁶ War crimes prosecutor and coordinator of the action team that had been searching for the fugitives from the ICTY, Vladimir Vukčević, said then that Hadžić had had a false identity, that arrested with him was another person who had been aiding him in hiding, whose identity was not disclosed and that he had maintained contact with only a few persons, among whom were several priests of the Serbian Orthodox Church.¹⁷⁷

1. Trials in Serbia

According to data for 2010, since the establishment of the War Crimes Prosecutor's Office and the War Crimes Chamber of the then District Court in Belgrade, whose cases were taken over by the Department for War Crimes of the High Court in Belgrade after the Amendments to the Law on the Organization of the Courts, 21 proceedings have been completed before these judicial authorities in which 49 persons were convicted and 10 persons were acquitted.

In September 2011, The Humanitarian Law Center (HLC) launched a report on trials for war crimes and ethnically motivated crimes held in Serbia in 2010. According to the report, in 2010, the Department for War Crimes of the High Court in Belgrade (hereinafter the Department for War Crimes) pronounced nine first-instance judgments, in which 13 defendants were convicted and one acquitted of criminal responsibility. The War Crimes Chamber of the Belgrade Court of Appeal (hereinafter Court of Appeal) pronounced seven judgments, in which it sentenced 21 defendants, and acquitted three. First instance verdicts were revoked and cases sent back for retrial in relation to five defendants. In the case of the Tuzla Convoy, the Court of Appeal, after hearing defense witnesses, returned the case to the trial court of first instance before a changed panel of judges. In the Suva Reka case, the Court of Appeal upheld the verdict and the sentence for the defendant Repanović. Most of the cases before panels of judges of the Department for War Crimes are related to war crimes against Croatian civilians in armed conflicts in Croatia,

175 Web page: <http://www.voanews.com/serbian/news/Serbia-Mladic-Arrested-122649839.html>, May 20, 2012

176 Web page: http://www.slobodnaevropa.org/content/uhapsen_goran_hadzic/24270938.html, May 20, 2012

177 Web page: http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=07&dd=20&nav_category=64&nav_id=526596, May 20, 2012

which the Croatian Ministry of Justice has transferred to the War Crimes Prosecutor's Office of the Republic of Serbia, because the suspects live in Serbia.¹⁷⁸

According to the HLC report presented on April 27, 2012, in 2011, the War Crimes Prosecutor's Office of the Republic of Serbia (WCP) raised indictments against nine people, all for war crimes against the civilian population pursuant to Article 142, Paragraph 1 of the FRY Criminal Code. 13 proceedings were conducted before the War Crimes Department. Of these, in six cases the Department for War Crimes convicted 17 defendants and acquitted two of criminal responsibility, while there are seven procedures underway.

In 2011, the Department for War Crimes of the Court of Appeal passed 11 decisions on appeals against the judgments of the Department for War Crimes, in which it convicted 12 defendants, and in respect of 15 defendants repealed the first instance judgments and sent the cases back for retrial.

In 2011, before the courts of general jurisdiction three court proceedings were conducted for war crimes against civilians under Article 142 Paragraph 1 of the FRY Criminal Code. There are unacceptable backlogs in proceedings before the courts of general jurisdiction confirmed by the fact that these proceedings have been underway for over 10 years. The objection to the Court of Appeal for upholding lenient prison sentences imposed by the Department for War Crimes still remains.¹⁷⁹

In 2012, the trial for the slaughter of Albanians in the Kosovo village of Čuška that occurred on May 14, 1999, continued before the War Crimes Chamber of the High Court in Belgrade. 13 members of the Territorial Defense units, police and the "Jackals" unit were criminally indicted. They captured 44 villagers, locked them in houses, killed them using automatic weapons and set them on fire. Over 400 people were expelled from the village.¹⁸⁰

On April 24, 2012, in the trial for war crimes against civilians in Lovas (Croatia) a combined sentence of 160 years was demanded for 14 indicted members of the YPA, local territorial authorities and paramilitaries because in October 1991, they committed crimes against 70 civilians in the village with a predominantly Croatian population.¹⁸¹

178 Web page: http://www.hlc-rdc.org/wp-content/uploads/2012/03/Izvestaj_o_domacim-su_djenjima-za-r-zl_srpski.pdf, May 20, 2012

179 Web page: http://www.hlc-rdc.org/wp-content/uploads/2012/04/Izvestaj-sudjenja-u-20-11.-fi_nal.pdf, April 20, 2012

180 Web page: <http://www.naslovi.net/2012-03-27/e-novine/nastavljeno-sudjenje-za-masa-kr-u-selu-cuska/3310915>, May 20, 2012

181 Web page: <http://slobodnadalmacija.hr/Svijet/tabid/67/articleType/ArticleV->

The War Crimes Court in Belgrade is continuing with the trial of Tuzla municipality war leader Ilija Jurišić, citizen of B-H, charged with the attack on the YPA column in 1992. On October 11, 2010, the Court of Appeal in Belgrade overturned the first instance verdict sentencing Jurišić to 12 years in prison. The case was sent back for retrial, and Jurišić was released from custody where he had been held since May 11, 2007.¹⁸²

On January 11, 2012, the War Crimes Chamber of the Belgrade Court of Appeal granted the appeal of the prosecutor for war crimes and amended the first-instance judgment by finding Perica Đaković guilty of war crimes against prisoners of war under Article 144 of the FRY Criminal Code and sentencing him to one year in prison. Đaković was found guilty because, on an unspecified date in September 1991 in Medak, during the armed conflict in the former Republic of Croatia, as a member of the reserve police force, in violation of international law, he had beaten A. A., a prisoner of war, on the soles of his feet, using a police truncheon. On July 1, 2011 the High Court in Belgrade, Department for War Crimes had acquitted Đaković of committing a war crime against prisoners of war under Article 144 of the FRY Criminal Code.¹⁸³

2. The Relationship between Belgrade and the ICTY

After the arrest of Ratko Mladić, senior government officials indicated that they would initiate an investigation as to who had assisted him during the 16 years he had evaded justice. Meanwhile, the Belgrade Court of Appeal overturned the verdict of December 10, 2010, which had acquitted the four persons accused of helping hide Mladić and rejected charges against the remaining six defendants due to the statute of limitations. A retrial was ordered and it started in December 2011. On March 27, 2012, the then Head of the National Council for Cooperation with the ICTY, Rasim Ljajić, offered the guarantee of the state to the ICTY, should Vojislav Šešelj, leader of the Serbian Radical Party request provisional release. The Hague Tribunal indicted Šešelj on January 2003 for war crimes in Croatia, Bosnia and Herzegovina and Vojvodina from 1991 to 1995. Ljajić's offer was issued before the parliamentary and presidential elections in Serbia on May 6, 2012. At the same time, the government of Serbia did not even respond to the demands of the Hague indictees Jovica Stanišić and Franko Simatović to guarantee their

<http://www.naslovi.net/2012-02-27/slobodna-evropa/beograd-nastavak-sudjenja-ili-ji-juriscicu/3221204>, May 20, 2012

182 Web page: <http://www.naslovi.net/2012-02-27/slobodna-evropa/beograd-nastavak-sudjenja-ili-ji-juriscicu/3221204>, May 20, 2012

183 Web page: <http://www.bg.ap.sud.rs/lt/articles/sluzba-za-odnose-sa-javnoscju/aktuelnipredmeti/ratni-zlocini/rz-donete-odluke/donete-odluke-ratni-zlocini-april-2012.htm>, May 25, 2012

temporary release. The ruling coalition had no use for Stanišić and Simatović in the election campaign. Unlike them, Šešelj, who would use his provisional release to attack his former party comrades, now the breakaway members of the Serbian Progressive Party and major rivals of the ruling coalition, Tomislav Nikolić and Aleksandar Vučić, which would have benefited the ruling coalition in the elections. Ljajić was also member of the ruling coalition in the last session of the Government.

3. ICTY Judgments on Serbian Citizens

The following people were sentenced in 2010: Veselin Šljivančanin to 10 years in prison, Vujadin Popović and Ljubiša Beara to life imprisonment, Drago Nikolić to 35 years in prison, Ljubomir Borovčanin to 17 years in prison, Radivoje Miletić to 19 years in prison, Milan Gvero to 5 years, and Vinko Pandurević to 13 years in prison for crimes in Croatia and Bosnia-Herzegovina from 1991 to 1995.

In 2011, Momčilo Perišić and Vlastimir Đorđević were each sentenced to 27 years in prison. The former was convicted of assisting in war crimes committed by the Yugoslav Army officers fighting in the Serbian Army of Krajina in Croatia and the Army of Republica Srpska in Bosnia and Herzegovina, and the latter of war crimes against ethnic Albanians in Kosovo.¹⁸⁴

In 2012, the trials continue including the that against wartime Bosnian Serb political leader Radovan Karadžić, indicted for genocide, and judgments for Vojislav Šešelj, Stanišić and Simatović are also pending. The ICTY is also expected to decide on the appeals of Milan Lukić and Sredoje Lukić.¹⁸⁵

4. Belgrade's Relationship with its Wartime Past

Prosecutor Brammertz said: "If Serbia had extradited Mladić in time, we would not now be fighting to expedite the trial and we would not have reduced the number of witnesses." He said that he had not yet received all the required answers from Belgrade about hiding the Hague indictees. Brammertz confirmed that he would continue to insist that Serbia investigate how

184 Web page: <http://www.icty.org/sid/10095>, April 21, 2012

185 Web page: <http://daily.tportal.hr/168165/ICTY-to-deliver- verdicts-in-cases-of-Se-selj-Prljic-and-others-in-2012.html>, April 21, 2012

Mladić and other defendants, had been able to hide for years, especially considering that in the case of earlier arrests many current problems would have been avoided.¹⁸⁶

Representative Hammarberg of the Council of Europe urged the Belgrade authorities to intensify the investigation and prosecution of war crimes, in accordance with the principles of international law of personal accountability, justice and the rule of law. A positive step is that, in March 2010, the Serbian National Assembly adopted a resolution condemning the atrocities in Srebrenica in 1995. Nevertheless, the Commissioner is concerned about statements by some Serbian politicians who deny wartime atrocities.¹⁸⁷

These two statements of international officials reflect the essence of Belgrade's relationship towards its wartime past.

186 Dnevni avaz, Sarajevo, December 23, 2011

187 Web page: http://coe.org.rs/def/news_sr_def/?conid=2215, April 21, 2012

“Impartial” Reporting on War Crimes of the 1990s¹⁸⁸

It is a little known fact that rape in war has become recognized as a war crime in international criminal law thanks to women’s activism on the territory of the former Yugoslavia. Nowadays, sexual violence is recognized as a deliberate war tactic, a problem relevant to international security, a crime against humanity. The International Criminal Tribunal for the Former Yugoslavia played an important role in bringing this about.

The extent of sexual violence during wars in former Yugoslavia becomes clear from the fact that 78 out of 161 proceedings before this court involved sexual violence which in some cases was also committed against men.

In 25 cases completed to date, the defendants were found guilty of sexual crimes. 24 men and 1 woman, Biljana Plavšić, were, among other counts, convicted of sexual assault. The Tribunal still holds about thirty people whose proceedings are still pending. Among them are Radovan Karadžić and Ratko Mladić, who has been charged with sexual violence and rape as a crime within the scope of the genocide.¹⁸⁹

In early 2012, the International Criminal Tribunal for the Former Yugoslavia Media Office released the documentary entitled Ending Impunity: Sexual Abuse before the Hague Tribunal. According to Nerma Jelačić, the ICTY spokeswoman: “The more facts we established, the stronger became the voices of denial and revision. There are still those who argue that the crimes of systematic rape and sexual violence never occurred, that Foča never happened, that the Karaman’s house never happened, that Omarska is a lie and so on.”¹⁹⁰ The film, which features testimonies of those who survived sexual abuse and testified at the trials, as well as interviews with former and current senior officials of the Tribunal, was shown in several cities in Serbia in February and March 2012. Unlike the huge stir that Angelina Jolie’s film “In the Land of

188 Objective: Ensure objective informing of the public about the problems facing women and girls victims of sexual abuse and other international crimes against humanity. **Activity:** Create and implement programs of informing the public about international humanitarian law and the work of local and international judicial institutions with realistic presentation of processed cases of rape, sexual slavery, forced prostitution, forced pregnancy and other forms of sexual abuse of women committed during the wars on the territory of former Socialist Federal Republic of Yugoslavia.

189 Web page: <http://naslovi.ha.rs/2012-04-25/slobodna-evropa/seksualno-nasilje-u-ratucutanje-o-zlocinu-je-pristanak-na-njega/3392151>, June 16, 2012

190 Web page: www.dw.de/dw/article/0,,15916683,00.html, May 26, 2012

Blood and Honey” caused in public, the film “Ending Impunity: Sexual Abuse before the Hague Tribunal”, except for a few short reports, passed without much publicity.

A survey by the Organization for Security and Cooperation in Europe (OSCE) and the Belgrade Centre for Human Rights, conducted in September and October 2011 on a sample of 1407 people aged over 16 who were directly interviewed, proved the fact that ignorance and denial of serious human rights violations are still dominant in Serbia. The survey includes data on Serbian citizens’ awareness of and attitudes towards war crimes, the International Criminal Tribunal for the Former Yugoslavia and the national judiciary. The survey found that a large number of citizens (66%) consider that the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) was not necessary, while a considerable number of them (40%) believe that the primary purpose of a war crimes trial before the ICTY is to put the full blame for the war on Serbs. The same number (40%) believe that Serbia should not cooperate with the ICTY. In this context, one can understand the small percentage of those who know, or the even smaller percentage of those who believe, that between 1992 and 1993 in the Foča area, hundreds of Bosniak women, including girls, experienced sexual abuse.¹⁹¹

Have you heard of the following event?¹⁹² If so, do you believe it really happened? If you believe, do you think that this event is a war crime?

In the Čelebići camp in Bosnia, Serbian women were raped:

I've heard of the event	56%
I believe it happened	50%
I believe it's a war crime	48%

In the year 1992, members of the Serbian armed forces committed systematic rape of Muslim women in Foča (Bosnia):

I've heard of the event	33%
I believe it happened	18%
I believe it's a war crime	16%

191 Web page: www.mc.rs/mc_press_centar/dogadjaji.4.html?eventId=8365, June 16, 2012

192 The ICTY passed its highest sentence, 28 years in prison to Dragoljub Kunarac. In 2001 he was found guilty of sexual slavery of hundreds of Bosniak women, girls included, on the territory of Foča, between 1992 and 1993. In these proceedings, rape was accepted as a crime against humanity due to the scope of the crime. Two defendants in this case, Radomir Kovač and Zoran Vuković, were sentenced to 20, that is 12 years in prison respectively.

Since 2003, which saw the setting up of the War Crimes Prosecutor's Office and War Crimes Chamber of the then District Court in Belgrade, of the cases which were taken over by the Department for War Crimes of the Belgrade High Court following the amendments of the Law on the Organization of the Courts, in only two cases completed before these judicial authorities were the accused found guilty of sexual crimes. According to Snežana Nikolić-Garotić, Judge at the War Crimes Department of the High Court in Belgrade, "There aren't many cases, because women find it hard to talk about. In addition to a number of measures set forth by law, the social climate must encourage them to talk about it."¹⁹³

Neither the domestic war crimes courts, nor the Hague tribunal¹⁹⁴ have managed to bring justice to women victims of sexual violence in this region. To change this situation, one of the recommendations in the report of the Council of Europe Commissioner for Human Rights of February 2012 is "to give women a stronger voice." Also, the report invites "governments in the region to provide more effective support to the initiatives for discovering the truth, and to coordinate their activities through a plan of action that has been consolidated on the broadest possible basis."¹⁹⁵

One of the most important regional initiatives that began in late 2010 was the Initiative for the Establishment of the Women's Tribunal on the territory of the former Yugoslavia, by the Steering Committee members, comprising: Women to Women, Sarajevo (Bosnia and Herzegovina), Anima Center for Women's and Peace Education from Kotor (Montenegro), the Center for Women's Studies and the Center for Women Victims of War from Zagreb (Croatia), Women's Network of Kosova (Kosovo), Women's Studies and Women in Black from Belgrade (Serbia). The Women's Tribunal should promote compassion and dialogue and improve understanding of the experiences these women had. The Women's Tribunal is an alternative model of justice and it is not related to the institutional system. Its power is moral power.

The establishment of the Women's Tribunal was supported by a large number of NGOs from the region which fight for the respect of women's human rights. This regional initiative, however, is not recognized and the Women in Black activists (the organization that coordinates the work of the Initiative for the Establishment of the Women's Tribunal), were not included in the preparation of the NAP for the implementation of Resolution 1325 in the Republic of Serbia.

193 Web page: <http://www.e-novine.com/mobile/drustvo/63358-seksualnom-nasilju-odgovornosti-ratu.html>, May 26, 2012

194 Characteristically, women made up only 18% of all witnesses who appeared before the Tribunal between 1996 and 2006

195 Post-war Justice and Lasting Peace in Former Yugoslavia, a report of the Council of Europe's Human Rights Commissioner, 2012

In addition, continuous efforts have been made to hamper work on this initiative (and other similar ones) by violating one of the fundamental rights proclaimed by the United Nations Declaration on Human Rights Defenders. Women in Black activists were exposed to numerous attacks and threats in 2011. In March, the legal team of the Lawyers' Committee for Human Rights – YUCOM, an organization fighting for human rights, filed four criminal charges on behalf of the Women in Black NGO for assaults and threat to life and property of this organization's activists pursuant to provisions on crimes of racial and other discrimination (Art. 387 of the Criminal Code), and violent behavior (Art. 344 of the Criminal Code). In July, a criminal charge was filed against an unknown perpetrator who had created a Facebook profile named Stop Mental Violence, Ban Women in Black, which contained open calls for violence and murder of NGO activists. In 2011, Serbia did little to reduce the animosity towards the defenders.¹⁹⁶

It could be said that some progress has been made through the support to the RECOM Initiative¹⁹⁷ in mid-February 2011 by the President of the Republic of Serbia, the Parliamentary Committee for European Integrations of Serbia, and, in April 2011, also by a number of political parties represented in the National Assembly of the Republic of Serbia. However, the Coalition for RECOM was not permitted to hand a petition to set up RECOM signed by 543,000 citizens from post-Yugoslav countries and the request for inclusion of state institutions in the RECOM process to the then-Serbian President Boris Tadić. It remains to be seen how the results of the recent parliamentary and presidential elections will affect the future relationship between the institutions of the Republic of Serbia towards the RECOM Initiative.

When it comes to media coverage of related topics in the field of transitional justice and dealing with the past, no positive trends can be detected. The number of media outlets which insist on establishing accountability for crimes committed during armed conflicts on the territory of former

196 The Belgrade Human Rights Center, *Ljudska prava u Srbiji 2011: Pravo, praksa i međunarodni standardi (Human Rights in Serbia in 2011: Law, Practice and International Standards)*, Belgrade, 2012

197 RECOM initiative is a regional initiative to establish a regional commission in charge of establishing and publicly reporting the facts about all the victims of war crimes and other serious human rights violations in the former Yugoslavia between 1991 and 2001. RECOM initiative earned broad support of a significant number of civil society representatives, victims' associations and of individuals from all countries of former Yugoslavia. The initiators have organized several public campaigns in the region. Campaigns were intensified during the collection of signatures for RECOM's Statute and undoubtedly contributed to the fact that the nations of the region understand the importance of the reconciliation process.

Yugoslavia and responsibly and impartially report on this subject is very small. Most of the media give attention to this issue mainly when there is breaking news about events related to proceedings conducted for crimes in which Serbs were victims. Also, the fact that printed media do not pay great attention to war crime trials taking place in Belgrade is a matter of concern. Television stations give even less attention to the trials. The trials before the ICTY also fail to get enough space in the media.¹⁹⁸ The stigmatization of human rights organizations is still largely present in the media, and it is necessary to make continued efforts to educate journalists on human rights and the social role of defenders and encourage them to pass on the information about the defenders that is more impartial and balanced.¹⁹⁹

According to the annual plan on the implementation of the NAP for the enforcement of Resolution 1325 in Serbia the activity of “impartial presentation of completed cases of rape, sexual slavery, enforced prostitution, forced pregnancy and other forms of sexual abuse of women committed during the wars in former Socialist Federal Republic of Yugoslavia” has been partially implemented because this content is included in regular education and provided as an opportunity for all forms of professional development training at the University of Defense.²⁰⁰ Since the syllabi that the Working Group had requested were not provided, it is impossible to determine whether the content is really impartial and in accordance with the judgments of the International Criminal Tribunal for the Former Yugoslavia.

198 The Belgrade Human Rights Center, *Ljudska prava u Srbiji 2011: Pravo, praksa i međunarodni standardi (Human Rights in Serbia in 2011: Law, Practice and International Standards)*, Belgrade, 2012

199 The Belgrade Human Rights Center, *Ljudska prava u Srbiji 2011: Pravo, praksa i međunarodni standardi (Human Rights in Serbia in 2011: Law, Practice and International Standards)*, Belgrade, 2012

200 Annual report on the implementation of NAP to implement the UN Security Council’s Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

Position of Human Rights Defenders in the Republic of Serbia²⁰¹

The Serbian authorities have adopted several measures to fight against hate crimes. The Serbian Criminal Code was amended in 2009 to include the offense of racist discrimination. In addition to this, pursuant to the Criminal Code, the penalty for publication and distribution of texts instigating racial hatred is three to five years in prison. In June 2011, the Constitutional Court of Serbia prohibited the registration of the extreme right-wing organization called Nacionalni stroj (National Front).

The 2009 Law on Prohibition of Discrimination, the Civil Code, the Labor Law, Law on Public Information, and several other laws provide protection from discrimination based on sexual orientation. The criminal legislation does not contain specific provisions on hate speech. An offense of “instigating national, racial or religious intolerance,” is stipulated, but does not include all forms of hate speech provided by the Council of Europe Committee of Ministers Recommendation No. R (97) 20 on hate speech.

The Council of Europe’s Commissioner for Human Rights, Thomas Hammarberg published a report after visiting Serbia in June 2011. The Commissioner remains concerned about widespread homophobia. He invites governments to intensify efforts to fight violence and discrimination against the LGBT population, including a more ardent court application of criminal provisions on hate crime.²⁰²

The attacks of extremist groups on LGBT individuals peaked in 2010, during the Belgrade Gay Pride parade, as over 6,000 hooligans gathered in central Belgrade to protest against the Gay Pride. 124 policemen and 17 protesters were injured in clashes with police, and there was considerable damage to property. Police detained more than 200 rioters and arrested the leader of an extremist group.²⁰³ Representatives of a CSO informed Commissioner Hammarberg that

201 **Objective:** Ensure objective informing of the public about the problems facing women and girls victims of sexual abuse and other international crimes against humanity. **Activity:** Prevent and efficiently process all forms of attacks and endangering the security of subjects carrying out the monitoring of war crimes processing and exercising human rights and offer assistance and support to victims of discrimination and gender-based violence.

202 Web page: http://coe.org.rs/def/news_sr_def/?conid=2215, May 15, 2012

203 Ibid, p. 24

the sentences imposed by courts in cases of hate crime and racist crime, were generally mild.²⁰⁴ The Gay Straight Alliance initiated 16 proceedings relating to the prohibition of discrimination before national courts.²⁰⁵ According to the Commissioner for Equality, discrimination based on sexual orientation, as a result of prejudice against LGBT persons is widespread. The LGBT population and those who advocate for LGBT human rights are victimized.²⁰⁶ The Commissioner urges the authorities to continue to take a strong public position against violations of human rights of the LGBT population, and to promote understanding and respect, primarily through education on human rights and raising awareness. The Commissioner for Equality could play the role of a social catalyst in this.²⁰⁷

The majority of complaints to Nevena Petrušić, Commissioner for Protection of Equality in Serbia, refer to discrimination based on ethnic and political affiliation in hiring. The most frequent victims of discrimination were the Roma, the poor, the disabled, the elderly and LGBT population.²⁰⁸ That year, after two failed attempts in 2001 and 2009, the Gay Pride parade was held in Belgrade. Hate speech around the time of the Gay Pride intensified.²⁰⁹ The Metropolitan of the Serbian Orthodox Church, Amfilohije was again among those spreading hate speech against LGBT people, prompting a complaint filed by Labris to the Commissioner for Equality. The day after the Gay Pride, in 2010, Metropolitan Radović used hate speech against LGBT people, stating that homosexuality was “the stench of Sodom”.²¹⁰ The Holy Synod of the Serbian Orthodox Church issued a statement in which it vehemently opposed the Gay Pride.²¹¹ Inappropriate statements about homosexuals could be heard from politicians before the parade as well as at the meeting of the Belgrade City Assembly session.²¹² Members of the nationalist Stormfront Forum published the names of people who had supported the parade on their forum. A few days before the Gay Pride in Belgrade, the Higher Prosecutor’s Office filed an indictment

204 Ibid, p. 17

205 Ibid, p. 64

206 Ibid, p. 12

207 Ibid, p. 63

208 *Večernje novosti*, August 24, 2011, p. 2,

209 Web page: <http://gsa.rs/izvestaji/Istrazivanje-Predrasude-Na-Videlo-2010-GSA.pdf>., February 10, 2012

210 Web page: <http://www.stopdiskriminaciji.org/arhiva/saopštenje-za-javnost-koalicije-protivdiskriminacije-povodom-govora-mrznje-mitropolita-amfilohija-radovica> <http://www.adforum.rs/forum/8-objavljeni-slucajevi/27-labris-izvestaj-za-2010-godinu.htm>, June 20,2012

211 *Politika*, October 9, 2011, p. 7.

212 *Vesti B92*, October 29, 2011

against Aleksandar Đurđević, member of the Obraz organization, because he had posted death threats to the participants of the Gay Pride on the social network Facebook.²¹³ The Serbian National Movement 1389 urged the media to sell them photographs of Gay Pride participants, allegedly to use them in designing the Protect Your Child web page.²¹⁴ Ten days after the riots in the streets of Belgrade, the First Basic Public Prosecutor's Office in Belgrade filed charges against the rioters and the first sentence for riots during the Gay Pride was passed in that case. Milan Vacić (19) and Milan Rus (19) were sentenced in November before the First Basic Court in Belgrade to 6 months' imprisonment suspended for 2 years for obstructing officials in discharging their official duties during the Pride.²¹⁵

In 2011, the Yugoslav Lawyers' Committee for Human Rights (YUCOM) filed four criminal charges on behalf of the Women in Black for "racial and other discrimination" under Article 387, Paragraph 2 of the Criminal Code. YUCOM analyzed the attacks on the Women in Black activists and the government response. On October 5, members of human rights organizations gathered in New Belgrade to prevent the eviction of several families. This time, Marija Perković, a Women in Black activist, was arrested for peaceful protest against the eviction. She was accused of preventing an official from discharging official duties (Article 322, CC). The prosecutors did not establish the existence of violence or threat in this case, which was why she was released. On March 8, 2008, the Ministry of the Interior prevented the Women in Black from holding a peaceful rally entitled: One Hundred Years of Struggle. Numerous organizations close to the government held a peaceful rally at the Republic Square in Belgrade at the same time, which indicated that the ban was politically motivated. YUCOM filed charges against the decision of the Serbian Interior Ministry. Two years later, in 2010, the charges were rejected as unfounded. YUCOM's attorney filed a constitutional appeal in 2010, claiming that the Women in Black's right to a fair trial, freedom of assembly and the right to an effective legal remedy had been violated. In March 2012, the Constitutional Court passed a decision to adopt the constitutional appeal.²¹⁶

Although Serbia has an adequate legal framework to combat violence and discrimination, especially against LGBT people, what it lacks is full implementation of these laws, according to an annual report of the Gay Straight Alliance on the situation regarding human rights of LGBT people in Serbia for 2011. There was a rise in violence against people of different sexual orientation. The growing number of cases of violence and discrimination is not drastic, but attempted physical violence or attacks based on actual or perceived sexual orientation was

213 *Večernje novosti*, October 21, 2011, p. 14

214 *Kurir*, October 9, 2011, p. 2.

215 *Vesti B92*, November 12, 2012

216 Web page: www.yucom.org.rs, May 15, 2012

about 30% higher in 2011 in comparison to 2010. Although the judicial authorities were slightly more efficient when it comes to prosecuting cases against leaders and members of right-wing extremist organizations, the report notes that sentences were generally mild, at or below the legal minimum.²¹⁷

One person was assaulted in the center of Belgrade because of sexual orientation. The Gay Straight Alliance expresses the deepest concern at the latest in a series of frequent assaults that occurred on the night of between November 25 and 26. None of the passers-by or people waiting for the bus reacted to the assault which lasted for several minutes. The young man who was attacked suffered head and face injuries. Police have filed misdemeanor charges against the assailants.²¹⁸

The October 2 Gay Pride in Belgrade was banned because, according to police intelligence, as reported by the media, riots were being prepared in Belgrade. No criminal charges were filed on the occasion. The National Security Council recommended prohibition of all public assemblies. The Serbian Gay Pride ban violated the right of citizens to freedom of peaceful assembly. The Belgrade Centre for Human Rights has therefore appealed to the European Court of Human Rights.²¹⁹

The organization of Gay Pride 2011 was accompanied by inappropriate and homophobic statements by public officials. The Commissioner for Protection of Equality warned that statements regarding Pride made by Dragan Marković, a national MP and mayor, violated the prohibition of discrimination and constituted hate speech.²²⁰

In 2011, the Parliamentary Legislative Committee found itself on the list of those who did not meet the recommendations of the Commissioner for the Protection of Equality regarding discrimination. The Commissioner reacted to an article placed by the Muslim Youth Club of the Islamic Community in Serbia, in the daily newspaper *Danas*, warning that it constituted hate speech against Aida Ćorović, director of the “Urban In” organization from Novi Pazar.²²¹

217 Web page: http://www.danas.rs/danasrs/drustvo/porast_nasilja.55.html?news_id=240491, January 12, 2012

218 Web page: <http://www.blic.rs/Vesti/Beograd/292165/Gej-strejt-alijansa-Mladic-napadnut-zbog-seksualne-orijentacije>, May 15, 2012

219 Web page: www.bgcentar.org.rs, May 12, 2012

220 Web page: <http://www.ravnopravnost>, May 15, 2012

221 *Informator o radu poverenika za zaštitu ravnopravnosti*, „Pregled rada za period januar – jun 2011. (Report on the Work of the Commissioner for the Protection of Equality, January-June 2011), pp. 43–50.

With the support of representatives of civil society in the Sandžak region, sixteen civil society organizations in Serbia demanded that the state begin addressing on-going problems in the region, in order to prevent growing extremism. The Republic Ombudsman, Saša Janković expressed concern about the pressure on the representatives of certain civil society organizations in Novi Pazar through the local media which were considered to be under the influence of a religious community and its leader.²²²

In Belgrade, A. Ž. (24) was attacked with a knife and severely injured for wearing the Gay Pride insignia. One of the assailants asked her if she were lesbian several times during the attack.²²³

In 2012, the Commissioner for Protection of Equality of the Republic of Serbia established discrimination against LGBT people based on one of their personal characteristics (sexual orientation), which is prohibited by Article 12 of the Law on the Prohibition of Discrimination based on a complaint filed last October by Labris – a lesbian human rights organization and the Coalition Against Discrimination. It concerns a professor of the Faculty of Culture and Media, Milan Brdar, PhD, who gave a lecture in which he had stated that “homosexuality is a disease that should be registered as one just like gastric ulcers” and that “homosexuality can be cured by means of a sex change.” The letter which Labris received from the Commissioner included the Commissioner’s recommendation to Brdar to make sure that what he told his students should be clear and unambiguous.²²⁴

Ljubiša Diković, Serbian Armed Forces Chief of Staff, filed a lawsuit against Nataša Kandić, director of the Humanitarian Law Center (HLC), for her accusations that he was responsible for war crimes in Kosovo. The lawsuit was expected. It had been announced also by Dragan Šutanovac, Minister of Defense. In late February, a group of NGOs publicly demanded that the Prosecutor’s office investigate the allegations from the HLC file.²²⁵

Attacks against human rights defenders are not as conspicuous in Serbia as in some other regions, and are not necessarily committed by government stakeholders, but only the government is entitled to impunity. The authorities do not contribute to the prevention of

222 Tanjug, September 13, 2011

223 GSA Statement, <http://www.gsa.org.rs/cms-run/index.php?limitstart=12>. Web page: <http://www.bgcentar.org.rs/images/stories/Datoteke/ljudska%20prava%20u%20srbiji%202011.pdf>, October 15, 2011

224 Web page: <http://www.telegraf.rs/vesti/137668-labris-profesor-brdar-diskriminise-gejeve>, June 10, 2012

225 Web page: <http://www.naslovi.net/2012-03-19/slobodna-evropa/slucaj-dikovic-nacelnik-generalstaba-vs-tuzio-natasu-kandic/3284915>, March 19, 2012

discriminatory treatment and are discouraging the victims from turning to them for protection. The normative framework for protection of equality of LGBT people is generally satisfactory, but the legal provisions, strategies and regulations prohibiting discrimination are not consistently enforced.

Education

INTRODUCTION

Education is an important framework for ensuring the long-term impact on the employees in the security sector and the institutions which educate future security sector staff. For Women in Black, from the aspect of peace, education is important not only for members who have direct contact with women victims of violence (as is the case with the police), but also for members of peace-keeping missions, and managers and employees in the security sector.

Openness and a democratic approach in the security sector can be achieved only if managers and employees in the sector realize that the security sector institutions are a service to the citizens. The working group's research on current education in the security sector that deals with gender equality, gender-based violence, gender awareness, sexual exploitation and sexual abuse is presented below.

The lack of seriousness in the MoD's and SAF's approach to issues such as sexual abuse is not surprising for the Women in Black. At the time of drafting the NAP for the implementation of Resolution 1325 in Serbia, Women in Black stated in their comments that the "contextualized nature of Resolution 1325 means that it must comply with the specific circumstances of the country in which it applies. There must not be any identical (copy-paste) objectives and methods of implementation, the priorities in the implementation of the Resolution must be determined by the context."²²⁶ In Serbia's case, this means that one of the priorities of the Resolution must be post-conflict reconstruction of society, i.e. processes in which individual criminal responsibility and the facts about past crimes will be established, perpetrators punished and institutional reforms made which will break the continuity of institutions and society with the regime which bears responsibility for genocide and the most serious crimes. Before adopting the final NAP draft, Women in Black requested that it include much more activities related to the mentioned areas.

226 Comments by the *Women in Black* in Cooperation with Centar za unapređenje pravnih studija (CUPS(Centre for Advanced Legal Studies), prof. Vesna Rakić Vodinelić, PhD, and Mr. Saša Gajin, MA, November,16, November 2010

What the MoD lists as education for its staff on sexual abuse is an insult to victims of sexual abuse during the war of the 1990s. We should note here that the International Criminal Tribunal for Former Yugoslavia established, beyond reasonable doubt, that the Serbs had used rape as a tactic of war during the Serbian aggression against Bosnia and Herzegovina, in the following cases: Duško Tadić, Biljana Plavšić, Momčilo Krajišnik, Damir Došen, Dragan Zelenović, Duško Sikirica, Dragan Kolundžija, Milomir Stakić, Dragan Nikolić, Mlađo Radić, Miroslav Kvočka, Dragoljub Prcać, Zoran Žigić, Milojica Kos, Radoslav Brđanin, Ranko Češić, Goran Jelisić, while three other Serbs from Foča were convicted of imposing sexual slavery on over a hundred Bosniak women in Foča. Ratko Mladić is currently on trial in The Hague, for rape as an act of genocide in eight municipalities in Bosnia-Herzegovina. Systematic mass rape of women during the war in Bosnia and Herzegovina was an act of male violence against women, but also an act of ethnic cleansing, taking a war prize and territorial expansion.

We should note here that more than 20,000 women were raped during the Serbian aggression against Bosnia and Herzegovina: from girls to old women. Most of the women were raped in Foča (in several places in the city), in Višegrad (in a motel called Vilina Vlas) and in death camps in Prijedor.

A substantial amount of material has been collected by the women's movement in Serbia, on issues such as gender equality, gender-based violence, gender awareness, sexual exploitation and sexual abuse in the wars of the 1990s. So far, no interest has been shown in involving the women's movement in the education of employees in the security sector, even though, thanks to their long experience in working with women from the region, this would enhance democratic practice and openness in the process of enforcing R 1325 in Serbia.

Education on Gender Equality ²²⁷

During 2011, education of managers on gender equality and the importance of equal opportunities for the participation of women in security and defense issues was planned to be carried out in 2012.²²⁸

The following has been included in the SAF and MoD plan of activities for 2012 to carry out the above activities:

1. Provide education for of MoD and SAF GS managerial staff on the following topics:
 - introduction of a gender perspective into defense and security policies

This activity will be carried out by the Advisor to the Minister for Gender Equality, the University of Defense and the Strategic Research Institute, in collaboration with all organizational units of the MoD and SAF GS, local and foreign partners.

2. In 2012, it was planned to ensure planning of education and training for officers, cadets and staff in the MoD and the SAF, and for members of their families in 2013 on the following issues:
 - the function and importance of gender analysis
 - the function and importance of gender responsive budgeting²²⁹

There are no indicators to measure the impact of this training and education on decisions by managerial staff in the MoD and the SAF. Their replies state that, “for such assessments, it is

227 **Objective:** Education and raising awareness on the importance of participation of women in the process of decision-making and managing in defense and security in order to overcome stereotypes and lack of understanding. **Activity:** Include contents on gender equality and importance of equal opportunities for participation of women in decision-making on security and defense issues into curricula of compulsory education of managers in government administration, particularly in the defense and security sectors.

228 The Ministry of Defense replies to the 150 questions that the Working Group in charge of monitoring the implementation of NAP to implement R 1325 sent to MoD on January 13, 2012. The replies were received on April 3, 2012

229 Ibid

necessary to carry out special research,” , but it was not specified who should conduct such research.²³⁰

Educational courses and seminars on gender equality and the importance of equal opportunities in 2011 included 18 participants (15 women and 3 men), some of whom have attended several educational courses. The average duration of seminars held for men and women on gender equality and the importance of equal opportunities is 2.67 days.²³¹

Since the MoD and SAF Analytical Group Report states that this activity has been carried out, explaining that the 2011 education is planned for implementation in 2012, in cooperation with local and foreign partners, it is necessary to continue monitoring these activities. Planning cannot be regarded as implementation and implemented training cannot be considered to have been successful if the training does not have an impact on the future decisions of managers in the security sector or lead to gender responsive budgeting, so that the activities of the NAP, which will bring about real change in the existing security sector do not have to be carried out without funds. The fact that the NAP activities were carried out “without planned and allocated funds for 2011”²³² illustrates the seriousness and commitment of the institutions of the Republic of Serbia when it comes to the importance of conducting these activities in the security sector.

230 Ibid

231 Ibid

232 Report on the work of the MoD and SAF Analytical Group on the implementation of NAP to enforce the UN Security Council’s Resolution 1325 - Women, Peace Security in the Republic of Serbia for the period between May-November 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

Education on Gender-Based Violence²³³

We have not received the curricula or syllabi of educational programs which the Working Group requested in its the questions to MoD sent on 13 January, 2012. However, the annual report on the implementation of the NAP on the enforcement of Resolution 1325, states that the activity has been partially carried out, that the curricula of military-educational institutions were adjusted in 2011 at all levels, in terms of topics that deal with gender issues, and that the Amendments to the Education and Professional Development Plan for 2012 put forward by the MoD and SAF Analytical Group were not taken into consideration due to a lack of financial resources for their implementation.²³⁴

233 **Objective:** Education of members of the security sector and their family members about gender issues **Activity:** Introduce contents on gender equality and gender-based violence into all levels of training, personal development and education in the security sector.

234 Annual report on the implementation of NAP to implement the UN Security Council's Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

Education on Gender Awareness, Gender Exploitation and Abuse ²³⁵

The Annual Report on the Implementation of the NAP for the Enforcement of Resolution 1325 states that the introduction of education on gender issues, gender awareness, sexual exploitation and abuse in the curricula of mandatory annual professional development for employees in the security sector, in accordance with the roles of specific government authorities has been partially implemented, and that amendments to the Training Instructions proposed by the MoD and SAF Analytical Group related to the introduction of content on gender issues, gender awareness, sexual exploitation and abuse have not been accepted. The planning of these topics was conducted in various organizational units of the MoD and SAF. ²³⁶

When it comes to the introduction of content on gender issues, gender awareness, sexual exploitation and abuse, for use in training programs for employees in the security sector, the MoD and SAF, it is stated that this objective has been partially implemented through the Odrbrana (Defense) army magazine. The continuation of this activity is announced for 2012, through a round table and the publication of a brochure. ²³⁷

235 Objective: Education of members of the security sector and their family members about gender issues **Activity:** Introduce contents on gender issues, gender awareness, sexual exploitation and abuse into curricula of compulsory annual professional development for employees in the security sector in line with roles of particular government bodies. **Activity:** Introduce contents for education of employees on gender issues, gender awareness, sexual exploitation and abuse into elementary training programs for employees in the security sector.

236 Annual report on the implementation of NAP to implement the UN Security Council's Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

237 Annual report on the implementation of NAP to implement the UN Security Council's Resolution 1325 in the Ministry of Defense and Serbian Armed Forces for the period between September 2010 and September 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

Gender Issues in Specialist Training²³⁸

The annual report on the implementation of the NAP for the enforcement of Resolution 1325 states that it has been partially implemented, and that the gender related content will be introduced in specialized training programs in the security sector according to the needs assessment for this kind of education.

Gender Issues in the Security Sector Education Curricula²³⁹

When it comes to the introduction of content related to gender issues into the educational curricula and programs in the security sector, particularly in the Police Academy and the Military Academy, the Annual Report on the Implementation of the NAP for the Enforcement of Resolution 1325 states that the activity has been implemented. **The** Department of Social Sciences and the Management Department of the Military Academy each planned gender equality content for the school year 2011/12.

238 **Objective:** Education of members of the security sector and their family members about gender issues **Activity:** Introduce contents on gender issues, gender equality and gender based violence into curricula of specialist training in the security sector, in line with roles of organizational units for which the training is being organized.

239 **Objective:** Education of members of the security sector and their family members about gender issues **Activity:** Introduce contents on gender issues, gender equality and gender based violence into curricula and education programs for the security sector, especially at the Criminal Police Academy and the Military Academy.

Education of Women in the Security Sector on the Rights Ensuing from Gender Equality ²⁴⁰

In 2011, there was no periodic education on the rights ensuing from gender equality for women employed in the security sector, or education for members of their families (due to the lack of funds, this activity was rescheduled for 2013). For 2012, eight training sessions have been planned for:

- people who will educate the «trustees»
- trustees in the MoD and SAF
- managers in the MoD and SAF
- members of the MoD and SAF AG
- HR departments on gender responsive HR records
- financial department staff on gender responsive budgeting
- gender equality advisors
- gender advisors to commanders of national contingents in multinational operations

The syllabi for education which the Working Group requested along with the questions to the MoD have not been provided. Also, trustees have not yet been established in the MoD, therefore the education will have to be implemented in late 2012. Given the data it obtained in 2011 and 2012, the Working Group believes that it is necessary to continue monitoring the implementation of these activities in 2013 in order to eliminate doubts about the successful implementation of these activities. The Working Group has not received replies to questions about mentoring for women recruits entering the security sector.

240 **Objective:** Education of members of the security sector and their family members about gender issues **Activity:** Organize periodical education of women employed in the security sector as well as mentoring for new women recruits with regard to rights ensuing from gender equality.

Complaints against Discrimination in the Security Sector ²⁴¹

In relation to this activity, the report of the MoD and SAF Analytical Group states that “the difficult financial situation in the society does not allow the allocation of special funds for effective protection of women in Serbia, and consequently in the security sector and in the MoD and SAF.”²⁴² It is also claimed that all laws in Serbia are anti-discriminatory and that Serbia has adopted laws on protection of human rights, and women’s rights in particular, to be applied in practice, all in pursuit of the gender equality standards current in developed countries and EU countries in particular.²⁴³ It is unacceptable to claim that, due to a difficult financial situation, resources cannot be allocated for the implementation of these laws and effective protection of women in Serbia, women in the MoD and SAF included. Such excuses from institutions lead to the same conclusion that the Women in Black have already made in their comment to the draft NAP; that Serbia’s integration into the international community, particularly the EU, involves only normative institutional mechanisms.²⁴⁴

In its recommendations for 2012 with regard to this activity, in addition to the «trustees», the MoD Analytical Group envisages the establishment of records on complaints about violations of women’s human rights, discrimination and gender-based violence, records of and reporting on the degree to which normative and effective protection of women in the MoD and SAF has been implemented. These activities would be performed by the Directorate for Tradition, Standards

241 **Objective:** Education of members of the security sector and their family members about gender issues. **Activity:** Monitor the number of complaints of women employed in the security system against gender discrimination, the number of complaints against abuse at work as well as outcomes of such reports.

242 Report on the work of the MoD and SAF Analytical Group on the implementation of NAP to enforce the UN Security Council’s Resolution 1325 - Women, Peace Security in the Republic of Serbia for the period between May-November 2011 which the Working Group received on June 4, 2012 after initiating the procedure before the Commissioner for Information of Public Importance. As a result of the procedure, the document was declassified.

243 Ibid

244 Comments by the *Women in Black* to the draft National Action Plan (NAP) for the Implementation of the United Nations Security Council Resolution 1325 – Women, Peace, Security in the Republic of Serbia November, 2010

and Veterans within the MOD Human Resources sector.²⁴⁵ The Working Group recommends the continuation of monitoring of the implementation of these activities as the trustees were not established at the MoD as of July 19, 2012, which strongly indicates that nothing has been done about this activity.

245 Ibid

Recommendations

The Republic of Serbia has not yet signed or ratified the conventions, nor adopted laws and regulations that are crucial to the security of its citizens. We demand that the government institutions:

- Adopt a new Strategy to Combat Trafficking in Human Beings.
- Adopt the UN Declaration on the Position and Protection of Human Rights Defenders
- Sign and ratify the Convention on Cluster Munitions.
- Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.
- Adopt the Action Plan for the National Strategy for Preventing and Combating Domestic and Partner Relationship Violence
- Develop mechanisms for reparations to all victims of sexual and other gender-based crimes against humanity connected to the wars of the 1990s.
- Include women victims of sexual and other gender-based crimes against humanity in national strategies and plans that govern the provision of legal, psychological, medical and economic assistance.
- Pass a law regulating the operation of private security agencies and multinational security corporations in Serbia.
- By means of laws and regulations, prevent former participants in war to act as traders or brokers in the arms trade or private security sector services.
- Raise weapons taxes.
- Incorporate principles of human security in all strategies and plans adopted by the Republic of Serbia.

Although the regulatory framework has been improved through the adoption of laws and regulations aimed at integration into the EU, there is a lack of specific systemic measures and implementation. We demand that government institutions:

- Start the implementation of the recommendations of the Committee on the Elimination of Discrimination against Women in the Republic of Serbia, primarily to prevent systemic indirect discrimination against women in hiring, work intensively on the elimination of all forms of violence against women and children, especially domestic violence, and create and implement activities to fight human trafficking through an approach based on the concept of human rights and the gender perspective.
- Establish a record of complaints about violations of women's human rights, discrimination and gender-based violence and report publicly and impartially on the extent to which normative and effective protection of women both within and outside the security sector is being implemented.
- Increase penalties for attacks against defenders of human rights and ensure a secure, reliable, independent judiciary capable of resolving cases of attacks against defenders of security.
- Include hate crime in the Criminal Code of the Republic of Serbia which would be defined as a criminal act committed against any person or group of people based on race, color, ethnic or national origin, religious, political or other affiliation, language, sex, sexual orientation, gender identity, age, health, disability, education, social status, social origin, financial standing, or other personal characteristic.
- Ban fascist organizations.
- Plan a special budget line in the Republic of Serbia's budget to provide funds for programs for protection of crime victims, including victims of gender-based violence and trafficking, free legal and psycho-social support in all procedures and compensate the victims for the authorities' omissions or failure to act.
- Introduce gender responsive budgeting not only in the sphere of national security, but in all spheres of human security (economic, social, environmental, health, cultural).

Work on public information, awareness and education on gender aspects of security has been neglected. We demand the institutions:

- Include court judgments for sexual abuse by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague into educational programs of the security sector at all levels.
- Introduce security risk assessment for women victims of violence (women who report domestic violence) in education programs designed for police officers and standard conduct of police officers.
- Establish quality indicators and ensure good quality, independent analysis of education delivered in the security sector and assessment of the impact of this education on managers' decisions in the security sector.
- Report publicly on sanctions against those who violate women's, human and labor rights both within and outside the security sector.
- Give public recognition and support to the expansion of the women's peace network in Serbia and the region and promote regional integration in order to ensure women's post-conflict security on the territory of the former Yugoslavia.
- Identify and inform the public about the effects of war on domestic violence in the post-conflict period.
- Apply proven models of denazification and presentation of the truth about the past, in which all segments of the security sector and civil society should be engaged.

Decisions on defense and security issues are still characterized by low levels of transparency and public accountability. Therefore, we demand the institutions:

- Oblige proponents of decisions, strategies and policies to include in their proposals a review of the effects that the implementation of these decisions would have on women (impact analysis) and to make such analysis available to the public on time.

- Establish efficient mechanisms for consultation and public debate for the process of adoption of strategies and policies.
- Make processes of adoption of strategies and plans related to security more transparent and participatory to citizens through consultations and public debates and extend the deadline for submission of proposals and comments on draft laws and plans from 15 days to at least a month.
- Organize public debates in which civil society will be shown the final drafts of documents (before they are adopted) where the public will be able to determine the impact they have on adopting strategies, laws, measures and policies.
- Ensure that documents on implementing strategies, plans and laws of the Republic of Serbia are disclosed in time to the public in a comprehensible and transparent manner.
- Make agreements and treaties reached within the scope of peace negotiations available to the public.
- Disclose to the public, in a timely clear, comprehensible and transparent manner, records of the resources expended on strategies and plans.
- Set up cooperation between central and local authorities, devolve implementation of the NAP for the enforcement of R 1325 to the local level and involve women's organizations in creating local security strategies and the work of local security councils.
- Revise the National Security Strategy so that it includes all dimensions of human security.
- Support women's active contribution to peace-building and participation of women in peace negotiations.
- Allocate more funds from the budget to ministries dealing with human security (social and economic issues) rather than ministries in the security sector.

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