

Independent Monitoring of the Implementation of United Nations Security Council Resolution

1325
in Serbia



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2013.

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The war period

In the period between 1991 and 2000 Serbia was marked by important processes, whose effects can still be felt today: the aggressive war-waging by the Serbian regime of that time (1991 to 1995 against Slovenia, Croatia, Bosnia and Herzegovina), followed by a low intensity war against the Albanian population in Kosovo, after the Dayton agreement, which resulted in a 1999 NATO military intervention in Serbia and Kosovo.

The Serbian regime is the most responsible for Yugoslavia falling apart, most of all because the armed forces of former Yugoslavia - the Yugoslav People's Army (YPA) took its side and, together with various paramilitary formations that were under the control of security services of the regime, committed numerous crimes in many parts of former Yugoslavia. The Serbian regime waged war against civilians, but it also conducted pillaging wars whose purpose was the redistribution of national wealth.

Sadly, the fall of Slobodan Milosevic's regime (October 2000) did not bring the changes expected, nor did it fulfill its promises. Women in Serbia today have lost the most as a result of the war, transition, unjust privatization and, of course, inequalities between men and women in the sphere of worker's rights, economic and political power, as well as education.

The transition in Serbia started ten years after the collapse of communism across Eastern Europe and with an economy that was completely destroyed. The wealth gained as a result of corruption was legalized after the war, and the transition in Serbia developed through the sale of the largest state corporations to war profiteers, who had gained their capital by carrying out criminal activities during the period of international sanctions. This kind of marauding privatization continues to influence social and political processes in Serbia today.

Government change in Serbia - the return to power of the political forces of the 90s

After the May 2012 elections those who created and/or participated in the politics of the 90s came back to the political scene in Serbia. Opinion analysis of participants in field research carried out by Women in Black indicates that "security is endangered by a fear of turmoil and war, because the creators and participants in the regime that waged the wars in the 1990s came back to power. Compared to the past, this kind of fear and vulnerability is far more emphasized, especially in Vojvodina, after the "new authorities" came to power and the inevitable loss of Kosovo. Nevertheless, in this period, the climate of fear is enveloping other parts of Serbia, which can be understood as a consequence of the strengthening of authoritarian and arbitrary power concentrated within a small circle of power holders.

The victory of the Serbian Progressive Party (SNS) and their coalition partner, returned to the scene retrograde forces characterized by nationalism, populism and a close relationship with organizations on the extreme right. This is evident in the fact that some of those organizations (*Dveri*) became political parties and a part of the government in many municipalities in Serbia. The fixing of election results at the local level, (i.e. adjusting the structure of the government at the state level) is still occurring and spreading a climate of fear and insecurity.

Since the new government has no answers to the most pressing economic and social questions in the state, it turns to a feigned fight against corruption that, in a context of social despair, initially received public support. But it is becoming clearer that the 'tackling' of corruption is demagogic, not systematic, it is a campaign of political point-scoring and not the strengthening of the rule of law.

The opinion of the participants of the research project mentioned above is that 'the state and its institutions are a source of insecurity - a partocratic, corrupt system that threatens political security.' This is confirmed by fact that the current government has replaced 3,000 people in the state administration, while employing another 3,000 people in public services through the party (Policy Center).

The integration processes, international and EU standards: the gap between objectives and realities.

Signing the Brussels agreement (April 2013) that regulates the relations between Serbia and Kosovo is a very serious step for Serbia. But only actual implementation of that agreement will show the seriousness of the government and the elite in terms of European integration. The Brussels agreement, adopted under the pressure of the international community, is also positive because Serbia is no longer capable of disrupting the peace in the region, and the effects of Serbian nationalism will remain mostly in Serbia. The date for the opening of the negotiations about joining the EU has been postponed, maybe for the beginning of 2014. The European Union has set clear conditions that must be fulfilled in order to set the final date. The signing of the Brussels agreement did not cause instability within borders of Serbia because they have known for a while that Kosovo is lost and that for them their own existence is the priority. According to the research by the European Integration Office of the Government of the Republic of Serbia, 41% of the citizens of Serbia are for joining the EU, the lowest level of citizen support for EU integration in the last decade. Citizens express opposition toward joining the EU, and express trust toward SNS, which can be understood as the strengthening of the partocratic state as the only sure source of existence instead of trusting international and EU standards or an essential transformation of the state and its institutions. Our experiences in the field show that "the participation in partocratic power represents a guarantee for social and economic security, while the realization of all levels of human security (especially economic, social, health and educational rights...) depends on the distance or closeness of the centers of economic and political power."

This is confirmed by many facts, of which we list only several:

- Serbia is one of the states that has the most cases before the European Court of Human rights in Strasbourg (9,500 cases), which illustrates the state of the judicial system. It creates a deep distrust toward the judicial system, but towards other institutions as well;
- Serbia is still the only country in Southeastern Europe without a law that regulates the private security sector, estimated to be currently employing between 25,000 and 60,000 people;

- Serbia is the only country in the region that has not adopted the UN Convention on Cluster Munitions, and so is not entitled to international help for a great number of citizens who were victims of this type of munitions during the NATO bombing (1999). The campaigns of Women in Black - supported by a large number of civil society organizations - to adopt the said Convention were futile;
- Serbia has not signed the UN Arms Trade Treaty, which confirms the lack of political power for demilitarization, human safety, transparency of processes of arms trade;
- On June 11th 2013 the Law on responsibility for human rights violations (lustration) expired. The Law was adopted in 2003 but there was never a political will to begin its implementation, and by this act the current government representatives (and not just them) are amnestied from responsibility for serious human rights violations and misdeeds in the past;

The trend of reducing the number of war crime trials before domestic courts perpetuates a culture of impunity, since the number of individual crimes committed by the Serbian state security services and its predecessors is extremely disproportionate to the number of persons convicted for war crimes. Regardless of the controversy surrounding the rulings of the Hague tribunal, the immense criminal responsibility of Serbia for the war and war crimes was proven beyond reasonable doubt, and Serbian society should address its moral and political responsibility for war crimes committed.

Continuity of the nationalistic political culture and intolerance (ethnic/racial, cultural, political, religious, sexual...)

The arrival of the new coalition (May 2012) strengthened the influence of extremist groups of an ultra-nationalistic, clero-fascistic, neo-Nazi orientation, especially in Vojvodina. The Anti-Discrimination Law was adopted in 2009, but its implementation in practice was left out, or was arbitrary and selective. Discrimination is a consequence of a dominant cultural and political ideology, intolerant, xenophobic and homophobic cultural patterns. According to research, in Serbia, Roma, Albanians, LGBT persons and human

rights defenders experience the most discrimination. So, even though there are legal frameworks and institutional mechanisms against discrimination, there is no political will for its implementation. This can be confirmed with reference to several cases:

The Constitutional Court refused to prohibit extremist organizations: the Public prosecutor proposed the prohibition of the right wing Serbian Peoples Movement called "Nasi" and Serbian Peoples movement 1389, but the Constitutional court refused the recommendation of the prosecutor on November 15th 2012, because 'there are no reasons for their prohibition.' This decision allowed unobstructed activity of these organizations that spread hatred and intolerance and call for lynching of members of various minority groups and bring into question the basic constitutionally and legally guaranteed human rights.

Black lists of NGOs and the Media: Threats and demonization of human rights organizations and independent media culminated with the publication of a so-called "black list" of non-government organizations (including Women in Black), with an announcement of criminal charges against a number of them. On the occasion of International Human Rights Day (December 10th 2012) Women in Black referred to the Declaration on Human Rights Defenders, the UN General Assembly Declaration adopted on March 8th 1999, asking the state to take all necessary action in order to protect the defenders of human rights from all forms of violence, threats, retribution, discrimination, pressure. Signees of the aforementioned Declaration demand that the state fulfill its international duties that relate to the respect of human rights and the full implementation of international human rights standards, and to offer adequate and effective protection to human rights defenders in cases of attacks because of their engagement in the defense and promotion of human rights. Apart from the Office for Cooperation with the Civil Society, and the Ombudsperson, none of the state institutions have responded to WiB's statement.

Prohibition of the Pride parade: Far-right organizations together with the Serbian Orthodox Church influenced the prohibition of the Pride Parade in 2009, 2011, 2012 and 2013 which undermines the basic assumptions of a secular state and, above all, the rule of law and the respect of human rights.

Serbia renounced its antifascist heritage: The process of rehabilitating the 1940s Chetnik commander and war criminal Draza Mihailovic is almost complete. In 1946, Mihailovic was found to be traitor and Axis collaborator: in March 2012, Vojislav Mihailovic filed a request for his rehabilitation in the high court. The current President of Serbia, Tomislav Nikolic, still carries the title of a chetnik duke, in spite of the demands of the Women in Black and a large number of CSOs (March 2013) for him to renounce it. The rehabilitation of Draza Mihailovic and the Chetnik movement not only cancels out the antifascist fight of the Serbian people, but additionally degrades the victims of crimes committed during the wars of the 1990s, which were inspired by the ideology and practice of the chetnik movement.

The perpetuation of impunity for violence against LGBT persons: on July 12th 2013, the leader of the Serbian people's movement 1389, Misa Vasic, who called for the lynching and violence against LGBT persons, was sentenced to just one year probation for spreading discrimination, illegal possession of weapons and the obstruction of an official from doing his duty. This is a shameful court decision, which can have long-term negative consequences on the fight against discrimination and the improvement of the position of LGBT persons in Serbia.

The ruling in the case of the burning of the Bajrakli mosque in Belgrade: None of the 9 accused were ruled to be responsible for setting fire to the mosque (March 17th 2004). According to the July 17th ruling, only three participated in the riots in front of the mosque. The state thus shows that it supports violence against members of another religion. The ruling confirms the already widespread opinion that the judicial system is not separate from government and works according to the needs and desires of the current Government.

Women's human rights - the mis/treatment of the Resolution 1325

The Republic of Serbia is a signee of the *UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*, a number of Conventions of the International Labor Organization, as well as the European

Convention on Human Rights, and in 2009 it adopted the Anti-discrimination law. In spite of that, women are exposed to all forms of discrimination: single mothers are in an especially unequal position, as well as older workers dismissed as a redundancy, unemployed or young women, Roma women, and women with disability. Women in the private sector also suffer discrimination, those women who are not formally employed and those who are on temporary contracts. Every other woman in Serbia is exposed to some form of domestic violence - psychological, economic, physical or sexual. According to key indicators, regarding the position of women in: access to health, education, participation in political life and economic equality, Serbia is ranked very low.

In short, ***the feeling of vulnerability and being threatened is part of the every day experience for women of all generations***, while previously a higher level of being threatened was reported by women of a younger generation. Human security in all segments is more threatened than before (educational-research activities 2005 and 2010): this is especially expressed in the lack of political and institutional security. The opinions of women in the field are similar to those in the previous two cycles of educational-research activities, but the participants identify the sources of insecurity - the state and its institutions, with more clarity.

But, in comparison to previous cycles, in this cycle of seminars the level of political insecurity is increasing, which brings us to the conclusion that the faster formal adoption of 'European standards' does not mean a higher level of human rights and freedoms, but almost exclusively serves as a method for maintaining the political-local elite in power.

For the Serbian Government, Resolution 1325 is just another bureaucratic tool for creating the illusion of a false integration and respect of international standards and conventions. The experience of the Working group of the Independent Monitoring of the Implementation of Resolution 1325 in Serbia shows an extreme irresponsibility of the state, a militaristic character of the NAP and the unfulfillment of responsibilities undertaken by adopting the UNSCR 1325; the mis/treatment of UNSCR 1325 in order to design a Serbia as a peaceful "force" and to produce a past without war, washing away the bloody trail of war crimes etc.

Women's alternatives to traditional security

All of our experiences in working with women confirm that women reject the traditional militarized concept of security, creating an autonomous feminist-antimilitary concept of security - *women's charter of security*, from which we quote several points:

Security = absence of violence against women, equal access to power (political, economic, and social): violence against women should become a part of the national security strategy

Security = peace as the absence of fear, hatred, poverty, all forms of discrimination, injustice

Security is freedom from the fear of being different, security is the free definition of identity, and the freedom to imposed ethnic, state, cultural consensuses, to be disobedient to all ordained roles - to be exclusively what we choose to be

Security is the strict implementation of laws of transitional justice = confronting the past and punishment for all war crimes

Feminist - antimilitarist concept of security - everything for peace, health, and knowledge, nothing for armament: more arms do not mean more security - the greater the military expenses and costs usually results in less human security.

Gordana Subotic

Monitoring of the implementation of the NAP for the Resolution 1325 in Serbia

The monitoring of the implementation of the NAP for the Resolution 1325 in Serbia began with the project *Engendering human security*, supported by the UN Women. Through this project, WiB continues the feminist-antimilitarist challenge of the traditional, militaristic concept of security and control and demands that state institutions are accountable to their citizens. The objective of WiB's monitoring is the promotion of the concept of human security, creating a feminist concept of security and the development of a just peace in accordance with the needs of women and women's human rights. Through monitoring activities of the implementation of the NAP, we wanted to strengthen the capacities of women's CSOs in Serbia to be more efficient in holding institutions accountable and responsible for the implementation of the NAP and other international documents.

2011/12

The monitoring process of the implementation of the NAP for the Resolution 1325 began with training about indicators conducted by trainers of the UN Women from New York, held on June 2nd and 3rd 2011 in Radmilovac. The

training lasted for two days: nineteen women activists of CSOs from seven cities in Serbia (Belgrade, Leskovac, Pirot, Kragujevac, Pancevo, Novi Sad and Novi Becej), who are involved in security issues participated, along with the representative of the Ombudsperson. Forty-eight indicators were formed in that session, which the participants deemed most important for the political context of Serbia and the advancement of human security. A working group was formed for monitoring the enforcement of the NAP for the Resolution 1325 in Serbia between June 2011 and April 2012 that followed the implementation of the NAP. The working group consisted of eight activists of CSOs with long-standing experience in dealing with issues of security, human security and human rights, that participated in the training from eight CSOs (Women in Black, ASTRA, Women from the South, Women for Peace, Fractal, Alternative circle, Esperanca, Association of Roma from Novi Becej) and six cities in Serbia (Belgrade, Leskovac, Pirot, Kragujevac, Novi Sad and Novi Becej) where the research was conducted. During the research, six meetings of the Working group and one conference - '*Feminist-antimilitaristic approach to the concept, interpretation and practice of the UNSCR 1325*' - developed a collective critical analysis of not only the implementation and the concept of the UNSCR 1325, but also the problem and the difficulty of enforcing and monitoring the implementation of the UNSCR 1325.

2012/13

The *Engendering human security* project continued throughout 2012/13, but in a slightly different form than the one in 2011/12. The project continued to develop in 2 segments:

1. Observing a very small level of transparency of reports from institutions regarding the implementation of the NAP activities and a lack of accountability of the institutions toward citizens, in response, Women in Black organized three seminars in which they gave accounts to women - *Engendering human security - toward a feminist-antimilitary concept of security* (October, November, December 2012).

2. The monitoring of the implementation of the NAP for the Resolution 1325 - Women in Black continued to follow the implementation of the NAP between January and June 2013. The working group for the monitoring consisted of 5 women from 4 CSOs (Women for Peace, Esperanca, Fractal and Women in Black) from 3 cities in Serbia (Belgrade, Novi Sad, Leskovac).

In order to achieve more transparency of the activities of the Working group and the Women in Black, the entire research process was followed by the *Supplement Women, peace, security*, edited by Tamara Kaliterna, which is available on the website of the Women in Black (following the headings "Activities", then "Security").

In order to promote the feminist-antimilitarist concept of security the Supplement was also published on the website of the Belgrade Center for Security Policy, and the Global Network of Women Peacebuilders group (GNWP), and was forwarded to the international and internal Women in Black Network, for whose interest the Women in Black hereby give thanks.

Stasa Zajovic

Analysis of the seminar

'Engendering Human Security - toward a feminist-anti-militarist concept of security'

This educational-research program began in June 2011, and consists of numerous segments. We will take a look at the educational seminars '*Engendering Human Security - toward a feminist-antimilitary concept of security*' held during 2012. The seminars represent a continuation of the WiB practice - the fusion of theoretical knowledge and activist experience, collective fieldwork of civil society activists, academic experts and citizens without a formal social engagement. The objective, among other things, is the creation of the concept of human security from the gender perspective. That is also the theoretical contribution towards the feminist-antimilitarist concept of security that we develop based on the experience, needs and opinions of women in the field.

The basic information regarding the structure of participants, the differences and similarities in relation to the previous two educational programs regarding the same topic (seminars held in 2005 and 2010) were mentioned in the introduction to this chapter.

In the first part of the analysis of the workshop '*Security seen through the eyes of women*' there were common denominators in the responses from participants. We also compare opinions from participants in this cycle of seminars with those from previous two educational cycles. Factors that threaten the security of women were presented in the second part of the analysis, while the third deals with an alternative concept of security. A comparative analysis of the participants' replies indicates a troubling growth of insecurity and all types of fear. In developing the Women's Charter of Security, women developed a significant contribution to the feminist-anti-

militarist concept of security, at a regional level, noting the need to change the existing documents on security, and especially their implementation.

The structure of participants of the seminar 'Engendering of human security - toward a feminist-antimilitary concept of security'

The number of participants: 74, which is less than the number of participants in the seminars of the previous cycle (148).

Geographic affiliation: The aforementioned seminars were held in three regions, from 14 cities in Serbia and 1 city in Montenegro:

- *Nis, October 12th and 13th:* 27 participants from Belgrade, Nis, Leskovac, Pirot, Doljevac, Vlasotinci, Dimitrovgrad and Kragujevac,
- *Becej, November 16th and 17th:* 24 participants from Becej, Novi Becej, Sombor, Zrenjanin, Pancevo, Novi Sad, Belgrade;
- *Radmilovac (near Belgrade), December 21st and 22nd:* 23 activists from Belgrade, Novi Sad, Pljevlja (Montenegro).

In a previous seminar (2010) women from 22 cities in Serbia participated, while 95 women from 19 cities participated in the educational cycle held in 2005.

Generational affiliation: from 18 to 84 years of age, close to the structure of previous cycles.

Educational structure: in all educational cycles the makeup of participants was very heterogeneous - from elementary school to PhD studies, with a predominance of women with middle and higher education.

Social/public engagement: as opposed to the previous educational cycles in which more than a third of participants were activists from women's groups and human rights organizations, their percentage is now considerably larger - 86,6% (or 65 participants) of the total number, while the number of political party activists (like in the past those women were from parties representing civic orientation and minority ethnic communities) has notably decreased to 6.6% (5 women). This can be explained by an increasing

distance and distrust between civil society and political parties. The number of participants undertaking occasional public engagement was significantly reduced to 6.6% (5 women). This suggests that women are overloaded with fighting for basic, everyday survival that leaves no space for social engagement and organized forms of fighting.

Socio-economic structure: a high percentage of unemployed women and women with temporary and irregular work contracts, a number of pensioners as well as permanently employed women. The largest number of participants can be placed in the lower or middle class. The socio-economic structure is similar to that of past seminars.

Ethnic background: when it comes to ethnic identity of the participants in the 2012 seminars, the structure was very heterogeneous, far more than in the usual structure of society. Apart from participants from the majority nation (Serbian), Roma, Hungarian, Bulgarian, Croatian, Bosnian and Slovakian women participated in all the seminars. The ethnic structure was similar to the one in previous cycles of the same seminar, and its heterogeneity confirms the high degree of trust in the organizers of the seminar, but also in the women's need in the field to testify about the various levels of insecurity (gender, social-class, ethnic-racial, ideological).

Discussion: This is our report to you – the discrepancy between the declarative and the actual

As part of the educational seminars '*Engendering human security - toward a feminist-antimilitarist concept of security*' (October-December 2012) panel discussions were held.

To discuss the experience of the working group during the Independent monitoring of the Resolution 1325 implementation, the following groups participated: *Dragica Pavlov Krstic*, Women of the South - Pirot, *Gordana Subotic*, *Tamara Kaliterna* and *Dijana Miladinovic*, Women in Black - Belgrade; *Jelena Cakic*, Women for Peace - Leskovac; *Srdjana Tucakovic*, Alternative circle - Kragujevac; *Marija Arandjelovic*, Astra - Belgrade; *Nada Dabic*, Esperanca - Novi Sad; *Dijana Miladinovic* (WiB, Beograd) and *Ana*

Rankovic (Fractal, Belgrade). The panel discussions were moderated by *Stasa Zajovic*.

Why do we create reports to women in the field?

Starting with one of the basic principles of civil society (and Women in Black are part of the civil society sector) which is that *civil society has a duty and responsibility for a critical position toward any government*. Civil society has a duty and a responsibility to deny the authoritarian state and its institutions, to estimate and evaluate every move in accordance with whether or not it is useful or harmful to the interests of the citizens and the society as a whole, especially taking into account the fact that the state is supported by monies from taxpayers. In the case of the UNSCR 1325, the experience of the Working group indicates that the state has been irresponsible.

The experiences of the Working group are published Independent Monitoring (2012 report), so we won't linger on that here, but we'll first outline other reasons that influenced us to submit a work report to the women in the field:

- *To inform women in the field about the misapplication of UNSCR 1325 by the Serbian government:* The members of the Working group extensively stated this in the 'shadow report', and we mention only some of the misapplications: (1) the militaristic character of the NAP, (2) the unfulfillment of duties taken on by UNSCR 1325; (3) the misapplication of UNSCR 1325 for the sake of representing Serbia as a peaceful country, (4) ignoring the past war and washing away the bloody traces of war crimes; (5) creating discord within Serbian CSO operating from a female perspective - through UNSCR 1325 the state gives privileges to organizations that obediently follow the needs of the state, which divides CSOs into obedient and disobedient groups - instead of solidarity it creates a discord based on principles of patriarchal competition. In short, for the Government of Serbia, UNSCR 1325 represents another bureaucratic tool that creates an illusion of false integration and the acceptance of international standards and conventions.
- *Submitting reports to women in the field:* in the time of the NGO-

ization and bureaucratization of the feminist movement, it is mandatory to submit reports to the state and donors, while the women in the field become a 'project resource'. Contrary to that, submitting reports to women represents one of the basic values and practices of the feminist movement, and the acknowledgment of everyday experiences and opinions of women is essential to the deconstruction of the military concept of security. This has long been a guiding practice of the educational-research activities of Women in Black;

- *The feminist movement has a responsibility to critique institutions and the state:* instead of 'partner relations' that are regional and global, usually a synonym for a subordinate and non-critical attitude toward the state, it is necessary to always disturb the state, not just to critique the implementation of adopted international documents (in this case UNSCR 1325) but to always make demands of, and question, the state so as not to merely transmit the message of the state which is an elite institution separated from the everyday experiences of women;
- *The democratization of knowledge:* inventing a method of work that establishes an equal relationship between us and the so-called "target groups", i.e. beneficiaries of our educational programs and contents. Constant work toward the democratization of knowledge is a great challenge of the neoliberal times of depolitization, NGO projectization, gender technocracy, the fragmentation of the feminist movement, and so collective critical reflection and the production of knowledge are exceptionally important as an act of returning to a feminist practice;
- *The production of knowledge through the inclusion of activists in the creation of analysis and gender theory, peace and security based on experience:* the growth of knowledge means the increase of collective space of women from activist and academic communities, for the sake of critical reflection; reviewing, questioning, enlargement of collective power and the political power of the feminist movement.
- *The women to whom we have submitted a report denied the areas of further research within our Independent Monitoring of the implementation of UNSCR 1325 in Serbia* - the indicators that the working group followed were those that the women themselves voted for in the 3 seminars 'Engendering human security'. As part of the discussion *Are*

there alternatives? The participants had the opportunity to vote for the indicators that they would like the Working group to continue researching in 2012/13.

The participants decided on the following indicators, the research results of which form the chapters in the remainder of this book.

1. Women in peace negotiations
2. Support for local women's initiatives for peacebuilding
3. The participation of women's CSOs in creating strategic documents
4. Reintegration and rehabilitation programs of men and women who took part in armed conflicts
5. Women and girls among refugees and displaced persons
6. Disarmament in two aspects:
 - a) Disarmament – A precondition for the security of women in the Republic of Serbia
 - b) The impact of arms trade in the Republic of Serbia on women's global security.
7. Human security in the national security strategy
8. Free legal aid in the Republic of Serbia
9. Transitional justice in the Republic of Serbia:
 - a) Impunity for sexual crimes committed against women during the war in former Yugoslavia
 - b) Informing the public about crimes committed against women during the war in former Yugoslavia
 - c) Informative campaigns about women's contribution in confronting the past
 - d) In/ability of achieving the right to reparation for women victims of sexual crimes committed during the war in former Yugoslavia
10. The position of human rights defenders in the Republic of Serbia

Workshop analysis: 'Security seen through the eyes of women' - opinions and experiences of women in the field

In order to compare opinions and possible differences in opinions due to a "changed" context, just like in the previous cycles of educational activity, identical questions were posed as in 2005 and 2010:

Part I: What first comes to mind when you hear the word 'security', here and now, i.e. in our country?

The common denominator in the women's answers was:

- **Everything that is related to the traditional militarized concept of security¹ the participants see as extremely negative:** *"The word security reminds me of security services in the army, the police and political processes... in a very negative sense..."* (Participant from Pancevo); *"fear of the consequences of the state's action, secret service, uncontrolled army and police, insecurity in everything..."* (In all seminars).

The participants in this cycle of seminars, like in previous seminars, do not connect security with repressive apparatus (army and police), but identify them exclusively as factors that threaten security.

- **All dimensions of human security are threatened, including, political and institutional, health-social, workers' rights, education:** *political arrogance of state officials, institutional parasitism, president and prime minister - symbols of insecurity; freedom of speech and expression are threatened, an ever-present corruption, a lack of health care, economic insecurity, violation of labor rights...*

Opinions are similar to the previous two cycles of seminars, with the partici-

1 State/national/traditional security: Security of the state and its territory from outside aggression and unconstitutional threats to the state's order. That is the monopoly of the state in the use of violence, including armed violence, i.e. the protection of the order through the repressive apparatus (army and police), *Dictionary of Security*, Women in Black, 2010.

pants identifying the sources of insecurity even more clearly - the state and its institutions. But, compared to previous cycles, in this cycle of seminars the level of political insecurity is increased, which brings us to the conclusion that a swift formal adoption of "European standards" does not mean a higher level of human rights and freedoms, but almost exclusively serves as a method for maintaining the power of the local political elite.

- **Human security is threatened by an increased fear and insecurity on all levels:** *fear arising from the lack of any kind of institutional protection, permanent fear of unemployment, fear of having a different opinion, fear of nationalism, racism, fascistization of society...*

Compared to the previous two cycles, there are considerable differences: in 2005 there was a dominant fear of unemployment (and other forms of economic insecurity), in 2010 there was widespread political insecurity, while in the answers and opinions of participants of the 2012 seminar there is an evident fear of instability and war. As many participants explained, that fear is connected with the fact that the creators and accomplices related to the politics of the 1990s have returned to power.

Part II: What threatens your security the most? In what situations did you feel insecure?

The answers of women about the factors that threaten security were listed by frequency and we present the most common statements:

The state and its institutions are a source of insecurity - the partocratic, corrupt system threatens political security² and that is expressed through:

- **The normalization of violence and intolerance toward different ethnic, ideological, cultural, sexual viewpoint - the state produces violence and those who use it:**

¹I feel insecure in this state because there is a tolerance toward violent

2 *Political and institutional security* - Respect for basic human rights and freedoms, the level of achieved freedoms and political rights (the level of democratization), the protection from state repression (freedom of press, speech and vote), abolition of political custody, prison, systematic torture, mistreatment, disappearance, level of disparity between men of the dominant social group and members of other social groups, etc.

people and violence, they are part of the system and the state supports them. Politicians support violence and use it against their opponents.' (*Ljiljana, Belgrade*)

'I feel most insecure in institutions, in court, healthcare, violence is not sanctioned in most of the cases, nationalism and the arrogance of politicians as well.' (*Mariola, Nis*)

'A lack of tolerance and understanding threaten me the most, because I am not a member of the majority and I do not agree with the majority opinion, I live under constant pressure and I must fight both for my own opinion and for my mental well-being, because it affects me a lot.' (*Maja, Pirot*)

'I feel insecure in this country because of intolerance and violence. Wherever you go the doors are closed, if you do not know somebody, the doors stay closed. We have laws that are not implemented. Everything is negated and denied, bullies are celebrated like heroes and nobody can do a thing to them.' (*Ljilja, Leskovac*)

'I am not secure because I live alone and I have a disability. I am different from others, and that makes me unsafe.' (*Suzana, Pirot*)

'This system treats victims as if they are the aggressors, and turns that bureaucratic potential into a machine which victimises others. It is tiresome, even for me who am a lawyer, let alone those who are not.' (*Jelena, Beograd*)

'My security is threatened by: the president of the country, the prime minister and the leaders of all existing state institutions and apparatuses. Not only now, I have been feeling unsafe for twenty one years. It will go on until they stop lying and manipulating, until they give us the real truth about the wars. Then they won't need football fans and criminals [to support them] because the people will know the real truth then.' (*Mara, Beograd*)

'The whole story about security is a story of state violence against us, the ordinary people, because if there is so much talk about security, that means that the state is about to do another evil again. I've survived that several times. I know that all those security structures can be very dangerous for us civilians. I am a descendant of a military tradition; the first man [in my family] who did not serve in the army was my son. I gave my signature to stop mandatory military service and I felt a huge relief' (*Gordana, Kikinda*)

'My husband was a Croat and I couldn't move safely, I hid who my husband was, I did not feel safe...' (*Mirjana, Novi Becej*)

'We feel the most insecure in institutions like the judiciary, police and the center for social work. They should be offering services and security to citizens. Everything happens based on connections there, some verdicts are passed based on connections, and in most state institutions the managers take advantage of their position. I think that is the greatest source of insecurity.' (*Valentina, Pirot*)

'Fear of institutions and being taken in for questioning, fear of being without money.' (*Nada, Novi Sad*)

'I am afraid of attacks on the street, being attacked by men, because it is very common. In Zrenjanin we have a lot of maniacs and some violent groups that try to attack your integrity.' (*Dragica, Zrenjanin*)

I feel unsafe because of my nationality. Even today I feel like I am seen differently because I have a different name. It's a nightmare everywhere.' (*Zinaida, Beograd*)

'The state makes me feel most unsafe, and the fact that I am poor. I see the system as a cause of insecurity. Everyday fears make me unsafe. The state makes me feel most unsafe and the fact that I am poor, and the fact that I am ill, because I cannot get medical treatment.' (*Sabina, Pljevlja/Montenegro*)

'I have had many fears for a long time... I still feel unsafe, in an economic sense, in a medical sense, in the fact that they can beat you up on the street if you say something.' (*Tijana, Beograd*)

'I feel unsafe because of corruption, not just in an economic sense, but the complete corruption of society. At the university, at home, I felt insecure in meetings with institutions, because of Vladimir Bozovic (State Secretary for the Ministry of Interior, Republic of Serbia), who began talking and constantly called me 'young lady'... For him I wasn't an expert or an activist, only 'female.' (*Gordana, Beograd*)

'My security is mostly threatened by the state, because I can not publically express my feelings.' (*Milos, Beograd*)

'The ever-present violence that has been embedded here. The society we

live in is systematically created in such a way that it is completely indifferent toward that which affects people the most, health and overall poverty.' (Miodrag, Beograd)

'What threatens me the most are lies and manipulation. I am less afraid of the economic aspect, although my economic situation is not great, but I am mostly threatened by lies.' (Jovan, Beograd)

'My insecurity began with that country/Yugoslavia falling apart, my exile... I am afraid of the government, this one and that one; three years ago Djilas took down my house...'(Danica, Beograd).

- ***There's no basic healthcare or social rights in the entire country; plundering privatization and the brutal violation of basic labor rights, as well as corruption on all levels creates an extreme vulnerability of the greatest part of the impoverished, mostly women and children.***

'I am mostly threatened by corruption in the judiciary system and in healthcare.' (Slobodan, Doljevac)

'I feel most insecure when it comes to healthcare, especially healthcare in the south of Serbia.' (Olivera, Doljevac).

'I feel very insecure in healthcare, I am becoming more ill with age, and we don't have basic health security.' (Mirjana, Leskovac)

'As a pensioner with a high education, I am worried about the constant repetition about the reduction of pensions. I am worried about the unavailability of social services; I cannot go to a medical resort. I cannot afford the services I need that are not covered by regular social protection. I am also worried about the lack of solidarity, for instance between the tenants in my building and in the whole society.' (Srdjana, Kragujevac)

'If you don't have money you cannot have medical treatment.' (Ljilja, Leskovac).

'I feel most unsafe when it comes to healthcare, which is real criminal behavior! When I was 31, I had an abortion where my uterus and an ovary were ruptured. I lost those organs.' (Anelija, Dimitrovgrad)

'My labor rights are threatened, I've worked for a private employer for three years who has never made payments for services accrued [for the

Serbian equivalent of social welfare and National Insurance payments]. His cousin is the president of the court, so I am powerless there.' (Snezana, Kragujevac).

'This society has never cared less about women than now. Women 45 to 65 years of age are discriminated against in every respect.' (Jasmina, Vlasotince)

I am 38 years old, and I do not have a single year of service accrued. What will I do if this continues? Where is my pension? What will I live from later?' (Vesna, Nis)

'Doctors behave like they own my body...'(Aleksandra, Nis).

'Because I am a single mother, I wonder how I am going to raise my child. How am I going to put my child through school for the next twenty years? He'll go abroad straight from high school? That is the standard sentence that I've been hearing for years.' (Tanja, Nis).

'I have the greatest fear of not being able to get employment. I finished university a year ago and I cannot find a job. I am not a member of any party and I think that's my greatest 'problem'' (Stasa, Zrenjanin)

'I am afraid of being made redundant at my job; I only have 6-7 years until I am eligible for the state pension. Luckily, my health is still good so I can work overtime, but I wonder what I will do in old age. How will I pay for medical treatment, medicine or anything else?' (Danijela, Sombor)

'I am afraid of doctors and a wrong diagnosis.' (Sanja, Zrenjanin)

'My sister recently got employed by the Chinese, she's not allowed to sit down, she has two days a month free, and you have nobody to turn to because the institutions are corrupt. I worked unreported in a restaurant.' (Gordana, Beograd)

'Economic insecurity threatens me.' (Marija, Sremski Karlovci)

'I feel most insecure by the fact that the social state is disappearing. I don't feel safe anywhere.' (Snezana, Beograd)

'A worker in Belgrade begins work at 7am, and comes home late in the evening, has no extra pay, cannot speak up because she'll lose her job.' (Zagorka, Beograd)

- Security is threatened by a fear of turmoil and war, because the creators and accomplices of the previous regime that waged the wars in the 1990s are back in power:

'The rhetoric of the nineties is back. Nobody was talking this much about the wars in the past ten years, it was kept under wraps.' (Nada, Novi Sad)

'I see that the situation in society today is like a preparation for another war. Repression in society is reinforced...' (Gordana, Kikinda).

'We live in fear. Insecurity of the people around me is very visible. Everybody is walking on tiptoes, so nobody would notice them, so that they can get into their house as soon as possible and lock the door. My work has shown that there was never a greater feeling of insecurity; people just cannot find a step to stand on. You never know what will happen next, and moreover, we think that what will come next will be worse. There is a horrible lack of trust among people, and from that lack of trust comes the fear and sense of insecurity. That concept of insecurity is spreading all over the world.' (Zagorka, Belgrade)

'I feel a danger from the next war that hangs in the air constantly. I am afraid of violence and football fans, I am afraid of them... They recently violated my safety when they had a match in Nis' (Aleksandra, Nis)

'I am afraid of turmoil, afraid of a civil war and riots.' (Suzana, Dimitrovgrad)

'I have a feeling that everything is being hidden, like for some military or state coup, that is where I see the danger...I am afraid of juvenile delinquency in schools, such as fights, murders, cigarettes being extinguished on someone's head. I am horribly afraid for the future of our children. The family has been shaken; parents are in an economic despair.' (Marija, Novi Becej)

'With fear you can manipulate the people as much as you want. When you think that someone is constantly going to attack you. You are paralyzed and you stop thinking about your needs.' (Sanja, Zrenjanin)

'I am afraid the most, and this is present in all of Vojvodina, the fear of inter-national conflicts, which worries me a lot. I am a pensioner, my pension is small, but I still have to pay for my grandson's tuition because his father cannot. That makes me afraid.' (Julija, Becej).

'Someone very dear to me, an antiwar activist/pioneer for 21 years, has been moved to a Belgrade hospital. The day before, a new hospital man-

ager arrived - Loncar Zlatibor - who goes by the nickname of Doctor Death and who has worked for a criminal gang. I wrote about that doctor twice, and I personally am afraid to go to that hospital. That is my fear, you can not choose, but that man is your boss.' (Tamara, Beograd).

- Defenders of human rights are threatened both by state repression and from the society/surroundings:

'In our society, what we activists think, do and speak is unsafe for us. It causes aggression and violence toward us in the majority of the society.' (Mirjana, Leskovac)

'As an activist I don't feel safe in any segment. First, on the street, because 1200 people from Vlasotnice committed war crimes in former Yugoslavia. Second, I do not feel safe from the police; because a policeman who committed war crimes in Kosovo is threatening me every day when he sees me, and says that he will kill me when the time comes. I do not feel safe economically, because as an activist I cannot find a job because I am over 50 years old. Private employers say that I will disturb other employees. No matter how loud and clear we activists speak, we will never feel safe, but we have learned to live with that.' (Svetlana, Vlasotnice)

'I feel unsafe in my city because I cannot express my opinion about anything. Whenever I start speaking I feel like someone is going to kill me from across the table.' (Ivana, Leskovac).

'As an activist I am bothered by the fact that almost everywhere I hit a wall of no understanding. I am unsafe as an activist because uneducated and uninformed quasi politicians anathematize me. I am bothered by president Tomislav Nikolic's statements, I am bothered by the fact that the prime minister of this country is a student of Slobodan Milosevic...I am afraid of future turmoil, that will happen because of the current politics.' (Jasmina, Vlasotince)

'Last evening I wore a Pride parade t-shirt in yoga class, and all the women turned, that is how they show that rejection and exclusion of what is different. The greater the crisis, the more serious the exclusion. Those women too lost their previous economic positions, they too are insecure, but they are greatly disgusted by us who are active, who oppose violence.' (Stasa, Beograd)

- **A widespread feeling of powerlessness and despair make society even more vulnerable and insecure, but instead of action and resistance, passivity and indifference of the majority predominate**

'I feel unsafe because of the great despair and suffering of other people.' (Marija, Beograd).

'In Pljevlja we had 29 suicides and 11 attempted suicides in the past 4 months. Nobody was older than 30. Nobody is seriously doing anything about it, nobody is disturbed by it. We are indifferent.' (Sabina, Pljevlja)

'I am very much afraid because the people are so passive, that will bring us to a horrible unsafely. If someone sees that you've fallen they'd just walk by.' (Ruzica, Beograd)

'I am more afraid for other people... Maybe because my life is coming to an end, so I feel safe...' (Fika, Beograd).

'We meet women who would be activists, if they weren't so physically exhausted and exploited. Expressing yourself in public is a great privilege, it gives you dignity, and a lot of people don't get that opportunity.' (Marijana, Beograd)

'I feel unsafe because the society is falling apart, because of poverty and the system crashing. I have become a bit pessimistic, it's hard to find a place to feel safe' (Ivana, Beograd)

'Many of us activists are touched by the widespread suffering of other people, and that is a part of the ethic of care. It is not possible to live safely in a society where such a great number of people are unsafe, because if we were to behave in such a selfish, individualistic way, we would destroy solidarity.' (Ljilja, Beograd).

Part III: Alternatives – where we feel most safe?

The participants of the seminar mostly connected their security with engagement in the civil society (women's groups), street actions, solidarity, in the family, with friends, while reading...

'I feel safest with you in the street. That way I help others feel safe.' (Ruzica, Beograd)

'I feel safest with WiB.' (Ljiljana, Beograd)

'I feel very good at home and with the women' (Fika, Beograd)

'I feel good when I talk to my friends and with WiB' (Nada, Novi Sad)

'With WiB I am safe.' (Sabina, Pljevlja)

'WiB are the security for my family and myself' (Danica, Beograd)

'I feel safe maybe in my own home.' (Tamara, Beograd)

'I feel safe when I'm reading a book.' (Marija, Sremski Karlovci)

'I feel safe in women's groups.' (Dijana, Beograd)

'I feel safest in solidarity, action and fight.' (Stasa, Beograd)

'I feel safest in the field with my work with women in rural areas. I consider myself safe only when I'm working with women, when I share knowledge with them, when I help them, when I finish something for them, get books for children... Painting is also my sanctuary, books, writing, my room, a collection of short stories 'Sand Castle', the comedy 'Women's Labor Rights', a collection of poetry 'Non-Touch Creates Restlessness.' (Jasmina, Vlasotince)

'When I am in the field, on the street, I am very safe. I would feel even safer without the police bothering, they should be arrested and we should be left alone. Another sanctuary is my home, my Facebook profile.... When I don't like someone I just delete them. If I could delete Nikolic and Dacic I'd be happy.' (Mara, Beograd)

'My apartment is my sanctuary, my family, nature, walking by the river, friends, music, books. A new sanctuary for me is when I connect with similar people, and a lot of my friends left during the war so that is a new sanctuary for me.' (Aleksandra, Nis)

'I feel safe when I am in my room, listening to music and reading, when I'm with my granddaughters, playing. And in WiB, in actions with other women.' (Mirjana, Leskovac)

'With women in WiB, in actions or in the office of WiB, at home with my children and dog.' (Mariola, Nis)

Comparative analysis of answers and opinions - some other conclusions

Comparing the answers given during the exercise with answers from previous seminars in which participants gave up to three words that they associate with security, it can be seen that:

- *Human security in all areas is more threatened than before (2005 and 2010): this was especially true in political and institutional insecurity;*
- *Plundering privatization causes a constant fear of unemployment: most participants do not have permanent jobs, but temporary or occasional work engagement, so the economic safety comes down to mostly maintaining the position at work and not the working conditions - this is even more expressed in the last educational seminar (2012);*
- *Because of the threat to all levels of human safety, women offer less attention to the gender dimension of security: compared to the previous period, the gender dimension of security holds a secondary position, not because women are not aware of what is going on, but because they care about others more than they do about themselves;*
- *Positive peace is a precondition for human and gender security: just like in the previous seminars, the greatest number of associations regarding security relate to positive peace (peace that is not just the absence of war, but the absence of hatred, fear, poverty, injustice...), which indicates a positive influence of educational activities on raising awareness about the concept of human safety.*

Comparing the experience from workshops in these previous periods, we can also conclude that:

- *Safety is threatened by the fear of turmoil and war, because the creators and accomplices of the regime that waged wars during the 90s are back in power: compared to experiences in the field of the previous period, this type of fear and threat is far more prominent, especially in Vojvodina after the 'new government' came to power and with the certain loss of Kosovo. But, in this period the climate of fear includes other parts of Serbia, which can be understood as a consequence of the strengthening of authoritarian power in the hands of a small number of people in who rule.*

- *Participants of the seminar political and institutional injustice and discrimination see as the most important source of insecurity: other dimensions of insecurity are in second place, because political in/security is connected to economic insecurity. Namely, participation in partocratic power guarantees social and economic security, more precisely, in this context in/security depends on that. All levels of human security (especially, economic-social, medical, educational rights...) have become merchandise on the market and their realization depends on the distance or nearness of the center of economic and political power.*
- *Feelings of vulnerability and being threatened are woven into the everyday experience of women of all generations: in the previous period, a greater level of being threatened was expressed by younger women. A particular vulnerability is expressed by women who have lost their jobs later in life and those who have a few years left before they reach pension entitlement as they fear that they will lose the ability to access the pension.. Apart from that, taught to care for others, sacrifice themselves for others, middle-aged and older women have a feeling of exceptional unease and even guilt because they cannot provide better living conditions for their children.*
- *A long-term period of poverty, uncertainty and fear causes an ever more serious medical insecurity among women: this is far more expressed than in the previous period, especially the fear of not being able to receive medical help and the awareness that healthcare is not a basic human right, but merchandise or 'if you have money, you have health...'*
- *Citizens lack trust in institutional changes: although aware of the fact that an unjust system creates poverty and injustice, the participants of the seminar do not trust a single institution. Nevertheless, they rarely mention syndical fight, probably because of disappointment and the fragmentation of that movement.*
- *Women feel most secure in women's groups: participants of the seminar have the most trust in alternative forms of organization, in female action and solidarity, which is a finding that is identical with the previous period, and it can be explained by a predominant affiliation with those groups.*

Women's Charter of Security

One aspect of the seminar '*Engendering human security - toward a feminist-antimilitary concept of security*' was the writing of our Women's Charter of Security. As part of that session, Diana Miladinovic and Stasa Zajovic gave a short historical presentation of alternative initiatives in the world related to women's human rights and peace.

After that, for the rest of the seminar, the participants wrote down their own vision of security, with the objective of creating a feminist-antimilitary concept of security. That is how they clearly expressed their need for the implementation of international documents regarding security, but also the supplementation and enrichment of the contents of those documents in accordance with the problems that women in the field face.

Participants of these educational seminars expressed the concept and content of security in the following way. Our list prioritizes responses according to the frequency which they were expressed by participants.

Security = absence of violence against women, equal access to power (political, economic, social): equality, the right to work and receive wages, the right to an education, free schooling and education, the right to free health insurance, an end to patriarchy, the right to be protected in the countryside, the right to independence, that activists and defenders of human rights don't live at the margins of society, the right for women over 50 to get pensions, a better position for Roma women, the right to not be put in second place just because I am a woman, I want my women's rights to be respected everywhere: on the street, at home, at work, everywhere, the right to a dignified old age, life without poverty, the right to be included in decision making, gender equality, a stop to violence through the prevention of it, that women are appreciated in every respect.

Security = peace as the absence of fear, hatred, poverty, all forms of discrimination, injustice: I want a peaceful life, I want peace in the family, I want to walk freely on the street, I want them to give us back our smile, true rule of law, love and respect, we want to feel safe and responsible, I want a free education, peace is the precondition for a worthy life of women, I want to work and live from my work, a life without poverty, health...

Security = freedom from the fear of being different, security is the free definition of identity, to break imposed ethnic, state, cultural consensuses, to be disobedient to all ordained roles - to be exclusively what we choose to be: I want the right to be different, the right to freely love who I want to, the right to defend myself and to exist on my own, the right to think differently, the right to want differently, respect for difference, the strength of togetherness.

Security is the strict implementation of laws of transitional justice = confronting the past and punishment for all war crimes: starting campaigns, legislative initiatives for the punishment of war crime perpetrators, first those done in our name, and then the rest ('Not in our name'), the right to know how much is spent on the Hague defendants based on the Law to help Hague defendants and their families, the implementation of the Law on lustration and opening of secret files, the change of dominant cultural models and changes to the nationalistic-militaristic educational system...

Feminist - antimilitary concept of security - everything for peace, health, and knowledge, nothing for armament: more arms do not mean more security - the greater the military expenses and costs, the lesser the security, demilitarization on all levels, democratic civil control, Ministry of Defense is the Ministry of War, demilitarization is my right, surveillance of armed forces must be done by a democratically elected civil government...

Feminist - antimilitary concept of security = global women's action for the suspension of immunity for the members of UN peace missions: instead of protecting women, in many parts of the world they committed sexual crimes against women; UN is to be pressured to suspend that immunity, the fight for impunity of crimes, demilitarization the use of UNSCR 1325...

Feminist concept of security is the inclusion of women in peace negotiations: women should influence all aspects of the post-conflict process and UNSCR 1325 should be fully implemented, including female presence in peace talks. Women should influence the negotiation process between Kosovo and Serbia, UNSCR 1325 should be implemented in negotiations between Serbia and Kosovo, resolutions are just empty talk, no matter how

pretty and seductive the words, they mean nothing if they are not implemented...

A feminist concept of security is female solidarity, mutual support, collective work of women against militarism: outside and above state, national borders in the objective of creating a world without military or any other violence...

Violence against women should become a part of the national security strategy: life without violence, women free of male sexual violence...

Feminist concept of security is the right of women to self-determination - resisting social control over women: the right to reproductive and sexual rights, my body, my territory, the right to choose my protector...

(Transcripts by: Gordana Subotic)

Research methodology

The methodology of this research was established in cooperation with a consultant and independent researcher Biljana Brankovic. Firstly, we defined indicators proposed by the participants of aforementioned educational seminars. Secondly, we determined goals and assignments in the research process, and thus specific problems that we will address in our research. After collecting the appropriate bibliography that we will use in the research process, we formed specific questions that we sent to institutions according to their activities in the NAP and our research indicators. The reports that you will have opportunity to read in this book, had many versions. Every of them we analyzed together. The effort to fit all reports in one framework and methodological criteria we achieved through consultant commenting all reports and preparing comments for joint discussion in meetings. Therefore, we can state that work on this book was feminist, and that included large number of women that are not named in this book.

The methods of research and obtaining data to monitor the NAP which aims to implement UNSCR 1325 in the Republic of Serbia include investigation and analysis of documents. As part of the investigation, members of the Working group sent letters with questions regarding the indicators that they were researching to the institutions listed as implementing agencies in the NAP. As part of the document analysis, the members of the Working group analyzed the responses of the institutions to those questions. In order to get to the information regarding indicators, apart from analyzing the answers of the institutions, the members of the working group analyzed other local and international public documents and statistics. The research texts that you will have the opportunity to read in this paper, contain arranged and processed data and the evaluation and data analysis (received from the institutions and other public sources). Because of the frequent silence of the institutions (in particular the silence of the bureaucracy), the members of the Working group were in constant communication with the Commissioner for Information of Public Importance and Personal Data Protection, to whom we hereby express our sincere gratitude.

Experiences in communication with institutions

In this section we describe the situations we have encountered in our everyday communication with institutions while monitoring the NAP which aims to implement UNSCR 1325 in the Republic of Serbia. Working on the monitoring demanded a constant communication with institutions, for the following reasons:

- The majority of reports of the institutions were late or were not available at all to the public (the website that would contain all the reports that the Multi-sectorial coordination body announced in December 2012 is not yet finished),
- Different institutions have published reports for different time periods (January-June, January-December) so that it was not possible to receive information for the same indicator and the same period from different institutions.
- The reports did not contain the necessary data, so the members of the Working group had to make further queries about the indicators that they were following.

Some of the experiences that the members of the Working group gained while analyzing the answers, through constant communication with state institutions (directly, or through the Commissioner) include the following:

- Institutions did not reply to the questions of the Working group,
- Institutions avoid giving direct answers to the questions posed by the members of the Working group,
- Institutions do not understand the questions, even though they are very clear, direct and concerning points and activities of the NAP (and the institutions are listed as implementing agencies),
- Institutions do not know who is in charge of the implementation of the activities that we inquire about (even though they are listed as one of the implementing agencies) and they direct us elsewhere,
- Institutions present their regular activities as NAP activities,

- Institutions present activities which meet other strategies, as NAP activities,
- Certain individuals from institutions took offence because we requested a progress update in May 2013 for indicators which have a final implementation deadline of 2015.
- A frequent answer of the institutions was that they do not have the desired data, even though they are listed as the implementing agencies required to collect such data,
- In their answers to questions, the institutions referred to their publicly available reports. In reviewing those reports we concluded that the report did not answer the questions we posed (so the institutions avoided answering our questions),
- As an answer to a question that was very clear, direct and concerning a specific point and activity related to the NAP, one institution responded that they appointed a person within the NAP body (which wasn't the answer to our question).

As part of the research done from January to June 2012, the Working group for the monitoring of the NAP for the Resolution 1325 implementation in the Republic of Serbia of the Women in Black sent:

- 287 questions, 107 requests, to 98 institutions,
- Initiated 28 proceedings before the Commissioner for Information of Public Importance
- Initiated 1 lawsuit before the Administrative court against 4 institutions

The questions that the members of the Working group sent to the institutions referred to the period between June 2012 and June 2013 (except for the research by Jelena Jovanovic on Transitional Justice in the Republic of Serbia, who sent questions that referred to the period between April 1st 2012 and April 1st 2013).

In the following research texts, we evaluated the success of the implementation of the NAP activities of the institutions of the Republic of Serbia by the scale:

Worsening	No progress	Little progress	Progress
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The successes of women's peace organizations - strengthening with the objective of pressing institutions to implement the NAP

In 2012/2013 Women in Black sent details about the NAP which aims to implement UNSCR 1325 in the Republic of Serbia to as many CSOs as possible (on the national and international level) to place pressure on the institutions to undertake their responsibilities and fulfill the UNSCR 1325 as much as possible. Women in Black during 2012/2013 connected with 6 organizations in reporting on the implementation of the points that make up the Women, Peace, Security agenda in the Republic of Serbia. In addition, Women in Black also collaborated with 3 organizations as part of the Working group. The Women in Black sent a report on the implementation of the Women, Peace, and Security agenda and the NAP for the implementation of UNSCR 1325 in the Republic of Serbia during 2012/2013 to:

The Committee for the Elimination of Discrimination Against Women (CEDAW Committee) - Women in Black, together with 4 women's CSOs (Autonomous Women's Center, ASTRA, Labris and Voice of Difference) participated in writing the report *Shadow over Serbia* (2013),³ which was followed by the Second and Third periodical report on the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW), at the 55th Meeting of the CEDAW Committee in Geneva. At the presentation of the report *Shadow over Serbia*, the meeting with the members of the CEDAW Committee and the meeting with one of the members of the Committee, Dubravka Simonovic, the members of the Working group, Women for Peace activists and Women in Black talked about 'black lists' of CSOs in

³ *Shadow over Serbia* – Report of non-government organizations for the 55th Meeting of the CEDAW Committee 2013, Autonomous Women's Center, ASTRA, the Women in Black, Labris, Voice of Difference, Belgrade, p. 45-48 http://www.womenngo.org.rs/images/CEDAW/2013/Senka_nad_Srbijom.pdf, (accessed 29.07.2013)

the Republic of Serbia (more information in the text by Diana Miladinovic, The Position of Human Rights Defenders in the Republic of Serbia) and about the implementation of UNSCR 1325 (lack of focus of NAP's activities related to the post-conflict context of the Republic of Serbia). The meetings resulted in questions that the Committee posed to the delegation from the Republic of Serbia at the official presentation of the 2nd and 3rd periodical reports on the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW). The questions that the Working groups for monitoring forwarded to the CEDAW Committee, which the Committee posed to the state, and which the state did not reply to, were:

- ✓ Are there measures and measurable indicators for following the status, needs of women and girls among refugees and displaced persons?
- ✓ When will the Republic of Serbia adopt the Declaration on Human Rights Defenders from 1998?
- ✓ Does the state plan to solve some of the most urgent post-conflict problems through special temporary measures (reintegration and rehabilitation programs for former participants in armed conflicts, help and support programs for refugee women and displaced persons)? It was also required of the state to present the progress made and what's been done through indicators.
- ✓ Are there programs of help (economic, psychological) for women who have been raped during the war?
- ✓ How is it possible that the Republic of Serbia is implementing UNSCR 1325 without consulting women's organizations in the last round of negotiations with Kosovo?

The only question that was answered, but not in a direct way, was:

- ✓ What does the quantitative representation of women in comparison to men mean in regard to the enforcement of Resolution 1325 in Serbia? How does this affect the implementation of Resolution 1325? What does that information mean?

The suggestions of the CEDAW Committee 2013⁴ to the state, which came out on July 25th 2013, contained information that the members of the working group forwarded to the Committee. Some of them were:

19. The Committee encourages the State party to:

(a) Take further steps to expand the use of temporary special measures, in accordance with article 4 (1) of the Convention and in line with the Committee's General Recommendation No. 25 (1992), as part of a necessary strategy for accelerating the achievement of women's substantive equality, in particular for disadvantaged groups of women, including women affected by the war and women living with HIV, in all areas under the Convention;; (Ibid) ⁵

27. The Committee recommends the State party to:

(b) Involve women's organizations in the implementation of its policies concerning peace and security, including in its negotiations concerning Kosovo; (Ibid) ⁶

Uniting forces with other organizations that wrote the report *Shadow over Serbia*, we managed to make our work and our topics become a part of the suggestions that the state will have to report to the CEDAW Committee about in 2017 as well.

European Peacebuilding Liaison Office (EPLO) – the report of Women in Black monitoring the NAP to implement UNSCR 1325 in the Republic of Serbia will also be a part of the report *UNSCR 1325 in Europe: 21 case studies of implementation*. The report will come out in October, and will be available on the website: <http://www.eplo.org/implementation-of-unscr-1325-in-europe>.

The Global Network of Women Peacebuilders – the report monitoring the implementation of UNSCR 1325 in the Republic of Serbia will be

4 United Nations, Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined second and third periodic reports of Serbia**, Distr.: General, 25 July 2013, CEDAW/C/SRB/CO/2-3

5 Ibid, p. 5

6 Ibid, p. 8

published in the report of the Global Network of Women Peacebuilders. Women in Black worked with the Belgrade Center for Security Policy, The Humanitarian Law Center, and Autonomous Women's Center and presented this report in the Mission of Canada in New York in October 2013. The report will be available on the website: <http://www.gnwp.org>.

All the successes that we have achieved we owe to the solidarity, help and support of domestic and international CSOs, which we hereby give thanks to.

Gordana Subotic

Jelena Cakic

Women in Peace Negotiations

Decision-making

Objective 1 Increase the participation and influence of women in decision-making in defense and security ⁷

Inclusion

Specific objective: Asserting the importance of the role of women in conflict resolution, negotiating, reaching agreements, and in their enforcement in practice

Activity 1.1 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 multinational operations.

Implementing agencies: the National Assembly of the Republic of Serbia: the Committee for Defense and Security, the Committee for Gender Equality, the Legislative Committee, the International Relations Committee in cooperation with the Government, and in particular with the Ministry of Defense, the Ministry of Interior, Ministry of Foreign Affairs, the Ministry of Human and Minority Rights, and the Ministry of Labor and Social Policy.⁸

⁷ The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 39

⁸ Ibid, p. 47

Introduction

Article 7 of the CEDAW Convention (1981)⁹ directs states to, in the goal of eliminating discrimination against women; enable the participation of women in the political and public life in formulating the government's politics and their implementation. UNSCR 1325 (2000)¹⁰, point 2 directs the General Secretary to 'enforce its strategic action plan (A/49/587) that calls for an increased participation of women on all levels of decision-making in conflict resolution and peace processes.' Point 8 'calls all participating parties to, during negotiations and the implementation of peace agreements, adopt a gender perspective and include women *inter alia* in all mechanisms of implementation of peace agreements.'

In accordance with the Republic of Serbia being a signee of the CEDAW Convention, and that in 2010 it adopted a NAP to implement UNSCR 1325, in this chapter we will focus on the participation of women in negotiations with Kosovo.

In the NAP (2010)¹¹ it is stated that the 'main issue regarding the role of women in decision-making is the absence of their influence in making decisions regarding issues relevant for the maintenance of peace and security.' Still, regarding this problem, the NAP recognizes only women already employed in the security sector: 'the unsatisfactory representation of women in state institutions was identified as the main reason that women have a minor influence in decision-making regarding defense and security' in two segments (*inter alia*):

- Peace negotiations and peace operations,

⁹ United Nations (1981) *Convention on the Elimination of Discrimination against Women*, Article 7, http://www.centaralter.org.rs/CEDAW_konvencija.pdf, (accessed 20.06.2013)

¹⁰ Belgrade fund for political excellence (2010) *Resolution 1325 of the UN Security Council in Serbia - On Women, peace and security - Recommendations for the production of the National action plan for the implementation of Resolution 1325 of the UN Security Council in Serbia*, p. 58 http://www.bfpe.org/BFPE_OLD/www.bfpe.org/files/BFPE-brosura.pdf, (accessed 28.06.2013)

¹¹ The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council Women, Peace, Security in the Republic of Serbia (2010-2015)*, p. 37

- Missions and delegations that lead to peace negotiations (Ibid)¹²

Women outside of the security sector, according to the NAP were not recognized as actors in the decision-making about peace and security.

One of the criteria for the realization of the NAP (2010)¹³ is the objective: 'The affirmation of women's importance in conflict resolution in negotiations, achieving an agreement and its enforcement' the NAP suggests 'providing institutional mechanisms for the equal participation of women in conflict resolution, so that there will be provided a participation of at least 30% of women in the negotiating teams and multinational operations' until 2013. As implementing agencies the NAP lists the National Assembly, the Committee for Defense and Security, the Committee for Gender Equality, the Legislative Committee, the International Relations Committee in cooperation with the Government, and in particular with the Ministry of Defense, the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Human and Minority Rights, and the Ministry of Labor and Social Policy.

Within the aforementioned criteria of the Serbian NAP, what is obvious is that, apart from observing the fact that only women employed in the security sector have the right to participate in decision-making and be included in peace negotiations, is that women employed in the security sector are only included in a quantitative sense.

This type of gender awareness depends upon the masculinization of women in the desire to prove that women can perform tasks that the society reserves for men. Betty Reardon calls this 'negative feminism.' According to her, this practice only further supports the war system. Women and women's organizations that lobbied for UNSCR 1325 and advocated for peace, intended to change the system, and not to reiterate masculine values and to only include women in a quantitative way without deeper transformation of society (Reardon; according to Subotic, 2013).¹⁴ Women in Black have

12 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council Women, Peace, Security in the Republic of Serbia (2010-2015)*, p. 37

13 Ibid, p. 47

14 Betty Reardon in: Subotic, G. (2013) Master thesis: *The implementation of Resolution of the UN Security Council 1325 Women, peace, security: comparative analysis of the USA and Serbia*, Faculty of Political Sciences, p. 58

previously criticized this practice in 2010, in their Comments on the Draft of the NAP.¹⁵

In the further analysis we will deal with:

- Negotiations between Serbia and Kosovo:
 - a) the participation of women employed in the security sector in negotiations – this was a NAP (2010)¹⁶ indicator to 'provide institutional mechanisms for equal participation of women in conflict resolution, in order to provide the participation of at least 30% of women in negotiating teams and multinational operations' until 2013;
 - b) The participation of women's CSOs in negotiations
- Initiatives, activities and demands of women's CSOs regarding UNSCR 1325 and the negotiations with Kosovo, and how the institutions of the Republic of Serbia replied to those initiatives.

Information regarding the negotiations was mostly taken from the media, due to:

- Non-transparency of the institutions,
- The silence of the administration within the institutions that led the negotiation process in responding to our demands for access to information of public importance,
- Documents related to negotiations are under "the seal of confidentiality" (state secret) and cannot be obtained easily.

15 Coments of the Women in Black on the *Draft of the NAP for the implementation of Resolution 1325 of the UN Security Council - Women, peace, security in the Republic of Serbia*, p. 8

16 The Government of the Republic of Serbia, (2010), *The National Action Plan for the implementation of Resolution 1325 of the UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 47

Negotiations between the Republic of Serbia and Kosovo 2010 – 2013

2010 – 2012

In 2010 the EU influenced the commencement of the dialogue between the Government of Serbia and Kosovo. The dialogue ironically began on March 8th, International Women's Day, with the goal of establishing relations after the 2008 Declaration of Independence of Kosovo and dealing with piled up problems that are making people's lives difficult. Civil society organizations greeted the dialogue between Prishtina and Belgrade, believing that it is a necessary step in solving important issues that both the communities in Kosovo and in Serbia are faced with, which is of importance for the region of former Yugoslavia and the EU as a whole (Women in Black, 2010).¹⁷ The information on the makeup of the negotiating team of the Republic of Serbia in this dialogue was published by the media (Blic, 2011)¹⁸ only after "the seal of confidentiality" was removed from the part of the conclusion on the formation of the negotiating team in the upcoming dialogue with Prishtina'. The chief of the negotiating team was a government official - the political director of the Ministry of Foreign Affairs, his deputy, an official from the Ministry for Kosovo and Metohija. The topics of negotiations, according to public information on the website of the Government of Serbia (2013)¹⁹ were: Freedom of movement; Birth registries, Cadastre records, integrated regulation of crossings, Accepting university diplomas, Customs seals, Regional representation.

The working group for monitoring 2011 (Women in Black 2012),²⁰ in an effort to obtain data on the representation of women (as the NAP requires at least 30%) in the Negotiating team of the Republic of Serbia in the dialogue with Kosovo, and the existence of a channel that would enable women's or-

17 Subotic, G., Rankovic, A. (2012) *Independent monitoring of the Resolution 1325 implementation in Serbia*, the Women in Black, p. 32

18 Blic (2011) , <http://www.blic.rs/Vesti/Politika/230747/Sef-pregovarackog-tima-Borko-Stefanovic>, (accessed 18.6.2013)

19 The Government of the Republic of Serbia , <http://www.srbija.gov.rs/kosovo-metohija/?id=164576>, (pristupljeno 2.6.2013)

20 Subotic, G., Rankovic, A. (2012) *Nezavisni monitoring sprovođenja Rezolucije 1325 u Srbiji*, Žene u crnom, p. 33

ganizations to make suggestions and represent issues of interest for the negotiating table, posed questions to the chief of the Negotiating team twice. These two demands regarding the access to information of public importance were never answered. The EU, who mediates in the dialogue between Belgrade and Prishtina, has not contributed to the inclusion of women.

The dialogue process with Prishtina during 2011/2012 was marked by the absence of cooperation of the Serbian negotiating team with women's peace networks and other CSOs.²¹

2012 – 2013

After Presidential and Parliamentary elections in May 2012, negotiations with Kosovo were raised to the highest level - the level of the Prime Ministers of Serbia and Kosovo. Before the beginning of negotiations, the National Assembly of the Republic of Serbia adopted a Resolution on the basic principles for political talks with temporary institutions of local self-government (2013)²². The Resolution as a starting document for negotiations begins with the principle of not recognizing Kosovo as a sovereign state and is focused on providing security and full protection of human rights of the Serbian community in Kosovo. Also, it binds the Government to demand the protection of all underwritten rights of the Serbs in Kosovo and Metohija, especially the right to return and property rights, and to continue to shed light on the destinies of missing persons and to follow judiciary processes of those accused of ethnic violence toward Serbs. The Resolution does not deal with questions of security from the gender perspective, nor does it mention the importance of women's participation in the negotiating process and post-conflict peace building.

According to the statements of officials of the Republic of Serbia from the media, the *Brussels Agreement* (2013)²³ was reached in April and has 15

21 Subotić, G., Ranković, A. (2012) *Nezavisni monitoring sprovođenja Rezolucije 1325 u Srbiji*, Žene u crnom, p. 33

22 The Government of the Republic of Serbia, 2013, *Resolution on the basic principles for political talks with temporary institutions of local self-government* http://www.media.srbija.gov.rs/medsrp/dokumenti/rezolucija-kim130113_cyr.pdf, (accessed 20.06.2013)

23 Press Online (2013) *Original text of the Brussels agreement*, <http://www.pressonline.rs/info/politika/269887/originalan-tekst-briselskog-sporazuma.html>, (accessed 20.06.2013)

points. The agreement foresees (inter alia) the foundation of the Community/Association of the Serbian majority municipalities in Kosovo, open for other municipalities as well, if the signees of the agreement consent to that, the Community will have authority in the area of economic development, education, health, urban and rural planning, as well as additional authorities, derived from the central government in Prishtina. It also regulates that there will be one Kosovo police force - an integrated Serbian and Kosovo police, as well as the integration of the judiciary system in north Kosovo into a unique system, the holding of local elections in 2013 and a mandatory formation of teams for the implementation of the agreement, with the help of the EU. The signees are bound not to block one another in the process of European integration. According to the media (Free Europe, 2013)²⁴ in May 2013 the Plan for the enforcement of the Brussels agreement was adopted.

At the time that this report was written, neither the Agreement nor the plan for the enforcement was published on the official websites of the Government and the National Assembly of the Republic of Serbia.

Questions regarding the structure of the negotiating team and the topics of negotiations the Working group sent to: the Government of the Republic of Serbia, the Prime Minister of the Republic of Serbia and the First Deputy Prime Minister of the Republic of Serbia. By June 2013, the working group for monitoring was not replied to regarding questions from the request for access to information of public importance.

From 2010 until today it remains unknown if the activity of the NAP was enforced and if there were at least 30% of women in the negotiating teams with Kosovo.

The participation of women's CSOs in the negotiations is unknown. According to publicly available information, it is unknown whether the EU in 2012/13 set the condition for a greater participation of women and women's CSOs in negotiations, in spite of the Resolution 1325 being implemented in EU countries.

²⁴ Free Europe (2013) *The Government of the Republic of Serbia adopted a plan for the implementation of the Brussels Agreement*, <http://www.slobodnaevropa.org/content/vlada-srbije-usvojila-plan-za-primenu-briselskog-sporazuma/24997935.html>, (accessed 20.06.2013)

The Council of the European Union in 2008 adopted two important documents on the strategy of the Resolution 1325 and 1820 implementation in the EU - *Comprehensive EU Approach to the implementation of UNSCR 1325 and 1820, Implementation of SCR 1325 as reinforced by 1820 in the context of European Security and Defense Policy (post-Lisbon known as Common Security and Defense Policy)*. (European Peacebuilding Liaison Office, 2010)²⁵

Also, the Statement of the EU regarding women, peace and security from 2005 (EU Presidency Statement - Security Council Resolution 1325: Women, Peace and Security, 2005)²⁶ claims that it will take steps to promote the role of women in peace negotiations through their participation in peace talks as well as enhancing the dialogue with local and international women's groups.

Initiatives, activities and requests of the women's CSOs regarding the implementation of the Resolution 1325 and the negotiations with Kosovo

Since 2005, women's peace organizations in Serbia and Kosovo have followed the activities surrounding negotiations between Serbia and Kosovo and the organization of a collective action in order to emphasize the need for the respect of the demands from international documents of the CEDAW Convention and Resolution 1325 and the inclusion of women's CSOs in negotiations.

A network of women's organizations from all over Serbia, the Women in Black Network met with the Kosovo Women's Network in 2006 and formed a Women's Peace Coalition whose goal was to increase the participation of women in the Vienna negotiations between Serbia and Kosovo, which began that same year.

²⁵ European Peacebuilding Liaison Office (2010) *UNSCR 1325 IN EUROPE 21 case studies of implementation*, p.10

²⁶ European Union (2005) *EU Presidency Statement - Security Council Resolution 1325: Women, Peace and Security* http://www.eu-un.europa.eu/articles/en/article_5204_en.htm, (accessed 25.05.2013)

The platform of the *Women's Peace Coalition* (2006)²⁷ of both these initiatives resides on the implementation of Resolution 1325, requesting of the state organs:

- The participation of women in negotiations about the status of Kosovo
- Recognition and appreciation of the role of women's peace initiatives concerning the negotiations and status of Kosovo
- Transparency in negotiations
- Careful following of peace negotiations and informing the public about their progress by the women's peace networks of Serbia and Kosovo
- Recognition and respect for women's human rights by relevant actors in the international community.

After that the *Regional Women's Lobby for Peace, Security and Justice in Southeast Europe* was founded, that collected activists and politicians from all the republics of former Yugoslavia around issues concerning women, peace and security.

The Women in Black repeated their requests from the *Resolution Women, Peace, Security of Women in Black* every year for the anniversary of Resolution 1325, from 2005 until 2010.

The requests of the Women's Peace Coalition for the inclusion of women in negotiations as well as placing on the agenda the points that they suggest were not taken into consideration during negotiations by the Republic of Serbia.

From 2010, Women in Black carefully followed the political preparations for the continuation of negotiations with Kosovo. As a reply to the continuation of negotiations, the Women in Black network, the Helsinki Committee for Human Rights in Serbia, Voice of Difference, Reconstruction Women's Fund, Esperanca, and SOS Hotline for women and children victims of violence, published a *Declaration on Kosovo* (2012)²⁸. This declaration requests the

27 Women in Black, (2006), Women's peace negotiations - Kosovo, http://www.zeneucnom.org/index.php?option=com_content&task=view&id=173&Itemid=55&lang=sr, (accessed 15.06.2013)

28 The Women in Black (2012) The participation of women in the dialogue between Kosovo and Serbia toward achieving a just peace, http://www.zeneucnom.org/index.php?option=com_content&task=view&id=827&lang=sr, (accessed 15.06.2013)

Republic of Serbia to adhere to UNSCR 1325 and UNSCR 1244, as well as respect for the regulations of the NAP to implement UNSCR 1325 in Serbia. The declaration specifically requested respect of the regulations that guarantees the participation of 30% of women in peace negotiations; adherence to the regulations on the impunity of war crimes, and calls for the solution to the issue of missing persons. Also, the declaration stresses the importance of transparency of the process of negotiation itself, and the importance of participation of women in creating the initial political document for negotiations, all in accordance with UNSCR 1325.

The Declaration was sent to several addresses of authorities in Serbia and the wider public. Its importance should be viewed not only in the light of the legal obligations of Serbia as a state which has adopted a NAP for the implementation of UNSCR 1325, but also in the light of concrete needs in the field in a post-conflict period.

The institutions of the Republic of Serbia did not reply to any of the initiatives, activity or requests by women's NGOs and other CSOs regarding the negotiations with Kosovo since 2005.

Women's CSOs from the Working group for monitoring managed to lobby the CEDAW Committee in 2013 to place the topic of the absence of women's CSOs in the negotiations with Kosovo into the suggestions of the Committee to the Republic of Serbia. More on that is written in the section titled 'The Successes of Women's Peace Organizations - strengthening with the aim of putting pressure on institutions for the implementation of the NAP'.

Recommendations:

1. Accept the requests of the CSOs: (a) Women's Peace Coalition 2006 and (b) the 2012 Declaration on Kosovo.

We evaluate the implementation of this activity of the NAP by the institutions of the Republic of Serbia as: **No progress**

Jelena Cakic

Support to local women's initiatives for peacebuilding

***"We want a change, not a superficial,
but honest change in our society"***

Nevena Kostic²⁹

Inclusion

Objective 1 Asserting the importance of the role of women in conflict resolution, negotiating, reaching agreements, and in their enforcement in practice

Activity 1.3 Building mechanisms for early warning and providing support for local women's initiatives for non-violent conflict resolution

Implementing agencies: Ministry of Defense, Ministry of Interior and security services (the Military Security Agency, the Military Intelligence Agency, and the Security Information Agency) in cooperation with all institutional mechanisms for gender equality in the Republic of Serbia, including provincial and local institutional mechanisms.

Time frame: 2010 - 2015 ³⁰

29 Nevena Kostic, 1966 - 2011, feminist and peace activist "Women for Peace" and the "Women in Black" network from Leskovac.

30 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 39

Introduction

The National Action Plan (Government of the Republic of Serbia, 2010)³¹ in its introduction starts with the role of women as active subjects, important for reaching a stable peace: 'Considering the fact that women are not only victims of war and violence, but can also have an active role as participants in conflicting parties, as well as in the negotiating process of calming conflicts and finding solutions for a peaceful conflict resolution, long-term development and regional stabilization, this document offers the possibility to define their role as such in the security sector and the society as a whole.'

The objective of this research is to determine whether there were planned and realized activities for building mechanisms for early warning and offering support to local women's initiatives for non-violent conflict resolution, as predicted by the NAP (in the section that regulates the inclusion and increase of women's participation in conflict resolution, post-conflict situations and a greater participation of women in multinational operations).

Mechanisms for an early warning

According to the definition by the UN (Women's UN Report Network, 2010),³² an early warning represents a process of collecting and analyzing information with the intent of identifying and suggesting strategic options for preventive measures. According to independent experts of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) for women, war and disarmament, the formal mechanisms for early warning view a potential crisis situation, collect information and give an analysis that will enable decision-makers to avoid risk and find solutions for preventive measures.

In this section, we analyze the activities of the NAP, specifically their imprecise formulations. When regarding the activities for building mechanisms for an early warning and offering support to local women's initiatives for non-violent

31 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*

32 Womens UN Report Network (2010), *Women, War, Peace and Conflict Prevention and Early Warning*, http://www.wunrn.com/news/2006/08_28_06/090306_women_war.htm, (accessed 20.06.2013)

conflict resolution,³³ it still remains unclear what 'local women's initiatives for non-violent conflict resolution' are. First of all, are the 'local initiatives' considered to be formal or informal groups? Furthermore, what are the criteria for their selection? What is considered 'support'? And finally, what is considered to be a 'conflict' and what actions belong to 'non-violent conflict resolution'?

When we talk about affirming the importance of the role of women in conflict resolution, during negotiations, achieving an agreement, and its implementation in practice, there are no successfully realized projects that include a partnership between the state and civil society organization in the sense of forming early warning mechanisms and support for local peace initiatives of women, implemented by the bodies listed in the NAP.

Legal framework for the support of citizen's associations

Citizens' associations are considered under the term 'civil society organizations' in everyday talk, under the Law on associations and former federal or republic regulations, in the aim of creating goals that are wider than personal or group interests of the members of those associations. Thus in everyday speech, associations that are registered under the same regulations as civic organizations but act in a specific area (such as unions, sport societies and alliances), including associations that are primarily founded to achieve a group interest, are not considered under the term 'civil society organizations.'

Until 2009, when a new Law on citizen's associations was adopted, the work of non-government organizations was regulated by an old law from 1990.

Legal regulation

The legal framework for the support of citizens' associations, including women's and peace organizations, consists of: the Constitution of the Republic of Serbia (the Official State Gazette of the Republic of Serbia, no. 98/06), the Law on civic organizations (Official State Gazette of the Republic of Serbia no. 51/09 and 99/11), the Law on the budget of the Republic of Serbia (Official State Gazette of the Republic of Serbia no. 93/12), decisions regarding the budget of the Autonomous Province of Vojvodina (Official Gazette of AP Vojvodina, no. 39/12) and the Law on financing local self-governments (Official State Gazette of the Republic of Serbia no. 62/06, 47/11).

lic of Serbia no.51/09 and 99/11), the Law on the budget of the Republic of Serbia (Official State Gazette of the Republic of Serbia no. 93/12), decisions regarding the budget of the Autonomous Province of Vojvodina (Official Gazette of AP Vojvodina, no. 39/12) and the Law on financing local self-governments (Official State Gazette of the Republic of Serbia no. 62/06, 47/11).

- **The Constitution of the Republic of Serbia** (Official Gazette of the Republic of Serbia no. 98/06) in article 43 guarantees the freedom of thought, conscience and creed, and in article 45 guarantees the freedom of association, whereby for the founding of an association it states that that they may be founded without previous approval, with registration in accordance with the law. The constitutional limitation of foundation exists for secret and paramilitary associations, for those whose activities are directed at violent destruction of the constitutional order, the violation of guaranteed human and minority rights and causing racial, national or religious hatred.
- The foundation, legal position, registration and register removal, membership and bodies, status changes and the termination of association, as well as financing, and other questions of importance for the work of a citizen's association in the Republic of Serbia is regulated by the **Law on Associations** (Official Gazette of the Republic of Serbia no. 51/09).³⁴ According to this Law, in article 36, for its activities, the association must have a property which, according to the mentioned law, it gets from membership, voluntary contributions, donations and gifts (money or in-kind), financial subventions, legacy, investment interest, lease, dividend, and other legal ways. According to article 38 of the said Law, funds for program incitement or a missing part of the funds for program financing of public interest that the association realizes, are provided by the budget of the Republic of Serbia. The Government of the Republic of Serbia, the competent ministry whose area of authority is the focus of the association's objective, provides funds for the financing of the association based on a conducted public contest and concludes contracts regarding the realization of approved programs.³⁵

33 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 39

34 The Law on associations (2009) Official State Gazette of the Republic of Serbia no. 51/09, article 36

35 Ibid, article 38

The Law on Associations is under the program of public interest, and especially considers programs in the field of: social protection, combatant-disabled protection, protection of persons with disability, social care for children, protection of internally displaced persons from Kosovo and Metohija and refugees, incitement of birthrate, helping the elderly, healthcare, protection and promoting human and minority rights, education, science, culture, information, protecting the environment, sustainable development, animal protection, consumer protection, fighting against corruption, as well as humanitarian programs and other programs in which the association is exclusively and immediately follows public needs. The same criterion is applied regarding funds that the association is granted from the budget of the autonomous province and units of local self-government.³⁶

- **The Law on the Budget of the Republic of Serbia**, or rather the decisions of the autonomous province and local self-government choose the funds for the financing of citizen's associations (budget line 481 - grants to non-government organizations). This type of allocation of funds for financing citizen's associations has been criticized by the public due to the fact that budget line 481 includes funds for sports associations, religious associations, religious communities and political parties, while other associations and non-government organizations are left with minimal funds.

Initiative for the diversification of budget line 481

Considering the fact that the financing of four groups of citizen's associations (sports associations, religious associations, political parties and 'other citizen's associations') is represented in the budget proposal collectively, as line 481, it is impossible to see just how much the funds amount to for each individual citizen's association. This could be found out at the end of the budget year, via information on budget implementation. However, at that point, it is too late for debate and wider discussion on budget funds allocated to grants for citizen's associations that deal with human and minority rights protection.³⁷

36 The Law on associations (2009) Official State Gazette of the Republic of Serbia no. 51/09, article 36

37 Initiative for the change and supplement Article 14 of the Rulebook on standard

Non-governmental organizations (NGOs) reacted to this Government policy, so on April 26th 2010, 188 NGOs signed and handed over to the Ministry of Finance the *Initiative for the diversification of budget line 481*³⁸ that finances NGOs, political parties, religious and sports organizations. The Ministry was requested to change the budget plan, so that grants for political parties, religious groups and sports associations and NGOs in a more narrow sense of the word, could be shown separately in the budget. This change would provide a greater transparency of budget processes and a clearer insight for taxpayers into the purpose that their funds were used for. In the explanation of the Initiative it is stressed that the analysis has shown that the funds are granted within this budget line according to very diverse bases. The very name of the budget line 'grants for non-government organizations' is misleading for ordinary citizens, whose funds are used to finance the budget, because the concept of a 'non-government organization' in everyday language has a much narrower meaning than in the budget regulations.

Nevertheless, in spite of the initiative presented by a number of NGOs, there was no change, so the funds for the activities of NGOs are still collectively marked as budget line 481.

Regulation on the financing of civic organizations

In January 2012 the Government of the Republic of Serbia, based on the Law on Associations, adopted a **Regulation on the financing of associations** (Official State Gazette, no. 08/12) that more closely regulates the method of financing associations. This Regulation, for the first time uniquely regulates the criteria, conditions, and ways in which the associations are financed out of the funds for realizing a program of public interest. In February 2011, the civil society organization, the Center for Non-profit Sector Development, organized a meeting with CSO representatives with

classification framework and control plan for the budget system (Official State Gazette of the Republic of Serbia, no. 20/07, 37/07, 50/07 – corr. and 63/07) <http://www.nadzor.org.rs/Dokumenta/Inicijativa%20za%20izmenu%20i%20dopunu%20Pravilnika%20o%20iestandardnom%20klasifikacionom%20okviru.pdf>, (accessed 20.06.2013)

38 Center for non-profit sector development, Project Line 481, http://www.crnps.org.rs/xdoc/arhivavesti/inicijativa_z_a_diverzifikaciju_2010.pdf (accessed 29.07.2013)

the objective of collecting opinions of CSO regarding the proposed draft. **The state did not accept consultations with CSOs and adopted a document that concerns their financing without their participation.**

Budget support

The Government of the Republic of Serbia established an Office for cooperation with the civil society sector in January 2011 (Official State Gazette, of the Republic of Serbia no. 26/10). The Office was established 'with the objective of institutional and systematic inclusion of civil society organizations into dialogue with the Government, that ought to be based on a transparent and structured communication and regular exchange of experiences, information and ideas.'³⁹ The Office participates in the preparation of collective reports for the Government about the spending of funds that are 'a support to program activities, provided and paid to associations and other civil society organizations from the funds of the budget of the Republic of Serbia'.⁴⁰

In the report on the activities of the Office for 2011,⁴¹ there is no information on grants for NGOs that deal with activities regarding the implementation of the NAP for UNSCR 1325. The report of the Office for 2012 is not available on the website, because the Office still hasn't received needed data about the expenses of state institution funds. The Office plans to do a report for 2012 that will include all levels of financing (republic, provincial and local level) (Cirkovic).⁴² Table 1 represents characteristic examples of funding from the budget as support for citizen's associations in 2011.

39 Office for cooperation with the civil society, *Strategic framework for the Office for cooperation with the civil society for the period 2011-2014*, <http://civilnodrustvo.gov.rs/dokumenta/dokumenta-kancelarije/> (accessed 20.04.2013)

40 Ibid.

41 Office for cooperation with the civil society, *Report on the activities of the Office for cooperation with the civil society* <http://civilnodrustvo.gov.rs/dokumenta/dokumenta-kancelarije/> (accessed 10.05.2013)

42 Information received through a telephone call with Ivan Cirkovic, the director of the Office for cooperation with the civil society, on 16.05.2013.

Table 1 – Funding from the budget of the Republic of Serbia as support for citizen's associations in 2011⁴³

Name of the association or other civil society organization	Program/ project name	Requested amount EUR	Awarded amount EUR
1. MINISTRY OF DEFENSE			
Alliance of organizations of military reserve head officers of Serbia	No information	38,781.7	34,472.6
2. THE SERVICE OF THE GOVERNMENT OF SERBIA COORDINATION BODY FOR THE MUNICIPALITIES OF PRESEVO, BUJANOVAC AND MEDVEDJA	No information	14,943.9	14,133.8
3. THE MINISTRY OF FOREIGN AFFAIRS			
Document information center "Veritas"	No information	No information	8,801.47
4. THE MINISTRY OF LABOR AND SOCIAL POLICY	No information		

43 Office for cooperation with the civil society, 2012, *Annual collective report on the financial expenses that have been provided and paid as support for program activities to citizen's associations in the Republic of Serbia*, <http://civilnodrustvo.gov.rs/media/2012/11/Godisnji-zbirni-izvestaj-1.pdf>, pristupljeno (accessed 10.05.2013)

Association of war volunteers 1912-1918	Magazine "Volunteer Gazette no. 37 and 38." and a Monograph about the volunteer movements of the Serbian people, "book I Memorial-2011"	37,402.8	26,716.3
Association of disabled civilians of war	Psychosocial rehabilitation of disabled civilians of war	19,296.1	430
Association of homeland wars of Serbia	International academic art colony	77,563.4	8,618.16
Association of war participants 1991 - 1999 Kraljevo	Rehabilitation of disabled war veterans and a Memorial for fallen combatants 1991 - 1999 from the Raska county and Usce - Kraljevo area	61,447.5	25,854.5
SUBNOR, Republic Committee	Nurturing traditions of the Serbian liberation wars in international frameworks" and 'Nurturing traditions of the national liberation war 1941 - 1945 and all liberation wars of the Serbian people'	76,974.4	37,058.1

Union of war veterans and disabled persons of Serbia	Equality with everyone and preserving memories	66,532.2	32,749.0
Association of war and peacetime disabled persons of Serbia	Psychosocial rehabilitation and publication of the magazine <i>Disabled Military Persons</i>	69,548.5	43,090.8
Association of war combatants from 1990	Help program for financially threatened persons, municipal boards and the Central archive.	74,762.5	66,359.8
Association of disabled veterans of all the wars of Serbia	Psychosocial rehabilitation	77,132.5	34,472.6
Association of disabled military veterans and the families of killed combatants	Commemoration of important historical dates and psychophysical rehabilitation of disabled war veterans and families of killed combatants through work and recreation	56,101.9	30,163.6
Association of war combatants from 1990 Valjevo	Dr Predrag Canic	39,212.6	26,609.4.
Organization of combatants war veterans 1991 - 1999 of the Republic of Serbia, Leskovac	Education and rehabilitation of former participants of the wars 1991 - 1999	25,593.7	14,650.9

Association of families of fallen combatants of the war of 1990 of the Republic of Serbia	A database created about the fallen combatants in the armed conflict of 17.8.1990. The rehabilitation of the families of the fallen.	33,822.5	30,163.6
Association of veterans, wartime disabled veterans from the wars of the 1990s in the Republic of Serbia	Improvement of the position of family members of fallen combatants of Serbia	24,191.2	12,927.2
Association of disabled war veterans of the 1990s in the Republic of Serbia	The improvement of the position of fallen combatants of Serbia	24,191.2	10,341.8
Alliance of associations of veterans, disabled war veterans from 1990.	Re-socialization of veterans and disabled veterans and their inclusion in social-economic flows	72,780.3	12,927.2
Organization "War veterans of Serbia"	Liberation wars of Serbia - an historical view	23,223.4	8,618.16
Serbian Chetnik movement	Olga Nikolic	51,709.0	15,512.7
Republic association for nurturing traditions of the Ravna gora movement	Exhibition regarding 70 years since the rebellion	9,910.88	8,618.16

Organization war veterans of Serbia, Gadzin Han	Offering direct help to disabled war veterans and families of fallen combatants within the field of social help and medical services and psycho-rehabilitation	24,827.7	5,170.90
SUBNOR Republic committee	Organizing the rehabilitation of combatants and disabled war veterans and a continued activity of the organization SUBNOR on the advancement of the social-medical position of combatants and disabled veterans	51,579.7	47,141.3
Association of war combatants from 1990 of the city of Belgrade, municipality Zvezdara	Recording and analyzing the social and material situation of veterans	22,234.8	8,618.16
Municipal organization of disabled civilians, Krusevac	Program of activities of the municipal organization	913	861
Association of combatants of the war of 1990 of Novi Sad	Researching the needs, training and enabling of unemployed members for professional guidance	15,869.5	6,894.53

Human Rights Committee Leskovac	Psychological rehabilitation of war participants	29,716.0	8,618.16
Association of war participants 1991-1999 Kraljevo	Rehabilitation of disabled war veterans and family members of fallen combatants in the wars 1991-1999 in the Raska municipality	36,627.7	8,618.16
"Veteran"	Consultation service SOS hotline	25,854.5	8,618.16
Union of war veterans and disabled veterans of Serbia	Through sport to psychosocial rehabilitation	47,382.6	5,170.90
Association of war and peacetime disabled veterans of Serbia	Realization of exemptions and benefits for war and peacetime disabled veterans and beneficiaries of social support for disabled veteran families in areas where they live and work as an addition to their empowerment, their social position and education and the enabling of disabled veterans VI and beneficiaries of social support for disabled veteran families and municipal	43,031.5	40,505.3

	associations of war veterans for the realization of legal rights as the most important way of empowering their social position		
Association of war combatants from 1990	The creation of a social card for children of fallen combatants in the wars of 1990 from the entire territory of Serbia	23,398.3	17,236.3
Association of disabled veterans of all the wars in Serbia	Rehabilitation in a spa climate for serious disabled veterans and provision of scholarships	51,364.2	41,367.2
Association of combatants of the war of 1990, Valjevo	Continuation of the project "Dr Predrag Canic".	25,854.5	7,756.34
Association of combatants of the war of 1990, Prokuplje	Improvement of the position of combatants in Toplica who had participated in the wars 1990 - 1999.	20,058.8	8,618.16
Association of combatants of the war of 1999	Eco-patrol 365 days a year	25,635.6	2,154

Association of disabled veterans of the wars 1990-1999 in the Republic of Serbia	Attention	25,854.5	6,894
Association of disabled veterans of Serbia	Vranjska Banja 2011	39,471	8,618.16
Association of disabled veterans of AP Vojvodina, Novi Sad	Friend to friend	33,632.4	6,894.53
Organization war veterans of Serbia Municipal board, Gadzin Han	Offering direct help to disabled war veterans and families of fallen combatants within the field of social help and medical services and psycho-rehabilitation - project continuation	19,186.6	3,447.26
Association of war veterans 1999, Vlasotince	Re-socialization and psychological rehabilitation as a necessary element for the preservation of health and the inclusion of war veterans, disabled veterans and their families into social life.	21,216.7	6,032.71

From the first part of the table, relating to the Ministry of Defense, there is only the allowance for the Alliance of organizations of military reserve head officers of Serbia. As this is the only allowance, it can be concluded that there were no foreseen and allowed funds for activities of civic organizations listed in the Serbian NAP by the Ministry of Defense in 2011.

The analysis of typical pointed out examples shows:

- That the help of the state is based on military/army values and continue to nurture militarization. Priority is given to associations of war veterans, while civilian victims are second rate, and women's peace groups that fight for the prevention of war are marginalized. The general conclusion regarding the way that the CSOs were financed from the budget during 2011 clashes with the aims stated in the NAP 1325 and is in accordance with the dominant tendencies of putting on the same level pro-fascistic/quisling groups and antifascist units during WWII;
- Help is not given to women's peace organizations;
- Although help is given to veteran associations, there is no system solution to the position of veterans; veterans are unsatisfied with the status within social protection and demand a system solution for their status by introducing a new law on combatant protection.⁴⁴
- Women's groups of a traditional direction, that work toward re-traditionalization and patriarchal values are the groups that receive help (Kolo srpskih sestara)

Although in many cases veteran, refugee, and associations of displaced persons, receive funding from the state, it should be emphasized that in general, the position of these categories of persons is not adequately viewed in accordance with the NAP 1325 (see the text below by Gordana Subotic 'Reintegration and rehabilitation programs of men and women who took part in armed conflicts').

Answers of the authorized state institutions

For this research, we posed the following questions to the Ministry of Finance of the Republic of Serbia:⁴⁵

44 RTS, Unsatisfied veterans suggest a new law, 30.03.2013. <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1295260/Nezadovoljni+veterani+predla%C5%BEu+novi+zakon.html> ,(accessed 08.04.2013)

45 that has been, according to the NAP financially responsible (together with the Ministry for Kosovo and Metohija, funds and donors) for the realization of financing activities, support and local initiatives of women for reconciliation and peace building

- Is there a plan at the Ministry level for the realization of NAP-related activities?
- Is there a collaboration established between local women's initiatives, both formal and informal groups, for the realization of this activity? If so, what groups are those?
- How is the invitation for collaboration being announced (through local self-governments or in some other way)?
- For what activities is the support planned for?
- What is considered as financial provision, and what is Ministry support?
- Who is authorized for the selection of local women's initiatives that will be offered support?
- How is the monitoring of implemented activities being enforced?
- Is the report on implemented activities being published and where?

The Ministry of Finance and Economy sent a reply⁴⁶ in which it states that it does not possess the documents that contain the wanted information. This means that they have not enforced the activities required of them by the NAP, nor do they know their own responsibilities. In the reply they further state that: '...keeping in mind that the surveillance of the implementation of the Law on Associations (Official State Gazette of the Republic of Serbia, no.51/09) is conducted by the Ministry of Justice and Public Administration, we direct you to inquire to the mentioned Ministry.' This reply was all the more indicative as the Ministry of Finance is directly in charge of obtaining finances of all NAP activities.⁴⁷

We continued our research further, writing to the **Ministry of Justice and Public Administration**. In the inquiry we repeated the questions and stressed that we received an instruction from the Ministry of Finance and Economy to turn to them for information. In their reply to our request, the Ministry of Justice and Public Administration⁴⁸ stated:

46 Reply of the Ministry of Defense, number 08 4-00-69/2013 to the Women in Black, 16.04. 2013

47 NAP, Part 1, Institutions - the forming and functioning of institutional mechanisms for implementing the national action plan

48 Reply of the Ministry of Justice and State Administration, number 337-00-00131/2013-26 to the Women in Black, from 08.07. 2013

'Given that the development of the NAP went through a Multi-sectorial coordination body group formed by the Government and that the Work team of the Ministry of Defense coordinated activities and conducted expert and administrative-technical jobs for the working group, based on whose suggestion in 2010 the Government adopted the NAP, as well as the fact that the monitoring of the NAP implementation is being conducted through the Government's Political Council and Multi-sectorial coordination body that creates reports based on the reports of the competent ministries and other state administration organs within the security sector, we inform you that we have forwarded your request to the Ministry of Defense as the competent ministry.'

According to the Law on associations, as we have previously mentioned, the Ministry of Defense and Public Administration oversees the implementation of the Law on associations, and so, in accordance with that, it should keep a record of the associations that have been offered help as well as the programs.

For the same questions, another responsible body, **The Office for Kosovo and Metohija**⁴⁹ answered that the 'Office for Kosovo and Metohija continued to work on the implementation of UNSCR 1325 - Women, Peace, Security, through active participation in the Multi-sectorial coordination body for the enforcement of the National Action Plan for the implementation of UNSCR 1325 - Women, Peace, Security in the Republic of Serbia'; and that the assistant director of the Office, is delegated to the work of the mentioned body.⁵⁰

Financial support to civil society organizations

In the Law on the budget of the Republic of Serbia for 2013 (Official State Gazette of the Republic of Serbia, no.114/12) in a special section, the following allowances are foreseen according to the line 481, shown in the table below.

49 The Government of the Republic of Serbia, Regulation for the Office for Kosovo i Metohija, Official State Gazette of the Republic of Serbia, no.75/12

50 Reply from Office for Kosovo and Metohija to Women in Black for this report, from 18.04.2013.

Table 2 - Budget line 481 support for civil society organizations within the budget of the Republic of Serbia for 2013

GOVERNMENT ORGAN	ALLOWANCE BY BUDGET LINE 481	FUNDS EUR
European Integration Office		25,854.5
Service of the Government of Serbia Coordination Body for the Municipalities of Presevo, Bujanovac, and Medvedja		18,287.7
Office for Sustainable Development of Underdeveloped Areas		8,618.16
Office for Cooperation With Civil Society		46,538.1
Office for Kosovo and Metohija		1,301,000
Office for Human and Minority Rights		344,726
General public services that are not otherwise classified	- Financing of the Council of Ethnic Minorities	2,068,360
Office for Cooperation with the Diaspora and Serbs in the Region		947,997

Office for Cooperation with Churches and Religious Organizations	- Help program for religious and other special organizations; achieving cooperation between the state, church and other religious organizations; advancement of religious culture, religious freedoms and tolerance	430,908
	- Program "Protection of religious, cultural and national identity"	1,309,960
	- For religious high school education	1,077,270
	- For high theological education	517,090
	- Help for building, maintenance, emergency sanitations and reconstruction of temples in underdeveloped areas	1,736,560
	- Help for clergy and monks in Kosovo and Metohija under one division of 481	517,090
	- Help for the priests, monks, and religious servicemen in border and economically underdeveloped areas for the regulation of the contribution for pension, disability and health insurance	818,725

The table shows that there are no planned funds for the activities foreseen by the NAP, when it comes to the collaboration with civil society organizations, especially women's peace organizations. Substantial funds were

set aside for activities of religious organizations of the Serbian Orthodox Church, even though in the Constitution (Official State Gazette of the Republic of Serbia, no. 98/06) Serbia is defined as a secular state.⁵¹

On the other hand, the activities of the Serbian Orthodox Church and its heads are more and more directed against women's rights and LGBT persons. So the last initiative of the Serbian Orthodox Church was for the state to prohibit abortion by law.⁵² The Minister of Health, Slavica Djukic-Dejanovic reacted to this initiative stating that abortion is correctly regulated by law and that 'conditions have not been met' for its change.⁵³ Representatives of the Serbian Orthodox Church clearly stand against the Pride parade, using hate speech.⁵⁴

Peace initiative of the Women in Black network "Stop cluster munitions"

Serbia is the only country in the Western Balkan region that hasn't signed the Convention on Cluster Munitions⁵⁵. Referring to what is stated in the National Security Strategy (Government of the Republic of Serbia 2009), in 2012 and 2013, the Women in Black Network organized the action 'Stop cluster munitions.' During this action, 14 women's organizations from 14 cities in the Republic of Serbia collected signatures and tried to lobby for the signing and ratification of this Convention in order to improve the security and economic situation of citizens and victims of cluster munitions. The action took place on the streets as well, on two occasions in Belgrade, as well as Dimitrovgrad,

51 Article 43 of the Constitution of Serbia (Freedom of speech, conscious and creed)

52 Free Europe, 29.07.2013. „SOC against abortus: When the church strikes on women's rights <http://www.slobodnaevropa.org/content/kad-crkva-udari-na-prava-zena/25009235.html> (accessed 29.07.2013)

53 Blic, 06.06.2013. „Dejanovic answers the church: Abortion is correctly regulated by law" <http://www.blic.rs/Vesti/Drustvo/386601/Dejanovic-odgovara-Crkvi-Abortus-je-korektno-regulisan-zakonom> (accessed 29.07.2013)

54 Blic, 03.10.2012. „Patriarch asked for the prohibition of the Pride Parade", http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=10&dd=03&nav_category=12&nav_id=648210 (accessed 29.07.2013)

55 United Nations (2008) *Convention on Cluster Munitions, CCM/77*, <http://www.clusterconvention.org/files/2011/01/Convention-ENG.pdf>, (accessed 30.07.2013)

Leskovac, Nis, Kragujevac, Vlasotnice and Novi Becej. During that time, the organizations collected 2046 signatures of citizens and sent the petition 'Stop cluster munitions' with the request to President Tomislav Nikolic to place the issue of signing this convention on the agenda of the Council of National Security. The action was not met with support from the State.

According to the National Security Strategy (the Government of the Republic of Serbia)⁵⁶ and the Law on the bases of regulating security services (Official State Gazette of the Republic of Serbia no. 116/07 and 72/12) the President is also the chairman of the Council for National Security and thus has the authority to place this issue on the agenda. But, the Secretariat of the President has, at the request of Women in Black, responded that: 'According to the Constitution and the law, the President of the Republic has no authority in the area that is the topic of objection' (the General Secretariat of the President of the Republic, 2012).⁵⁷ To this reply, that is in collision with the said Law on the bases of regulating security services and what is stated in the National Security Strategy, Women in Black, after another letter that indicated to this irregularity and the silence of the authority (the President) filed a lawsuit to the Administrative Court in Belgrade. The Minister of Defense to whom the General Secretariat of the President of the Republic of Serbia forwarded our letter also did not reply within a reasonable timeframe. A part of the letter sent within the initiative 'Stop cluster munitions' and the answer of the President can be seen in Appendix 1 and 2 of this report.

As a positive example we can name the representatives of the Security Council of the city of Leskovac that supported our action and participated in the campaign 'Stop cluster munitions' by the Women in Black Network. It should be emphasized here that the local Security Council of the city of Leskovac is familiar with the NAP and the Resolution 1325 itself through cooperation with civil society organization Women for Peace, Leskovac (Women in Black, 2012).⁵⁸

56 Official State Gazette of the Republic of Serbia no.88/09

57 Response to the initiative 'Stop cluster munitions', of the General Secretariat of the President of the Republic of Serbia from 05.09.2012.

58 Women in Black, (2012), Independent monitoring of the implementation of Resolution 1325 in Serbia

Position of women's civil society organizations

Civil society organizations (CSOs) increasingly encounter a lack of financial funds for project realization. According to the research of Civic initiatives conducted in 2011, 73.4% of CSOs state the lack of financial resources as the most common problem during project realization.⁵⁹ Women's peace organizations are no exception to this general problem.

When it comes to the support for women's NGOs, who are mostly connected and placed in two large networks - the Women Against Violence Network, and the Women in Black Network - it is impossible not to notice that the members of these networks are *not* on the lists of those who receive support from the state budget. A large number of organizations are financed by international donors and international organizations (including Kvinna till Kvinna, Global Fund for Women, UN Women). International donors are pursuing a policy of retreat from the Balkan region, which puts a great number of organizations in Serbia, that mostly consider themselves as activist (over 60% of those questioned, shown by the poll conducted by UN Women for the needs of the conference in Vrnjacka Banja in March 2013), in an unfavorable position. In an especially difficult position are organizations that offer services (e.g SOS Hotlines) which used to be financed by donors.

Out of a total of 16 SOS Hot line organizations, 8 have no financial support, while others are only financed partially. Within the organizations that are supported, the percentage of volunteer work is significant and can be up to 80%. Financing the work of the SOS service for women who suffer male violence is mostly done by local governments, but that support mostly comes down to providing location, utilities and telephone bills. A small percentage in the financing of these organizations comes from the support of domestic and international donors. The participation of provinces and the private sector in the financing of these organizations is almost insignificant. Additionally, the fees for activists are mostly symbolic, or there are no fees, so the organization comes down to the good will and solidarity of women who work there.⁶⁰

59 Civic initiatives, (2011), *Evaluation of the condition in the civil society organizations sector in Serbia*, <http://civilnodrustvo.gov.rs/media/2012/10/Istrazivanje-OCD-Sektor-u-Srbiji-Gradjanske-inicijative-web1.pdf> (accessed 28.07.2013)

60 Women against Violence Networks, (2010), *Analysis of SOS service condition by the members of the Women against Violence Network organizations* (accessed 28.07.2013)

The Women in Black Network is locally active in a number of cities: Belgrade, Krusevac, Kraljevo, Leskovac, Vlasotince, Nis, Dimitrovgrad. In most cases, local authorities do not offer any financial or material help to the peace activities of women's organizations.⁶¹ Additionally, there remain a significant percentage of unspent funds from the budget of the Gender Equality Directorate within the Ministry of Labor and Social Policy. According to the report by the Autonomous Women's Center for 2010 and 2011, 'in 2010 the implementation of funds from the budget amounted to 48%. The implementation in 2011 amounted to 32%, out of which the implementation of funds from the budget was 24%, and 33% from international donations'.⁶² In 2010, the Gender Equality Directorate gave 9,292 EUR worth of donations to NGOs. The announced contest was not directed towards the development and support of women's civil society organizations: rather, the organizations had to contribute their projects to the establishment and/or capacity building and advancement of work of gender equality bodies within local government.

In 2011, the Gender Equality Directorate was allocated 17,236.3 EUR from the budget to support civil society organizations (budget classification 481-grants to non-government organizations), but it did not award the funds, so the money remained unspent, while 4 SOS Hotlines closed down the same year because of insufficient funds.⁶³

Facing the problems of Milosevic's regime during the 1990s, where groups constantly insisted on ending the war and war-inciting politics of the regime, women's peace organizations in Serbia today are once again on 'black lists' (see the text by Diana Miladinovic, Position of human rights defenders in the Republic of Serbia).

61 Interviews with members of the Women in Black Network, July 2013

62 Autonomous Women's, (2012) *The Analysis of Budget Implementation of the Gender Equality Directorate for 2010 and 2011*, p.1 http://www.womenngo.org.rs/images/pdf/vesti12/Analiza_izvršenja_budzeta_URR_2010_i_2011.pdf (accessed 29.07.2013)

63 Ibid.

Conclusion

Women's non-government organizations have been engaged in women's human rights and peace activism for a long number of years. Because of that position, they have a key role as early warning mechanisms, because they are the best at recognizing, defining and reacting to the danger of conflict. Here we have reviewed and analyzed examples of financial help of the state to some civic associations, whose missions and activities are directed at nurturing tradition and history, as well as patriarchal, military values, which have been receiving monetary funds from the state budget for years. On the other hand, state institutions do not offer support to women's organizations, which have been slowly closing or working voluntarily. Also, even when monetary funds are intended for projects for the improvement of women's position, the money is not spent to that end.

Recommendations:

1. Change the display of spending budget funds according to line 481, suggested by NGOs, which would allow a greater transparency of the budget process and a clearer insight of taxpayers into the purpose of the use of their funds
2. Introduce a financial line into the budgets of local self-governments, and in that way enable the financial sustainability of women's civil society organizations.
3. Since the Gender Equality Directorate has not made a complete budget in two years (in 2008 36%, and 2009 46% of designated funds), the remaining monetary funds should be delegated to local self-governments for specific activities of the advancement of the position of women.⁶⁴

The implementation of this NAP activity by the institutions of the Republic of Serbia we evaluate as: **No progress**

64 Autonomous Women's, (2012) The Analysis of Budget Implementation of the Gender Equality Directorate for 2010 and 2011, p. 2 http://www.womenngo.org.rs/images/pdf/vesti12/Analiza_izvrsenja_budzeta_URR_2010_i_2011.pdf (accessed 29.07.2013)

Jelena Cacic

The participation of women in creating strategic documents in the field of defense and security

'We know that changes won't be quick and painless, but we are sure that in the future, step by step, our children will have a clear path toward a better future, where every person will have a right to choose...'

Nevena Kostic ⁶⁵

Decision-making

Specific objective 2 Increase of women's influence on decision-making and the realization of women's rights to participate in decision-making on defense and security issues equally and together with men

Activity 2.1 Establishing an institutional and regulatory framework and undertaking measures to ensure increased influence of women in decision-making on defense and security issues

Implementing agencies and associates: the National Assembly, the Government, including the ministries and working bodies and other institutional mechanisms for gender equality in collaboration with the NGO sector associations and the general public

Time frame: 2010-2013⁶⁶

65 Nevena Kostic (1968-2011) feminist, peace activist, antimilitarist, coordinator of the CSO "Women for Peace" from Leskovac between 2007 and 2011

66 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p.33.

Introduction

In this section of the report we deal with the participation of civil rights organizations, especially women's peace organizations, in creating public policies and strategy documents in the field of defense and security. For the needs of this research, we turned to these organizations, in order to find out if strategies/documents/bylaws have been adopted in this field; if and how CSOs participated in the creation of these documents; and what the possibilities are for the inclusion of CSOs in creating defense and security policies.

In the beginning of this chapter we list the existing bylaw normative frame for adopting legislation within the authority of Government and Parliament, according to their rules of procedure; then we list all the reasons for including civil society organizations, especially women's peace organizations, in the creation of public policies; then we list all the documents that have been adopted in this field, if there were changes and what legal acts were changed, and if the process of changing those documents included CSOs.

The participation of civil society organizations in the NAP implementation (the Government of the Republic of Serbia, 2010) is of key importance for the effective implementation of Resolution 1325, but also for the essential social change that the Resolution itself requires, especially if we have in mind that this is the 'first resolution in which almost all participators are women',⁶⁷ adopted thanks to the strong engagement of CSOs. Nevertheless, the cooperation of state institutions with CSOs on the implementation of the NAP 1325 often comes down to a short-term and formal inclusion of CSOs, for instance, consultations that are limited in scope, length and quality.

The participation of CSOs is important because they ensure effective enforcement as well as effective monitoring of the NAP implementation. From the example of several countries that adopted the NAP for the Resolution 1325 implementation, it can be seen that the action plans themselves remain ineffective and meaningless if the monitoring mechanism – the method and indicators - that regulates implementing agents is not defined. The efficiency of that mechanism is guaranteed only by an active role of CSOs,

67 Cynthia Cockburn, (2011), Snagged On The Contradiction: NATO, UNSC Resolution 1325, and Feminist Responses http://www.wloe.org/fileadmin/FilesEN/PDF/no_to_nato/women_nato_2011/NATO1325.pdf (accessed 28.07.2013)

which participate as implementing agencies of some activities, or as consultants for certain issues.

In countries with NAPs, civil society organizations have taken a proactive attitude toward monitoring NAP realization, which have been met with different reactions from the states: from a complete disregard of the CSO call for implementation of UNSCR 1325 (e.g. Cyprus), to accepting civil society as a key partner in creating the NAP (e.g. The Netherlands). There is no unique model for the cooperation of state institutions and organizations of civil society in monitoring NAPs, and in most cases the role of CSOs in this process is not formalized within the NAP itself.

An example of a country that has a formalized cooperation between the CSO and state is Switzerland.

In the Swiss NAP for implementation of UNSCR 1325 it says that the ministries that are in charge of the NAP implementation are obliged to regularly report to civil society organizations in monitoring and appraisal of the NAP for implementation of UNSCR 1325. implementation.

The participation of CSOs in creating documents in the area of defense and security

The role of civil society in creating a security environment in which a focus is placed on human security - one of the most important perspectives of women's peace organizations - is of significant importance.

According to Sarah Michael⁶⁸, who analyzed the role of the civil sector on a global level, there are several reasons that indicate the importance of civil society engagement in the field of human security.

a) The non-government sector has widely developed and is still developing in its diversity, which is not the case in many other organizations that work in the area of human security. This development refers to the quantitative

68 Michael S.,(2002) "The Role of NGOs in Human Security", <http://freepdfdb.org/pdf/the-role-of-ngos-in-human-security-harvard-kennedy-school-1914283.html> (pristupljeno 10.5.2013)

(covering entire state territories) and qualitative aspect (diversity of the field, action and service in the human security sector) (Michael, 2002).⁶⁹

b) Even though the states are responsible and competent to ensure the security of their citizens, human security is often excluded because of a lack of political will; the unpopularity of action for political parties in power; or for reasons beyond political decision-making at the state level. Even though state governments have a responsibility for human security, they are often not inclined to implement it, nor do they have the adequate institutions to achieve human security.⁷⁰ Often the security threats and risks come from states and state apparatus, which mean that civil society organizations are the most adequate agents for the realization of human security objectives.

c) Challenges, threats and risks know no boundaries: they are often of a regional nature, threatening the territories of several states. Long-term threats to human security, such as civil wars, pollution or organized crime, demand interlinked cooperation and the inclusion of a wide range of subjects that, usually for political reasons, rarely include the state apparatuses of different countries. Due to the international networks of civil society organizations, they can offer a more effective approach to the problem (Ibid).⁷¹

d) Civil society organizations also have the capacity to recognize long-term threats to human security and work on achieving long-term goals in this area, demanding and initiating institutional and social change. They are an important source of information about the needs of certain social groups, their problems and ways of dealing with them: they often have the role of mediator between the social group/s whose interests and security needs they represent (e.g. women and children, LGBT persons, etc.) and the security sector.⁷² That is another comparative advantage of civil society organizations in realizing the objective of a more secure environment.

69 Michael S.,(2002)“*The Role of NGOs in Human Security*”, <http://freepdfdb.org/pdf/the-role-of-ngos-in-human-security-harvard-kennedy-school-1914283.html> (pristupljeno 10.5.2013)

70 Ibid

71 Ibid

72 The Belgrade center for security policy, (2013), Odanovic G., *The role of civil society organizations in the monitoring and estimation of the NAP for the Resolution 1325 implementation*, http://www.bezbednost.org/upload/document/uloga_organizacija_civilnog_drutva_u_praenju_i_pro.pdf, (accessed 30.6.2013)

Why us, the women?

UNSCR 1325 is a document that sees the engagement of civil society organizations, including women’s peace organizations, as necessary and justified. It might be ‘the only resolution of the Security Council that was prepared, formulated and reformulated and lobbied for almost all civil society organizations.’⁷³

The role of women is necessary in achieving a stable and sustainable peace, both in the redressing of the consequences of conflict and the prevention of further potential conflicts.

‘Peace is only just if it comes from a general dedication to human rights and the equal rights of men and women,’ as is written in the UN Charter.

If the focus of security discourse is redirected from the protection of the state to the achievement of human interests, it is clear that security is not possible without a complete and equal participation of women. That is why some CSOs have drawn attention to the meaning of ‘prevention’ and ‘participation’ that has been somewhat obscured in UNSCR 1325 by the focus upon the ‘protection’ component.⁷⁴

International networks of women’s peace organizations have for a long time insisted on a wider inclusion of women’s peace organizations in the implementation of UNSCR 1325.

In the ‘Open letter’ sent to the UNSC in 2011, women’s civil society organizations⁷⁵ stated: ‘If the state members of the UN, especially those represented in the Security Council really are dedicated to women’s rights and the prevention of rape and violence, then they should individually and collectively assure the representation and complete participation of women in all decision-making, on all levels, in all areas deciding on questions of peace and security.’

73 Cynthia Cockburn , (2011), *Snagged On The Contradiction: NATO, UNSC Resolution 1325, and Feminist Response*, http://www.wloe.org/fileadmin/FilesEN/PDF/no_to_nato/women_nato_2011/NATO1325.pdf (accessed 28.07.2013)

74 Women in Black, (2012), Reader: Resolution 1325 - instrument of peace

75 Open letter from civil society organizations regarding the Resolution 1960 and the full enforcement of Resolution 1325, signed during February and March 2011, when the position of women was discussed in the UN <http://www.gnwp.org/unscr-1960-and-the-need-for-focus-on-full-implementation-of-unscr-1325> (accessed 28.07.2013)

- Women's peace organizations are a barrier against the instrumentalization and militarization of UNSCR 1325. Certain feminist organizations indicate that in a lot of countries the implementation of UNSCR 1325 comes down to a simple increase in the number of women in the security sector, i.e. that there has come to a certain 'feminization of the army', which is evident in European and non-European countries. In that context, the CSOs (mostly women's organizations) have an important role in preserving the core values of the Resolution itself.
- Women's peace organizations are messengers of the Resolution. Different actors understand the Resolution differently: starting with institutions on every level, through the academic sector, to the civil sector, within which there are also different understandings of the objectives and the purpose of the Resolution. In that sense women's peace organizations are the identity keepers of UNSCR 1325, and through their influence they can help all actors in the implementation process in the field to work toward achieving the goals that the Resolution strives for.
- Women's peace organizations have a direct and immediate contact with the most vulnerable social groups, during and after conflict: families of victims, refugees, minority communities. This contact is both within the nation that they belong to, and with those who were considered enemies during the conflict. These contacts do not know state borders. Due to the connection of these groups, they represent bridges for the building of stable and strong ties that make it possible to build long-lasting peace and security.

Women's peace CSOs in Serbia and the NAP

For many feminists, post-conflict periods are marked by violence, insecurity, militarization, even when the official peace agreements have been signed.⁷⁶ It is not easy to explain how Serbia is a post-conflict zone.

⁷⁶ In the case of Serbia, the state was never officially at war with another country, and there were few war events and battles fought within the borders of Serbia, with the exception of Kosovo. Nevertheless, Serbia has experienced many social, economic and political problems connected with

⁷⁶ McLeod, cited in Women in Black, (2012), *Feminist-antimilitary approach to the concept, interpretation and practice of Resolution 1325*, p. 32

war, and the state is perceived as a key perpetrator of violence in the territory of former SFRY during the 1990s.⁷⁷

The position of Serbs is characterized by the regime of Slobodan Milosevic during the 90s, who, with hard politics of repression, violated human rights and created an environment of social-economic deterioration, which brought a large part of the population to the edge of existence, caused the emigration of young and educated people, contributed to the increase in reports to institutions and CSOs regarding cases of violence against women and in general contributed to the increase in widespread violence in society;

- Women's peace organizations in the period until the adoption the NAP have been extremely active in a series of antiwar and peace protests, and in long-term lobbying (from 2000 until today) for the adoption of UNSCR 1325 (Women in Black initiative). Women's organizations initiated peace actions for: the signing of the Convention on Cluster Munitions, signing the declaration proclaiming the crime in Srebrenica as genocide; numerous street actions and educational activities in which the dealing with the past was the main topic.
- At the local level during the war in Kosovo women-activists lead anti-war protests in the upcountry of Serbia - Krusevac, Kraljevo, Leskovac.⁷⁸ During the conflict they actively offered help to refugees and the internally displaced. They own completely legitimacy for active implementing agency of the NAP for the implementation of UNSCR 1325 in the Republic of Serbia.

Finally, the NAP itself, in the section dedicated to institutions, acknowledges the role of women's organizations: 'It is necessary to mention the efforts of the non-government organizations, first of all women's organizations, in making regional connections on the territory of former Yugoslavia during the conflict and peace-building processes. The organizations of women were the first to renew severed ties between conflicting parties, consistently engage in peace processes and were the first to speak up about war crimes, especially crimes against women and the civil society in general.'⁷⁹

⁷⁷ McLeod, cited in Women in Black, (2012), *Feminist-antimilitary approach to the concept, interpretation and practice of Resolution 1325*, p. 32

⁷⁸ Republika, 01.-30.09.205. „When the City Forgets“, <http://www.republika.co.rs/368-369/14.html> (accessed 28.07.2013)

⁷⁹ The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*

Models of CSO participation in monitoring and evaluating the NAP

The most common model of CSO participation in the implementation, monitoring and estimating the NAP in European countries are consultations, which can be organized regularly (annually, semi-annually or quarterly) or *ad hoc*, for the sake of exchange and acquiring data for the production of annual reports on the NAP implementation. Annual reports on the NAP implementation are prepared after consultations with representatives of civil society, and various organizations are included in the consultations that come together through platforms dedicated to topics regarding women, peace and security.

Additionally, the forms of including civil society representatives are different: in some cases they participate in meetings of state working groups for the NAP implementation (Austria, Finland); in some countries they are only occasionally called for consultations (Norway, Spain); while in others the CSOs are connected on a collective platform, which makes it possible for a larger number of organizations to be actively included in the implementation of the Resolution.

In some countries civil society representatives directly participate in the work of implementing bodies for the NAP 1325 (Bosnia and Herzegovina for example).⁸⁰

The National Action Plan and inclusion of CSOs

There is no specific mention of civil society and its role in the process of the democratization of the defense and security sector in the text of the NAP, while associations from the non-government sector are mentioned in several places in the charts of the NAP activities, in three different roles:

- **as observers and reporters for the realization of NAP goals** - in the charts regarding the NAP activities, in the section considering institutional mechanisms, associations are seen as activity implementers for

80 Belgrade center for security policy, (2013), Odanovic G., *The role of civil society organizations in the monitoring and estimation of the NAP for the Resolution 1325 implementation*, http://www.bezbednost.org/upload/document/uloga_organizacija_civilnog_drutva_u_praenju_i_pro.pdf, (accessed 30.06.2013)

conducting research for monitoring NAP goals in practice and in reporting to domestic and expert public on the results of the implementation.

- **as implementing agencies outlined by the NAP** - in the section regulating the advancement of circumstances for a greater representation of women in the security sector, associations are seen as implementing agencies for the exchange of publications, research results, experiences in the field, organizing visits, meetings, conferences.
- **as collaborators of state institutions in implementing the NAP** - e.g. in the section that regulates the increase of female influence upon decision-making and the realization of the women's right to participate in decision-making about defense and security issues equally and together with men.

The text of the NAP to implement UNSCR 1325 in the Republic of Serbia⁸¹ emphasizes the limited influence and representation of women in the security and defense sectors. Page 37 of the NAP states that the main reason women have limited influence on decision-making in the defense and security sectors is because of 'an unsatisfying representation of women in state institutions that decide on security issues and various bodies that are formed in this field, especially in the executive government and organs of state administration whose authority relates to areas of defense and security (the Government, the Ministry of Defense, the Ministry of Interior, the Ministry of External Affairs), delegations that participate in the work of various international bodies or institutions that work to preserve security and peace on a global and regional level; parliamentary, government, economic, cultural, scientific, sport and other delegations whose missions are directed at achieving, advancing and developing different kinds of regional cooperation that encourage the development of neighborly relations and so contribute to the preservation of security and peacekeeping; peace negotiations and peace operations also in various forms and contents of their activities toward the suppression of crisis and overcoming conflicts; embassies, especially positions of female ambassadors and representatives of the Republic of Serbia, defense; missions and delegations that lead peace negotiations'.⁸²

81 The text of the NAP is divided into 4 parts, of which every one has a textual followed by a chart display of activities

82 The Government of the Republic of Serbia, (2010), *National action plan for the*

Responsible implementing agencies for the participation of CSOs in creating strategic documents in the field of defense and security are: the National Assembly, the Government, including Ministries and working bodies and other institutional mechanisms for gender equality in collaboration with associations from the non-government sector and the general public. The time frame for the realization of these activities is 2010-2013. In this case associations from the non-government sector are seen as collaborators in the process of creating documents in the area of defense and security through participation in public discussions regarding the content of strategic documents.

According to article 41 of the Rules of Conduct of the Republic of Serbia,⁸³ a public debate is necessarily enforced in the preparation of a law that significantly changes the organization of an issue or organizes issues that are of special interest to the public, but it *can* be implemented in the preparation of a development strategy, statute or decision. It is considered that the criteria relating to the duty of enforcing public debate are met in the following cases:

- 1) During the preparation of a new system law;
- 2) During the preparation of a new law, except when the responsible board does not decide differently;
- 3) During the preparation of legal changes and additions which significantly change the outcome of previous laws, about which the responsible board, upon the elaborated suggestion of the proposers, may decide in every specific case;
- 4) During the preparation of laws on the confirmation of international contracts - only if the responsible board decides to have a public debate, suggested by the Ministry of External Affairs or state organs whose authority issues are organized by international contracts.

implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015) http://www.mod.gov.rs/sadrzaj.php?id_sadrzaja=4352, (accessed 03.06.2013)

⁸³ The Government of the Republic of Serbia, Rules of Conduct of the Government of the Republic of Serbia, 'Official Gazette of the Republic of Serbia', no. 61, from 18.07.2006, http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=2432, (accessed 28.6.2013)

According to the Rules of Conduct of the Government, public debate is enforced in the following way:

"The procedure of public debate begins with the declaration of a public invitation for the participation in a public debate with a program of public debate on the webpage of the proposer and the e-portal of the administration. The public invitation contains information on the formation and composition of the working group that has prepared a draft of the act that is the topic of public debate. The program of the public debate must contain: a draft of the act that is the topic of the public debate with the elaboration and additions determined by these rules of conduct, a deadline for the enforcement of the public debate, important information regarding the activities that are planned within the public debate (round-table meetings, forum, their address and time), the way that suggestions, comments and initiatives can be submitted, as well as other data important for its enforcement."

The deadline for submitting the initiatives, suggestions, and comments in written or electronic form is at least 15 days from the day of the announcement of the public invitation. The public debate lasts at least 20 days.

It is obvious that there is a significant level of freedom in the executive government's decision-making on what questions will be opened for public debate. Furthermore, when the participation of CSOs is concerned, the following questions arise:

- their inclusion: who will be invited to participate in sessions,
- how communication with the government will unfold, and
- If the invitation of the role of CSOs will be exhausted by solely inviting them, or will the comments that their representatives give be taken into serious consideration and included in the drafts of the document?

For our research it remains unclear how the goal of providing women's influence in the creation of documents for public debate can be achieved, as there is no regulation over which associations of the civil sector represent women as specific participants in this process. The civil sector consists of a large number of organizations that deal with issues regarding the importance of women.

Apart from that, if the procedure of public debate is regulated in a general way for all associations, another question arises:

- How will the specific influence of civil sector associations that are important to women be obtained?

In every public debate the participation of a wide spectrum of participants from within the CSOs is possible. But what method of public debate enables adequate participation of CSOs that reflect the needs of women? Additionally, there is no rule which states that a certain number or percentage of women's CSOs is required for a discussion or draft document.

In the end, the question is:

- Which CSO (including women's CSO) comments will the state take into consideration? Will the state choose the traditional-military concept offered by some CSOs, given from a mainly (passive) position where women are perceived only as victims of conflict, without the potential of having any kind of active role apart from the role of the 'nurses of conflict', or will they choose a more authentic concept of UNSCR 1325 as an instrument of peace and prioritise the active role of women in the establishment of, building of, and preservation of peace and non-violence?

This is a key choice that, when making it, the state in fact chooses between "annulling" the resolution itself in the field or using it to protect its citizens, and the state's interests, from conflict and violence that necessarily lead to all kinds of losses.

Strategic documents and the participation of women's CSOs

The key strategic and legal documents in the area of defense and security adopted before the development of the NAP to implement UNSCR 1325 in the Republic of Serbia 2010-2015 are:

- Decision to adopt the National Security Strategy, (Official Gazette of the Republic of Serbia, no. 88/09)
- Decision to adopt the Defense Strategy of the Republic of Serbia (Official Gazette of the Republic of Serbia, no. 88/09)

- Law on Armed Forces, (Official Gazette of the Republic of Serbia, no. 116/07, 88/09 and 101/10)
- Law on Defense, (Official Gazette of the Republic of Serbia, no. 116/07, 88/09 and 104/09)
- Law on Military, Labor and Material duty (Official Gazette of the Republic of Serbia, no. 88/09 and 95/10)
- Law on Civilian Service, (Official Gazette of the Republic of Serbia, no. 88/09)
- Law on the use of the Serbian Army and other defense forces in multinational operations outside of the borders of the Republic of Serbia, (Official Gazette of the Republic of Serbia, no.88/09)
- Law on the military security agency and the military intelligence agency (Official Gazette of the Republic of Serbia, no. 88/09, 55/12 - decision SC and 17/2013).

The working group asked the Ministry of Defense - Legal Department 'what associations participated in the public debate concerning the draft of the document in the area of defense?'. The Ministry of Defense answered that during the creation of the acts transparency and public participation was enabled 'through enforced public debate about the drafts of the said documents and laws, in accordance with article 41, paragraph 1 and 3 of the Government's Rules of Procedure, in which all those interested could participate.'⁸⁴

The legal duty of the proposers, which includes the implementation of the public debate in the process of preparation of the mentioned laws, was fulfilled insofar as that a draft of the law was placed on the webpage of the Ministry of Defense, which is far from what a public debate should be (Bjelos, 2009).⁸⁵ From this answer we can conclude that a public debate was enforced for every one of the aforementioned laws, according to the Government's Rules of Procedure explained above. Furthermore, the Min-

84 Reply of the Ministry of Defense - Legal Department, no. 369-4/13 from 26.04.2013, to the question of the Working group for monitoring

85 Belgrade center for Security Policy, Bjelos, M. (2009), 'A lack of quality public debate in the process of adopting laws in the area of security and defense', in: *West Balkan Security: Reform of the security sector in Serbia in 2009 - New normative frame*, no. 15

istry of Defense, responded to the query of the Working group regarding the associations that participated in the public debate for the draft of the document in the area of defense and security, by listing the following associations (and not mentioning exactly what regulation it regards):

- Center for Civil-Military Relations (now, The Belgrade Center for Security Policy),
- OSCE Mission in the Republic of Serbia,
- Institute for European Studies,
- The Atlantic Council,
- International and Security Affairs Center (ISAC fund),
- Open Society Fund,
- Belgrade Fund for Political Excellence.⁸⁶

None of these civil society organizations can be considered a woman's or peace organization that deals with women's human rights, gender equality and peace policy.

When the draft of the National Security Strategy was published, CSOs wrote a petition in order to request more time than the given 15 days for commenting upon the draft. The state prolonged the deadline to 45 days for comments (Women in Black, 2012).⁸⁷ But, apart from formally prolonging the deadline for giving comments, essentially nothing important was changed regarding the acknowledgement of comments from civil society.

Even though the BCSP and other CSO organized several round tables and panels for commenting on the content of the draft of the National Security Strategy - they failed to improve the content of those documents. The text of the strategy wasn't significantly altered after the adoption in Parliament. (Bjelos, 2009).⁸⁸

86 Reply of the Ministry of Defense - Legal Department, no. 369-4/13 from 26.04.2013, to the question of the Working group for monitoring the NAP for the UN Resolution 1325 implementation in Serbia

87 Women in Black, (2012), *Independent monitoring of the Resolution 1325 Implementation in Serbia*, Belgrade

88 Belgrade center for Security Policy, Bjelos, M. (2009), 'A lack of quality public debate in the process of adopting laws in the area of security and defense', in: *West Balkan Security: Reform of the security sector in Serbia in 2009 - New normative frame*, no. 15.

In December 2010, the Ministry of Interior adopted a **Strategy for the Development of the Ministry of Interior for the period of 2011-2016**.⁸⁹

In the part that regulates the cooperation of the Ministry of Interior on the national, regional and international levels, the Strategy clearly states that 'partner relations with civil society institutions are established', and that the Ministry will 'with the goal of giving possibilities to civil society institutions to participate in the creation of the Ministry's policies and acknowledging their importance, create a process of regular consultations with their representatives, both on the national and on the local level.'⁹⁰

It is stated that it is necessary to 'further develop, in accordance with financial possibilities, funds that are intended for donations to civil society institutions, as well as transparent ways for their realization, through public contest announcements for the awarding of funds and defining priority project areas.' The goal of creating partner relations, besides setting collective goals, means a collective implementation and regular collective evaluation of the efficiency of partner relations'(Ibid).⁹¹

But, even though the term for the adoption of the Action Plan for the implementation of this Strategy expired in June 2011, the Action Plan hasn't yet been adopted, so the models for cooperation between the Ministry and CSOs have not been operationalized.

What has been done after NAP adoption?

In the period since the adoption of the NAP to implement UNSCR 1325 in the Republic of Serbia, changes have been made in the law regarding defense and security.

The Law on military intelligence and military security agency (adopting the Law on changes and additions to the Law on military intelligence and military security agency);⁹² The changes in the

89 Ministry of Interior of the Republic of Serbia, *Strategy for the Development of the Ministry of Interior* http://www.mup.gov.rs/cms_cir/sadrzaj.nsf/Strategija%20razvoja%20MUP-a%202011-2016.pdf, (accessed 28.06.2013)

90 Ibid.

91 Ibid.

92 The Law on changes and additions to the Law on military intelligence and military security agency <http://www.parlament.rs/upload/archive/files/lat/pdf/zakoni/2013/282->

law that determine a judicial control of telecommunication surveillance and collecting information and limiting the information given about citizens to civil services and the police that the military security and military intelligence agencies collect, that are outside of their jurisdiction, exclusively for the protection of national security and the prevention of the most serious criminal offenses.

- The Ministry of Interior worked on the **Draft of the Strategy for the prevention and suppression of human trafficking and victim protection**. The public debate about the Draft of the Strategy for the prevention and suppression of human trafficking and victim protection in the Republic of Serbia for the period 2013 - 2018 lasted until April 12th 2013. The Draft of the Strategy was published in electronic form on the Ministry of Interior's website, as well as a template for comments that the citizens and professional public could give.
- **The Law on private security** is in draft phase.⁹³ The public debate about this draft lasted only one day, in November 2010, organized only by one vocational association (The Association for Private Security of the Chamber of Commerce and Industry of Serbia), the Ministry of Interior, and one civil society organization, the Belgrade Center for Security Policy.⁹⁴
- The public debate regarding the **Law on healthcare and health insurance of those insured by the military**⁹⁵; The invitation was published in electronic form on the website of the Ministry of Defense. The debate lasted from June 3rd until July 2nd 2013 (Ibid).⁹⁶

13Lat.pdf,, (accessed 27.06.2013)

93 Draft of the Law on private security, http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/1866-13.pdf (accessed 28.07.2013)

94 Center for the development of the non-profit sector, <http://www.crnps.org.rs/2010/javna-rasprava-o-privatnom-obezbedenju-i-detektivskoj-delatnosti> (accessed 24.07.2013)

95 Ministry of Defense of the Republic of Serbia, http://www.mod.gov.rs/sadrzaj.php?id_sadrzaja=5289 (accessed 24.07. 2013)

96 Ibid.

Contact between the state and the CSOs - current situation and perspectives

1. The Office for cooperation with civil society

Given the need for inclusion of the civil sector in decision-making processes on all levels, the question of an institutional mechanism in order to attain that goal was raised. One such effective mechanism is the Office for cooperation with civil society.

The Government of the Republic of Serbia by the Regulation adopted on April 15th 2010 (Official Gazette of the Republic of Serbia, no. 26/10) established an Office for the collaboration with civil society.⁹⁷ The Office was established 'with the goal of institutional and systematic inclusion of CSOs into a dialogue with the government, that ought to be based on transparent and structured communication and a regular exchange of experiences, information and ideas' (the Regulation on the cooperation with civil society, 2010).⁹⁸

One of the strategic goals of the Office is to 'ensure effective participation of CSOs in creating policies' (Ibid).⁹⁹ This goal includes:

- a) the participation of CSOs in consultation processes on a national level
- b) the promotion of examples of a good practice of mechanisms of cooperation on a local level.

We can conclude that there is an institutional mechanism for wider inclusion of CSOs in consultation processes through the Office for cooperation with civil society. This Office of the government is involved in processes of following the role of civil society in the achievement of NAP goals.

2. Meetings between the state and the CSOs

Towards the end of 2012 there was a meeting of civil society representatives and the Multi-sectorial coordinating body for UNSCR 1325, held with the support of the Office for cooperation with civil society, and the United

97 Documents of the Office for cooperation with civil society, <http://civilnodrustvo.gov.rs/dokumenta/dokumenta-kancelarije/> (accessed 24.07.2013)

98 The Government of the Republic of Serbia, Office for cooperation with civil society, *Strategic frame of the Office for cooperation with civil society for the period 2011 - 2014*, <http://civilnodrustvo.gov.rs/dokumenta/dokumenta-kancelarije/> (accessed 20.04.2013)

99 Ibid.

Nations Entity for Gender Equality and the Empowerment of Women (UN Women). Although the state has done a lot in the past two years on the implementation of the NAP, not enough has been done to include the civil society in this process. That CSOs pioneered engagement in this area was one conclusion of the first meeting between women's peace organizations and representatives of state institutions in charge of implementing the NAP.

In the same meeting the director of the Government's Office for cooperation with civil society stated that: 'The implementation of the NAP is important from the perspective of the rule of law, which is one of the main priorities in continuing European integration. That is why we need to clearly define the principles of choosing organizations that are relevant partners for the state. On the other hand, civil society should become better acquainted with the system, in order to recognize its role in different processes.'

After this meeting the criteria for the inclusion of CSOs into the realization of activities outlined by the NAP remain unclear.

When it comes to the cooperation between the CSOs and the state institutions in the area of gendering security, the research of the Belgrade Center for Security Policy (Gender and the reform of the security sector in the Republic of Serbia, 2010)¹⁰⁰ indicates that the 'mechanisms of cooperation between the institutions of the security sector and the CSOs and the bodies that deal with gender equality are not developed enough and are rarely formalized through signing of a memorandum on cooperation and other formal documents.'

Meeting with the Multi-sectorial coordinating body (MSCB)

On 22.07.2013 in Belgrade the Multi-sectorial coordinating body meeting was held between the representatives of the Commission for following the enforcement of the NAP for implementation of UNSCR 1325 in the Republic of Serbia 2010 – 2015. The Multi-sectorial coordinating body (MSCB) and civil society organizations in the area of security, defense and gender

100 Belgrade center for security policy, (2010), *Gender and the Reform of the Security Sector in the Republic of Serbia* http://www.bezbednost.org/upload/document/rod_i_reforma_sektora_bezbednosti.pdf (accessed 12. 4. 2013)

equality heard presentations about activities so far and the intended future work of institutional mechanisms, as well as the possibility of cooperation between the public and civil sector when it comes to following the NAP for implementation of UNSCR 1325.

Women in Black activist, Gordana Subotic, presented the work of Women in Black and emphasized that WiB have been following and monitoring the implementation of the NAP for years. In recent years WiB are following the implementation of the NAP using specially created indicators (2012 - 48 indicators, 2013 - 12 indicators).

In the meeting it was agreed that after the third session of the Commission (Supervising body) a concrete plan was to be made about how to include CSOs that deal with the monitoring of the NAP implementation in the work of the Supervising body (SB) and in what way will the indicators of Women in Black that follow the activities of the NAP become a part of the following and reporting of the MSCB and the SB. Some of the suggestions were:

- To include civil society organizations into the implementation of the NAP, consult them, and create a dialogue between different sectors in charge of the NAP implementation;
- Include CSOs into the realization of the NAP planned for the end of 2013;
- Enable a large number of projects to be available to the public (reports and data of institutions that implement the NAP) so as not to use the Access to information of public importance;
- Coordinate the number of strategic documents that deal with the same/similar policies and include them in connection with the NAP (the fight against human trafficking, violence against women, post-conflict societies and transitional justice, antidiscrimination etc.)
- Not direct the focus exclusively on questions of state security, but women in general, including questions of fighting against violence, antidiscrimination.

Light in the dark tunnel - the influence of women's organizations on local politics

As there was no specific systematic inclusion of CSOs in order to realize the objectives of the NAP into public debate, civil society organizations took part in public debates at local level and tried to contribute and use their influence to place key elements of the NAP onto the agendas of local action plans. The organizing of NAP regulations on the local level is possible through different documents: security strategies, strategies of development gender equality and action plans that follow them. Let us remind the reader that the research by Women in Black showed that at the local level, by local Security councils, the NAP is not recognized as a document that the state adopted and determined deadlines for its implementation.

At the local level women's civil society organizations through their work and in the frame of what was made possible for them as participation in the creation of local politics, managed to put gender in local documents as a binding component of the decision - making process.

One CSO, a member of the Women in Black network, Women for Peace (Leskovac), based on the decision of the mayor, was part of a smaller working group for the development of the Strategy for the achievement of gender equality of the city of Leskovac. The strategy was adopted at the meeting of the city assembly on 10.4.2013. The document was developed during 2012 and at the beginning of 2013, and in the process many local actors participated. But, even though the starting year for the realization of the action plan was 2013, Women for Peace did not receive an answer from local government in relation to their query about the achievement of activities outlined by the Action plan, or if funds were allocated from the budget. UNSCR 1325 is mentioned as the starting document for the development of the strategy. The content of the resolution was developed through concrete activities foreseen by the Action plan. Also, in their suggestions for the draft of the local Security strategy at the local Security Council, Women in Black presented a series of suggestions to the local Security council about how to concretely implement the NAP at the local level (Women for Peace)¹⁰¹

101 Draft of the Strategy still hasn't been placed on the agenda of the Parliament, after the comments were given by the CSOs, work on the document has stopped

Conclusion

It can be said that in the plan to implement the NAP that there is no systematic inclusion of, or support for the inclusion of, civil society organizations into NAP activities (seen section by Jelena Cakic 'Support to local women's initiatives of for peacebuilding'). Civil society organizations (think-tanks) that participate by occasionally organizing meetings where dialogues are held between CSOs and state institutions, where they attempt to mediate between two deeply divided sides - the state and the civil sector demanding essential social changes with the end goal of demilitarization and achieving a secure environment, both for citizens of the Republic of Serbia and those in the region.

A different understanding of state duties is evident between the representatives of official organs and by the representatives of women's CSOs. These divergent understanding of the duties arise from a different understanding of UNSCR 1325: for the state representatives it is an instrument to introducing gender equality into the security sector (through a system of quotas, training for multinational operations etc.), for representatives of women's organizations UNSCR 1325 is an 'instrument of peace'¹⁰² that makes the state of war and post-conflict into a state of peace for all members of the community and also builds mechanisms for the prevention of further conflict (Women in Black, 2012).¹⁰³

One of the main reasons for the deep gap that exists between the state institutions in charge of the NAP implementation and the civil society is the lack of political will to honestly and deeply dedicate themselves to the authentic goals of the UNSCR 1325, for which the NAP ought to be only an instrument.

Recommendations:

1. Taking into account the fact that the NAP objective is to increase the influence of women on decision-making regarding defense and security issues, it is first of all important to include civil society organizations that deal

102 Women in Black, (2012), Feminist-antimilitary approach to the concept, interpretation and practice of Resolution 1325'

103 Ibid.

Gordana Subotic

Reintegration and rehabilitation programs of men and women who took part in armed conflicts

with women's rights and peace politics in creating strategic documents,

2. A possible way for a wider inclusion of CSOs into the creation of public policies with the goal of increasing the influence of women is through the inclusion of two large networks: the Women in Black Network and the Women Against Violence network, which would act from a unique platform,

3. Systematic inclusion should be enforced on all levels of government: the Republic, regional and local, through consultations with mechanisms for gender equality, mechanisms for security and women's CSO representatives,

4. Periodical consultations with women's CSOs should be enforced for the sake of monitoring the effects of policies in the defense and security sectors, in order to promptly react to all potential problems of implementation

5. Necessary consultations should be held to support changes to law and strategic documentations that are important for the realization of the goals of UNSCR 1325. In that sense a revision of the NAP text itself is necessary

6. In order to follow the realization of the NAP, reports that follow the implementation of the NAP should be published periodically, timely and publicly

Inclusion

Objective 2 Ensuring the increased participation of women in peace-building and post-conflict reconstruction of society

Activity: 2.2 Encouraging and financing the program of reintegration and rehabilitation of men and women who took part in armed conflicts

Implementing agencies and partners: The Government of the Republic of Serbia, the Ministry of Defense, the Ministry of Interior, the Ministry of Human and Minority Rights, the Ministry of Labor and Social Policy, the Ministry for Kosovo and Metohija and the Ministry of Finance in cooperation with the Association of War Veterans of the 1991 - 1999 wars, the Organization of Civilians in War, the Alliance of Disabled Ex-Servicemen and Families of the Killed and the Missing in wars from 1990 - 1999, the Association of Veterans of War and Associations of Refugees and internally Displaced Persons, women's associations, local and international foundations and donors. ¹⁰⁴

The implementation of this NAP activity by the institutions of the Republic of Serbia is estimated as: **No progress**

104 The Government of Serbia (2010) The National Action Plan for the Implementation of Resolution 1325 *United Nations Security Council - women, peace, security in the Republic of Serbia (2010 - 2015)*, p. 48

Introduction

Programs of Disarmament, Demobilization, Reintegration and Rehabilitation (DDRR) are a part of peacebuilding programs usually implemented immediately after a conflict, to allow ex-combatants to return to their normal lives. The **objective** of these programs is to contribute to the creation of a secure and stable environment, so that a period of recovery and development can begin. Programs of reintegration and rehabilitation are complex programs with political, military, humanitarian and social-economic dimensions. They include removing weapons from the hands of combatants (disarmament), taking the combatants out of military structures (demobilization) and helping them to integrate socially and economically into society (reintegration and rehabilitation).

Also, the **objective** of these programs is to increase the participation of ex-combatants in peace processes (their contribution to peace building). As such, the programs of demobilization, disarmament, reintegration and rehabilitation represent a long-term contribution to peace, security and the development of a society (United Nations Disarmament, Demobilization and Reintegration Resource Center, 2013).¹⁰⁵

Prior to the 1980s, these programs were exclusively under the jurisdiction of governments and military structures. After the 1980s, the UN began implementing them as a part of peace operations, and the promotion of democratic surveillance of the security sector in countries that have come out of conflict. Today, these processes make up one of the most important components in a country's transition from a state of conflict to the restoration of peace (Peacebuilding Initiative, 2013).¹⁰⁶

According to the United Nations Disarmament, Demobilization and Reintegration Resource Center, these programs include:

Disarmament – collecting, documenting, controlling, and taking away small arms and light weapons, ammunition and heavy arms from combatants and often from civilians. Disarmament also includes the development

105 United Nations Disarmament, Demobilization and Reintegration Resource Center, http://www.unddr.org/what-is-ddr/introduction_1.aspx, (accessed 25.06.2013)

106 Peacebuilding Initiative, *Disarmament, Demobilization, Reinsertion, & Reintegration: Definitions & Conceptual Issues*, <http://www.peacebuildinginitiative.org/index.cfm?pageId=1818>, (accessed 25.06.2013)

of smart and responsible arms management policies (detailed in the text by Diana Miladinovic 'Disarmament – The Prerequisite for Security of Women in Serbia').

Demobilization – the controlled and formal discharge of active participants in armed forces or other armed groups. It has two phases:

1. Gathering former combatants into collective centers
2. Supporting demobilized former combatants (most often short-term support covering only the basic needs of individuals and families, followed by the next phase - reintegration).

Reintegration - the return of former participants in armed conflicts to civilian life, after they have been demobilized. There is social and economic reintegration has a certain time frame and takes place primarily at the local level. The goal of reintegration is to provide employment and a regular income to former combatants. These programs reflect national responsibility, and frequently include long-term external financial and professional assistance (United Nations Disarmament, Demobilization and Reintegration Resource Center, 2013).¹⁰⁷

According to Bishnu Pathak (2011)¹⁰⁸ there are several types of **rehabilitation**:

Social rehabilitation – the process of rehabilitating former combatants in the areas they came from, without fear of discrimination,

Psychosocial rehabilitation – a wide range of social, educational and vocational programs of assistance and support for former participants in armed forces,

Psychiatric rehabilitation – psychiatric therapy of individuals with psychological disorders caused by participation in armed conflict,

Cognitive rehabilitation – is for participants in armed conflicts in order to connect the memory that caused trauma, anxiety and disorders with war.

107 United Nations Disarmament, Demobilization and Reintegration Resource Center, 'What is DDR?', http://www.unddr.org/what-is-ddr/introduction_1.aspx, (accessed 25.06.2013)

108 Bishnu Pathak, (2011) *Women and DDR in the World*, Peace and Conflict Studies Center, p. 3, <http://www.author-me.com/nonfiction/womenandddr.html>, (accessed 20.07.2013)

The connection between the program of demobilization, disarmament, reintegration and rehabilitation with other processes of peacebuilding

According to the definition by the United Nations Disarmament, Demobilization and Reintegration Resource Center, the results and success of these programs are closely related to the implementation of other peacebuilding processes. During strategy forming and planning, all programs must be well connected and detailed, since they complement each other to a large extent.

Connection with recovery mechanisms – the reintegration and rehabilitation programs must be connected with programs of recovery, since their sustainability depends on these programs. This is often achieved through socio-economic and development strategies that the state brings and implements. For instance, reintegration programs, after some time, must become part of wider recovery programs. Including the private sector in the achievement of these programs can be very useful, since the private sector can play an important role in creating chances for employment of men and women who took part in armed conflicts (as well as their families).

Connection with the security sector reform – the objectives of the reintegration and rehabilitation program and the objectives of the security sector reform are the same: security enlargement. That is the reason these two processes are inseparable, because they help build mechanisms that offer security and the rule of law in the post-conflict period. Also, both processes are political, and to a great extent depend on the political will of the state. That is why this complementary connection is important. An effective reform of the security sector helps increase citizens' trust in institutions, which contributes to more effective processes of reintegration and rehabilitation, and to creating the idea amongst citizens that weapons are no longer necessary in order to attain peace.

Connection with the mechanisms of transitional justice – the connection between the mechanisms of transitional justice (at the local and regional level) and programs of reintegration and rehabilitation contribute to peace-building. For instance, strengthening the ties between local processes of transitional justice (the Truth and Reconciliation Commission) on the one hand, and local reintegration strategies on the other, can contribute to the reintegration of former combatants into their communities. Also, former com-

batants can play a key role in implementing reparations¹⁰⁹, whether by offering direct reparation when individual criminal responsibility is determined, or during reparation project planning at the local level, considering their good knowledge of the region and local needs. (United Nations Disarmament, Demobilization and Reintegration Resource Center, 2013).¹¹⁰

The gender approach to reintegration and rehabilitation programs

According to the definition by the United Nations Disarmament, Demobilization and Reintegration Resource Center, a deficit of a gender responsible approach to reintegration and rehabilitation programs can lead to an increase in violence in countries/groups/communities. These programs must clearly define and plan specific needs of men and women/girls who have participated in armed conflicts; because of the different impacts that conflict has on men and women. Also, all programs must be connected with gender strategies, laws, action plans, because of the relationship that the state has toward this issue and keeping track of the implementation of these programs. Experience has shown that women are often excluded from reintegration and rehabilitation programs for various reasons. Guaranteeing access to reintegration and rehabilitation processes to women, looking into their needs, protecting them from violence and including women in decision making in the post-conflict period - is of key importance for a successful reintegration (United Nations Disarmament, Demobilization and Reintegration Resource Center, 2013).¹¹¹

UNSCR 1325, article 8, requires that, in negotiations and the implementation of peace agreements, the special needs of women and girls be included

109 Reparation – correction, compensation for the damages done by wrong action. They can be material (economic) and symbolic. (Gillard, E.C, (2003) *Reparation for Violations of International Humanitarian Law*, RICR September IRRIC September 2003 Vol. 85 No 851, 531-533)

110 United Nations Disarmament, Demobilization and Reintegration Resource Center, http://www.unddr.org/what-is-ddr/how-has-ddr-evolved_3.aspx, (accessed 28.06.2013)

111 United Nations Disarmament, Demobilization and Reintegration Resource Center, http://www.unddr.org/what-is-ddr/key-topics/gender/introduction_5.aspx, (accessed 28.06.2013)

during the reparation and resettlement, as well as rehabilitation, reintegration and post-conflict restoration. Next, in article 8b, it requires all negotiating parties to bring measures that will support local women's peace initiatives and include women in peace agreement mechanisms (more about article b in the text by Jelena Cakic and Diana Miladinovic "Support to local women's initiatives for peacebuilding") (The Belgrade Fund for Political Excellence, 2010).¹¹²

Reintegration and rehabilitation programs for men and women who took part in armed conflicts in the Republic of Serbia

In accordance with the articles of UNSCR 1325, the **activity** of the NAP (National Action Plan) to implement UNSCR 1325 in the Republic of Serbia outlines establishment and financing of the reintegration and rehabilitation program of men and women who had participated in armed conflicts. In this case, the Republic of Serbia has, from the UN Demobilization, Disarmament, Reintegration and Rehabilitation Program, opted only for reintegration and rehabilitation. As **implementing agencies**, the NAP cites: The Government of the Republic of Serbia, The Ministry of Defense, the Ministry of Interior, the Ministry of Human and Minority Rights, the Ministry of Labor and Social Policy, the Ministry for Kosovo and Metohija and the Ministry of Finance in cooperation with the Association of War Veterans of the 1991-1999 War, the Organization of Civilians in War, the Alliance of Disabled Ex-Servicemen and Families of the Killed and the Missing in Wars from 1990-1999, the Association of Veterans of War and Associations of Refugees and Internally Displaced Persons, women's associations, local and international foundations and donors. The **timescale** for the implementation of activities is from 2010 – 2015 (The Government of the Republic of Serbia, 2010).¹¹³

112 The Belgrade Fund for Political Excellence (2010) *Resolution 1325 United Nations Security Council in Serbia – Women, Peace and Security - Suggestions for building a National action plan for the implementation of Resolution 1325 of the United Nations Security Council in Serbia*, p. 58 http://www.bfpe.org/BFPE_OLD/www.bfpe.org/files/BFPE-brosura.pdf, (accessed 28.06.2013)

113 The Government of the Republic of Serbia (2010) *The National Action Plan for the Implementation of Resolution 1325 of the United Nations Security Council - Women, Peace and Security in the Republic of Serbia (2010 – 2015)*, p. 48

Objectives of research on this indicator

In the following text we analyze:

- why the implementation of the reintegration and rehabilitation program is important for the Republic of Serbia
- if the implementing agencies cited in the NAP to implement UNSCR 1325 in the Republic of Serbia have begun the implementation of activities to establish and finance reintegration and rehabilitation program
- who implements the reintegration and rehabilitation programs in the Republic of Serbia,
- in what way are the reintegration and rehabilitation programs in Serbia implemented,
- if there is a synchronization of these processes with other processes of peace building (recovery mechanisms, transitional justice, and security sector reform).

Why are reintegration and rehabilitation programs important for Serbia?

According to the definition by the United Nations Disarmament, Demobilization and Reintegration Resource Center, reintegration and rehabilitation programs are implemented immediately after conflict cessation and are usually a part of peace agreements that also serve as a political frame for their implementation (United Nations Disarmament, Demobilization and Reintegration Resource Center, 2013).¹¹⁴ Peace agreements that ended the wars in the territory of former Yugoslavia, Bosnia and Herzegovina - the Dayton Agreement (1995)¹¹⁵ and Kosovo - the Kumanovo Military Technical Agreement (1999)¹¹⁶, did not contain articles that would implement these programs in the territory of today's Republic of Serbia.

114 United Nations Disarmament, Demobilization and Reintegration Resource Center, http://www.unddr.org/what-is-ddr/key-considerations-in-planning-implementation_2.aspx, (accessed 29.06.2013.)

115 Human Rights Library, *The Dayton Peace Accords on Bosnia*, <http://www1.umn.edu/humanrts/icty/dayton/daytonaccord.html>, (accessed 29.06.2013)

116 NATO, *Nato's role in Kosovo: Military technical agreement*, <http://www.nato.int/kosovo/docu/a990609a.htm>, (accessed 29.06.2013)

The Dayton Peace Agreement, signed in 1995, did not have an objective to immediately implement demobilization, disarmament, reintegration and rehabilitation, but to bring the conflicted parties to the negotiating table. Mentioning these programs would have, at that moment, completely destabilized negotiations, so they were not a priority. Programs began *ad hoc* and were only later implemented in the territory of Bosnia and Herzegovina (Moratti and Sabic-El-Rayess, 2009).¹¹⁷

When it comes to Kosovo, demobilization, disarmament, reintegration and rehabilitation programs were implemented in Kosovo from 1999 to 2004, under the protection of the UN and as part of the implementation of Resolution 1244. Within the UN in Kosovo territory demilitarization of the Kosovo Liberation Army (KLA) and other armed Albanian groups and the cessation of their activity was provided (United Nations Security Council, 1999).¹¹⁸

Taking into consideration that the war was not fought in the territory of the Republic of Serbia - peace agreements did not relate to the implementation of reintegration and rehabilitation programs on the territory of the Republic of Serbia. Nevertheless, since the implementation of these programs serves as a reflection of national responsibility, and since a large number of people that have participated in armed conflicts in former Yugoslavia (participants, veterans, reserves, members of military, police, paramilitary and para-police missions) returned to the Republic of Serbia after the war - it was expected that these programs would be implemented immediately after the wars of 1995 and 1999.

The implementation of rehabilitation and reconciliation programs in the Republic of Serbia is important for the following reasons:

1. The state would take responsibility through these programs for the wars that it waged and give answers to important questions.
 - ✓ The implementation of rehabilitation and reconciliation programs would give important answers to questions about the number of participants that were part of the regular army, reserve units, the number of war veterans, the number of military, police, paramilitary and

117 Moratti, M, Sabic-El-Rayess, A., (2009) *Transitional Justice and DDR: The Case of Bosnia and Herzegovina*, International Center for Transitional Justice, p. 11-12

118 United Nations Security Council Resolution 1244, 10th of June 1999, Point 9. b and 15

para-police units that operated as part of the Yugoslav Peoples' Army on the side of the Republic of Serbia (Women in Black, 2012).¹¹⁹

- ✓ According to the data provided by the UN Commission from 1994, at least 83 paramilitary groups were identified in the wars fought in the former Yugoslav territory, 56 of which worked under the support of the Federal Republic of Yugoslavia (FRY) and self-proclaimed Serbian republics; the number of persons in paramilitary groups in the FRY ranged from 20 000 to 40 000 (United Nations Security Council, 1994).¹²⁰
2. The state would, through these programs, give answers to important questions regarding the effects of the wars on the lives of women and men
 - ✓ The programs would shed light on the consequences of the wars on the lives of women and men in the Republic of Serbia (economic, social, psychological etc).
 3. The state would improve the economic position of men and women who had participated in armed conflicts, and would take responsibility for the consequences of the wars.
 - ✓ Former combatants and their families would receive the economic, psychological and social assistance that they require.
 - ✓ There would be fewer expenses from the budget of the Republic of Serbia, under the basis of lawsuits for unpaid war wages of war veterans, reservists, and other categories of participants in armed combats
 - ✓ The European Court of Human Rights in Strasbourg gave a ruling in 2012 (European Court of Human Rights, 2012)¹²¹ by which the Republic of Serbia ought to pay 17,236 EUR to 8 500 reserves from Nis, on behalf of war wages. According to media reports (Tanjug,

119 Subotic, G., Rankovic, A. (2012) *Independent Monitoring of the Resolution 1325 Implementation in Serbia*, Women in Black, p. 40

120 United Nations Security Council (1994) Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674/Add.2 (Vol. I), Annex III.A Special forces, C. Summary analysis, <http://www.ess.uwe.ac.uk/comexpert/anx/III-A.htm#III.C>, (accessed 29.05.2013.)

121 European Court of Human Rights, *Case of Vuckovic and others v. Serbia*, [http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-112706#{"item id":\["001-112706"\]}](http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-112706#{), (accessed 29.05.2013)

2013)¹²² at the moment there are 11 000 filed lawsuits in the court in Strasbourg, against the Republic of Serbia, concerning unpaid salaries to former participants in the wars for the Army of the Republic of Serbia reserves

4. The state would show political will through these programs, and would aid the processes of peace building, recovery, security sector reforms and transitional justice, which would increase the security of citizens and their trust in institutions
 - ✓ The implementation of these programs by the state would contribute to the processes of disarmament and smarter policies in the field of armament (detailed in the text by Diana Miladinovic, Disarmament – Precondition for the Security of Women in the Republic of Serbia).
 - ✓ The inclusion of former combatants in reparation programs and the creation of programs for the examination of the special needs of men, women/girls who took part in armed conflicts - would contribute to the processes of transitional justice in peace building in the Republic of Serbia.
 - ✓ The state would improve the security of its citizens through these programs and increase their trust in institutions. Transparent, synchronized and coordinated reintegration and rehabilitation programs would contribute to the security sector reform process, which would increase citizens' security.

What has been done regarding the implementation of the reintegration and rehabilitation program since 2010 - 2013, listed according to the implementing agencies?

As we have already mentioned, the NAP **activity** for the implementation of Resolution 1325 in the Republic of Serbia outlines support and financial aid for the reintegration and rehabilitation program for men and women who participated in armed conflicts. The NAP cites the following **implement-**

122 Tanjug, <http://www.tanjug.rs/news/87048/serbia-denies-petition-rights-to-war-veterans.htm>, (accessed 29.05.2013)

ing agencies: The Government of the Republic of Serbia, The Ministry of Defense, the Ministry of Interior, the Ministry of Human and Minority Rights, the Ministry of Labor and Social Policy, the Ministry for Kosovo and Metohija and the Ministry of Finance in cooperation with the Association of War Veterans of the 1991-1999 War, the Organization of Civilians in War, the Alliance of Disabled Ex-Servicemen and Families of the Killed and the Missing in Wars from 1990-1999, the Association of Veterans of War and Associations of Refugees and Internally Displaced Persons, women's associations, local and international foundations and donors. The **deadline** for the implementation of these activities is from 2010 to 2015 (The Government of the Republic of Serbia, 2010).¹²³

1. The Government of the Republic of Serbia

Questions¹²⁴ concerning support and financial aid for the reintegration and rehabilitation program of men and women who participated in armed conflicts were sent to the Government of the Republic of Serbia. The Government of the Republic of Serbia did not reply to the questions within the statutory deadline. This is why we filed a lawsuit to the Administrative Court in Belgrade. Because of the Government of the Republic of Serbia's silence, we cannot make any conclusions about the extent to which the Government has fulfilled this activity.

2. The Ministry of Defense

In the 2012 monitoring by Women in Black regarding the implementation of UNSCR 1325 in Serbia, we came to the realization that by May 2012 the Ministry of Defense "hadn't realized the activities to support and finance the reintegration and rehabilitation program of men and women who had participated in armed conflicts". In their response, (the Ministry of Defense,

123 The Government of the Republic of Serbia, (2010) *National action plan for the implementation of Resolution 1325 of the United Nations Security Council - Women, Peace, Security in the Republic of Serbia (2010-2015)*, p. 48

124 The questions that the Women in Black sent to the Government of the Republic of Serbia were: Has the Government begun with the implementation of activity 2.2 in the time frame of 2010-2013? What has been done with this activity? Who, within the Government, is responsible for the realization of this activity? Will these programs be implemented in local areas, for instance in places that mobilized the most people during the wars of the 90ies? Is there any civil society organization involved in the implementation of this activity?

2012)¹²⁵ it was stated that this activity will be further conducted by the Department for Tradition, Standards and Morale within the Human Resources sector of the Ministry of Defense.

Continuing the monitoring in 2013, we sent questions to the Department for Tradition, Standards and Morale¹²⁶ regarding support and financial aid for the reintegration and rehabilitation program. We received a reply that 'the monitoring of the NAP for the implementation of UNSCR 1325 is under the functional authority of the Strategic Planning Department of the Defense policy sector of the Ministry of Defense', and that they have been forwarded the questions (Department for tradition, standards and morale of the Ministry of Defense, 2013).¹²⁷ Regarding our letter, the Strategic Planning Department of the Ministry of Defense, replied to our question:

'Regarding the letter delivered to the Department for Tradition, Standards and Morale of the human resources sector within the Ministry of Defense, we remind you that you will, after the publication of the Annual report on the process of the NAP for implementation of UNSCR 1325 under the authority of the Ministry of Defense and the Serbian Armed Forces for 2012, on the Ministry of Defense's website, have access to all the realized activities.'

After analyzing the suggested Report on the process of the NAP for the implementation of UNSCR 1325 under the authority of the Ministry of Defense and the Serbian Armed Forces for 2012 (Ministry of Defense, 2013)¹²⁸, we

125 The Ministry of Defense's reply, the Bureau for Strategic Planning of the Sector for defense policy, 1-165, 04.06.2012, p. 17

126 The questions that the Women in Black sent to the Department for tradition, standards and morale of the Ministry of Defense, among others were: Has the Department begun implementing the activities of NAP? What has been done with this activity until now? Which 'men and women' are included in the program (when did they participate in armed conflicts, in what time frame, does it relate to civilians, refugees and displaced persons, forcefully mobilized, volunteers, reserves, disabled ex - servicemen)? Who does the program concern? Who is in charge of this activity in the Department for tradition, standards and morale? Will these programs be implemented in local areas, for instance in places that mobilized the most people during the wars of the 90ies? Are there any civil society organization involved in the implementation of this activity?

127 Reply from the Ministry of Defense, Strategic Planning Department of the Defense policy sector, 372-2, 06.03. 2013.

128 Ministry of Defense (2013) *Report on the Process of the NAP for the*

have determined that by the end of 2012 the Ministry of Defense did not realize the programs of incitement and financing of the reintegration and rehabilitation program for former combatants.

3. The Ministry of Interior

We have sent questions¹²⁹ regarding the incitement and financial aid of the reintegration and rehabilitation program as part of the Ministry of Interior to the president of the Multi-sectorial coordination body, who is also the representative of the Ministry of Interior in this body. Our questions were not answered within the statutory deadline, for which we filed an appeal to the Trustee for information of public importance. Over two months after filing the appeal to the Trustee, we received information that the Ministry of Interior 'has no information' (The Ministry of Interior, 2013).¹³⁰ Based on this reply we cannot conclude that the Ministry of Interior has taken on any activity regarding the support and financial aid for the reintegration and rehabilitation program.

4. The Ministry of Human and Minority Rights (now the Office for Human and Minority Rights)

We have sent questions¹³¹ regarding the support and financial aid of the reintegration and rehabilitation program to the Office for Human and Minority Rights (further referred to as the Office), that replied only after the appeal to the Trustee for information of public importance. In the reply¹³²,

Implementation of Resolution 1325 UNSC by the Ministry of Defense and the Serbian Armed Forces for 2012, 23-25

129 The questions that the Women in Black sent to the Multi-Sector Coordinating Body were: Has the Ministry of Interior begun with the implementation of activity 2.2 in the time frame of 2010-2013? What has been done with this activity? Who, within the Ministry of Interior, is responsible for the realization of this activity? Will these programs be implemented in local areas, for instance in places that mobilized the most people during the wars of the 90ies? Will the reintegration and rehabilitation programs include people from the Ministry of Interior who participated in armed conflicts during the 90ies? Was any civil society organization involved in any phase of the implementation of this activity?

130 The reply from the Ministry of Interior, Minister's Cabinet, Bureau for information of public importance, 4766/13-2, 10.06.2013

131 The questions were the same as those posed to the Ministry of Interior.

132 The reply from the Office for human and minority rights, The Government of the Republic of Serbia, 000-03-00005/2013-02, 8.05.2013.

the Office did not directly answer the questions, but stated that since its foundation, the Office 'participates in the activities of the Multi-sectorial coordination body through its representative', which was not the reply we hoped for. Based on the reply from the Office, we cannot conclude if anything has been done to support and finance the reintegration and rehabilitation program.

5. The Ministry of Labor and Social Policy (Gender Equality Directorate)

Questions¹³³ regarding the support and financial aid of the reintegration and rehabilitation program were sent to the Ministry of Labor and Social Policy. The questions were answered by the Gender Equality Directorate, after the appeal to the Trustee for information of public importance was made. The answer to all the questions was summed up in one sentence: 'The Gender Equality Directorate has not yet planned any activity regarding the said goal of the document mentioned, keeping in mind that the deadline is not until 2015' (the Ministry of Labor and Social Policy, 2013).¹³⁴ Based on the answers from the Directorate, we can conclude that nothing has been done regarding to support and finance the reintegration and rehabilitation program.

6. The Ministry for Kosovo and Metohija (now the Office for Kosovo and Metohija)

Questions¹³⁵ regarding the support and financial aid of the reintegration and

133 The questions were the same as those posed to the Ministry of Interior and the Ministry for Human and Minority rights

134 The reply from the Ministry of Labor and Social Policy, Gender Equality Directorate, 2013-064, 25.04.2013

135 The questions that the Women in Black sent to the Ministry for Kosovo and Metohija, now the Office for Kosovo and Metohija were: Has the Ministry for Kosovo and Metohija begun with the implementation of the activity in the time frame of 2010-2013? What has been done until now? Will these programs be implemented in local areas, for instance in places that mobilized the most people during the wars of the 90ies? Was any civil society organization involved in any phase of the implementation of this activity? In what way was cooperation achieved with women's associations, local and international foundations and donors? Which international foundations and donors gave money for the realization of this activity? Whom did the money go to? Did the money go to women's associations? In what way has the money been spent (on reintegration and rehabilitation programs, projects, financial aid, social and political services)?

rehabilitation program were sent to the Ministry of Kosovo and Metohija. The Office for Kosovo and Metohija did not reply to the questions within the statutory deadline, which is why the Women in Black filed an appeal to the Administrative Court in Belgrade. Based on the answer of the Office we cannot conclude if the Office has done anything to realize this activity.

7. The Ministry of Finance

Questions¹³⁶ regarding the support and financial aid of the reintegration and rehabilitation program were also sent to the Ministry of Finance, which they did not reply to until after an appeal to the Trustee for information of public importance. To the questions directed at the Ministry of Finance, the Customs Administration replied that they 'did not have the desired information' (The Ministry of Finance and Economy, 2013).¹³⁷

Based on all the answers given by the institutions of the Republic of Serbia listed in the NAP for the implementation of Resolution 1325 as implementing agencies for support and financial aid to the reintegration and rehabilitation programs in the Republic of Serbia, we can conclude that in the period between 2010 and 2013 no activity has been conducted by these institutions.

Shifting the workload to citizens' associations (civil society organizations)

Based on the information provided by the Office for Cooperation with Civil Society (the Office for Cooperation with Civil Society, 2012)¹³⁸ we have found out that the Republic of Serbia does in fact implement reintegration and rehabilitation programs for former combatants - by giving money to associations following an annual competition. The Ministry of Labor and Social Policy, that replied to us that it still has not planned any activity, as

136 The questions were the same as those posed to the Ministry for Kosovo and Metohija (now the Office for Kosovo and Metohija)

137 The reply from the Ministry of Finance and Economy, Customs Administration, 148-III-650-03-19/2/2013, 22.05.2013

138 The Government of the Republic of Serbia, Office for Cooperation with Civil Society (2012) *Annual collective report on resource expenses as support to program activities provided and paid to associations and other civil society organizations from the budget of the Republic of Serbia in 2011*, 67 - 106

the deadline is not until 2015 (see the answer above), has, according to the information provided by the Office for Cooperation with Civil Society, based on the competition in 2011, given as much as 508,471 EUR from the budget of the Republic of Serbia for projects of veterans' associations, including those mentioned by the NAP as implementing agencies. We will give several examples written in the report of the Office for Cooperation with Civil Society (2012)¹³⁹:

- The Association of War Veterans of the 1991-1999 Wars from Kraljevo received 25,854 EUR for the project 'Rehabilitation RVI, family members of killed combatants in the wars of 1991 - 1999 from the Raska district and Memorial to killed combatants 1991 - 1999 from the area of Usce - Kraljevo',
- Alliance of Disabled Ex-Servicemen of Serbia for the project 'Psychosocial rehabilitation and the publication of the magazine Disabled Serviceman' received 43,090 EUR,
- Alliance of Disabled Ex-Servicemen of All the Wars from Serbia for the project 'Psychosocial rehabilitation' received 34,472 EUR. The Organization of War Veterans 1991-1999 from the Republic of Serbia, Leskovac for the project 'Education and rehabilitation of combatants in the wars of 1991 - 1999 and the inclusion into normal social flows' received 14,650 EUR,

The Ministry (or Office) for Kosovo and Metohija, that did not reply to our question, has in 2011, according to the information provided by the Office for Cooperation with Civil Society (2012)¹⁴⁰ given money to the Organization of War Veterans from Kosovo and Metohija for the project 'Strategy of sustainable survival and return'. This organization shares the amount of 2,385 EUR with another 25 organizations from Kosovo and Metohija.

139 The Government of the Republic of Serbia, Office for Cooperation with Civil Society (2012) *Annual collective report on resource expenses as support to program activities provided and paid to associations and other civil society organizations from the budget of the Republic of Serbia in 2011*, 67 - 106

140 The Government of the Republic of Serbia, Office for Cooperation with Civil Society (2012) *Annual collective report on resource expenses as support to program activities provided and paid to associations and other civil society organizations from the budget of the Republic of Serbia in 2011*, 67 - 106

According to media reports, due to an opaque and confusing policy and practice of the state regarding this issue, there is a tendency of a growing number of these associations on an annual level, and great competitions for small funds given by the Ministry of Labor and Social Policy (Politika, 2011).¹⁴¹

Based on this information, we can conclude that the state has entrusted the implementation of the reintegration and rehabilitation programs to associations of citizens/war victims/civil society organizations by giving funds for projects of psychosocial rehabilitation, reintegration, economic support to families of victims and education. Citizens' associations, civil society organizations (just like in the case of hotlines for women victims of violence and free legal assistance) have taken upon themselves the role that should be played by the state.

This kind of state action does not contradict what the NAP claims regarding the implementation of UNSCR 1325. The problematic aspect of this approach of the state toward the implementation of the reintegration and rehabilitation program in the Republic of Serbia is:

- **Transparency** of the process of choosing the associations and projects that will receive money - On the websites of, so far, two institutions that give funds to veteran associations for these purposes - the Ministry of Labor and Social Policy (under Contests)¹⁴² and the Office for Kosovo and Metohija (under Documents)¹⁴³ - there are no published contexts or information about the criteria based on which associations receive the money
- **Quality** of the programs themselves - the contents of selected projects are not available to the public, there is no record about the number of people (men and women) who have been included in these programs so far, no information about which institutions offer services to the beneficiaries and in what way

141 Politika, <http://www.politika.rs/rubrike/Drustvo/Bitka-za-podelu-novca-medju-veteranima.lt.html>, (accessed 02/07/2013)

142 Ministry of Labor and Social Policy, <http://www.minrzs.gov.rs/konkursi.php>, (accessed 15.06.2013)

143 Office for Kosovo and Metohija, <http://www.kim.gov.rs/rs/dokumenta>, (accessed 15.06.2013)

- **Sustainability** of these programs - giving funds for programs in this way shows the state's lack of seriousness when approaching this problem, and brings into question the sustainability of these programs. Giving out funds this way does not allow the sustainability of these programs. Thus, the persons that were in one of the phases of reintegration and rehabilitation, and that have finished one of these programs – will not be able to count on the services of these associations by the end of the project term. Imagine a person with post-traumatic stress syndrome caused by the war, who is a beneficiary of these programs and has no one to turn to after the end of the project, or the association or hotline for victims of post-traumatic stress syndrome, which has to shut down because it did not receive the project to prolong its work.
- **Connection with peace building programs** – based on received information and information available to the public we cannot claim that there is a connection and cooperation between the reintegration and rehabilitation program and other peace building processes - which is one of the preconditions for the success of these programs
- **Gender approach** - based on the received information and information available to the public, we cannot conclude that there are any indications of a gender sensitive approach to these programs. The information about how many women are beneficiaries of these programs and in what context (former participants, family members), if these programs relate to the needs of women and girls, how many women's associations applies for the contest, how many women's associations received money from institutions - is not available to the public. The only thing that can be claimed, based on the only two documents that are available to the public and concern 2012/2013 are that there were no projects of women's associations received or approved concerning this issue (The Ministry of Labor and Social Policy, 2013).¹⁴⁴

144 Ministry of Labor and Social Policy (2013), Report on the received projects of non-government organizations, <http://www.minrzs.gov.rs/doc/konkursi/borci/izvestaj%20o%20prispelimprojektima.pdf>, and the *Announcement about the accepted projects*, <http://www.minrzs.gov.rs/doc/konkursi/borci/obavestenje%20o%20prihvacenimprojektima.pdf>, (accessed 02/07/2013)

Answers from state institutions that act as implementing agencies for this NAP activity and the information available to the public that we have gathered during the research of this topic indicate that the reintegration and rehabilitation programs in the Republic of Serbia are not developing in a coordinated and synchronized manner. Because of this we give the following **recommendations**:

- The state should take responsibility for the reintegration and rehabilitation programs in the Republic of Serbia, in order to achieve quality, sustainability and a connection between the reintegration and rehabilitation process with other peace building processes. As well as a gender approach to these programs.
- The state should in a united and transparent manner report on the expenses of budget resources of citizens, intended for the veteran associations for the implementation of the reintegration and rehabilitation program.
- The state should announce the assessment of the status/effect analysis/achieved results of the reintegration and rehabilitation projects that have been implemented in the Republic of Serbia from 1999 until today.
- The state should prolong and include women's associations and civil society organizations in creating the substance of the reintegration and rehabilitation program (the evaluation the needs of the women and girls that participated in armed conflicts and family members) in the Republic of Serbia.

The implementation of this NAP activity by the institutions of the Republic of Serbia is estimated as: **No progress**

Diana Miladinovic

Nada Dabic

Women and girls among refugees and internally displaced persons

Inclusion

Specific objective 2 Ensuring the increased participation of women in peacebuilding and post-conflict reconstruction of society

Activity 2.4 Ensuring and financing programs for the special needs of women and girls, especially among refugees and internally displaced persons and the engagement of women in planning and implementation of programs for assistance to refugees and internally displaced persons

Implementing agencies and partners: Humanitarian and health care organizations, the Ministry of Finance, the Ministry for Kosovo and Metohija, associations and foundations

Time frame: 2010 - 2013¹⁴⁵

145 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 41

Introduction

Serbia's approach in dealing with the problem of refugees and internally displaced persons until recently more directed at political questions rather than adequately addressing the rights and needs of the greatest human importance. Many refugees and displaced persons still face problems of meeting everyday basic needs (Women in Black, 2012).¹⁴⁶

Since the adoption of the National strategy from 2002, the problems of persons that had to leave their homes during the conflicts in former Yugoslav territory still have not been solved. The Republic of Serbia still offers help to 86,154 refugees, 64,615 of which are from the Republic of Croatia and 21,458 from Bosnia and Herzegovina (the National strategy for solving questions of refugees and internally displaced persons for 2011 - 2014, the Government of the Republic of Serbia, 2011). It is interesting that the state does not have the exact number of displaced persons, so in the aforementioned National strategy it says 'more than 210,000 displaced persons from the Autonomous Province of Kosovo and Metohija'.¹⁴⁷

According to the information of the IOM, the most numerous migrant groups in Serbia are refugees, nearly 66,000 and internally displaced numbering 210,000. It is stated that on September 1st 2012 there were 547 refugees placed and 2 328 internally displaced persons in 36 collective centers in inner Serbia.¹⁴⁸

According to the Migration profile of the Republic of Serbia for 2011 (the Government of the Republic of Serbia), the Republic of Serbia currently holds the 31st place in the world as the destination for refugees (Report by the UNHCR Global trends in 2010), while in 2009 it held the 25th place.¹⁴⁹ The same report said that in 2011 there were 209,833 displaced persons living the Republic of Serbia from Kosovo and Metohija. According to the

146 Women in Black, (2012), *Independent monitoring of the Resolution 1325 implementation in Serbia*, p. 44

147 National strategy for solving issues of refugees and internally displaced persons for the period between 2011 and 2014, the Government of the Republic of Serbia, 2011, p. 2

148 Web portal EuroActiv (accessed 29.05.2013) <http://www.euractiv.rs/vesti/srbija-i-eu/5155-migracije-u-svetu-i-srbiji-u-porastu>

149 The Government of the Republic of Serbia, (2012), *Migration profile of the Republic of Serbia for 2011*, p. 47

mentioned report of the UNHCR (Global trends for 2010), the Republic of Serbia holds the 12th place in the world and the first place in Europe, for the number of internally displaced persons. According to ethnicity, most of these persons are Serbs, then Roma, and then Montenegrins.¹⁵⁰

According to the report of the Commissariat for Refugees and Migration from 2010,¹⁵¹ less than half of internally displaced persons in collective centers have a personal income, while 32% are in need of legal assistance before the courts in Kosovo and Metohija.

Legal regulation

In the Republic of Serbia, the legal status of refugees and internally displaced persons is regulated by a series of legal and sublegal acts, the most important of which are the Law on Refugees (Official Gazette of the Republic of Serbia, no. 45/02)¹⁵² and the National strategy for solving questions of refugees and internally displaced persons for the period between 2011 and 2014 (Official Gazette of the Republic of Serbia, no. 65/08). To implement the Strategy, the Commissariat for Refugees is in charge, in cooperation with other state bodies. Neither of these two documents recognizes women among refugees and displaced persons as a particular marginalized group.

The Law on Refugees (Official Gazette of the Republic of Serbia, no. 45/02), was amended in 2010¹⁵³ in the section referring to property issues for the refugee population, but the needs of certain categories (e.g. women, youth) within the refugee population was not covered by these changes of the Law.

In the National strategy for the improvement of the position of women and the improvement of gender equality (Government of the Republic of Serbia, Official Gazette of the Republic of Serbia, no. 67/10), women, refugees

150 The Government of the Republic of Serbia, (2012), *Migration profile of the Republic of Serbia for 2011*, p. 52

151 Commissariat for Refugees (2010) *Condition and needs of internally displaced persons in collective centers in the Republic of Serbia*, http://www.kirs.gov.rs/docs/Analiza_i_potrebe_IRL_u_kc.pdf (accessed 25.06.2013)

152 The Law on changes and additions to the Law on refugees (Official Gazette of the RS, no. 30/10) adopted on 05.05.2010

153 The Law on changes and additions to the Law on refugees (Official Gazette, 30/10)

and displaced persons are recognized as a double or multiple discriminated group. This Strategy states that 'compared to the average unemployment of women, women refugees are 15% more likely to be unemployed.'¹⁵⁴

Strategies and plans that mention internally displaced persons are mostly gender neutral and in most cases do not contain gender sensitive data on the needs of internally displaced women. Even though displaced women are in most documents on a national level recognized as a multiple marginalized group, the lack of gender sensitive data means a continued absence of concrete measures and goals directed at the improvement of their position as well as the absence of indicators for measuring results and effects.¹⁵⁵

Challenges in everyday life

Even though a significant number of problems faced by refugees, exiled and persons threatened by war have been diluted, these persons still need help in solving issues of employment, as well as help in achieving rights in their country of origin.

When it comes to refugees from the territory of former Yugoslavia, this population is faced with two basic problems: employment and habitation. Problems exist in the access to other economic and social rights. Refugees do not realize their right to social welfare and they are not recognized by the Law on Social Protection as beneficiaries of social protection services, so they realize their right to social protection through the Law on Refugees.

According to the analysis by the Commissariat for Refugees,¹⁵⁶ the most important data about internally displaced persons (IDP) placed in collective centers are:

- age and educational structure of internally displaced persons in collec-

154 National strategy for the improvement of the position of women and the advancement of gender equality, The Government of the Republic of Serbia, Official Gazette of RS, number 67/10, p. 29

155 Conclusions from the round table *Social inclusion IDP into the local community*, organized in cooperation with the organization „Fraktal” from Belgrade, “Plateau” from Greece and the Association of displaced persons “Unija” from Belgrade

156 Commissariat for Refugees (2010) *Condition and needs of internally displaced persons in collective centers in the Republic of Serbia*, p. 2

tive centers is unfavorable when compared to overall population of IDP

- the average household of IDP in collective centers consists of three members,
- the rate of unemployment between the IDP is 41%, which is significantly more than in the domestic population,
- 58% of internally displaced persons in collective centers have no income,
- the most common source of income for IDP in collective centers is 'Kosovo compensation',
- 55% of the IDP households in collective centers have less than 43 EUR per member a month.
- 603 households can be considered extremely threatened,
- the greatest barrier to their return is a negative security situation in Kosovo and Metohija

Also, a certain number of internally displaced persons today, more than 10 years after being forced to move, still live without personal documents. These 'legally invisible' persons, among whom there are a significant number of Roma, cannot achieve their rights without first achieving their right to legal existence.

In this context the IDP populations is not provided with equal access and equal protection before the courts and bodies of public authority, which is the basis of the special form of discrimination in the before the organs of public authority. Adopting changes and additions to the Law on extrajudicial proceedings (National Assembly of the Republic of Serbia, Official Gazette, no. 85/12), conditions for solving this problem were initiated.¹⁵⁷

Internally displaced Roma persons are the most vulnerable part of IDP population, needing special forms of support. Most of them do not have personal documents, and there are very small few Roma minors registered in birth registries. Also, the Roma population needs additional support regarding the registration for child welfare and the access to health institutions.

¹⁵⁷ In the way that would make a legally invisible person, after an adequate procedure, by the court decision, able to be registered into birth registries and gain legal subjectivity

Special challenges that women and girls among refugees and internally displaced persons are facing.

The publication 'Weaknesses of the system of protection from crimes in the family in seven pictures' (Praxis, 2012) indicates that the situation is especially complex and difficult when it comes to women from refugee or displaced population, because they are faced with additional and specific problems that stem from their forceful exile (such as a lack of personal documents, difficult material status, no housing solution etc).¹⁵⁸ This is one of the rarer research projects that deals with women and girls among refugees and displaced persons. The report pinpoints seven problems that they are facing: the problem of livelihood payment, insensitivity of employees in state institutions, long lasting judicial proceedings, soft punishment policy, problem of "opinion" of the Centers for social work, execution of the judicial decision about visiting children and family violence – is it criminal offence or just an offence.¹⁵⁹

The civil society organization, Fractal, while working with women among refugees and internally displaced persons,¹⁶⁰ identified specific and concrete problems that women face: insufficient participation in local decision-making mechanisms, unemployment (programs of additional training and re-training, employment and self-employment, support programs), and insufficient social protection (welfare, groups for self-help, creating new social networks), inadequate basic healthcare for women (psychosocial support, primary protection of women IDP).

Research by Group 484 and the Fund for the Advancement of Economics (FREN) about the position of women from the refugee and displaced population on the job market,¹⁶¹ has shown that women from this population meet a series of problems in employment: difficult access to information about job offerings and the possibility of employment, scarce social networks (friendships, acquaintances) that have been shown to be an impor-

¹⁵⁸ Women in Black (2012), *Independent monitoring of the Resolution 1325 in Serbia*, p. 45.

¹⁵⁹ Praxis website, (accessed 30.05.2013) http://www.praxis.org.rs/images/praxis_downloads/nasilje-u-porodici.pdf

¹⁶⁰ Report of Fractal, *Social inclusion of women IDP in local communities*, sent to the Women in Black, 05.07.2013

¹⁶¹ Group 484 and the Foundation for the Advancement of Economics (FREN), (2011), *The position of internally displaced persons on the job market in Serbia*

tant channel for employment; as well as facing prejudice from the employers and the employees toward refugees and displaced persons. Because of these barriers, refugee and displaced women are often forced to work below their qualifications (in mostly low qualified service jobs) which tend to be badly paid and informal.

According to the same report, the position of displaced women on the job market is significantly worse compared to displaced men. Their rate of unemployment is 20% higher, and their inactivity rate is 26% higher. Both indicators in the domicile population are significantly lower. According to our analysis, the basic causes of a high inactivity of women are family obligations, because women even when they can work, tend not to, because they look after children or the elderly in the household more often than men. (Group 484 and FREN, 2011)¹⁶²

In the structure of inactive women, those with low education are the most numerous. High inactivity of women is also a result of limited possibilities for finding jobs, discouragement that comes as a result of facing a high rate of unemployment in their surroundings and a negative perception about their own capacities. Even though a part of the difference in unemployment rates of women and men can be explained by a slightly poorer educational structure of women, when other relevant characteristics of unemployment are statistically constant, women are still 14% more likely to be unemployed than men. The nature of this difference, it seems, at least partially lies in the discrimination of internally displaced women during employment. (Ibid)¹⁶³

Because the vulnerability of displaced women is much deeper than the vulnerability of women of the domestic population, they should have, based on their double vulnerability, an additional advantage in using existing programs to support active employment. Furthermore, an additional advantage in using active measures of employment ought to be provided to particular groups of vulnerable displaced women, such as Roma women and displaced single mothers (Group 484 and FREN, 2011).¹⁶⁴

A significant number of those among displaced inactive women not only

162 Group 484 and the Foundation for the Advancement of Economics (FREN), (2011), *The position of internally displaced persons on the job market in Serbia*, p. 42

163 Ibid.

164 Group 484 and FREN, (2011), *Position of internally displaced persons in the job market in Serbia*, p. 43

have a low level of education, but also have limited skills needed for a job (e.g. working with computers, knowledge of a foreign language). Therefore, in order to simulate employment of displaced women, programs for employment and self-employment should be used. (Ibid)¹⁶⁵

Programs of self-employment are especially important during an economic crisis because they are important generators of moving out of recession, and for IDP are of special importance because their access to bank loans is difficult - because they do not own immovable property. Initial results of the focus groups with women who participated in self-employment programs (FREN, 2011) indicate that these programs are very important to encourage women to be active on the job market, especially those entrepreneurial activities that demand a higher level of education, and less expensive equipment (accounting, translating agencies etc.). Since the rate of unemployment of IDP with an educational profile for these jobs (high educational achievement in economics and social sciences), although lower than the average, is still pretty high (over 25% on average). Women of this educational profile should be especially encouraged to use subsidies for self-employment, because many self-employment activities can be done at home, and open up opportunities for women to be active. (Group 484 and FREN, 2011).¹⁶⁶

Insufficient support of state institutions

The state gives very little attention to the support of civil society organizations when it comes to providing and financing programs for the special needs of women and girls among refugees and internally displaced persons. The Commissariat for Refugees and Migrations¹⁶⁷ in answering the questionnaire that we had given them for this research stated that, until recently, it supported two civil sector programs whose goal is to support women refugees.¹⁶⁸ In 2011 those funds were used to realize the project 'Support for the economic empowerment of the community from informal

165 Group 484 and FREN, (2011), *Position of internally displaced persons in the job market in Serbia*, p. 43

166 Ibid, p. 44.

167 Special organization in the system of organs of the state administration, established by the Law on refugees

168 Commessariat for refugees and migrations, Letter to the Women in Black, 11.04.2013

settlements of the City municipality Novi Beograd, in cooperation with the association of citizens 'Bratsvo (*Brotherhood*)'. And in 2012 the project 'Decreasing unemployed women refugees and internally displaced women in Serbia' in cooperation with the citizen's association 'Center for Serbian expatriates and Serbs in the region'¹⁶⁹

Answers of state institutions regarding the activities of the NAP

For last years' report,¹⁷⁰ we sent a letter to the Ministry of Defense of the Republic of Serbia, to which we got a reply that in the second half of 2012 the realization of the following activities was planned: enabling cooperation and collective programs for examining the special needs of women and girls, especially among refugees and internally displaced persons in the Ministry of Defense (MD) and the Serbian Army (SA), as well as engaging women employed in MD and SA in planning and preparation of programs of assistance that relate to the assistance of refugees and internally displaced persons in the Republic of Serbia.¹⁷¹

Based on the Annual report¹⁷² for 2012 of the mentioned ministry, we can conclude that MD did not take on any activities that were planned, i.e. MD did not examine the needs of refugees and displaced women and girls are not employed in the Ministry or the Army.

One other government body, the Office for Kosovo and Metohija, in the reply to our letter for the needs of this year's Report, stated that 'it has no information about women's and girls' rights from the refugee population and the internally displaced'¹⁷³ which shows the inefficiency and insensitivity of the mentioned body, because it does not collect and keep track of gender statistics of a single group (women and girls) within the population that the Office deals with.

169 Commesariate for refugees and migrations, Letter to the Women in Black, 11.04.2013

170 Women in Black (2012), *Independent monitoring of the Resolution 1325 in Serbia*

171 The Ministry of Defense (2013) Report on the implementation of the NAP for the Resolution 1325 of the UNSC in the Ministry of Defense and the Army of Serbia in 2012, p. 23-25

172 Ibid.

173 Office for Kosovo and Metohija, Letter to the Women in Black, from 24.04.2013

Conclusion

In addition to everyday challenges that refugees and internally displaced persons are facing, such as unemployment and inadequate living conditions, the challenges of property return and regulating the legal status, as well as the lack of personal documentation, women and girls among refugees and internally displaced persons face additional challenges: an insufficient number of programs of psychosocial support, as well as a small number of incentive measures for employment and self-employment.

Also, they are mentioned and recognized in national strategies and national action plans as a multiple marginalized group, but, sadly, this has a more declarative than meaningful importance. In the majority of these cases, these documents do not contain gender sensitive data of this population, which is reflected in the absence of support of state institutions, i.e. institutional measures and activities that would be directed toward a substantial improvement of their position.

Recommendations:

1. Gender sensitive statistics should be established as an instrument for the advancement of gender equality, and women and girls should be included among refugees and internally displaced persons in records as a special category;
2. As part of an existing system of social protection and healthcare, programs of psychosocial support for the needs of these women and girls, as well as educational programs about healthcare and violence against women should be established
3. Unemployed women and girls among refugees and internally displaced persons should be empowered through different programs of the National service for employment and programs of other institutions and organizations, and special attention should be directed to the employment of Roma women.

The implementation of this NAP activity by the institutions of the Republic of Serbia we evaluate as: **No progress**

Diana Miladinovic

Disarmament – a requirement for the security of women in the Republic of Serbia

Inclusion

Specific objective 2 Ensuring the increased participation of women in peacebuilding and post-conflict reconstruction of society.

Activity 2.1 Equal treatment in decision-making and a greater presence of women in the process of planning and implementation of: disarmament, peacebuilding, reconstruction of society and reintegration of refugees.

Implementing agencies and partners: The Government, the Ministry of Defense, the Ministry of Interior, the Ministry of Human and Minority Rights, the Ministry for Kosovo and Metohija, and the Ministry of Labor and Social Policy in cooperation with associations and international organizations

Time frame: 2010-2015¹⁷⁴

174 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 39

Introduction

More so than in other parts of Europe, the western Balkans has a tradition of owning and using weapons. Even today it is common to shoot a gun into the air while celebrating the birth of a child, a wedding, and similar festivities. The fact that many households possess weapons is problematic, because it threatens the security and stability of that community and influences the rate of violence within a community. Additionally, the heritage of war conflicts in former Yugoslavia has affected the prevalence of weapon ownership in the region.

Owning weapons is connected to militarization in Serbia during the 1990s and the extent of disarmament after the end of conflicts. Militarization creates a culture of fear and supports aggression and violence. Ownership of small arms within the household is dangerous not only for women and children, but for the security of the entire society (Network of Women Against Violence, 2013).¹⁷⁵

The media on the tragedy in Velika Ivanca: "The killer was the best neighbor"

As the media reported (Deutsche Welle, 2013),¹⁷⁶ on April 8th 2013., around 4.30 am, twelve people were killed, and the thirteenth victim died in the hospital, in Velika Ivanca, near Mladenovac. Ljubisa Bogdanovic, a 60-year-old war veteran murdered 13 people, among them a twelve-year-old child. He was a veteran of the Balkan wars. In 1991 he was assigned to the border between Serbia and Croatia. He legally owned a weapon. The motive for this serious crime is unclear, but it could be a 'war trauma'. The first victim was his 42-year-old son Branko, whom he shot in the head. Most of the victims were caught by surprise in their sleep. If the police had not stopped him, there probably would have been more victims.

175 Network of the Women against Violence, Lacmanovic V., (2013) Femicide - the murder of women in Serbia (quantitative - narrative report) for 2012, p. 2

176 Deutsche Welle, 10.04.2013, "The killer was the best neighbour", <http://www.dw.de/ubica-je-bio-najbolji-kom%C5%A1ija/a-16732430>, (accessed 14.05.2013)

The recent mass murder in Velika Ivanca not only shocked the general public (the news was reported by all world media), but that tragic event raised a series of long neglected questions, including post-war traumatic syndrome experienced by former war veterans from the 1990s and the relationship between the state and those people, as well as the question of disarmament and long awaited changes and additions to the Law on Weapons and Munitions.

Regarding the massacre, the Minister of Health, Slavica Djukic Dejanovic (a trained professional in medical psychiatry), said to the media (B92, 2013)¹⁷⁷ that 'the fact that the killer was in battle certainly could not be the cause of the multiple killings in Velika Ivanca.'

Several days after the mass murder, the media (Information portal of Novi Sad 021, 2013) reported that the one-time 'best neighbor' as the people who knew him described him to the media on the first day, was a perennial family abuser¹⁷⁸ who used to beat his wife with a rope, chains and fists, which opened the topic of the relation between violence (both family violence, and violence in the widest sense) and the possession of fire arms. The wife of Ljubisa Bogdanovic; Javorka, suffered serious injuries in the massacre and barely survived. She provided a statement to the investigating judge and the police, confirming that her husband abused her and beat her for years.

In his statement for the Radio Television of Serbia (RTS) the chief of police, Milorad Veljovic, said that changes to the law were being worked on that would enable periodical medical evaluations of people who have the permission to own weapons, since 2007, when a murder of nine people took place in Jabukovac, a village near Negotin. Veljovic said that the draft will be sent to the Government of the Republic of Serbia very quickly, or rather 'these days', and that the ministries will have the opportunity to comment on the text.¹⁷⁹

177 B92, 09.04.2013. „Taking part in the war is not the cause“ http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=09&nav_category=16&nav_id=703510 (accessed 15.07.2013)

178 Information portal of Novi Sad 021, 11. 04. 2013, ‚A good man beat his wife with chains for dogs‘, <http://www.021.rs/Info/Hronika/Dobar-covek-tukao-zenu-lancem-za-pse.html> (accessed 18.05. 2013)

179 B92, 09.04.2013, ‚Soon a new draft of the Law on wepaons‘ http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=09&nav_category=12&nav_id=703507, (accessed 02.07.2013)

Sporadic actions of collecting weapons

Disarmament is a process that includes collecting, documenting, control and the destruction of small arms and light weapons, munition, explosives and heavy armament from combatants, but also from the civilian population (Women in Black, 2012).¹⁸⁰

Although large amounts of weapons were brought to Serbia from numerous battlefields during the 1990s, and although there have been sporadic actions of collecting and handing over weapons, the state has not organized a single systematic program of disarmament.

The Ministry of Interior occasionally implemented actions of disarmament and invited citizens to voluntarily hand over illegal weapons, but only a very small number of people responded. Frequently, citizens don't want to hand over illegal weapons - some out of fear that they would have to elaborate where they got it, and some just want to keep it.

The Law on Weapons and Munitions (Official Gazette of the Republic of Serbia, no. 39/03) does not give the definition of illegal weapons, but we can conclude that generally, it includes those weapons that have not received purchase permission from the competent organ (MUP). In order to clear up what 'illegal weapons' mean, we give an example from the judicial practice.

The Court of Appeals in Belgrade has ruled that weapons can be acquired without authorization in one of the following to ways – (1) through civil law work, which is allowed in principle (but in order to be legal it must have the approval of the competent organ for acquisition. Without that approval, then it's an unauthorized acquisition and possession); (2) if the weapon was acquired through an unlawful way that represents a completed action, and that, after a certain amount of time, after such an unauthorized acquisition, the perpetrator consciously and willingly carries it without authorization.¹⁸¹

[b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=09&nav_category=12&nav_id=703507](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=09&nav_category=12&nav_id=703507), (accessed 02.07.2013)

180 Women in Black, (2012), *Independent monitoring of the Resolution 1325 in Serbia*, Belgrade, p. 47

181 Ruling of the Court of Appeals in Belgrade, Kz.1 5867/10 od 26.10.2010. http://www.poslovnibiro.rs/files/File/SUDKSA_PRAKSA/6.1.%20KRIVICNO-MATERIJALNO%20

After the NATO bombing, three amnesties were organized in Serbia¹⁸² to collect illegal weapons: in 2001, 2002 and 2003. The first two were traditional amnesties, which collected about 10,000 to 15,000 pieces of weapons. The third amnesty was different, because it was enforced during a state of emergency, after the assassination of Prime Minister Djindjic and it included the forceful confiscation of illegal weapons (Bogosavljevic, 2005).¹⁸³

During this period, members of the criminal services and security organs confiscated 2,046 pieces of weapons, 33,478 pieces of munitions, and 198.5kg of explosives. After that, a voluntary amnesty was organized from March 24th to April 20th 2003, which was fruitful. During that process of collecting, 47,853 pieces of weapons and 2,226,765 pieces of munitions were handed over to the Ministry of Interior (Ibid).¹⁸⁴

A large amount of collected and legalized weapons during the state of emergency shows:

- a) Significant numbers of unregistered weapons in the property of civilians in that time; and
- b) An increasing readiness of the population to legalize and hand over their weapons in these 'critical' times (Ibid).¹⁸⁵

Recently the state started a disarmament project. In February 2012 the Ministry of Defense of the Republic of Serbia signed a Protocol on the cooperation with representatives of OSCE and UNDP regarding the realization of a five-year project titled 'Program of capacity development for managing the remnants of the conventional munitions in Serbia'. For that project, international donors will invest in Serbia with the objective of developing capacities in the area of protection and storage of perspective munitions, the development of capacities in the Technical Overhauling Institution in Kragujevac, as well as the destruction of the munitions that are not neces-

PRAVO.pdf (accessed 06.06.2013)

182 The concept of amnesty in this context is used in its wider sense and refers to the voluntary surrender of illegal weapons, usually in post-conflict societies

183 The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), (2005), Bogosavljevic S., „Living with heritage – research on SALW, Republic of Serbia”, p. 65

184 Ibid, p. 65

185 Ibid, p. 65

sary and is a threat to civic society.¹⁸⁶

Speaking of the importance of the signed document, the Minister of Defense at the time, Dragan Sutanovac, published this news the very same day on his Facebook profile, and emphasized that it is a project that is not only important for the Ministry of Defense and the Serbian Army, but also contributes to the security of all citizens, especially those that live in the immediate vicinity of military warehouses. It's interesting that the Minister of Defense, Dragan Sutanovac, published this information on a social network, which can be considered as political marketing. For the needs of this Report, and to verify this information, a letter was sent to the current state secretaries of the Ministry of Defense, Zoran Djordjevic and Aleksandar Nikolic, in which they were asked to give more information on the realization of the mentioned program, but the answer still had not been received.

Campaigns for disarmament

One NGO in 2004 organized a campaign for promoting disarmament. The Balkan Urban Movement in cooperation with SEESAC (South-Eastern Europe Small Arms Clearinghouse) organized a campaign 'Celebration without weapons', calling for citizens not to shoot during New Year and Christmas celebrations. via billboards (with the messages 'Watch out, a bullet!', 'Don't shoot for the holidays!', 'We wish you a happy and safe New Year's Eve celebration 2005!'), the media and leaflets.

In the beginning of September 2012, the UNDP in Serbia started a project 'Targeting Weapons', a campaign being implemented by SEESAC. The project offers the possibility for citizens of Serbia to express their opinions regarding the weapons and the culture of possessing weapons as well as to give their contribution to the improvement of security and safety in Serbia. Via this website, citizens can send information about weapons that they have directly seen in their environment, as well as give their opinions, using various media (internet social groups, television, radio, texts, banners). Until now, 47 people posted information on the website Targeting weapons, about seeing weapons, and 52 people wrote a comment about their opinion

186 Dragan Sutanovac http://www.facebook.com/media/set/?set=a.10151248361230201.806793.230363680200&type=1&comment_id=29809412&offset=0&total_comments=3

on weapons. Those comments were mostly negative and call for the decrease of the amount of weapons in our society.¹⁸⁷

Legal regulation

Several regulations regulate the control of small arms and light weapons. Those are the Law on arms, military equipment, and dual purpose goods export (Official Gazette of the Republic of Serbia and Montenegro no.07/05), Law on weapons and munitions (Official Gazette of the Republic of Serbia, no. 39/03), Criminal code (Official Gazette of the Republic of Serbia, no. 85/05) and the Law on wild game and hunting (Official Gazette of the Republic of Serbia, no.18/10), that regulate the civilian possession of weapons. When we speak about the jurisdiction of institutions, the Ministry of Defense is in charge of military production, import and export of weapons, while the Ministry of Interior is responsible for the legal regulation of civilian possession of weapons.

The law on weapons and munitions¹⁸⁸ regulates the possession of weapons, owned by the citizens, and is enforced by the Ministry of Interior through local and regional police stations. The Law refers to a series of different types of weapons, such as weapons for personal safety (pistols and revolvers), weapons for hunting, sport weapons, trophy weapons, old weapons and combined types. The law states that it is forbidden to carry or buy weapons without a license given by the Ministry of Interior. Also, the Law prohibits the use of weapons in public places or in areas where the safety of others might be in jeopardy. Licenses are not given to underage persons, persons with a criminal record, persons about whom an investigation is being conducted or a charge for various violations or if they haven't passed the needed written and practical tests for handling weapons.

The Law on weapons and munitions¹⁸⁹ lists the criminal acts that are an obstacle for getting a license. The criminal act of family violence is not specifically listed among them (Miladinovic, 2007). We believe that this legal regulation

187 Campaign Targeting Weapons, UNDP, SEESAC, 2012. <http://www.oruzjenameti.org/reports> (accessed 15.05. 2013)

188 The Law on weapons and munition, Official Gazette of the Republic of Serbia , no. 39/2003

189 Ibid. article 8

must be amended with the mentioned crime, because it threatens the safety of family members and for this crime a proceeding is initiated (*ex officio*).

Apart from that, crimes that are listed in the law can be connected to family violence, like murder, serious physical injury, light physical injury, rape, putting someone's life in danger with dangerous weapons during a fight or argument, violent behavior (Miladinovic, 2007).¹⁹⁰ There are no clear procedures or instructions for checking the persons that file a request, and former spouses or partners are usually not questioned about the person's potential violent behavior.

According to the new, special Protocol for the behavior of police officers in cases of violence against women and in the family or partner relationships (The Government of the Republic of Serbia, 2013), police officers determine if weapons, dangerous tools or other objects useful for an attack or self-harm were used or if they exist at the scene of the crime. Weapons will, along with a verification of temporary confiscation, be temporarily confiscated with a later suggestion of initiating a proceeding in order to take it away. In the case of the discovery of possession of illegal weapons, necessary steps will be taken in order to find and confiscate it in accordance with the Law on criminal proceedings.¹⁹¹

While the court can order a confiscation of weapons as a means of protection, the weapons are returned to the perpetrator in case he is acquitted of the crime if the proceedings have been suspended. The use of weapons is considered an aggravating circumstance in passing the sentence for a criminal act of family violence, but also for any other criminal act. There are, however, obvious loopholes in enforcing the law (Dokmanovic, 2007).¹⁹²

190 The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), Miladinovic D.,(2007), *Possession of firearms and family violence in the West Balkans: comparative study of the legislation and mechanisms for implementation*, p. 20

191 The Government of the Republic of Serbia, Ministry of Interior, (2013), *Special Protocol on the behavior of police officials in cases of violence against women in the family and partner relations*, p. 11

192 The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), Dokmanovic M. (2007), *Possession of firearms and family violence in the West Balkans: comparative study of the legislation and mechanisms for implementation*

A change to the existing Law on weapons and munitions have been announced several times in the past few years, but no information on the work toward changing it has ever been presented to the public. Nevertheless, after the mass murder in Velika Ivanca, near Mladenovac, in the beginning of April 2013, a Bill on changes and additions to the Law on weapons and munitions was urgently placed in the Parliamentary procedure.¹⁹³

This Bill contains only two articles that relate to the tightening of the conditions for giving a license for the possession of firearms, as well as the license for carrying them. According to this Bill on changes and additions to the Law on weapons and munitions, in the future, the applicant for the license to own and carry a weapon must have a recent (in the last 30 days) medical assurance about their psycho-physical abilities, which has to be provided to local authorities every five years.

Article 1: "In the procedure for giving out a license, with the request for getting a license to obtain arms, the applicant must provide a medical assurance (from the last 30 days) about their psycho-physical ability to possess and handle firearms. That medical assurance every owner must provide to the Ministry of Interior - organizational unit in the municipality where they live, within the year since this law takes effect, and then every five years. "

Article 2: "The license to bear arms and munitions will be taken away by the competent organ if any of the reasons from article 8, p. 1 and 2 of this law take place, or if the owner of the weapon does not provide recent medical assurance about their psycho-physical ability to own and handle firearms to the Ministry of Interior - organizational unit in the municipality where they live, within the year since this law takes effect, and then every five years"

Bill on changes and additions to the Law on weapons and munitions,
2013

193 National Assembly of the Republic of Serbia, Laws in procedure, <http://www.parlament.gov.rs/akti/zakoni-u-proceduri/zakoni-u-proceduri.1037.html>, (accessed 14. 05. 2013)

Statistics on armament in Serbia

Data on the number of registered weapons in Serbia is not available on the website of the Ministry of Interior. After the tragedy in Velika Ivanca, the media (e.g. B92, 2013) reported on the data of the Ministry of Interior about registered weapons. One of them is the official information of the MoI, that there are 1 180 000 pieces of registered weapons, of which 1 140 000 are owned by citizens, and about 40 000 by legal entities.¹⁹⁴

According to the media reports (Blic, 2011), one international study from Geneva suggests that for every 100 people in Serbia there are 38 registered weapons, which is only one piece less than in Iraq. According to this source, only the citizens of the USA, Yemen, Finland and Switzerland come before Serbia.¹⁹⁵

Based on the research (SEESAC, 2005) "Living with heritage" we estimate that there are 2.898.416 pieces of small arms and light weapons in Serbia. This data includes the million pieces of weapons registered to private persons, which leads to the estimate that 40% of households has at least one registered weapon. This research estimates that in Serbia, besides registered weapons, there are more than 900 000 pieces of unregistered weapons (Bogosavljevic, 2005).¹⁹⁶

Firearms and family violence

Effects of the war in former Yugoslavia are still visible and contribute to a great presence of all kinds of violence. Many, especially former soldiers and war victims, still suffer from the trauma caused by the war. In many cases the family suffers the effects of these great traumas, which brings about a worsening in marital and family relations and increases the risk of family

194 B92, 10.04.2013. „ Prohibit the possession of weapons?" http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=04&dd=10&nav_category=12&nav_id=703753 (accessed 15.04.2013)

195 Blic, 02. 10. 2011 „Citizens of Serbia hiding 950 000 pieces of weapons " <http://www.blic.rs/Vesti/Hronika/280463/Gradjani-u-Srbiji--kriju-950000-komada-oruzja> (accessed 06.06.2013)

196 SEESAC, Bogosavljevic S., Belgrade, 2005. *Living with heritage - Republic of Serbia SALW research*, p. 7

violence (Dokmanovic, 2007).¹⁹⁷

The existing statistics and research (SEESAC, 2007) shows that men are more numerous both as victims and as perpetrators of violence followed by weapons and criminal acts committed with small arms and light weapons. Most owners of small arms and light weapons are men. In the western Balkans, men commit 99% of crimes connected to firearms and in 85% of the cases they are the victims, while in 15% of the cases the victims are women, and in only one percent of the cases they are the perpetrators as well.¹⁹⁸

According to the last research about the prevalence of family violence (Victimology Society of Serbia, 2010) done on the territory of the Autonomous Province of Vojvodina with a sample of 500 women, in 22 cases (12.2%), the aggressors used fire arms, weapons or tools that can cause harm. A significant number of aggressors (45 or 24.9%), according to the data of this research, took part in the war, while a smaller number of them (8.8%), came to Vojvodina as refugees. The data shows that the influence of war on family violence is still present in Vojvodina, and that it is still especially prominent amongst former participants in the war. Also, it should be noted that the percentage of participants in the war among aggressors, according to the data received through this research, is higher compared to the percentage that was reached in the research in Serbia in 2001 where it was 15.2%.¹⁹⁹

According to the authors of the research (Victimology Society of Serbia, 2010), "the experience of 'war' influences the readiness of aggressors to use fire/cold weapons or any other available tools during a violent act. In an attack on an examined, 22.2% of the aggressors that participated in the war used weapons/tools, compared to 8.8% of those who did not participate in the war".²⁰⁰

197 SEESAC, Dokmanovic M., (2007) *Possesion of firearms and family violence in the West Balkans: a comparative study of the legislation and mechanisms for implementation*

198 SEESAC, Belgrade, (2007) Strategies for the issue of different genders in the area of control of small arms and light weapons and the activities of AVPPP

199 Victimology Society of Serbia, (2010), Family violence in Vojvodina, p. 81

200 Ibid, p. 82

Femicide

The term "femicide" was first used by an American sociologist and activist, Diana Russell, in 1976, as a new term meaning 'the murder of a woman by a man, only because they are women' (Russell, 2011).²⁰¹ In the book "Criminal acts committed against women: procedures before international courts", she says that "many murders are in fact femicides" (Russell and Van den Ven, 1990).²⁰²

Femicide is a gender-based crime, committed against women, young, little girls, even female babies by men. In order to characterize a murder as femicide the perpetrator must find the gender of the victim relevant, motivated by hatred toward women, a contempt and feeling of superiority, in which the perpetrator thinks that he has the right to take a woman's life (Network of Women against violence, 2012).²⁰³

In addressing the General Assembly of the UN, on March 8th, International Women's Day, Michelle Bachelet, the executive director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), dedicated her speech to femicide, noting it as "as one of the most extreme manifestation of violence against women," and defined it as "gender motivated killing of women."²⁰⁴

201 Russell D. (2011) *The power of a name*, http://www.dianarussell.com/femicide_e_the_power_of_a_name.html (accessed 15. 07.2013)

202 Russell D., Van de Ven N. (1990) *Crimes against the Women: Proceedings of the International Tribunals*, Russell Publications, p.104.

203 Statement of the Network of Women against Violence, *Femicide in Serbia in 2012*, http://www.zeneproktivnasilja.net/images/stories/pdf/femicide_FEMICIDE_Saopstenje_z_2012_godinu.pdf (accessed 02.07.2013)

204 UN WOMEN, 15.03.2013, Speech by Michelle Bachelet on "Gender-Motivated Killings of Women, Including Femicide" (http://www.unwomen.org/2013/03/speech-by-michelle-bachelet-on-gender-motivated-killings-of-women-including-femicide_e/) (accessed 02.07.2013)

In different cultures femicide is expressed in different ways. In India it is connected to the burning of women if the husband's family wants to attain another dowry or if the family of the wife did not pay the complete dowry. The fight against the burning of women that is expressed as an 'accident' is still ongoing. Femicide is also the killing of women to defend men's 'honor', if she committed or tried to commit adultery. All femicidal practices serve to maintain the dominant position of men and their rule over the life and body of a woman. The introduction of ultrasound examination of pregnant women has led to an increase in abortions of female fetuses in some contexts, because patriarchal cultures value male children more than female. In China, because of the right to only one child per couple, there will be a serious lack of women in the population within generations.

(Jaric and Radovic, 2010)²⁰⁵

Legal regulation

Gender-based murder femicide is not recognized as a criminal act in the Criminal code of the Republic of Serbia (Official Gazette of the Republic of Serbia, no. 85/05), nor as an aggravating circumstance in passing the sentence for the crime of murder. The Criminal code of the Republic of Serbia until recently did not recognize the legal institute of 'hate crime'. We believe that its introduction into the Criminal code by the end of 2012 offers the possibility of punishment for gender-based murder (femicide), as well as other crimes committed out of hate, based on race, creed, national or ethnic affiliation, sex, sexual orientation or gender identity.²⁰⁶

"Dark numbers"

According to the information of the Network of Women against violence, 32 women were murdered in 2012, most of them (19) by a firearm. This indicates that there is a great probability that the gun, that is inside the house,

205 Heinrich Boll Stiftung, Jaric V. i Radovic N., (2010), *Dictionary of gender equality*, p. 55

206 Criminal code of the Republic of Serbia, article 54a.

will be used to frighten or physically harm family members, and the trauma caused by the threat with a weapon or by threatening a life if the aggressor owns a weapon, decreases the capacities of the woman for resistance (Network of Women against violence, 2013).²⁰⁷

The victims of femicide are women who were murdered in situations of family and partner violence, they were killed by their husbands, ex-husbands, partners or ex partners, as well as other male members of the family.

Collecting and analyzing news articles, the Network of Women against violence, coordinated by the Autonomous women's center from Belgrade, came to the information that between January 1st and December 31st in the territory of Serbia in family and partner relations 32 women were killed. "Nine women were murdered, even though they reported violence and asked for help (from the police, the center for social work) before the murder was committed" (Network of Women against violence, 2013).²⁰⁸

According to the research in 2010, (Mapping family violence in Central Serbia, 2010) when it comes to family violence against women, it should be pointed out that the hardest cases of these kinds qualify as the criminal act of murder and first degree murder. In addition to that, out of all family murders committed in 2009 (39), 23 were committed against women. In the structure of the deceased, compared to the perpetrators, 16 are wives, 2 are common-law wives, 2 are mothers and there was one ex-wife, one daughter and one grandmother. In the period between January and June 2010, out of the total number of murders (20), 13 were committed against women. Amongst the deceased were 5 wives, 4 mothers, 3 ex-wives and a common-law wife. (Babovic, Ginic and Vukovic, 2010)²⁰⁹

207 Network of Women against violence, (2013). *Femicide - the murder of women in Serbia (quantitative - narrative report) for 2012*, p.2

208 Ibid., p.7

209 Babovic M., Ginic K., Vukovic O. (2010) *Mapping family violence in Central Serbia*, p.29

Conclusion

Significant levels of firearms possession amongst citizens is not only an inheritance of Balkan traditions, where the culture of possessing weapons is widespread, but also a consequence of the wars of the 1990s. The prevalence of firearms ownership among citizens increases instability within the family and the community as a whole. Researches on small caliber weapons show the connection between firearms and their influence on the increase of family violence, but when we talk about gender-based murders of women, that connection is obvious. Only a few women organizations deal with gender-based murders in Serbia and keep track of the statistics of the femicide. The official state records on this most dramatic form of violence against women do not exist. It remains to be seen how the new 'hate crime' law will be understood, as well as the policy for punishment during the sentencing for the gender-based murder (femicide) cases will be.

Recommendations:

1. Enforce a system and continuous programs of disarmament in order to decrease the amount of weapons in the citizen's possession;
2. Adopt the latest Bill on changes and additions to the Law on weapons and munitions from 2013, that foresees sterner conditions for giving out a license to receive and carry firearms;
3. Introduce the duty of collecting and keeping track of statistics about gender-based murders of women in Serbia by the competent state institutions;
4. Advocate for the implementation of a new, binding, aggravating circumstance (hate crime institute) in the goal of stricter sanctioning of gender based crime (femicide)

The implementation of this NAP activity by the institutions of the Republic of Serbia we evaluate as: **Worsening**

Feminist analysis of the participation of the Republic of Serbia in the arms trade

Introduction

Feminist theorists of security and peace activists around the world stress the importance of connecting two (not so new) processes - militarization and globalization. These two processes can affect almost all spheres of private and public life, the lives of women and men, both inside the state and on the international level. According to Cynthia Enloe (2004) the greatest danger in that sense is the globalization of militarism - the best example for that would be the military industry. Globalization of militarism is not a new phenomenon, it began in the past century, but what is new are four things:

- Far-reaching of these businesses,
- Their capacities and potential to spread all over the world,
- The fact that a large number of private companies participates in the trade,
- Networks of alliances between actors (Enloe 2004).²¹⁰

But, the arms and military equipment trade is not only dealt with by private security companies. They are dealt with by the states. The states are the greatest generators of militarism and globalization when it comes to the production and trade of arms and military equipment. The reason for this are large profits for the states and the politicians that also bring them votes in the elections because the production and export of large amounts of weapons fills the budget that maintains the economy of the state and

210 Enloe, S. (2004) The Curious Feminist - developing a global feminist curiosity in: Subotic, G., Zajovic, S. Reader: Feminist-antimilitary approach to the concept, interpretation and practice of Resolution 1325, Women in Black, 2012, p.5

maximizes bad economic politics. The manufacturers do not care about where their weapons will end up, they only care about their salaries, while the states and the politicians, on a national level, and international organizations on a global level, are in charge of creating laws so that the weapons of the manufacturers do not end up in 'the wrong hands', which happens in a great number of cases.

The connection between politics and the military industry creates enormous lobbies that are very powerful because of the profits that they have at their disposal. Globalization gives them a 'tail wind' to reach new markets around the world, and creating conflicts increases the number of customers. All this together greatly influences the lives of women and men in the world.

The greatest number of deaths in the world is not caused by nuclear weapons, but small arms and light weapons (SALW). SALW include rifles, pistols, semi-automatic weapons, mines, grenades and light missiles. According to the data from the website Global Issues, out of 90% of deaths caused by SALW, 80% are civilians. It is estimated that from 300 000 to half a million people in the world on an annual level is killed by SALW (Global Issues, 2013).²¹¹ In spite of that, the control of production and trade of this type of weapons is the least developed. The exact data on the number of SALW does not exist. According to the estimations of the UN Office for Disarmament Affairs, there are 875 million pieces of SALW, while the greatest number is in the hands of private persons. In addition to that, it is estimated that every year 7.5 to 8 million of SALW are created (United Nations Office for Disarmament Affairs, 2013).²¹² Research of the influence on the lives of women and men and the advocating for disarmament is done by feminist, anti-militarist and peace organizations among civil society (CSOs) and research institutes worldwide. According to the information by the Stockholm International Peace Research Institute SIPRI, there are 30 CSOs and institutes on a global level that deal with the control and research of production and trade of arms and military equipment. (Stockholm International Peace Research Institute SIPRI, 2013).²¹³

211 Global Issues, <http://www.globalissues.org/article/78/small-arms-they-cause-90-of-civilian-casualties>, (accessed 09.05.2013.)

212 United Nations Office for Disarmament Affairs, <http://www.un.org/disarmament/convarms/SALW/>, (accessed 09.05.2013.)

213 Stockholm International Peace Research Institute SIPRI, http://www.sipri.org/research/armaments/transfers/publications/links/research_org, (accessed 09.05.2013.)

The production and trade of weapons and military equipment and the NAP for Resolution 1325 implementation

In the Republic of Serbia, the NAP to implement UNSCR 1325 implementation foresees an 'inclusion of women in processes of disarmament and decision-making' (The Government of the Republic of Serbia, 2010).²¹⁴ That is why, as part of the monitoring of the NAP to implement UNSCR 1325 implementation in the Republic of Serbia for 2011 and 2012 we dealt with disarmament from two angles:

1. The analysis of the SALW influence on security of women in the Republic of Serbia as a post-conflict society and the heritage of war in former Yugoslavia (in the text by Diana Miladinovic),
2. The analysis and monitoring of the Annual reports on the realization of export trade of controlled goods (weapons and military equipment trade) and international standards that the Republic of Serbia adopted that relate to the production and trade of arms and military equipment.

As part of the monitoring of the NAP implementation for 2011 and 2012, we emphasized that, based on an annual report, the Parliament and the civil society must estimate the measure in which the government fulfills the duties taken as part of armament policy. Without these reports it is impossible to achieve public surveillance in the process of decision-making about arms export. There are cases when national annual reports are followed by CSO reports in the goal of a greater export control (Women in Black, 2012).²¹⁵ But in the Republic of Serbia that level has not been reached yet because there still is no CSO that deals with the public surveillance of arms and military equipment trade (the control of listening in Parliament, control of reports on trade...). Various CSOs research and report on the topic, but there are no CSOs yet which exclusively deal with that topic and inform the Parliament and the public about it.

214 The Government of the Republic of Serbia (2010) *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p.48

215 Subotic, G., Rankovic A. (2012) Independent monitoring for the implementation of Resolution 1325 in Serbia, Women in Black, p. 50

In the Republic of Serbia only the government deals with the production and trade of arms. The decision to start making Annual reports about the realization of export trade of controlled goods (that I will analyze in this text) in the Republic of Serbia was not the CSOs initiative, but was reached 'based on international suggestions' (The Government of the Republic of Serbia, 2007:2).²¹⁶ Until now, apart from the initiatives of the Women in Black Network, there were no initiatives by the CSOs to tighten the control in this area, in spite of international scandals in which the Republic of Serbia found itself.

The United Nations Development Program (UNDP) and the Regional Co-operation Council (RCC) turned to SEESAC, which exists in Serbia since 2002, to help the capacity building of national and regional actors for the control and decrease in great prevalence and abuse of SALW for the region of southeast and east Europe (SEESAC, 2013).²¹⁷ So far only SEESAC, apart from the help of institutions of the Republic of Serbia, deals with the control of reports about the production and arms and military equipment trade in the Republic of Serbia and in the region.

Because the NAP states that the inclusion of women in disarmament would contribute to peacebuilding, and because there is no CSO that controls state reports on the selling of weapons, we thought that it is our duty as feminists, anti-militarists and peace activists to investigate the extent to which the state respects international and national documents and draw their attention to how the consequences of the globalization of militarism of our state influence the security of women in all the corners of the world.

Also, we believe that it is important to draw attention to the deficiency in legal regulation in the national and international law that regulates this area. Through this research we wanted to motivate other CSOs that deal with questions of security to join us in the control and call for responsibility of the state and the call for the adoption of international documents that control the globalization of militarism.

216 The Government of the Republic of Serbia, Ministry of economy and regional development (2007) Annual report on the realization of export trade of controlled goods for 2005 and 2006, p.2

217 SEESAC, www.seesac.org, (accessed 09.05.2013)

What is armament and military equipment?

Weapons are the objects used for hurting, disabling, killing, destroying property etc. It could be used for attack, defense, threat or protection. There are two kinds of weapons: small arms and light weapons and nuclear weapons (weapons of mass destruction) (Global Issues, 2013).²¹⁸

Military equipment apart from arms includes other objects needed for equipping an army, such as a military uniform, helmets, masks etc. In contemporary terminology these terms are used as a compound word because of the need to emphasize armament as the most important part of military equipment. In the Republic of Serbia, apart from weapons and military equipment, the terms 'controlled goods of a dual purpose'. Controlled goods of dual purpose are 'dual purpose goods that in addition to civil can have a military purpose' (The Government of the Republic of Serbia, 2013).²¹⁹ All this together makes a defense, i.e. purpose industry, over which the government of the Republic of Serbia has exclusive control and responsibility for production and trade.

Armament is the state's job

When it comes to the production and trade of weapons and military equipment in the Republic of Serbia, officials of the institutions of the Republic of Serbia use the term defense industry or purpose industry. According to the Answers to the questionnaire of the European Commission regarding the candidacy of Serbia in the European Union (2011) the defense industry, i.e. purpose industry in the Republic of Serbia consists of a group of corporations that produce special purpose goods in whose work mostly the state participates. Those corporations are: "Zastava Oruzje", Kragujevac; Holding company "Krusik", Valjevo; "Milan Blagojevic - Namenska", Lucani; Company "Sloboda", Cacak; "Prvi Partizan", Uzice; "Prva Iskra - Namenska proizvodnja", Baric. These corporations are owned by the state, with about 7500 employees. Jugoimport - SDPR is a corporation that represents the

218 Global Issues, <http://www.globalissues.org/article/78/small-arms-they-cause-90-of-civilian-casualties>, (accessed 09.05.2013.)

219 The Government of the Republic of Serbia, <http://www.carina.rs/lat/MEDJUNARODNASARADNJA/MEDJUNARODNECARINSKEKONVENCIJE/Stranice/RobaDvostrukeNamene.aspx>, (accessed 09.05.2013.)

Serbian defense-industrial complex (all corporations) on the global arms market and military equipment. Apart from the mentioned entities, the defense-industrial complex contains another 40 economy subjects, with about 10,000 employees. Apart from the mentioned entities, the defense-industrial complex consists of another 40 economic divisions, with about 10,000 employees, that have individual capacities for the production of armament and military equipment in the field of: machine-building, telecommunication, information technologies, optoelectronics, combat and non-combat vehicles, firing and artillery armament and munition, protective ballistic equipment, chemical, textile, leather and rubber industry, textile industry, protective packaging for arms and military equipment etc. The defense industry of the Republic of Serbia includes corporations, science facilities, institutes, laboratories, economic subjects with a license given by the Ministry of Defense to produce armament and military equipment. In the case of Serbia, arms trade is regulated by the state. In the case of production, the Ministry of Defense, in the case of import and export the Ministry of Economy and Regional Development (The Government of the Republic of Serbia, 2011).²²⁰

International legal regulation

As it is stated in the replies to the questionnaire of the European committee about Serbia's candidacy for the EU membership (The Government of the Republic of Serbia, 2011)²²¹, as a member of the UN and the legal successor of the Socialist Federal Republic of Yugoslavia (SFRY), the Federal Republic of Yugoslavia (FRY) and the State Union of Serbia and Montenegro, the Republic of Serbia is the signee of the following international documents and conventions that regulate the field of production and arms trade and military equipment:

220 The Government of the Republic of Serbia, European integration office (2011) Replies to the questionnaire of the European committee about Serbia's candidacy for EU membership, Chapter 31: Foreign, security and defense policy, 76-77, <http://www.seio.gov.rs/dokumenta/nacionalna-dokumenta.199.html>, (accessed 10.07.2013)

221 The Government of the Republic of Serbia, European integration office (2011) Replies to the questionnaire of the European committee about Serbia's candidacy for EU membership, Chapter 31: Foreign, security and defense policy, 76-77, <http://www.seio.gov.rs/dokumenta/nacionalna-dokumenta.199.html>, (accessed 10.07.2013)

- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects - so-called inhumane weapons;
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction - the Ottawa Mine Ban Treaty (Serbia and Montenegro submitted ratification instruments to the UN Secretary-General in September 2003, with duties from the Convention beginning on March 1st 2004);
- UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;
- The UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention Against Transnational Organized Crime;
- The UN General Assembly Resolution 61/89 "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms" (*Arms Trade Treaty ATT*);
- The OSCE Document on Small Arms and Light Weapons, as well as corresponding Decisions of the OSCE in this field - on conventional arms storage, on light transfer systems of anti-aircraft defense; on the confirmation of the ultimate user; on mediation etc. (SEESAC);²²²
- EU Code of conduct for arms and military equipment export from 2008; Introduced by the EU as a political obligation that determines a collective criteria for giving allowances for exports, regulations on transparency, publications of annual reports based on which the public can assess the performance of certain states (SEESAC);²²³
- 2001 Regional plan - Stability Pact - the Plan by which countries of southeast Europe prepare for EU membership in the field of SALW control (SEESAC);²²⁴
- The Agreement on Sub-Regional Arms Control/the Florence Agreement from 1996; (in accordance with article IV Annex 1-B of the Dayton-Paris General Framework Agreement for Peace in Bosnia and Herze-

222 SEESAC, <http://www.seesac.org/res/files/failovi/99.pdf>, 5, (accessed 10.05.2013.)

223 Ibid, 6

224 Ibid

govina) which limits the states for five categories of heavy armament and determines the relations between parties (The Ministry of Foreign Affairs of the Republic of Serbia);²²⁵

- The Vienna Document on measures for confidence building adopted in Istanbul in 1999 between 5 countries of the OSCE that encourages trust and transparency that regard the building of security measures and military activities²²⁶;

The national regulation of arms trade

As is stated in the Replies to the questionnaire of the European committee about Serbia's candidacy for the EU membership (The Government of the Republic of Serbia, 2011)²²⁷ the national regulation regarding arms trade is regulated by:

- The Law on arms, military equipment and dual-use goods trade (Official Gazette of Serbia and Montenegro 7/05 and 8/05); taken into effect on March 31st 2005, regulates the giving of licenses for the import and export, transport, transit, possession and offering services in export, surveillance, control, prohibition, punishment and authorization for adopting by-laws. What is new in this law is that the authority in this area is transferred from military to civilian organs.
- The decision on criteria for giving licenses for arms, military equipment and dual-use goods export (Official Gazette of Serbia and Montenegro 11/05) observes eight criteria that must be considered before giving the license and harmonizing with the mentioned EU Code of conduct for arms export (The Government of the Republic of Serbia adopted the conclusion on accepting the principles from the EU Code of conduct on November 20th 2008).

225 Ministry of foreign affairs, <http://www.mfa.gov.rs/sr/index.php/spoljna-politika/sbp/kontrola-naoruzanja?lang=lat>, (accessed 10.05.2013)

226 Treaty compliance, <http://www.acq.osd.mil/tc/treaties/vienna/execsum.htm>, (accessed 10.05.2013)

227 The Government of the Republic of Serbia, European integration office (2011) Replies to the questionnaire of the European committee about Serbia's candidacy for EU membership, Chapter 31: Foreign, security and defense policy, p.69 <http://www.seio.gov.rs/dokumenta/nacionalna-dokumenta.199.html>, (accessed 10.07.2013)

- The decision on determining the National control list of arms and military equipment (Gazette of the Republic of Serbia 60/09) making the list of arms and military equipment of the EU completely harmonized new and used weapons (The Government of the Republic of Serbia, 2011).²²⁸

When it comes to the export of armament and military equipment and the rules of the international community that have been translated into the national legislation, according to the Ministry of Foreign Affairs, special attention is given to countries that are under mandatory embargo for the export of arms in accordance with the corresponding UNSC Resolution, politically binding decisions of the OSCE, the EU respectively, concerning the export of arms, as well as countries that finance terrorism, threaten the peace, security and stability of the region, that violate human rights and implement measures of internal repression. Relevant Resolutions of the UNSC on the arms export embargo, as well as corresponding decisions of the OSCE relating to that are completely enforced. (The Ministry of Foreign Affairs of the Republic of Serbia, 2013).²²⁹

Two important documents that I would like to draw attention to include:

- **The decision of the OSCE on the certainty of the ultimate user** that confirms the obligation of participating countries to respect one of the most important standards for export documentation, which prohibits giving an export license without a certified guarantee of the ultimate user, or some other form of official approval given by the recipient country. This decision relates to the demands for documentation and mechanisms for giving the certification of the ultimate user (SEESAC, 2013).²³⁰

228 The Government of the Republic of Serbia, European integration office (2011) Replies to the questionnaire of the European committee about Serbia's candidacy for EU membership, Chapter 31: Foreign, security and defense policy, p.p. 85-86 <http://www.seio.gov.rs/dokumenta/nacionalna-dokumenta.199.html>, (accessed 10.07.2013)

229 The Ministry of Foreign Affairs of the Republic of Serbia, <http://www.mfa.gov.rs/sr/index.php/spoljna-politika/sbp/kontrola-naoruzanja?lang=lat>, (accessed 10.05.2013)

230 SEESAC, Internet: <http://www.seesac.org/res/files/failovi/99.pdf>, (accessed 10.05.2013.)

- **The Code of conduct on the export of weapons of the EU** (Women in Black, 2012)²³¹ that define eight criteria that must be considered before giving a license to other countries:

1. The respect of international obligations, especially sanctions voted for by the UNSC, international agreements on prohibiting the spread of armament, as well as other international obligations;
2. The respect for human rights in the final destination country;
3. Interior situation in the final destination country, in the sense of existing tensions or armed conflicts;
4. The maintenance of regional peace, security and stability;
5. The national state security and the security of friendly countries;
6. The behavior of the buyer country in respect to the international community, especially its attitude toward terrorism, the nature of its alliances and the respect for international law;
7. The existence of risk that the object of export will be sent to somebody else in the buyer country or will be exported under undesirable circumstances;
8. The compatibility of arms export with technical and economic capabilities of the recipient country, taking into account the desirability that the courtiers realize their legitimate security and defense needs with the least possible use of human and economic resources for the attainment of weapons.

The national system of arms, military equipment and dual-use goods export control is regulated by law in accordance with relevant rules of the EU and the OSCE, as well as duties from UNSCR 1540 in the goal of stopping unauthorized non-state actors to come into possession of certain goods and technologies (The Government of the Republic of Serbia, 2011).²³²

231 Subotic, G., Rankovic A. (2012) Independent Monitoring of the Resolution 1325 Implementation in Serbia, Women in Black, p. 51

232 The Government of the Republic of Serbia, European integration office (2011) Replies to the questionnaire of the European committee about Serbia's candidacy for EU membership, Chapter 31: Foreign, security and defense policy, p.66, <http://www.seio.gov.rs/dokumenta/nacionalna-dokumenta.199.html>, (accessed 10.07.2013.)

The Republic of Serbia fourth in the world based on transparency?

One of the 30 CSOs and institutes that follow arms trade and military equipment and the reports of the Small Arms Survey²³³ produced several 'tools' in order to pressure governments into a more transparent way of informing citizens about how much arms they sold and to whom during one calendar year.

One of them was The Transparency Barometer. According to this research, Serbia is fourth in the world based on transparency, and it achieved that thanks to the Ministry of Economy and Regional Development presenting a National Annual report in November 2010, about the realization of export of controlled goods, showing data for the period up to December 31st 2008. That's how conditions were met for our country to be ranked on the Small Arms Survey scale for the first time (where 25 points is the highest mark for transparency). Serbia met the necessary conditions to be treated this way by making reports available three years in a row. Apart from that, the position was affected by the fact that the reports showed and explained cases where state organs refused to allow export. Apart from Serbia and Romania, one more country in the region of the West Balkans - Bosnia and Herzegovina - was also mentioned with a positive connotation, thanks to the fact that this country has established a practice of transparent reporting about the given licenses for export.

Disharmony between transparency and impunity: "Bananas, weapons, it's all the same to us"²³⁴

According to Bernd Debusmann, since 1990 experts that have been following international arms trade have noted more than 500 violations of arms embargos placed by the UN. Only two out of 500 cases resulted in a trial and criminal convictions. The first case is the sentence of a Dutch citizen to 17 years in prison for selling raw materials to Saddam Hussein. The second case is the sentencing of the Supreme Court in Chile for two retired generals and seven others for exporting weapons to Croatia in 1991. What is

233 Small Arms Survey is a research project that began in order to give information to decision-makers, researchers and activists about the connection between small weapons and armed conflicts in the world

234 Blic, <http://www.blic.rs/Vesti/Hronika/15059/Srpsko-oruzje-za-Irak-uz-dozvolu-SAD>, (accessed 21.03.2013.)

interesting in this other case is that the violation of the arms embargo did not affect the ruling of the Supreme Court, because in Chile and many other countries the violation of the arms selling embargo is not a crime. According to Oxfam, a non-government organization that works toward adopting laws on arms trade control around the world, by 2012 52 countries in the world did not enforce laws that regulate the trade of arms.

The contrast between the number of arms embargo violation cases of the UN and the number of processed cases is enormous (Debusmann, 2012).²³⁵ Regardless of the declarative dedication of the country to international peace and security, the impunity of states and individuals for violating the UN arms trade embargo and violating international humanitarian law is a constant in international relations.

According to Oxfam, the Republic of Serbia is in a group of states that have violated the UN arms embargo several times in some countries in Africa in the past two decades. Apart from that, the Republic of Serbia is marked as 'a country of production, export, import, transit, and a country of company, individual, broker, financier and network registration' that participate in this business (Minter, 2006).²³⁶ Apart from that, in the Republic of Serbia there were no rulings for acts of the UN embargo violation even though there are many cases that ought to be investigated. We will mention only several more famous ones.

The first case, 2010 the UN expert group was asked to investigate the origin of a large amount of munitions that (during and after the civil war) was found in the possession of civilians in the Ivory Coast. The investigation revealed that the munition as produced in Serbia, where it was exported to Israel, from where it was (legally) sold to Burkina Faso (for police and military needs), where it was at one point reported missing (Djokic, 2012).²³⁷

The second case was the reason that the manager of the company registered in Serbia, Temeks, and Serbian citizen, Slobodan Tescic, was placed

235 Debusmann, B. (2012) *Why the world needs an arms treaty*, <http://blogs.reuters.com/bernddebusmann/2012/07/09/why-the-world-needs-an-arms-treaty/>, (accessed 21.03.2013.)

236 Minter, W. *AfricaFocus Gazette*, <http://www.africafocus.org/docs06/arms0603.php>, (accessed 10.05.2013.)

237 Djokic, K. (2012) *Armes trade treaty: ripe for signing or ripe for writing-off?*, Beogradski centar za bezbednosnu politiku, p. 5, http://www.bezbednost.org/upload/document/sporazum_o_trgovini_oruzjem_-_zreo_za_potpisivanje.pdf, (accessed 11.07.2013.)

on the same Security Council asset freeze and travel ban list with the most famous arms dealer in the world, Victor Butt²³⁸ (Security Council, 2011).²³⁹ Namely, in mid 2002, Tescic exported 210 tons of weapons to Liberia. According to data by the UN, 6 flights via which Tescic transported the weapons to Liberia were noted. The entire population of Liberia can be killed with just the bullets from Tescic's shipment (Minter, 2006).²⁴⁰ The UNSC Document from April 24th 2003 about the UN embargo violation in Liberia, more precisely UNSCR 1343 (2001) and 1458 (2003) describes the weapons supply of Charles Taylor²⁴¹ by several Serbian businessmen. Apart from Tescic, Orhan Dragas²⁴² and Jovan Aleksic²⁴³ are on that list. According to the lists, UN experts sent the weapons that they found in Liberia to the Ministry of Defense for checking. The Ministry of Defense replied that the weapons

238 *Viktor Anatoljevitch Butt* – the most famous arms trader in the world, responsible for violating the UN arms embargo in Africa, used as the inspiration for the film *Lord of War*. Currently in prison in the USA, serving a 25 year sentence for selling arms as material support to Revolutionary Armed Forces of Colombia FARC. The independent, *the merchant of death*, <http://www.independent.co.uk/news/world/americas/the-merchant-of-death-7606232.html>, (accessed 11.07.2013.)

239 Security Council, *Security Council Committee Concerning Liberia Updates List of Individuals and Entities Subject to Travel Ban, Assets Freeze, SC/10356*, <http://www.un.org/News/Press/docs/2011/sc10356.doc.htm>, (accessed 11.07.2013.)

240 Minter, W. *AfricaFocus Gazette*, <http://www.africafocus.org/docs06/arms0603.php>, (accessed 10.05.2013.)

241 Charles Taylor – the former president of Liberia, was accused of are crimes in Sierra Leone in 2003. In 2012 the Special Court in Sierra Leone sentenced him to 50 years in prison for 'war crimes and crimes against humanity in Sierra Leone.' During the war in Sierra Leone, Taylor supported the rebel groups Revolutionary United Front (RUF) and the RUF/Armed Forces Revolutionary Council (AFRC) that murdered, raped, and crippled several thousand people. According to the charges, Taylor sold diamonds and bought weapons with that money with which he supplied rebel groups. He is also known as the first man who forcefully mobilized thousands of child soldiers.

Human rights watch, <http://www.hrw.org/topic/international-justice/charles-taylor>; Special court for Sierra Leone, <http://www.sc-sl.org/CASES/ProsecutorvsCharlesTaylor/tabid/107/Default.asp>, (accessed 10.05.2013)

242 Orhan Dragas – the owner of a private faculty in Belgrade, the Academy for diplomacy and security. He is mentioned in the report as the partner of Slobodan Tescic.

243 Jovan Aleksic – in the report Aleksic is mentioned as the employee in a one-time state, and now a private airline Aviogenex.

were manufactured in the company 'Zastava weapons' in 2001 and 2002, and that the serial numbers of rifles are on the list of weapons that Temeks exported to Nigeria. The government of Nigeria gave a statement on that issue that the confirmation of the written final destination being Nigeria, that Temeks presented, 'wasn't an original document'. Tesic and Temeks are mentioned in cases of UN embargo on weapons violation in Yemen, Liberia and Iraq (United Nations Security Council, 2003:22).²⁴⁴

The third case, that of Tomislav Damjanovic and Tomislav Miskovic who, as the SEESAC 2007 report states, apart from American companies like Taos Inc. and General Dynamic, supplied Saddam Hussein, Charles Taylor, the military junta in Burma, the Muslim police in Mogadishu and Muammar Gaddafi in Libya. As the report says, these two men became the contact persons when state companies or governments have the need to send goods outside of the borders and violate the UN embargo, from Russia to the Middle East, where the former president of the Republic of Serbia, Slobodan Milosevic, had contacts with rogue states²⁴⁵ like Liberia and Iraq. Damjanovic and Miskovic and their partners from SDPR supplied Saddam Husein from the 1990s to 2002 with anti-aircraft systems, military vehicles, artillery, spare parts for airplanes as well as maintenance funds. Damjanovic has evaded arrest several times regarding illegal weapons in Africa thanks to protectors in Belgrade before 2000, and his connections with arms smuggling in countries of the Middle East and Africa did not weaken even after Milosevic's downfall. Damjanovic violated the UN arms embargo transporting weapons to Rwanda, Congo and all Congo's neighboring countries have the same contacts in Serbian companies Jugoport SDPR and Interjug. In the SEESAC report Damjanovic is mentioned as the person hired by the American company General Dynamic, which functions under the Ministry of Defense in regards to some legal arms trade. The report of the CIA, known as the *Duelfer Report* from 2004 that found no weapons of mass destruction in Iraq, in the section

²⁴⁴ United Nations Security Council (2003) *Report of the Panel of Experts appointed pursuant to paragraph 4 of Security Council resolution 1458 (2003) concerning Liberia*, S/2003/498, 22, <http://reliefweb.int/sites/reliefweb.int/files/resources/F483E4C2B60EC20AC1256D260048C102-unsc-lib-24apr.pdf>, (accessed 11.07.2013)

²⁴⁵ Rogue states – states that, due to improper behavior represent a threat to neighboring states and the entire world. Outlaw nations that must be restrained by the world peace keepers. (Source: Chomsky, N. (1998) *Rogue States*, Z Magazine, <http://www.chomsky.info/articles/199804--.htm>, (accessed 11.07.2013.)

"*Regime Strategy and WMD Timeline Events*" claims that Krusik, a Serbian company exported 11,500 kilograms of white phosphorus, which the CIA classifies as chemical weapons, and which has been forbidden by the Geneva Convention in 1980 (Griffiths, Wilkinson, 2007).²⁴⁶

Only according to these three examples it can be said that there is evidence that the Republic of Serbia violated the international law in the period of:

- 2008 – 2010 – the Decision of the OSCE on the certification of the final user and the Code of conduct on EU arms export and the UN arms embargo in the Ivory Coast;
- 2002 – 2003 – the UN arms embargo in Liberia, Yemen, Libya and Iraq;
- 1990 – 2004 - the UN arms embargo in Iraq, Libya, Liberia, Burma, Somalia, Rwanda and Congo and the Geneva Convention of 1980 Iraq.

The state is also the cause of the consequences of impunity

In the Republic of Serbia the state is responsible for:

- creating and conducting policies that regulate the production and arms and military equipment trade,
- the production of armament and military equipment,
- the control of arms import and export,
- impunity.

The state is responsible for conducting policies that regulate the production and sales of armament and military equipment - The cultural processes of the globalization of militarism have brought about a **military Keynesianism** - an ideology that defends the opinion that war is good for the economy, that military consumption is good for opening stable and well-paid jobs, that military consumption raises the demand that military (state) contractors or multinational companies meet, and that the military industry is the main export and economy branch that the entire economy of the coun-

²⁴⁶ Griffiths, H., Wilkinson, A. (2007) *Guns, Planes and Ships, Identification and Disruption of Clandestine Arms Transfers*, pages: v- ix, SEESAC, August 2007

try depends upon (Feffer, 2009; according to Women in Black, 2013).²⁴⁷

Lead by that kind of misbelief, the officials of the Republic of Serbia constantly find new ways to prove to us in the spirit of the military Keynesianism ideology that there is no other way to employ the population and fill up the corruption-impooverished state budget except by greater production and arms trade. Military Keynesianism has become a state policy of the Republic of Serbia. But, if we compare the number of people employed in the defense industry of Serbia that employs 17,500 people and the number of those employed in another state company Serbian Railways that employs even 780 workers more, more precisely 18,280 - we can conclude that one of the myths of military Keynesianism that officials are selling us - is not true. It's not true that the defense industry is being invested in order to employ the population - but to mask how badly the economy policy is being managed and the incapability to find more humane ways to profit from the patriarchal military model that is responsible for producing wars worldwide, mass rapes, mutilation, the destruction of the eco system and the death of millions of people across the world.

The state is responsible for the production of weapons - two out of three companies in the above mentioned cases of international law violation are state property. Jugoimport SDPR, a corporation that acts in the name of the Serbian defense-industry complex on the world arms and military equipment market, has been the property of the state since 1949, when it was established. In the past 30 years this state company has turned \$21 billion, of which 5 billion on import and 16 billion on export with countries in Europe, Asia and Africa. We can conclude here that Jugoimport SDPR mostly deals with export, while import takes up a smaller part of the business arrangement of this state company. Jugoimport SDPR currently has business in Algeria, the Emirates, Angola, Jordan, Iraq, Libya and China (Jugoimport SDPR, 2013).²⁴⁸ Aviogenex was part of the state's airline company Generalexport, a holding company for international and internal trade, which restructured in 1991 to a charter airline (Aviogenex, 2013).²⁴⁹

247 Feffer, J. (2009) The Risk of Military Keynesianism, in: Zajovic, S. (2013) *Feminist-antimilitary approach to the concept, interpretation and practice of Resolution 1325*, Women in Black, p. 27 - 30

248 Jugoimport SDPR Engineering, http://www.yugoimport.co.rs/engineering/about_us/history.htm, (accessed 11.05.2013.)

249 Aviogenex, Internet: <http://www.aviogenex.com/company.html>, (accessed 11.05.2013.)

Today, Aviogenex is a business unit of the International CG DP company that is 100% owned by the state (the Serbian Business Registers Agency, 2013).²⁵⁰ It's impossible to find data on the company Interjug, which is also mentioned, because it is not registered in the Serbian Business Registers Agency under the name stated on the website, which is Interjug-AS International freight forwarding. The only information that can be found out from the website of this company is that they work in transport by ships (Interjug-AS International freight forwarding, 2013).²⁵¹

The state is responsible for the control of import and export - According to the Law on arms, military equipment and dual-use goods foreign trade (Official Gazette of Serbia and Montenegro, 7/05 and 8/05) arms, military equipment and dual-use goods foreign trade business is conducted in three phases:

1. The registration of persons (legal and natural) for conducting businesses of controlled goods foreign trade - the Ministry of Economy and Regional Development,
2. Releasing individual licenses for every specific job - the Ministry of Foreign Affairs, the Ministry of Defense and with the opinion of the Ministry of Interior. In the case of one giving the license and the other not, The Government of the Republic of Serbia has the final say,
3. Surveillance and control of foreign trade business - the Ministry of Economy and Regional Development in cooperation with the Ministry of Defense, the ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Finance - Administration of customs, organs of security and intelligence services and others. Customs organs, organs of security and intelligence services and inspection organs conduct a constant control within their legal authority, which they report about to the Ministry of Economy and Regional Development. The Ministry of interior even follows shipments to the border of the Republic of Serbia (The Government of the Republic of Serbia, 2011).²⁵²

250 Serbian Business Registers Agency, <http://www.priv.rs/Agencija+za+privatizaciju/90/KOMPANIJA+INTERNACIONAL+CG.shtml?seo=/companyid=10044>, (accessed 11.05.2013.)

251 Interjug-AS International freight forwarding, Internet: http://www.jctrans.net/ShopHome/index_2122.html, (accessed 11.05.2013.)

252 The Government of the Republic of Serbia, Ministry of economy and regional

The states, i.e. the competent ministries in the Republic of Serbia are responsible for all phases of changes according to the mentioned Law.

An interesting example from 2006, which speaks a lot about the wrong politics and bad coordination of state organs in the Republic of Serbia is the example that the newspaper Danas wrote about regarding the publication of the dispatch on the Wikileaks website about the export of arms from Serbia to Yemen by which the Republic of Serbia compensated two state companies ('Krusik' and 'Sloboda') for undelivered weapons. Namely, the contract with state companies was signed by the above mentioned Tesic (who only two years prior was placed on the list of the Security Council for asset freeze and travel ban for violating the UN weapons embargo in Liberia - see the second case above) with his other company Melwale Corporation. But, since he did not get the transport license - the export wasn't realized. The state then compensated to itself for the bad functioning of its organs with the money of all citizens (Danas, 2010).²⁵³ The information from the Annual report on the realization of foreign trade of controlled goods for 2005 and 2006 confirms this information (The Government of the Republic of Serbia, 2007).²⁵⁴

Table 3 - List of persons registered for weapons, military equipment, and dual-use goods foreign trade in 2006

Number	Name of Person	Location of person	Type of property	Origin of property
9	Melwale Corporation	Belgrade	Private	Domestic

Source: *Annual report on the realization of controlled goods foreign trade for 2005 and 2006* ²⁵⁵

development (2011) *Annual report on the realization of controlled goods foreign trade for 2010*, p. 15 <http://www.seesac.org/res/files/publication/617.pdf>, (accessed 11.05.2013)

253 Danas, http://www.danas.rs/danasrs/hronika/ministarstvo_ekonomije_ceslja_arhivu.3.html?news_id=205299, (accessed 11.05.2013.)

254 The Government of the Republic of Serbia, Ministry of economy and regional development (2011) *Annual report on the realization of controlled goods foreign trade for 2005 and 2006*, p.73, <http://www.seesac.org/res/files/publication/620.pdf>, (accessed 11.05.2013)

255 Ibid

From the mentioned case the following remains unclear:

- How could a person who is on the list of the Security Council for asset freezing and travel ban because of the violation of the UN weapons embargo in Liberia register a company for weapons and military equipment foreign trade?
- How could this person freely enter into a contract for foreign trade without first having an export license?
- Which state institution made the oversight in the specific case?
- Why does the state compensate to state companies that produce arms and military equipment for unaccomplished contracts with taxpayers' (citizens') money?

The state is responsible for impunity - the above mentioned Tomislav Damjanovic, according to the domestic paper Blic, successfully retired 'with ringing bells' - after The Government of the Republic of Serbia refused to give the license to him and his company 'Air Tomisko' for further airline, banana and weapons transport business (Blic, 2007).²⁵⁶ Slobodan Tesic, Orhan Dragas and Jovan Aleksic are on the UN travel ban list according to paragraph 4 (a) Resolution 1521 (2003) and paragraph 1 (a) Resolution 1579 (2004) for the act of violating the UN weapons embargo (United Nations, 2013).²⁵⁷ According to the UN list for asset freeze from January 2013, none of the four mentioned persons had their assets in domestic and foreign accounts frozen, nor was their property seized for the act of violating the UN weapons embargo (United Nations, 2013).²⁵⁸

In the Higher court in Belgrade, a criminal proceeding was conducted against Orhan Dragas, under the serial number K-7850/2010, it's unclear if it related to the UN weapons embargo or it was something else because 'the case was closed before introducing the APV system into the court' (Republic of Serbia, 2013).²⁵⁹ There are no criminal proceedings being conducted against

256 Blic, Internet: <http://www.blic.rs/Vesti/Hronika/15059/Srpsko-oruzje-za-Irak-uz-dozvolu-SAD>, (accessed 11.05.2013)

257 United Nations, The assets freeze list, http://www.un.org/sc/committees/1521/pdf/1521_travel_ban_list.pdf, (accessed 11.05.2013.)

258 United Nations, The travel ban list, http://www.un.org/sc/committees/1521/pdf/1521_assets_freeze_list.pdf, (accessed 11.05.2013.)

259 Republic of Serbia (2013) Cases before the courts in the Republic of Serbia,

Tomislav Damjanovic, Slobodan Tesic and Jovan Aleksic according to the APV system about the cases before the courts in the Republic of Serbia (Ibid)²⁶⁰. According to the available information, all mentioned actors are free today.

Analysis of Annual reports on the realization of controlled goods foreign trade from 2005 - 2011 (arms and military equipment trade)

The annual report on the realization of controlled goods foreign trade was established based on the Law on arms, military equipment and dual-use goods foreign trade and represents the legal basis for the development of the national report (the Annual report in the further text). It contains data on the inspection of controlled goods export and import in Serbia, as well as the collaboration with the EU and other international institutions and organizations regarding foreign trade in the area of armament and military equipment and dual-use goods on an annual level. Information about export-import policies of control, national legislation, national control lists, criteria for giving a license, competent institutions in the process of giving a license, international obligations, our experience so far in the area of export control, active participation in international seminars and further advancement of control systems, as well as the analysis of statistical data that are shown in the Annexes. The Annexes contain a table representation of data on the realization of controlled goods foreign trade, given and denied licenses for the export and import of weapons, military equipment and dual-use weapons, as well as data on companies that can deal with this transit (in accordance with data that are kept in the Ministry of Economy and Regional Development, according to the obligation of economic subjects to be registered in the Register of persons who can conduct controlled goods foreign trade) for every year (The Government of the Republic of Serbia, 2010).²⁶¹

http://tpson.portal.sud.rs/libra_portal_full/default.cfm?action=1&strana=1&potez=0&pi smo=CIRILICA, (accessed 28.07.2013)

260 Ibid.

261 The Government of the Republic of Serbia, Ministry of economy and regional development (2007) *Annual report on the realization of controlled goods foreign trade for 2005 and 2006*, p. 8-9, <http://www.seesac.org/res/files/publication/620.pdf>, (accessed 11.05.2013)

The problem of mediators/final users exists in almost all cases that deal with illegal arms and military equipment trade, i.e. in every UN weapons embargo that regards the violation of human rights in those countries by state and non-state actors. Keeping evidence about mediators/final users in the Annual report started in 2008. Table 4 shows the analysis of the most important arms and military equipment export destinations of the Republic of Serbia, the number of given licenses and earnings from the sales of arms and military equipment (in millions of dollars), the number of mediators/final users from 2005 - 2011.

Table 4 – The analysis of arms and military equipment export in the Republic of Serbia from 2005 - 2011

Year	The most important export destinations/ amounts in millions of \$	The number of licenses /total amount in millions of \$	Via mediator/final user
2011	USA (122,69), Iraq (69,96), UK (27,66), Algeria (20,84), Germany (16,23), Bulgaria (15,32), Azerbaijan (14,10), Belgium (9,74) and Egypt (8,47).	324/369,35	Mediators participated in the export trade of arms and military equipment in 16 countries.
2010	USA (494,00), Iraq (116,33), Bulgaria (29,62), Kenya (23,84), Belgium (13,26), Italy (13), Egypt (11,44), Israel (6,41), Germany (5,08) and Romania (4,02).	348/757,88	Mediators participated in the export of arms and military equipment in 13 countries.

2009	USA (245,64), Iraq (62,12), Italy (22,06), Belgium (19,71), Bulgaria (15,63), Kenya (15,12), Cyprus (9,32), Germany (6,10), Egypt (5,83), Saint Kitts and Nevis (5,76), Montenegro (5,33), Bangladesh (4,76) and Libya (4,26).	360/467,02	In 7 countries.
2008	Iraq (223,16), USA (220,46), Montenegro (23,75), Bulgaria (15,94), Germany (13,78), Belgium (9,55), Uruguay (9,37), Canada (6,25), Italy (5,40), Romania (5,18), Egypt (4,99) and the UK (4,82).	343/580,69	In 11 countries
2007	USA (150,6); Myanmar (30,4); Belgium (16, 4); Germany (12,9); Bulgaria (11,6); Egypt (8,9); Jordan (8,0); UK (7,9); Montenegro (7,4); Italy (5,4); Malesia (4,9), Cyprus (4,0).	372/299,8	Half the jobs included mediators, which can be explained by a lack of competence, i.e. a lack of knowledge about the export markets by the merchants on the one hand, and a widespread network of mediators in the world weapons trade on the other.

2006	Libya (11,4), USA (9,75), Myanmar (8,37), Israel (3,2), France (2,4), India (2,1), Cyprus (2,01) and Belgium (1,97).	71,25	No data on mediators.
2005 (March 31st – December 31st)	Israel (5,9), UK (4,2), USA (4,1), Bosnia and Herzegovina (2,3) and the Seychelles (2,1).	31,42	No data on mediators.

(Sources: *Annual report on the realization of controlled goods foreign trade for 2005, 2006, 2007, 2008, 2009, 2010 and 2011*)²⁶²

On the national level, the problem is that mediators/final users aren't listed in the Annual report on the realization of controlled goods foreign trade. In fact, the report gives data on the country that the arms and military equipment are intended for but not the information on the name of the mediator (company). Annual reports, also, do not offer precise information on the denial of arms and military equipment export requests. The most common reason is 'incomplete documentation.' From 2005 until today - there was no denial because of the violation of EU rules. The data on the denied requests for arms and military equipment export and the reasons for the denials from 2005 - 2011 are shown in Table 5.

²⁶² Government of the Republic of Serbia, Ministry of economy and regional development (2005 – 2010) *Annual reports on the realization of controlled goods foreign trade for 2005, 2006, 2007, 2008, 2009, and 2010*, <http://www.seesac.org/publication.php?l1=101&l2=109>; *Annual reports on the realization of controlled goods foreign trade for 2011*, <http://www.parlament.rs/upload/archive/files/lat/pdf/izvestaji/2013/2254%20Godi%C5%A1niji%20izve%C5%A1taj%202011.%20LAT.pdf>, (accessed 11.05.2013)

Table 5 – Denied requests for arms and military equipment export and the reasons for their denial

Year	Export destination	Reasons for denial
2011	No denied requests	No denied requests
2010	Croatia, Jordan, Sweden	Incomplete documentation
2009	Cyprus, Libya, Pakistan	Incomplete documentation
2008	Czech Republic, Bosnia and Herzegovina	No given reasons
2007	9 (names of the countries not stated)	Incomplete documentation
2006 and 2005	Bulgaria, Georgia, Israel, Seychelles, USA, Montenegro	No given reasons

(Sources: Annual reports on the realization of controlled goods foreign trade for 2005, 2006, 2007, 2008, 2009, 2010 and 2011)²⁶³

According to available Annual reports on the realization of controlled goods foreign trade from 2005 - 2011 until today - there have been no denials because of the violation of the OSCE Decisions about the assurance of the final user and the EU Code of conduct for exporting weapons that I mentioned in the section on National regulation concerning arms trade. Based on the analysis of Annual reports, we can conclude the following:

- In 2005 and 2006 the state denied Slobodan Tesic and his company Melwale Corporation the export license because of incomplete documentation and not because of the UN weapons embargo in Libya from 2002 violation - reality speaks differently (see example in the section "The state is the cause and consequence of impunity").

²⁶³ Government of the Republic of Serbia, Ministry of economy and regional development (2005 – 2010) *Annual reports on the realization of controlled goods foreign trade for 2005, 2006, 2007, 2008, 2009, and 2010*, <http://www.seesac.org/publication.php?l1=101&l2=109>; *Annual reports on the realization of controlled goods foreign trade for 2011*, <http://www.parlament.rs/upload/archive/files/lat/pdf/izvestaji/2013/2254%20Godi%C5%A1nji%20izve%C5%A1taj%202011.%20LAT.pdf>, (accessed 11.05.2013)

- There was no violation of the OSCE Decision about the assurance of the final user and the EU Code of conduct for exporting weapons – reality speaks differently (see example from the section Disharmony between transparency and impunity: "Bananas, weapons, it's all the same to us", first case)
- Our weapons never ended up in the wrong address - (see example from the section Disharmony between transparency and impunity: "Bananas, weapons, it's all the same to us", first case)
- Our weapons did not violate human rights - reality speaks differently (see example from the section Disharmony between transparency and impunity: "Bananas, weapons, it's all the same to us", all three cases).
- The transparency of the Annual reports is relative: the reports themselves aren't transparent:
 - ✓ In the section on mediators - only the number of destinations where they mediated is given;
 - ✓ In the section on denying licenses for export - only the information that licenses were denied because of 'incomplete documentation' but not the violation of international rules was given;
- Annual reports are late - the report for 2011 came out mid 2013

The analysis of the Annual Report for 2011 - shows that the Republic of Serbia exported weapons to Egypt and that there were no denied requests for export. We are not clear on the following:

- How could the Republic of Serbia have exported weapons to Egypt in 2011 when turmoil in Egypt began that very year?
- Why were there no denied licenses for arms and military equipment export under the UN Code of conduct for arms export violation, given that in 2011 the situation in Egypt met the third criterion? The internal situation in the final destination country, in the sense of existing tensions and armed conflicts, which must be taken into account before export?

Analyzing the Annual report for 2011, we can see that the Republic of Serbia in 2011 exported to Afghanistan (as a final destination country) twice Via Jordan and the US, with no information about a mediator - the Report gives no information on that, only if it's a military or civilian person (Table 6).

Table 6 - Weapons export to Afghanistan

Destination	Number of given licenses	Value in \$	Description of goods	Amount	Final destination country
Jordan	7	3,640,495,00	Rifle; spare parts; assault rifle; automatic rifle; equipment; ammunition; machine gun;	10539913	Jordan; Iraq; Afghanistan;
USA	34	122,693,838,76	Service; spare parts; equipment; rifles; ammunition; pistol; machine gun; carbines; mines; mortars; cartridges; bullets; bullet cartridges; automatic rifle;	2000 GN; 447530889 KD	Afghanistan; USA; Canada; Iraq;

Source: Annual reports on the realization of controlled goods foreign for 2011²⁶⁴

Based on the analysis of the Annual report for 2011, and the export in Afghanistan, we are not clear on the following:

- Based on what did the Republic of Serbia give licenses to companies that exported weapons to Afghanistan as the final destination in 2011, considering the conflict and human rights and women's human rights violations that are happening there? (United Nations, 2013)²⁶⁵
- Why were there no denied licenses for arms and military equipment export due to the violation of the EU Code of conduct on arms export,

264 Government of the Republic of Serbia, Ministry of economy and regional development (2011) *Annual reports on the realization of controlled goods foreign trade for 2011*The Government of the Republic of Serbia, <http://www.parlament.rs/upload/archive/files/lat/pdf/izvestaji/2013/2254%20Godi%C5%A1nji%20izve%C5%A1taj%202011.%20LAT.pdf>, (accessed 11.07.2013.)

265 See: the General Assembly Security Council (2013) *Sexual violence in conflict Report of the Secretary-General, A/67/792-S/2013/149*, 4-5

when in 2011 the situation in Afghanistan met the 2nd criteria The respect for human rights in a final destination country; and in the sense of existing tensions and 3rd The internal situation in the final destination country, regarding the existence of tensions or armed conflicts?

Finally - who is responsible and who will be sanctioned for the violation of international law and human rights in Egypt and Afghanistan in 2011?

Gender based violence as a criterion in the Arms Trade Treaty ATT – The success of CSO lobbying

The new Arms Trade Treaty (henceforth, Treaty) that regulates the international trade of conventional weapons, from SALW to tanks, airplanes and warships was adopted by the UN General Assembly in April 2013. The signing was scheduled for June 2013. The Treaty is enforced 90 days after the deposition of 90 state signatures. The Republic of Serbia in March in New York (NY) voted for the Treaty (United Nations Office for Disarmament Affairs).²⁶⁶ The organizations also, while the process was being conducted in NY, from 2010 to March 2012 closely followed all members of the Treaty and pointed out omissions. Through the global action 'Make it binding' the Women's International League for Peace and Freedom WILPF, in which apart from 100 states and CSOs, Women in Black also participated, managed to make gender-based violence a part of the Arms Trade Treaty (the criteria under article 7, point 4). Thanks to the engagement of the CSOs and some states, the existence of gender-based violence is one of the criteria when evaluating the export of an NGO from one country to another and can be the reason for refusing to give licenses for trade (Arms Trade Treaty Monitor, 2013).²⁶⁷ Unfortunately, in spite of this success there are many downsides to the ATT. Mediating/final user is still allowed, which makes it possible for people to trade illegally and continue to violate the UN weapons embargo and send weapons to countries that widely violate human and women's rights.

266 United Nations Office for Disarmament Affairs, Internet: <http://www.un.org/disarmament/ATT/>, (accessed 11.05.2013.)

267 Arms Trade Treaty Monitor, No. 6.9, March 24th 2013, p. 3, <http://www.reachin.gcriticalwill.org/images/documents/Disarmament-fora/att/monitor/ATTMonitor6.9.pdf>, (accessed 11.05.2013.)

Human Security and the National Security Strategy

Recommendations:

For the Republic of Serbia:

1. Include detailed data on mediators/final estimation in the Annual reports on the realization of foreign trade of controlled goods
2. Make detailed analyses of Annual reports on the realization of foreign trade of controlled goods (arms and military equipment export) and organize public hearings before the Parliament in order to increase civil and democratic control and decrease the globalization of militarism that the Republic of Serbia is responsible for.
3. Re-evaluate all suspicious destinations that the Republic of Serbia exported weapons to (via mediator/final destination) and process all cases and violations of international rules that the Republic of Serbia is responsible for.
4. Prohibit the possibility of a mediator/final destination during arms and military equipment export.
5. Process the citizens of the Republic of Serbia that violated the UN arms embargo according to the reports of expert committees of the UN in national courts.
6. Conduct Annual reports on the realization of controlled goods foreign trade with less than a year and a half delay

For the international community:

1. Establish clear mechanisms for processing (individuals and states) for violating the UN weapons embargo and human rights in the final destination states.
2. Determine the international institution and give it all necessary resources and rights in order to process cases for the violation of the UN weapons embargo and human rights in final user countries.
3. Prohibit by international law mediating/final user during weapons and military equipment export

The implementation of this NAP activity by the institutions of the Republic of Serbia is evaluated as: **No progress**

Protection

Objective 1 Gender mainstreaming in all social policies, including policy in the field of security and defense;

Activity 1.5 Implement activities determined by 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 processes of decision-making and strengthening the state mechanisms for ensuring gender equality.

Implementing agencies: The National Security Council, the Government, the Ministry of Defense, the Ministry of Interior, the Ministry of Foreign Affairs, the Security Information Agency and associations

Time frame: 2010 – 2015²⁶⁸

268 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 57

Introduction

Feminist theories of security emerged from a polyphonic debate conducted between different types of feminism of the 1980s and are based on feminist literature within social sciences especially sociology. Feminist theorists of security started with the fact that the questions and problems of gender were left out of the literature about international security even though war significantly influences the lives of women worldwide. Today, feminist theories of security are among scholarly theories of security and are in the group of alternative-critical approaches to security, together with the concept of human security. Problems of gender before the 1980s were invisible to security literature. The first feminist researchers and theorists of feminist theories of security, like Elise Boulding, 1984 (Buzan and Hansen, 2009)²⁶⁹ determined with their research that women more than men oppose military consumption, interventions and exploitation of natural resources in addition to being more inclined to more humane activities. According to Boulding, women have different values, are more cooperative and more interested in researching alternative systems of security. Sara Ruddick, 1989 (Buzan and Hansen, 2009)²⁷⁰ used the feminist claim that gender is not a fixed biological identity but the product of different social practices in her critique of militarism: 'a boy is not born to be a soldier, he becomes a soldier.' According to Elshtain 1981 and Pateman 1988 (Buzan and Hansen, 2009)²⁷¹ gender is related to cultural, political and social structures. The concepts of masculinity and femininity do not represent what women and men are like, but rather the idea of them created through a complex political history placing women in the private sphere and men in the public sphere.

In the next phase of feminist security approaches, theorists demanded that women become a specific referent object²⁷² in offering security from the

269 Boulding, E. (1984) In: Buzan, B., Hansen, L. (2009) *The evolution of international security studies*, Cambridge University Press, p. 139

270 Ruddick, S (1989) In: Buzan, B., Hansen, L. (2009) *The evolution of international security studies*, Cambridge University Press, p. 139

271 Elshtain J.B. (1981), Pateman C. (1988) In: Buzan, B., Hansen, L. (2009) *The evolution of international security studies*, Cambridge University Press, p. 141

272 Reference object of security - the one who is endangered and needs protection. The science of security includes the determining of security threats and the object that is endangered in order to offer security. There are many kinds of reference objects of security: states (individually or collectively), identities/groups in the state (tribes,

state. During the 1980s feminists demanded that the state make 'women' and 'gender' specific referent objects of security. Researching ways that these two referent objects are defined by the state and in what relation they are to other objects of security in the state, the theorist Ann Tickner (Buzan and Hansen 2009)²⁷³ sees gender as a social category and women as referent objects in a structurally inconvenient position. The further work of feminists and this direction has shown how differently state practices affect all objects of security in a state. Examples that the feminist theorists offered are: the different influence of conflict on women and children (women, children and the elderly are the most vulnerable groups in conflicts), a greater acceptance and tolerance of the state to family violence (compared to the violence in the public sphere), the fact that states until recently characterized rape during war as an expected byproduct of war (Blanchard, 2003).²⁷⁴ Feminist concluded that, although the state ought to offer security to all equally - there is a gender difference in the way that security is offered to women and men. Apart from that, there is a difference in the understanding of what the 'real' security problems in the state are. In other words, women are not referent objects of security of equal importance to the state. Feminists determined that the factors of insecurity that women feel have nothing to do with the state-centric understanding of security that states practice (Buzan and Hansen, 2009).²⁷⁵

Until today, experience has shown that states are more successful if women have equal rights and opportunities and that it is one of the preconditions for creating a lasting peace. With that experience, the international community began adopting documents that guarantee greater equality, protection and influence on the direction and management of security policies to women. Under the influence of the international community, states began to accept these documents and implement them on a national level. The

clans, nations, religions, women, men, children, communities), non-human groups (animals, ecosystems, ozone). (Buzan, B. (2007) *What is national security in the age of globalization?* <http://www.regjeringen.no/en/dep/ud/kampanjer/refleks/innsjikt/sikkerhet/buzan.html?id=493187>, (accessed 28.07.2013)

273 Tickner, A. In: Buzan, B., Hansen, L. (2009) *The evolution of international security studies*, Cambridge University Press, p. 140

274 Blanchard, E. (2003) In: Buzan, B., Hansen, L. (2009) *The evolution of international security studies*, Cambridge University Press, p. 140

275 Buzan, B., Hansen, L. (2009) *The evolution of international security studies*, Cambridge University Press, p. 140

NAP of the Republic of Serbia to implementation UNSCR 1325, among other things, confirms the integration of these global goals in the national security policy of the Republic of Serbia. So, the NAP mentions the concept of Human Security that, like feminist theories of security, calls for a transformation of security policies so that they correspond to reality - the needs of individuals in the state.

The concept of Human Security

The concept of Human Security emerged as an answer to consequences of the enforcement of the traditional approach to security and the fact that more people died in the 20th century due to the decisions of their governments than from foreign armies (Dulic et al., 2005).²⁷⁶ The term Human Security was first used by Amartya Sen, an Indian philosopher and economist, 1998 winner of the Nobel Prize for economics. In his works, Sen (1977)²⁷⁷ tried to accommodate and enforce the social choice theory²⁷⁸ so as to decrease poverty, unemployment, human rights violations, gender inequality and other social injustices. The concept Human Security was for the first time defined in the UN Human Development Report 1994 (United Nations, 1994).²⁷⁹ The report among other things states that the concept of Human Security 'is not concerned with weapons, but human life and dignity.' According to this report, the understanding of security only as national security is very narrow and does not include other actors that can also influence security of people and states. The report identifies 4 characteristics of the concept of Human Security:

276 Dulic, D. et al. (2005) *Indicators of human security in Serbia: Report for 2004*, Faculty of civil defense, Belgrade, p.2

277 Sen, A. (1977) *Social choice theory: A Re-examination*, *Econometrica*, Vol.45, No.1, p. 53

278 *Social choice theory* – studying processes and results of collective decision-making. According to Sen, the main problem of social choice theory are the attempts to merge problems of different classes and groups and generalize into one uniformed frame. As an alternative, Sen offers the classification of these problems in categories and the structuring of research for each category. Sen, A. (1977) *Social choice theory: A Re-examination*, *Econometrica*, Vol.45, No.1, p. 53

279 United Nations (1994) *Human development report*, 22, http://hdr.undp.org/en/media/hdr_1994_en_chap2.pdf, (accessed 06.04.2013)

1. Human Security is **universal** and applicable in the whole world (in rich and poor countries). Many threats to Human Security are the same for everyone: unemployment, crime, drugs, pollution, and human rights violations.
2. The components of Human Security are **interdependent**. All threats to the individual can affect the entire nation, state and all people of the world. Their consequences travel the world.
3. Maintaining Human Security is solved by **prevention**, not intervention.
4. Human Security is **directed at individuals**, how they live, if they make choices freely, what their social chances are, how accessible the market is to them, if they live in peace or in war (United Nations, 1994).²⁸⁰

Further, the report lists 7 dimensions that the concept of human security includes:

- economic security (predictable income, job, social protection)
- food security (healthy and available food)
- health security (availability of medical care)
- environmental security (the availability of drinking water, life in the environment that is not bad for health)
- personal security (protection from physical violence, the security of human life)
- the security of the community (security inside the group, family, community)
- political security (the respect for human rights, the functioning of institutions).

According to Dragana Dulic (2006)²⁸¹ the gender analysis ought to research important differences and inequalities between men and women when it comes to the type of insecurity that they experience. Through the prism of human security we can understand how women are situated in their communities, how much they participate in social life, how they are represented, how much their universal human rights are threatened, how they

280 United Nations (1994) *Human development report*, 22, http://hdr.undp.org/en/media/hdr_1994_en_chap2.pdf, (accessed 06.04.2013)

281 Dulic, D., (2006) Human security and gender justice, in: Dulic, D. (ed.) *Human security*, Belgrade, Fund for an open society, p. 231

understand and perceive physical integrity and their own dignity, how they perceive poverty, insecurity in healthcare, the environment, unemployment, crime, family violence, integration policies etc.

Thus, feminist theories of security and the concept of human security are complimentary and complete one another. Both represent a critical response to the narrow, state-centric view of security from the state-individual relation position (the concept of human security) and state-women (feminist theories of security). According to the concept of human security, the reference objects for state security are - people, individuals, citizens, while for feminist security theories they are women.

According to Dragana Dulic (2006)²⁸² threats to human security (understood as survival and dignity through freedom from fear and from poverty) are significantly more numerous, in type, shape and form than the threats to national (state) security.

From a feminist theory of security and the concept of human security within the NAP to implement of UNSCR 1325 and the National Security Strategy in the Republic of Serbia

The NAP for the implementation of UNSCR 1325 (2010:57)²⁸³ claims the 'realization of activities determined by the National Security Strategy (2009) in accordance with Serbia's decision to develop and improve all aspects of security, with its dedication to creating conditions for the advancement of human security, the improvement of the role and position of women in decision-making processes and the strengthening of state mechanisms for securing equality of the sexes'.

In accordance with these claims of the NAP, we have researched:

- which activities outlined by the National Security Strategy are done by the institutions of the Republic of Serbia,

282 Dulic, D., (2006) Human security and gender justice, in: Dulic, D. (ed.) *Human security*, Belgrade, Fund for an open society, p. 12

283 The Government of the Republic of Serbia (2010) *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 57

- how much money is spent on the realization of activities determined by the Strategy of National Security,
- are the mentioned activities that the Government implements according to the National security strategy in accordance with the concept of human security?
- are institutions able to offer equal protection to all individuals in the Republic of Serbia - in accordance with the concept of human security?

What does the National Security Strategy claim in the Republic of Serbia?

The National Security Strategy (2009)²⁸⁴ in the Republic of Serbia was adopted together with the Defence Strategy of the Republic of Serbia in answer to new security risks and threats in the region, for a better coordination of actors in the security sector, and for the reform of the security sector, and introducing principles of civil democratic control over the security sector in Serbia (Women in Black, 2012).²⁸⁵ The Strategy represents the most important document that determines the security policy of a state and among other things includes security challenges, risks and threats to state security and the security of citizens of all groups and individuals in the Republic of Serbia. The Strategy determines new security policies in the protection of Serbia's national interests and 'Serbia's basic strategic directions in the area of security are presented to the domestic and international public' (The Government of the Republic of Serbia, 2009:2).²⁸⁶ The Republic of Serbia is, as the strategy claims, dedicated to 'the improvement of the role and position of women in decision-making processes and the strengthening of state mechanisms for securing equality of the sexes' (The Government of the Republic of Serbia, 2009:15).²⁸⁷ In addition to that, the Republic of Serbia 'gives special importance to creating conditions for the improvement

284 The Government of the Republic of Serbia (2009) *National security strategy of the Republic of Serbia, Belgrade*

285 Subotic, G., Rankovic, A. (2012) *Independent monitoring of the Resolution 1325 implementation in Serbia*, the Women in Black, p. 66

286 The Government of the Republic of Serbia (2009) *National security strategy of the Republic of Serbia*, Belgrade, p. 2

287 Ibid., p. 15

of human security, that emphasizes the protection of economic, ecological, health, political security of individuals and the community (The Government of the Republic of Serbia, 2009:9).²⁸⁸

The National Security Strategy analyzes the environment of the Republic of Serbia, identifies challenges, risks and threats to security, speaks about national interests and determines the National Security policy. The list of security risks tells us what activities the institutions of the security sector will spend the money of all citizens on throughout the entire year.

According to the strategy, challenges, risks and threats to the security of citizens in the Republic of Serbia are: armed aggression, separatist tendencies, the unlawful and unilateral declaration of Kosovo's independence, armed rebellion, terrorism, the proliferation of weapons of mass destruction, national and religious extremism, intelligence activity, organized crime, corruption, problems of economic development, unequal economic and demographic development, unsolved and difficult position and status of refugees, banished and internally displaced persons, incomplete process of borders between former Yugoslav states, uncontrolled use of natural resources and environment risks, the consequences of natural disasters and technical and technological accidents, risks to the environment and the health of citizens, technological accidents, dangers of infective diseases in humans and animals, drug abuse, destructive behavior of religious sects and cults, high-technology crime and the endangerment of information and telecommunication systems and global warming (The Government of the Republic of Serbia, 2009).²⁸⁹

The National Security Strategy has no action plan so it's hard to identify concrete activities that the institutions of the security sector will take on and the deadlines for their implementation. For example, the USA every year gives a report about the fulfillment of the US National Security Strategy activities. In the Republic of Serbia, the public does not know that there is a budget for implementing this Strategy. The only document available to the public that contains information about the activities and the resources that from the state budget are intended for state organs/ministries for the implementation of the National Security Strategy is the Government's Plan that we will in more detail further analyze in the text. The National Security Strategy of

288 The Government of the Republic of Serbia (2009) *National security strategy of the Republic of Serbia*, Belgrade, p. 9-10

289 p. 4-8

the Republic of Serbia has not been revised since 2009. For example, the US revises its Strategy every year in order to include new challenges.

The National Security Council was established in 2007 and it unites representatives of the executive power organs and representatives of key elements of the national security system, follows and coordinates the work of elements of the national security strategy, determines the level of success of the implementation of the National Security Strategy and suggests adequate measures for its innovation in line with new security challenges. The National Security Council determines the basic policies of national security and defines basic measures and activities toward the maintenance and advancement of national security and the protection of vital national interests of the Republic of Serbia. The composition of the National Security Council, apart from the President of the Republic of Serbia, consists mainly of representatives of executive power and the representatives and representatives of key elements of the national security system, such as the army and the security-intelligence systems. In the work of the National Security Council, as needed, managers of other state organs and institutions participate as well (The Government of the Republic of Serbia, 2009).²⁹⁰

So, the National Security Council is a body that unites decision-makers of most important institutions of the security sector and thus is the most responsible for implementing the National Security Strategy in accordance with new security challenges and needs of the citizens.

The discrepancy between what is written in strategic documents and the needs of individuals in the Republic of Serbia

When the National Security Strategy was adopted it was critiqued by the academic community and civil society organizations. Apart from the critique that the Strategy is a copy of US and EU strategies, there were critiques that noticed the gap between the reality and context of the Republic of Serbia. According to Nikola Lakic (Lakic, 2013:33)²⁹¹ in the Strategy the state

290 The Government of the Republic of Serbia (2009) *National security strategy of the Republic of Serbia*, Belgrade, p. 19

291 Lakic, N. (2013) *Mother and child; Human security in the National security strategy of Serbia*, Novi vek, Belgrade, the Center for Euro-Atlantic Studies, p.33

epistemologically admits the concept of human security, but at the praxis level it continues to insist on its 'abstract needs' and give them priority to the real needs of people. So on the list of challenges, risks and threats to citizens' security in the Republic of Serbia, economic development is 11th on the list, even though the economic dimension influences the functioning of the entire security sector, (i.e. what funds will be available for state institutions to implement what is listed in the documents/strategies, what the quality of services offered by the state to citizens, their living standard etc).

According to Sen (Sen, 2002; in: Lakic, 2013)²⁹² regular people see security in everyday life and for many of them it symbolizes security from poverty and hunger. In accordance with the context of the Republic of Serbia, security especially should be connected with the idea of development as a demand for the removal of the main sources of unfreedom: poverty, weak economic possibilities, as well as systematic social scarcity. According to Dragana Dulic (2006)²⁹³ when we talk about the implementation of human security concepts in the Republic of Serbia, we must keep in mind that it means the advancement and continued work on all sources of insecurity that the average citizen feels in Serbia, and those are: poverty and the protection of human rights. Poverty includes many dimensions that relate to the level and quality of spending, employment, income, living standards, quality of healthcare, education and educational benefits and possibilities.

Spending funds for activities of institutions according to the National Security Strategy

As we have mentioned above, the only document that offers the public information on specific activities done by the institutions of the Republic of Serbia based on what is written in the Strategy is the Government's Plan. But, no Government's Plan, except the plan for 2010 is available to the public.

292 Sen, A. (2002) in: Lakic, N. (2013) *Mother and child; Human security in the National security strategy of Serbia*, Novi vek, Belgrade, the Center for Euro-Atlantic Studies, p. 36- 37

293 Dulic, D., (2006) Human security and gender rights, in: Dulic, D. (ed.) *Human security*, Belgrade, Fund for an open society, p. 231

Since the plans of the Government for 2011 and 2013 are not available to the public, Women in Black in their request to the Government from February 2013 asked that they be published and made available to the public. The Government did not respond to that within the established statutory deadline. Since the Commissioner for Information of Public Importance is not authorized to react against the Government, Women in Black started litigation before the Administrative Court in Belgrade in order to obtain these documents.

In order to determine if the Republic of Serbia is really implementing the activities of the National Security Strategy, if it is really dedicated to creating conditions for the advancement of human security as is claimed in the NAP for UNSCR 1325, based on the only publically available document: the Government's Plan for 2012, we will analyze:

- which activities determined by the National Security Strategy are done by the institutions of the Republic of Serbia,
- how much money is spent on the realization of those activities,
- if the mentioned activities are in accordance with what is claimed by the concept of human security.

The Projects and activities that the institutions of the Republic of Serbia spent their money on according to the National Security Strategy in 2012 are listed in Table 7.

Table 7 - (Source: The Government of the Republic of Serbia (2011) Government's Plan for 2012)

Name of the program/ activity	Institution	Amount	Results
The active participation of the Republic of Serbia in processes and negotiations about disarmament, non-proliferation and arms control, that are done within the frame of the UN, Organization for Security and Cooperation in Europe, international forums and initiatives	Government	3,700 EUR	The advancement of international cooperation in the field of disarmament, non-proliferation and weapons control, as well as the presentation of the opinions of the Republic of Serbia regarding questions of disarmament and non-proliferation within the UN OSCE, relevant multilateral forums and initiatives, the advancement of the international position of the Republic of Serbia in this field.
The preparation for the participation of Serbia's representatives in the Conference on Middle East nuclear weapon free zone in Helsinki, in the third quarter of 2012 and on the Final negotiations on the adoption of the ATT in New York during the third quarter of 2012.	Government	3,700 EUR	Adopted documents by the Government of Serbia which accept the platforms for the participation of representatives from Serbia in the Conference on Middle East nuclear weapon free zone, and in the Final negotiations on the adoption of the ATT

The protection of national security	Security-Intelligence Agency	36,493,200 EUR	Stopped, discovered, documented and decreased number of total crimes against the constitutional arrangement and security of the Republic of Serbia, as well as early recognized indicators of the endangerment of national security with the goal of proactive action and timely, sure and accurate information of external information users; adopted strategic documents and normative acts, increased number of specialist trainings meant for an operational content; increased technical capacities, improved material resources
Cooperation with international organizations and regional initiatives and other states in the field of mutual protection and secret information exchange	Office of the Council on National security and classified information protection	31,887 EUR	Concluded and ratified international agreements

Cooperation with international organizations in the field of secret data protection	Office of the Council on National security and classified information protection	17,236 EUR	Progress was achieved in the field of secret data protection; cooperation with International organizations in the field of secret data protection is on a high level
Cooperation with regional initiatives in the field of secret data protection	Office of the Council on National security and classified information protection	14,650 EUR	The signing of international agreements and international arrangements with international organizations and regional initiatives

Analyzing Table 7, we can conclude following:

- according to the National Security Strategy the funds are intended for realizing only 6 activities,
- according to the National Security Strategy the funds are meant for only 3 institutions of the inner security sector - The Government, the Security-Intelligence Agency and the Office of the Council on National Security
- a small number of activities and narrow area of activities that the funds are meant for indicate the implementation of the national security concept and not that of human security,
- activities that the money was spent on are directed toward the outside not the inside - at dealing with foreign and not internal security problems with which individuals, citizens of Serbia are faced daily - which is contrary to the implementation of the concept of human security,
- the greatest part of the funds the Government intended for the protection of national security (which is a critique put forward by human and feminist theories of security).

The application of the concept of human security through the National Security Strategy in the Republic of Serbia would include:

- a wider range of threats that funds are directed at (threats to human security in the Republic of Serbia are much more numerous, different in type and shape than threats to national security, precisely because they focus on the individual and not the state),
- investing in institutions and projects that advance the freedom of choice, rights and possibilities of individuals and not states
- enforcing measures that bring about the advancement of freedom of choice, rights and possibilities of individuals and not states
- investing in institutions and projects that deal with the economy, healthcare, employment, social protection, human rights and ecology

Judging by what is written in the Government's Plan for 2012 we can conclude that the realization of activities determined by the National Security Strategy does not contribute to the advancement of human security in Serbia, and that the activities are not in accordance with the demands of the concept of human security. Based on the fact that in the activities that the state implements the concept of human security is not present, we can conclude that the state only declaratively accepts the concepts of human security. Furthermore, declarative and not actual acceptance of the concepts of human security by the state influences the (in)ability of the state to protect all the citizens of the Republic of Serbia equally.

The (in)ability of the state to protect all the citizens of the Republic of Serbia equally

In the past 13 years the Republic of Serbia has had a great problem to protect human rights and human security from the LGBT population. Examples of the Belgrade Pride Parade cancellations in 2009, 2011 and 2012 and significant violence when the Pride Parade was held in 2010 are clear examples that support this claim. Security risks²⁹⁴ that the highest security sector organs, the Ministry of Interior and the National Security Council cite

294 Ejdus, F. (2012) *Security risk and the Pride Parade*, Pescanik, <http://pescanik.net/2012/09/bezbednosni-rizik-i-parada-ponosa/>, (accessed 20.06.2013)

as the justification for cancelling the Belgrade Pride Parade are not mentioned in the National Security Strategy. Apart from that, the activities in the Government's plan for 2012 do not refer to the prevention of threats to individuals from the LGBT population in the Republic of Serbia.

The National Security Strategy (2009)²⁹⁵ highlights national and religious extremism, rooted in ethnic and religious conflicts. But, the LGBT population in the Republic of Serbia is at risk exclusively because of their sexual orientation and not their national or religious identity, and that is why the risks and threats stated in the strategy do not relate to them.²⁹⁶ Human and minority rights and the freedom of assembly are guaranteed by the Constitution (Government of the Republic of Serbia, 2006).²⁹⁷ The enforcement of human security in the Republic of Serbia includes the identification of threats to individuals (in this case the LGBT community) and taking action and directing funds to securing their safety.

Based on those facts we can conclude that the realization of activities determined by the Strategy does not contribute to the advancement of human security in the Republic of Serbia and that the activities are not in accordance with the demands and concepts of human security.

That is why we have the following **recommendations**:

1. Revise the National Security Strategy so that it includes threats to human security of all individuals in the Republic of Serbia (understood as the survival and dignity through freedom from fear and freedom from poverty).
2. Include all actors from the inner and outer security sector (the media, CSOs, the academic community) in order to present the problems, risks and threats to human safety of individuals in the Republic of Serbia in a better way and so that the activities of the state in that sense would adjust to the needs of individuals and not the state.

²⁹⁵ Government of the Republic of Serbia (2009) *National security strategy of the Republic of Serbia*, Belgrade, p. 6

²⁹⁶ Research of the Queeria Center (2013) *Human security and the LGBT population* has shown that the members of the LGBT population are threatened exclusively because of who they love (their sexual orientation) and not because of their religion and nationality

²⁹⁷ Government of the Republic of Serbia (2006) *the Constitution of the Republic of Serbia*, article 18 and 54

3. Publish and make reports on the implementation of the National Security Strategy (the Government's Plan) available to the citizens

The implementation of this NAP activity by the institutions of the Republic of Serbia we evaluate as: **No progress**

Diana Miladinovic

Free legal aid in the Republic of Serbia

Protection²⁹⁸

Specific objective 2 Set up effective protection of women and girls from discrimination, violation and endangering of rights and from gender-based violence

Activity 2.10 Set up an efficient legal assistance 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

Implementing agencies and partners: The Ministry of Justice in co-operation with the Ministry of Labor and Social Policy

Time Frame: 2010 - 2015

298 The Government of the Republic of Serbia, (2010), *The National Action Plan for the Implementation of Resolution 1325 United Nations Security Council - Women, Peace, Security in the Republic of Serbia (2010 – 2015)*, p.50

Introduction

Although the right to legal assistance is guaranteed by the article 67, point 3 of the Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia, no. 98/06), the need for free legal assistance has been increasing in the last several years, due to an ever growing unemployment rate and poverty of the population.²⁹⁹ Nevertheless, this field is still not systematically regulated, nor is there a special law regarding free legal aid. The latest report by the European Commission about the advancement of Serbia in the process of joining the EU for 2012, states that 'the legislation is yet to be developed, including funds for establishing an effective system of legal aid.'³⁰⁰

Legislation

Free legal aid in Serbia is currently regulated by a series of various laws that relate only to specific types of legal aid.

- Under the Law on local self-government (Official Gazette of the Republic of Serbia, no. 129/07) article 20, point 31, the municipality organizes legal services to citizens. Legal offices of the municipality offer free legal aid to citizens of the lowest economic status, and to all other citizens, with a monetary compensation of 50% of the current Rate for fees and costs of lawyer expenses. But, the criteria for receiving free legal aid differs from municipality to municipality, because the Law does not specify which categories of citizens are exempt from paying expenses, and which ones pay half the price.
- Under the Law on advocacy (Official Gazette of the Republic of Serbia, no. 24/98, 26/98 - correction, 69/00 - SUS, 11/02 and 72/0 - SUS) article 25, the bar association can organize free legal aid to citizens on the territory of the basic court.

299 According to official information by the Statistical Office of the Republic of Serbia in 2010, 9,2% of the population of Serbia lived below the poverty threshold.

300 The European Commission (2010) Serbia 2010 Progress Report, accompanying the Communication from the Commission and the European Parliament, and the Council, Enlargement Strategy and Main Challenges 2012-2013, Brussels, October 10th 2012, SWD (2012) 333

In the area of criminal law protection, offering legal assistance, including free legal aid, is partially regulated:

- Under the Law on criminal proceedings (Official Gazette of the Republic of Serbia, no.70/01, 68/02 and Official Gazette of the Republic of Serbia no.58/04, 85/05, 85/05 - other law, 115/05, 49/07, 20/09 and 72/09), the defendant who, according to his material status cannot pay the fees and costs of the defender, is given an attorney, even if there are no reasons for necessary defense, if the proceeding is conducted for a criminal offence for which a sentence of three years or more can be given, or if reasons of fairness demand it. In that case, the expenses of the defense are covered by the court budget. The appointed defender is in the role of the defense ex officio.
- Under the Law on underage perpetrators of criminal acts and the criminal justice protection of minors (Official Gazette of the Republic of Serbia, 85/05) if a minor, his legal representative, or relative does not hire an attorney, he will be appointed one ex officio by the judge.

Free legal representation of parties in civic judicial proceedings is also regulated:

- Under the Law on lawsuits (Official Gazette of the Republic of Serbia, no. 125/04 and no. 119/09) the court will completely or partially exempt from paying the proceeding expenses the party that, according to its general property status, is not in the position to bear these costs.
- Under the Law on asylum, (Official Gazette of the Republic of Serbia, no. 109/07) in the sense that persons seeking asylum are given the right to free legal aid (article 10, paragraph 2), and persons who are given the right of refuge have equal rights as the citizens of the Republic of Serbia in regards to free court access and legal aid (article 42). Also, according to article 38, paragraph 1, point 5 of the same law, a foreigner who is granted temporary protection has the right to legal aid under the condition prescribed for persons seeking asylum, assumed by the Development strategy for a free legal aid system in the Republic of Serbia (Official Gazette of the Republic of Serbia, no. 74/10).

The Development strategy for a free legal aid system

The Government of the Republic of Serbia has adopted a Development strategy for a free legal aid system in October 2010, with the objective of creating a directive for the future system framework of free legal aid in Serbia.

The Strategy (Government of the Republic of Serbia, 2010)³⁰¹ defines general and special objectives that concern users and providers of free legal aid, the procedures for the realization of the right to free legal aid, the method of management, control, and ensuring the quality of free legal aid, as well as the method of financing it. Also, the steps that should be taken in order to realize each of the special objectives are defined, and the Action plan is part of the Strategy as well. The strategy assumes that the Government develops a Bill on free legal aid, which would develop and regulate a system of free legal aid in Serbia.

In the text, the Development strategy for a free legal aid system especially mentions the members of vulnerable and marginalized social groups - refugees and internally displaced persons, receivers of social support, children, youth, disabled people, Roma, single parents, the elderly.³⁰² Women and girls victims of gender based violence (as well as other marginalized groups) were not mentioned in the Development strategy for a free legal aid system, so it can be concluded that the Strategy does not recognize them as a special marginalized group: that is, as potential users of free legal aid.

The draft of the Law on free legal aid

The Law on free legal aid has not been adopted yet, despite the fact that non-government organizations started lobbying for its adoption already 10 years. Moreover, despite the fact that the Development strategy for free legal aid was adopted in 2010, the law is still not in place.

According to the latest draft of the Law on free legal aid (the Ministry of Justice and Public Administration of Serbia 2012),³⁰³ the right to free legal

301 The Government of the Republic of Serbia, (2010), Strategy for the development of a free legal aid system in Serbia, Official Gazette of the Republic of Serbia, 74/10

302 Ibid, p. 6

303 The Ministry of Justice, the Law on Free Legal aid (draft) from 24.01.2012. <http://www.mpravde.gov.rs/cr/news/vesti/besplatna-pravna-pomoc.html> (accessed 27.05.2013)

aid is the right that the user realizes free of charge, or by paying a partial fee, at the expense of the budget of the Republic of Serbia, organizations with public authority, local self-government units, under the circumstances and by the procedure established by this law.³⁰⁴

The draft of the law recognizes non-government organizations as providers of free legal aid, and in the definition of a free legal aid provider states that those are: a lawyer, a public notary, a mediator, a service of legal aid constituted in the unit of local self-government, as well as associations and other forms of organizing (non-government, syndical organizations, legal clinics at law schools, consumer associations etc.) when they have been registered in the unique register of legal aid providers, and when they provide legal aid under the conditions of this law.³⁰⁵

The draft of the Law on free legal aid was available to the wider public for comments until September 2012, via the website of the Ministry of Justice and Public Administration.

Regarding the law, the Commissioner for Protection of Equality gave the opinion, that 'persons who are exposed to discrimination and persons involved in proceedings for complete and partial deprivation or rehabilitation of work capability, should be included in the category of persons who are entitled to free legal aid, regardless of their material situation.'³⁰⁶

Several civil society organizations that provide free legal aid services have offered their suggestions and comments. The Autonomous Women's Center has sent comments regarding the draft of the Law on free legal aid, which were accepted, about service providers of secondary legal aid,³⁰⁷ proof of expertise of the provider as a condition for the inclusion in the list of free legal aid providers, as well as the option that the service provider can state in

304 The Ministry of Justice, the Law on Free Legal aid (draft) from 24.01.2012. Article 3, Paragraph 1, <http://www.mpravde.gov.rs/cr/news/vesti/besplatna-pravna-pomoc.html> (accessed 27.05.2013)

305 Ibid, article 5.

306 The Commissioner for Protection of Equality, 19.12. 2011. *Opinion regarding the Bill on free legal aid* <http://www.ravnopravnost.gov.rs/sr/zakonodavne-inicijative-i-mi%C5%A1ljenje-o-propisima/mi%C5%A1ljenje-o-odredbama-nacrta-zakona-o-besplatnoj-pravnoj-pomo%C4%87i-upu%C4%87eno-ministarstvu> (accessed 13.05.2013)

307 Secondary legal aid includes the writing of briefs and representation in court or other another organ, while primary legal aid refers to giving legal advice and consultations

advance the proceedings, legal spheres or beneficiary categories they cannot offer legal aid to because of insufficient training or other justifiable reason.

Accepted also was the suggestion that all children have the right to free legal aid, not just children without parental care, and the question of providing free legal aid to the illiterate, deaf-mute, persons with disability, as well as persons who do not speak the language in official use, was also regulated, and changes were made in the conditions under which associations and legal clinics would sign into the service provider Register.³⁰⁸

The draft of the Law on free legal aid does not explicitly mention women and girls who survived gender based violence as a special category that has the right to free legal aid. But in article 16 (the Interest of equity as a condition for the exercise of rights) it is stated that equity, as a condition for the recognition of the right to free legal aid, will be considered as always realized, if the request for the recognition of the right is made by 'a person who is a victim of family violence, respectively, a person who is the victim of discrimination'³⁰⁹, which can be understood as the recognition of the needs of women and girls who suffered gender based violence and discrimination.

At the time that this report was being written, the draft of the Law regarding free legal aid was taken off the aforementioned Ministry website, from the part of the site called "Draft Regulations", and moved to the website's archive. Furthermore, the last draft is not on the website of the Parliament of the Republic of Serbia (under "Laws in Progress"), which indicates a lack of political will to finally adopt this important law and regulate the matter of free legal aid.

The role of women's organizations in providing support to women who survived gender based violence

In the focus of the following text will be women's organizations that offer support to women who have survived gender based violence, because we believe that other providers of free legal aid services (such as municipali-

308 Autonomous women's center, 2011, *Report on the actions of advocacy for 2011*, p...9 http://www.womenngo.org.rs/images/zagovaranje/IZVESTAJ_AZC_zagovaranje_2011.pdf (accessed 27. 05.2013)

309 The Ministry of Justice and Public Administration, 2012, Law regarding free legal aid (draft), article 16

ties or other civil rights organizations that deal with human rights) are not specialized to help women victims of violence, because they don't deal with gender based violence or its consequences. It is primarily important that specialized women's organizations deal with that, except when no such organizations exist in an area or the municipality. Then we will give an overview of some other legal aid service providers (municipality service providers of legal aid and centers for social work).

Civil society organizations dealing with women's human rights and violence against women are the first in Serbia to start offering free social, humanitarian, psychological and legal services to women who suffered gender based violence in the early 90s. The women's movement in former Yugoslavia is the oldest in Southeastern Europe (Brankovic, 2012).³¹⁰ Violence against women and children became visible in political and everyday life thanks to feminist groups and movements, especially after the establishment of SOS Hotline for women and children victims of violence. (Stojakovic, 2011)³¹¹

When the first SOS Hotline was established for women and children victims of violence in 1990 in Belgrade, there was legal assistance available for the women who asked for help, provided by volunteer female lawyers and attorneys of that SOS Hotline. Women's non-government organizations then took over some of the responsibilities of state institutions in regards to offering social, legal and psychological support for women who survived gender based violence. That support was created out of the acknowledgment of the need of women who turned to them every day for help. In this context, it is important to point out the great importance of organizations that work in smaller places in Serbia. They often play a role of 'organization of reference for gender and questions of the rights of marginalized groups', they in fact 'take over the responsibility for all activities that relate to women's human rights and multiple discrimination' (Brankovic, 2012).³¹²

310 Project Fight against sexual and gender based violence, UNDP, Brankovic B., Belgrade, 2012, *Mapping the capacity of specialized organizations for the support of victims of gender based violence: The first step toward achieving a united national SOS hotline*, p. 39

311 ZINDOK Center, Stojakovic G., Belgrade, 2011 *Solidarity and likes*, p. 18

312 Project Fight against sexual and gender based violence, UNDP, Brankovic B., Beograd, 2012 *'Mapping the capacity of specialized organizations for the support of victims of gender based violence: The first step toward establishing a unique national SOS hotline'*, p. 94

Can the principles and the practice of specialized women's NGOs be transferred into an institutional context?

"Sometimes it is suggested that, since the women's movement was so successful in making the problem of violence against women recognized and understood, now those women's services should become mainstream in the institutional sector. Although it should be admitted that there are key components of the services that the institutional sector itself must provide, this suggestion maintains not only a limited understanding of the depth of the knowledge that the specialized services have, but also a limited understanding of choices and decisions that women themselves make regarding the organization that they will turn to for help.

The fact remains that only a small number of victims who survive violence ever report the violence to legal jurisdictions and institutions; thus, whether those women will have access to support depends on the existence of alternative options and paths.

Apart from that, the response of state institutions to violence against women has not proved to be consistent. In fact, institutional engagement grows ever weaker, in accordance with the priorities of the Government and has mostly come down to crisis interventions. Long-term support, needed by many women, has never been a priority in any institution. Dynamic and accessible, the women's NGO sector is, for many reasons, the main component of the model of coordinated actions in the local community. The NGO sector provides access to services for those women who refuse to, or are not sure if they should file an official report - and those women are currently the majority'.³¹³

(Coy et al, 2007, according to Brankovic, 2012)

313 Project Fight against sexual and gender based violence, UNDP, Brankovic B., Beograd, 2012 *'Mapping the capacity of specialized organizations for the support of victims of gender based violence: The first step toward establishing a unique national SOS hotline'*, p. 107

The importance of free legal aid offered by women's civil society organizations

According to data from the aforementioned research about establishing a unique hotline for the territory of Serbia,³¹⁴ all 24 non-government organizations included in the research offer more than one aspect of legal support to women who survived violence.

According to the data from the Women's Network against Violence,³¹⁵ out of 22 women's non-government organizations in Serbia that are members of that Network, 14 of them offer some form of legal support to women who survived male violence.

Legal services are of various degrees of complexity: from legal counsel/assistance, to writing legal documents in the interest of the beneficiary, to free legal representation - all part of the standard practice of specialized NGOs. Because of limited funds, NGOs usually have criteria for offering free legal representation, so that is mostly provided to the most endangered groups of women (such as, for example, single mothers, persons receiving social support etc.), (Brankovic, 2012).³¹⁶

Legal services sometimes come down to legal aid, but can sometimes last for years and require a great deal of emotional support (Ibid).³¹⁷ The most striking is the case of the SOS Hotline in Vranje that initiated proceedings for its client S.M. before the European Court for Human Rights in Strasbourg, because SM had been denied parental rights with regards to her under-aged child for 12 years. The case was closed by a Settlement agreement between S.M. and the state of Serbia, which admitted the violation of article 6 (the right to a fair trial) and article 8 (the right to the respect of the private and

family life) and article 13 (the right to an effective legal remedy) of the European Convention on Human Rights³¹⁸ and made the commitment to pay the amount of 10000 Euros. According to a statement by the coordinator of SOS Hotline - Vranje (Suzana Antic-Ristic), S.M. received a compensation for the suffered grief and the legal proceedings were solved at once. 'But her child has grown up in the meantime, and she hasn't seen him in years...There is not a court in the world that can offer her compensation for that.'³¹⁹

Because of the financial threat to women's CSOs who offer free legal aid, the rights of the women who survive gender-based violence to that help is also in danger. In the past few years, the sustainability of specialized women's CSOs is very threatened. A significant number are financed through short-term projects, and a minority receives the support of local governments (free work space, payment of utility and phone bills, and occasionally monetary support). Some specialized women's CSOs continue to provide their services on a smaller scale and voluntarily.

It should not be forgotten that, over the past few years, several women's NGOs with long lasting experience, had to stop offering their services, for instance, Women in Action from Velika Plana, Group for Women's Emancipation HORA from Valjevo, SOS Hotline for women and children victims of violence from Nis, Women's Network from Smederevo, Shelter for women and children victims of violence from Belgrade, Center for the protection of children and women from family violence from Uzice, Svetionik from Loznica and others (Brankovic, 2012).³²⁰

314 Project Fight against sexual and gender based violence, UNDP, Brankovic B., Beograd, 2012 'Mapping the capacity of specialized organizations for the support of victims of gender based violence: The first step toward establishing a unique national SOS hotline', p. 68

315 Women Against Violence Network, 2013 List of cities/municipalities that offer free legal aid to women who survived violence <http://www.zeneprotivnasilja.net/o-mrezi-zene-protiv-nasilja/48-mreza-zene-protiv-nasilja> (accessed 05.06.2013)

316 Project Fight against sexual and gender based violence, UNDP, Brankovic B., Beograd, 2012 p. 69

317 Ibid, p. 69

318 The European Council, Rome, (1950), Convention for the Protection of Human Rights and Fundamental Freedoms (*European Convention on Human Rights*) <http://conventions.coe.int/Treaty/EN/Treaties/Html/005.htm> (accessed 03.07.2013)

319 Project Fight against sexual and gender based violence, UNDP, Brankovic B., Belgrade, 2012, 'Mapping the capacity of specialized organizations for the support of victims of gender based violence: The first step toward establishing a unique national SOS hotline', p. 70

320 Ibid, p. 87

Municipal services for legal aid

The law regarding local government states that the municipality, through its organs, in accordance with the Constitution and the law, should organize a service for the legal aid of citizens.³²¹

Municipal legal aid services offer free legal assistance to citizens with the lowest economic status, while all other citizens, receive a monetary compensation of 50% of the current Rate of fees and costs for attorney work. That legal aid in municipal courts consists of giving legal advice and writing letters (charges, complaints and other briefs) and does not include representation in court or before other state organs and independent bodies. Also, the current providers of free legal aid, as part of local governments, are not gender-aware and do not take care of gender-sensitive statistics, in terms of legal aid, for women and girls victims of discrimination and gender based violence.

Limited research has been conducted regarding legal aid within the local government.

According to research by the Center for Advanced Legal Studies in 2007,³²² a quarter of the total number of municipalities on state territory organized adequate legal services. The municipalities that don't offer a special service, legal aid, according to the systematization of work and tasks, is conducted by the secretary of the municipal assembly, the secretary of the municipal council, the chief of general administration, the chief of the section for property legal tasks, the chief of the budget and finance sector, the chief of the section for urbanism, or municipal officials, depending on the type of problem. On the territory of some municipalities, in the time of that research, pilot projects of legal aid were being conducted. In a smaller number of cases, the estimate was that there is a necessity for it, but that practical circumstances do not allow it.³²³

According to the latest available information by the Ministry of Justice and Local Administration, mentioned in the Review of the submitted reports

321 General Assembly of the Republic of Serbia, Law on local self-government (Official state Gazette of the RS, number 129/07) article 20

322 The Center for Advanced Legal Studies, Gajin, Vodinelic, Kosanovic, Cavoski, Knezevic-Bojovic, Sepi, Reljanovic, Belgrade, 2007, *Legal aid* (accessed 02.06.2013)

323 Ibid., p. 288

from city and municipal legal aid services,³²⁴ from 2011, only 46 cities and municipalities in Serbia (out of 163 total municipalities in Serbia) have legal aid services, 25 of which gave information about their work to the then Ministry of Justice. The said Review shows us an unsystematic record of parties and a lack of clear criteria for offering free legal aid services. Some local self-governments offer free help only to unemployed persons and disabled ex-combatants, while others, apart from disabled ex-combatants, offer legal assistance to 'disabled peacetime military persons'. Most local governments, included in this Review, charge 50% of the current Rate of fees and costs for lawyers, to all citizens, who do not fall into the category of those exempted from payment by the Law.

According to the most recent research (Lawyer's committee for human rights, YUCOM, 2013)³²⁵ "heads of several municipalities identified free legal aid as one possible way to gain political support from their citizens". In some municipalities, in free legal aid services, attorneys were hired who show great dedication to their work, and manage to achieve a quality of service and a good reputation of the service itself. But, all these strategies are a consequence of individual decisions and affinities, and not an attempt of the state or the local governments themselves, to introduce a quality system in a coordinated and systematic manner.' (Ibid)³²⁶

Legal Services in centers for social work

Under the Law on Social Protection (Official Gazette of the Republic of Serbia, no. 24/2011), the centers for social work, in accordance with their own authority, don't offer free legal aid to citizens.

The Center for Social Work is authorized to make criminal reports against those suspected of family violence. The CSW is authorized (starting with the court proceeding for introducing measures of protection against violence in the family under the Law on family) to assist the court in obtaining necessary evidence, offering findings and opinions regarding the useful-

324 Ministry of Justice and Local Administration, Archive, <http://arhiva.mpravde.gov.rs/cr/news/vesti/besplatna-pravna-pomoc.html> (accessed 13.05.2013)

325 Lawyers Committee for Human Rights (YUCOM), Belgrade, 2013, *Approach to Justice and Free Legal aid in Serbia*, (accessed 03.07.2013)

326 Ibid, p. 63

ness of the desired provision, whose initiator is someone else (the victim, or the public prosecutor), to taking on guardianship protection measures, urgent care of the victim, and taking other steps of family-law and social protection (the Republic Institute for Social Protection, 2011; according to Brankovic, 2012)³²⁷. The Center for Social Work keeps track of stated measures of protection against violence in the family, and the court is obligated to present a ruling of the CSW in the place where the victim resides, as well as where the perpetrator resides.

Offering these legal services is not part of free legal aid services, but the activities of professionals of the Center, that they perform as part of their authority.

Conclusion

Establishing an efficient system of free legal aid in Serbia, ensuring access to justice for the most endangered citizens would be possible. Provision of free legal aid is still not determined by a specific law. In municipalities that have a service that offers legal aid, it is available to poorest citizens, but these legal services are often performed by people that lack education on gender-sensitive approach, Moreover, they do not have keep statistics of women and girls victims of discrimination and gender based violence that come to search for legal aid. On the other hand, women's non-government organizations, with their long-term experience in strengthening and offering legal support to women and girls who survived gender based violence, are faced with a gradual closing and lowering of support capacity, due to a constant lack of financial resources for work. For women's non-government organizations, the only way to maintain services for women and children victims of violence is finance from the budget of the local government. (Brankovic, 2012)³²⁸

327 Project Fight against sexual and gender based violence, UNDP, Brankovic B., Beograd, 2012 'Mapping the capacity of specialized organizations for the support of victims of gender based violence: The first step toward establishing a unique national SOS hotline', p. 95

328 Ibid., p. 87

Recommendations:

1. Adopt the Law on free legal aid (the last draft of the law was suggested by the Ministry of Justice and Public Administration of the Republic of Serbia, 2012) that is analyzed in this text
2. Supplement the Development strategy for a free legal aid system, in the part that relates to the definition of the condition, adding a special category within marginalized groups - women and girls who survived gender based violence
3. Through implementing the Strategy, take into account the suggestions and experiences of specialized civil society organizations that offer support to citizens, including free legal aid for women and girls who survived gender based violence
4. Services of (free) legal aid should be systematically arranged within municipalities (increase the number of municipalities that offer legal aid and create clear criteria for offering legal aid)
5. Implement continuous financing of specialized civil society organizations that offer free legal aid and other forms of support for women and girls who are victims of gender based violence, by introducing special financial lines into the budget of local self-governments

The implementation of this NAP activity by the institutions of the Republic of Serbia we evaluate as: **No progress**

Jelena Jovanovic

Transitional justice in the Republic of Serbia³²⁹

In situations of ethnic conflict, sexual crimes against women can be a part of military strategy and national politics. The hatred between ethnic groups has made the rape of the 'enemy's' women a weapon of war that can be explicitly ordered or tolerated by army officials. The wars in former Yugoslavia have shown that the public rape of women by soldiers was used systematically as an addition to ethnic cleansing (United Nations General Assembly, 1993).³³⁰ The consequences of wars on the lives of women and the violation of women's human rights during the wars in former Yugoslavia have forever changed the international legal framework when it comes to sex crimes. Because of massive and terrible sex and gender based crimes during the wars on the territory of former Yugoslavia, women's organizations tried to introduce these crimes under the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY). The Statute that established the court, which defines its jurisdiction, was adopted on May 25th 1993 as UNSC Resolution 827 which is also the Statute of the tribunal. According to the statute, rape is described as a crime against humanity. Before that rape was not explicitly listed in articles on serious human rights violations based on the Geneva Convention. Only through the rulings of the ICTY did rape and other sex and reproductive crimes against women on the territory of former Yugoslavia become established as crimes against humanity (Green, Copelon, Cotter, Stephens, 1994).³³¹ Nusreta Sivac and Jadranka Cigelj,

329 Subotic, G. (2013) Master thesis: *The implementation of Resolution of the UN Security Council 1325 Women, peace, security: comparative analysis of the USA and Serbia*, Faculty of Political Sciences, p. 95-97

330 United Nations General Assembly (1993) *Rape and abuse of women in the areas of armed conflict in the former Yugoslavia*, A/RES/48/143, Point 2, p. 20, Internet: <http://www.un.org/documents/ga/res/48/a48r143.htm>, (accessed 30.05.2013)

331 Green, J., Copelon, R., Cotter, P., Stephens, B., (1994) *171 *Affecting the rules for the prosecution of rape and other gender/based violence before the international*

women who themselves were rape victims and together with another thirty women held prisoner in a 'rape camp' during the war in Bosnia and Herzegovina, began collecting statements and testimonies of women after the war. Based on them, the ICTY convicted eight men for the war crime of rape (Gauthier).³³² The rulings of the ICTY are very important because of the precedent that was made in the characterization of gender crimes committed during the war. We will list only several characterizations and rulings:

- rape - a form of torture, the violation of rights and practice of war (case Celebic),
- rape - crime against humanity (cases Furundzija and Foca),
- sexual slavery - crime against humanity (case Karaman's house),
- sexual violence against women - war tactic.

Estimates are that only in Bosnia and Herzegovina and during the war from 20 000 to 50 000 women were raped (Gutman, Rieff; according to: Edman).³³³

Even though UNSCR 1325, i.e. point 11, stresses the responsibility of states to stop impunity and prosecute those responsible for sexual and other violence against women and girls during and after the war, the NAP to implement UNSCR 1325 in Serbia (2009)³³⁴ only in two accounts mentions rape as a crime against humanity committed on the territory of SFRY. First, when it offers the explanation that the Republic of Serbia improved its normative frame of women's rights protection (from rape) and second, when it states that in the Republic of Serbia the public is not informed about these crimes announcing the activities of public informing. Only one activity of the NAP is related to the arrest and processing of those that have committed these

criminal tribunal for the former Yugoslavia: A feminist proposal and critique, Hastings Women's Law Journal, Hastings College of the Law , p. 2

332 Gauthier, R. *Thank Woman Who Helped Make Rape an International War Crime*, Internet: <http://forcechange.com/61507/thank-woman-who-helped-make-rape-an-international-war-crime/>, (accessed 30.05.2013)

333 Gutman, R., Rieff D. in: Edman, A., *Crimes of Sexual Violence in the War Crimes Chamber of the State Court of Bosnia and Herzegovina: Successes and Challenges*, p.1, Internet: <http://www.wcl.american.edu/hrbrief/16/1edman.pdf>, (accessed 30.05.2013)

334 The Government of the Republic of Serbia (2010) *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*

crimes during the war in former Yugoslavia. In addition to that, the NAP does not deal with reparations to victims of rape and other gender-based crimes committed against women during the war in former Yugoslavia. The providing of legal protection to women victims of sex and other gender based crimes against humanity is mentioned, but it is not specified if they are crimes that were committed on the territory of former Yugoslavia. Furthermore, the characterization of war in the NAP is completely avoided (Ibid).³³⁵

The draft of the NAP from November 2010 contained the activity (one kind of reparation) '...providing legal protection and psycho-social and economic support to victims of violence, including women who were exposed to torture and sexual abuse during the wars in former SFRY.'³³⁶ But after comments made by Women in Black (2010)³³⁷ about the ways that it would be done, given that between 20 000 and 50 000 women were raped during the war in Bosnia and Herzegovina alone (Gutman, Rieff; according to: Edman)³³⁸ the state excluded the part 'in former SFRY' from the final version of the NAP. The opinion of the Women in Black from when the NAP was still a draft remains the same - that the NAP must include processes of reparation and rehabilitation of situations that are a direct consequence of the war, and that the Republic of Serbia must define its role in the war and the its responsibility for the consequences of the war, especially crimes against women.

Objectives

The Objective of the further text is to report on the results that the state organs have achieved in order to realize the duties that they have taken by

335 Subotic, G. (2013) Master thesis: *The implementation of Resolution of the UN Security Council 1325 Women, peace, security: comparative analysis of the USA and Serbia*, Faculty of Political Sciences, p. 95 - 97

336 The Government of the Republic of Serbia (2010) *Draft of the NAP for the implementation of Resolution 1325 of the UN Security Council - Women, peace, security in the Republic of Serbia*, p. 49

337 Comments of the Women in Black on the *Draft of the NAP for the implementation of Resolution 1325 of the UN Security Council - Women, peace, security in the Republic of Serbia*, p. 8

338 Gutman, R., Rieff D. in: Edman, A., *Crimes of Sexual Violence in the War Crimes Chamber of the State Court of Bosnia and Herzegovina: Successes and Challenges*, p.1, Internet: <http://www.wcl.american.edu/hrbrief/16/1edman.pdf>, 30/05/2013

accepting UNSCR 1325, but also to raise awareness of those employed in state organs that their work is being monitored and that they are obliged to respond to questions in a transparent and clear manner. The work of the organs is monitored between April 1st 2012 and April 1st 2013.

In order for state organs to accomplish the activities foreseen by the NAP, it is expected that, apart from legally determined authorities, there will be special measures included, or rather that by doing the monitoring we are dealing with the efficiency of special measures that have been determined with the goal of implementing the NAP. But in this case it is not so.

Thought up in advance, special activities (apart from legal authorities), for the implementation of the NAP will not be the topic of this monitoring, for one reason only, because based on the results received by state organs we concluded that they have not been established, and that the organs could not implement them regardless of the fact that the Republic of Serbia accepts UNSCR 1325. In the further text we monitor the work of organs compared to their legally determined authorities.

In the very beginning of the analysis we will focus on:

1. The adoption of UNSCR 1325 and the creation of the NAP,
2. The regulations of UNSCR 1325 and the regulations of the NAP for implementation of UNSCR 1325 which relate to sexual violence committed against women in war,
3. The criminal acts that the lawmaker of the Republic of Serbia foresaw when it comes to sexual violence against women committed in the war. We will list their main characteristics.

(1) The adoption of UNSCR 1325 and the creation of the NAP

On December 23rd 2010 the Government of the Republic of Serbia adopted a National Action Plan for UNSCR 1325 - Women, peace and security implementation. By adopting the NAP the Republic of Serbia committed to achieve concrete objectives that are foreseen by the NAP in accordance with Resolution 1325 by a plan thought up in advance, or rather state organ

activities regulated in advance, all within the time frame 2010 until 2015. The long-term experience of CSOs in education, promotion, lobbying for UNSCR 1325 to be adopted weren't taken into account in the process of creating the NAP. The Women in Black conducted a research on a sample of 28 most relevant organizations that deal with the question of women and security. The research has shown that the entire process of the NAP creation was undemocratic, uninclusive and non-transparent (Women in Black, 2010).³³⁹ The entire content of the NAP shows a lack of activities and topics about transitional justice and responsibility of the Republic of Serbia, which once again confirms the fact that women's organizations that deal with the topic did not participate in the process of the NAP creation. Apart from that, in accordance with the Political Council's (the body that is in charge of creating political circumstances for the realization of goals and activities of the NAP) Code of conduct 'it wasn't planned for women's organizations to participate in the work and implementation of the NAP' (Ministry of Defense, 2012).³⁴⁰ The exclusion of CSOs (especially women's CSOs) that have been working on transitional justice for over 20 years from the highest body responsible for the creation of political circumstances for the realization of the NAP once again testifies about the non-inclusive process of the NAP that are led by institutions of the Republic of Serbia, as well as the incorrect way to implement UNSCR 1325, which is a heritage of the CSOs and not the states.

(2) The regulations of UNSCR 1325 that relate to sexual violence committed against women in the war³⁴¹

- In article 11 it is stressed that the responsibility of all countries is to stop impunity and press criminal charges against those responsible for genocide, crimes against humanity, war crimes, including those that relate to

³³⁹ Zajovic, S. (2010) Women, peace, security Resolution 1325 - 10 years, Women in Black, Belgrade, p. 4

³⁴⁰ Reply from the Ministry of Defense, The Administration for Strategic Planning of the Sector for Defense Policy, 1-165, 04.06.2012, p. 2

³⁴¹ Belgrade Fund for Political Excellence (2010) *Resolution 1325 of the UN Security Council in Serbia – On Women, peace and security - Recommendations for the production of the National action plan for the implementation of Resolution 1325 of the Un Security Council in Serbia*, p.58 http://www.bfpe.org/BFPE_OLD/www.bfpe.org/files/BFPE-brosura.pdf, (accessed 28.06.2013)

sexual violence against women and girls, and in that case it stresses the need for excluding these crimes whenever possible, from the regulations on amnesty;

- In article 16 the Secretary-General is called upon to implement the research on the influence of armed conflicts on women and girls (...) conflict resolution and is further called upon to file a report to the Security Council about the results of that research and make them available in all countries that are members of the UN;
- In article 17 it is demanded of the Secretary-General, where it's appropriate, to include in his reports to the Security Council the progress that's been made (...) in all aspects that relate to women and girls;

(3) The regulations of the NAP that relate to sexual violence committed against women in war

- By the point 2.9 state organs of the Republic of Serbia are obligated to 'provide legal protection (...) to women victims of sexual and other gender based crimes against humanity, with maximum respect for the needs of these women and their inclusion in creating programs of help and support.'
- Point 3.2 that they will 'effectively and efficiently work on discovering, arresting and processing the perpetrators of international war crimes, that are on the territory of the Republic of Serbia, including the perpetrators of all forms of violence against humanity in former Yugoslavia whose victims were women and girls.'
- Point 3.3 that 'programs of public informing about international humanitarian law and the work of domestic and international legal institutions will be created and realized and that cases of rape, sexual slavery, forced prostitution, forced pregnancy and other forms of sexual abuse of women done during the wars of former SFRY will be objectively presented and processed.'
- Point 3.4 that 'informative campaigns to inform the public on the great contribution that women give in facing a war past, peace building, in protecting women from discrimination and gender-based violence, in promoting non-violent solutions to conflicts, women's human rights and gender equality will be created and realized.'

Regulations of the criminal legislation of the Republic of Serbia that relate to the Crime against humanity and the War crime against civilians

The criminal act Crime against humanity

'Whoever, in violating the rules of international law, within a wider or systematic attack directed against the civilian population, orders (...); rape; forced prostitution, forced pregnancy or sterilization (...) or other similar inhuman actions that cause serious suffering or seriously endangers the health, or whoever commits one of the said crimes (...)'.³⁴²

Legal characteristics of criminal acts against humanity, according to Ljubisa Lazarevic (2011)

- (1) The criminal act is the act of committing a crime against humanity or ordering to have those crimes committed.
- (2) The perpetrator of the criminal act also is considered the person who did not directly participate in the criminal act crime against humanity, but has ordered to have those crimes committed.
- (3) The criminal act must be done within a wider³⁴³ or systematic attack³⁴⁴ directed against the civilian population.
- (4) The crime against humanity can be committed during an armed conflict or when that conflict has ceased.
- (5) In order for a person to be punished, intent is needed in the sense of the form of guilt of the perpetrator ³⁴⁵

342 Article 371 of the Criminal Code ("Official Gazette of the Republic of Serbia", no. 85/05, 88/05 - corr., 107/05 - corr., 72/09, 111/09 i 121/12)

343 A wider systematic attack means that armed conflict is taking place in a wider area.

344 A systematic attack is a planned attack that has previously been agreed upon, with certain guidelines etc.

345 Article 25 of the Criminal Code (Official Gazette of the Republic of Serbia, no. 85/05, 88/05 - corr., 107/05 - corr., 72/09, 111/09 and 121/12)

- (6) Criminal prosecution and the execution of the punishment for this crime does not expire³⁴⁶

Article 371 of the Criminal code of the Republic of Serbia - the criminal act of war crime against civilians

'Whoever, in violating the rules of international law during war, armed conflict or occupation, orders: (...) forced pregnancy, prostitution or rape; (...) or whoever commits one of the mentioned acts (...) or whoever uses one of the said acts as a threat (...)'³⁴⁷

Legal characteristics of the criminal act of war crime, according to the interpretation of an expert for criminal law, Ljubisa Lazarevic (2011) are:

- (1) A criminal act is the act of committing, ordering or threatening with the criminal act of war crime against civilians.
- (2) The perpetrator of the criminal act can be anyone, but most often they are participants in the war or armed conflict. If a crime is committed by giving orders to commit war crimes, its executor can only be the person that has the function of giving orders. The person who gives the orders, is, by their military, official or other rank, authorized and capable of giving such orders. In this case, rules on command responsibility, or norms of the criminal code that relate to criminal responsibility, must be applied.

346 According to article 108 of the Criminal Code, an intent can be direct or probable. A direct intent exists when the perpetrator was aware of his act and wanted its execution, a probable intent exists when the perpetrator was aware that he could commit the act, and agreed to do it.

347 Article 372 of the Criminal Code (Official Gazette of the Republic of Serbia, no. 85/05, 88/05 - corr., 107/05 - corr., 72/09, 111/09 and 121/12)

Command responsibility was introduced by the International Criminal Tribunal Statute, that took effect on July 1st 2002, according to which not only perpetrators, but those giving the command, assisting, instigating, are also held responsible for the crimes under the court's authority, including persons who in any other way participated in their execution or attempted execution. According to the ICT Statute, command responsibility is the criminal responsibility of the military commander or person who acts in that role for the acts of subordinates (it does not have to be a military person, it's sufficient he was a military commander that at the time the crime was being committed), for crimes committed by forces under his command or control in the case: when he knew or had to have known under the circumstances that forces were committing or are ready to commence the execution of any of the crimes within the tribunal's authority/when he did not take all necessary and rational measures within his power to stop those crimes from being committed or failed to leave the subject to authorized organs for conducting an investigation and leading a criminal case. The responsibility of the perpetrator: if one of the crimes was committed under the orders of a military or civilian organ, the perpetrator is not relieved of his responsibility except: if he was in a legal obligation to follow orders of the government or his superior, if he did not know that the order was illegal, if the order wasn't obviously illegal- the order to commit the crime of genocide or crime against humanity.

- (3) War crimes against civilians can be committed during war, armed conflict or occupation.
- (4) In order for a person to be held criminally responsible, intent is needed. According to an expert for criminal law, Ljubisa Lazarevic, intent does not have to include an awareness of 'international rules of international law.'³⁴⁸
- (5) Criminal prosecution and the execution of the punishment for the criminal act of war crime against the civilian population does not expire.³⁴⁹

348 Lazarevic Ljubisa (2011), *Criminal Code Comment*, p. 1084.

349 Article 108 of the Criminal Code (State Gazette of the Republic of Serbia no.

We can conclude that:

- **the criminal act of crime against humanity can be committed during war, and according to Ljubisa Lazarevic, after armed conflicts have ceased as well.** In order for an act to qualify as a war crime, an additional condition has to exist, which is established by the Criminal Code, and that is that criminal activities are committed within a wider systematic attack against civilians.³⁵⁰ The criminal act against humanity is the act or giving orders to commit such crimes.
- **the criminal act of war crime against a civilian population can be committed during the war, armed conflict or occupation.** The criminal act of war crime against civilians is the act or threat or giving orders to commit such crimes.

In the text of the NAP activities that we monitored:

1. We will become acquainted with the ways of implementing activities by state organs that the Government has foreseen in the NAP,
2. In the end we will compare the legally determined authority of the ministries, with the accepted duties from UNSCR 1325, as well as objectives that are foreseen by the NAP

85/05, 88/05 - corr., 107/05 - corr., 72/09, 111/09 and 121/12)

350 Lazarevic Ljubisa (2011), *Criminal Code Comment*, p.1084

Impunity for sex crimes committed against women during the war in former Yugoslavia

Protection

Objective 1 Ensure objective public information about the problems facing women and girls who are victims of sexual abuse and other international crimes against humanity

Activity 3.2 Effective and efficient work on discovering, arresting and processing the perpetrators of international war crimes who are in the Republic of Serbia, including perpetrators of all forms of crimes against humanity in the territory of the SFRY whose victims were women and girls

Implementing agencies and partners: the Ministry of Justice, prosecutor's offices, the Ministry of Interior and security services

Time frame: 2010 - 2015³⁵¹

351 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 51

The analysis of impunity for sex crimes committed in former Yugoslavia³⁵²

According to a report from the Council of Europe's Commissioner for Human Rights from 2012, the extent of sexual violence during the wars in former Yugoslavia becomes clear and based on the facts that by mid-2001 of 161 persons accused before the ICTY, 78 individuals, or 48% were exonerated for sex crimes; 28 were accused of being responsible for crimes of sexual violence; and four persons were additionally accused because they did not stop or punish the perpetrators of those crimes.³⁵³

In the Republic of Serbia there were so far only 4 convictions for the war crime of rape during the war (the cases Lekaj, Zvornik-Skocic, Gnjilanska group and Bijeljina), and that is not definitive, given that only Lekaj and Zvornik-Skocic have the force of res judicata. These rulings a total of 22 people were convicted of the rape of 8 women and one man in the territory of Kosovo and Bosnia and Herzegovina.

The climate of impunity for sex crimes committed during the war in the territory of former Yugoslavia and the great differences between estimates about committed rapes and processed/convicted cases of sex crimes on an international level, before the ICTY and on the national level, before courts in the Republic of Serbia, are quantitatively presented in Illustration 1.

352 Subotic, G. (2013) Master thesis: *The implementation of Resolution of the UN Security Council 1325 Women, peace, security: comparative analysis of the USA and Serbia*, Faculty of Political Sciences, p. 95-97

353 European Council (2012), *Post-war justice and durable peace in former Yugoslavia, Issue Paper by the Council of Europe Commissioner for Human Rights*, p. 24

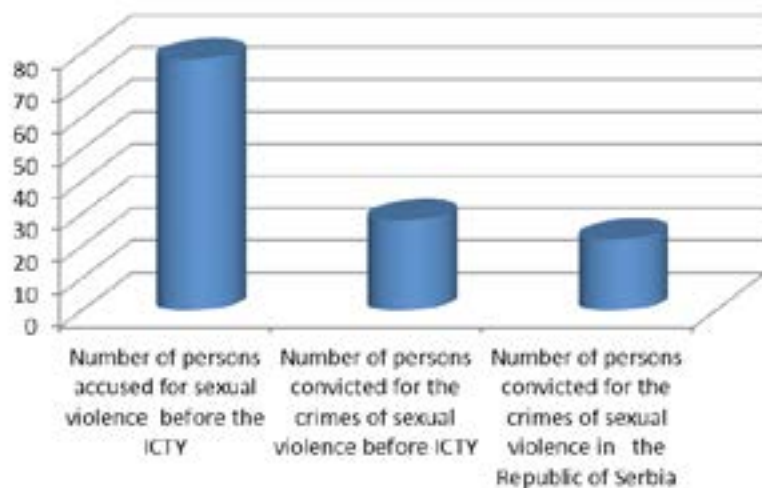


Illustration 1 - Impunity of sex and other gender based crimes in the territory of former Yugoslavia³⁵⁴

According to Milos Urosevic (Women in Black, 2012),³⁵⁵ a Women in Black activist who monitors the trials for war crimes in the Republic of Serbia since 2003, the courts that process war crimes face a lack of capacity (there are many crimes and even more criminals), a lack of financial means, all crimes are presented as isolated incidents and not state planned and organized, court proceedings last a long time (the witnesses are used up), only the lowest ranking perpetrators are tried, not the highest military or police or political officials (taking the responsibility from the state leaders), the Supreme Court cancels every ruling and takes the trials back to the beginning - which is a continuation of the politics of impunity.

From its founding, the prosecutor's office has processed 383 persons. A total of 143 persons have been charged and the total number of victims is 2598. There was a total of 26 cases, 58 persons convicted and 11 acquitted

354 Data presented in the illustration taken from: European Council (2012), Post-war justice and durable peace in former Yugoslavia, *Issue Paper by the Council of Europe Commissioner for Human Rights*, p. 24; Website of the War crimes prosecutor's office of the Republic of Serbia, Internet: http://www.tuzilastvorz.org.rs/html_trz/predmeti_cir.htm, accessed 25.06.2013

355 Urosevic, M in: Stojanovic S., Zajovic S., Urosevic M (2012), *Women for peace*, Women in Black, Belgrade, p. 221 - 223

(Ibid).³⁵⁶ Compared to the extent of sex crimes and estimates that only in the territory of Bosnia and Herzegovina, 20 000 - 50 000 women were raped (Gutman, Rieff; according to: Edman)³⁵⁷ we can conclude that the Republic of Serbia until today did not do enough to discover, arrest and process the perpetrators of crimes against humanity in the territory of SFRY, whose victims were women and girls. Graphic showing the impunity for sexual and gender based crimes in the Republic of Serbia is illustrated in Illustration 2.

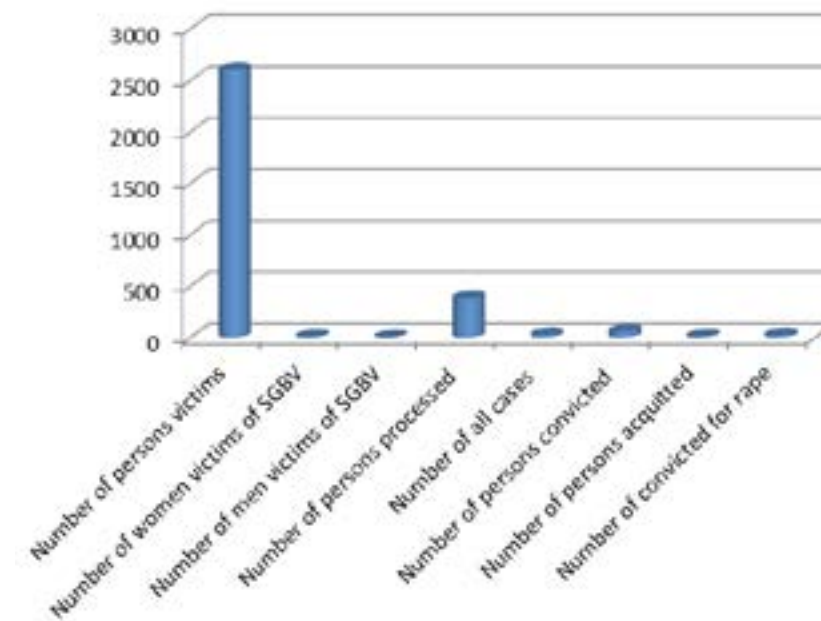


Illustration 2 - Impunity of sex and other gender based crimes in the Republic of Serbia³⁵⁸

356 Urosevic, M in: Stojanovic S., Zajovic S., Urosevic M (2012), *Women for peace*, Women in Black, Belgrade, p. 222

357 Gutman, R., Rieff D. in: Edman, A., *Crimes of Sexual Violence in the War Crimes Chamber of the State Court of Bosnia and Herzegovina: Successes and Challenges*, p.1, Internet: <http://www.wcl.american.edu/hrbrief/16/1edman.pdf>, (accessed 30.05.2013)

358 Data used in graphic illustration in Table 2 taken from: Official Website of the Prosecutor for War Crimes of the Republic of Serbia. http://www.tuzilastvorz.org.rs/html_trz/predmeti_cir.htm. Accessed on 25.06.2013., Answer of the Office of the War Crimes Prosecutor in the Republic of Serbia, No.103/13 i 104/13 on the date 01.05.2013.

Working toward discovering, arresting and processing perpetrators of crimes against humanity in the territory of SFRY whose victims were women and girls in 2012/13

The work of the Ministry of Justice and state administration

Legally determined authority of the Ministry of Justice and State Administration are duties relating to the organization and work of judicial organs; the execution of criminal sanctions; rehabilitation, amnesty and pardoning; extradition; making decisions on handing over accused persons to the International Criminal Court for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of former Yugoslavia since 1991 and the ICT, based on executive court decisions which have the force of *res judicata*; implementing the program of protecting participants in the criminal case (the Law on ministries, 2012).³⁵⁹

But, when answering our question,³⁶⁰ the Ministry of Justice and state administration stated that it **has no information**³⁶¹ about the activities, but they directed us to the **sector for European integration and international projects**, which also **has no information**³⁶² that any kind of activity was taken, but they further directed us to the Tribunal for war crimes.

In the meantime we looked for an answer from the **State public prosecutor**, who is authorized to oversee the work of public prosecutor's offices and the implementation of instructions, to follow and study the practice of public prosecutor's offices and courts (the Law on the public prosecutor's office, 2012).³⁶³

359 Article 10 of the Law on Ministries (Official Gazette of the Republic of Serbia, no. 72/12)

360 The question was: 'what are the concrete activities taken with the goal of effective and efficient work toward discovering, arresting and processing perpetrators of international war crimes...' in accordance with activities foreseen by the NAP points 3.2

361 The answer of the Minister of Justice and State Administration, Secretariat, group for offering professional help to citizens number: 7-00-194/13-42 from 18.04.2013.

362 The answer of the Minister of Justice and State Administration, Sector for European integration and international projects: 7-00-194/2013-42 from 17.04.2013.

363 Article 29 of the Law on the Public Prosecutor's Office (Official Gazette of the Republic of Serbia, no. 116/08, 104/09, 101/10, 78/11 - other law, 101/11, 38/12 - decision US and 121/12)

But the State Public Prosecutor also **had no information**,³⁶⁴ so he directed us to the Statistical Office of the Republic of Serbia, as a possible source of information. The Statistical Office sent us complete statistical data for all criminal acts from the Criminal code of the Republic of Serbia, which contains the ruling of the Higher Court in Belgrade that has the force of *res judicata*.³⁶⁵

Proceedings before the Office of the War Crimes Prosecutor in Belgrade:³⁶⁶

Office of the War Crimes Prosecutor in his work states³⁶⁷ that:

- it hasn't issued any indictment,
- it hasn't canceled any proceeding,
- hasn't cancelled any proceeding during the investigative phase.

Court proceedings before the Higher Court in Belgrade, war crimes department:³⁶⁸

The Higher Court in Belgrade, war crimes department, in its answer³⁶⁹ states:

- that currently it is not conducting any criminal proceedings for the before mentioned criminal acts
- in the mentioned period no proceeding have been instituted
- there are currently no persons in custody for the before mentioned crimes

364 The answer of the State Public Prosecutor's Office, PI.no.13/13 from 04.04.2013

365 The answer of the Statistical Office of the Republic of Serbia, no: 03 035-9-162 from 07.05.2013

366 Whose subjects are crimes against humanity and criminal acts of war crime against the civilian population concerning rape, that were committed in former SFRY during the 90ies, in the time frame of January 1st 2012 and April 2013

367 The answer of the Office of the War Crimes Prosecutor, number 103/13 from 01.05.2013

368 Whose subjects are crimes against humanity and criminal acts of war crime against the civilian population concerning rape, that were committed in former SFRY during the 90ies, in the time frame of January 1st 2012 and April 2013

369 The answer of the Higher Court in Belgrade, number: 47/13-37 from 16.04.2013

- no criminal proceedings have been stopped or cancelled
- one ruling with the force of *res judicata* has been given, 3 persons were convicted for raping two women³⁷⁰
- two first degree rulings were made (convicting a total of 18 persons for the rape of 6 women).³⁷¹

The Ministry of Justice and State Administration

We tried to get information on the number of finalized proceedings with the force of *res judicata* and first degree rulings with the force of *res judicata* before the Higher Court in Belgrade and from the **Ministry of Justice and State Administration**, under whose authority the collection of data about committed crimes against humanity and other goods protected by international law,³⁷² but we were unsuccessful, because the Ministry of Justice, in its reply states that it **does not have this information.**³⁷³

The work of the Ministry of Interior

The legally determined authority of the Ministry of Interior is the protection of lives, stopping and discovering criminal acts and finding and capturing the perpetrators of criminal acts and their apprehension and turning them over to the authorized organs (the Law on Ministries, 2012).³⁷⁴ But, the Ministry of Interior in its answer³⁷⁵ did not give us necessary information³⁷⁶ but from the Report of the analytical group of the Ministry of Interior for monitoring and implementing the National Action Plan for UNSCR 1325 for January -

370 Analysis of the ruling at the end of the chapter

371 Analysis of the ruling at the end of the chapter

372 Article 10 of the Law on Ministries (Official Gazette of the Republic of Serbia, no. 72/12)

373 The answer of the Minister of Justice and State Administration, Secretariat, group for offering professional help to citizens number: 7-00-195/2013-42 od 04.04.2013.

374 Article 3 of the Law on Ministries (Official Gazette of the Republic of Serbia, no. 72/12)

375 The answer of the Ministry of Interior, Cabinet of the Minister, Bureau for information of public importance, number: 3963/13-3 from 07.06.2013

376 The question was: 'what are the concrete activities taken with the goal of effective and efficient work toward discovering, arresting and processing perpetrators of international war crimes...' in accordance with activities foreseen by the NAP point 3.2

August 2012, and August - December 2012 that we had access to, this activity was planned. The basic objective that was foreseen as a constant duty of the Ministry of Interior, under the number 6, says: 'Insuring a satisfactory level of effective protection of women and girls from all forms of discrimination, women's rights violations and gender-based violence.'

As a special objective, point 6.4 foresees a permanent implementation of activities toward discovering, arresting and processing perpetrators of international war crimes in the territory of the Republic of Serbia, including the perpetrators of all kinds of crimes against humanity in former SFRY whose victims were women and girls. About the exact activities and their success in being implemented, we cannot comment, because we did not get a reply and in informal dialogue with employees in the bureau for information of public importance, we received the information that some of our requests that we had sent got lost in the Ministry of Interior.

Since the Ministry of Interior replied to our questions only after filing the complaint to the Commissioner for Information of Public Importance, 2 months after the initial request, we had no more time left until the end of the monitoring, so we are sending the same question and waiting for an answer. Thus, for those reasons, what concrete actions were taken in accordance with the NAP we cannot say.

But the Office of the War Crimes Prosecutor in its reply³⁷⁷ to the question: 'On how many cases did they collaborate with the Ministry of Interior concerning the criminal act of crime against humanity and the criminal act of crime against civilians, concerning sexual violence committed against women' said that in the time frame that we are conducting the monitoring for they haven't received any documentation from the Ministry of Interior, concerning the criminal act of crime against humanity.

The work of the security services

According to the Law on military defense and military intelligence agency, security services are:

the Security Information Agency, Military Security Agency, Military Intel-

377 The reply of the Office of the War Crimes Prosecutor, number: 138/13 od 13.05.2013.

ligence Agency, as well as administrative organs within the Ministry of Defense.³⁷⁸

1) Security Information Agency (SIA)

Members of the SIA are distributed into special organizational units for discovering, monitoring, documenting, preventing, suppressing and processing the activities of organizations and persons directed at conducting (...) the most difficult forms of crimes against humanity and international law (...). In committing these duties they enforce the authorities of (...) officials and workers (...) (the Law on the Security Information Agency, 2009).³⁷⁹

From the answers of the SIA we discover that **the SIA is not mainly an institution that participates in the investigation of criminal acts, and that only a small number of SIA's members are authorized to enforce the authorities of official Ministry of Interior personnel when it comes to arresting suspects.**³⁸⁰

According to their words (apart from precise previously mentioned legal authorities) if it comes to operational/intelligence data about a committed crime against humanity and international law and the perpetrators the SIA **informs the police, i.e. the prosecutor's office,**³⁸¹ who according to them have legal authority to discover and investigate these crimes.

The SIA **has no statistical data**³⁸² about the measures taken to realize these activities, i.e. about giving the police and the Office of the War Crimes Prosecutor operational/intelligence data, but it has turned out attention to the fact that they **do not keep any special data relating to the victim's sex, because rules that regulate the Agency's work do not cover that.**³⁸³

378 The Law on Military Security Agency and Military Intelligence Agency (Official Gazette of the Republic of Serbia, no. 88/09, 55/12 - decision CC and 17/13)

379 Article 12 of the Law on SIA (Official Gazette of the Republic of Serbia, no. 42/02 and 111/09)

380 The reply of SIA, Director's Cabinet, number: 03-2401/1 from 09.04.2013

381 The reply of SIA, Director's Cabinet, number: 03-2401/1 from 09.04.2013

382 Ibid.

383 Ibid.

Conclusion and recommendations:

1. Apart from the mentioned legal authorities, the SIA in practice implements somewhat limited authorities in regard to discovering, arresting and processing international war criminals on the territory of the Republic of Serbia;
2. In order for us to be able to conduct a monitoring in the future, it is necessary for the SIA to establish and regularly update records about activities regarding the NAP implementation;
3. It is necessary to establish and regularly update records on the victim's sex. In that way the necessary surveillance of the enforcement of regulations and measures would be made possible;
4. Also, the Government of the Republic of Serbia, in its reports on the implementation of the NAP, is not involved with this activity, so in that sense it is necessary to include this activity into the results of the NAP implementation;
5. We cannot conclude that there has been any progress made in the given time frame of one year of this activity, because we do not have the data needed to determine progress.

2) Military Security Agency (MSA)

The law on the Military Security Agency and the Military Intelligence Agency³⁸⁴ regulates the jobs and tasks of the MSA of discovering, investigating and collecting evidence for crimes against humanity and other goods protected by international law, within the Ministry of Defense and the Army of Serbia. The MSA collects and submits documentation regarding the above mentioned criminal acts to the Office of the War Crimes Prosecutor and the Higher Court in Belgrade, war crimes department. The MSA's work is directed at collecting documentation in order to identify the perpetrators of this kind of crime and witnesses.

In its reply³⁸⁵ the MSA states:

384 Article 6 of the Law on Military Security Agency and Military Intelligence Agency (Official Gazette of the Republic of Serbia, no. 88/09, 55/12 - decision US and 17/13)

385 The reply of the Ministry of Defense, Military Security Agency, number: 5205-04 from 15.04.2013 and number:6968-2 from 13.05.2013

- **that it does not have any concrete data on activities** regarding cases that are being conducted concerning a crime against humanity in which women and girls were victims.
- **that it does not keep a special record on the victims.** They claim that the victims in the cases that the MSA is involved with are mainly male
- **that they have collected and submitted documents regarding the criminal act of the crime against humanity in 17 cases from the authority of the Office of the War Crimes Prosecutor and 9 cases from the department for war crimes of the Higher Court in Belgrade.**

We asked the Office of the War Crimes Prosecutor the same question,³⁸⁶ which in the reply³⁸⁷ states that it did not receive any documentation from the MSA regarding the criminal act of the crime against humanity.

Conclusion and recommendations:

1. We cannot give an explanation about why the replies of the Office of the War Crimes Prosecutor and the MSA don't line up when it regards their collaboration. Why did the MSA send a total number of cases for which they sent documentation to the Prosecutor's Office to us (based on which we can conclude that a collaboration between these two institutions exists), and why did the Prosecutor's Office reply that they haven't received any documentation from the MSA? We can only try and find the answers in the future.
2. The claim of the MSA that the victims were mainly male in the cases they are working on is baffling.
3. In order to monitor, the MSA needs to establish and regularly update records on activities regarding NAP implementation, records on victims, and on their sex.

³⁸⁶ The question was: Te number of cases that the MSA participated in, i.e. submitted documentation (regarding sexual violence against women committed in the war)

³⁸⁷ The reply of the Office of the War Crimes Prosecutor, number: 138/13 from 13.05.2013

4. We cannot conclude that progress has been made regarding an effective and efficient work toward discovering, arresting and processing perpetrators of international war crimes, that are in the territory of the Republic of Serbia, including perpetrators of all forms of violence against humanity in the former SFRY whose victims were women and girls, because there is no relevant data based on which we could determine progress. No other reason for this is also the lack of statistical data on this issue.

3) Military Intelligence Agency (MIA)

The Law on the MSA and the MIA³⁸⁸ established the authority of the MIA to conduct intelligence activities important for defense that regard the collection, analysis, estimation, protection and submitting data and information on potential and real dangers, activities, plans or intentions of foreign states and their armed forces, international organizations, groups and individuals.³⁸⁹

The MIA in its reply states that it has no legal authority³⁹⁰ or permissions for enforcing measures with the objective of realizing activities determined by the NAP.

Implementing this activity of the NAP by the institutions of the Republic of Serbia we evaluate as: **No progress³⁹¹**

³⁸⁸ Article 24 of the Law on MSA and MIA

³⁸⁹ This data and information are of military, military-political, military-economic character and other data and information that relate to the proliferation of arms and military equipment and foreign threats of terrorism to the defense system of Serbia

³⁹⁰ The reply of the Ministry of Defense, MSA, number: 5935-2 from 15.04.2013 and number: 7372-2 from 14.05.2013

³⁹¹ With the exception of when it concerns the Office of the War Crimes Prosecutor and the Higher Court in Belgrade

The lack of informing the public about crimes committed against women during the wars in former Yugoslavia

Protection

Objective 1 Ensure objective public information about the problems facing women and girls who are victims of sexual abuse and other international crimes against humanity.

Activity 3.3 Create and implement programs for informing the public about international humanitarian law and the work of local and international judicial institutions with a 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 in former SFRY.

Implementing agencies: the Ministry of Justice, the Ministry of Interior, the Ministry of Human and Minority Rights, all institutional gender equality mechanisms in the Republic of Serbia, educational institutions, media and associations

Time frame 2010 - 2015³⁹²

392 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 52

According to the estimates of Milos Urosevic (Women in Black, 2012)³⁹³ the echo of processing war crime cases is bad because the trials are monitored by only two journalist agencies, which indicates that the population of Serbia is disinterested in issues of dealing with the past. The public in Serbia is not familiar enough with the work of the Special Court, because news about the trials are very brief and rare, both in print and in electronic media. The spokesperson of the War crimes council tried to meet with the media once every two weeks, but then had to give up this practice because not enough journalists responded. The public is not informed with the cases of war crimes, and the opinion that the past should not be dealt with, and should be swept under the carpet, is dominant.

The activity of creating and realizing programs of informing the public about international humanitarian law and the work of domestic and international judicial institutions, and the objective presenting of processed cases of rape, sexual slavery, forced prostitution, forced pregnancy and other forms of sexual abuse of women committed during the wars in former SFRY for the sake of easier monitoring of the work of implementing agencies, we have divided them into two parts:

- The first is the creation and implementation of programs for informing the public about the work of domestic judicial institutions,
- The second is the objective presentation of processed cases of rape, sexual slavery, forced prostitution, forced pregnancy and other forms of sexual abuse of women conducted during the wars in former SFRY.

When it comes to the **participation of organs in the creation and implementation of programs for informing the public about the work of domestic judicial institutions**, the results are:

- **The Ministry of Justice, sector for European integration and international projects** that the Ministry of Justice referred us to in its reply³⁹⁴ states that **there is no information** that it took any action toward creating, or participating in the implementation of existing programs.

393 Urosevic, M in: Stojanovic S., Zajovic S., Urosevic M. (2012) *Women for peace, Women in Black*, Belgrade, p. 221 - 223

394 The reply of the Ministry of Justice, Sector for European Integration and international projects, number: 7-00-193/2013-42 from 17.04.2013

- **The Ministry of Interior**, in its report on enforcing the NAP for the implementation of the UNSC Resolution 1325, **from January to August 2012** predicts this activity in point 6.4, where it states that:

“In accordance with the new Law on criminal proceedings all activities concerning the implementation of the investigation and informing the public about the results are under the authority of the office of the public prosecutor”

This is wrong, because the Code on criminal proceedings, which is being implemented from January 15th 2012, does not state this decision in proceedings for criminal acts, for which a special law regulates that an office of the public defender with special authority is in charge. Namely, independent members of the Law on changes and additions of the Code on criminal proceedings (Official Gazette of the Republic of Serbia, no. 101/11), specifically article 6 says that the

“Investigations of criminal acts for which a special law regulates that an office of the public defender with special authority is in charge, which is ongoing on the day of this law taking effect (January 15th 2012), should be completed under the Code on criminal proceedings that was effective until then (Official Gazette SRY, no. 76/10) i.e. the regulations that were in effect until the day of the new law taking effect.”

In conclusion - there has been no change. The Ministry of Interior still reports on the crimes for which the investigation is ongoing. So it was its duty to write the results of the investigations that are ongoing and to inform the public, as it used to, until the new law took effect.

In its reply³⁹⁵ from 07.06.2013, the Ministry of Interior states that the report on the implementation of the NAP to implement UNSCR 1325, **from August to December 2012**, does not predict this activity. They do not give reasons for the exclusion of this activity from their report.

Is it intentional or unintentional omission the conclusion that is no longer under authority of the Ministry of Interior to inform the public, we cant state with certainty, but, what is certain is that from 2012 their reports do not contain this activity.

- **The Ministry for Human and Minority rights**

In their reply they state that they **did not take any action toward creating programs and did not participate in existing programs.**³⁹⁶

- **Educational institutions**

Since we did not know what educational institutions are referred to, we tried to find out about the actions taken by the Ministry of Education, Science and Technology, but, **the Ministry of Education, Science and Technology**³⁹⁷ **has no information on activities**, they directed us to the Multi-sectorial coordination body of the Government of the Republic of Serbia for the NAP implementation, as well as the Ministry of Interior.

- **The Media**

We wrote to the General Director, the General Secretary, the President of the board of directors, the Vice President of the board of directors, the Editor-in-chief of the informative program, the President of the program board of Radio Television Serbia (RTS), as well as the Manager of the radio. We wrote to the General director, the President of the board of directors,

395 Reply from the Ministry of Interior, Cabinet of ministers, Bureau for information of public importance, number: 3963/13-3 from 07.06.2013

396 Reply from the Ministry of Interior, Office for human and minority rights, number: 000-03-00004/2013-02 from 19.04.2013

397 Reply from the Ministry of Education, Science and Technology, number 07-00-00270/20130-01 from 03.04.2013

the President of the program board of Radio Television Vojvodina (RTV), but none of the listed responsible persons for implementing this activity replied to our requests within the statutory deadline. With one exception, the General Secretary of the board of directors of RTV, who does not have the authority - in her words - to review the request. However, she forwarded it to the General Director. In the reply³⁹⁸ she wrote that the General Director will give us the information we requested within his authority. But we did not get a response from the General Director.

After filing a complaint to the Commissioner for Information of Public Importance, for all the above mentioned, the **Broadcasting institution of Vojvodina** RTV responded. In their reply³⁹⁹ they state that **they were never included in the NAP for UNSCR 1325, Women, peace and security. For that reason they did not implement the points foreseen by the NAP in order to be able to reply to us.** But, as they claim, they did deal with these issues, in accordance with their broadcasting duties.

According to them:

- the greatest number of thematic reports they broadcasted in daily informative programs (but they do not say which ones, or the percent of their representation compared to other topics).
- when it comes to documentaries, they claim that the production of the RTV 'Women from the countryside' dealt exclusively with the position of women and tendency to protect their integrity and ensure social and economic equality in a patriarchal environment.
- as a recent example of their engagement they state that they report on the topic of abuse of women and on family violence and recent crimes
- they state that they monitored and reported on numerous tribunals that dealt with sexual abuse and war victims (but they do not say specifically what tribunals even after we insisted on being sent concrete answers).

At the very end they say that they will participate in the program if somebody invites them.

398 Reply of the Broadcasting institution of Vojvodina, „Radio-television of Vojvodina“, board of directors, number: 13400 from 26.04.2013

399 Reply of the Broadcasting institution of Vojvodina, „Radio-television of Vojvodina“, Director and acting editor-in-chief of the RTV, number: 13454 od 24.05.2013

The Director of the informative program sent us a special reply⁴⁰⁰ saying that in the time frame that we are conducting the monitoring for, the mentioned topics were reported on in several ways:

- in daily, weekly and monthly programs but they do not have the precise data because no initiative or information was sent to them about the necessity of their following the representation of this topic especially.
- they list 13 examples and hope that those examples will illustrate enough that RTV is a house that did not ignore these questions, and sensitized its journalists and editors and trained them to adequately report on them
- sadly, based on the examples that they gave us we **can conclude that they mostly connect this topic with gender equality, family violence, the education of Roma girls, women's football clubs...** even though our question was specifically and precisely related to women who were victims in the wars of the 90s in former SFRY.
- In point 13 he claims that **from 2009 they have a permanent reporter from the Hague who regularly follows the work of the ICTY, and in whose reports it is possible to hear the testimonies of the war crimes victims, including women war crimes and sexual abuse victims.**

The previous sentence tells us that they did in fact understand our question, but did not reply to it.

Regarding the **objective presenting of processed cases**, we tried to find out from the mentioned institutions the number of reports in the media (electronic and printed), as well as their content, but **none of the institutions listed in the NAP has this information.**

We went a step further and tried to evaluate this activity through the representation of those institutions in the media (electronic and printed), re-

400 Reply of the Broadcasting institution of Vojvodina, „Radio-television of Vojvodina“, Director of the RTV informative program, number: 13454 from 24.05.2013

garding the criminal act of crime against humanity and the criminal act of war crime against civilians, concerning rape committed in former SFRY during the 90s, but **none of the institutions listed in the NAP has this information.**

We tried to find out which of the aforementioned institutions, through financing, participated in the creation and realization of these programs, but **none of the intuitions listed in the NAP has this information**

Conclusion and recommendations:

1. Based on the given replies we cannot conclude that the implementing agencies determined by the NAP⁴⁰¹ participated in the creation of programs of informing the public about the work of domestic judicial institutions nor in the realization of a single existing program;
2. We did not manage to find out if a single program has been written by which the mentioned organs would be able to take on activities in order to achieve this objective, nor if there was a will to create such programs;
3. We conclude from the answers of the RTV that they weren't even informed about the need to take on special activities of the NAP, and they express their readiness to actively participate if someone invites them;
4. Here especially we mention that the RTS did not reply even after we filed a complaint to the Commissioner for Information of Public Importance and Personal Data Protection. We filed a lawsuit to the Administrative Court. By the end of the monitoring the case was still ongoing before the Administrative Court;
5. Regarding the objective presenting of processed cases of rape, sexual slavery, forced prostitution, forced pregnancy and other forms of sexual abuse of women committed during the wars in former SFRY, of the organs listed in the NAP we did not manage to find out if the processed cases were presented at all, in an in advance thought up way, and that is why we cannot speak about objectivity either. Although, we must mention, that it concerns an objective presentation of the publicity of three

401 The Ministry of Justice and State Administration, The Ministry of Interior, The Ministry for Human and Minority Rights, all institutional mechanisms for gender equality in the Republic of Serbia, Educational institutions, the Media, Associations

cases, one of which has the force of *res judicata*⁴⁰² and two first degree rulings⁴⁰³ of the Higher Court, Department for war crimes in Belgrade.

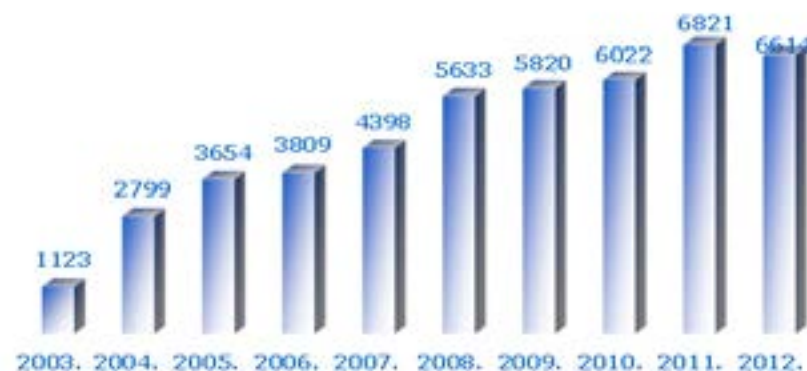
The Office of the War Crimes Prosecutor is not listed in the NAP, neither as an implementing agency nor as an associate that could contribute to the objective informing of the public about the processed cases.

But in spite of that the Office of the War Crimes Prosecutor, based on the media documentation that the PR service possesses, has analyzed the results of representation in mass-circulation (printed) media, the most watched electronic media with a national frequency, regional media, world media, as well as local media. The results are as follows:⁴⁰⁴

The prosecutor and deputy prosecutor for war crimes gave a total of 45 interviews to local and foreign media. Analyzing all reports from the media, a total number of reports and articles (both in electronic and printed media) in 2012 was 6614. It is not stated in the reply which media.

Media representation of the entire work of the Office of the War Crimes Prosecutor from

2003 - 2012 ⁴⁰⁵



402 Analysis of rulings at the end of the chapter

403 Analysis of rulings at the end of the chapter

404 Reply of the Office of the war crimes prosecutor, no.105/13 from 01.05.2013

405 Ibid

We guess that they spoke about women as victims of sex crimes during the war, which is why we are mentioning them here. **Special, statistical data connected with this activity does not exist.**

The higher court in Belgrade, war crimes department, does not possess the number of reports of the war crimes department regarding the funds for public informing because it does not keep a record.⁴⁰⁶

From the report from the trial for war crimes in Serbia in 2012, Humanitarian Law Center⁴⁰⁷

We find out that, like in the previous years, the media in Serbia during 2012 gave very little attention to war crimes trials before domestic courts (we note that the report relates to war crimes trials and not sexual violence against women in the war). Journalist reports are extremely weak, mostly in the form of a short news report. Reporting is selective and differs depending on whether Serbs are the victims or perpetrators in specific cases. Statements of state institutions are reported uncritically. Victims of crimes and their destinies are almost completely ignored, and attention is mostly directed at the perpetrators. The leading daily papers have printed false information, uncritically and without reserve printed statements of parties in proceedings that contain false data.

Implementation of this activity of the NAP by institutions of the Republic of Serbia we evaluate as: **No progress**

406 Reply of the Higher Court in Belgrade, no 47/13-66 from 15.05.2013

407 Humanitarian Law Center (2013), *Report on trials for war crimes in 2012*, p.13 - 14 <http://www.hlc-rdc.org/wp-content/uploads/2013/01/Izvestaj-o-sudjenjima-za-rz-2012-SRP-ff.pdf> (accessed 29.07.2013)

Information campaigns on the contribution of women to dealing with the past

Protection

Objective 1 Ensure objective public information about the problems facing women and girls who are victims of sexual abuse and other international crimes against humanity

Activity 3.4 Develop and implement information campaigns in order to inform the public about the significant contribution provided by women in facing the wartime past (...)

Implementing agencies: the Ministry of Labor and Social Policy, the Ministry of Defense, the Ministry of Interior, the Ministry of Human and Minority Rights, the media and associations⁴⁰⁸

408 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p.61

Women in Black remain the only network who contributed to dealing with the wartime past and who today is in contact with victims of crimes committed in our name and activists from the entire region of former Yugoslavia, and are members of the only women's peace network in the Republic of Serbia. This network unites women's organizations and individuals from 14 cities in the Republic of Serbia. Within that network visits are organized to locations of crimes committed in our name, following trials for war crimes committed in former Yugoslavia, solidarity with victims and their families, meetings with relatives of crime victims in the entire former Yugoslav region, discussion circles, educational seminars etc. This model of dealing with the past is an act of moral, emotional and political responsibility and making spaces for apologies, trust and empathy with victims of crimes committed in our name. We do not know that there is another network apart from this one that is engaged with dealing with the past in Serbia. What women the NAP is talking about when mentioning 'women giving in dealing with the past' - is also unclear because the organizations from the Women in Black Network, including the Women in Black, were not included in the creation of the NAP, nor were they contacted regarding the creation of campaigns for that occasion.

As part of the research in 2012/13 we followed what the institutions listed as implementing agencies by the NAP did regarding the implementation of this NAP activity:

- **The Ministry of Labor and Social Policy**

In its reply the Ministry of Labor and Social Policy did not answer our question⁴⁰⁹, but instead sent us data that do not relate to this activity.

- **The Ministry of Defense**

In its reply⁴¹⁰, the Ministry of Defense states that **it did not print** content on the great contribution of women in dealing with the wartime past **in the magazine 'Defense'**. Also, **it did not print content on war crimes, nor on war crimes relating to sexual violence against women** (rape,

409 What measures did you take toward the implementation of the NAP activity of creating and implementing information campaigns in order to inform the public about the great contribution that women give in dealing with the wartime past?

410 The reply of the Ministry of Defense, Sector for political defense, administration for strategic planning, number: 29-35 from 19.04.2013

sexual slavery, forced prostitution, forced pregnancy and other forms of sexual abuse of women committed during the wars in former SFRY).

- **The Ministry of Interior,**

does not predict this activity neither in the report on the enforcement of the NAP for UNSCR 1325 implementation, **for the period of January to August 2012**, nor in the report for the period of **August to December 2012**.

Although in their reply⁴¹¹ they send parts of the report for the period of August to December 2012, and claim that this activity is on page 52. On this page is an entirely different activity (the implementation of an effective normative framework for an efficient suppression of human trafficking and the protection of human trafficking victims).

- **The Office for Human and Minority rights did not send us an answer to the posed question⁴¹²**

But instead of a reply⁴¹³ it mentioned all activities under their authority, but not within the topic that we are investigating

- **The Media**

Regarding this activity we contacted all responsible persons⁴¹⁴ but **none** of the mentioned **replied to the question.**⁴¹⁵

411 The reply of the Ministry of Interior, Cabinet of ministers, Bureau for information of public importance, number: 3963/13-3 from 07.06.2013

412 What measures did you take toward the implementation of the NAP activity of creating and implementing information campaigns in order to inform the public about the great contribution that women give in dealing with the wartime past?

413 The reply of the Government of the Republic of Serbia, Office for human and minority rights, number: 000-03-00004/2013-02 from 19.04.2013

414 General director, the General secretary, the President of the board of directors, the Vice president of the board of directors, the Editor-in-chief of the informative program, the President of the program board of the Radio-television of Serbia, as well as the Manager of the radio, the General director, the President of the board of directors, the President of the program board of Radio-television Vojvodina

415 What measures did you take toward the implementation of the NAP activity of creating and implementing information campaigns in order to inform the public about the great contribution that women give in dealing with the wartime past?

Conclusion and recommendations:

1. Activities concerning the creation and implementation of information campaigns with the objective of informing the public about the great contribution of women in dealing with the past (...) according to the information we received from institutions, do not exist. Or if they do exist and if they were taken on by the media, the Ministry of Interior, the Ministry of Labor and Social Policy, the activities are not transparent, the final users are not informed about their activities (citizens of the Republic of Serbia), for whom informative campaigns are being created (so that the citizens of Serbia could be informed about them).
2. A big problem is the fact that the NAP has not specified what women it is referring to
 - If they are referring to women who by a legal proceeding the court ruled with the force of *res judicata* as victims of sexual violence, then its only two women, who for now do not exist for the legal system of Serbia, because the legal regulation⁴¹⁶ regarding reparations and efficient legal and psychological support for women does not exist
 - Did the Government of the RS when writing the NAP for UNSCR 1325 and this activity mean the contribution that the women give themselves in order to live with wartime past? We do not know.
 - Or maybe they are referring to 'women' who offered support to victims of war during trials⁴¹⁷ so that they could once again face the war crimes and live through them again? We do not know that either. The only women who did that, in this case WiB, did not participate in the creation of the NAP and are not listed as actors who might assist in the realization of this activity.
 - Maybe they mean the contribution that women as members of the Multi-sectoral coordination body for the NAP, or members of the just established Monitoring body of the National Assembly, Commission for NAP implementation...we can only try and discover in the future

416 See the text 4 The inability to exercise the right to reparation for women victims of sexual crimes committed during the wars in former Yugoslavia within this chapter

417 Women in Black activists spent 347 days in the 2012 trials for war crimes

from the state organs listed in the NAP, that are competent to implement this activity.

Only when we establish which women are being referred to, when it comes to this activity can we estimate the work of the implementing agency.

The inability to exercise the right to reparation and legal protection for women victims of sexual crimes committed during the wars in former Yugoslavia

Protection

Objective 1 Ensure objective public information about the problems facing women and girls who are victims of sexual abuse and other international crimes against humanity.

Activity 2.9 Ensure comprehensive legal protection (...) to 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 assistance and support programs

Implementing agencies: The Ministry of Labor and Social Policy in cooperation with the Ministry of Interior, Ministry of Health and Ministry of Justice.⁴¹⁸

418 The Government of the Republic of Serbia, (2010), *National action plan for the implementation of Resolution 1325 UN Security Council - Women, peace, security in the Republic of Serbia (2010-2015)*, p. 59

According to the report of the Humanitarian Law Center (2013)⁴¹⁹ the question of justice for victims of crimes of Serbian forces in the wars of the 90s does not exist at all in the political agenda of the Republic of Serbia, within any government since October 5th 2000 until today. It is stated that the courts mostly refuse requests of victims for reparation, naming them expired or because they do not accept the evidence that the victims submit. When there is a trial, the proceedings last a long time; the judges usually inappropriately treat the victims who are asked about irrelevant information. It's stressed that those who manage to prove that they were victims receive an inappropriately small compensation. The discrimination of victims of Serbian forces because of national and other bases in proceedings of admitting the status of civilian war victims and the judicial practice that basically enables these victims to realize their right to compensation strengthen the impression that it's all about a new systematic violation of human rights in Serbia. During 2012, 18 rulings were made, of which only six were positive. Those are the only judicial processes that dealt with the violation of human rights, because the criminal trials never began.

The law regulates the responsibility of the state for crimes, such as war crimes, torture, illegal imprisonment, and that in those cases extended deadlines for expiration must be enforced, i.e. longer than the usual three to five years. Courts in explaining verdicts of abandonment begin with the legal understanding of the Supreme Court of Serbia from 2004, in which the stated regulation is understood in such a way that it weighs against the victims and the state provides secret immunity from responsibility for human rights violations during the 90s (which includes all wars in Croatia, Bosnia and Herzegovina and Kosovo). According to this opinion, longer expiration deadlines can be implemented only if the compensation is requested directly from the perpetrator of the criminal act, and not of the state, which, basically, directs the victims in order to achieve their right to a compensation to independently identify those who, for instance during an armed conflict shot at them from a firing squad, because in a large number of cases the perpetrators are still not identified by the competent state organs. 'In that way the state relieves itself of all responsibility for the systematic violation

419 Presenting the report of the Fund for International Law (2013) *Implementing justice or the relativisation of crimes: achieving women's rights for reparation in legal proceedings - report for 2012*, http://www.mc.rs/mc_press_centar/dogadjaji.4.html?eventId=9004, (accessed 20.06.2013)

of human rights and narrows it down to individuals' (Ibid).⁴²⁰

According to the Supreme Court, victims of crimes during the wars in Bosnia and Herzegovina had to file lawsuits against the state of Serbia by 2000 in order for the court to not consider them expired. That is too short a period for people who survived crimes. The only way that victims can receive at least a partial compensation from the state would be to prove that they suffer from chronic post-traumatic stress disorder and that their general life activity is decreased.

If they managed to prove that, the victims get an inappropriately small compensation between 172 and 2,585 EUR, which is equal to compensation for a minor traffic accident. Victims are often degraded, asked for irrelevant information, such as how many beds were in the room in the concentration camp where you were staying, and insisting on their possession of detailed medical documentation from the time directly after they suffered abuse, which in most cases was impossible to obtain. If there is no medical documentation, the judges rely on the testimonies of victims and their families, that they often do not believe, and use euphemisms in the proceedings - they do not use the word torture, and instead of concentration camp they say 'collective centers' (Ibid).⁴²¹

In this case as well, the NAP does not specify which 'women victims of sexual crimes and other gender-based crimes against humanity.' If they are referring to women who by a legal proceeding the court ruled with the force of *res judicata* as victims of sexual violence, then its only two women, who for now do not exist for the legal system of Serbia, because the legal regulation regarding reparations and efficient legal and psychological support for women does not exist.

According to the Humanitarian Law Center (2013)⁴²² none of the victims has

420 Presenting the report of the Fund for International Law (2013) *Implementing justice or the relativisation of crimes: achieving women's rights for reparation in legal proceedings - report for 2012*, http://www.mc.rs/mc_press_centar/dogadjaji.4.html?eventId=9004, (accessed 20.06.2013)

421 Presenting the report of the International Law Center (2013) *Enforcing justice or the relativization of crimes: realizing women's rights to reparations in court proceedings - report for 2012*, http://www.mc.rs/mc_press_centar/dogadjaji.4.html?eventId=9004, (accessed 20.06.2013)

422 Reply of the Humanitarian Law Center, 18.07.2013.

yet asked for any kind of (court) reparation from the Republic of Serbia. Court reparations are the only thing left for these victims, since the Government of the Republic of Serbia hasn't shown an initiative to offer these victims any kind of reparation/compensation. Administrative reparations, that have a much simpler process, are not available only to victims from the list of nationalities (*inter alia*).

According to these facts we can conclude that the Republic of Serbia has not taken on any activity to provide compensation or legal or any other help from the Republic of Serbia for the damage done to the victims of sexual crimes committed in former Yugoslavia by the citizens of the Republic of Serbia.

We will quote the reply of the Office of the War Crimes Prosecutor (2013)⁴²³ that relate to all three rulings of the Higher Court in Belgrade, war crimes department, between the adoption of UNSCR 1325 until April 2013, regarding the criminal act of crime against civilians and the criminal act of crime against humanity, whose victims of sexual violence are women and girls.

Case: "Bijeljina"

(Jovic and others)

The *res judicata* ruling that convicted three persons for multiple, alternate rape of two women, of which one had given birth a few days previously. Then they took them from the house into town, naked and barefoot. On the way to Brcko, in the village of Ljeljenca, they stopped and in front of a vehicle alternately raped the victims and then left them on the road and departed.

From June 5th 2011 the Office of the War Crimes Prosecutor pressed charges for the war crime in Bjeljina (murder, rape, bestial humiliation of civilians)⁴²⁴ On June 4th 2012 the Higher Court in Belgrade, war crimes department, came to a convicting first degree ruling for three persons.⁴²⁵ The

423 Reply of the Office of the War Crimes prosecutor, no.103/13 and 104/13 from 01.05.2013

424 Case "Bijeljina" (Jovic and others) K-Po2 7/11, for the crime from article 142, paragraph 1 KZ SRJ regarding article 22 CC SRY

425 Def. Jovic Dragan – sentenced to 15 years in prison, def. Djurdjevic Zoran -

Court of Appeals in Belgrade on March 11th 2013 stated that it reversed the ruling of the Higher Court in Belgrade.⁴²⁶ The ruling of the Higher Court in Belgrade, war crimes department, found the defendants guilty of rape and the use of extremely offensive and humiliating actions that offend personal dignity on June 14th 1992 in Bosnia and Herzegovina - in Bijeljina, as members of the volunteer unit of Serbian armed forces, violating the rules of international law during armed conflict which existed at the time in Bosnia and Herzegovina, against civilians who do not participate in the animosity, who must be treated humanely on every occasion, without discrimination based on ethnic or religious identity.

As members of the volunteer unit of the Army of Bosnia and Herzegovina, on June 14th 1992 in Bijeljina they entered the house of a Bosniak family, took their money and possessions. Then multiply and alternately raped two women, of which one had only recently given birth.

The defendant Jovic then fired into the mouth of a civilian, killing him, and the two women were taken from the house through the town, naked and barefoot. They then robbed the house of a disabled woman and departed in her vehicle from the scene.

After leaving the house, on the way to Brcko, in the village of Ljeljenca, they stopped the vehicle and alternately raped the victims in front of the vehicle and then left them naked and barefoot on the road and departed.

Case: "Gnjilane group"

(Memisi and others)

First degree sentence by which on September 19th the war crimes department of the Higher court in Belgrade convicted a total of 11 persons.⁴²⁷ for abuse and rape of two protected witnesses.⁴²⁸ The Court found that on

sentenced to 13 years in prison, def. Ristic Alen - sentenced to 12 years in prison

426 The member of the volunteer unit of the Srpska Republika Army in Bosnia and Herzegovina, Dragan Jovic, sentenced to 20 years in prison for the war crime against civilians in Bijeljina 1992. Alen Ristic's sentence was reduced to 10 years from 12, and the Higher court in Belgrade sentence of Zoran Djurdjevic of 13 years was confirmed.

427 the members of the "Gnjilane group" of KLA to a total of 116 years in prison

428 While it refused the murder charges of 47 civilians from the beginning of June

June 17th 1999 they were kidnapped and locked up in a school in Gnjilane. They were raped and abused every day from the 17th until the 26th of June 1999, when they were released.⁴²⁹

The proceeding before the Court of Appeals is ongoing regarding this case.

Case: "Zvornik-Skocic"

(Bogdanovic and others)

First degree sentence by which on February 22nd the war crimes department of the Higher court in Belgrade convicted⁴³⁰ seven persons.⁴³¹ The Court found that the defendants raped and then murdered the minor 'xy'. One of the defendants took the victim protected witness 'Alpha', tied her hands with one end of his belt, tying the other to the fence, and then raped her tied up like that after removing the lower half of her clothing, after which he tried to remove two of her gold teeth with pincers, which was how he physically and mentally tortured her. The unidentified members of this paramilitary group took the underage victims protected witnesses 'Beta' and 'Gama' to nearby houses where they raped them at gunpoint. In the village of Malesic, in a period of several months beginning with July 11th 1992, this paramilitary group under the command of the defendant Sima Bogdanovic, among which were all defendants as well as other unidentified soldiers, illegally held imprisoned in houses the victims protected witnesses 'Alpha', 'Beta' and 'Gama', ordering them to wash their cloths, clean the houses, prepare food and please them sexually while they were beating them and sexually abusing them.

The proceeding concerning this case is ongoing before the Court of Appeals.

Also, we will quote parts of the Milos Urosevic's notes (2013)⁴³² from moni-

to the end of December 1999, because they were not proven

429 The sentence wasn't posted on the website of the Higher court, war crimes department, because only the sentences passed from 2013 were published <http://www.bg.ap.sud.rs/cr/archive/rz-donete-odluke/2013/>

430 The case of "Zvornik-Skocic" (Bogdanovic and others), KTRZ 7/08

431 Members of the paramilitary group "Sima's chetniks" to a total of 72 years in prison

432 Urosevic, M in: Stojanovic S., Zajovic S., Uresevic M (2012), *Women for peace*, Women in Black, Belgrade, p.225-234

toring war crimes trials that talk about the extent of sexual violence against women committed 'in our name with our money' by members of military and police formations Jackals, Scorpions, volunteer units of the YPA on the territory of former Yugoslavia during the 1990s.

Case Scorpions⁴³³:

Slobodan Medic: "I love only three things in life: a rifle, a cunt and my country"

Case Lovas⁴³⁴:

Aleksandar Nikolaidis⁴³⁵: "After the conquest of Lovas, Ljuban Devetak brought Snezana Krizmanic to me and said: 'Take her, fuck her and kill her'"

Snezana Krizmanic (victim): "In their hands the value of life was nothing. Every silence was painful. Petronije reported that I cut the fingers of Serbian children and made necklaces. On the 29th of November 1991 Aca took me to the apartment of his brother. I cried and begged him not to rape me. He was drunk. I refused to take my cloths off. Then he hit me, pulled my hair, pushed me on the bed and raped me. "

433 The trial of five members of the Scorpions unit for the murder of 6 Bosniak men from Srebrenica in Godinjske Bare near Trnovo on July 16th and 17th 1995

434 The trial of fourteen members of the YPA volunteer unit 'Dusan the Great' for the murder of 69 Croatian civilians in Lovas on October 1991 during the Serbian aggression in Croatia

435 Aleksandar Nikolaidis was sentenced to 6 years in prison for inhumane acts, torture and bodily harm and the murder of civilians, which resulted in the murder of 40 killed and 11 wounded Croatian civilians (Pescanik (2012) Lovas conviction, Humanitarian Law Center, <http://pescanik.net/2012/07/presuda-za-lovas/>, (accessed 20.07.2013)

Case Cuska⁴³⁶:

Zoran Raskovic⁴³⁷ "I remember that Rajko Momic forced an Albanian girl to orally please him during a robbery... In Pavijan I saw Ranko Bosanac having intercourse with an Albanian. She was bent over the couch. He then asked us: "Do you want some?" When he finished he wiped it against her, and then he put a Kalashnikov inside her and fired..."

The implementation of this NAP activity by the institutions of the Republic of Serbia we evaluate as: **No progress⁴³⁸**

436 The trial of nine members of the unit Jackals for the murder of 43 civilians/ Kosovo Albanians in May 1999 in the village of Cuska in the municipality of Pec. Three men survived the massacre.

437 Witness that left the witness protection program told the story of the bloody feast

438 except when it's the Office of the War Crimes Prosecutor and the Higher Court in Belgrade

Diana Miladinovic

Human Rights Defenders in the Republic of Serbia

Protection⁴³⁹

Specific objective 3 Ensure objective information about the problems facing women and girls who are victims of sexual abuse, and other international crimes against humanity.

Activity 3.5 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

Implementing agencies and partners: The Ministry of Interior, the Ministry of Justice, the Ministry of Human and Minority Rights

Time frame: 2010 - 2015

439 The Government of the Republic of Serbia, (2010), *The National Action Plan for the Implementation of Resolution 1325 United Nations Security Council - Women, Peace, Security in the Republic of Serbia (2010 – 2015)*, p. 52

Introduction: the position of defenders

Taking into account the importance and the extremely unprotected position of human rights defenders, the United Nations General Assembly adopted the Declaration on the right of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, or the Declaration on human rights defenders.⁴⁴⁰

Under international law, everyone has the right to promote and defend human rights, as well as receive and spread information about human rights and the violations of human rights. People who act with the intent to promote and defend basic rights and freedoms, social, economic and cultural rights, alone or in agreement with others, have a special status - they are recognized as human rights defenders. According to the definition by the Amnesty International organization, a human rights defender is considered any person who takes action in order to promote and protect the human rights of others. (Antonijevic, 2012)⁴⁴¹

Because of the work that they do - which often indicates individual and system failures of the state to protect human rights, as well as violations made by companies, individuals and other associations and political representatives, employees in various government institutions (Ibid),⁴⁴² defenders in Serbia are exposed to numerous pressures on a daily basis and various forms of violence. The state, sadly, does not acknowledge the importance of their work, nor the challenges that they face.

According to an online research that was recently conducted on the B92 portal by the Belgrade Center for Human Rights, a majority of citizens (81.1%) believe that human rights defenders are exposed to pressures, threats, and are even in physical danger.⁴⁴³

Because the state does not take enough initiative to develop a culture of human rights and protect those who are endangered, the activities of non-gov-

440 The Declaration on human rights defenders, UN, General Assembly Resolution A/RES/53/144, 08.03.1999.

441 Web portal The Condition of Human Rights in Serbia, Antonijevic M., 2012. <http://stanjeljudskihprava.org/branitelji-ljudskih-prava.html> (accessed 22.03.2013)

442 Ibid. (accessed 22.03.2013)

443 B92, portal *Evaluate your rights*, <http://www.b92.net/info/un/> (accessed 27.05.2013)

ernment organizations are of great importance. One of the non-government organizations that incite the development of a human rights culture in Serbia is the Fund 'Biljana Kovacevic-Vuco' (Fund BKV). Fund BKV was established in 2010, in memory of Biljana Kovacevic-Vuco, a prominent defender of human rights and the founder of YUCOM (Lawyers' Committee for Human Rights), with the objective to continue promoting the importance of human rights that she had dedicated her life to. Fund BKV has established the annual award Biljana Kovacevic-Vuco, which is given to the bravest defenders in Serbia.

Regulation through legislation

Even though the protection of human rights defenders is one of the pre-conditions for human rights protection, the area of their protection is insufficiently normatively regulated. By the Criminal Code of the Republic of Serbia, article 387, the criminal act of racial and other discrimination is declared illegal, and punishable by imprisonment, between six months and five years, for a person who persecutes organizations or individuals for their engagement in human equality (Criminal Code, Official State Gazette of the Republic of Serbia, no. 85/05)⁴⁴⁴. In that way, although not precisely, human rights defenders are mentioned, at the same time enabling prosecution in cases of 'their persecution'.

The Lawyers' Committee for Human Rights (YUCOM) and the Gay Straight Alliance (GSA) are non-government organizations that have, for the past two years, been lobbying for the change of the Criminal Code of the Republic of Serbia, the part regarding introducing a 'hate crime' institute. Their initiative wasn't mainly related to the position of human rights defenders, but more to the incrimination of criminal acts committed out of hate.

So by the end of December 2012, the National Assembly of the Republic of Serbia adopted the Law on changes and additions to the Criminal Code of the Republic of Serbia, and with the article 54a hate crimes were introduced as a special, or rather binding, aggravating circumstance⁴⁴⁵ for passing the sentence for acts committed out of hate based on race, creed, national or ethnic identity, sex, sexual orientation or gender.

444 Criminal Code, article 387, Official State Gazette of the RS, no. 85/05, ispr, 72/2009, 111/2009 and 121/2012

445 Used during the measurement of a criminal sanction for a committed crime

This criminal provision could be a big step forward in the punishment of hate crimes, especially toward people who have different personal attributes, including attacks on the defenders of human rights who work to protect human rights. The future implementation of this article is of paramount importance, because it can influence the processing and punishment of violence in society.

Article 54a

'If a crime is committed out of hate toward a certain race, creed, national or ethnic identity, sex, gender, sexual orientation or gender identity of another person, the court shall view that instance as an aggravating circumstance, except when it is not observed as a characteristic of the criminal act'

(Criminal Code, Official State Gazette of the Republic of Serbia, no.121/12)

Black lists of 'foreign hirelings'

During the 90s, Serbia was governed by the Socialist Party of Serbia, whose leader was Slobodan Milosevic. It was an autocratic regime that adopted the values of the right: repressing antifascism, isolation, nationalism, militarism, patriarchy, clericalism (Stojakovic, 2011).⁴⁴⁶

The political rhetoric of the 90s, filled with hate speech and nationalistic intolerance, is still a part of everyday life in Serbia. So today, the people who have critical ideas are a target for many attacks by those who don't agree with them, so the defenders of human rights are often exposed to threats and physical violence by the hand of the members of nationalistic groups. In the following text we cite examples of attacks on human rights defenders, but there are more examples that we do not have room to include.

The Serbian People's Movement "Nasi" has been implementing a public campaign since November 2012, against members of certain non-government organizations, media associations, media and individuals who have been fighting to protect human rights in Serbia, publishing their names on so-called 'black lists'. Amongst the mentioned organizations are: Women in Black, the Fund for Humanitarian Justice, the Center for Cultural Decon-

446 ZINDOK, Stojakovic V. 2011, *Solidarity or likes*, (accessed 02.06.2013)

tamination, YUCOM, Helsinki Committee for Human Rights, Youth Initiative for Human Rights, Sandzak Committee for Protection of Human Rights and Freedoms, Exit Foundation, Autonomous Women's Center, Reconstruction Women's Fund, Belgrade Center for Human Rights, Amnesty International, Civic Initiatives, Queeria Center, Gay Straight Alliance, Dokukino, as well as the media: Blic, Danas, Vreme, Republika, B92, Pescanik and the Independent Association of Journalists Serbia (NUNS).

Moreover, the Serbian people's movement "Nasi" published another statement in December 2012, titled 'All organizations and media from the *black lists* are financed by the American Government through the NED foundation, under the direction of the CIA and the White House'. The campaign culminated in January 2013, when the Serbian peoples movement "Nasi" activists put up posters in many cities across Serbia, in public places, with the names of these organizations and media from the mentioned 'black lists', along with the words 'foreign agents' written out in large, red letters.⁴⁴⁷

In the beginning of April, the Serbian people's movement "Nasi" organization accused, via posters that they printed in many cities in Serbia, the Radio-television B92 and certain civil society organizations, of 'public undermining of the Serbian Constitution, and working to bring down the state and (of) breaking laws without being punished.'

Reactions to the campaign of Serbian people's movement 'Nasi'

As part of the International Human Rights Day - December 10th 2012, a group of 15 non-government organizations⁴⁴⁸ reacted to the campaign of the Serbian people's movement 'Nasi', and issued a Declaration emphasizing that 'the state must take all necessary measures in order to protect human rights defenders from all forms of violence, threats, retaliation, dis-

447 ZINDOK, Stojakovic V. 2011, *Solidarity or likes*, (accessed 02.06.2013)

448 The list of organizations that signed the Declaration: Women in Black, Regional Center for Minorities, Reconstruction Women's Fund, Civic Initiatives, Youth Initiative for Human Rights, Dokukino, Helsinki Committee for Human Rights in Serbia, Lawyer's Committee for Human Rights, Autonomous Women's Center, Center for Advanced Legal Studies, Human Rights House, Labris, Belgrade Center for Human Rights, Gay Straight Alliance, Center for Cultural Decontamination

crimination, pressure etc.⁴⁴⁹

Regarding the campaign of Serbian people's movement 'Nasi', the Gay Straight Alliance pressed charges against those responsible within the Serbian people's movement 'Nasi', for filing a false report and other criminal acts from the Criminal Code of the Republic of Serbia.

At the beginning of February 2013, a group of six women's non-government organizations in Serbia started an initiative for solidarity, 'Everyone on lists', with civil society associations that found themselves on the so-called black list, stating that they voluntarily consider themselves a part of that list. The action was initiated by the Women's Association 'Pescanik' from Krusevac, and was supported by five more non-government organizations from other parts of Serbia. Women's non-government organizations stated that they 'autonomously and voluntarily consider themselves a part of the existing and any potential future so-called black list, including human rights defenders.' The initiative of solidarity was signed by the Women's Association 'Pescanik' from Krusevac, the 'Damad Cultural Center' from Novi Pazar, 'ZINDOK Center' from Belgrade, 'Women's Space' from Nis, 'Women for Peace' from Leskovac, and the 'Women's Forum' from Prijepolje.⁴⁵⁰

The television B92 also reacted and pressed charges against 'Nasi' for the call for lynching of non-like-minded people and other crimes. The television demands of the Prosecution to begin a process against the Serbian people's movement 'Nasi' association, for breaking the law and the Constitution, and presses charges for the violation of equality, violent behavior, denying the freedom of expression and association, racial and other discrimination.⁴⁵¹

449 Regional Center for Minorities, <http://www.minoritycentre.org/sh/actuals/deklaracija-organizacija-za-ljudska-prava-povodom-objavljivanja-crnih-listi-snp-na%C5%A1i>, (accessed 30.05.2013)

450 Krusevac online, 12.02.2013, *Six women's NGOs voluntarily on the "black list"*, <http://037ks.com/2013/02/sest-zenskih-nvo-iz-srbije-dobrovoljno-na-crnoj-listi/> (accessed 05.06.2013)

451 B92, 16.01.2013, *B92 presses charges against Nasi* http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=01&dd=16&nav_category=12&nav_id=678049 (accessed 03.07.2013)

Regarding this topic, from political party representatives, the Liberal Democratic Party (LDP) reacted, accusing the government in its statement for creating an atmosphere of lynching that endangers human rights and citizen freedoms on a daily basis in Serbia.⁴⁵² The League of Social Democrats of Vojvodina (LSV) reacted, appealing in its statement to the Constitutional Court of Serbia to prohibit the work of 'Nasi', as an organization of extremists and hooligans.⁴⁵³ Also, the Democratic Party (DS) issued a statement in which it 'appealed to the Serbian Government to clearly condemn all lists and finally take concrete steps, so that they would not be repeated in the future and remain unpunished.'⁴⁵⁴

Reactions of state authorities were few; among them was that of the Office for Cooperation with Civil Society Organizations within the Government of the Republic of Serbia. In the statement of the Office, the creation of lists is strongly condemned and it's emphasized that the organizations on that list have 'for two decades bravely and consistently worked to create a democratic state based on the rule of law and most notably the respect of basic human and minority rights.'⁴⁵⁵

In addition to that, independent state bodies reacted; the Citizens' Defender (Ombudsman) expressed concern for the posters being put up and the rough public harassment. The Commissioner for Protection of Equality sharply condemned the posters being put up by the 'Nasi' across Serbia, and asked for an immediate reaction from the authorities.⁴⁵⁶

At the moment, under the warrant of the prosecutor, the police are conducting an inquiry regarding the campaign of 'Nasi'.⁴⁵⁷

452 Liberal Democratic Party, 07.12.2012, Statement *The Government is creating an atmosphere of NGO lynch* <http://istina.idp.rs/Vesti/16980/Vlast-stvara-atmosferu-linca-NVO.shtml> (accessed 05.06.2013)

453 League of Social Democrats of Vojvodina 06.04.2013, Statement *Prohibit SNP Nasi*, <http://lsv.rs/vesti/saopstenja/zabranite-snp-nasi-11748/> (accessed 03.07.2013)

454 Democratic Party, 17.12.2012, Statement, <http://www.ds.org.rs/medija-centar/saopstenja?start=100> (accessed 03.07.2013)

455 http://civilnodrustvo.gov.rs/media/2012/11/Saopstenje_za_javnost_FINAL.pdf

456 The Commissioner for Protection of Equality, 07.04.2012, *Statement regarding the poster against NGO and media* <http://www.ravnopravnost.gov.rs/rsD0%BC%D0%B5%D0%B4%D0%B8%D1%98%D0%B0> (accessed 05.06.2013)

457 Interview with Ljiljana Radovanovic, Women in Black (March 15th 2013)

Court decisions that aided the endangerment of all citizens

Aside from the prohibition of the Pride Parade, extremist groups were encouraged by court decisions in Serbia, first of all the Constitutional Court of Serbia and the Court of Appeals in Belgrade. The Constitutional Court of Serbia refused the appeal of the Prosecutor to prohibit the Serbian People's Movement 1389 and the Association of Citizens 'Nasi' from Arandjelovac. The court deemed it impossible to determine with certainty the existence of constitutional reasons to prohibit these associations. Interestingly, regarding a similar case, in the prohibiting of the rightist movement Obraz, the Constitutional Court decided on a completely different ruling on June 11th 2012.⁴⁵⁸

Hate speech can, in the widest sense, be defined as a form of expression containing messages of hate or bigotry toward a racial, national, ethnic, or religious group or their members. In recent times, hate speech encompasses speech that is directed with the intent to create hatred and bigotry toward sex and sexual orientation, and ever more often this term also refers to bigotry toward different political and other opinions as well as national and social origin.⁴⁵⁹

The Court of Appeals decided on several rulings that sent a message of the impunity of hate speech and the violence of extremist groups. By the rulings of this court, the sentence of one of the leaders of the Partizan football club supporters, Aleksanar Vavic, of one year in prison for an attack with a knife, was reversed, also, the punishment of the murderers of Brice Taton was reduced, and the ruling was reversed in the case of Dragan Markovic Palma, an official of the leading coalition, for hate speech concerning his statement that members of the gay population are sick. Great attention was attracted by the decision of the Court of Appeals to reverse the ruling in the case of Mladen Obradovic, the leader of the prohibited movement Obraz, for racial and other discrimination.⁴⁶⁰ Incidentally, the very trial court ruling that sentenced Mlad-

458 Human Rights House, 2012., Report on the work of the new government in the area of human rights, transitional justice and rule of law in Serbia, p. 6 (accessed 05.06.2013)

459 Lawyers' Committee for Human Rights (YUCOM), <http://www.yucom.org.rs/rest.php?tip=vestgalerija&idSek=24&idSubSek=70&id=1&status=drugi> (accessed 13.04.2013)

460 Human Rights House, 2012, *Report on the work of the new government in*

en Obradovic to 10 months in prison for spreading racial and other discriminations, relating to the organization of graffiti writing and spreading of hate speech immediately before the Pride Parade in 2009, was very light.

On the other hand, proceedings are being conducted against those who fight for human rights. Some organizations of extreme nationalists initiated proceedings against renowned defenders. So, in 2009 the organization Dveri initiated a criminal proceeding against Borka Pavicevic. By the first instance verdict of the First Basic Court, the charges were dismissed against Borka Pavicevic, with the explanation that 'the statements of the defendant have no importance of offence, or slander, but are an expression of a personal opinion regarding a current situation, as a guest in a talk show following the gay parade and considering the fact that she was invited to express her opinion about the current situation.'⁴⁶¹ The court proceedings against Vojin Dimitrijevic⁴⁶², also initiated by Dveri, have been closed due to the death of the defendant.⁴⁶³

Attacks on human rights defenders

For the needs of this Report, several non-government organizations dealing with the protection of human rights have been contacted, in order to collect information about court proceedings regarding attacks on human rights defenders.

Often the wider community of human rights defenders in Serbia does not find out about attacks on human rights defenders in smaller areas, because information about them aren't covered by any media, or they don't want to talk about what happened, treating attacks as 'part of the risk' of the work that they are doing.

the area of human rights, transitional justice and rule of law in Serbia, p. 6 <http://kucaljudskihprava.rs/wp-content/uploads/2012/12/Izvestaj-Kuce-ljudskih-prava-i-demokratije-o-radu-novih-vlasti-u-oblasti-ljudskih-prava.pdf> (accessed 05.06.2013)

461 Lawyers' Committee for Human Rights (YUCOM) <http://www.yucom.org.rs/rest.php?tip=vest&idSek=4&idSubSek=4&id=387&status=drugi> (accessed 03.07.2013)

462 Vojin Dimitrijevic was one of the most prominent local lawyers, professor of international law, longtime fighter for human rights and the manager of the Belgrade Center for Human Rights

463 Human Rights House, 2012, *Report on the work of the new government in the area of human rights, transitional justice and rule of law in Serbia*, p.8 <http://kucaljudskihprava.rs/wp-content/uploads/2012/12/Izvestaj-Kuce-ljudskih-prava-i-demokratije-o-radu-novih-vlasti-u-oblasti-ljudskih-prava.pdf> (accessed 05.06.2013)

- Attacks on Svetlana Saric, the founder and coordinator of the SOS hotline and member of the Women in Black Network from Vlasotnice, began in 2012. 'The first attack happened in July 2012, after returning from Belgrade, where I attended the annual commemoration of the genocide in Srebrenica, when my apartment, where I live with my daughter, was broken into. We figured, because nothing was stolen, apart from the place being broken into, we wouldn't report the attack to the police.'⁴⁶⁴ Sometime later, that same year, Svetlana and her daughter found a dead cat in front of their door. They did not report it then either, believing it was a joke. The third attack, that had serious consequences, happened on February 12th 2013, in the evening, when plastic chairs began to burn on the rooftop terrace (of the apartment where Svetlana and her daughter live), followed by laundry, and then the windows of the apartment caught fire, along with parts of the walls and the electrical wiring. At that time Svetlana and Ivana were in the apartment. This attack was reported to the police. The official police and firefighters' version of events was that the fire was caused by a cigarette butt, even though neither Svetlana nor her daughter smoke. The attackers were never identified. (Ibid)⁴⁶⁵
- Attacks on the members of the Women in Black Network are a common occurrence, so there were a number of those incidents in the past several years. In July 2011, during the commemoration of the genocide crime in Srebrenica, unknown persons created a Facebook page titled: 'Stop the mental genocide of the youth - prohibit Women in Black.' In cooperation with YUCOM, Women in Black pressed charges against the unknown individuals to the public prosecutor's office in Belgrade, under reasonable suspicion that they have committed the crime of racial and other discrimination (article 387, p. 4, regarding p. 1 of the CC of the RS). The issue was sent to the Department of Criminal Investigation - Section for the fight against cybercrime, where the coordinator of the Women in Black Network, Stasa Zajovic, gave a statement in the presence of a lawyer. During the meeting it was stated that, since it regards a Facebook page, in the interest of conducting the proceeding, it would be necessary to engage the service for the fight against high tech crime in Los Angeles, which is why the proceeding still has not been conduct-

464 Written statement by Svetlane Saric sent to the Amnesty International organization on February 15th 2013

465 Ibid.

ed, but the mentioned Facebook page has been deleted.⁴⁶⁶

- Also, at the beginning of 2011, unknown individuals insulted and threatened the Women in Black Network activists via email. Regarding this attack, Women in Black, in cooperation with YUCOM, pressed charges for the insults and threats sent by email, both to Stasa Zajovic personally and to the organization of the Women in Black Network. No court ruling has yet been made in this case. During the last inquiry sent to the prosecutor's office, we were informed that the documents were returned to the competent police department with a request for gathering additional information (Ibid).⁴⁶⁷
- One of the latest attacks on a member of the LGBT population was the attack on Boris Milicevic, one of the founders and former president of the Gay Straight Alliance (GSA), which happened in February 2013, when, in addition to a physical attack, he suffered insults and theft of money and personal effects from his apartment. The perpetrators were arrested soon after, criminal proceedings against them were run and they were convicted.

The Gay Straight Alliance (GSA) initiated and is now leading several court proceedings against violence and discrimination against members of the LGBT population.

Proceedings against the daily paper 'Press Daily Newspaper' were initiated before the First Municipal Court in Belgrade in 2009, because of hate speech. Charges were pressed against 'Press Daily Newspaper', Iva Popovic, manager and Nebojsa Jankovic, editor of the web editorial staff www.pressonline.rs, for publishing texts containing hate speech. On July 2nd, in the section 'Jet-set World', the daily paper Press published an interview with Adorjan Kurucz, an LGBT activist, in which he talks about his sexuality and homosexual orientation. The same article was published in the Press web edition, where every visitor could post a comment, which 85 people did. Press published the content of their comments, which express insults, call for murder, slaughter, threats to LGBT persons' lives, body and property, suggestions for isolating LGBT people, etc.

466 Report on the court proceedings by the Lawyers' Committee for Human Rights (YUCOM) sent to the Women in Black Network, 22.07.2013.

467 Ibid.

The state's attitude toward organizing the Pride parade

The Pride parade does not represent only the celebration and promotion of LGBT rights, but is a manifestation of diversity and the promotion of equality in a society. Organizing a Pride parade shows the readiness of a society and a state to protect human rights of all citizens. Thus, in view of each Pride parade announcement in Serbia, hate speech graffiti, done by rightist and nationalistic organizations, are a common occurrence on building facades, along with threats directed at human (LGBT) rights defendants, in particular those who organize the Pride Parade.

The Pride Parade in Belgrade was successfully held in 2010. In 2011 and 2012, the Serbian Government prohibited the Pride Parade from taking place. The decision was made by the Ministry of Interior, based on the suggestion by the Bureau for Security Services Coordination. The decision to prohibit the Parade was not explained, and does not contain real reasons for the prohibition, except that it was estimated that there could be casualties and great material damage during the meeting.

The Prime Minister Ivica Dacic gave a statement on that occasion that 'the last thing Serbia needs is for there to be conflict and casualties, and this is why the conditions were such to prohibit all meetings scheduled for October 6th, including the Pride Parade walk. Aleksandar Vucic, the head of the Bureau for Security Services Coordination, who suggested the prohibition of the Parade, gave this statement on that occasion: 'The state is worried about the safety of all its citizens, the state is worried about the safety of the property of all its citizens and the state always will be.'⁴⁶⁸

468 Human Rights House, 2012, Report on the work of the new government in the area of human rights, transitional justice and rule of law in Serbia, p. 2

In April 2013, the Constitutional Court of Serbia (CCS) came to a decision⁴⁶⁹ to accept the Constitutional complaint filed by the Belgrade Pride Parade organizers, because of the Pride Parade prohibition in 2011. Although this Constitutional Complaint was not entirely accepted by the Court, but only in part, it is very significant that the Court acknowledged the right of the organizers to judicial protection under article 22 of the Constitution; and that the right to a remedy, under article 36, was violated; as well as, indirectly, the freedom of gathering, under article 54 of the Constitution.

Deciding on the constitutional appeal regarding the prohibition of the 2011 Pride Parade, the Constitutional Court dismissed as constitutionally unfounded the section relating to the violation of article 21 of the Constitution - that the prohibition discriminated based on sexual orientation, and deemed that 'the competent organ prohibited all public meetings, and gatherings in movement, announced for the same or the previous day as the 2011 Pride, whose organizers were precisely the persons and organizations that represent opposing attitudes and ideas, which makes the charges of the complainants, that the prohibition of the public meeting that they announced was due to discrimination based on sexual orientation, constitutionally unfounded.'

What was new in this CCS decision was the motion to initiate a proceeding of the assessment of the constitutionality of the Law regarding citizens' gatherings, because, based on the reasons given in the mentioned decision (to prohibit the 2011 Pride Parade), the cause of the confirmed violations of rights is a system problem of an inconsistency within the current Law regarding citizens' gatherings with regulations of the 2006 Constitution. The current Law regarding citizens' gatherings was adopted back in 1992. One of the most problematic provisions it contains are the deadlines for filing an appeal in case a meeting is cancelled, because the Ministry of Interior has the right to prohibit a gathering 12 hours before its scheduled at the latest. That leaves a very short period for appeals to the court.

469 Republic of Serbia, the Constitutional Court of Serbia, Uz-5284-2011, 18.04.2013

Conclusion

The state and its institutions do not take enough action to develop a culture of human rights and tolerance, creating an atmosphere in which it is possible to attack human rights defenders with impunity. So, the inefficient reaction of state institutions in hate speech situations and the calls for lynching against human rights defenders and the few independent media, including the creation of 'black lists', is not surprising. On the other hand, the courts have a tolerant attitude toward the work of nationalist groups and make decisions that do not prohibit the work of these organizations. Even though only several proceedings regarding attacks on human rights defenders are in progress, the real, daily pressure that they are exposed to, as well as their media persecution, negatively affects their work, and thus the level of human rights protection in the state.

Recommendations:

1. More efficient reactions of state institutions and the initiation of proceedings against nationalistic groups for the campaigns against human rights defenders and the independent media
2. The sanctioning of attackers and persons who use hate speech and commit hate crimes, not only against human rights defenders, but other citizens of Serbia
3. Provide conditions for the Pride parade and all other gatherings that promote the protection of human rights along with offering protection to the organizers of such gatherings

The implementation of this NAP activity by the institutions of the Republic of Serbia we evaluate as: **No progress**

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- ✓ The reply of the Ministry of Finance and economy, number 08 4-00-69/2013, directed to the Women in Black from 16.04. 2013.

