



independent

Monitoring of the implementation
of the Resolution 1325 in Serbia



Centar za studije
žene i rod
Beograd

independent
Monitoring of the implementation
of the Resolution 1325
Women, Peace and Security

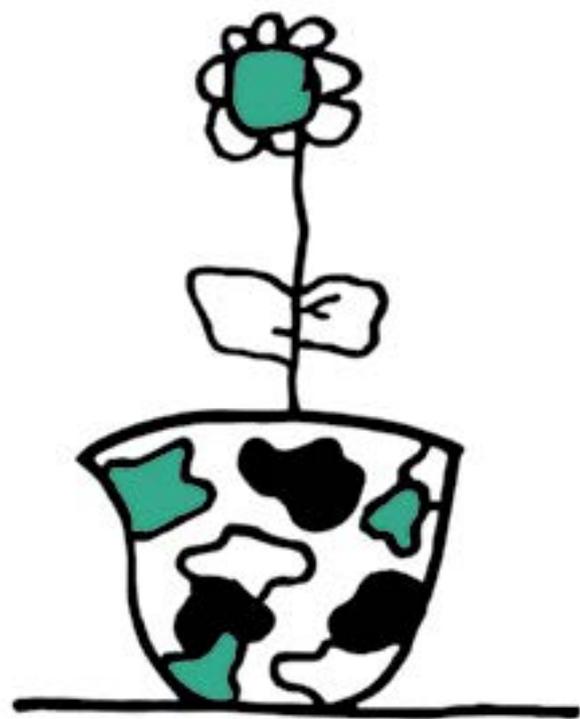
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Staća Zajović

INDEPENDENT MONITORING OF THE IMPLEMENTATION OF RESOLUTION 1325 – Introduction

Political and social-economic context in Serbia – from the war period to the aftermath of war

In the period from 1991 to 2000, Serbia was marked by important processes, the effects of which are still being felt. Above all, those were the military campaigns launched by the Serbian regime from 1991 to 1995, against Slovenia, Croatia, Bosnia and Hercegovina, followed by a low intensity war against the Albanian population in Kosovo after the Dayton Agreement, which led to the military intervention of NATO forces in Serbia and Kosovo in 1999. Unfortunately, the fall of the regime of S. Milošević (October 2000) did not bring about the expected changes, nor did it fulfill expectations.

I “The shift” of power in Serbia – the proponents of the policy of the 1990’s reassumed power

In the elections held in May 2012, the creators, protagonists and accomplices of the policy of the 1990’s returned to power. The victory of the Serbian Progressive Party/SNS and their coalition partners reinstated the retrograde forces characterized by nationalism, populism and close ties with the extreme, rightist organizations.

In the parliamentary elections (16th March 2014) the Serbian Progressive Party (SNS) won an overwhelming majority (80% of seats in the Parliament).

Since their rise to power, the Serbian Progressive Party and its leader A. Vučić have strengthened their autocratic regime: the critically oriented media have been completely obstructed, the freedom of the media is continually being stifled, the freedom of speech is gravely endangered, while incrimination of the opposition is underway, thus fostering auto-censorship, deriving from fear for existence.

The presidential elections were held on 2nd April 2017. The electoral campaign, as well as the elections, unfolded in utterly irregular conditions. The election of Aleksandar Vučić as President and his activities during the first months of his term clearly show that the institutions and the rule of law have been tarnished even further.

II The gap between the normative and the factual – integration processes, international and EU standards

By signing the Brussels Agreement (April 2013.) A. Vučić and his government adopted “European” values only declaratively. A. Vučić has been pursuing a policy which is supported by the leading countries of the European Union/EU and USA, because of their vested interest in the Kosovo issue. This is the reason why the Brussels administrations “turns a blind eye” to Serbia, despite the fact that reforms are not being implemented on the national level, let alone compliance with international documents concerning flagrant human rights violations.

In spite of the fact that A. Vučić, either in the role of Prime Minister or that of President of the country, continually generates tensions in relations with nearly all neighboring countries in the region, in the eyes of Brussels he enjoys the image of “Guarantor of stability”. The International Institute for Strategic Studies in London consider that what we have at work is “*stabilocracy* – a combination of Balkan autocrats and cleptocrats, who enjoy the support of western countries because they maintain peace and stability”.¹ It is clear that the EU are struggling with their own problems: (authoritarian leaders in some of the member states, economic crisis, refugee crisis accompanied by xenophobia, racism and violence against the refugees, the rise of forces of the extreme right, etc.).

The Republic of Serbia has embarked on the negotiating process for the accession to the EU. That is, for the most part, manifested in continual “replicating” of laws and national actions plans/NAP, so that their number exceeds two hundred, together with around a hundred diverse strategies! “The only thing that matters for Serbia is to ‘copy’ the EU legislation, which will not be implemented. Adopting laws according to EU standards has nothing to do with their implementation. The authorities comment cynically that “the laws are excellent, but we know that the situation has been deteriorating.”²

The gap between the real situation and the normative “promises” is widening, which can be illustrated with just a few examples:

Women are the most vulnerable – violence against women: The reports of the Network against Violence indicate that “over the past 7 years (as of 2010 to date), at least 244 women have been killed by their partners or another male family member. On the average, one in three women (35%) was killed by firearms (gun, rifle) the gun being the most frequently used weapon”³ Despite the fact that possession of firearms and their presence in the household poses a great threat to security, Serbia does not even have a statistical database or records on post-traumatic stress syndrome/PTSP in Serbia, or about the number of women exposed to violence at the hands of former participants of the wars affected by PTSP.

1 NIN, 29 June 2017

2 Danas, 26-27 Nov 2016 (statement by Nemanja Stjepanović, Humanitarian law Fund)

3 Vedrana Lacmanović, Femicide in Serbia (mapping and institutional response) for the Independent Monitoring of the Implementation of Resolution 1325 (2017-2020).

All levels of human security have been affected – the state and its institutions are the major source of insecurity: the experiences of Women in Black/WiB in field work show that “the participation in the partocratic power is a guarantee of social and economic security, while the realization of all levels of human security (especially economic and social rights, rights to healthcare and education ...) depends on the distance from o closeness to the centers of economic and political power”⁴

Impunity for war crimes on the state and societal level – The process of imposing transitional justice is in serious crisis due to the lack of the authorities’ political will for the a processing of the perpetrators of war crimes. The glorification of the sentenced war criminal continues in the media and on the state level. In short, both on the state and societal level, Serbia is still an oasis of impunity for war criminals!

Serbia is the only country in the region which has not signed the Convention on the Prohibition of the Use, Production and Stockpiling of Cluster Munitions: Due to Serbia’s refusal to adopt the Convention on Cluster Munitions, the victims of cluster bombs in Serbia are denied the right to international assistance, as well as donations to clean up areas of residual cluster munitions. Ever since 2010, (when the Convention came into effect), WiB has been calling upon the competent institutions to sign the Convention on the Prohibition of Cluster Munitions, but, unfortunately, all those pleas have been ignored by the authorities.

Taking advantage of the refugee tragedy – War refugees, predominantly from the Middle East, started pouring in massively in 2015, and ever since, they have been exposed to abuse, discrimination and exploitation, both by government and nongovernment actors (swindling and misappropriation at the detriment of the refugees, profiteering on migrations from the Middle East and the rise of a new wave/social layer of post-war profiteers).

Rehabilitation of World War II criminals – obliterating the anti-fascist heritage: The first Law on Rehabilitation in Serbia was adopted in 2006, under the government led by V. Koštunica, and was supplemented by the Assembly of Serbia in 2011. It was the result of a years-long process of revising the outcomes of World War II, obliterating the anti-fascist heritage and broadening the space for the ultra-rightist, neo-Nazi and clerical-fascist forces on the societal and state level.

Attacks against human rights defenders: From the very inception of WiB, and especially as of 2014, its activists have often been the target of attacks by state and non-state actors, because of their struggle for human rights of the others and the different (ethnically, politically or sexually). However, being a women’s peace group, the thorn in the eye is WiB’s insisting on establishing the accountability for war and war crimes at all levels. Attacks against WiB activists have been on the rise since 2014. There are two different types of attacks, starting from insults and threats, which is part of the activists’ everyday lives, to physical attacks. What all those cases have in common is that none of them has been solved. Obstruction by state organs is present at all levels. Although the Draft of NAP⁵ for the implementation of Resolution 1325

4 Report from workshops conducted throughout Serbia ‘What poses the greatest threats to women’s security’ 2016

5 National Action Plan for the Implementation of Resolution 1325 in the Republic of Serbia (2017-2020), IV Chapter: Protection, Item 4.11

(2017 – 2020) provides for “efficient protection of organizations and individuals engaged in monitoring the processing of war criminals, exercising women’s human rights and supporting women exposed to discrimination and gender based violence”, so far, this has been a dead letter, judging by their experience. According to numerous international documents that the state of Serbia has undersigned, and which were brought by the United Nations and the European Union, the state of Serbia has undertaken the obligation to protect all the individuals and organizations and groups pledging for the protection of human rights.

III Independent Monitoring of the Implementation of Resolution 1325 “Women, Peace, Security”

On 31st October 2000, the United Nations Security Council adopted Resolution 1325 “Women, Peace, Security”. The National Action Plan of the Republic of Serbia was adopted in December **2010** and realized in the period 2010 – 2015. The new NAP will be implemented in the period between 2017 and 2020.

Women in Black and the Independent Monitoring of the Implementation of NAP – for R 1325 in Serbia: Work on the Independent Monitoring began in June 2011, and proceeded throughout 2012 and 2013, which has been extensively documented.

The Independent Monitoring of the Implementation of R1325 for 2017: A task force made up of 12 activists of Women in Black, Autonomous Women Center, ASTRA and Humanitarian Law Fund, monitored and supervised the implementation of Resolution 1325, focusing on the following topics: **1.** The process of transitional justice; **2.** Sexual violence (sexual crimes against women during the war in the former Yugoslavia, women trafficking, im/punity for sexual crimes committed against women during the wars in the former Yugoslavia; **3.** Militarization on the state and societal level **4.** Position of human rights defenders.

IV Main objections to National Action Plan of the Republic of Serbia for the Implementation of Resolution 1325 (2017 -2020)

By comparing NAP for 2010–2015 and the latest NAP (2017–2020) the striking feature is adherence to the former concept, which had undergone serious criticism (WiB publications on independent monitoring conducted in 2011-2012 and in the course of 2013).

Militaristic approach to Resolution R 1325: The conclusion referring to the previous monitoring still holds: “Designating the Ministry of Defense as the proponent of designing NAP (2010-2015) testifies of a militaristic approach to the concept of security (...). Such an approach overlooks the changes in the theory and practice of security and achievements in the field of human security. Besides, the credibility of this

institution has been tarnished, in view of the role played by the Army of Serbia, as the successor of the Army of Serbia and Montenegro, and formerly the Army of Yugoslavia and JNA in the wars of the 1990's, and therefore the designation of the Ministry of Defense as the proponent of activities in designing NAP is unacceptable from the feminist and pacifist point of view"⁶ Nothing changed regarding the design of the latest NAP: "The Ministry of Defense, as the proposer, after extensive public consultations between 2016 and May 2017, prepared Draft Conclusions approving the NAP.⁷ It is evident that in nearly the entire document, the Ministry of Defense appears in four (out of five) chapters of NAP, as the "proponent of activities". Since there is no mention at any point in the text of the new NAP of one of the most important items (item 11. R 1325)⁸ for the implementation of which the above mentioned Ministry is responsible, the question arises as to how the Ministry will assume a clear and unequivocal attitude concerning the Srebrenica genocide. Resolution 1325 and the Resolution of the European Parliament on the European Commission report on Serbia for 2016, the authorities of Serbia are urged to "condemn the denial of genocide, crimes against humanity and war crimes".⁹

Quantitative inclusion of women in the security sector and militaristic structures: In the previous NAP (2010-2015) the inclusion of women was understood exclusively as a question of quantity. However, the quantitative inclusion of women (their numbers) in the security sector does not alter the patriarchal power and militaristic concept of security, and what is the women's utmost concern – human security is seen as a secondary issue.¹⁰

The new NAP is a step forward in the bureaucratization of R 1325, and especially in the *militarization of the requirement for equality* by insisting on "convincing quantitative data"¹¹ and that "in the forthcoming period the focus of security institutions be shifted from the sphere of politics and administration to the operational entities (police, gendarmerie, army, customs, guard service, ect)"¹²

Quantitative inclusion of women in the security sector and militaristic structures is reduced to ensuring equal access to power in authoritarian, patriarchal structures – military power.

NAP generates discord within the civilian society (between the obedient - "patriotic" and disobedient – treasonous NGOs): In the course of preparing the previous NAP, Women in Black came up with many objections and recommendations intended to contribute to its quality. None of those objections

6 Women in Black critical remarks and activities concerning the preparation of the National Action Plan /NAP for the Implementation of Resolution 1325 (2010).

7 National Action Plan /NAP for the Implementation of Resolution 1325 (2017-2020), p.4.

8 "Stresses the responsibility of all States to put an end to impunity and to punish those responsible for genocide, crimes against humanity and war crimes, including those related to sexual and other forms of violence against women and girls, where possible, from the provisions on amnesty" (Resolution 1325, item 11.)

9 Danas, 20 June 2017 (article 'Serbia must assume responsibility and stop denying the genocide)

10 Independent monitoring of the implementation of Resolution 1325, Women in Black, 2013, Introduction

11 National Action Plan for the implementation of Resolution 1325 in the Republic of Serbia (2017-2020), p. 3.

12 Ibid, p.4

and recommendations has been incorporated in the final text. The results of the independent monitoring of the previous NAP appeared in a number of publications, but they were completely disregarded when the new NAP was being prepared, so that Women in Black distanced themselves and did not participate in its preparation. This completely overturns the argument that: „In the development of the new NAP, the results of evaluation of the implementation of the previous NAP (2010-2015), implemented by CSOs, among which the Belgrade Center for Security Policy, Women in Black, the Center for Policy Research, etc. were taken into consideration.“¹³ In the case of Women in Black, this is not true. We do not know whether the results of other evaluations were taken into consideration.

The state of Serbia uses R1325 and NAP for creating its own image of “leader in the region” in the implementation of R1325, without recognizing rape as a war crime: both the old and the new NAP aim at scoring foreign policy points, and not not achieving a human, let alone gender dimension of security, to which it is bound by the above mention item 11 of Resolution 1325. One of the most drastic examples of this is the fact that the Law on Civilian Victims of War, adopted in 1996, does not recognize rape as a war crime. The “new” NAP does not pledge for the recognition and processing of the war crime of rape, which is indicative of the continuity of impunity. Particularly “interesting” is the following item: “Promotion of the public interest through the concrete co-financing of the production of media content on the contribution that women provide in confronting the belligerent past and in the building of peace”.¹⁴ As it has already been said, WiB and allied organizations are the target of attacks of both state and non-state actors exactly because of their insistence on confrontation with the past and building of peace with justice, and they achieve “visibility” through the vilification they are exposed to in the regime controlled media, while daily “Danas” provides practically the only media space for confrontation with the past.

V Why did we launch the Independent Monitoring for the Implementation of R1325?

Women in Black, together with feminist organizations – **Autonomous Women Center** and **Anti-trafficking Center/ASTRA**, with the support of the **Humanitarian Law Fund**, formed an autonomous task force for the monitoring of the implementation of Resolution 1325. It was decided that the latest NAP for the implementation of R1325 would not be monitored (it was adopted at a Government session in May 2017), but that it should be taken into consideration, so as to point to the discrepancy between the normative level and the factual situation.

During the activist and research activities of Women in Black, which has been ongoing ever since 2005, the attitudes of women can be summarized in the following way:

13 National Action Plan for the implementation of Resolution 1325 in the Republic of Serbia (2017-2020), p. 4

14 NAP, Chapter IV, item 4.10.

- **Everything that is connected to the traditional militarized concept of security is perceived as completely negative by the participants:** they do not see any link between security and the repressive apparatus (army and police), but rather identify those formations as a factor that poses a threat to human security.
- **The feminist-antimilitaristic concept of security respects women's experience and needs.** *The Women's Security Charter of the Women in Black Network* – which was created in the course of educational activities, shows that women understand security as: the absence of violence against women and its sanctioning; investing in peace, and not in war, peace as the absence of fear, hatred, poverty, all forms of discrimination and injustice; the feminist concept of security is women solidarity (mutual support, women working together against militarism – across and beyond state and national borders, with a strict implementation of the laws of transitional justice = confrontation with the past and criminal liability for all war crimes).

In short, the *Independent Monitoring for the Implementations of R1325* is not about submitting an account to the state, but to the women, which is one of the values and practices of the feminist movement. Taking into consideration women's everyday experiences, both in the personal and family sphere, and also in the public sphere, (political, economic, social, cultural, educational, etc.) is crucial for the deconstruction of the militaristic understanding of security. By working together towards the aim of developing a feminist-antimilitaristic concept of security, Women in Black and allied organizations will continue informing women in the field about the ab/use of R1325 by the Serbian authorities.



Miloš Urošević

TRANSITIONAL JUSTICE IN SERBIA

The process of transitional justice in Serbia can be monitored, inter alia, through: war crimes trials, reparations/damages, institutional reforms, and also through initiatives of civil society organizations.

I War crimes trials¹⁵ are characterized by:

- *Procrastinating judicial procedures:* In the course of 2016, only 56 days of trials in all current cases processing war crimes indictees were held, whereas 23 scheduled days of such trials were postponed for miscellaneous reasons.
- *Covering the costs:* Until January 2016, the Court used to cover the costs incurred to all individuals who appeared as witnesses in procedures for war crimes, by paying them immediately afterwards, in cash. However, this practice has been discontinued, so that, as of January 2016, these payments are effectuated exclusively through bank accounts.
- *Low visibility of war crimes trials:* According to the latest public opinion polls in Serbia, the majority of citizens are unable to cite a single case of war crimes being processed before national courts.
- *Inefficiency of the Prosecutor's Office for War Crimes:* A negative trend in raising a small number of indictments, against a small number of suspects and with a small number of affected victims has been continued.

The Prosecutor's Office for War Crimes is characterized by:

- *A small number of indictments:* In the course of 2016, seven indictments were raised against seven persons. All seven indictments are cases that have been entrusted by the judiciary of BH, which are predominantly cases with one defendant and usually a single victim.
- *The absence of indictments for crimes committed in Kosovo:* The Prosecutor's Office for War Crimes has not raised a single indictment for nearly three years for crimes committed in Kosovo.
- *Failing to process high-rank perpetrators*

15 http://www.hlc-rdc.org/wp-content/uploads/2017/05/Izvestaj_o_sudjenjima_za_2016.pdf

- *Absence of political support to war crimes trials:* Serbia did not have a Chief Prosecutor for War Crimes for one year and a half¹⁶.
- *Glorification of war criminals and the reinstating of disreputable persons in the institutions:* Instances of such malpractice are numerous, and indicative of the fact that the process of lustration did not take place in Serbia.
- *Non/cooperation with the Hague Tribunal:* On May 18th 2016, the War Crimes Chamber of the Higher Court in Belgrade adopted the ruling rejecting the Hague Tribunal's request for the arrest and extradition of three officials of the Serbian Radical Party – Petar Jojić, Vjerica Radeta and Jovo Ostojčić.

II Reparations/damages

Serbia refuses to pay material damages to the victims' families from Sjeverin, Bosnians from Sandžak (victims of police torture), and Bosnian prisoners from Žepa, who were detained in the camps of Šljivovica and Mitrovo polje.

III Institutional reforms

The following steps have been undertaken in this field:

- *National strategy for the processing of war crimes*¹⁷: The adoption of the National strategy for the processing of war crimes is a positive step towards terminating impunity, although the facts reveal that it is a dead letter, since the implementation of the stated goals of the strategy is absent.
- *Negating the established facts about the crimes committed*¹⁸: In November 2016, the National Assembly of the Republic of Serbia opened a debate on the Law on Amendments to the Criminal Code which prohibits public denial or glorification of genocide, crimes against humanity and war crimes, but only in the case of facts arising from the verdicts of the courts in Serbia and the International Criminal Court. This does not apply to the facts established by the Hague Tribunal or the International Court of Justice.

16 <https://insajder.net/sr/sajt/vazno/4694/Srbija-posle-godinu-i-po-dana-dobila-tu%C5%BEiteljku-za-ratne-zlo%C4%8Dine.htm>

17 <http://www.mpravde.gov.rs/vest/12116/-nacionalna-strategija-za-procesuiranje-ratnih-zlocina-.php>

18 <http://mpravde.gov.rs/vest/8717/nacrt-zakona-o-izmenama-i-dopunama-krivcnog-zakonika.php>

IV Initiatives of civil society organizations

Regarding the consideration of the initiatives coming from civil society organizations, the state of Serbia has ignored all of them (REKOM¹⁹, the Batajnica Memorial²⁰, as well as the years-long initiatives by Women in Black to proclaim July 11th Day of Remembrance of the Srebrenica genocide, to allocate a site in Belgrade for a monument to the victims of the Srebrenica genocide, to place memorial plaques in the locations of the former camps of Stajićevo and Begejci, etc.).

Recommendations:

- **Achieving full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY);**
- **Sanctioning the denial of facts established by the Hague Tribunal and the International Court of Justice;**
- **Co-operating with neighboring countries in the region in order to effectively prosecute war criminals;**
- **Locating mass graves containing the remains of victims in the territory of Serbia;**
- **Amending the Law on the Rights of Civil Invalids of the Republic of Serbia for the Realization of the Rights of All Victims of the War;**
- **Condemning and legally sanctioning all forms of denial of genocide, crimes against humanity and war crimes;**
- **Proclaiming July 11th Day of Remembrance of the Srebrenica genocide;**
- **Placing memorial plaques to Croatian war prisoners in Begejci and Stajićevo (the sites of concentration camps in the early nineties);**
- **Supporting the Initiative for the formation of a Regional Fact-Finding Committee about war crimes and other severe violations of human rights committed in the territory of the former SFRY (from 01 01 1991 to 31 12 2001);**

19 <http://recom.link/sr/o-nama-sr/sta-je-koalicija-za-rekom/>

20 <http://www.batajnicamemorialinitiative.org/en>

- **Adopting the initiative of women peace groups (Women's Association Pešcanik and the Network of Women in Black) on proclaiming May 24th – Day of Remembrance of the women's protest in the Rasina County in May 1999, when they rebelled against forced mobilizations of men for the war in Kosovo;**
- **Fulfilling the demands of civil society organizations for the changing of names of streets and public areas – and naming them after pacifist and feminist activists.**



Mina Damnjanović

THE CRIME OF WARTIME SEXUAL VIOLENCE

— implementation of Resolution 1325

Sexual violence is quite often referred to as collateral damage during the war, thus overlooking the key issue, the fact that ethnic cleansing and genocide are part of the tactics and strategies of warfare. Systematic organization of war crimes such as rape and other forms of sexual violence is based on the patriarchal understanding of male/female dynamics of power, which presupposed that women are subject to sexual violence primarily because they are women, and are therefore treated as men's property within the male power system. As a consequence of such a structure, wartime sexual violence has been normalized, with women victims of sexual violence remaining unrecognized, and the crime of sexual violence being treated more leniently in comparison to the other crimes. The entire system is organized in a way that makes it difficult for women to testify about the crime of wartime sexual violence, because secondary victimization is inevitable. The Independent monitoring of Resolution 1325, which refers to wartime sexual violence, established that Resolution 1325 is not being applied in the institutional system of the Republic of Serbia.

The results were obtained through analysis of the processed cases concerning the crime of sexual violence and the legislative framework of the Republic of Serbia. It was observed that the incidence of cases of wartime sexual violence is lower in comparison to that of other cases. The Law on the rights of civilian war invalids, which is the only one regulating the status of civilian casualties of war, does not recognize women victims of sexual violence, and therefore the numbers of processed victims are low.

The Prosecutor's Office for War Crimes in Serbia has so far raised 66 indictments, out of which only seven refer to the crime of wartime sexual violence. Based on the analysis of the processed cases, **results were obtained** showing clearly that the proceedings are being **procrastinated (trials being canceled, repeated or postponed)** resulting in the witnesses renouncing to giving testimonies, which entails inadequate processing of these cases. The fact that all the indictees are of low rank, is used to neglect the accountability of the state, diminish and invalidate the crime. The treatment of the victims by the authorities is inappropriate, whereas institutional support to the victims and the protection of victims of sexual violence is practically non-existent.²¹ In two cases, **the witnesses refused to testify again because of their personal assessment that the treatment they had during the trial had been inadequate and humiliating for them**, i.e. that it had caused re-traumatization. The inadequate treatment of female victims is also visible concerning the absence of all forms of **reparations**. In one case it was noticed that sexual slavery is not recognized in the indictment, and in the other that the crime of wartime rape was not added to the

21 The work of institutions, the processed cases and legal framework will be further discussed below.

indictment, although the testimony of one of the witnesses clearly revealed that this crime was committed. These facts are indicative of the normalization of wartime sexual violence and failure to recognize it. In view of the behavior of the relevant institutions, it is clear that **there is no clear structure and regulations on the procedures to be followed with women victims of wartime sexual violence.**

Legal regulations

The Law on the Rights of Civilian War Invalids²² was adopted as early as 1996. Serbia is the only country in the region which does not recognize female victims of wartime sexual violence. The European Commission have been warning about this problem in their reports²³, as well as numerous feminist activists.

According to the legal definition in Serbia (article 2), a civilian invalid of war is a person rata je "a person with a physical injury of at least 50% due to wounds, injuries or injuries that left visible signs of being subjected to abuse or deprivation of liberty by the enemy during the war, the conduct of war operations, from wrecked war material or hostile diversion or terrorist".²⁴

Alternative approaches to justice

It is evident that the roots of the institutional, media and the broader social context in general stem from patriarchy. In that sense, it is important to find new ways of bringing about justice, which would place women experience in the focus of their policy, and thus make women political subjects of justice, encouraging the creation of a different history. One of the most important forms of alternative approach to justice is Women's Court, organized by Women in Black in cooperation with women's organizations from the area of the former Yugoslavia in 2015. The importance of Women's Court lies in the fact that it is a continual process of women empowerment, making women experience central to its policy. Above all, Women's Court is a place where women, through their testimonies, become the subjects in finding new patterns of bringing about justice.

22 Law on the rights of civilian war invalids, *Official Gazette of the Republic of Serbia*, article 2.

23 The European Commission concluded, in their annual report, that one of the problems of the Law on the rights of civilian war invalids are the conditions for acquiring this status, based on which a large number of persons have been excluded. See at: Working Paper of the Commission: Republic of Serbia - 2015 Progress Report, translation available at: http://www.seio.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/godinji_izvestaj_15_final.pdf,

24 Law on the rights of civilian war invalids, *Official Gazette of the Republic of Serbia*, article 2.

Recommendations:

- that women victims of sexual violence be recognized and treated as civilian victims of war and to be covered by the the Law on the Rights of Veterans, Military Disabled Persons and Members of Their Families;
- that international standards be applied in the field of corroborating sexual violence;
- that international law be respected in the processing of war criminals in national courts, leaning on the practice of international courts in this field;
- that the work of agencies working with women – victims of sexual violence be upgraded (establish criteria for employment, provide permanent training of the their staff, as well as social, health, psychological, emotional, logistical, material and legal support to the women);
- that an appropriate provision be included in the new law that entitles all victims of sexual violence to reparations, irrespective of their nationality.



SOCIETAL AND STATE MILITARIZATION IN SERBIA

We have been monitoring media contents on the manifestations of militarism – armed forces (army and police), military industry, military budget, arms production and trafficking, as well as the system of values based on control, power, hierarchy...

We established that the most frequent features present in media contents are:

Militarization of public discourse – which is primarily demonstrated as:

- **Generating 'internal' and 'external enemies'** – dominant in the national media discourse is a rhetoric of instilling fear, addressing threats, and creating an atmosphere of being under threat either by one's neighboring countries, or by the foreign centers of power. It sometimes takes the form of public intimidation of political opponents on the domestic scene and abroad, attacks against human rights defenders in Serbia and judgmental journalists.
- **Glorification of crimes and criminals** – Militarization in Serbia unfolds particularly through the process of relativization of the participation of Serbia in the wars in the area of the former Yugoslavia. Condemned war criminals enjoy full public attention, without any reference to the roles they played during the war, and some are even awarded state decorations.
- **Glorification of weapons** - Serbia is recognizable in the region and in the world for its "culture of possessing firearms", i.e. as an "armed people". Namely, be it because of tradition, or because of feeling insecure, which is closely connected to mistrust of institutions and rule of law, large numbers of citizens are in legal or illegal possession of firearms. Serbia is the first country in the region, and the fifth in the world, in the number of legally owned firearms by individuals, per capita.
- **Militarization of economy – arms production** – As of recently, the defense industry in Serbia is again being referred to as one of the most important, and often even as the most important factor in the development of national economy and employment. This is best reflected through the statement made by Serbian President Aleksandar Vučić, on the occasion of the opening of a new factory of defense industry, the production plant "Belom" in Užiči near Požega, which read: "There's so much warfare all over the world, and so many conflicts, that we sell everything we can produce".

- **Militarization of trade – arms sales** – Serbia exports arms to war zones, thus directly causing the killing of the civilian population of those countries and forcing them into exile. The claims made by Serbian officials that arms exports have ‘a positive effect on the development of the defense industry in Serbia’ and that ‘our citizens make a living out of that’ are deplorable. It is particularly appalling that in a region which has experienced war atrocities in its recent past, there should be no other way to make a profit but from arms production and sales.
- **Cluster munitions** - Serbia is the only country in the region that has not signed the Convention on the Prohibition of the Production and Stockpiling of Cluster Munitions. Because Serbia refuses to sign the Convention on cluster munitions, the cluster bomb victims in Serbia have been denied the right to international aid, as well as donations to clean the areas where cluster munitions remain. The authorities ignored all requests, including the request “that the state of Serbia cease to supply cluster munitions to countries at war, various dictatorial regimes, as thus directly give its “contribution to the torture and killing of the civilian population in those countries”.
- **Militarization of the educational system** – - through compulsory enrollment in military records, through the activation of reserve forces, through regular visits by A.V. to military facilities and military events, Serbian President A. Vucic is mobilizing the Serbian Armed Forces and behaving as if we were under an imminent threat of war.

Recommendations:

- To make available and transparent data regarding the exports of armament into war zones, primarily to the Middle East;
- To ratify the Convention on the Prohibition of the Production and Stockpiling of Cluster Munitions and implement it;
- To make public data on stocking, producing and selling cluster munitions – especially on the sales of cluster munitions into war zones; this also comprises legal sanctions for all producers and exporters of cluster munitions;
- To prevent the militarization of the educational system by abolishing the compulsory enrollment of students in military records.



Vedrana Lacmanović

FEMICIDE IN SERBIA

— mapping and institutional response

Male violence against women is a global problem, and recent research shows that one in three women has experienced violence from her partner or a family member. The most extreme and most brutal consequence of this type of violence is femicide, with an estimated figure of 60,000 women being murdered in violent acts (Racovita, 2015). Femicide is defined as gender based murder of a woman, girl, female child and even baby by a male person.

Regarding femicide in Serbia, no state institution analyzes nor publishes official statistics about this phenomenon, so that the only accessible data is contained in the reports of the Women Network against Violence. The data is collected based on media reports, for women of legal age who were killed by a family member or their intimate partners (femicide in the domestic - intimate partner context). The limitations of such a method of data collecting lie in the fact that all the cases might not have reached the media, and it can therefore be supposed that the numbers of killed women are even higher. Also, there is no information as to the number of women who die from the consequences of having endured acts of violence for many years.

The reports of Women Network against Violence show that in Serbia, over the past 7 years (as of 2010 to date), at least 225 women have been killed²⁵ by their partner or another male member of their family. On the average, one in three women (around 35%) was killed by firearms (gun, rifle), most of whom very killed with a gun. The number of women killed in partner relationships (around 70%) exceed by far the number of women killed in the family context (30%). In one third of the cases, violence had been reported to a relevant institution prior to the fatal outcome.

As for the risk of femicide, special attention should be place on controlling the possession and (il)legal use of firearms, especially bearing in mind Serbia's belligerent past. Statistics show that the number of registered small arms in Serbia ranges between 960,000 and 970,000 whereas it is estimated that between 200,000 and 900,000 unregistered small arms are in private possession (Spasić&Tadić, 2017). Also, the owners of firearms in Serbia are men in 95% of the cases (Small Arms Survey, 2014). Broad accessibility and prevalence (of legal and illegal) weapons, the possibility of purchasing them easily and quickly, and the simplicity of their use pose an enormous threat in cases of violence against women. The presence of a gun or other weapons in a household is enough for a woman to be living in fear and under the perpetrator's

25 2010 – 26 women; 2011 – 29 women; 2012 – 32 women; 2013 – 43 women; 2014 – 27 women; 2015 – 35 women; 2016 – 33 women.

control. In case the perpetrator has the experience of having participated in a war conflict or either possesses, or has access to weapons, the probability that he will use it against the woman is higher, according to the research on domestic violence conducted by the Victimology Society of Serbia (Nikolić-Ristanović, 2010). In the context of risks from femicide and possession of firearms, it should be added that, over the past 5 years in Serbia, 3 femicides accompanied by mass murder have been recorded²⁶, and that in all three cases the killer was using firearms. Moreover, according to media reports, in one of these cases, the perpetrator had participated in the war in Slavonia in 1991 (Blic, 2013), whereas in the other, it was reported that the weapon that was used to commit the mass murder was brought from Slavonia during the 1990's (Alo, 2016). All this indicates that participation in the wars and the presence of weapons at home augment the risk of fatal outcome of in cases of violence. The link between domestic violence and possession of arms has also been recognized by the Law on Arms and Ammunition of the Republic of Serbia, according to which a person can not be issued a permit for the acquisition and possession of Category B weapons in case of a previous legal conviction to imprisonment for (inter alia) the criminal offense of domestic violence. However, the perpetrators of domestic violence are somehow given "amnesty" from this precondition, since practice shows that criminal charges are not pressed in many of such cases, and that only in a small number of them the perpetrator is found guilty of this crime.

Weaknesses in response to violence and prevention of femicide are reflected in the fact that one third of the women had sought help from the relevant institutions for protection and assistance before they were killed. Concerning the cases where media reports reveal that acts of violence had been reported prior to the murder, member organizations of the Women Network against Violence have been launching appeals to the Ombudsman's Office demanding that an investigation be conducted to establish the omissions were made and to prevent other women from being killed. Based on these appeals and on the basis of an independent procedure, the Ombudsman published a summary report on the analyzed cases of femicide. According to this report, institutional errors were established in 12 out of a total of 14 analyzed cases. It turned out that the institutions (the welfare center, the police, health services) had usually committed the following errors: they failed to take action upon reports of violence or did not take actions timely; they did not inform other relevant agencies about the reported violence, nor did they exchange data mutually, they directed the victims to launch proceedings on their own before other agencies, they failed to conduct risk assessment, they did not check whether the person reported for violence possessed a weapon, nor did they dispossess them of their weapons in all of the cases, they equated violence to conflict or row. It was also found that there were cases where the perpetrator influenced the institutions, and the institutions, in turn, exerted illicit influence on the victims' families. (Ombudsman's Office, 2016).

Women Network against Violence and the Autonomous Women Center launched a campaign that May

26 Case 1: Velika Ivanča, 9 April 2013: L.J.B. killed with a gun 7 women and 6 men, and according to the statement of the Minister of Police, he had been involved in war actions in Slavonia in 1991; Case 2: Kanjiža, R.Š. on 17 May 2015, killed 4 women and 2 men with a hunting rifle; Case 3: Žitište, S.Z. on 01 July 2016, killed 2 female and 3 male persons, and wounded over 20, by firing from a kalashnikov. The weapon with which this mass murder was committed was in illegal possession, and it is supposed that the father of Z.S. had brought it from Slavonia during the war of 1990's.

18th be proclaimed Memory Day for women victims of violence. This date was chosen because on May 16th, 17th and 18th 2015, within 72 hours 7 women were killed by their partner or a family member. The aim of marking this Day is to remember all the (killed) women victims of violence and to remind state institutions that they are responsible for combating and preventing violence against women. This Day was officially proclaimed by a Decision of the Government of the Republic of Serbia in May 2017, a few days after the representatives of women organization submitted a petition containing 8,000 signatures in support of this move to Deputy Prime Minister and President of the Coordinating Body for Gender Equality, Mrs. Zorana Mihajlović. On that occasion it was demanded that a "Femicide watch" be formed – a body that would collect, monitor and analyze data on femicide, the inception of which was also called upon by Special UN Reporter for violence against women Dubravka Šimonović (in her address to the Board for the Status of Women in 2016). The importance of instituting this body lies in the fact that accessibility and the possibility to compare data are vital for understanding femicide and its manifestations, and therefore also for combating and preventing this type of crime.

In addition to the establishment of this body, it is important that Serbia assume responsibility and confront the consequences of the wars it engaged in during the 1990's, especially concerning the use of (il) legal firearms by private individuals. Furthermore, it is requisite that the adopted laws be implemented and that those who failed to act be sanctioned. It is of critical importance to react immediately to every report or suspected act of violence, and to undertake coordinated joint action comprising all the existing legal measures in order to protect and support women victims of violence.

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MONITORING OF THE IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 – WOMEN, PEACE AND SECURITY IN THE REPUBLIC OF SERBIA – Summary

Serbia is a country of origin, transit and destination of women, men and children victims of human trafficking aiming at diverse forms of sexual exploitation and forced labor, including forcible work in the home and forced begging. Although activities on combating human trafficking have been officially implemented in Serbia since 2001, the state response to this grave societal and security problem is still not satisfactory, with shortcomings being recorded both on the strategic and operational level, as well as in the field of assistance to the victims.

For six years, Serbia did not have a Strategy and National Action Plan for combating human trafficking, which led to a stagnation in this field in the previous years and placing Serbia on the so-called monitoring list in the US State Department Trafficking in Persons (both for 2016 and 2017).²⁷ The strategy of prevention and combating human trafficking, especially trafficking of women and children, and the protection of victims of human trafficking from 2017 to 2022 was eventually adopted on 4th August 2017.

Male and female citizens of Serbia make up the largest percentage of identified victims of human trafficking (2016-93%), with the exploitation predominantly taking place in the territory of our country (internal human trafficking). In the course of the reporting period, 73 victims of human trafficking were officially identified, most of them being sexually exploited women. Nearly one third of the identified victims were children, and over 90% of them were girls.

Regarding the identification of victims of human trafficking among refugees and migrants, no progress has been recorded in the previous period. Out of the total number of refugees who transited through Serbia, there were 40 reports of suspected human trafficking, with 3 persons officially identified as victims, two of them being female. In these cases, inasmuch as all others, the Center for the Protection of Victims has a reactive approach to identification.

²⁷ The Annual Report of the US State Department, published on 28 06 2017, is available at <https://www.state.gov/documents/organization/271339.pdf>. The State Union of Serbia and Montenegro was on the monitoring list in 2004 because Montenegro failed to take adequate measures in the case of S.Č.

In the Republic of Serbia there is still no shelter for urgent accommodation of victims of human trafficking, nor any specialized shelters for children. The judicial system is yet another weak link in the process of protection and realization of rights of victims of human trafficking . ASTRA conducted an analysis of court rulings for the criminal act of trafficking in human beings which reveals that the average prison term for the perpetrators of the criminal act of trafficking in human beings is slightly above the legal minimum, i.e. 4.5 years.²⁸ Still missing in the judicial practice is a victim-oriented approach of judicial organs, concerned with the victims' rights, instead of treating the plaintiff in the court procedures exclusively as a „source“ of information about the criminal act. Furthermore, the approach to compensation for victims of human trafficking is evaluated as very poor, not only because the legal solutions allow for secondary victimization and discrimination of victims, but also because the possibilities allowed by the law are rarely applied in practice. Out of a total of 937 victims of human trafficking identified as of 2005, only one succeeded in obtaining compensation, and that took seven years of criminal and civil proceedings, which would have been impossible without the support of a civil society organization.

28 ASTRA „The position of victims of human trafficking in court proceedings 2016- analysis of judicial practice“, available at <http://www.astra.rs/izdanja/izvestaji-i-studije/polozaj-zrtava-trgovine-ljudima-u-sudskom-postupku-2016/>



Diana Miladinović

WAR REFUGEES

The refugee crisis in Serbia

During the summer of 2015, prior to the closing of the “Balkan route”, around one million refugees passed through the West Balkans. The transit of the refugees through Serbia was not stopped, although as of March 2016 the “Balkan route”²⁹ was closed. There are no official figures about the number of refugees and migrants who are staying in Serbia at the moment. Nenad Nerić, State Secretary in the Ministry of Labor, Employment and Social Policy, said that there are around 5,000 refugees stationed in Serbia at the moment³⁰. According to unofficial data of non/governmental organizations working with the refugees in the field and in refugee camps, it is estimated that there are between 7,000 and 8,000 refugees in Serbia.

Most of the refugees who are presently staying in Serbia are from Afghanistan, Syria, Iraq, and Pakistan, and a smaller number come from Iran, Somalia, etc. They predominantly enter Serbia from Macedonia and Bulgaria, but cases of entry from the territory of Albania and Kosovo have also been recorded. Due to closed borders, stricter controls and forced returns, which are often carried out by coercive measures, the refugees are compelled to stay in our country longer than they would wish to. Hungary allows a maximum of 10 persons to enter the country legally on weekdays, at the border crossings of Kelebia and Horgos.

Waiting lists have been made in each of the camps, according to which families have been given priority in crossing the Hungarian border. In the beginning, these lists were made according to clear criteria, but in time, many refugees began complaining to non-governmental organizations about the “skipping” of numbers in the lists and skipping of families who are supposed to cross the Hungarian border, which is indicative of possible corruption in the camps.

In their attempts to cross the borders, the refugees are often gravely injured or even killed, which points to serious risks they are facing at the hands of smugglers of people, and the pressing need for securing safe passage. The local and international non-governmental organizations, as well as groups of volunteers working in the field and in the camps, are the only ones providing assistance to the refugees regarding

29 In the beginning of 2016 the situation changed drastically concerning the number of registered persons, and also in terms of the “political climate” toward refugees and migrants. The most important change is that these persons, despite their openly expressed intent to continue their journey toward EU countries, stay longer in the territory of Serbia and are no longer guaranteed the possibility of safe passage.

30 RTS, <http://www.rts.rs/page/stories/sr/story/125/drustvo/2815092/obnovljene-barake-za-izbeglice-u-krnjaci.html> (24th July 2017)

information and explanations as to how to get registered, transported and accommodated in the camps, so as to obtain the necessary medical and legal help, and food and clothing relief.

Capacities for the accommodation of refugees

The refugees are accommodated in 13 transit-reception centers and 5 centers for asylum seekers (Adaševci, Šid, Principovac, Sombor, Kikinda, Krnjača, Obrenovac, Banja Koviljača, Bogovađa, Sjenica, Tutin, Dimitrograd, Bosilegrad, Divljana near Niš, Vranje, Pirot, Bujanovac and Preševo). The others are staying in deserted facilities and other improvised shelters in Belgrade, Šid, and places in the vicinity of the Hungarian and Croatian borders. The refugees often complain to the representatives of non-governmental organizations that the living conditions in the camps are bad, the food insufficient and that they themselves take care of hygiene and cleaning. Moreover, the basic hygienic products are not provided for the refugees staying in the camps by the Commissariat for Refugees of the Republic of Serbia, so that they have to purchase them themselves, whereas in some camps shortages of baby napkins and basic baby hygienic products have been recorded.

There is no official data about the international assistance directed at refugees – although state officials often reiterate in the media that the accommodation of refugees is being financed from international assistance. However, the situation in the field and in the camps indicates that the basic requirements have not been fulfilled concerning human safety (food, accommodation capacities...). It is obvious that the state is abusing of international humanitarian assistance. Therefore, it is necessary to urgently put in place independent mechanisms of control of the deployment and spending of the money deriving from international donations and humanitarian help intended for the refugees.

Discrimination and violence against refugees

The attitude of the citizens, as well as municipal authorities in the communities where refugee camps are located has changed over time and after longer periods of stay of the refugees, and has become more negative.

The example of discrimination and racism in Šid, which resulted in the displacement of all the refugees from the camp, supports this view. The pretext for such an initiative was the incident that took place in April 2017, when a refugee broke into a family house in Šid. That event initiated demands that the reception center for refugees be removed from Šid, which was accepted by the Commissariat for Refugees of the Republic of Serbia and carried out in cooperation with the city authorities. "It has been reported that twenty-odd migrants have been remanded and taken to the shelter for foreigners in the Penitentiary Institution

at Padinska Skela, while around 180 were transferred to the reception center in Preševo."³¹

The latest decision is that primary and secondary schools in 17 communities in Serbia, where reception centers for asylum-seekers are located, enroll the refugees' children as of September 1st. "According to the assessment of the Commissariat for Refugees, there will be around 700 pupils initially, who will be attending 47 primary schools and a smaller number of secondary schools. The education of the asylum-seekers' children, the Ministry of Education emphasized, will not cost the Republic budget a single penny, as the bulk of the cost of educating refugees and feeding them in school canteens will be borne by the donors."³²

Reactions of state organs to the suppression of people smuggling

Late in 2016, the Government of Serbia adopted amendments to the Criminal Code, providing for stricter sanctions for illegal crossing of the state boundary and smuggling of refugees, and the abolition of the possibility for the court to impose a suspended sentence on the perpetrators of these acts.

However, people smuggling is a big problem, which is still present in Serbia, especially in the border areas. Reactions of state organs and Army and police joint forces have been insufficient, because the smuggling of refugees has been going on throughout the migrant crisis and it was effectuated along well-known and traced cross-border routes. Although the borders are formally closed, dozens, and even hundreds of refugees crossed them, with or without smugglers, depending on the season of the year.

Illegal deportation of refugees

Official data on illegal deportations of refugees on the websites of the Ministry of Internal Affairs and the Ministry of Education is non-existent, although minister Vulin recently praised members of the Army and Police corps working on the suppression of entry of illegal refugees and migrants into Serbia.

That the Army and the Police are "conscientiously" doing their work, i.e. preventing freedom of movement as one of the fundamental human rights, is clear judging by the methods that are being used: "The methods these units are using have nothing to do with the governing laws of Serbia, i.e. they aim to repel the refugees and asylum seekers in every, even legally unacceptable way, from accessing our territory and asylum-seeking procedures. Thus, in July 2016, a practice strictly forbidden by our Constitution, and also by International Law was introduced, reflected in daily summary (informal) expulsions and so-called push-backs into neighboring countries. More than 22,000 people, according to the latest report, and the proud-

31 N1, <http://rs.n1info.com/a241737/Vesti/Vesti/Izbeglice-u-sidu.html> (12th April 2017)

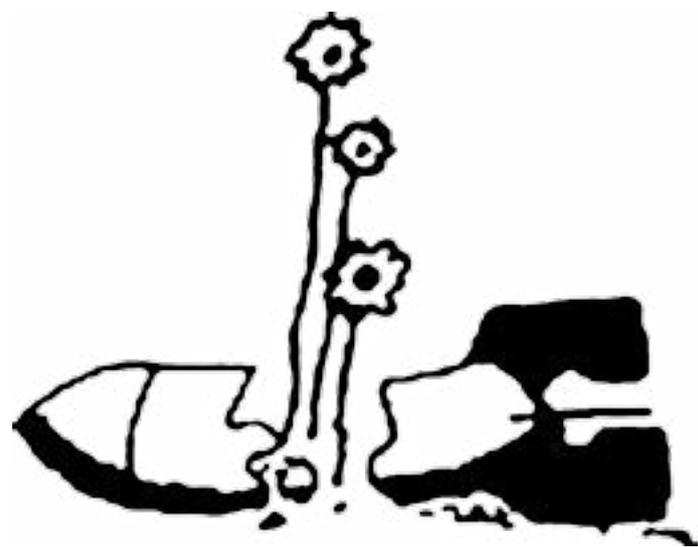
32 Večernje novosti, <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:682969-UCE-I-SRPSKI-Djake-migrante-ceka-47-skola-u-Srbiji> (28th August 2017)

ly announced figures of the Ministry of Internal Affairs and the Ministry of Education, have been prevented from entering Serbia from Macedonia and Bulgaria as of July 2016 to this day”.³³

Conclusion

The integration and protection of the refugees requires the development of a solid system of protection and integration of the refugees – due to closed borders, the refugees are staying in Serbia longer. Instead of the approach according to which the refugees are “only in transit”, it is requisite to begin the process of integration of the refugees into the society and local communities. Humanitarian and legal protection usually does not comprise the gender perspective – the experience of women and children, nor the specific features of the societies they come from. Serbia perceives the refugee crisis only as a problem, and fails to see the possibilities that it could offer to this country, with women and men arriving here with skills and knowledge and diversity that could be genuinely enriching for us.

33 Vreme, (author Nikola Kovačević, lawyer of the Belgrade Center for human Rights) (24th August 2017)



Marijana Stojčić

THE IMAGE/S OF THE ENEMY

— Analysis of media reporting on refugees and the so-called refugee crisis in Serbia — Summary

Bearing in mind the fact that the media not only reflect, but also, through various ways of representation of social phenomena, largely construct concepts in the social space, forming in return an attitude towards them, a sample of 1.461 newspaper texts on the subject of refugees and what is usually referred to as “the refugee crisis” were analyzed, looking at the ways of media reporting in internet editions of five Serbia dailies (*Politika*, *Večernje novosti*, *Danas*, *Kurir* and *Informer*) in the period between 1st January 2016 and 1st August 2017. The aim of the research was to establish the *visibility* and *concept* of refugees and developments related to them. In other words, the presence in the media of texts treating refugee issues and events related to them was analyzed, as well as the media image of refugees as a group and the strategies of their representation.

As far as the *visibility is concerned*, i.e. the incidence of texts addressing the topic of refugees and events related to them, the number of 1.461 published texts³⁴, predominantly in rubrics “The World”, “Society” and “Politics” indicates that the importance of the topic has been recognized. However, it appears that a deeper and more systematic exploration of the topics related to refugees and the refugee crisis, contrary to expectations, did not ensue: a considerable part of the media space is filled with transmitting agency news with no further research. In the case of *Danas*, that percentage is around 29%, for *Politika* around 51%, for *Kurir* 52%, for *Večernje novosti* 71% and for *Informer* around 73% respectively.

It is clear at first sight that the texts can be divided into three large categories: those dealing with the situation in the refugees’ countries of origin (such as Syria, Afghanistan and Iraq), those dealing with reactions and responses of European societies and states to the influx of refugees, and finally, texts depicting the situation in Serbia. The notion of refugees and the “refugee crisis” is formed in interaction of these categories, whereas the media discourse is dominantly formed within a triangle made up of representatives of political parties and state structures, experts and media representatives. Except for *Danas*³⁵, the

34 In the course of this period, *Danas* published 146 texts about refugees, *Politika* 175, *Večernje novosti* 279, *Informer* 405 and *Kurir* 456.

35 The reporting of *Danas* differs considerably from that of all other observed media. It offers much more balanced accounts of the situation with refugees and their position. Much more space has been given to the the refugees’ personal perspectives and statements, the activities of civil society organizations working with the refugees and information on the financial assistance that Serbia is receiving for accommodating the refugees (in the most part from EU). There are more

impression is that, to a great extent, the observed media have the function of conveying messages of the representatives of the government and political parties, whose statements, on the average, take up 47% of their reports. Remarkably less space in the press was given to organizations and various institutions that work directly with the refugees in the field, and to the refugees' statements. They make up merely 5%, and 4% respectively.

As for texts dealing with the situation in the refugees' countries of origin, (such as Syria, Afghanistan and Iraq), as a rule, they lack further analyses of the social and political contexts of the conflicts that led to migrations of refugees and their complexities, as well as a broader analysis of the responsibility of the so-called international factors³⁶, including the role of Serbia as a major arms exporter. The outcome is often existentialization of the conflict in the refugees' countries of origin and ascribing the causes to the psychological and cultural characteristics of the people coming from those parts of the world. The dominant focus in reporting is usually on military actions and political negotiations of the parties involved.

As for the reactions of European societies and states to the influx of refugees, as well as the accounts of the situation in Serbia, the dominant focus in reporting is on the (repressive) political and institutional response of the states which are the refugees countries of transit and/or destination. And the discursive framework that has been established around the refugees as a threat for society, security and way of life of the states, societies and the local populations. In the process of media production of the content, refugees are often constructed as "a tide", or "hordes" that will (also) engulf Serbia, and as a rule, a considerable number of newspaper articles contain accounts of fear, resistance and negative societal and state reactions to refugees. Much less represented are texts describing solidarity actions, or the refugees' struggle, perseverance and courage in spite of deplorable living conditions they encounter, and discussions concerning the refugees and their reception that are present in the public in the majority of European countries.

With the exception of *Danas* and (only) partly *Politika*, whose reporting places emphasis on the state institutions' mechanisms of control, in the texts published by *Kurir*, *Informer* and *Večernje novosti*, the refugees on one side, and the state, society and the population on the other are usually confronted as two homogeneous, undifferentiated and polarized blocks, with clear negative and positive connotations. We can talk about dehumanization of refugees by ascribing frightening features and forms of behavior to all members of this group and making negative group comparisons. An important part in the process of constructing of such an image is inciting fear of terrorism among the citizens. By reporting, interpreting and referring to statements made by security experts (national and international) and political officials, the refugees as a group are established as a "Trojan horse of terrorism". Coupled with the stressing of the numbers of refugees and the fact that "when an exodus begins, it is impossible to tell apart real refugees from terrorists", this fear appears to be logical and justified. A particular role in constructing the image of refugees as

journalists' field reports (Adaševci, Preševo, Bujanovac, Tabanovci, Leskovac), as well as analyses of the broader social and historical context and its connection with the broader geo-political context and history of migrations.

36 Except in the form of stereotypes and simplified "conspiring" representations of western countries as exclusively responsible, which are often used in combination with anti-western and anti-modern discourse.

a threat is played by press reports about rape cases that took place/re happening, with emphasis being placed on the fact that the perpetrator is a refugee/ migrant and (often) the ethnicity of the victim. Except for labelling associatively every migrant as a potential rapist, such a connection overlooks the fact that rape is related to the patriarchal distribution of power between men and women, and not to the ethnic or religious affiliation and origin of the rapist. Thus, the problem is indirectly redefined: instead of being referred to as a brutal act of gender based violence, it becomes a crime against "us" – a national, religious and ethnic group. Parallel to this label of potential rapist, other are added: violent, dirty, inclined to theft and unruly, with every new event being introduced in the reports as "the latest in a series of showdowns and incidents among the migrants in Belgrade, and also in other parts of Serbia". The descriptions of concrete events are accompanied by invoking others, their only common denominator being usually that the actors are (perhaps) refugees, while information about concrete investigations and resolutions of cases is regularly missing. In constructing the image of refugees as a source of danger, one of the texts maps them as a health risk in its headline (even though the body text says that there are no reasons for panic).

With the exception of *Danas* and to an extent *Politika*, it appears that, when it comes to refugees, the observed media in Serbia are both sources and sanctuaries of "moral panic"³⁷. It is spurred by the use of negative stereotypes and biases, and involves exaggeration, symbolization, distortion of facts, sometimes implicitly, but often also explicitly, predictions of "much worse to come" for "us" unless this "disaster" is stopped.³⁸ Elements of exaggeration and distortion that also include selective reporting, sensationalism, the use of plural instead of singular, printing news in bold and on the front pages, melodramatic language, and deliberate emphasis of elements being considered to be the main news in headlines and news leads, dominantly characterize the reporting of *Kurir*, *Informer* and *Večernje novosti*. Due to the linear, one-sided approach, and absence of complexity in the representation of the situations, we can talk of de-contextualization and mis-contextualization of the topics related to refugees. This can take such proportions that the headlines affirm (or imply) the opposite of what actually happened and/or was written. Selectivity in press reports and emphasis on incidents, conflict and violence constantly reinforces and reproduces this framework.

Ascribing terrifying features to the refugees is in conspicuous disproportion with their real power, as well as with their abject and helpless position in the countries of reception, where they are often confronted with repressive state responses. This gap is bridged by diverse psycho-social strategies, and the media

37 The term "moral panic" is used here as defined by Kenneth Thompson, as a conviction that some phenomena on which the position of individuals and society is formed on the basis of exaggerated and distorted information is aimed at destroying the social and moral order. What is characteristic of the emergence of moral panic is "the spiral effect of interaction between the media, the public opinion, interest groups and the authorities". Thompson, K. 2003. *Moralna panika*. Beograd: Clio, 16.

38 Moral panic occurs in the interest of systematic stigmatization of those that are characterized as a danger to social order and moral frameworks that are not clearly defined, and can also be in the interest of political structures as well as media that seek to attract greater publicity. Namely, in the media there is a tendency for the news to be published according to the criterion of interest as opposed to their importance, and also attempts to attract the audience in such a way that they are characterized as "the voice of the public". Furthermore, the moral panic entails concern and enmity followed by fear that persists for a shorter or longer period. For more see: Ibid.

construct of refugees posing a threat is the outcome of various strategies of representation, which pertain to the denial of this disproportion, i.e. the need to normalize and justify the situation the refugees find themselves in. Here, the term "denial" is used in a way defined by Stanley Cohen, as denoting an entire sequence of phenomena (rhetorical devices, mechanisms, cognitive and logical errors...) with which "an undesirable situation (event, condition, or phenomenon) is not acknowledged, ignored, or represented as normal".³⁹ Their objective is defense and overcoming psychological or moral malaise and preservation of one's image (or the image of the group perceived as one's own) as ethical and upright. It is important to bear in mind that diverse forms of denial take place both on the macro and the micro level, and are used in more or less developed variations in diverse contexts and are not mutually exclusive. On the contrary, they can exist simultaneously, even in the very same sentence. Denial takes place in three basic forms, each of which appears in a number of variations: *outright denial* ("I am not aware of that happening and/or this is not happening"), *denial of the interpretation* ("it happened or has been going on, but it is actually a completely different thing") and *denying the implications* ("what is happening/happened can be justified").

In the case of *denial of the interpretation*, although the raw facts - of the refugees being in an adverse situation both in their countries of origin and in the countries of transit and destination - are not denied, it is the interpretative framework in which the events are placed that is being denied, that is, a different meaning is being ascribed to them. The denial already begins with the naming, with the terms migrants and refugees (forced migrant) are used as synonyms (although they are not synonymous). This kind of relativization can often be heard in the statements of the politicians and representatives of state authorities. One of the consequences is the blurring of the difference between the obligation of the state/s to provide assistance and protection, and interpret these concepts as "good will" and negotiable matters.

In the case of *denial of implications*, neither the facts nor their interpretation in principle are being denied, but there is denial or minimization of the psychological, political or moral implications that usually derive from such interpretations - responsibility to react so as to amend the existing situation. In the case of refugees, the dominant form is *denial of the existing victims* by stereotyping them as violent and uncivilized, rapists and terrorists (which has been discussed earlier). Essentially, this is reduced to statements such as "Look at what they are doing to us", which implicitly or explicitly lead to the conclusion "Actually, we are the victims". The construct of refugees as our powerful enemies' means to destroy Europe and Serbia is also part of *denial of the existence of victims*. In this process of representation, demands for improving the position of refugees are taken as aggression, violence and discrimination in a defensive reaction, its effect being exemption from all responsibility for altering the existing situation.

Another form of strategy of denial unfolds through emphasizing the Serbian humaneness as opposed to the inhumaneness of others. Additional reinforcement of the thesis about "us" being threatened is conducted by explicit or implicit questioning of the motives of those who criticize the position of refugees in Serbia and the attitude of the state. This is directly formulated in the form of the so-called *accusing of the plaintiffs*, which essentially means shifting attention from one's own actions (behavior of *one's own* group,

39 Koen, S. 2003. *Stanje poricanja – Znati za zlodela i patnje*. Belgrade: Samizdat B92: Edicija REČ, 89.

or state) to the question as to whether those who are perceived as critics have the right to criticize *our* attitude toward the refugees.

Instead of a conclusion

The media, by selecting the contents that will be presented and/or emphasized, and leaving out something else, in a certain sense organize and control various versions of the same event, by mapping in different ways what is normally referred to as social reality, and creating some kind of broader framework in which they place their reports about the refugees. One of the outcomes of this tendency of the media to treat the refugees as a (homogeneous) group primarily as a security problem, and also the focus on (repressive) state/s response and incidents coupled with violence, reinforces and reproduces the image about refugees as an imminent threat to society, security and the very way of life. In this way, the narrative about superiority and inferiority, morality and immorality, civilization and savagery is perpetuated, which could serve as a basis for (further) escalation of violence against the refugees in the future.



Mirko Medenica

THE POSITION OF HUMAN RIGHTS DEFENDERS

The position of human rights defenders in Serbia is difficult, with prospects of a worsening trend. The position of human rights defenders in Serbia is defined by the specifics of Serbia as a region, it being a post-conflict area. Although it has been 18 years since the end of the war conflict, and 22 years in the case of the wars in Croatia and Bosnia and Hercegovina, the consequences of these conflicts on the societies in the region are still strongly felt. Human rights organizations in Serbia have largely sprung up in response and protest against the war-mongering policies of the early nineties. That is also the reason why human rights activists have been victims of diverse forms of state repression since the very beginning of their activities.

In 2012, the political parties that were the protagonists of the belligerent policies of the nineties returned to power: the Serbian Progressive Party, deriving from the Serbian Radical Party, an extremely rightist party that, in the period of wars organized paramilitary units that committed numerous crimes in the course of the wars in Croatia and Bosnia and Hercegovina and the Socialist Party of Serbia, the party of war criminal Slobodan Milošević.

These parties have apparently changed their policies and are committed to the entry of Serbia into the European Union and complying with everything European integrations imply, including the processing of war criminals and respect of human rights. Underneath formally pledging for "European standards and values", in reality these political forces have remained opposed to all accountability whatsoever for war crimes committed by Serbian forces, as well as human rights violations.

Amid newly emerging circumstances of the rise of extreme right forces throughout Europe, with human rights being openly violated even in some of the EU member states such as Poland and Hungary, human rights defenders in Serbia are increasingly threatened. The authorities in Serbia have intensified the pressure on human rights defenders and have begun openly attacking them in an organized way.

The European Union is predominantly focused on maintaining peace and stability in the region. That is the reason why, in addition to its tarnished reputation and challenged authority concerning the respect of human rights, in view of the fact that the very member states of the European Union encroach upon human rights with impunity, the mechanism of pressure on the countries aspiring to accession to the EU to ensure the respect of human rights has been considerably weakened. The European Union, has been "turning a blind eye" in the case of the countries from the region, including Serbia, considering the criteria that a society has to fulfill in order to be eligible for membership in the European Union. The biggest victim

of such a policy is the rule of law, notably human rights. Such an attitude has led to the rise of authoritarian tendencies in the region, with the newly established system being labelled as “stabilocracy” – a system which offers external stability, while autocracy is introduced on the internal plan.

Attacks against Women in Black activists have been on the rise ever since 2014. These acts have taken various forms, ranging from insults and threats, which are part of the activists’ everyday lives, to physical assaults. What all these attacks have in common is that none of them has been brought to justice. The obstructions by state agencies are present at all levels.

The police frequently ignore the threats, insults and attacks taking place in their presence. In several instances, when attacks occurred during street actions, the official police reports about those events were that “there were no breaches of public law and order”.

The Prosecutor’s Office, generally, fails to react to the criminal charges pressed because of attacks against activists. Some of those reports are left unanswered for more than a year. In the case where the Prosecutor’s Office rejected such criminal charges, the reasons for such a decision were not given, nor did the Prosecutor’s Office undertake any of the suggested investigative procedures, let alone issued any opinion about the presented evidence.

Few are the cases of attacks that have reached the court, but even then the perpetrators were not sanctioned, but freed of charges instead. The opinions issued by the courts in the sentences pose an additional danger, as they indirectly give guidelines to other courts, prosecutor’s offices and the police, as to how to proceed in similar cases. Thus, the court accepts the motive of “patriotism” as an alleviating circumstance, Women in Black activists have a lower “threshold of feeling unsafe”, because they are constantly being attacked...

The wave of violence human rights defenders have been exposed to is accompanied by a media lynch in the pro-government media, with the participation of the highest representatives of political power.

In this media campaign human rights activists are being targeted, and their activities criminalized.

Failing to process the previous attacks encourages and incites new ones.

The deplorable outcome is the created social climate in which attacks against human rights activists are being legitimized, justified and desirable.

The sole responsibility for the abject position of human rights activists lies with the ruling political elite .



Marijana Stojčić

HUMAN RIGHTS DEFENDERS IN THE MEDIA

Analysis of reporting on Women in Black - Summary

Starting from the assumption that the presence (or absence) of certain topics or groups in the media is inexorably an indicator of the importance that is being attributed to them, of their influence or power, the basic aim of this research was to look into the ways the media report on events involving human rights defenders, in this case *Women in Black*. The aim of the analysis of media reporting on *Women in Black* and the activities and events related to them was, therefore, to establish *the extent* to which these events are present in the media, *how* they are reported, and *the way* in which the organization itself is presented. In other words, the aim of the research was: to look into the incidence of texts in the media concerning *Women in Black*, strategies of their representation and the media image of this activist group.

The analysis was conducted on a targeted sample of 532 media texts, published in the period between 1st January 2016 and 1st September 2017 on informative internet portals. In order to form the sample, a specialized search engine for informative sites in Serbia *naslovi.net* was used, which allows browsing all news items published on the sites that are included in the base. The sample comprises *Glas javnosti, Danas, Blic, Kurir, Večernje novosti, Politika, B92, RTS, Dnevnik, Press, Mondo, Insajder, RTV, Srbija danas, Glas Amerike, BBC, Svet, Dojče vele, Alo, Studio B, Sandžak press, E-novine, Beta, Borba, Vranjske, Vesti online, SEEbiz, Jug press, Radio 021, Sputnik, Vreme, Nedeljnik, Svet plus, Pravda, Euroactiv, XXZ magazine, Beta video, Akter, Južne vesti, Novi magazine, Šumadija press, Free Europe, Telegraf, Al Jazeera, BK TV, Pirotke vesti, Jugmedija, OK radio, RTV Novi Pazar, Radio 101, RT Kragujevac, Sandžak haber, Glas Zapadne Srbije, Peščanik, Prva, N1 Info, NoviSad.com, Newsweek, InfoKg, Moj Novi Sad, Nedeljnik*. The daily newspaper *Informer* is not included in the base of this search engine, so that it was incorporated additionally through personal internet archive.

Compared to the total number of published texts, the largest number was published by *B92* – 45 (8%), followed by *Blic* 39 (7%), *N1* 38 (7%), *Novi magazin* 35 (7%), and *Informer* 33 (6%). Then come *Danas* 29 (5%), *Radio Television Vojvodina RTV* 25 (5%), *Radio Television Serbia RTS* 25 (5%), *Mondo* 25 (5%), *Free Europe* 20 (4%), *Kurir* 20 (4%), *Radio 021* 15 (3%), *Telegraf* 15 (3%), *Politika* 13 (2%), *Večernje novosti* 13 (2%), *Pravda* 13 (2%), *Beta video* 13 (2%), *Vestionline* 12 (2%), *Alo* 12 (2%), *Insajder* 11 (2%), *Srbija danas* 11 (2%), *Al Jazeera* 10 (2%), *Dnevnik* 7 (1%) and *Studio B* 6 (1%). All other examined media published on average less than 1% of the total of published texts. The number of published texts leaves the impression that *Women in Black* is recognized as a relevant organization. At first sight, this could lead to the conclusion that the social importance of the issues this group addresses has been acknowledged. However, the rubrics in which these texts are published (predominantly “The Chronicle”, a category intended for reporting on crime, and not

on issues of broader social importance, and "The News"), this impression is almost immediately altered. Although agency news should serve as a basis for further research and deeper analysis, a considerable part of the media space is devoted to transmitting agency news. If adapted agency news items are included into this category, then they make up 54% of the published contents on the average. A closer look on texts in the categories "Other medium" (4%) and "Unlabeled" (5%) reveals that agency and/or adapted agency news items are also dominant in them.

Most media attention was devoted to "the Počuča case", with 34% of all published texts in the observed period. This was followed by: reporting on the protest about "Operation Storm" in Zagreb, on 4th July 2016 (6% of all published texts), on actions on the occasion of marking the anniversaries of Srebrenica in 2016 and 2017 (6%), on the attempt to interrupt the panel on Women's Court at the Faculty of Political Sciences (FPN) (5%) and the action on the occasion of the commemoration of the anniversary of the killing of two members of the Guard in Topčider (5%).

This research also devoted great attention to the analysis of media reporting of the trial of Radomir Počuča because of his post on his Facebook profile. Not only because this event attracted the utmost media attention, but also because the manner of reporting condensed the strategies of representation of *Women in Black*, the outcome of which is the image of this group in media space. The strategies of representation of *Women in Black* should be observed in the context of the attitude of the media toward the issues WiB addresses, the accountability of the state and society for the wars of the 1990's and the crimes committed at that time, namely the strategy of denial of that past. Striking, even at first sight, is the absence of deeper analysis and a more systematic research of this topic and placing the events into a broader social context, related to the right to freedom of assembly, freedom of public expression of opinion and prohibition of hate talk. This leads to the conclusion that the media in general failed to recognize the social importance of this event. In the case of Radomir Počuča, the gap between acceptance of the concept of human rights, be it merely in principle (with the question remaining to which extent it is really understood) and the threats sent to an activist group precisely because of the public expression of their opinions is bridged by various psycho-social strategies aimed at denying this contradiction and justifying Počuča's act. Počuča's interpretation of his own post on his Facebook profile as "opinion and attitude" was reported by the media in the most part without critical distance. A consequence of media neglect are the threats to *Women in Black* directly related to its public engagement is the de-contextualization of the very event and reducing it to a conflict between "two sides" (Počuča and *Women in Black*), an isolated incident and individual behavior. Thus, looking into social mechanisms, values and concepts that make such events possible has been avoided. The dominant focus in reporting was on the personality of Radomir Počuča and his version of the event, which further reinforced that framework. The second form of denial refers to various formulations of the alleged exaggerated risk assessment for *Women in Black*, as perceived by the organization itself (also reported by the media without any distance, in texts that are, if not identical, then very similar), in order to stifle the "patriotic outlook of this people". In this process, the demands to assume responsibility for the injustice inflicted upon others in the name of the state and the society of Serbia are labelled as "aggression and provocation condoned by the state". Violence becomes a defensive reaction, and the ultimate effect

is excluding all responsibility for any violent act whatsoever at present or in the future and in this case, toward *Women in Black*.

The interconnection between threats directed at *Women in Black* and the topics they address, as well as the importance of viewing them in the context of their public engagement is ever more visible in reports about their other activities. It is clear that it problematizes the dominant discourse of collective self-victimization, where the Serbs are seen as “if not the only, then the greatest victims”, which can be traced in the reactions they convey. For instance, in media reports on the action on 10th July 2017, on the occasion of the commemoration of the 1995 genocide over the Bosnian population in Srebrenica, and when, at the same time, the *Association of the families of the kidnapped and killed in Kosovo and Metohija* organized the action of erecting “a Serbian Wailing Wall” in Republic Square, with the names of the killed and missing Serbs from the area of the Drina valley, these two actions were, as a rule, contrasted in newspaper texts (and thus indirectly polarized). In this way, what Asman refers to as “competition among the victims” is being established, with the recognition of the suffering on one side inevitably leading to the obliteration of the suffering on the other, and a historic situation is turned into a game with an *even score*. This is one of the usual strategies of denial of crime (also) in this area where the only thing that matters is memory of the crimes of the others that are used to obliterate and/or justify the crimes committed in the name of one’s own social collective. And without a broader contextualization of the activities of *Women in Black*, which is generally missing in the media, the action of commemorating the Srebrenica genocide, instead of calling for recognizing the victims, based on the principle of individualization of victims, solidarity and respect of every human being irrespective of their allegiance (which is in the essence of all activities of this group), is converted into denial of Serbian victims. On the other hand, when reporting on the protest against praising the military action “Storm” in August 2016 (therefore, an action that draws attention to the expulsion of the Serbian people from Croatia in August 1995), most of the media in their headlines and news leads completely omit the fact that *Women in Black* is also among the organizers, but rather place focus on the ban on this rally and attack on the participants of the protest. In such a constellation, the “Croats” on one side, are confronted with a divergent group of “citizens”, “protesters”, thus disguising the fact that for the most part, the participants of the protest were also Croatian citizens, (and presumably, of ethnic Croat origin), and that the action itself was beyond the framework of an organicist concept of ethnic groups (nations) as “natural”, undifferentiated and polarized unities with clearly positive or negative denotation.

The reaction to the problematizing of the dominant ethno-nationalistic political matrix and national identity that rest on the opposition to a homogeneous “antagonistic Other”, whose important part is also selectivity in approaching victims, is the construct of *Women in Black* as some kind of “internal enemy”. By explicitly and implicitly questioning the motives of *Women in Black*, and relating their sources of financing to problematic money sources or activities of countries (primarily USA and the European Union) perceived as enemies, they are labelled as “enemies of the state”, “traitors” and “mercenaries”, “whose sole goal is to accuse Serbia and the Serbs of some alleged genocide in Srebrenica and war crimes in Croatia, BH and in Kosovo”. This is an “extremist association”, and the aim of their “detrimental activities” is “to represent the Serbian people as criminals”, “which is why the banning of this group is sought out all the more frequently”.

They are the ones who “hate their own people”, “domestic scum”, “a group of genuine enemies if Serbia, always prepared to provide space for the enemies of the Serbian people”. On one hand, a combination of the absence of deeper analysis of the topics and the de-contextualization of the events they write about is dominant in the reporting of the *mainstream* media; on the other, open animosity toward *Women in Black* has reached the lexical level, distortions, sensationalism, use of the plural instead of the singular, melodramatic language, as well as deliberate emphasizing of elements that are considered to be crucial for headlines and news leads, typical of the so-called tabloids media, create an environment where (ever direct) violence towards this group (and also towards all others who share their views), is not only taken for granted and considered normal, but also desirable.



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