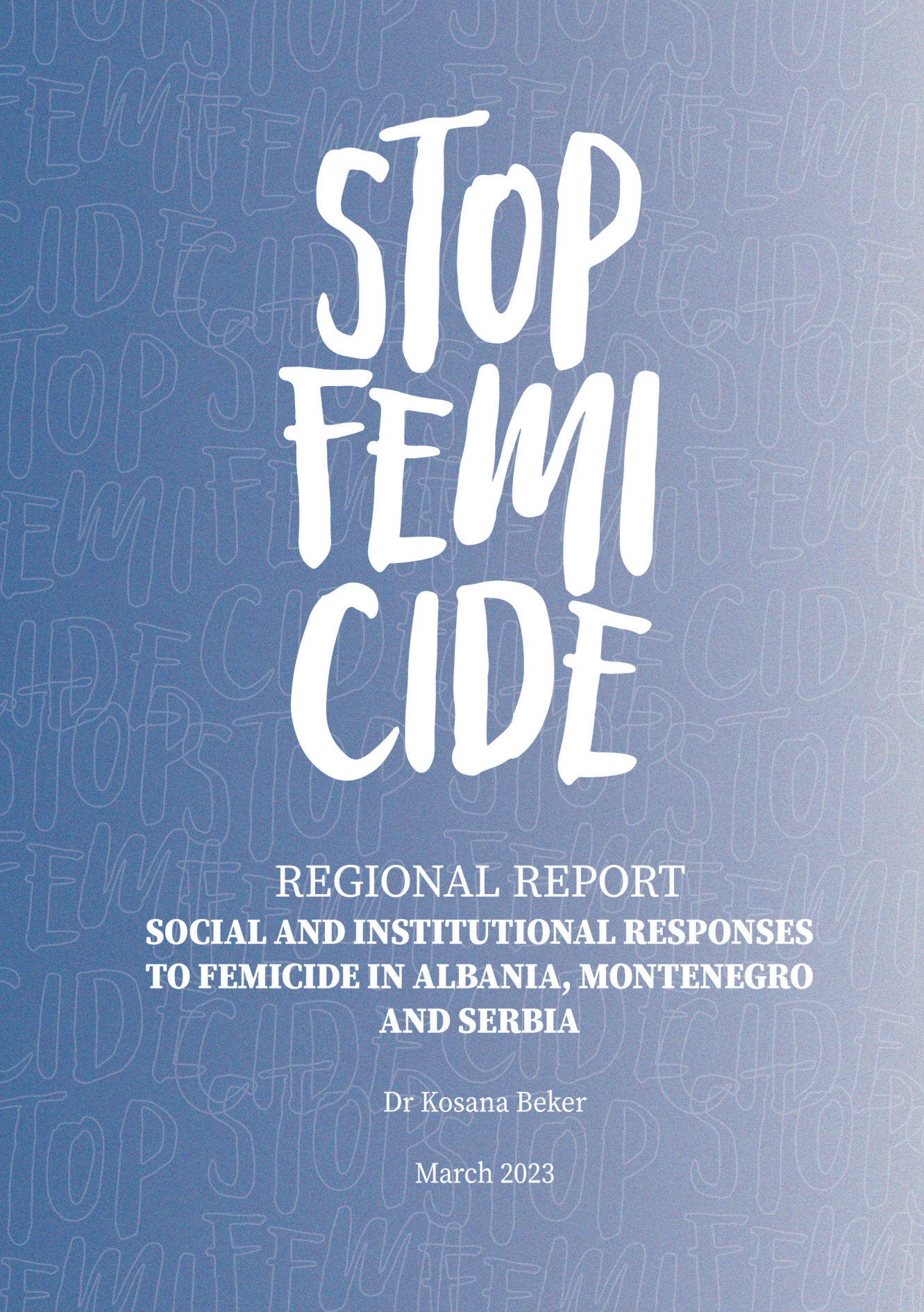

REGIONAL REPORT

SOCIAL AND INSTITUTIONAL RESPONSES TO FEMICIDE IN ALBANIA, MONTENEGRO AND SERBIA

Dr Kosana Beker

March 2023

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Funded by the European Union

FemPlatz

UN WOMEN

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Imprint

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of FemPlatz and do not necessarily reflect the views of the European Union. The analysis and recommendations of this report do not necessarily reflect the views of UN Women, its Executive Board or the United Nations Member States. The designations in this publication do not imply an opinion on the legal status of any country or territory, or its authorities, or the delimitation of frontiers. The text has not been edited to official publication standards and UN Women accepts no responsibility for error.

Contents

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EXECUTIVE SUMMARY

From 2018 to 2021, FemPlatz women's rights organisation and Women's Research Centre for Education and Communication from Serbia, with the support of UN Women Regional Office for Europe and Central Asia, began developing a framework for understanding the characteristics, patterns, and causes of femicide in Serbia, as the most extreme manifestation of violence against women, within the "Eradicating and Preventing Femicide in Serbia" project. The process involved developing a research methodology, desk research, data collection, analysis of collected quantitative and qualitative data, and resulted in the first interdisciplinary research on societal and institutional response to femicide in Serbia.

Having in mind similar social context, predominant patriarchal values within the societies, very similar geopolitical context, and the widely spread violence against women, the same model was replicated in Montenegro and Albania from September 2021 to November 2022. Women's rights organisation FemPlatz Pančevo, Serbia implemented the "Replicating the Femicide Watch Model Developed in Serbia in Albania and Montenegro, and Laying the Grounds for the Establishment of a Regional Femicide Watch" project in partnership with the Helpline for Women and Children Victims of Violence from Nikšić, Montenegro and the Centre for Legal Civic Initiatives, Tirana, Albania, with the support of UN Women Regional Office for Europe and Central Asia and funded by the European Union. The methodology used in Serbia was adapted to the national context of Albania and Montenegro. The methodology comprised the following: a desk research on the legal framework related to violence against women, including femicide; collecting data on final court decisions in cases of gender-based killing of a woman by a man and for attempted murder of a woman by a man (regardless of the criminal act qualification according to the national criminal legislation), for the 2017-2020 period; an analysis of the court proceedings, profiles of perpetrators, information about the victims, prior reports of violence, qualification of the criminal act, and other aspects of the cases of femicides and attempted femicides; an in-depth analysis of selected court case files (case-studies);

capacity assessments of institutions and professionals working on prevention of and protection from violence against women; interviews with convicted perpetrators, and an analysis of legislation and policies to improve and strengthen the existing preventive measures. The same research methodology allows comparison between the three states.

During this project, the programme partners systematised the available data on femicide from all the competent courts, police departments, justice system data, and media monitoring, proposed a data collection model as there were no central record-keeping systems, and worked to put this issue on the political and public agenda. The establishment of the femicide watch has become a topic for wider consultative processes, and the term 'femicide' has entered into daily use by the authorities, politicians, and the media.

Similar patterns and challenges with systemic data collection, data quality, and institutional capacities are observed in all countries, alongside a range of legal and social similarities. Although progress has been made on the normative level in all three countries, societal and institutional response to femicide in Albania, Montenegro and Serbia is still unsatisfactory. There are numerous challenges in practice, which is often a consequence of a lack of understanding of the gender dimension of violence against women and femicide. In all three countries, predominant patriarchal structures, as well as the existence and persistence of gender stereotypes and prejudices are still widely spread, which is evidently reflected in the work of professionals in charge of prevention of and protection from the violence against women and domestic violence, including members of the judiciary.

Despite some differences, there is a set of recommendations applicable to each country in order to improve prevention of femicides within the local contexts, but also in the whole region. Femicide is not incriminated as a separate criminal offence in Albania, Montenegro and Serbia. Prescribing femicide as a specific criminal offence in national criminal laws is quite justified and necessary to classify all cases of femicide and thus reduce legal uncertainty and possible errors in the classification of the criminal offence and punishment of the perpetrators, but also to statistically monitor the number of persons reported, accused and convicted of femicide. Furthermore, although each country has a system of data collection on violence against women, it should be noted that without having femicide as a separate criminal offence, it is not possible to collect data on it properly. Also, national data collection on violence against women is not centralised, and each respective system (i.e. police, social protection, prosecution offices and courts) collects its own data, which often makes comparison impossible. Therefore, one of the recommendations is the establishment of a centralised national data collection system and record-keeping which would enable better recording of cases of violence against women and domestic violence,

including femicide. It is advisable to use the statistical framework on gender-related killings of women and girls, developed by the UNODC and UN Women, since it enables collection of statistical data also in the countries in which femicide is not incriminated as separate criminal offence. In addition, national research shows that professionals, including members of the judiciary, would benefit from the continuous training and education on the topics related to violence against women, gender-based violence and domestic violence, with particular focus on femicide.

The prevalence of femicide and attempted femicide in each country shows a clear need for the establishment of the femicide watch, in accordance with the recommendations of the UN Special Rapporteur on Violence Against Women, which is addressed to all countries and which requires collection and analysis of data on violence against women, and detection of omissions leading to gender-related killings of women. Data collection, analysis and evaluation of the efficiency and effectiveness of the work of all relevant actors should be conducted using appropriate methodology, with active participation of women's civil society organisations.

Finally, due to very similar social context in Albania, Montenegro and Serbia, as well as in some other Western Balkans countries, the regional femicide watch, as a result of cooperation between the national femicide watches, should be established. In that way, it would be possible to compare the situation in each country and to analyse factors of success, to exchange best practices, as well as to learn from other countries' experiences. Joint activities would contribute to better prevention of femicides in the region, as the future cooperation related to femicide would confirm the seriousness of the problem within the region.

1. INTRODUCTION

Violence against women is widely spread in the Western Balkans region. A regional study (2019),[1] which included all the countries in the focus of this report,[2] showed alarming results: 70% of women have experienced some form of sexual harassment, stalking, intimate partner violence or non-partner violence (including psychological, physical or sexual violence) from the age of 15; 45% of women have experienced sexual harassment, including harassment via the internet; 23% of women have experienced intimate partner physical and/or sexual violence; and 18% of women have experienced physical and/or sexual violence at the hands of a non-partner. The scale of violence against women and girls and its prevalence calls for enhanced efforts to implement legislation and improve measures and plans that will address all forms of violence experienced by women and girls.[3] This research has shown that women do not report a vast majority of incidents to the police and they rarely seek support from other institutions. Barriers to seeking help are rooted in attitudes that silence women and protect abusers and also in women's lack of trust in the authorities to help and protect them.

Femicide is the most extreme form of violence against women. Data on homicides, including femicides are published annually by the UNODC, and the number of femicides is worrying. The latest data have shown that, in 2021, 45,000 women and girls worldwide were killed by their intimate partners or other family members. This means that, on average, one woman or girl is killed by someone in her own family every 11 minutes.[4]

In 2018, the FemPlatz women's rights organisation and Women's Research Centre for Education and Communication from Serbia, with the support of UN Women Regional Office for Europe and Central Asia, began developing a framework for understanding the characteristics, patterns, and causes of femicide in Serbia, as the most extreme manifestation of violence against women.[5] The operational definition of femicide

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1 OSCE-led Survey on the Well-being and Safety of Women, OSCE, 2019, available at: https://www.osce.org/files/f/documents/9/2/413237_0.pdf

2 The research included Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia, Kosovo*, Moldova and Ukraine

*For the European Union, this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. For UN Women, references to Kosovo shall be understood to be in the context of UN Security Council Resolution 1244 (1999),

3 Ibid, pp. 6-7

4 Gender-related killings of women and girls (femicide/feminicide). Global estimates of gender-related killings of women and girls in the private sphere in 2021: Improving data to improve responses, UNODC and UN Women, 2022, available at: https://www.unwomen.org/en/digital-library/publications/2022/11/gender-related-killings-of-women-and-girls-improving-data-to-improve-responses-to-femicide-feminicide

5 The project titled "Eradicating and Preventing Femicide in Serbia" was conducted in

used in our work is that femicide is every form of gender-related killing of a woman by a man (partner and family context, non-partner/non-family context that has a gender component, namely it is directed at women based on their sex, gender, gender roles and unequal power relations).

During this project, a model that goes beyond data collection and publication about femicide was developed and it operates as a practical mechanism to improve and strengthen the existing preventive measures. The research results are available in Serbian in three publications.[6] Bearing in mind that these are the only studies of this kind in the region, and also the fact that research on femicide and attempted femicide court cases is rarely conducted, we prepared the abridged versions of the research in the English language and made it available to all researchers, activists and other interested parties.[7]

Based on the research findings, the overall programme in Serbia was framed within three main pillars: 1) producing institutional responses to femicide; 2) building capacities of professionals, and 3) raising awareness and building support for advocacy. After the two project phases successfully implemented in Serbia, and having in mind similar social context, predominant patriarchal values within the societies, very similar geopolitical context, and widely spread violence against women, the same model was replicated in Montenegro and Albania from September 2021 to November 2022.

The programme partners: FemPlatz women's rights organisation Pančevo, Serbia; Helpline for Women and Children Victims of Violence Nikšić, Montenegro and the Centre for Legal Civic Initiatives Tirana, Albania, systematised the available data on femicide from all the competent courts, police departments, justice system data, and media monitoring, proposed a data collection model as there are no central record-keeping systems, and worked to put this issue on the political and public agenda.

Similar patterns and challenges with systemic data collection, data quality, and institutional capacities are observed in all countries, while there is a range of legal and social similarities. Although progress has been made on the normative level in all three countries, societal and institutional response to femicide in Albania, Montenegro and Serbia is still unsatisfactory. There are numerous challenges in practice, which is often a consequence of a lack of understanding of the gender dimension of violence against women and femicide.

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two phases, with the support of UN Women and the European Union

6 Available at: http://femplatz.org/library/publications/2019-11_Femicid_monografija_Prva_publikacija_E_primerak.pdf; http://femplatz.org/library/publications/2019-11_Femicid_monografija_Druga_publikacija_E_primerak.pdf; http://femplatz.org/library/publications/2021-04_Femicid_-_Pokusaj_femicida_i_femicid_u_Srbiji.pdf

7 http://femplatz.org/library/publications/2021-12_Femicides_and_Attempted_Femicides_in_Serbia_2015-2019_Abridged_version.pdf

Governments and authorities in all countries expressed their commitment to work on eradicating femicide and establish a femicide watch. Namely, the Serbian government did so by defining the prevention of femicide as the most extreme manifestation of violence against women by establishing control mechanism for monitoring and analysing femicide cases (femicide watch) in the Strategy for combating gender-based violence. As proposed by FemPlatz and Women's Research Centre, this mechanism should collect data on all femicide and attempted femicide cases, analyse the institutional response (the social protection system, the judiciary, the prosecution, the police, the health care system, service providers), provide recommendations to authorities about improving the prevention system, and inform the public about steps taken by the authorities to prevent and eradicate femicide. The Albanian government expressed its commitment in its input to Special Rapporteur on Violence Against Women and Girls, its causes and consequences to provide information about the implementation of the femicide watch initiative. The Montenegrin government did so through the prime minister's statement that femicide be defined as a criminal act.[8]

Comprehensive research results on social and institutional response to femicide are available in the national reports for Albania[9] and Montenegro[10] in local languages, and abridged versions are available in the English language.

Also, 109 cases of femicide that were perpetrated in Albania, Montenegro and Serbia, from 2020 to 2022, that have not been covered by the judicial research have been tracked and analysed through media reporting. Data on those femicides are presented in the form of an interactive map.[11] The main aim of the interactive map is to show the data that were neither publicly available nor officially collected, raise awareness on the scope and importance of solving this problem, increase accountability, and strengthen advocacy.

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8 E.g. Vice-president of the National Parliament of the Republic of Serbia supported the initiative for the establishment of a femicide watch in Serbia (more on Потпредседник Народне скупштине др Зоран Лутовац разговарао са представницама удружења FemPlatz (ds.org.rs), 14/10/2022); "Zajedno" parliamentary group in the National Parliament of Serbia supported the initiative for the establishment of the femicide watch in Serbia (more on Stranka Zajedno danas se sastala sa predstavnicama udruženja građanki FemPLatz – ZAJEDNO – zeleno leva politička stranka (zajedno-moramo.rs), 14/10/2022); The prime minister of Montenegro's statement to criminalise femicide (more on Abazović: Inicirаćemo uvrštanje femicida kao posebnog krivičnog djela (www.gov.me)); Input of the Government of Albania to the UN Special Rapporteur on Violence Against Women and Girls, its causes and consequences about the progress in establishing the femicide watch (more on OHCHR | Femicide Watch initiative (2021))

9 Hysi Vasilika, Anastasi Aurela, Bozo Aurela, Vora Erisa (2023), VRASJET E GRAVE (FEMICIDI) DHE TENTATIVA PËR FEMICID NË SHQIPËRI (2017-2020), available at femicidi.indd (qag-al.org)

10 Nataša Medjedović, Nada Koprivica, Jovana Perućica (2023), Društveni i institucionalni odgovor na femicid u Crnoj Gori, SOS za žene i djecu žrtve nasilja, Nikšić

11 Interactive map available at: http://femplatz.org/index.php?t16

During this project, the establishment of a femicide watch has become a topic for wider consultative processes in each country covered by the project, and the term 'femicide' has entered into daily use by the authorities, politicians, and the media. Our proposed model could lead to the establishment of a regional femicide watch in the countries of the Western Balkans, which would strengthen the institutional and social responses and contribute to preventing numerous femicides every year in the Western Balkans.

2. FEMICIDE: DEFINITION(S), CLASSIFICATIONS AND CHARACTERISTICS

This part of the report was taken from the research conducted in Serbia,[12] with the authors' permission, and has been slightly modified and abbreviated for the purpose of the regional report.

2.1. Definition of femicide

Femicide is the most insidious and gravest form of manifestation of violence against women. Femicide is a gender-motivated murder, the killing of a woman because she is a woman, directed towards women on the basis of their sex, gender, and unequal power relations in the societies. It is the misogynistic killing of women by men, motivated by hatred of women, contempt, as well as a sense of ownership and superiority. The roots of femicide are found primarily in a culture dominated by gender discrimination, patriarchal structure, and unequal power relations.

There are various narrower and broader definitions of the term femicide, but a generally accepted definition has not yet been formulated, which makes it significantly more difficult to statistically record the prevalence of all cases and forms of femicide. Although the term femicide dates back to 1801,[13] the greatest contribution to the definition of femicide and the meaning given to it today was made by Diana Russell in 1976 who defined femicide as *killing of a woman by a man because of her gender,*

12 Konstantinović Vilić Slobodanka, Petrušić Nevena, Beker Kosana (2019), *Društveni institucionalni odgovor na femicid u Srbiji I*, Udruženje građanki FemPlatz, Pančevo, available at: http://femplatz.org/library/publications/2019-11_Femicid_monografija_Prva_publikacija_E_primerak.pdf

13 It was first used in the British publication *A Satirical* View of *London at the Commencement of the Nineteenth Century* to denote the killing of a woman. Russell, 2008:28, as cited in Batrićević, A. (2016) Krivičnopravna reakcija na femicid, *Temida* br. 3-4, Beograd, p. 434

killing of females by males because they are female, misogynistic killing of females perpetrated by males motivated by hatred of women, contempt for women, pleasure, sense of ownership and superiority over women.[14] Russell and Radford later argued that the term "femicide" should also include "sexist killing of women", which includes murders motivated by the perpetrators' feeling that they are entitled to do so and/or by their sense of superiority over women, as well as murders for pleasure or sadistic desires directed at women.[15] Some definitions of femicide[16] assumed that femicide is any killing of a female person.[17]

Thanks to the efforts of numerous feminist authors[18] and women's groups, the sexist killing of women and killing of women as a hate crime finally attracted attention and raised awareness of femicide among the general and professional public at all levels. Femicide covers all misogynistic and sexist murders of female persons regardless of age. This includes torture, burning widows at the husband's funeral pyre or dowry deaths, killings because of an "insult to family honour", deaths due to female genital mutilation (FGM) and rape, serial killings, killings during domestic violence, trafficking of women, mortality of pregnant women, as well as killings of newborn female infants in order to give preference to male children.[19] Mention should also be made of those researchers, mainly in Latin America, who have adopted the term *feminicide* to denote the crime of the state seen in the failure of the competent authorities to prevent and punish gender-motivated killings of women.[20] This

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14 She used this term when testifying about murders of women at the International Tribunal on Crimes against Women in Brussels in 1976. Radford, J., Russell, D.E. (1992) *Femicide: The politics of Women Killing,* In: Jill Radford and Diana E.H. Russell (eds.) Open University Press, Buckingham, England, pp. 3-12

15 Diana Russell emphasised that this term should not be used for gender-irrelevant murders, such as accidental killings of women by men unknown to them or killings of women committed by women.

16 *Geneva Declaration on Armed Violence and Development,* available at: http://www.genevadeclaration.org/

17 *Femicide: A Global Problem, 2012,* available at: https://www.smallarmssurvey.org/sites/default/files/resources/SAS-Research-Note-14.pdf

18 Karen Stout endeavoured to explain "intimate femicide" and defined it as "killing of women by male partners". Stout, Karen (1992) 'Intimate femicide: an ecological analysis', Journal of Sociology and Social Welfare, 29: 29–50. This definition was later modified by Myrna Dawson and Rosemary Gartner to include "current or former legal spouses, common-law partners or boyfriends". Myrna Dawson and Rosemary Gartner, Differences in the Characteristics of Intimate Femicides: The Role of Relationship State and Relationship Status, available at: https://journals.sagepub.com/doi/10.1177/1088767998002004003

19 Caputi, J. Russell, D.E.H., (1992) *Femicide*: *Sexist Terrorism against Women,* ed. Jill Radford and Diana E.H. Russell, Open University Press, Buckingham, England, pg.15

20 See, for example: Sánchez, Martha Idalia Chew. "FEMINICIDE: Theorizing Border Violence." Latin American Research Review, vol. 49, no. 3, 2014, pp. 263–76. JSTOR, http://www.jstor.org/stable/43670205; DECLARACION ON FEMICIDE, Mechanism to follow up Convention of Belém do Pará (MESECVI) Committee of experts on violence (CEVI) August 14-15, 2008 Washington, D.C., available at: https://www.oas.org/es/mesecvi/docs/declara-

term has a political component and includes social, cultural and gender contexts of violence against women.

Endeavours at the level of the United Nations resulted in recent documents that clearly use terms femicide/feminicide to denote gender-related killing of women and girls.[21]

Both theory and practice still lack a single definition of femicide. The existence of different definitions is one of the key reasons why it is difficult to determine the prevalence of femicide, which makes it challenging to comprehensively analyse and create effective strategies to prevent femicide.

2.2. Classifications of femicide

Criminological studies and research on violence against women and femicide usually analyse violence between intimate partners and killings occurring as final acts of violence, most often resulting from sexual jealousy and/or concern about the loss of a female partner.[22] One of the elementary divisions of femicide was made according to the relationship between the murderer and the victim:

- intimate partner femicide;
- family femicide;
- femicide committed by other perpetrators known to the victim;
- femicide committed by males unknown to the victim while committing some other criminal offence;
- femicide in armed conflicts.[23]

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cionfemicidio-en.pdf

21 For example, on 18 December 2013, the United Nations General Assembly adopted Resolution 68/191: Taking action against gender-related killing of women and girls, which expressed a deep international concern about the gender-related killing of women and girls.

22 Brookman's division: killings caused by "sudden rage", confrontational killings and revenge killings. In long relationships, the circumstances of the murder were related to issues of "possession/control", the murderer planned the killing and sought revenge for the victim's abandoning the relationship, while in shorter relationships, violence arose from an argument or quarrel and was not caused by the threat of separation. Brookman, F. (2005) *Understanding Homicide*, Sage Publications, London, pp. 142-143

23 Russell D.E.H. (2008) Politizing the Killing Females. *Strengthening Understanding of Femicide Using research to galvanize action and accountability*, PATH, MRC, World Health Organisation, Intercambios, Washington DC, pg. 22

The recent division of gender-related murders is: direct and indirect killings of women.[24] Direct killings of women include: killings of women as a result of intimate partner violence; killings of women accused of witchcraft/sorcery; "honour" killings of women and girls; killings of women in the armed conflict contexts; dowry killings; killings of Aboriginal and indigenous women; extreme forms of violent killings of women; killings related to sexual orientation and gender identity, and other forms of gender-based killings of women and girls. Indirect killings of women are also known as "covert femicide".[25]

2.3. Characteristics of femicide

The causes of femicide are numerous and their identification is an essential condition for the prevention of femicide. In one study of intimate partner femicide, the following are listed as the risk factors for femicide: demographic and socioeconomic factors; abuse of psychoactive substances, unpleasant experiences in childhood, prior convictions for violent crimes against women, violence against female partners, situational factors and the victim–perpetrator relationship, and it was pointed out that separation at the time of intimate relationship breakup cannot be considered in isolation as a special risk factor.[26]

In another study, the femicide risk factors listed were as follows: frequency and severity of physical violence prior to committing murder as the primary factor, threats, stalking, sexual coercion, abuse during pregnancy, weapon possession and threats with a weapon, excessive use of alcohol and narcotics, perpetrator being suicidal, prior convictions for a violent criminal offence, and so on.[27] Women who separate

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24 Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences Rashida Manjoo: Gender-related killings of women, 2012, available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Women/A.HRC.20.16_En.pdf

25 It stands out as a specific form of femicide: death of women due to ill-performed illegal abortions; death of women due to intentional transmission of HIV, death of women due to unnecessary surgical interventions such as hysterectomies and clitoridectomies, genital mutilation; experimentation on female bodies; death due to violent sexual intercourse; death of female children due to negligence, disease and starvation, abortions and murders of female newborns after birth in order to increase the number of male children. Russell, op.cit, 2008:23, Kovačević, S. (2015) Ubojstva žena zato što su žene – organizirana, poticana, dopuštena i nekažnjena, *Libela*, Portal o rodu, spolu i demokraciji, pp. 1-2

26 Dobash, R., Dobash, R.P. (2008) Murder in Britain Study: The Murder of Women. *Strengthening Understanding of Femicide Using research to galvanize action and accountability*, PATH, MRC, World Health Organisation, Intercambios, Washington DC, pg. 66 i Dobash, R. Dobash R.P. (2015) *When Men Murder Women*, Oxford University Press, pg. 48

27 Campbell, J. (2008) Risk Factors for Femicide and Femicide-Suicide: A Multisite Cause

from their intimate partner after having lived together are at a higher risk of being victims of femicide, especially if their partner has had a high degree of control over the victim or if the victim is leaving him for another partner.[28] Numerous authors believe that social marginalisation of women significantly determines the risk of violence, and that structural violence acting through poverty, unequal opportunities and social marginalisation of women may be directly linked to the murder rate.[29] So far, research on domestic violence and femicide has shown that femicide is predictable in intimate partnerships because it occurs after many years of unreported and unprosecuted domestic violence and unrecognised cyclical manifestations of violence.

In order to understand the phenomenology of femicide, it is important to consider the motive for committing the murder, since femicide is gender-related. Therefore, motives are: jealousy, breakup of an emotional relationship or leaving a marital union, hatred, intolerance, revenge against the victim, etc. Finally, it is important to mention that femicides are frequently followed by the murderer's suicide (the so-called extended suicide).[30] The most common causes of the murderer's suicide mentioned are: depression, pathological possessiveness and fear of losing a partner,[31] unrequited love, cheating, and other problems of emotional nature.[32]

Control Study , *Strengthening Understanding of Femicide Using research to galvanize action and accountability*, PATH, MRC, World Health Organisation, Intercambios, Washington DC, pg. 58

28 Ibid. Other studies of femicide have also confirmed that the dominant risk factor for femicide is the breakup of a partnership and separation from the intimate partner. A special term "separation assault" was introduced for this pattern of violence in order to describe various forms of abuse and coercion which lead to the killing of a woman who has decided to end the intimate partnership. Konstantinović Vilić, S., Nikolić Ristanović, V. (2003) *Kriminologija,* Centar za publikacije Pravnog fakulteta, Niš, pg. 135.

29 Konstantinović Vilić, S. (2013). Femicid kao oblik rodno zasnovnog nasilja. *Zbornik radova Pravnog fakulteta u Nišu,* 64/2013, pg. 46, Simeunović Patić, B. (2002) Ubistva heteroseksualnih partnera: kriminološke i viktimološke karakteristike, *Temida* br.1, pg. 6

30 More information: Joković D. Jovana (2020). Determinante i faktori rizika izloženosti femicidu, Pedagogija 3, 2020, available at: https://rfasper.fasper.bg.ac.rs/bitstream/id/289/1332.pdf Dayan, Hava. (2018). Sociocultural Aspects of Femicide-Suicide: The Case of Israel. Journal of Interpersonal Violence; available at: https://www.researchgate.net/publication/327447912_Sociocultural_Aspects_of_Femicide-Suicide_The_Case_of_Israel/download; Djukanović, Sunčica (2020). FEMICID i mehanizmi za prevenciju u slučaju Bosne i Hercegovine, available at: http://hcabl.org/wp-content/uploads/2020/10/FEMICID-i-mehanizmi-za-prevenciju-u-slucaju-Bosne-i-Hercegovine-converted.pdf

31 Mathews, S. (2005) Intimate Femicide - Suicide in South Africa: The Epidemiology of Male Suicide following the killing, *University of Cape Town*, pp. 20-21, as cited in Lacmanović, V. (2018) Femicid –ubistva žena u Srbiji, kvantitativno-narativni izveštaj 1. januar - 30. jun 2018, pg. 4; Mathews, S. (2008) „Every Six Hours" Intimate femicide in South Africa. *Strengthening Understanding of Femicide Using Research to Galvanize Action and Accountability*, PATH, MRC, World Health Organisation, Intercambios, Washington DC, pp. 37

32 Suicide after murder is an eruption of unbridled aggression, originating from uncoordinated emotions, prolonged stress and formation of high-risk anxiety, especially between spouses and common law partners. Kovačević, R. Kecman, B. (2006) *Ubistvo u porodici*, IKSI,

Femicide is widespread throughout the world. The latest UNODC data have shown that some 45,000 women and girls worldwide were killed by their intimate partners or other family members in 2021. This means that, on average, more than five women or girls are killed by someone from their own family every hour.33 There are no publicly available statistical data on femicide in Albania, Montenegro, and Serbia.

3. GLOBAL EFFORTS AND CHALLENGES IN FEMICIDE MONITORING AND PREVENTION

The right to life is guaranteed by all fundamental international and regional instruments for the protection of human rights. At the international level, more attention has been focused on the status of women and their unequal position, including on violence against women, since the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979).[34] The elimination of violence against women is a key commitment of the 2030 Agenda for Sustainable Development, having in mind that member states pledged to make the world a place in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed.[35] As recognised in the UN 2030 Agenda, the achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities.[36] The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)[37] emphasises the obligations of the states to adopt and consistently implement legal and other measures to eliminate and prevent violence against women and domestic violence, and to exercise due diligence to prevent, prosecute and punish these acts.

Beograd, pg. 38

33 Gender-related killings of women and girls (femicide/feminicide). Global estimates of gender-related killings of women and girls in the private sphere in 2021: Improving data to improve responses, UNODC and UN Women, 2022, available at: https://www.unwomen.org/en/digital-library/publications/2022/11/gender-related-killings-of-women-and-girls-improving-data-to-improve-responses-to-femicide-feminicide

34 See: 15 Years of the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences, available at: http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf

35 United Nations, Transforming our world: the 2030 Agenda for Sustainable Development, para. 8 (A/RES/70/1)

36 Ibid, para. 20.

37 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence – Istanbul Convention (2011)

There have been numerous efforts at international, regional and national levels aimed at enhancing the system of prevention and protection from violence against women. However, violence against women, including femicide as its most extreme manifestation, is still pervasive, omnipresent and persistent globally. In order to challenge the current situation related to abundant number of femicides, initiatives for the establishment of the femicide watch in each country, as well as the statistical framework for measuring femicide is presented.

3.1. Establishment of the Femicide Watch - the existing initiatives

The UN Special Rapporteur on Violence Against Women, its Causes and Consequences has made violence against women and girls more visible, including gender-based killings of women and girls. In the 2012 report, a global increase in gender-based killings was observed, as well as the enormous lack of accountability and impunity for these crimes.[38] As stated by the Special Rapporteur, in order to understand femicide, it is necessary to take into account the political, social and economic contexts where killings occur, including the men's views on women's empowerment, as well as political, legal and social response to such crimes, continuing violence against women, and patterns of structural discrimination and inequality that are an integral part of women's lives.[39] Following this report, several activities were undertaken at the UN level as part of efforts to combat gender-related killings of women and girls, such as the adoption of the Vienna Declaration on Femicide (2012),[40] the adoption of two resolutions on Taking Action Against Gender-Related Killing of Women and Girls (2013 and 2015),[41] etc.

After calling upon all states to establish a "femicide watch" on the occasion of the International Day for the Elimination of Violence against Women (2015), the Special Rapporteur put thematic focus on modalities for the establishment of femicides/ gender-related killings watch (2016).[42]

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38 Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences Rashida Manjoo: Gender-related Killings of Women, 2012, para. 14

39 Ibid, para 17.

40 Defining femicide as the killing of women and girls because of their gender, i.e. gender-based killing of women. Vienna Declaration on Femicide (2012), available at: https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/_E-CN15-2013-NGO1/E-CN15-2013-NGO1_E.pdf

41 A/RES/68/191 from 2013 and A/RES/70/176 of 2015

42 Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences Dubravka Šimonović, A/71/398 of 2016, available at: https://www.ohchr.org/Documents/Issues/Women/A.71.398.docx

FEMICIDE WATCH

- Systematical collection of disaggregated data on femicide
- Disaggregation into at least two categories:
    - intimate partner and family-related femicide
    - other femicide
- Analysis of the collected data
- Proposal of preventive measures

All states should systematically collect disaggregated data on all forms of violence against women and specifically on femicides, and should disaggregate femicide data into two broad categories: 1) intimate partner femicide and family related femicide (based on the relationship between the victim and the perpetrator) and 2) other femicides. Also, all states should establish femicide watches at the national or regional level in order to analyse data on femicides and propose specific measures needed to prevent such femicides.[43] Finally, the 2021report[44] stated that the overall aim of the femicide watch initiative is to contribute to the prevention of femicide or intentional gender-related killings of women and girls through the collection of comparable data at the national, regional and global levels and to contribute to the prevention of these killings through analyses of cases by national multidisciplinary bodies. Such analyses should be carried out from a human rights perspective, using international human rights instruments on women's rights and on violence against women, and should detect shortcomings within the national laws and policies. Such bodies should be mandated to recommend measures for prevention of such cases, including those with regard to laws and their implementation.[45]

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43 Ibid, para. 83-84

44 Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences Dubravka Šimonović: Taking Stock of the Femicide Watch Initiative, A/76/132 from 2021, available at: https://digitallibrary.un.org/record/3936703/files/A_76_132-EN.pdf?ln=en

45 Ibid, para. 17

3.2. Existing Femicide Watch Initiatives

During the last few years, different types of bodies tasked with monitoring violence against women, including femicide were established. Created under different names, mandates and methodologies, with different geographic and thematic scopes, these observatories represent an expansion of institutional capacity to understand, respond to and prevent femicides.[46] Some examples of existing femicide watch initiatives are briefly presented below.

- Argentina

The femicide watch was established by the Ombudsperson of Argentina (Observatorio de Femicidios de la Defensoría del Pueblo de la Nación) with the purpose of gathering, producing, elaborating, systematising, analysing, and communicating data and information about femicides.[47] In addition, the judiciary system has the National Femicide Registry, which includes information on cases which have led to judicial proceedings and includes data on violent deaths of women and girls for gender-related reasons. The registry also includes the victims' and perpetrators' socio-demographic information, such as age, marital status, occupation, etc.[48]

- Canada

In 2017, the Centre for the Study of Social and Legal Responses to Violence at the University of Guelph established the Canadian Femicide Observatory for Justice and Accountability (CFOJA) that tracks femicides and documents social and state responses to femicide.[49] The work of the Observatory is being led by an interdisciplinary, multi-sectoral panel of experts from across the country, with two main objectives: to address the need for a single location for information about justice and accountability for femicide victims in Canada; and to facilitate innovative and sustainable research agendas on femicide justice and accountability.[50]

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46 Ibid, para. 33

47 More information available at: https://www.ohchr.org/sites/default/files/2021-12/observatorio-femicidio-argentina.pdf

48 More information available at: https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/Argentina.pdf

49 More information available at: https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/Canada.pdf

50 More information available at: https://femicideincanada.ca/home/who

- Croatia

In Croatia, the femicide watch was established at the Office of the Ombudsperson for Gender Equality.[51] The police inform the Ombudsperson on every case of murder of a woman, with a short description and analysis of each case, including determination of the murder causes and motives. The Ombudsperson published the analysis of the media reporting on femicide.[52] In cooperation with the General Police Directorate, a survey on the cases of femicide was conducted and the findings were publicly presented for the first time in 2019, and annually thereafter.[53]

- Denmark

The Centre for Magtanalyse (CMA), a non-profit organisation created by persons exposed to violence, established the femicide watch in Denmark. The centre works on a voluntary basis in two local branches (Copenhagen and Aalborg). The femicide watch CMA is a research unit which monitors and collects knowledge about the killings of women in Denmark with the purpose of informing the public about femicides, as well as producing new knowledge that can be used in prevention work.[54]

- Georgia

The Public Defender of Georgia has been monitoring cases of femicide based on a specially developed methodology since 2016. The aim of the monitoring is to analyse each case of gender-related murders of women, murder attempts and actions that pushed women toward attempting or dying by suicide. Additionally, the monitoring helps to identify shortcomings in the victim protection mechanisms in order to improve and further develop them.[55] Public Defender's reports have revealed gaps and shortcomings at the investigation and court level, and several improvements have been introduced as a result of the implementation of recommendations (e.g. Supreme Court started to collect the data on femicide cases; amendments to the Criminal Code – perpetrating a crime on the grounds of gender is regarded as an aggravating circumstance when considering punishment in relation to a number of criminal offences, etc.).[56]

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51 More information available at: http://vawa.prs.hr/o-instituciji/

52 More information available at: http://vawa.prs.hr/publikacije/

53 More information available at: https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/Croatia.pdf

54 More information available at: https://centreformagtanalyse.dk/en/femicide-watch/

55 Public defender publishes reports on Femicide Monitoring, more information available at: https://ombudsman.ge/eng/spetsialuri-angarishebi/femitsidis-monitoringis-angarishi-2020

56 More information available at: https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/Georgia.pdf

- Germany

The Femicide Observation Centre Germany (FOCG)[57] is a non-profit organisation, working on research, education and awareness. FOCG set up a database in 2019, which currently includes more than 70 individual criteria relating to the crime, which go far beyond the official data collection of the police crime statistics. The quantitative long-term study refers to domestic violence as well as to a variety of different types of gender-specific, lethal violence. In addition, other factors, such as mental illness, alcohol, narcotics and/or drug abuse, and the gender aspect in the judiciary are also taken into account. All data were carefully collected, documented and scientifically evaluated through daily research in the media, and through case-specific queries at the respective public prosecutor's offices and courts throughout Germany.[58]

- Israel

The Israel Observatory on Femicide was established in 2020 at the Hebrew University of Jerusalem. The purpose of the Observatory is to collect and monitor data and narratives about the murder of women, both quantitative and qualitative, and provide means for building an ongoing knowledge base to eradicate the phenomenon.[59] The Israel Observatory on Femicide publishes reports on femicide in Israel regularly, which is of particular importance having in mind that official data on femicide are not publicly available.

- Poland

The Women's Rights Centre in Poland, a women's organisation working on preventing and combatting gender-based violence and discrimination, launched a new "Femicide Observatory" project in 2021, with the aim of raising social awareness about femicide and its prevention. The main goal is to reveal the scale of the phenomenon in Poland, provide support to the families of murdered women in seeking justice and recovering, as well as to give recommendations for a comprehensive and gender-sensitive system of collecting statistics, as well as the implementation of the legal and institutional changes at the regional and national levels aimed at preventing femicide.[60]

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57 More information available at: https://focg.org/about/

58 More information available at: https://www.ohchr.org/sites/default/files/2022-01/femicide-observation-centre-germany.pdf

59 More information available at: https://en.israelfemicide.org/%D7%90%D7%95%D7%93%D7%95%D7%AA

60 More information available at: https://www.ohchr.org/sites/default/files/2021-12/

- Spain

The Observatory Against Domestic and Gender-based Violence is an institution founded in 2002, whose purpose is to address the way this violence is dealt with from within the Judicial Administration. It is currently integrated into the General Council of the Judiciary; the Ministry of Justice; the Ministry of Health, Social Services and Equality; the Ministry of the Interior; the State Prosecutor General; the autonomous regions with authority transferred to the court; the General Council of the Spanish Bar Association and the General Council of Spanish Notaries.[61] Since 2009, annual reports focused on the analysis of intimate-partner femicides are being published, including a specific study of the judicial procedures involved.[62]

- South Africa

The Government of South Africa launched its femicide watch in 2018, as the very first femicide watch in the African continent. It consists of a repository of information for victims and stakeholders. It provides access to a risk assessment tool and resources for victims, as well as articles and information on femicide.[63]

3.3. Statistical framework for measuring the gender-related killing of women and girls

The majority of femicide watch initiatives were established in order to provide data on femicides, in the absence of publicly available national official data. Also, a huge challenge in collecting data and analysing the phenomenon of femicide is that femicide is not incriminated as separate offence in national criminal legislations, as well as that the restrictive definitions of femicide are sometimes adopted in the production of data.

Unlike for other forms of violence against women, there is not yet a global or regional standardised statistical approach to define and produce relevant metrics on gender-related killings of women and girls, therefore the UNODC and UN Women jointly developed a statistical framework on gender-sensitive crime statistics, with a

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femicide-watch-poland.pdf

61 More information available at: https://www.poderjudicial.es/portal/site/cgpj/menuitem.87fc234e64fd592b3305d5a7dc432ea0/?vgnextoid=5ce6dd47358eb210VgnVCM100000cb34e20aRCRD&vgnextlocale=en&vgnextfmt=default&lang_choosen=en

62 More information available at: https://www.poderjudicial.es/cgpj/en/Subjects/Domestic-and-gender-violence/Activity-of-the-Observatory/Reports-of-domestic-and-gender-violence/

63 More information available at: https://www.justice.gov.za/vg/femicide/index.html

focus on the gender-related killing of women and girls (femicide/feminicide).[64] The statistical framework defines a series of characteristics of intentional homicides that can globally operationalise the gender-related motivations of the killings, regardless of the existence of specific national legislations in relation to these criminal offences.[65]

Having in mind the definition of intentional homicide and the concept of violence against women and girls, it follows that the gender-related killing of women and girls (femicide/feminicide) should include killings with the following characteristics:

- the killing of a woman by another person (objective criterion);
- the intent of the perpetrator to kill or seriously injure the victim (subjective criterion);
- the unlawfulness of the killing (legal criterion), and
- the gender-related motivation of the killing.[66]

The last element is the one that specifically identifies gender-related killings of women and girls (femicide), e.g. the ideology of men's entitlement and privilege over women, social norms regarding masculinity, and the need to assert male control or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behaviour, which can take place in a wide range of situations within the private and public spheres, and within different contexts of the perpetrator–victim relationship.[67]

Gender-related motivation refers to the root causes – such as stereotyped gender roles, discrimination towards women and girls, inequality and unequal power relations between women and men in the society – that characterise the specific context in which such killings take place. These factors can trigger violence by perpetrators when a woman's behaviour is perceived not to be in line with social norms or stereotyped gender roles. In this context, the term "gender-related motivation" does not refer to the subjective intent of the perpetrator to commit the homicide, but to its underlying root causes. The subjective motive of the perpetrator to commit the crime, such as a specific bias against or hatred of women, may be present in some cases alongside the gender-related motivation.[68]

Counting gender-related killings requires a standardised approach in order to extract the subset of killings of women and girls with an underlying gender-related motivation from the overall data on female homicides, which requires a definition of

64 Statistical framework for measuring the gender-related killing of women and girls, UNODC and UN Women, 2022, para 3, available at: https://www.unodc.org/documents/data-and-analysis/statistics/Statistical_framework_femicide_2022.pdf

65 Ibid, para. 4

66 Ibid, para. 19.

67 Ibid, para. 20-21.

68 Ibid, p. 5

objective characteristics that can be operationalised and recorded for each homicide.[69] Therefore, for the purpose of collecting data and producing statistics, femicides are defined as intentional homicides of female victims committed by intimate partners, those committed by other family members and those committed by other known or unknown perpetrators with a certain modus operandi or in specific contexts indicative of gender-motivations.[70] The statistical framework comprises three main data blocks:[71]

1) **Women and girls killed by an intimate partner**: Intentional homicides of women and girls perpetrated by intimate partners. Reference is made to homicides of women committed by their current or former husband, intimate partner, cohabitating partner or dating partner
2) **Women and girls killed by other family member**: Intentional homicides of women committed by family members (blood relatives – parent, child, sibling, uncles, cousins or by other relatives by marriage or adoption – adopted children, parent-in-law, sibling-in-law, etc.), irrespective of whether or not they are cohabitating with the victim at the time of the killing, or by other household members;
3) **Women and girls killed by other perpetrators (known or unknown) according to the modus operandi or context indicative of gender-related motivations**: This subset of intentional homicides refers to killings by perpetrators outside the family sphere – such as a perpetrator who has a relationship of authority/care with the victim, other perpetrators known to the victim, perpetrators unknown to the victim prior to the killing, or perpetrators that have not been identified by the responsible national authorities – and where the gender-related motivation(s) triggering the killings is/are identified through at least one of the following eight criteria: the homicide victim had a previous record of physical, sexual or psychological violence/harassment perpetrated by the author of the killing; the homicide victim was a victim of a form of illegal exploitation, for example, in relation to trafficking in persons, forced labour or slavery; the homicide victim was in a situation where she was abducted or illegally deprived of her liberty; the victim was working in the sex industry; sexual violence against the victim was committed before and/or after the killing; the killing was accompanied by mutilation of the body of the victim; the body of the victim was disposed of in a public space; the killing of the woman or girl constituted a gender-based hate crime, i.e. she was targeted because of a specific bias against women on the part of the perpetrator(s).

69 Ibid, para. 25.
70 Ibid, para. 28.
71 Ibid, para. 29-32.

4. METHODOLOGY

In 2018, the FemPlatz women's rights organisation and the Women's Research Centre for Education and Communication from Serbia, with the support of UN Women Europe and Central Asia, began developing a framework for understanding the characteristics, patterns, and causes of femicide in Serbia, as the most extreme manifestation of violence against women. The process involved developing a methodology and collecting data on final court decisions for 94 convictions for gender-based killing of a woman by a man and 30 final enforceable decisions for attempted murder of a woman from 2015 to 2019 to analyse the court proceedings, the profiles of perpetrators, the information about the victims, the prior reports of violence, the qualification of the criminal offence, and other aspects.[72] The methodology also involved an in-depth analysis of selected court case files, capacity assessments of institutions and professionals working on prevention of and protection from violence against women, interviews with convicted perpetrators, and an analysis of legislation and policies to improve and strengthen the existing preventive measures.

Based on the research findings, the overall programme in Serbia was framed in three main pillars: 1) *Producing institutional responses to femicide:* producing a data collection model, sectoral protocols for femicide risk assessment and review for the prosecution, health care system, police departments, the social protection system, proposals for legislative amendments, introduction of the femicide watch in the national policies, developing a proposal of the operational model for the femicide watch to be established within the Ombudsperson institution, and constant dialogue between women's organisations and governmental officials, human rights and equality institutions, members of parliament; 2) *Building capacities of professionals*: analysing cases and risk factors more thoroughly and insisting on a strengthened multi-sectoral approach;[73] and 3) *Raising awareness and building support*: for advocacy demands by alerting the public to every femicide case, publishing relevant information, maintaining a media and online presence, and issuing joint civil society demands.[74]

In Serbia, the first phase of the project lasted from June 2018 to November 2019, and the second phase from May 2020 to April 2021. Having in mind similar social context, predominant patriarchal values within the societies, very similar geopolitical context, and widespread violence against women, the same model was replicated in

72 The project entitled "Eradicating and Preventing Femicide in Serbia" was conducted in two phases, with the support of UN Women and the European Union

73 Over 400 professionals participated in capacity building events in Serbia, with two-thirds of them expressing willingness to work together more closely on femicide risk assessment.

74 Over 70 civil society organisations supported the demands for urgent actions against femicide. Joint civil society initiatives contributed to control procedures in some cases of femicide.

Montenegro and Albania in from September 2021 to November 2022.[75] The project was conducted in partnership with the Helpline for Women and Children Victims of Violence Nikšić, Montenegro and the Centre for Legal Civic Initiatives, Tirana, Albania, with the support of UN Women Regional Office for Europe and Central Asia and funded by the European Union.

The methodology used in Serbia was adapted to the national context of Albania and Montenegro. The same research methodology enables comparison between the three states.

The methodology comprised the following:

- desk research on legal framework related to violence against women, including femicide;
- collecting data on final court decisions for gender-based killing of a woman by a man and for attempted murder of a woman by a man (regardless of the criminal act qualification according to the national criminal legislation), for the 2017 to 2020 period;
- analysis of the court proceedings, profiles of perpetrators, information about the victims, prior reports of violence, the qualification of the criminal offence, and other aspects of the cases of femicides and attempted femicides;
- in-depth analysis of selected court case files (case-studies);
- capacity assessments of institutions and professionals working on prevention of and protection from violence against women;
- interviews with convicted perpetrators, and
- analysis of the legislation and policies to improve and strengthen existing preventive measures.

Overall, about 140 final court decisions on killings of women were analysed in three countries, over 350 professionals participated in the capacity assessment of institutions responsible for the prevention and protection of women from violence, and partnerships were established with various actors.

In addition, 109 cases of femicides in Albania, Montenegro and Serbia, committed from 2020 to 2022, that had not been covered by the judicial research were tracked and analysed through media reporting. Those cases are presented through the Interactive Femicide Map, the first regional map of this kind.[76] The main goal of developing the map was to raise awareness on the scope and importance of solving this problem, increase accountability, and strengthen advocacy in all three countries.

Since femicide is not defined as a separate criminal offence in the criminal legislation of three countries in which this research was conducted, for the purposes of our research (collection of final court judgments) we used the operational definition of

75 The judicial practice analysis was conducted in Bosnia and Herzegovina by the AIRE Centre Western Balkans in partnership with FemPlatz, available at: https://www.airecentre.org/Handlers/Download.ashx?IDMF=0635bfdc-3a99-4afd-b786-59492dfdd637

76 Interactive map available at: http://femplatz.org/index.php?t16

femicide: *femicide involves all forms of murder of women perpetrated by men*, and, accordingly, *attempted femicide means all forms of attempted murder of women perpetrated by men*. Our researchers later analysed those murders in order to determine if they were gender-related.

5. LEGAL FRAMEWORKS IN THE REGION

Albania, Montenegro, and Serbia have ratified all major international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),[77] thus committing to the implementation of international standards on preventing and suppressing gender-based violence, and protecting women and girls against gender-based violence.

Moreover, over the past decade, in all three Western Balkans countries a number of laws have been adopted that regulate the issues of discrimination and inequality and protection of the rights of vulnerable groups, including women and other minority groups. These legal changes also refer to prevention of and protection from violence against women, mainly domestic violence. However, current strategic measures and laws are still not effective, comprehensive, and coordinated in protecting women against all forms of violence, which our research on femicide has shown.

Each country developed its own national report on social and institutional response to femicide, in which a detailed legal framework on murders (femicide), violence against women and domestic violence can be found.[78]

In this part of the report, we are presenting very briefly some relevant parts of the legal frameworks in each of the three countries that could be related to better prevention of and protection from violence and consequently femicide, such as some important legislative revisions that heav happened in the last few years, as well as some remaining gaps.

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77 CEDAW: Albania (1994), Serbia (2001), Montenegro (2006), available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en, Istanbul Convention: Albania (2013), Serbia (2013), Montenegro (2014), available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures.

78 National report for Albania available at: https://www.qag-al.org/publikime/femicidi.pdf; National report for Montenegro available at https://sosnk.org/, National reports for Serbia available at: http://femplatz.org/library/publications/2019-11_Femicid_monografija_Prva_publikacija_E_primerak.pdf and http://femplatz.org/library/publications/2019-11_Femicid_monografija_Druga_publikacija_E_primerak.pdf

As stated before, none of the three countries have incriminated femicide as a separate criminal offence. However, different forms of murders could be considered as femicides when perpetrator is male and victim is female, if the murder is gender-related.

Femicide is not incriminated as a separate criminal offence in Albania, Montenegro and Serbia

Generally, in all three countries, murders are incriminated in the criminal laws as regular (basic form of) murder, as privileged murders, and as aggravated murders (intentional, premeditated, etc.). It is important to note that incrimination as criminal acts of femicide could be considered in some cases without further analysis, while for the other murders analysis is needed to determine whether it is a femicide or not. For example, in the Criminal Code of the **Republic of Albania**,[79] this is the case with murder committed under other qualifying circumstances, such as, inter alia, against a pregnant person (article 79), and murder due to family relations (article 79/c). The Criminal Code[80] of the **Republic of Montenegro** provides aggravated murder – causing death of a pregnant woman (Article 144, point 6), aggravated murder - causing death of a family member or family community member who was previously abused (Article 144, item 7), as well as a special aggravated form of criminal offence of domestic violence where death of a family member or family community member was caused (Article 220, paragraph 4). The Criminal Code[81] of the **Republic of Serbia** criminalises, inter alia, aggravated murder – causing death of a pregnant woman (Article 114, item 9), aggravated murder - causing death of a family member who was previously abused (Article 144, item 10), as well as a special aggravated form of criminal offence of domestic violence where death of a family member was caused (Article 194, paragraph 4).

In **Montenegro** and **Serbia**, a special aggravated form of criminal offence of domestic violence is incriminated. However, despite the fact that the criminal offence is qualified as aggravated, it should be noted that the **punishment range for this form of domestic violence resulting in death of a family member is lower than the punishment for other forms of murder.**

79 Law no. 7905 of 21/3/1995 Criminal Code of the Republic of Albania

80 Criminal Code of the Republic of Montenegro, RM Official Gazette, no. 70/2003 and Law on Additions to the Criminal Code of the Republic of Montenegro, RM Official Gazette, no. 3/20

81 Criminal Code of the Republic of Serbia, RS Official Gazette, no 85/2005, 88/2005 - corrigendum, 107/2005 - corrigendum, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016, and 35/2019.

Each of the three countries has provisions in their criminal legislation on aggravating circumstances, i.e. if the criminal offence is committed out of hatred based, among other things, on sex, gender, and gender identity (Article 42 of the Montenegrin Criminal Code and Article 54a of the Serbian Criminal Code), or driven by motives related to gender and gender identity (Article 50 j of the Albanian Criminal Code), those motives should have been treated as aggravating circumstances. It is evident that the courts may treat hatred based on misogynistic and sexist motives as one of the base motives and punish a perpetrator with longer imprisonment.

Legal improvements

The analysis of the criminal law regarding the criminal offences related to violence against women, including femicide, shows that during the last decade, the criminal and criminal proceedings legislation in **Albania** have been amended and that there are several improvements in the overall criminal legislation. Some changes were introduced in order to fulfil international obligations and to align with the international standards.[82]

In 2012, criminal offence of *domestic violence* was added to the Criminal Code (Article 130/a).[83] Furthermore, a new criminal offence was added, *premeditated murder due to family relations* (Article 79/c), in which the relationship between the perpetrator and victim is important (i.e. qualifying circumstance) while the criminal offence of *grave bodily assault/harm* was amended aiming at more severe punishment if the offence is committed against a spouse, ex-spouse, cohabitant or ex-cohabitant, close relative or close relative of the perpetrator, or when resulting in death (Article 88/2).[84] Also, in 2013, provisions regulating mitigating and aggravating circumstances were amended. As for the mitigating circumstances, it was explained that normalisation of the relations between the perpetrator and the victim, as well as the motives related, among other things, to gender and gender identity, are exceptions from the mitigating circumstances. In addition, a new aggravating circumstance was added - *commission of a criminal offence after placing a person under electronic monitoring/violation of protection order* (Article 50 e/1), and when an offence is committed by taking advantage of family relations (family, cohabitation, friendship, hospitality relations) (Article 50 g) or driven by motives related to gender, race, colour, ethnicity, language,

82 Hysi, Vasilika: Criminal Offences Against Women and Children and the Crime Policy in Albania, Reflections on Changes in the Penal Code (2012-2013), "Legal Studies", No. 2, 2014, University of Tirana Law School.

83 Amended by the law no. 23/2012. On some amendments to law no. 7895, dated 27/1/1995 "Penal Code of the Republic of Albania".

84 Added by the law no. 144/2013, Article 18.

gender identity, sexual orientation, political, religious, or philosophical convictions, health status, genetic predispositions or disability (Article 50 j).[85]

Republic of Albania has the Law on Measures Against Domestic Violence of 2006,[86] containing the definition of violence, domestic violence and a very broad definition of a family member. The 2018 amendments to this Law improved the definition of domestic violence in line with the Istanbul Convention and CEDAW.[87] The changes include, among other things, better protection for women and children in situations of immediate danger through a police order for urgent protection measures; better defined responsibilities of state institutions; protection for victims of partner violence who do not necessarily cohabit; short deadlines for processing the request for the issue of a protection order, and the impossibility of appealing against the court decision on protection order. The 2020 amendments included a possibility of removing the perpetrator from the apartment; obligation of the perpetrator to attend rehabilitation programmes; and improvements regarding criminal proceedings.[88] Finally, the new National Strategy for Gender Equality 2021-2030[89] provides various measures and actions aiming to protect, prevent, and prosecute violence against women and girls as well as integrated policies for victims and potential victims of violence.

The reform of the criminal legislation in **Montenegro** began with the adoption of the 2003 Criminal Code[90] and the Criminal Procedure Code.[91] The Criminal Code has been amended 13 times, the last time in 2020.[92] The reason for frequent amendments to the criminal legislation is harmonisation with the ratified international documents, through the introduction of new criminal offences or amendment of the existing ones. In the general part of the Criminal Code, several amendments were made, including special circumstances for sentencing for an act committed out of hatred (article 42a), while within the special part of the Criminal Code, the amendments mainly refer to

85 Added "c/1" and "e/1" and amended "g" and "j" by the law no. 144, dated 2/5/2013, Article 6.

86 Law no. 9669 of 18/12/2006.

87 Violence against Women in Albania, available at: http://www.instat.gov.al/media/6121/publikimi-dhuna-ndaj-grave-dhe-vajzave.pdf

88 Law no. 125/2020, Official Gazette no. 191 of 3 November 2020.

89 During this research, the National Strategy on Gender Equality (2021-2030) and Action Plan have been adopted. Decision no. 400 of 30/6/2021 on the approval of the national strategy for gender equality, 2021–2030 and its action plan, available at: https://shendetesia.gov.al/wp-content/uploads/2022/02/WEB_Strategjia-Kombetare-EN.pdf .

90 Criminal Code of the Republic of Montenegro, RM Official Gazette, no. 70/2003.

91 Criminal Procedure Code of the Republic of Montenegro, RM Official Gazette, no. 57/09.

92 Law on Additions to the Criminal Code of the Republic of Montenegro, RM Official Gazette, no. 3/20.

new criminal offences in the group of criminal offences against life and body, against sexual freedom, marriage and family, freedom and rights of citizens, etc.

In 2003, the new criminal offence of domestic violence and violence in family community was introduced in the Montenegrin Criminal Code (Article 220). Four forms of this criminal offence are prescribed – the basic form (paragraph 1), three more severe, qualified forms in relation to the degree of violence and the severity of the consequences resulting from the violation of the physical or mental integrity of a member of the family or family community (paragraphs 2-4), as well as the violation of the measure of protection against domestic violence imposed by the court or other state authority (paragraph 5). During the harmonisation of the Criminal Code with the Istanbul Convention, security measures were introduced, namely prohibiting the perpetrator from approaching the victim or another person or group of persons or a certain place when there is a danger that the perpetrator could commit the same or similar criminal offence against those persons or in that place again (Article 77a), as well as removal from the apartment or other living space, if there is a danger that the perpetrator could repeat the criminal offence (Article 77b). It should be mentioned that there is a serious problem in the implementation of the aforementioned security measures, considering that they can only be issued after the final verdict, which means that the victim is without protection during the criminal proceedings. The court can impose one or more security measures on the perpetrator (Article 67).

Misdemeanour protection from domestic violence in Montenegro

The specificity of Montenegro, compared to the other two countries, is that protection against domestic violence is provided by the Law on Protection from Domestic Violence,[93] which provides **misdemeanour offences and sanctions for domestic violence**. Domestic violence is defined as an action or failure to act by a family member that endangers the physical, psychological, sexual or economic integrity, mental health and peace of another family member, regardless of the place where it was committed. The definition of a family member (Article 3) covers a wide range of protected persons, including, among others, persons who share the same household regardless of kinship. This law prescribes several types of protective measures against the perpetrator of violence, whereby the competent authority, depending on the nature of the matter, may impose individual or cumulative (multiple) protective measures. Protective measures can be imposed before or during the misdemeanour procedure. Protective measures are s follows: removal from the apartment or other living space (Article 21); prohibition of approaching (Article 22); prohibition of harassment and stalking (Article 23); mandatory addiction treatment (Article 24) and mandatory psychosocial treatment (Article 25).

93 Law on Protection from Domestic Violence, "RM Official Gazette of the", no. 46/10, 40/11

Provisions of the Law on Protection from Domestic Violence overlap with the provisions of the Criminal Code related to domestic violence. It is not clear in which cases an act of domestic violence will be qualified and prosecuted as a misdemeanour, in accordance with the Law on Protection from Domestic Violence, or as a criminal offence in accordance with the Criminal Code. Therefore, **it is very important that the Montenegrin legal framework clearly delineate misdemeanour from criminal responsibility in the cases of domestic violence.**

As in the other two countries, **Serbia** also amended its legal framework in order to enhance the prevention of and protection from violence against women, gender-based violence and domestic violence. Domestic violence is defined and prohibited as a criminal offence (Article 194), which has five forms.[94] In 2012, an article was added to the Criminal Code related to the motives for committing the offence. Pursuant to Article 54a of the Serbian Criminal Code, in sentencing, the court should consider as a special aggravating circumstance the circumstance that the crime was committed out of hatred, which, inter alia, may be due to the victim's sex, sexual orientation, gender identity, unless that circumstance is already prescribed as an element of a specific crime. The other new addition to the Criminal Code (Article 89a) are the security measures, and these measures may consist of the perpetrator being forbidden from approaching the victim and from communicating with the victim. If the court imposes a security measure, it may prohibit the perpetrator from approaching the victim at a defined distance, prohibit them from accessing the area around the victim's place of residence or place of work, and prohibit any further harassment of the victim, i.e., further communication with the victim, as these actions of the perpetrator are deemed dangerous for the victim. The duration of the security measure is determined by the court, and it cannot be shorter than six months or longer than three years.

In its endeavours to align with the Istanbul Convention, Serbia adopted the Law on Prevention of Domestic Violence in 2016, which regulates the actions of state authorities and institutions in preventing domestic violence and providing protection and support to victims of domestic violence.[95] It is important to note that despite its title, the law applies not only to the cases of domestic violence, but also to all criminal acts of gender-based violence, which are listed exhaustively (Article 4 paragraph 1). This law prescribes the possibility of imposing emergency measures (the measure of temporary removal of the perpetrator from the apartment and the measure of a temporary ban for the perpetrator from contacting and approaching the victim of violence - Article 17). These measures are imposed by a police officer, and could last 48 hours from the delivery of the order and can be extended by the court by another 30 days (Article 21). In addition, the Law provides the establishment a

94 The last form of this criminal offence is a violation of any measure of protection against domestic violence imposed by the court on the perpetrator of violence (Article 194, paragraph 5). These measures are prescribed by the Family Law.

95 Law on Prevention of Domestic Violence, RS Official Gazette, no. 94/2016

group for coordination and cooperation (representatives of basic public prosecutor's offices, police administrations and centres for social work) for each basic public prosecutor's office (Articles 25 and 26). The group, in addition to other tasks (Article 25 paragraph 2), should prepare an individual plan for the protection and support of the victim. Risk assessment and creation of an individual plan of protection and support for the victim represent the most significant and effective measures for the safety and protection of the victim from exposure to the most severe form of violence – femicide.

Although the legal frameworks in each country have been improved several times during the last decade, legal frameworks are still not fully aligned with the international standards.

However, data on the prevalence of violence against women shows that systems of prevention of and protection from violence are not fully effective. In all three countries there have been gaps and challenges in the implementation of the existing legal frameworks, which often leaves women without adequate prevention of and protection from violence.

Femicide is not incriminated as a separate criminal offence in any of the three countries.

6. PREVALENCE OF FEMICIDE

Numerous research conducted in the region, as well as in individual countries, show that women are in a disadvantaged position in the societies, and that gender inequalities are prevalent, among other things, due to gender stereotypes and prejudices and gender-based violence against women.[96]

96 More information: Daša Duhaček, Biljana Branković and Milica Miražić, *Women's Rights in Western Balkans,* FEMM Committee, European Parliament, 2019, available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608852/IPOL_STU(2019)608852_EN.pdf; Lejla Gačanica, Raba Gjoshi and Sofija Vrbaški, WOMEN'S RIGHTS IN WESTERN BALKANS. *Women in politics, gender-based violence and security for women human rights defenders in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia 2020*, The Kvinna till Kvinna Foundation, 2020, available at: https://kvinnatillkvinna.org/wp-content/uploads/2020/11/The-KvinnatillKvinna-Foundation-report-WRWB_2020.pdf; Ana Marjanović Rudan, *Gender Issues in the Western Balkans,* CSF Policy Brief No. 04, Civil Society Forum of the Western Balkan Summit Series, Belgrade, 2018; Evie Browne, *Gender Norms in the Western Balkans,* K4D Helpdesk Report, Institute of Development Studies Brighton, 2017

Women represent the vast majority of victims of domestic violence and other forms of gender-based violence, and the perpetrators of violence are mostly men.

Globally, one woman or girl is killed by her intimate partner or family member every 11 minutes.

Regardless of the huge social danger and prevalence of femicide in recent years, it is not possible to statistically monitor and quantitatively and qualitatively analyse femicide, due to the lack of official and publicly available data at the national level. The available international statistics show different data, probably due to the lack of proper national statistics, and that is also one of the reasons for the separation of femicide from the gender-neutral homicide.

For example, according to the Global Homicide Study for 2020, the rates of killed women (per 100.000) in three countries in focus of this research, was the highest in Montenegro (0.94), followed by Albania (0.64) and Serbia (0.52).[97] On the other hand, data from the World Population Review on femicide rates[98] per country for 2021 shows that Albania has the highest rate among three countries (1.1), while Serbia and Montenegro have the same femicide rate of 0.6.[99]

During this project, three partner organisations from Albania, Montenegro and Serbia collected the available data on the killed women from the media reporting (press clipping), and from other sources, having in mind the lack of evidence on gender-related killings of women. The table below shows data for the period from 2020 to 2022, together with the estimated population as of the end of 2021.

97 Homicide Country Data, UNODC, 2020, available at: https://dataunodc.un.org/content/homicide-country-data.

98 Rates are calculated per 100,000 women.

99 World Population Review published Femicide Rates per Country for 2021, available at: https://worldpopulationreview.com/country-rankings/femicide-rates-by-country

Table 1: Number of femicides in Albania, Montenegro, and Serbia[100]

	2020	2021	2022
Albania[101] (2.8 million population)	9	7	7
Montenegro[102] (620.000 population)	1	2	2
Serbia[103] (6.8 million population)	27	26	27

As it can be seen from the available data, femicide is still very present in all three countries. The roots of femicide lie in a culture dominated by patriarchal structure, gender discrimination, unequal power relations based on male domination and control. Despite the fact that different laws and strategic documents on violence against women have been adopted, and despite the implementation of programmes aimed at eradicating violence against women, there is insufficient progress in terms of protecting and saving the lives of women.

7. RESEARCH RESULTS

Research conducted in all three countries are very comprehensive and they include information on the prevalence of violence against women, the legal framework on homicide (femicide), domestic violence and violence against women. Furthermore, each national research includes a section on attitudes of employees in all institutions relevant for the prevention of and protection from violence, a comprehensive

100 Collected by the project partners from the media reports and other available sources

101 For example, according to the data from the General Directorate of State Police in Albania, 9 women were killed in 2020; six of these murders were qualified as murder due to the family relations. This does not include the possibility that all murders of women were femicides.

102 There are no available official data on femicides. As for violence against women, there are different statistical records, since each state authority collects its own data. However, there are no central records on cases of violence against women.

103 Although the obligation to establish a central national database on cases of domestic and gender-based violence is prescribed by the Law on Prevention of Violence (2016) this database has not yet been established. Judicial statistics on criminal offences (including murder), published annually by the Statistical Office of the Republic of Serbia, do not include data on the number of violent deaths of women committed by men (i.e. femicides), nor do they include the motives for the criminal acts. See, for example: Judicial Statistics, Statistical Office of the Republic of Serbia, Belgrade, available at: https://www.stat.gov.rs/sr-Latn/oblasti/pravosudje

overview of the final court judgments on gender-related killings of women, including several case studies, as well as interviews with perpetrators of femicide. In this regional report, only the main research findings are presented, namely those on attitudes of employees in relevant institutions, as well as the key findings from the case law analysis.[104]

The "Social and Institutional Response to Femicide" research represents the first interdisciplinary research on femicide in all three countries, conducted with the aim of revealing the characteristics of femicide and determining the social and institutional response to gender-based killing of women.

The research was carried out in order to provide broader information about the phenomenology and aetiology of femicide in Albania, Montenegro and Serbia, its recognition and punishment, as well as to assess the capacities of relevant actors to understand the dynamics, nature and different forms of femicide and effectively prevent and suppress this phenomenon.

The research results represent the basis for creating recommendations for better recognition of risks of femicide, and improving the effectiveness of interventions aimed at preventing femicide. Also, the research results can be used in planning preventive measures and activities, preparing trainings for relevant actors, as well as in campaigns to raise public awareness of the problem of femicide and other forms of gender-based violence against women.

As previously stated, the same research methodology was used in all three countries. Bearing in mind the complexity of the phenomenon of femicide itself and the established objectives of the research, three interconnected components of the research were developed, in which different quantitative and qualitative research methods were used.

- The first component of the research consists of an analysis of the current court practice in processing cases of killings of women by men. In order to analyse the case law, in the absence of a separate criminal offence of femicide, researchers determined all the criminal offences that could be femicides in each country (e.g. different forms of murders, domestic violence resulting in death, etc.);

- The second research component consists of an in-depth analysis of individual cases of femicide committed in a partner relationship, through a detailed study of selected cases of femicide and in-depth interviews with men convicted of femicides;

104 More detailed information available in the national reports.

- Within the third research component, the capacities of the institutions mandated with prevention of and protection from violence against women were analysed. This research component was adapted for each jurisdiction, having in mind different institutions in charge of the system of prevention of and protection from violence against women.

The research results represent the basis for creating recommendations for a better recognition of risks of femicide, and improving the effectiveness of interventions aimed at preventing femicide. Also, the research results can be used in planning preventive measures and activities, preparing trainings for relevant actors, as well as in campaigns to raise public awareness of the problem of femicide and other forms of gender-based violence against women.

Research in Serbia was conducted in two phases (2018-2020), while the research in Albania and Montenegro was conducted from 2021to 2022, as a replication of the research previously conducted in Serbia. The research was divided in three phases. In the preparatory phase of the research, special questionnaires were created to collect data from various sources. Requests for access to information of public importance in order to obtain relevant research material were prepared and sent to the courts, and a request was sent to the Administration for the Execution of Criminal Sanctions for approval to conduct interviews with the convicts.

The second phase of the research included the collection, systematisation, processing, and analysis of data from final court judgments, which were submitted by the courts acting upon the request for access to information of public importance. Within this phase of the research, based on an insight into the court verdicts, several specific cases of femicide were selected (i.e. considering the type of murder, the way the act was committed, the means of execution, the relationship between the victim and the perpetrator, etc.) and analysed, using the case-study research method. In addition, in-depth interviews with convicts were also conducted within this phase of the research, whose selection was made randomly among the ones who committed femicide in a partner relationship. The attitudes of professionals mandated with the prevention of and protection from violence against women were assessed in this research phase, and they were also asked to assess the capacity and effectiveness of the activities of all competent authorities in terms of preventing and suppressing femicide.

Table 2: Research sample per country[105]

	Number of surveyed professionals	Number of surveyed heads of institutions	Number of collected court cases
Albania	135	63	23
Montenegro	34	26	6
Serbia	134	71	124
TOTAL	**303**	**160**	**153**

Finally, in the last research phase, the analysis and interpretation of the collected, processed and systematised data was performed and the texts of the national studies were prepared.

7.1. Attitudes of professionals in relevant institutions

The surveyed professionals are employed in the institutions mandated with prevention of and protection from violence against women, domestic violence, and gender-based violence. There were some differences between the countries, since different authorities are in charge of prevention of and protection from violence, such as: the referral mechanism against domestic violence in Albania; the operational team for combating domestic violence and violence against women in Montenegro; and groups for coordination and cooperation in Serbia). However, in every country, representatives of the police, centres for social protection/social work, public prosecution offices, health services, and women's organisations providing services and support to women in situation of violence were surveyed.

Gender stereotypes and misconceptions about violence against women – the need for continuous training

Overall, it could be concluded that representatives of institutions responsible for addressing domestic violence and violence against women are aware of the prevalence of domestic violence and the seriousness of this phenomenon in their respective countries.

105 More information available in national reports

Some attitudes among professionals mandated with prevention of and protection from violence against women and domestic violence raised concern, and shown the clear need for continuous training on the different topics related to violence against women. Their responses have shown that patriarchal stereotypes and prejudices are still present, particularly stereotypes about women's "proper" behaviour, on their role in the society and family, etc.

One of the widespread misconceptions about domestic violence is that it is not widely spread, and, that it, therefore, does not require an extensive social mobilisation and action to prevent and suppress it. That statement was offered to the respondents for assessment. A statistically significant majority of respondents did not agree with the statement that domestic violence is not as widespread as it is said to be in all countries. However, there are some differences between professionals regarding this question. In **Montenegro**, almost 14% of professionals think that violence against women and domestic violence is not as widespread as it is reported to be, including 18% of professionals working in the prosecution offices. In **Serbia**, this is the case with employees in the prosecutor's office and the police. In **Albania**, the vast majority of younger professionals (18-39) strongly disagree with the statement that domestic violence is not as widespread as it is said to be. In all three countries, women are more sensitive in this regard, expressing stronger disagreement with the mentioned statement compared to men. Higher level of understanding of domestic violence from the perspective of women employed in institutions is probably an indicator of women experiencing the phenomenon of domestic violence more, as well as an increased sensitivity of women to the presence and consequences of domestic violence.

Furthermore, the vast majority of professionals in each country consider that there is no justification for domestic violence. However, almost one quarter of respondents in **Albania** were not aware of the importance of consent in sexual relations between spouses and intimate partners ("If a woman engages in intimacy with her partner, she should not expect him to take her seriously when she says she does not want to have sex" – 17.7% agreed). In addition to that, almost 12% of police officers agreed with the statement that a woman must continue to stay with a violent partner for the sake of her child/children. In **Serbia**, results have shown that police officers are more often prone to justify domestic violence, and even to shift the blame to women, compared to other professionals. This raise concerns on how this attitude is reflected when a woman reports violence to the police, during risk assessment, as well as during the procedure of issuing protection orders. In **Montenegro**, 27% of professionals agreed and additional 33% were not sure whether the provision of psychological and counselling assistance to the family in order to keep the family together was the "cure" for domestic violence, while in **Albania** 45.5% agreed with the statement. In all countries, more men agreed with this statement compared to women.

Although professionals in all countries provided socially acceptable answers to several questions, there are still professionals who think that "women victims of rape often provoke men with their appearance and behaviour" and that it is "understandable that a husband/partner will punish a woman if she cheats on him."

Interdisciplinary approach and cooperation in cases of violence against women

Albanian, Montenegrin and Serbian professionals are aware of the need for interdisciplinary approach to all cases of domestic violence and violence against women, as well as that cooperation between responsible institutions is necessary for successful prevention of violence against women and prevention of femicide. In **Albania** and **Montenegro**, professionals mostly agree that this interdisciplinary approach refers also to women's civil society organisations, while in **Serbia**, for example, 27% of police officers consider this cooperation unnecessary. Also, some professionals in **Montenegro** think that women's organisations providing protection from violence to women should not interfere in the procedures carried out by the state authorities and institutions.

In all three countries, the professionals assessed the mutual cooperation between relevant institutions with overall grades of good and very good. On the other hand, in all countries there were some concerns among professionals on whether police officers make a good risk assessment regarding the possibility of committing/repeating violence, and consequently femicide. Generally, professionals assessed their own institutions and their role in multi-sectoral cooperation with higher grades compared to other institutions. In **Montenegro**, some professionals indicated that obligations and responsibilities of the relevant authorities and institutions related to violence prevention were not clearly divided, but they still assessed their mutual cooperation as satisfactory.

Remaining challenges from the professionals' perspective

Professionals in all three countries are well aware of the fact that data on the prevalence of violence against women and femicides clearly show that there are still challenges and gaps in the system of protection from violence.

There are some professionals who pointed out that current national legislation does not adequately protect women from violence. In **Montenegro** 50%, in **Serbia** 35% and in **Albania** more than 30% of professionals share this opinion.

In all countries, professionals ranked the barriers the responsible institutions are faced with in prevention of domestic violence and violence against women as follows: workload, complicated procedures, insufficient trainings on risk assessment, inadequate legislation, lack of institutional cooperation and communication between institutions, lack of awareness among professionals. These answers do not correspond with the assessment of the level of knowledge among professionals, which was assessed (on average) as very good, as well as with the assessment on mutual cooperation with other institutions, which was also assessed as good or very good. It should be noted that less than 10% of professionals in all countries see gender stereotypes and prejudices among professionals as a key obstacle to effective work on cases of domestic violence and violence against women, which shows that they are not aware of the negative impact of gender stereotypes and prejudices on their work.

Professionals see the following "bottlenecks" in their work: lack of material and technical resources, insufficient number of professionals who work on cases of violence against women, excessive workload with other tasks and extensive workload in terms of cases of violence against women.

Finally, professionals in all three countries think that women survivors of violence do not receive appropriate social assistance and support to get out of the situation of violence and recover – 65% of **Montenegrin** professionals, almost a half of **Serbian** and almost one third of **Albanian** professionals.

Attitudes on urgent/protection measures and measures for the prevention of femicide

There is a widespread attitude among professionals that the measures of eviction of the perpetrator and prohibition of approaching the victim are not effective in practice and can be a 'trigger' for the murder of women. In our research, there are differences between the countries regarding this question.

In **Albania**, about 18% of the professionals generally disagreed that removing the perpetrator from the apartment and temporarily prohibiting contact with the victim and approaching the victim has a femicide prevention effect. On the other hand, more than 65% of professionals think that measures taken against the perpetrator, such as eviction or a restraining order, are not effective in practice and can be a 'trigger' for the murder of a woman. In **Montenegro**, almost a quarter of the professionals believed that the measures taken against the abuser were ineffective in practice, with additional 24% being indecisive. **Serbian** professionals' answers ranged from agreement to disagreement with this statement. Overall, less than 10%

of professionals consider urgent measures as ineffective in terms of prevention of violence against women and femicide, but it should be noted that higher number of police officers and prosecution office employees consider these measures ineffective.

Professionals in all these countries pointed out to measures they considered efficient in terms of femicide prevention. Their answers are presented in the table below.

Table 3: Femicide prevention measures

	Albania	Montenegro	Serbia
Providing support and assistance to women victims of violence in overcoming the situation of violence	60.3%	40%	80%
Regular visits of police patrols to families where violence has been reported	63.5%	15%	65%
Psychological counselling for perpetrators	58.7%	30%	59%
Psychiatric counselling for perpetrators	28.6%	15%	62%

In addition, the vast majority of **Albanian** (88.2%), **Montenegrin** (almost 90%), and **Serbian** (80%) professionals think that every case of domestic violence should be followed by a risk assessment, including the risk assessment of femicide.

Finally, the vast majority of **Montenegrin** professionals believe that sentencing perpetrators of domestic violence to longer prison terms is a proper way of preventing femicides, together with frequent campaigns against domestic violence and raising awareness of femicide. In **Serbia**, when it comes to assessing the attitudes of professionals towards legal punishments for violence and their assessment of whether they are lenient or not, their answers may indicate that women agree that the punishments for this type of violence are lenient, while the men's attitudes are more reserved and not clearly defined. In **Albania**, around one half of professionals consider sanctions for violence too lenient.

Attitudes to femicide

In **Albania**, more than 75% of professionals stated that many femicides would not have happened if the actions of the relevant institutions had been timely and effective. One fifth of **Montenegrin** professionals believe that femicides would have been prevented in many cases, had the relevant authorities responded better, while that is the case with almost one third of **Serbian** professionals.

Almost 75% of **Albanian** professionals agreed that femicide should be incriminated as a separate criminal act or as a special (aggravated) form of murder. Also, a considerable number of **Montenegrin** professionals (almost 75%) believed that femicide should be criminalized as a separate crime or as an aggravated form of murder. In **Serbia**, about 60% of professionals agreed with that statement. More professionals from the social protection system and the health care system agreed with this statement, compared to police officers and professionals from the public prosecution offices.

However, results show that the awareness of the phenomenon of femicide is slowly emerging in the public discourse. The majority of professionals in all three countries are aware that femicides are not isolated incidents but that they are preceded by a series of violent situations that ultimately escalate to murder.

7.2. Judicial practice

In this subchapter, the main findings from the comprehensive national reports on judicial practice in all three countries are presented. Detailed, in-depth analysis is available in the national reports for Albania, Montenegro, and Serbia.

7.2.1. ALBANIA

The Albanian Criminal Code provides several criminal offences that could be considered as femicide, such as: homicide (Article 76), intentional homicide in connection with another crime (Article 77), premeditated homicide (Article 78), homicide in other qualifying circumstances (Article 79), homicide due to family relations (Article 79/c), domestic violence (Article 130/a), and intentional serious injury (Article 88).

From the collected case law, **23 final decisions were analysed for femicide and attempted femicide**. Most of the decisions during 2017-2020 were issued by the Serious Crimes Court (70%), while the rest of the judgments were issued by the district courts.[106] Among the cases analysed, there were a total of 33 criminal offences,[107] out of which 25 were principal criminal offences,[108] including one case of domestic violence. The vast majority of cases were qualified as **homicide due to family relations (75%)**, followed by homicide in other qualifying circumstances, premeditated homicide, and intentional serious injury, each represented by 8.3%.

Crime scene and methods

Criminal offences related to femicide have been committed in urban areas (57%), mainly in smaller cities and in rural areas (43%). The majority of such offences were committed in the **joint home of the victim and of the perpetrator**, in the workplace – private business of the victim, in the street, while the victim was going to work (road in a rural area, service centre exit, courtyard). In one case, the offence was committed in the victim parents' house, where she had been placed following the divorce and the violence she had been exposed to by the former husband.

Different methods and weapons were used for the commission of the criminal offence, such as: sharp tools accessible in the dwelling (axes, sledgehammers, iron bars), automatic firearms (in one case equipped with a silencer), house knives and, in one case, Phostoxine (Aluminium phosphide). There have also been cases when the perpetrator has used more than one weapon, turning the offence into cruelty. In some cases, the perpetrators have committed the offence in the presence of their minor children.

Perpetrators

Half of the femicide perpetrators were **above 57 years of age**, but there were younger perpetrators as well. The majority of the perpetrators were born in a rural area, while more than half of them lived in the urban area when the crime was committed. The

106 The criminal offences of femicides (gender related killings of women) during 2017-2020 were judged by the First instance Court for serious crimes, but, following the legal changes, they were later processed by district courts.

107 For example, criminal offence of Illegal production and possession of arms, explosives, and ammunition which were consumed by the more serious criminal offence of murder.

108 Due to the fact that in two cases there were main criminal offences against more than one person.

majority of them were married (58%), and most of them have primary or secondary level education. **Three out of four perpetrators had no criminal record**, while 21% had been previously convicted of different criminal offences, including 17% for domestic violence. One in four perpetrators claimed mental and psychological conditions, but the conducted psychiatric tests showed that the majority of perpetrators were legally capable and mentally sane at the moment of perpetrating the offence. **About one in three pleaded not guilty**, and in some cases (21%) they expressed remorse during trial.

Some of the **motives** for committing femicide include: **base and insidious motives, jealousy, gender stereotyping, patriarchal culture, suspected infidelity**, and economic issues.

Victims

In the analysed case law, there were 27 victims (three cases with more than one victim), the majority of whom were women (89%). Criminal offences related to femicide were mainly committed against the wife, ex-wife, or partner. Women most commonly fall victims of femicide committed by their husbands, but also by other family members, especially when they live together. The risk is higher for women who have received protection orders and continue to live with the perpetrator in the same house/apartment, or when the victim does not report the perpetrator and continues to live in the same home with them. Victims of femicide have also included women who had the protection orders issued by the court, or who had reported violence to the police.

The majority of victims had been experiencing physical and psychological violence prior to the femicide; some of them had been experiencing physical and psychological violence for a long period (44%); had had been experiencing psychological violence (11%), and only few victims had not experienced prior violence (15%). Some of the victims had a protection order or had had one before (19%).

There were 20 victims of femicide and seven victims of attempted femicide. The five victims who survived the attempted femicide had different attitudes regarding the perpetrators' responsibility for the crime (e.g. perpetrator not to be convicted because he is the father of the children; the victim forgave the husband because he was drunk, or didn't have the intention to kill her, or the victim was afraid to admit she had been injured by the husband and claimed it was an accident), **only one of the survivors asked for the perpetrator to be convicted**, and there is no information about two of the survivors.

Comments on the court proceedings

The court decisions of the First Instance Court for Serious Crimes represent a better practice as compared to the court decisions of district courts, but there is still much to be done in order to provide justice to the victims. The analysed **case law did not include comprehensive data about the profiles of victims and the perpetrator-victim relationship before, during, and, in cases of attempted femicides, after the commission of the offence**. The same refers to the mitigating and aggravating circumstances. The investigation and adjudication are focused on the analysis of the elements of the offence and strictly on proving the perpetrator's guilt.

Even though the victims and their heirs enjoy a set of rights in the criminal proceedings, they are summoned as witnesses and the information contained in the decisions do not reveal information and assistance to address their needs during the proceedings. The court decisions do not provide data on whether, along with medical treatment, the victims of attempted femicide have received assistance or treatment in order to rehabilitate and reintegrate. The decisions do not contain data about whether the victims have been informed about their rights, whether they have been informed about assistance programmes, and generally, it could be concluded that their needs are not addressed in the criminal proceedings.

Despite the possibility of imposing measures intended to prevent domestic violence, the removal of the perpetrator from the home has not been applied in all cases. Furthermore, even when courts imposed this measure, it was not accompanied by other measures for the protection of the victim and by the implementation of treatment programmes for the perpetrator (such as: prohibition of approaching and/or communicating with the victim; participation in psychosocial rehabilitation programmes and/or parenting training programmes; placing the victim and minors in temporary housing).

The civil lawsuits for damages in the criminal proceedings and the compensation of victims are prescribed by the law, but are rarely implemented in practice. There has been only one case of a civil lawsuit filed in criminal proceedings, but it was not decided by the court. There are no data as to whether the victims of attempted femicide have been informed about their right to material compensation and other services necessary for their rehabilitation, about the free legal assistance, etc.

Along with the uneven understanding and implementation of the law, the perpetrators have benefited from a considerable reduction of sentences due to the admission of requests for abbreviated trial.[109] In general, **the courts have imposed**

109 According to article 403 of CPC, the request for abbreviated trial could be submitted

long-term imprisonment or life imprisonment in most cases. More specifically, in three cases the sentence was life imprisonment, in seven cases the sentence was 35 years of imprisonment, in four cases the sentences were between 25 and 32 years of imprisonment, while the rest of the sentences were to less than 25 years of imprisonment. In the cases in which the court accepted the request for abbreviated summary trial,[110] the prison sentence was reduced from 35 years to 23 years and 4 months (two cases) and the sentence of life imprisonment was reduced to 35 years (2 cases).

Regardless of the legal improvements, justice for victims is still far from reality. The case law about the treatment of victims and the analysis of perpetrator-victim relationships is not yet standardised. **Punishments for femicides differ from court to court, even though the cases represent the same level of social threat. There is no common understanding of gender-related killings of women in practice.** The findings of the research showed that prosecutors and judges have held different positions in qualifying the main offence, as well as in proposing the type and duration of the sentence.

Finally, it was very difficult to conduct a proper analysis of the case law due to the anonymisation of decisions and data. It has reached a point of exaggeration when it comes to district court decisions, making the decisions overly redacted and, in one case, impossible to analyse due to the lack of almost the entire content.

It is evident that the culture of respecting gender equality, prevention of gender discrimination, eradication of gender stereotypes and prejudices should be created and promoted countrywide. The masculinist culture, the patriarchal mentality about the very concept of family, women and their role in the family, need to be addressed, especially in the rural areas.

The examination of mitigating and aggravating circumstances should be preceded by a detailed, comprehensive, inclusive, and objective investigation of the profiles of the perpetrator, victim, and the perpetrator-victim relationship, e.g. personality of the perpetrator, his previous behaviour, and the real attitude of the perpetrator towards the offence committed. This should be reflected in the statement of reasons of the court decision.

during the preliminary hearing, including for the most serious crimes. As a result, the sentences imposed for femicide varied depending on the procedure taken.

110 It should be noted that as of August 2017, it is no longer possible to grant a request for abbreviated trial in cases in which life imprisonment could be imposed.

When it comes to the punishment, there should be a common understanding of the level of social threat of femicide. The court reasoning should be grounded in the analysis of the given circumstances of the case and the language used should not be gender discriminatory.

7.2.2 MONTENEGRO

For the purposes of this research, the following criminal offences prescribed in the Montenegrin Criminal Code were analysed, as they could be considered to be femicides: homicide (Article 143); aggravated murder (Article 144); manslaughter (Article 145); domestic violence resulting in death (Article 220(4)); and serious bodily injury resulting in death (Art. 151(3)), for the period from January 2015 to December 2019.

A total of 10 cases resulted in final decisions in that period. Further analysis showed that, **in six cases, the perpetrators had been charged with crimes that can be qualified as femicide or attempted femicide**. The four remaining cases concerned crimes that could not be qualified as femicide.[111] Of the six femicides and attempted femicides, five cases were tried by the Podgorica Higher Court and one was tried by the Bijelo Polje Higher Court.

In all cases of femicide and attempted femicide, the perpetrator and the victim were in marital, emotional, or family relationship (husband/ex-husband, intimate partner, son, nephew).

Perpetrators

Although the data on the perpetrators are more detailed in the court case files in comparison to the data on the victims, it is not possible to make generalisations about the profile of the perpetrator. For example, four perpetrators for whom there is information about their age were **40 to 59 years old**. Out of the six perpetrators, five graduated from secondary school, and one had primary school education. Three of them were employed, two retired, and one unemployed.

111 In one case, the crime was committed by a woman; the second case involved the robbery of an elderly married couple whom the defendants had tortured in order to obtain information on where they were hiding their valuables; in the third case, the defendant killed a married couple living in his neighbourhood; the fourth case concerned a fight in which several defendants had taken part and used their knives and in which one of the victims was a woman.

Most of the perpetrators had no prior criminal record. However, one had been previously punished for committing the criminal offence of endangerment with a dangerous weapon, while one perpetrator was previously punished in criminal and misdemeanour proceedings more than 10 times for various criminal offences, including acts against the life and acts with an element of violence. **The perpetrators generally did not admit to committing the crime**. In one case, the court found the perpetrator incompetent at the time of committing the femicide and he confessed the criminal act. In two cases, the perpetrators highlighted the responsibility of the victims, but not their own responsibility and guilt.

Victims

In the researched cases, there were seven victims of femicide/attempted femicide in six cases. **The court case files contain very little or no information about the victims**. In most cases, there is no information about the age of the victim, her education, place of birth, number of children, employment, or other important information. According to the available data, **half of the victims were older people** (three victims were older than 65), two victims were aged 40-65, and one was aged 18-30.

The relationship between the perpetrators and their victims before the femicide was generally very difficult and problematic. In one case, the victim had been stalked and harassed for years by the perpetrator before he killed her, and in two cases the victims suffered prolonged domestic violence before the femicide. In these cases, the victims suffered from various forms of physical, psychological, and economic violence, which were known to both the family and their closest circle, but no one had reported it. Among the victims, **very few had reported the violence and they had not received effective protection** which would have prevented further violence and (attempted) murder.

Comments on the court proceedings

The courts found the following as mitigating circumstances: the perpetrator did not have a prior criminal record; the perpetrator suffered a "stroke resulting in a psycho-organic syndrome" whilst in pre-trial detention; the perpetrator committed the crime in a state of significantly reduced sanity, caused by a borderline personality disorder "which is a severe mental disorder". On the other hand, the courts found the following aggravating circumstances: the perpetrator's blood relationship with the victim; the fact that the victim was the only one who had taken care of the perpetrator and helped him financially; the victim was an older person; the perpetrator's prior

record, i.e. prior convictions, among other things, for crimes against life and body, as well as for violent crimes.

Furthermore, according to the provisions of the Montenegrin Criminal Procedure Code, victims are entitled to claim damages during criminal proceedings. **The criminal courts, however, have not decided on these claims and have, as a rule, been instructing the victims to exercise this right in separate proceedings**, which usually take a long time and require additional resources. Therefore, the courts should change this practice and decide on the victims' damage claims in criminal proceedings.

The analysis of the case law showed several omissions of the acting courts. Namely, in one case, the court did not establish at all that the victim of femicide had been a victim of domestic violence for years, including just before she was murdered. Furthermore, it failed to note that the institutions in charge of prevention of and protection from domestic violence had not responded at all and had not undertaken any actions although the victim had repeatedly reported the violence. In another case, the sentence imposed is too lenient, given that the perpetrator was convicted to imprisonment of 20 years for aggravated murder and attempted aggravated murder of several people. In this specific case, there was not a single mitigating circumstance, including the perpetrator's remorse, as the court itself noted. The court did not take into account the fact that the perpetrator killed one and tried to kill three other people in the presence of his underage children, who suffered a trauma they will hardly be able to recover from, when the perpetrator broke into their house, armed with a rifle, a bomb and an explosive device. The perpetrator put the lives of his own children in danger by firing the rifle in the house, which the court also did not take into account as an aggravating circumstance. What is particularly alarming is that the court did not adequately appreciate the fact perpetrator had abused his wife and children for years before he committed the crime, thus exercising his power and control over them.

Another analysed case provides a blatant example of femicide, and clearly illustrates the risk women face when they decide to leave an abusive relationship. The court did not take into account that, before killing her, the perpetrator had physically and psychologically abused the victim for a long time; inter alia, blackmailed and persecuted her in an effort to impose his will on her and force her to stay with him, thereby denying her the right to freely decide how to live her life. In this case, the court sentenced the perpetrator to 19 years of imprisonment; it failed to consider as an aggravating circumstance the fact that the perpetrator committed the crime in an insidious manner, luring the victim to a hotel and abusing her trust.

As per the sanctions imposed for femicides, the analysis shows that, in two cases, the court issued a security measure of mandatory psychiatric treatment and custody in

a health (psychiatric) institution.[112] The defendant in the third case was sentenced to 20 years in prison and imposed a security measure of mandatory psychiatric treatment. In the fourth case, the defendant was sentenced to 19 years in prison, while in the fifth case the defendant was sentenced to 20 years in prison. In the sixth case, the defendant signed a plea bargain and was sentenced to 2 years and 10 months of imprisonment.

Finally, it should be mentioned that the institute of the plea bargain puts victims of gender-based violence (i.e. attempted femicide) in an unenviable position, since it does not prescribe the mandatory consent of the victim for the conclusion of the agreement. Such a legal solution is inadequate. Like in other countries, the law should require the state prosecutors to obtain the victim's consent to a plea bargain for specific categories of crime – such as crimes against life and body and sexual freedoms, as well as other acts of gender-based violence, including domestic violence. Furthermore, the victims should be entitled to appeal plea bargains, in line with their justified interest that the outcome of the proceedings be fair. In addition, despite the fact that there is no information about the defendant's past, the question legitimately arises as to whether a prison sentence of two years and 10 months is proportionate to the crime of attempted femicide, which could be entail between five and 15 years of imprisonment.

Although the analysis included six final court judgments, some conclusions could be drawn from it. It is evident that the Montenegrin society is still very patriarchal and traditional, which is reflected in the operation of all institutions in charge of prevention of and protection from violence, including the operation of the courts.

The statement of reasons of the court decision did not take into account all relevant information about the perpetrator, the victim, their previous relationship, previous violence, etc.

The mitigating and aggravating circumstances were not elaborated well, nor were they properly connected with the particular crime, in the given context. The punishments for femicides are very lenient, due to the "lighter" qualification of murder.

The courts do not decide on the damages claims in criminal proceedings, which is the practice that should be changed. Also, it should be prescribed that the victim's consent is mandatory for the conclusion of the plea bargain agreement, and victims should be entitled to appeal plea bargains agreements, especially in cases of violence against women, such as attempted femicide.

112 It should be noted that the enforcement of the measure would be suspended when the court determined that there was no longer a need for the defendant's care and treatment in a health institution, and that the court had an *ex officio* duty to review the issue every nine months.

7.2.3. SERBIA

In the period covered by the research (2015-2019), 124 cases were fully prosecuted and finalised; out of that number, there were 30 attempted femicide cases and 94 cases of femicide. Femicides were classified in court judgments as: murder (45%), various forms of aggravated murder (47%), heat of passion manslaughter (2%), serious bodily harm resulting in death (3%), and domestic violence resulting in death (3 %). As for the attempted femicides, the majority were qualified as attempted murders, while eight offences were qualified as aggravated attempted murder.

Crime scene and methods

Femicides and attempted femicides are more common in towns than in villages. Both femicides and attempted femicides are most often committed in the victim's flat/house/yard and in the flat/house/yard that the victim had shared with the perpetrator, which confirms that **the least safe and secure place for a woman to stay is actually her home**. In the total sample, most murders were committed using cold weapons (35.1%) and physical force (21.2%), followed by using several instruments (20.2%) and firearms (14.8%). The most frequent means used in attempted femicides were cold weapons (45.4%), followed by firearms (21.2%), and d diverse instruments used in committing the offence (18.2%). The analysis of the methods of committing attempted femicides and femicides[113] shows in most of the cases the perpetrators displayed great brutality and cruelty towards the victim.

Perpetrators

The data on the age of the perpetrators have largely remained unknown because they were anonymised; however, the available data suggest that the age groups of 49-56 and 33-40 years (11.2% each) are the most common. Most of the perpetrators of femicide, at the time of the crime, were in a union, either marital (28.5%) or common law (15.3%). An almost equal number of perpetrators of attempted femicide were married (30.3%) or unmarried (33.3%), that is, they were in an emotional relationship or intimate partnership with the victim.

According to available data, the largest number of perpetrators of femicide and attempted femicide have primary education and secondary education. More

113 For example: hitting with a pole, a stick, a hammer, an axe, a hydraulic car jack, a rod, a spade; shooting from a hunting rifle, a pistol, throwing a bomb; stabbing with a knife; punching, kicking, hitting the head and body with fists; suffocating with a pillow, strangling; pouring gasoline over the victim and igniting.

perpetrators of femicide and attempted femicide, at the time of committing the criminal offence, were unemployed. A larger number of perpetrators of femicide and attempted femicide were born and live in towns, compared to those born and living in rural areas.

Approximately, **one in three perpetrators had prior convictions for various criminal offences**, and three of them had previously been convicted of several criminal offences of domestic violence, sentenced to prison terms, and, after serving their sentences, they continued to commit domestic violence against the same victim. In cases of both femicides and attempted femicides, about one in seven perpetrators had diminished mental capacity, while others were capable of reasoning and decision-making and were aware that the act they were committing was not in accordance with the law. In terms of the perpetrators' attitude towards responsibility for the event, **the largest number of perpetrators of femicide did not admit to the criminal offence** (22.4%), somewhat fewer perpetrators expressed regret and remorse (14.2%), and the same number of perpetrators failed to give an explanation for the criminal offence committed or had no explanation. The number of perpetrators admitted having committed the crime, but believed that the victim was to be blamed and that it was her behaviour that contributed to committing the crime. The perpetrators' expressing remorse stemmed from feelings of self-pity and fear of being sentenced more strictly.

The most common relationship between the perpetrator and the victim in cases of both femicide and attempted femicide was **an intimate partnership and family relationship**. In 40.7% of the femicides there was a marital/common law/emotional union of the perpetrator and the victim, and in 8.1% of the cases the victims were former spouses or common law partners. With regard to attempted femicides, this number is even higher – in 69.7% of the cases there was an intimate partnership (marital, common law, emotional). Attempted femicides and femicides are characterised by the fact that the **relationship between the perpetrators and the victims before the criminal offence was committed had been mostly bad**, the relations were disturbed, and the criminal offence was preceded by rows and arguments, with or without physical violence, especially if it was an intimate partnership.

The **most frequent motive for committing femicide was jealousy**, arising from the desire for exclusive possession of the partner, inability to control her behaviour and manage her life. The perpetrators stated that they would never have committed the criminal offence had their partner been "faithful" to them, had she not "found another man", had she not "broken up the relationship", had she not left them, had she agreed to be reconciled with them, had she agreed to what they had wanted from her. Due to their being unable to manifest their power over their spouse or partner, the perpetrators would start arguments and psychological abuse, which would culminate in committing femicide.

Victims

In the examined sample there were 99 victims of femicide and 35 victims of attempted femicide. Since the entire criminal procedure is focused on the perpetrator, very little can be learned about the victims from the court case files. In 44.4% of femicide cases there was no information on the age of the victim, and the available data show a significant share of women over the age of 65 (19.1%). **Among the victims of femicide there were seven girls, including two babies**, so that the share of underage victims is 7.07%. Victims of femicide and attempted femicide were mostly married or in a common law union; however, the information on the victims' education, occupation, and employment status could not be collected and analysed because it was not present in the court judgments. In femicide cases there is even less information about the victim because the victims could not be heard in the proceedings. The information about the victim provided by the perpetrator is usually not objective, because they try to describe the victim and her behaviour as the main factor in committing femicide. The victims were described as "cheats", "alcoholics", always ready to quarrel, persons who behave inappropriately, abandon the home, insult others and so on, thus "provoking" the perpetrator to "see red". Even where victims' family members were heard as witnesses, the court did not learn enough about the victim and her life before she was murdered. One gets the impression that no one is interested in the victims who are gone forever.

In most cases, the victims had not turned to the competent state authorities and institutions for help and protection against violence that was present before the attempted femicide and femicide. **Only a small number of victims had reported violence**, but the way the institutions in the system responded testifies to their inefficiency and is an indicator of the ineffectiveness of the system for protecting women against partner and domestic violence.

Comments on the court proceedings

When deciding on sentences for femicide, the courts mentioned different mitigating circumstances concerning the marital or familial status of the perpetrator (number of children, the fact that the perpetrator had no children, that he was unmarried, but also that he was married, that the perpetrator's "marital union" was terminated), his age (young person, "advanced in age", "person of mature age"), health status ("has a number of serious physical illnesses with complications noted on physical, neurological

and mental levels"; no prior convictions, confession of the criminal offence, even a partial confession, remorse, unemployed status, and so on. When sentencing the perpetrators of femicide, the courts stated the following aggravating circumstances: previous convictions, recklessness in committing the criminal offence, perpetrator's behaviour after committing the criminal offence (concealing the lifeless body of the victim and the instrument used in committing the criminal offence; being in hiding after committing the act), degree of culpability ("the perpetrator's strong desire for the consequence to occur, intense persistence and premeditation"), the perpetrator had committed criminal offences as early as a minor, presence of children when the criminal offence was committed, absence of real remorse, treatment of the victim at the time of committing the criminal offence, children losing their mother, and so on. It should be noted that **in several cases the reasoning of the judgments failed to state any mitigating or aggravating circumstances at all** and there were several judgments only mentioning that the court found no aggravating circumstances.

The lengths of prison sentences imposed were different, depending on the type of criminal offence committed and on the mitigating and aggravating circumstances. Generally speaking, most prison sentences pronounced were long term. **The sentences ranged from three to 40 years in prison**. Imprisonment for 40 years and imprisonment for 15 years were imposed in the largest number of cases (15.4% each), followed by imprisonment for 20 years (14.08%). In several femicide cases, the second instance courts, deciding on the appeal, imposed sentences that were milder when compared to the ones in the first instance proceedings; this was due to the change in the legal qualification of the criminal offence. A security measure was imposed on only 15.04% of the perpetrators who had a "mental illness" at the time the criminal offence was committed and therefore lacked mental capacity. As for the sentences imposed for attempted femicide, a total of 78.8% of prison sentences were imposed, either as a stand-alone imprisonment sentence or imprisonment along with security measures and fines. The mildest sentence was three years in prison and a security measure of confiscation of assets, and only in one case the sentence imposed was 20-year imprisonment with two security measures - confiscation of assets and compulsory treatment for alcoholism. The largest number of sentences was for five years (19.2%), four years (15.4%), and three years (11.5%) in prison.

In all the cases of attempted femicide and femicide **the courts did not decide on the damage claims of the victims**, but referred them to civil action, although there is a legal possibility to decide on damages claim within the criminal proceedings. The court justified such decisions by the fact that deciding on the damages claim would lead to delays in the criminal proceedings and by stating that in the criminal proceedings there were no sufficient grounds for adjudicating the damages claim. Due to this practice, the victims of criminal offences are forced to initiate civil lawsuits and thus incur costs and lose time.

As in other countries in the region, patriarchal values and gender stereotypes are still predominantly present and widely spread in the Serbian society, which is also reflected in the operation of relevant institutions for the prevention of and protection from violence, including courts.

The analysis of the case law related to femicides and attempted femicides shows that there are a lot of issues that need improvement. For example, the data on family circumstances, personality characteristics and behaviour of the perpetrators of attempted femicide and femicide are either not available at all, or there is very little information in the case file. This shows that, in the court proceedings, it is very rare, unless a psychological or psychiatric expert testimony has been ordered, to find out the facts related to the perpetrator's family life and behaviour before committing the crime, as well as to his personality traits.

When deciding on sentences for femicide, the courts in their judgments mentioned different mitigating and aggravating circumstances, but usually they are just stated, without proper elaboration of the reasoning of the court, i.e. how certain circumstance was assessed related to a particular crime, etc.

In all the cases, the courts did not decide on the damages claims of the victims, but referred them to civil action, although there is a legal possibility to decide on damages claim within the criminal proceedings. The court justifid such decisions by the fact that deciding on the claim would lead to delays in the criminal proceedings and by stating that in the criminal proceedings there were not sufficient grounds for adjudicating the damages claim. Due to this practice, the victims of criminal offences are forced to initiate civil lawsuits and thus incur costs and lose time.

Finally, based on the data collected on the method of operation and actions and activities of the system institutions in terms of prevention and protection of women victims of attempted femicide and femicide and on case analysis through case studies, we came to the conclusion that timely and effective implementation of protective measures was lacking. There were no data in the court judgments on whether a risk assessment had been performed in cases where there had been domestic violence before the act was committed, nor was there any mention of the involvement of a coordination and cooperation group and of possible development of an individual plan and support for the victim. In our opinion, if adequate measures had been applied in those cases, and if there had been better coordination and communication between the state institutions, the victims would have been provided with adequate protection, which would certainly contribute to preventing attempted femicides and femicides.

8. CONCLUSIONS AND RECOMMENDATIONS

This short overview of the research conducted in Albania, Montenegro and Serbia showed some differences related to the legal framework on femicide, as well as to the violence against women and domestic violence. However, there are numerous similarities, such as predominant patriarchal structures, existence and persistence of gender stereotypes and prejudices in each society, which is evidently present in the work of the professionals in charge of prevention of and protection from the violence against women and domestic violence, including in the work of the judiciary staff.

Despite some differences, there is a set of recommendations applicable to each country in order to improve prevention of femicides within the local contexts, but also in the whole region.

Incrimination of femicide

Femicide is not incriminated as separate criminal offence in Albania, Montenegro and Serbia

We believe that providing for femicide as a specific criminal offence in the national criminal laws is quite justified and necessary to classify all cases of femicide and thus reduce legal uncertainty and possible errors in classification of the criminal offence and punishment of the perpetrators, but also to statistically monitor the number of persons reported, accused, and convicted of femicide. As a separate, specific crime against life and body, femicide would include any gender-motivated killing of a woman, regardless of whether it was committed intentionally or the woman's death occurred due to the perpetrator's negligence, provided that the death occurred as a result of gender-motivated violence.

If femicide were incriminated as a separate and independent crime, the object of protection would be a woman's life, and the object of the act or the object of assault would be a woman. Committing the act would be the same as in the criminal offence of murder, meaning acting or failure to act which may cause the death of another person. Since in practice death may be caused not only by physical abuse, it would be necessary to provide also for an act that would comprise psychological abuse (causing anxiety, fear, death), resulting in death. In terms of the subjective elements, in addition to direct or indirect intent and negligence, as a form of culpability, there should be a gender-based motive. Although motive is not a mandatory element of the nature of the criminal offence in general, and thus of the criminal offence of murder as well, in the case of femicide it would be important to determine the motive for committing the murder (such as misogyny, hatred towards women, discrimination

and disrespect for a woman's life and bodily integrity). We strongly recommend consulting the newly developed UNODC and UN Women statistical framework for measuring gender-related killings of women, as a foundation for the new incrimination in the national criminal legislation.

Establishment of the national data collection system and record-keeping which would enable better recording of cases of violence against women and domestic violence, including femicide

Although each country has a system of data collection on violence against women, it should be noted that in the absence of a separate criminal offence of femicide, it is not possible to collect data on femicide properly.

National data collection on violence against women is not centralised, and each relevant system (i.e. police, social protection, prosecution offices and courts) collects its own data, which often makes comparison impossible.

Systematic collection of data on the extent, structure, and characteristics of femicide, and monitoring trends of the rise or decline in certain periods of time and in certain areas is a key prerequisite for successful prevention of femicide, for developing effective policies to combat it, and for its eradication. These data ensure that creation and evaluation of effects of public policies in prevention and control of femicide are data-based, as well as that the relevant authorities make informed decisions.

The best possible solution is the establishment of a centralised data collection system involving all institutions responsible for prevention of and protection from violence, including domestic violence, namely the police, public prosecutor's offices, courts, and social work centres. Meanwhile, in order to provide a comprehensive view and monitoring of the phenomenon of femicide, the currently existing statistical databases should be improved by expanding the data collected in individual sectors. A key source of statistics are judicial and police statistics on criminality, which should be expanded by collecting additional data, and such additional data should be made publicly available. In addition, it is also necessary to improve the collection and access to statistical data in other sectors: social protection and healthcare institutions, as well as institutions that perform post-mortem examinations in cases of violent deaths.

Our recommendation to all countries is to use statistical framework on gender-related killings of women and girls developed by the UNODC and UN Women, because it enables the collection of statistical data also in the countries in which femicide is not incriminated as a separate criminal offence.

Continuous trainings for all professionals in charge of prevention of and protection from violence against women and domestic violence, including trainings for members of the judiciary, with particular focus on femicides

National research shows that professionals would benefit from the continuous training and education on topics related to violence against women, gender-based violence and domestic violence.

In each country, professionals still have gender stereotypes and prejudices, and some of them lack capacities or their capacities need to be strengthened.

Effective prevention of femicide is not possible without sufficient human, technical, and financial resources to enforce and implement laws, policies, and procedures to prevent and prosecute femicide and other acts of gender-based violence, which must be ensured.

The capacities of the professionals responsible for coordinating, implementing, monitoring, and evaluating policies and measures to prevent and combat all forms of violence against women and domestic violence need to be strengthened, in order to ensure coordinated actions of state authorities and institutions of the system in preventing and protecting women against gender-based violence.

It is necessary to strengthen the capacity of institutions through implementing appropriate training and gender awareness programmes for professionals in the police, social protection, healthcare institutions, as well as the judiciary, in order to overcome gender stereotypes and institutional sexism, and in order to understand the specificities of femicide.

It is necessary to advance the capacities of employees in social protection institutions, the police and prosecutor's offices, to identify and assess specific risks of femicide. When considering risk factors and possible preventive action, special attention should be paid to the prosecuted cases of attempted murder.

Establishment of the femicide watch in each country

Femicide watch has not yet been established in Albania, Montenegro and Serbia, despite the recommendation of the UN Special Rapporteur On Violence Against Women.

The prevalence of femicide and attempted femicide in each country shows the clear need for the establishment of the femicide watch.

Countries can opt for the femicide watch model they consider the most appropriate, given the national context.

It is necessary to establish a mechanism (femicide watch/Observatory for the Prevention of Femicide) in accordance with the recommendations of the UN Special Rapporteur on Violence Against Women, which is addressed to all countries, and which requires collection and analysis of data on violence against women, and detection of omissions leading to gender-related killings of women. Data collection, analysis and evaluation of the efficiency and effectiveness of the work of all relevant actors should be conducted using an appropriate methodology, with the active participation of women's civil society organisations. In order for the femicide to be successfully prevented, support should be provided for research, studies and data collection on gender-based violence against women, including violence in domestic and intimate partnership contexts, trafficking in women and femicide, and also for establishing links between the gender-based killing of women and various forms of violence against women.

Establishment of the regional femicide watch

Research results show a lot of similarities in the social context of Albania, Montenegro, and Serbia. Therefore, after the establishment of national femicide watches, and as a result of mutual cooperation, the regional femicide watch should be established.

Having in mind very similar social context in Albania, Montenegro, and Serbia, as well as in some other Western Balkans countries, the regional femicide watch, as a result of cooperation between national femicide watches, should be established. In that way, we would be able to compare the situation in each country and to analyse the factors of success, to exchange best practices, as well as to learn from other countries' experiences. Joint activities would contribute to better prevention of femicides in the region, as the future cooperation related to femicide would confirm the seriousness of the problem within the region.


STOP FEMICIDE