

UDK 343.98

ISSN 1450-6637

# TE M I D A

---

JOURNAL ON VICTIMIZATION, HUMAN RIGHTS AND GENDER, Vol 1, No 3-4, Dec. 1998.



Temide (*Themis*), Marble statue from Ramnusa, 300 A.D., Athens, National museum

*Published by:*  
Victimology Society of Serbia and European Movement in Serbia

*Address of Editorial Board:*  
Djure Jakšića 5/I, 11000 Belgrade,  
tel/fax: + 381 11 630 281

*Advisory Board:*  
Živojin Aleksić, Nevena Petrušić,  
Uglješa Zvekić, Judith Armatta

*Editor in chief:*  
Vesna Nikolić-Ristanović

*Editor:*  
Ivana Stevanović

*Editorial Board:*  
Vesna Nikolić-Ristanović, Slobodanka Konstantinović-Vilić,  
Ivana Stevanović, Branislava Knežić, Milan Škulić

*Translation:*  
Stanislava Lazarević  
Vanda Perović

*Front cover design:*  
Božidar Jovanović

*Computer design:*  
Igor Bogojević

UDK  
343.98

ISSN  
1450-6637

*Print:*  
"Prometej"

Front cover: Temida (Greek Goddess of Justice)

This issue has been financially supported by Friedrich Ebert Stiftung and  
Program on Gender and Culture (CEU, Budapest)



# CONTENTS



## VIOLENCE AGAINST WOMEN AND SOCIAL TRANSITION

---

<b>Violence against women and social transition</b> <i>Vesna Nikolić-Ristanović</i> .....	3
<b>Between Repression and Empowerment</b> <i>Marjan Wijers</i> .....	5
<b>Another Story about Incest or ...</b> <i>Marija Lukić</i> .....	13
<b>Kalocsa - The National Prison for Women or a Women's Prison in Transition</b> <i>Vesna Nikolić-Ristanović</i> .....	19

## DOMESTIC VIOLENCE

---

<b>Domestic Violence and Children's Rights to Protection</b> <i>Mirjana Obretković</i> .....	25
<b>Domestic Violence is not a Private Matter</b> <i>Ivana Stevanović</i> .....	33
<b>Child Abuse in the Family</b> <i>Nada Banjanin-Đuričić</i> .....	41

## CONFERENCES AND SEMINARS

---

<b>Panel: "Self-organizing of women in Federal Republic of Yugoslavia and abroad"</b> <i>Vesna Nikolić-Ristanović</i> <i>Sanja Radisavljević</i> <i>Sanja Milivojević</i> .....	51
<b>Panel "Childbearing – a right or a duty"</b> <i>Marija Lukić</i> .....	61

## BOOKS REVIEWS

---

<b>Oliver Bačanović, "Policijata i žrtvite" (The Police and the Victims)</b> <i>Nataša Mrvić-Petrović</i> .....	65
<b>Alenka Šelih (ed.), "Otrokove pravice, šolska pravila in nasilje v šoli" (Children's rights, school rules and violence in schools)</b> <i>Milan Škulić</i> .....	68



# Violence against women and social transition

**S**ocial changes which have recently occurred in post-communist countries are characterized by the transition from communist, i.e. a socialist political and economic system to political pluralism and a market economy. These changes brought new opportunities for positive developments and offered to the people the possibility of choice and improvement of living standards. In most countries, so called social transition brought the opening of borders which became more transparent for good but for bad influences as well. The positive impact of social changes on one more general level is followed by negative consequences in the everyday life of the people as well. The most dramatic consequences of social transition, manifested in an enormous rise of unemployment rate and loss of many social benefits, is obviously related to the replacement of planned economy by a market one as well as with privatization of state property. People lost their earlier social security and regardless of the fact that it meant "equality in poverty" the change was a source of serious stress and numerous existential problems. This is especially intensified by the fact that, at the same time, the growing import of both material goods and a way of thinking, i.e. the consumption spirit of the West, urged people to achieve their "American Dreams" at any cost.

However, the precise manifestations of social changes differ very much from country to country. The precise way how social change is manifested depends on the level of economic development achieved in the communist period, the model of communism accepted (Soviet or Yugoslav model) and the degree of its influence in the precise country. Also, the existence and nature of additional social processes which occurred at the same time on a global level, such as nationalistic movements and armed conflicts, give specific features to changes in some countries.

Changes related to social transition as well as other changes which happened on a macro level do not affect all people in the same way. Many academics have already pointed out the gendered nature of social changes in post-communist coun-

tries. Watson, for example, argued that the transformation of the relationship between public and private sphere lies at the heart of the process of change in Eastern Europe, and that the exclusion of women and the degrading of feminine identity currently in train are not contingent to, but rather a fundamentally constitutive feature of the democratization of Eastern Europe. She also points out that this contrasts with existing accounts of social transition which have focused exclusively on the reconstruction of the public sphere, i.e. that sovietologists have overwhelmingly been concerned with state institutions, ignoring not only issues of gender, but also the functioning of "real society" in general.<sup>1</sup> However, as many authors have argued, there are clear empirical indications that gender relations are in transition as well (rates of female participation in the new democratic parliaments is less than in state socialism, women are overrepresented among those who are unemployed, reproductive rights achieved during socialism were challenged, domesticity of women is widely projected as a social virtue, pornography became a new symbol of freedom and the women's body is largely marketing). The creation of a civil society and market economy in Eastern Europe fundamentally entails the construction of a "man's world" and the propagation of masculinism in the public sphere with domestication and marketing of women, and the degrading of feminine identity, as an inevitable corollary of this process.

Bearing in mind that social transition in the former Yugoslavia was followed by a rise in nationalistic movements and the war, it is not so easy to differentiate between the influence of these two processes on gender relations. Although the consequences of the transformation of the relationship between public and private are similar, it seems that the influence of the war and related economic crises in the majority of countries of the former Yugoslavia (only Slovenia and Macedonia may be excluded in some way from such an

1 Watson, P. (1993) "Eastern European Silent Revolution: Gender", *Sociology*, Vol.27, No. 3, p. 471-487.

assumption) prevails since they contributed to some delay in the process of social transition. For example, on the eve of the breakdown of East-European regimes, the Federal Republic of Yugoslavia (Serbia and Montenegro) faced the growth of the populist national movement which provided a new legitimacy to the existing ruling groups<sup>2</sup> In such a way, contrary to the situation in most of other post-communist states, the process of social transformation, i.e. democratization, in FRY was blocked. A similar situation existed in Croatia and Bosnia-Herzegovina as well. Also, UN economic sanctions imposed upon the Federal Republic of Yugoslavia contributed to social changes which went in the opposite direction in comparison to other post-communist countries. FRY, which, as other states of the former Yugoslavia, had a more flexible socialist system and was far more open toward the West than other socialist countries, became more authoritarian and isolated than ever before.

Both social transition and the war as macro processes obviously influenced changes in gender relations on micro level which further contributed to differences in men's and women's vulnerability as victims of violence. Social changes in post-communist countries had a serious impact on women's vulnerability to different forms of violence, especially their vulnerability to domestic violence, sexual violence and trafficking in women and these influences were mediated by changes in their social position.

The rise of unemployment, general economic uncertainty and a return to traditional sex roles

contributed to the increase of frustrations, tensions and conflicts within family which further made women more vulnerable to domestic violence. Also, various sex industries were developing quickly. New channels of trafficking in human beings, initially in women and children, in relation to Eastern Europe-Western countries and poor-less poor post-communist countries, were created as obvious consequences of social changes. Different levels of marketing of women's bodies and women's vulnerability to trafficking, in different countries are in accordance to different levels of social changes and economic development in post-communist countries. The delay in the social transition process in the former Yugoslavia and an inherited higher level of economic development contributed to the fact that Serbia is more often transit and destination country for trafficking in women than country from where victims are recruited. However, in recent times, the development of social changes, new armed conflicts and worsening of economic position of all citizens, especially women (women make up more than 50% of unemployed people), contributed to the increase of the vulnerability of Serbian women as well.

Conversely, the same social changes, mediated by the development of civil initiatives and with this, the feminist movement, led to changes of legal and other social responses to violence against women as well as to better social visibility of it. When we decided that violence against women and social transition should be one of two themes of this issue of *Temida*, we wanted to give our modest contribution to the elaboration of this complex social phenomenon and its influence upon the victimization of women in post-communist countries. □

VESNA NIKOLIĆ-RISTANOVIĆ

2 Lazić, M. (1997) "Radjanje demokratskog poretka u Srbiji" (The Birth of Democratic Movement in Serbia) in M. Bogdanović, S. Cvejić, M. Lazić and V. Vuletić (eds) *'Ajmo, 'ajde, svi u šetnju*, Beograd: Medija centar, pp. 7-19.

MARJAN WIJERS\*

## Between Repression and Empowerment<sup>1</sup>

### The Foundation Against Trafficking in Women (STV)

**T**he Foundation Against Trafficking in Women (STV) in the Netherlands is an independent non-governmental organization. It was officially set up in 1987 with subsidies of the Emancipation Department of the Ministry of Social Affairs. At the moment we are subsidized by the Ministry of Welfare, Health and Sports. Apart from that, our work is financially supported by private and other funds on a project-basis.

In general, the strategy of STV combines elements of anti-violence programmes and pro rights campaigns. Work is done in four areas:

Organizing social support and practical assistance for women who became a victim of trafficking (safe shelter, legal aid, money for basic needs, medical services, counseling). Over the last 10 years STV has given assistance to more than 1500 women from Asia, the Caribbean, South America and, increasingly, Central and Eastern European countries. Through direct contact and in the process of assistance work first hand insight is gained into the motivations, needs and dilemma's of the women we are concerned with. These form the basis of our advocacy work and political campaigning.

Advocacy work and campaigning in the field of legislation and litigation, social policies, migrant women's rights, prostitutes' rights, assistance programmes and to strengthen political commitment to combating traffic in women. Work in this area takes place at national, European and international levels.

Public relations, documentation and information services, training and educational programmes.

European and international networking, aimed at developing long-term strategies to combat trafficking. STV is a member of the Global Alliance Against Trafficking in Women. We are also a member of the European Network of Western and Eastern European NGOs, which was founded last April during the second European NGO conference on trafficking, held in the Netherlands.

### Dutch Policies on Trafficking in Women

When STV started, in most cases victims of trafficking were just deported as illegal aliens without any further investigation. As a consequence there were hardly any women who pressed charges and hardly any court cases or convictions of traffickers. Given their illegal status, women could not seek assistance from the police, because any contact with the authorities would expose them to arrest and expulsion. Expulsion means returning home with empty hands, with no money and very often with debts she will never be able to pay off. If it gets known she has worked as a prostitute she may risk rejection by her family or by society for having worked as a prostitute. At the same time, there is no guarantee that return will avoid reprisals from the criminal network. Moreover, most women have little or no confidence in the police or in the legal system, being aware that the law and law-officials worldwide do not respect the person or the human rights of prostitutes. In addition, all women share the fear of being blamed for the abuse committed against her, which acts as a powerful mechanism to silence them.

Therefore the first campaigns undertaken by STV were aimed at refining the instruments for addressing trafficking in women at the level of legislation and litigation.

The first aim was to obtain a ruling under the Alien Law to protect victims of trafficking from immediate deportation. This served two interests: first the interest of the women to recover and to take back control over her life. Secondly the inter-

\* Marjan Wijers works as coordinator in the Foundation Against Trafficking in Women (Netherlands) since 1997.

<sup>1</sup> The title is a variation on "Between Protection and Empowerment," a title used by Lin Chew in a presentation given at the 1993 Vienna Human Rights Conference.



est of the state to prosecute the offenders, by enabling and encouraging women to press charges and act as a witness.

Since August 1988, a special ruling was inserted in the Dutch Alien Code (paragraph B17). This paragraph states that at the least suspicion of trafficking, a woman will be allowed three months' time to consider pressing charges. When she decides to do so, she is allowed to stay in The Netherlands until the whole juridical process has been completed. This is meant to encourage women to indeed press charges, which in turn will build up jurisprudence in prosecuting cases of trafficking. It also allows women to recover and to consider their options for the future. In 1993 this provision was extended to witnesses, e.g. illegal colleague prostitutes, who were willing to testify for the prosecution in cases of trafficking.

The second aim was to sharpen the legal definition of "trafficking", to facilitate the prosecution of traffickers. At that time trafficking in women and minors was simply defined as unlawful in the Dutch Penal Code (art. 250ter) without any further definition of the crime.

In 1994, the relevant article in the Dutch Criminal Code (section 250ter) was amended and the maximum sentence for trafficking was raised from 5 to 6 years' imprisonment. In cases involving minors under 16, severe physical violence and/or organized forms of trafficking (trafficking by 2 or more persons) the maximum sentence goes up to 10 years.

Under the new law a person is guilty of traffic in women "who induces another person to prostitution by means of violence, a threat with violence, abuse of authority or deceit, or who undertakes any action which he or she knows or could reasonably suspect, might bring the other into prostitution". Abuse of authority is assumed if the woman finds herself in a position which is not equivalent to the conditions under which an emancipated independent prostitute in the Netherlands normally works (exploitative situation). The mere fact of finding a prostitute in an exploitative situation leads to a reasonable presumption of guilt of breach of section 250ter of the Criminal Code. It is not relevant for the law whether she wants to continue doing so under free circumstances. The crucial element is "force", i.e. the fact that the woman is brought in a situation of dependency, in which she is not free to decide herself if she wants to work as a prostitute and under which conditions she wants to do so. Additional to the new law there are special directives from the Prosecutors-General

al, which contain detailed instructions for the police how to act in case of (suspicion) of trafficking and how to treat (possible) victims.

The third aim was to set up a system of victim support. Due to the fact that women are entitled to temporary residence permit during the juridical proceedings, they have access to the Dutch social support system, including a safe shelter social benefits, insurances, medical care, legal assistance, etc. However, many organizations have no experience in supporting the victims of trafficking. This means that our work includes the development of information and training programmes for the various groups of professionals who are involved in providing support services to victims of trafficking.

Although the measures described are a real and important improvement, there still are many bottlenecks. It's one thing to have a law, but to have it correctly and consistently implemented is another thing. Still many women are deported without any investigation. Also, many women still don't dare to press charges for fear of reprisals. As long as they are in the Netherlands they can be offered help and protection, but when the criminal proceedings are completed, they again face deportation. Back home they are unprotected against reprisals by their traffickers or the authorities, and risk rejection consequences for the women involved, both material and immaterial, which are not accommodated by prosecution of the offenders. At this moment, effective mechanisms for compensation of the victims for the damage done to them are still lacking.

### Policies on Prostitution

Any policy on trafficking in women is closely connected to policies on prostitution in general, in the same way as the prevention of violence against women is closely connected to the general legal, social and economic position of women: anti anti-violence and pro-rights strategies basically are two sides of the same coin. In the Netherlands groups of prostitutes and feminists have been lobbying since long for the recognition of prostitution as legitimate work for which adult women can opt, and for the decriminalization not only of prostitutes but of the prostitution law. This means that the prostitute herself is not criminalized but managing a prostitution business ("keeping a brothel") is forbidden. In reality, as time, it is generally recognized that laws to repress prostitution rather work to the advantage of law-enforcers

and pimps than to the advantage of women concerned. Decriminalization of the prostitution business would allow prostitutes the same legal protection from violence and abuse under civil and labor laws as other workers and citizens enjoy. It would enable prostitutes to organize their own business, to improve working conditions and to introduce labor laws and business standards. At this moment a bill to abolish the ban on brothels is submitted to the Dutch parliament. The bill is expected to pass next year.

### **New Trends: Traffic in Women in and from Central and Eastern Europe**

Starting from 1989 STV and other women's organizations in Western Europe have started registering women from Central and Eastern Europe among their clients. In 1992, for example, STV registered 31 women of the former Eastern bloc (total of clients: 60), while in 1995 we got in contact with 125 women from the Central and Eastern European countries and the NIS (total amount to clients: 166), among which Russia, Ukraine, Lithuania, Poland, Bulgaria, Romania, the former Yugoslavia and the Czech and Slovak Republics. The same reports come from NGOs from other West European countries, such as Germany, Switzerland and Belgium. Dutch data show that the traffic in women from the former socialist countries seems to be mainly controlled by Eastern European criminal groups, operating in the recruiting as well as in the destination countries. They are highly organized, extremely violent, and often involved in other criminal activities as well, such as arms trade, drug smuggling and bribery of authorities.

Most women accept an offer for work because they are actively looking for a better living for themselves and their families and want to escape the confinements of the situation at home. Some women are offered jobs in restaurants or bars. Others are offered work as prostitutes. Once trapped, they lose control over their own life and find themselves in a situation where there are virtually or literally "owned" by others and are denied fundamental human rights and freedoms, such as the right to decide over her own body, the right to decide of herself whether she wants to work as a prostitute or not and under which conditions, the right to stop if and when she wants, the right to freedom of movement, the right to dispose over her personal belongings, her identity papers and the money she earns, etc. From the perspective of women the violence of trafficking can operate on

two levels: first the process of recruitment under coercive or deceptive conditions, and second the violence and abuse they are subjected to in the course of their work, which may amount to slavery-like practices. Coercion can take many forms, from the more subtle forms such as deceit with regard to the conditions of work or the nature of the work to be done, abuse of authority or psychological abuse, to the withholding of passports and wages, extortion, blackmail, isolation, debt bondage, deprivation of freedom of movement, physical violence or threats with reprisals against family-members for non-compliance.

In response to these developments, STV started in 1995, together with organizations in Poland and the Czech Republic, the La Strada Prevention Program, specifically directed at combating trafficking in women from Central and Eastern Europe and funded under the PHARE/TACIS Democracy Program of the European Union. In 1997 the program was broadened to include Ukraine and Bulgaria. The choice for these countries was made since many of our clients came and come from these countries and while in these countries already NGOs existed which were willing and able to take up the issue of trafficking. The program has three main aims:

- Raising political and public awareness in the Central and Eastern European countries
- Setting up of information campaigns for women at risk
- Organizing support services for women who return to their home country.

Crucial element of the program is the mutual exchange of knowledge and expertise. The final, long term goal of the La Strada Program is to build up strong, independent, specialist NGOs in the former socialist countries. One of the results of the program is that it became clear that there is not only trafficking from Eastern European countries to Western European countries, but also within the region itself. Many of the Central and Eastern European countries of origin, but also countries of destination or transit. For example, Ukrainian women are trafficked to Poland, the Czech Republic, the Slovak Republic and the former Yugoslavia.

### **Background**

For an adequate understanding of the present increase in trafficking it is necessary to put trafficking in a broader world-wide perspective and to try to understand the background factors constitutive of them.

Looking at trafficking from the perspective of the majority of the women affected, it is clear that most of them come to Western Europe because they are looking for a better living. They should be seen as labor migrants. Migration is a survival strategy as old as the world, for men as well as for women. Contrary to the popular belief, women who have become victims of trafficking certainly can not be qualified as passive or stupid victims. Not only for men, but also for women, it implies courage and initiative to try to change one's own or the family's situation.

The growing gap between the rich and poor countries affects especially the situation of women and children. The breakdown of national economic and political systems, as in the former Warsaw Pact countries, brings hardship to the general population, but women are particularly vulnerable in such situations. They are often in the paradoxical situation of being responsible for the family income, while not having equal access to the better paid jobs nor the same opportunities for legal labor migration as men. As a consequence the number of women migrating is increasing dramatically. Nearly half of the migrants world-wide are women nowadays.

However, looking at the labor market, it is clear that women have few opportunities of getting work in the formal labor sector either in their home countries or in the rich countries. They are to a great extent dependent of work in the informal and unregulated labor sectors. In the sector, sexual and domestic work are the income-generating activities most open to women who seek opportunities to support their families, to escape from traditional gender and family constraints or to find means for independence. At the same time, these types of work are unprotected by labor and civil laws and, in the case of prostitution, even not recognized as work, no matter the fact that thousands (and probably millions) of women make a living for themselves and their families through this work.

This labor division is also reflected in migration patterns. There are few legal and independent ways for women to migrate within this informal labor sector. Owing to the nature of the work and for the forms of migration open to them, they are forced to make use of the services of dubious organizations and middlemen. This places migrating women in an extremely vulnerable situation, liable for misuse by procurers, employment agencies, artist agencies, marriage agencies and all other kinds of middlemen, whether in the beginning, in the middle or at the end of the process.

While on the one hand the number of women seeking employment opportunities abroad has grown, on the other hand many destination countries, and especially the EU, have put in place more restrictive immigration policies, thereby further decreasing the opportunities for legal migration even when there is a demand for labor in the informal sector. The result is a growing gap between official policies in destination countries and day-to-day practices. This is where organized crime comes in, filling the gap that official policies leave.

In addition, the clandestine and illegal nature of prostitution as such and the resulting marginalization, stigmatization and criminalization of the women involved, puts them even more in the power of abusive recruiter, abusive brothel keepers and corrupt officials, without the legal instruments to defend themselves and without recourse to law or society for protection or redress.

In practically all legal systems, women working in prostitution are more or less outlawed and deprived of all protective mechanisms other citizens are entitled to, no matter how they entered prostitution.

As a matter of fact, if human rights would apply to prostitutes as to any citizen, abuses against them could already be fought against by existing laws. The criminal codes of all countries have legislation against illegal confinement, extortion, coercion, debt-bondage, deception and slavery-like practices. However, because of their outcast status, such legislation is never applied in situations of trafficking and forced labor practices in the sphere of prostitution. Also international guidelines, such as the 1926 League of Nations Slavery-Convention and its 1956 Supplementary Convention and the ILO Forced Labor Convention no 29, prohibit the crimes mentioned and could very well be applied in the case of the abuses attached to trafficking.

On the whole, existing legislation offers few if any possibilities for women to take legal actions against their violators, due to their illegal or socially marginalized status. Migrant prostitutes not only risk arrest as prostitutes, but also arrest and deportation as illegal aliens. Common policies of expulsion act as a factual barrier to women to seek justice and make prosecution of the offenders virtually impossible since the main witnesses are deported. Even when the law enables women to press charges, many women will choose not to do so for fear of retaliation and lack of legal protection against reprisals. Moreover, in a considerable

number of countries law enforcement officials, the judiciary and local politicians themselves are involved in and profit from trafficking and forced labor and slavery-like practices.

In fact it could be concluded that policies to repress prostitution and/or (female) migration under the denominator of anti-trafficking measures, actually preclude an effective, adequate policy against those abuses that anti-trafficking policies should address.

### **Strategies on Trafficking in Women**

As shown above, trafficking in women is a complex problem, related to different fields and interests: migration, organized crime, prostitution, human rights, violence against women, the feminization of poverty, unequal international economic relationships, etc. All those aspects are reflected in the various strategies employed by both non-governmental and governmental agencies.

Depending on how the problem is defined, different solutions - that is measures to prevent or combat trafficking - will be drafted. For example, if trafficking is viewed as a problem of poverty or as a human rights problem, other solutions will be drafted than if trafficking is predominantly viewed as a problem of organized crime or illegal migration. Any analysis and its matching solutions carries its own value. More than one strategy is appropriate and any one approach is not per definition good or bad. Given the complexity of the issue, strategies are necessarily multi-faceted. Significantly, the situation of the women concerned is determined by many factors: their position as women, as migrants, as women working in prostitution, as victims of (organized) crime. However, exactly because trafficking in women is related to so many other areas and (state) interests, any proposed measure must be carefully questioned as to what problem and, above all, whose problem it aims to solve, whose interests it serves and what the impact on the women concerned will be. Does a given strategy address the problem of the women concerned or rather the problems of the state? Will it help to prevent and combat abuse and violence or does it in fact target another problem? Will it improve conditions for the women involved or will it make their situation worse?

### **Trafficking in Women as a Moral Problem**

The oldest approach to trafficking in women is what could be called the moral approach, based

on the moral rejection of prostitution. Within this approach trafficking in women is seen as an evil which inevitably accompanies prostitution. Combating trafficking in women then means combating prostitution. Measures to combat trafficking aim at suppressing prostitution, either by criminalizing all parties in prostitution, including the prostitute herself (as in a prohibitionist system) or by criminalizing any their party (as in an abolitionist system).

This view is strongly reflected in the 1949 Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others. Although this convention is ratified by very few states, policies of most governments are based on such moral condemnation of prostitution. The impact on women, as made clear above, is invariably a combination of isolation, stigmatization and marginalization, putting them at greater risks of abuse and violence due to the illegal and stigmatized status of their work.

Although this approach is still very dominant in the international debate, e.g. on the UN level, over the last years non-governmental organizations have begun to challenge this position. New approaches are being developed, starting from the point of view of the women involved and moving the focus of the debate from moral positions to working conditions.

### **Trafficking in Women as a Labor Problem**

From the perspective of women, the need and right to work with just compensation under proper conditions is primary, whether in one's own country of origin or in a country with a demand for one's labor. When trafficking in women, forced labor & slavery-like practices are defined as labor problems, these practices can be seen as the result of the poor legal and social position of women: as women, as workers and as migrants. Within this view trafficking in women must be put in the perspective of traditional female roles, a gender labor-market and the world-wide feminization of labor migration. "Trafficking in women" is then expanded to include other forms of exploitation of women's work in the informal female designated labor sectors, such as domestic work and, related to this, the commercial marriage market.

Corresponding strategies aim at the recognition of women's work, including prostitution, at improving working conditions and at combating violence and abuse through the same mechanisms applied to other labor sectors, such as labor



laws and civil laws. Obligations, such as in the 1949 Convention, to take measures to rehabilitate victims of prostitution and to achieve their social adaptation clearly don't fit into this view. Rather the enforcement is advocated of existing gender-neutral instruments, such as the ILO conventions on forced labor, the convention on slavery and slavery-like practices, the migrant workers conventions, provisions against debt-bondage, labor laws and regulation, etc.

Government policies rarely, if ever, share this perspective and certainly not in relation to prostitutes or migrant workers. Still, aspects of the above mentioned approach can be found on both the United Nations and European level. For instance, the UN General Assembly resolution of 1994, which goes beyond the narrow view of trafficking in women for prostitution to incorporate other aspects of forced labor and deceptive practices. Another example is the most recent resolution of the European Parliament (January 1996), which calls for a new UN convention to "supersede the obsolete and ineffective 1949 convention", stating that any new convention "should focus on coercion and deception". At the same time the resolution "welcomes the ILO (Internationale Labor Organization and WHO (World Health Organization) initiative to draw up standards for the informal economy and believes that it is advisable to draw up legislation on unregulated work within the Union in order to reduce the vulnerability and lack of rights of persons working in this sector, and to ensure access to health care, social services and insurance".

### **Trafficking in Women as a Human Rights Problem**

Also mainly employed by NGOs is the approach of trafficking in women and slavery-like practices as a violation of human rights for which states are accountable. An important milestone in this approach was the World Conference on Human Rights in 1993 in Vienna, where for the first time violence against women was recognized as a violation of human rights. However, also within this approach two different currents of analysis exist. Some define prostitution itself as a violation of women's human rights equal to slavery. Such judgement brings us back to the moral approach, in which prostitutes are stigmatized as either victims or deviants and are denied a legitimate place in the public debate, but now via the detour of human rights. For others, it is not the work as such

that violates women's human rights, but the conditions of deceit, abuse, violence, debt-bondage, blackmail, deprivation of freedom of movement, etc, be it in prostitution, in domestic labor or in the commercial marriage market.

However, if we are looking at the European situation, two other approaches become more and more dominant: trafficking in women as a problem of organized crime and trafficking in women as a problem of (illegal) migration.

### **Trafficking in Women as a Problem of Organized Crime**

When trafficking in women is defined as a problem of the criminal law and the criminal justice system, strategies aim at introducing heavier punishments, improving (international) police cooperation and other measures which enable a more effective prosecution of the offenders. Combating trafficking in women thus becomes equated with (and often restricted to) "combating organized crime". However valuable such a strategy can be, the choice for a criminal approach is not without risks. A criminal approach necessarily focuses on individual victims and perpetrators, leaving aside structural causes. Many women have negative experiences with the police, such as harassment, detention and, for migrant expulsion. Moreover, the criminal approach carries substantial risks for the women involved, such as the use of women as witnesses in the interest of combating organized crime without proper protection or proper support. Prosecution of the offenders clearly does not include rights for the victims. On the contrary, in general the interests of the women are made completely subordinate to the interests of the prosecution.

### **Trafficking in Women as a Problem of Migration**

Along with the criminal approach, trafficking in women tends to become more and more identified with illegal migration, especially within the (wealthy) Western European states. Within this approach, prevention of trafficking means "to prevent the entry of possible victims". Combating trafficking in women thus becomes combating (illegal) migration. Under the denominator of combating trafficking, repressive immigration measures are taken such as tightening visa policies, stricter border control, closer supervision of mixed marriages, and criminalization of third parties who facilitate illegal entry or stay, and sometimes of the illegal



migrant her or himself. In fact, such measures rather aim at protecting the state against (illegal) migrants, than at protecting women against violence and abuse, thus serving the interests of the state rather than those of the women. The perspective of women opposes that of the state: for women it is exactly their illegal status, the lack of legal migration possibilities (in combination with the demand for work in the informal sector) and the unavailability of work in their own country that makes trafficking such a profitable business and that forces them into an illegal circuit without protection against violence and exploitation.

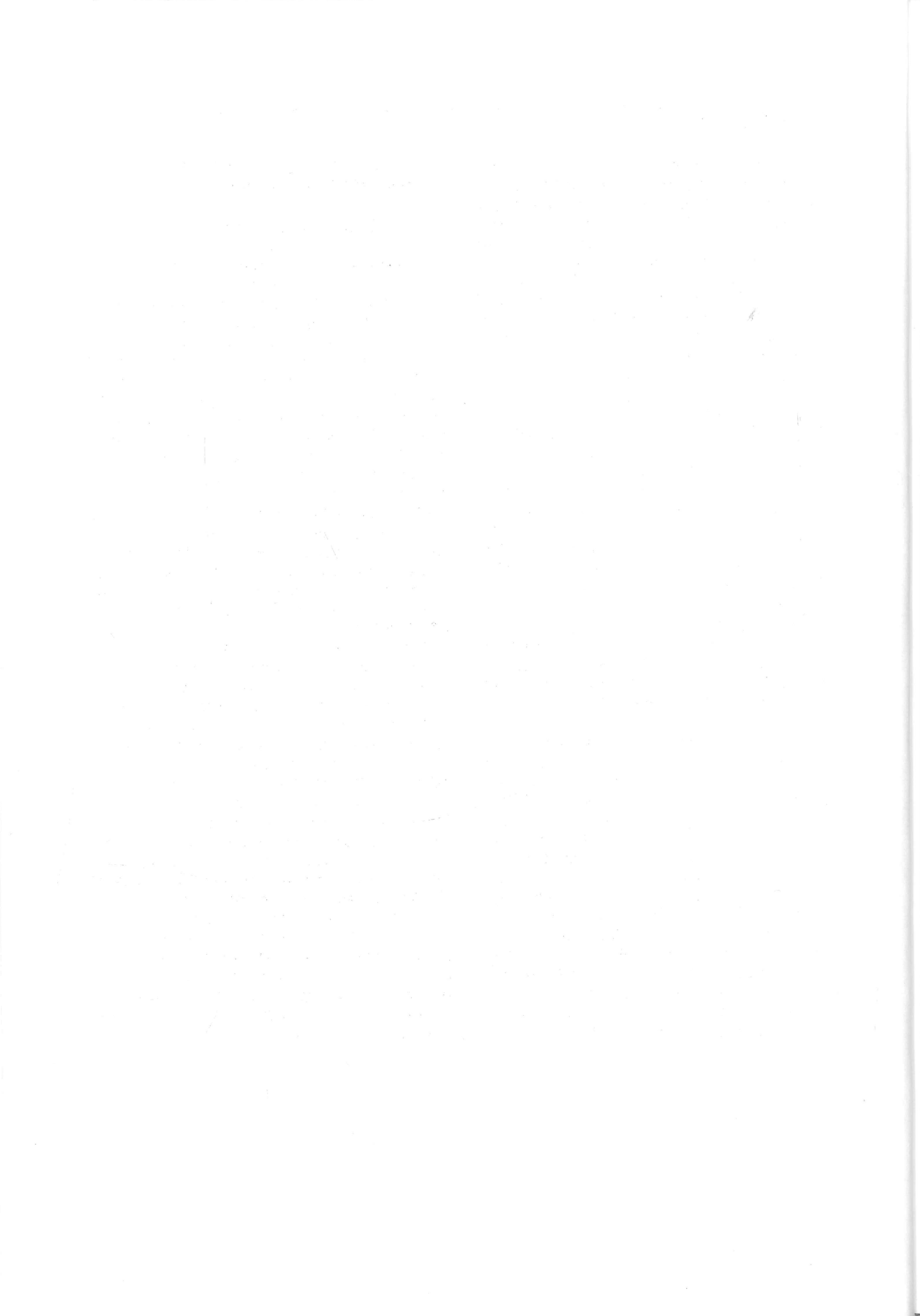
The two latter approaches are quite strongly reflected in recent European political instruments such as the Communication of the European Commission, and the Joint Action on trade in human beings and the exploitation of children of the European Union (November 1996). These documents focus primarily on repressive immigration measures on the one hand and more instruments for the police to combat organized crime on the other hand. This is reflected in the definition of trafficking in women that is used: the main element being "facilitating (illegal) entry or residence," not violence or abuse.

A relative exception forms the "The Hague Ministerial Declaration on European Guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation". These guidelines are the result of the EU Ministerial Conference on trafficking last April 1997. Compared to the other EU documents, The Hague Declaration has a more "victim-oriented" character. Several measures are recommended to improve the position of the women affected and encouraging them to press charges, such as a temporary residence permit and proper witness protection, access to social, legal and financial support, fair treatment by the criminal justice system, access to civil action and compensation mechanisms, the need for cooperation with NGOs. Although the document just gives "guidelines" and has no binding legal status, the EU member states did commit themselves to it. In this sense it provides a useful instrument to both non-governmental and governmental agencies to implement a more victim-oriented policy.

### Conclusion: Repressive Versus Empowering Strategies

The title of my presentation is "between repression and empowerment". I choose this title because strategies to address trafficking move between these two poles: at the one hand repressive strategies, which aim at suppressing organized crime, (illegal) migration or prostitution. At the other hand strategies which aim at supporting the women concerned and strengthening their rights. Both repressive and empowering strategies can be of value. At the same time, especially repressive strategies beg for caution. The trend to mix up other state-agendas, such as counter-acting migration, with the issue of trafficking in women as a form of violence against women and a serious violation of human rights. Moreover, they easily give rise to unintended, undesirable side effects for the women concerned. At worst they can cause the women likely to be affected, e.g. by restricting women's freedom of movement or by using women as witnesses for combating organized crime without allowing them the corresponding protection.

Strategies which rest upon strengthening women's rights are mainly put forward by NGOs, next to a call for clearer criminal codes and stricter and non-discriminatory enforcement of existing laws, in combination with providing practical social, legal and medical support. Participation of the women concerned is seen as essential to the development of effective change strategies. Support and lobby strategies are directed towards empowering women, enabling them to take back control over their lives, and towards facilitating their ability to speak up for their own rights. Repressive strategies are rejected, if the rights of the woman concerned are not at the same time clearly defined and protected. The final goal is to ensure the rights of those involved, as women, as female migrants, as female migrant workers, as domestics workers, as sex workers and as wives. As long as those rights are not recognized and guaranteed, traffic in women, forced labor and slavery-like practices will continue to exist. □



---

MARIJA LUKIĆ

## Another Story about Incest or ...

### The crucial need for adopting amendments on legal regulations concerning sexual abuse of children performed by persons they trust

However much we tried to avoid falling into the trap of our own prejudices, life often surprises us by its unusual turns, confronting us with situations in which we would never have expected to find neither ourselves nor others. "Hasn't she divorced him yet?", was my first reaction when I took down the basic data (which I soon realized was insufficient) about 26-year-old Alexandra, mother of four; of four girls aged 3, 4, 5, and 8. The eldest had been sexually abused three times by her father – Alexandra's husband, aged 29. Because of that, he is currently serving a two-year prison term. In several weeks, he will meet the requirements which will enable him to seek release on parole; it is the possibility of a positive response to his demand which is this young woman's biggest source of concern.

Testimonies about incest probably do not leave anyone indifferent, but the journey from intense emotional reactions and verbal scorn to providing the right kind of help is a long and often uncertain one. This topic is usually accompanied by disbelief, uneasiness, fear and shame. Thus, incest becomes one of those problems which are seldom spoken about and even less widely known.

#### Definition of incest in Serbian positive law

The Criminal Code of Serbia defines incest in article 121, as sexual relations between direct blood relatives and between siblings. Therefore, incest refers to voluntary intercourse between persons of legal age, intercourse between persons of legal age and minors between 14 and 18 years of age or between two minors of that age. The common denominator of all the stated relationships is close blood relationship between the perpetrator and the passive subject. The prescribed sentence for this offence is up to three years of imprisonment. The fact that incest does not incur any severe or qualified form of sentence indicates that

our Law does not establish any differences between cases of rape of adults and of minors. By taking a vague attitude toward acts committed by an adult blood relative, the Law has almost completely left this issue to legal practice. Thus, what we have left is a hint of an answer to the fundamental question of legal theory and guidelines for the implementation of provisions of positive law: What are the legal grounds for incrimination, or, in simpler terms, why are incestuous relationships sanctioned?

According to the interpretation of this criminal act, this is done primarily in order to protect the family and preserve healthy and stable relations within the family.<sup>1</sup> This is confirmed by the fact that the very act of incest belongs to the group of criminal offences against marriage and the family. Furthermore, it must not be overlooked that there is a general attitude that the essence of prohibition of incest relations is of eugenic nature, i.e., avoiding the possibility of bearing children with genetic disorders.

As it derives from the analysis and interpretation of this criminal act, protection of the child from sexual abuse inflicted by a blood relative is not considered herein as a priority and as the grounds for punishment.

#### Reaction of formal control agencies

As the quoted example shows, the reaction from other institutions to particular cases of sexual abuse is neither adequate nor efficient. "We do not have anything to do with this, you are on your own", was the reply Alexandra received at the Center for Social Work at New Belgrade, where she repeatedly addressed them, seeking advice as to how to provide efficient protection for her children from possible repeated violence. Contrary

---

<sup>1</sup> Lazarević, Lj. (1995) *Krivično pravo Jugoslavije*, Belgrade: Savremena Administracija, p. 538.

to many findings which indicate that the mother is frequently considered to be a silent accomplice in acts of incest,<sup>2</sup> Alexandra did not ignore this problem and she did not renounce to denouncing the perpetrator. Indeed, this was not her immediate reaction.

"When it happened for the first time, in 1994, I was in hospital, having my youngest daughter. I called home to see how things were. A police inspector answered the phone. I was mortified. When I regained my wits, I asked him what the police was doing in my house, what had happened, and he answered: "Don't worry, the child is all right." The child had run to the neighbor's right away, told her everything, and she called the police. The patrol arrived immediately; they found the clothes he had taken off her, photographed everything, kept him in remand for three days and – nothing else. They said there was no evidence. No one in court believed it had happened... I believed my child indisputably."

According to many authors, incest and other forms of sexual abuse of children by an adult person the child lives with, is an expression of family pathology. It is a consequence of dysfunction of the family,<sup>3</sup> a model which formally exists, whereas the essence has been completely lost. Therefore, the fact that incestuous relations and domestic violence have some common traits and often go hand in hand, is not surprising. Constant mental violence, a hovering threat with assault on life and / or body, fear for oneself or other family members, these are the features of both of these forms of violence.

This instance was also a case of simultaneous maltreatment of the woman and the child. Nevertheless, Alexandra did not divorce the perpetrator, nor did she move out of the apartment and leave him.

"You know how it is, those were the years of crisis. I don't work, and social benefits were overdue, as they are now. Everyone turned their backs on me. My mother is an alcoholic. My father remarried and has two children out of his second marriage. He lives in his new house and makes good money. I begged him to help me, to lend me some money or to let me stay with them for a couple of months

until I managed to find a solution. He did not want to... He did not dare. Everybody knows what P. Z. is like (her husband). 'We are afraid of him. I cannot interfere because of my children, you know', he told me. His wife openly told me: 'We are not interested in your problems here.' I tried going to the shelter for battered wives, but you know how it is there. There is little space, a large number of us, and I was with a two-month-old baby and three more children. I managed to stay there for a week and then I came home. And he begged me to come back, saying that he had been drunk, that he did not know what he was doing; He promised it would never happen again."

However, two and a half years later, it happened all the same, in an almost identical way. The only difference was that Alexandra was at home and, fortunately, she reacted immediately.

"You don't have any children, she infers. I cannot explain that feeling to you. It is appalling. I was washing the dishes in the kitchen and I was possessed with terrible fear. Then I heard her calling me: 'Mum, please come. Come, mummy.' I rushed into the room and found him naked below his waist. And so was she. I took the child in my arms, and he started threatening me that he would kill me, that he would stab me and the children alike if I said anything to anyone."

Nevertheless, threats could not prevent her from calling the police and seek legal protection. The criminal authorities reacted more quickly and efficiently this time. P. Z. spent the period between January 1997 and his trial in May in pretrial confinement.

### The court proceedings

During the trial, he argued that he had been in a state of strong alcohol intoxication, that he had not been conscious of his actions and that he regretted his behavior. Having established conclusive evidence, heard the witnesses and experts, the Fourth Municipal Court of Belgrade declared him guilty of indecent assault. His sentence (K 1266/96) was pronounced as follows: "P. Z. has been found guilty of having committed an indecent assault on the night between 12th and 13th October 1994, over his five-year-old minor daughter I. P. by lying next to her naked, taking off her clothes, kissing her all over her body and touching her genitals." In the same way, he had committed indecent assault in November 1996, which was disclosed during the proceedings, and in January 1997, when the mother, A. P. caught him in flagranti. On

2 Kelly, L. (1993) *Surviving Sexual Violence*, Minneapolis: University of Minnesota Press, p. 125, and Mršević, Z. (1997), *Incest između mita i stvarnosti*, Belgrade: Institute for Criminological and Sociological Research and the Yugoslav Center for Children's Rights, p. 79.

3 Kelly, L., p. 57.

that occasion, the accused also committed the criminal act by threatening her safety.

For each act of indecent assault, the Court established an unconditional prison term of one year, and for the act of threat to a prison term of one year and four months. For all the committed acts, the Court proclaimed an inclusive sentence of three years of prison.

The District Court of Belgrade, acting after the complaint of the accused, accepted it as justified and altered the sentence by proclaiming a two-year prison term. This court established some alleviating circumstances. In the first place, that was impaired accountability due to alcohol intoxication and no previous criminal record. In view of the findings of the expertise, which were quoted in the explanation of the sentence of the first-degree court, we consider that the alteration of the sentence was ungrounded. Namely, the expertise in the first-degree trial proved that the accused had been in a state of medium alcohol intoxication, which had decreased his accountability, but not considerably. "Nevertheless, even if his accountability had been decreased at the critical time of the event, it must be borne in mind that the accused had brought himself into a state of intemperance, which he had been in the habit of doing anyway", reads the first-degree sentence.

### **The criminal act of indecent assault and its position in comparison with other sexual offences**

Indecent assault is incriminated in article 106. of the Criminal Law of Serbia. Namely, this act is performed by an individual who commits acts of indecent assault under certain circumstances. These circumstances are identical to those provided for the majority of criminal acts which are classified as offences against personal dignity and morals. It is inferred that, unless coupled with another criminal act (rape, extorted intercourse, rape of minor, etc.) this qualification is applicable.

The situation which was appreciated by the Court in this instance comes under the same provision, which is identical regarding the circumstances, i.e., the relationship which is supposed to exist between the perpetrator and the passive subject in cases of intercourse or unnatural debauchery by abuse of position of an authority (art. 107 of the Criminal Law). Namely, one of the two forms of intercourse or unnatural debauchery by abuse of position of authority is committing these offences by taking advantage of a relationship of

trust. The offence exists in case the teacher, tutor, guardian, adoptive parent, foster father or another person takes advantage of his position to commit rape or unnatural debauchery over a minor who is above 14 years of age, who has been put in his/her custody for attention, education or care. In case this offence is committed by a person who is a direct blood relative with the passive subject or is a sibling, then there exists ideal cumulation with the criminal act of incest.<sup>4</sup>

In cases of indecent assault, ideal cumulation with incest cannot exist, because the committed offences are different. The prescribed sentence for indecent assault is up to three years of prison, for intercourse and unnatural debauchery by abuse of authority six months to five years, whereas in cases the minor is under 14 years of age (which is a more serious form of this latter offence), one to eight years of prison. The act of indecent assault, which represents the most frequent qualification in the practice of our courts in cases concerning sexual abuse of children, remains outside the framework of cumulation, because it does not involve a sexual act, i.e., intercourse, but disallowed, overemphasized, unusual sexual behavior. This is often regarded as "foreplay", actions that lead to intercourse, so if it happens, they are considered to be part of this act. This leads to the elimination of the crucial difference that exists between an act committed by an adult stranger and taking advantage of the existing relationship between a minor and a trusted person. Thus, the essence of the latter is overlooked, that being taking advantage of the existing trust between the parents or other adults, who completely or partially perform the function of guardians, educators or caretakers of children, on one side, and the victimized child, on other side.

It is exactly the differentiation of offenses from the group of sexual offences exclusively depending on the ways they are committed, that diverges the focus of justification of punishment of the perpetrators of sexual offences against the children with whom they have established a relationship of trust. All this causes unnecessary multiplication of qualifications of offences in court proceedings, inappropriacy of pronounced sentences and inconsistency of punitive policies.

The regulations of positive law concerning sexual offenses do not provide for different treatment of these offenses depending on whether they are committed against an unfamiliar minor, or against

4 Lazarević, Lj. *ibid.* p. 465.



a child from the same household. The uniform treatment of sexual abuse of children by familiar adults who are expected to support, help and protect them, and by completely unfamiliar perpetrators, erases the essence of an incestuous relationship. The fact is that not even blood relationship can define incest in the best way. The source of trauma is the violation of a relationship of trust between a child and an adult.<sup>5</sup> It is a matter of sexual violence based on dependence and authority achieved through an existing emotional relationship with the child.<sup>6</sup>

Yet another feature can be attributed to this form of maltreatment: this kind of violence is cumulative, which is typical for all sexual abuses committed by individuals who are familiar to the victim. This involves all forms of coercion, threats, intimidation, compulsion or duress. It is a peculiar continuation of violent events accompanied by generating fear, which cannot be clearly discriminated or defined with the right terms, or even sociological categories.<sup>7</sup>

For example, in the case of P. Z., the witnesses' testimonies, given to the investigative judge, concerning the events from 1994, were read before the first-degree court. Among other things, they stated that "the child (the victim) often looked frightened when the mother was not present and that the father, Z. P., was rather strict with her."

### The new concept of protection

The complicated legal situation could be greatly simplified if various forms of the comprehensive criminal act of sexual abuse or sexual violence were established. It would apply to all kinds of sexual practices, from intercourse to indecent assault, as disallowed forms of sexual behavior. It would involve any kind of action directed at the victim's body, by the perpetrator or third parties, with the aim of satisfying their sexual or aggressive instincts. Taking advantage of a child's trust by persons they are familiar to, would represent a specific form of this offence, with separate punitive treatment. The degree of violence, coercion and / or the capacity of the passive subject could incur different prescribed punitive measures.

Some of the modern legislative systems clearly and precisely define "a significant relationship" between the perpetrator and the victim, and also

"the position of authority" of the perpetrator, as specific elements of the corpus of the criminal act of abuse or disallowed sexual behavior. Thus, according to the Criminal Code of Minnesota, "a significant relationship" is considered to exist in a situation where the actor is:

1. A parent, stepparent or guardian.

2. Any of the following persons, related to the complainant by blood, marriage or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandmother, grandfather, great parents.

3. An adult person who jointly resides intermittently or regularly in the same dwellings as the complainant and who is not the complainant's spouse.<sup>8</sup>

The position of authority practically corresponds to our definition of a trusted person. Still, the important difference is in the explicit indication that the parent or the person who has the parent's role is the first one who is in the position of taking advantage of the situation, which the Penal Code of Serbia does not state explicitly.

The Minnesota Criminal Code provides for acts of sexual abuse in more than five (5) different forms, which are discriminated according to the way they are committed and the relationship between the perpetrator and the victim. The prescribed sentences are, depending on the degree of social danger, a prison term in the maximum duration of 35 years and / or \$ 40,000 to one year of prison and / or \$ 5,000. One of the most serious offences that incurs a prison term of 35 years is exactly abuse coupled with threats or intimidation of a person up to 16 years of age who shares the household with the perpetrator. These offences belong to the group of sexual abuses. Incest, similar to our legal solution, is provided for in the second group of offences against the family. As well as our definition, it does not include coercion, nor does it discriminate between relationships of minors and /or adult individuals. This offence incurs a maximum prison term of ten years.

### Instead of a conclusion

The Serbian present legislation does not provide a clear and consistent framework for the protection of children against sexual abuse, when the perpetrators are the parents or persons with whom the child lives. New regulations in foreign legislatures tend to provide primary protection for chil-

5 Mršević, Z. *ibid.* p. 17.

6 Mršević, Z. *ibid.* p. 25.

7 Kelly, L. *ibid.* p. 78.

8 Minnesota Criminal Code, art. 609.341

dren by incriminating acts of sexual abuse, maltreatment and disallowed sexual behavior. In this respect, incest remains in the background. Contrary to legal solutions provided by the Penal Code of Serbia, this approach considerably simplifies and facilitates the activities of criminal authorities and courts. Our legislators might also want to explore the advantages of this logic.<sup>9</sup>

On the other hand, we cannot expect to arrive at an automatic solution to the problem by harsher treatment of criminal authorities or alteration of legal solutions. The issue of effective, appropriate application, remains in the sphere of work and engagement of the entire social community.

The example of Alexandra, as one of many, shows that issues of emotional stability and economic security do not stand on opposite, uncompromising sides. Awaiting the decision of the Parole Board, she is still living in her husband's apartment, with four young children. She has no

steady employment and no support coming from her family, community or state.

Therefore, this is not only and primarily an issue of redefining the concept of incest in legal theory or juridical practice, but of redefining its social definition. A social definition means acknowledgement of the fact that it happens to many, but it also suggests possible causes or factors which are rooted in the society,<sup>10</sup> and in the ways it reacts and functions. It also includes an appeal for taking a different course of action and a reaction to the engagement of institutions, formal and informal groups which deal with problems of child abuse and domestic violence in general, in the forms we have seen so far. □

### Literature

Kelly, L. (1993) *Surviving Sexual Violence*, Minneapolis: University of Minnesota Press.

Lazarević Lj. (1995) *Krivično pravo Jugoslavije* (Criminal Law of Yugoslavia), Belgrade, Savremena administracija.

Mršević, Z. (1997) *Incest između mita i stvarnosti* (Incest between Myth and Reality), Belgrade: Institute for Criminological and Sociological Research and The Yugoslav Center for Children's Rights.

9 Women's groups from Belgrade have submitted to the Assembly of Serbia a draft of proposals for the amendment of the criminal act of incest, as provided for by the Penal Code of Serbia, and of sexual offences committed against children. Unfortunately, we did not have the possibility of obtaining this text, because the authors banned its use and publishing, invoking the issue of their royalties.

10 Kelly, L. *ibid.* p. 141.



---

VESNA NIKOLIĆ-RISTANOVIĆ

## Kalocsa - The National Prison for Women or a Women's Prison in Transition<sup>1</sup>

**K**alocsa prison is situated in a building which formerly served as the court building in the very centre of the town. Consequently, only one part of the building was built as prison and before 1950 it was used for accommodating persons remanded in custody. In 1950 the building changed its purpose and became the only national prison for women in Hungary. It accommodates women who have committed more serious crimes and it is a maximum-security prison. It also accommodates women remanded in custody during the trial in Kalocsa district. Apart from Kalocsa, there is another prison for women in Hungary of the semi-open type which accommodates women serving short-term sentences for minor offences or misdemeanour.

The number of women-inmates in Kalocsa vary. Before 1990, there were 500 to 600 women there, whilst now their number is far below the capacity of the institution and during my visit there were 280 inmates. The number of women in the prison is more steady now. The fall in number of women-inmates can be accounted for by the decriminalisation of prostitution and avoiding work (unemployment) since prostitutes comprised a considerable number of inmates in earlier times.

As far as ethnic structure is concerned, it is worth mentioning that Romany women comprise 60 to 70%. However, they avoid declaring themselves as Romanies and therefore, there is no statistic to show the types of criminal acts they commit most frequently. The other inmates are Hungarians but there are foreigners as well: Ukrainians, Slovaks, Bulgarians, Colombians, a German who has lived in Hungary for a long time and in the past, there have been women from the former Yugoslavia. The prison staff say that they have never had a Romany who has killed a child and that they are traditionally very attached to their families and their families to them. While in prison, their families do not reject them and they usually enjoy their family's support.

There are three wards in the prison with different degrees of security : maximum, medium and minimum security ward. In which of the three a woman will serve her sentence depends on the crime she has committed, the length of the sentence and on her conduct while in prison. This is decided upon by the court when pronouncing the sentence. During the serving of the sentence the woman can apply to the court for the transfer into a ward with a lower degree of security.

About a half of the women serving their sentence in the prison now are situated in the maximum-security ward. These women are predominantly convicted for murder (mainly of husbands, children and other close relatives) or for robbery (mostly as accomplices). The women in the semi-open ward are primarily charged with theft or forgery.

The main differences between the maximum-security and medium-security wards are that in the maximum-security ward the daily activities of women are strictly regulated and that the doors are always locked. Also, women in the maximum-security ward cannot apply for parole before they have served four fifths of the sentence and they

---

<sup>1</sup> On February 4, 1998, and in the organisation of COLPI from Budapest, I visited the largest Hungarian prison for women situated in a small town of Kalocsa, about a hundred and fifty kilometres from Budapest. To my surprise, the permission to visit the prison arrived within two days. I spent about 4 hours there. First, assisted by an interpreter, Anna Kendo, a student of CEU, I talked to a lawyer who is in charge of administrative and education services of the prison. She informed me about all the necessary facts concerning this institution and about the conditions of sentence serving there. After the conversation, I was allowed to make a round of the prison and, at the end of the visit, I was received by the governor. The description of the conditions of sentence serving in the Kalocsa Prison, presented in this text, is based upon the information obtained from the prison staff and on my personal inspection.

have a five-day leave (to spend at home) a year. Women in the medium-security ward can do whatever they want in their free time and can freely walk around the ward since the rooms are kept unlocked. Also, these women can apply for parole when they have served three quarters of the sentence and they have a ten-day leave a year. Within the medium-security ward there is a special division for the women-inmates who have spent at least 6 months in this ward, have a family and behave well. They are accommodated in better furnished rooms which hardly resemble prison rooms. In addition, they have the right to spend 48 hours at home with their families three times a month. Either the inmates themselves, or their solicitors or prison services can apply to the court for these privileges. Such privileges can also be granted to those women-inmates who have been transferred from the maximum-security ward, but if they commit a crime or misbehave they can be returned to the maximum-security ward.

A separate transitory group comprises women-inmates who have been sentenced to over five years of imprisonment and who are spending their last two years adapting to life in freedom. To that purpose they go to town (to communion services, shops, cinema, etc.) accompanied by their pedagogues.

This prison also accommodates women on special treatments (mentally disturbed women, alcoholics, etc.). They are taken care of by specially trained experts such as psychologists, psychiatrists and general practitioners. They are accommodated in a separate ward. According to the prison staff they have not had drug addicts so far, but they say that an addiction to tranquilisers is quite common. Also, the newcomers are accommodated altogether in a big room and there is no separate reception ward as in our prisons.

All women, regardless of ward, wear a uniform – brown, sleeveless dresses under which they wear T-shirts of various colours (for instance, I saw many women in white or pink T-shirts).

There are between 5 and 10 beds in all the rooms and there is plenty of daylight in all of them. There are radiators in all the rooms and it seemed to be very warm everywhere – almost all the inmates were in short sleeves although it was February.

There is a separate medical service in the prison comprising one doctor and six nurses. The doctor is a gynaecologist and works full-time. Nurses are there 24 hours a day and if a woman does not feel well, a nurse is being called and she decides whether they should call a doctor. If a sick woman cannot be treated in the prison she is sent

to another (men's) prison where there is a comprehensive medical centre. If such a woman needs further treatment, she is sent to a clinic. Apart from the full-time gynaecologist, other specialist (cardiologists, dentists, psychiatrists, etc.) occasionally come to the prison to examine women. Taking women to see a doctor outside prison is usually avoided and whenever it is possible, doctors come there.

The prison has a well equipped gynaecological and dental surgeries and there is a patient room as well. The doctor told me that women mostly complain of psychological problems and that they rarely have physical disorders.

Pregnant women have better living conditions and are accommodated separately so that they are not disturbed by other women. Their wish as to where to deliver the child is respected. When they are six months pregnant they ask for a twelve-month postponement of the sentence commencing a month before the baby is due. If the woman has a family and they are willing to take care of her and the baby, she is temporarily released from prison and returns to complete the sentence after a year. If she has nowhere to stay, she is sent to the central hospital where she remains either six months or until she breast-feeds the baby. When she is released from prison she takes over the child.

With regard to the position of the prison and the architecture of its building, the only time that women-inmates spend outside is an hour of walk every day which they unexceptionally take in the prison yard situated in the central part of the premises (similarly to the Central Prison in Belgrade). During summer, they stay out longer. Also, the prison has a contract with an orphanage to use their sports facilities from spring to autumn. However, only a small number of inmates show an interest for sport. According to the prison staff, such lack of interest can be accounted for by some health disorders that most women come to prison with and by the fact that, as a rule, they do not have a habit of going in for sports (sports are not so widely popular in Eastern Europe as, for example, in America). Mostly younger women are interested in sport. In the staff's opinion and in the view of the interest shown, what they offer mainly meets the demand.

Education opportunities in the prison are manifold. There is a possibility of attending six years primary school.<sup>2</sup> Women-inmates are offered a

<sup>2</sup> In Hungary, the compulsory primary education lasts 8 years, but recently, similar to the Western model, a distinction has been made between the education up to ten years of age and a six-year education to the age of 16.



variety of courses for further education as well: gardening, soft-toy making, leather works, sewing, embroidery and computing. The prison staff say that the wide choice of courses motivates the prisoners to finish primary school. Predominantly, they are keen on learning, take it seriously and there are no disciplinary problems. They feel very accomplished when they manage to finish a course.

The prison has educators, male and female, pedagogues by profession, who help the inmates solve the problems they face there. Besides the pedagogues, psychologists also work with them helping them prepare for the release.

The pedagogues are in charge of primary education. They teach the bases of reading and writing which is sometimes very difficult. They have all the necessary equipment at their disposal – books, stationery, etc. At the moment they have 33 illiterate women. The prison management has decided to employ their own pedagogues for primary education rather than teachers from regular schools regarding that they are more familiar with the prison environment and find it easier to work with women-prisoners.

A company organises work practice for the inmates. They mainly produce ready-made clothes (hospital uniforms, bedding and military uniforms). Immediately upon their arrival at prison, the inmates are examined by a doctor who determines which jobs they are able to do. Then they are given their tasks and duties. To a certain extent, their wishes are also taken into consideration. The women who are not able to work in a ready-made clothes factory, this being considered a difficult job, are given to make folders and other stationery items. Upon undergoing a six-month training they receive a salary. Those who work in the clothes industry receive 10000 to 15000 forints (100 to 150 DM) a month, while those who work in the stationery industry receive 6000 to 6500 forints (60 to 65 DM).

The conditions for practising good hygiene are fairly decent. Each room is equipped with a washing-basin with hot and cold water and most rooms have a toilet separated by a door. In one (smaller) part of the prison which has not been renovated yet, the toilets are separated from the rest of the cell only by a curtain. There is also the central bathroom where the inmates have to take a bath / shower twice a week and those who work on dirty jobs can take a bath whenever necessary. Bedding and uniforms are washed in the central laundry and, as the staff informed me, the inmates are allowed to take all their washing there but they prefer to wash it themselves. Besides, it would be

rather complicated to wash everything in the central laundry and, therefore, it would be better if they had washing machines in each ward. Now, women-inmates wash their clothes in washing-basins in their rooms. A hairdresser, who otherwise works in the town, comes to the prison twice a week and the inmates can have a haircut then.

There is a rather well-supplied shop in the prison. In it, women-prisoners can buy washing powder, toiletries, food (biscuits, sausages, cheese, ketchup, etc.) and various brands of coffee and cigarettes. The only restriction is that the shop must not keep hot pepper, deodorant sprays and other articles which the inmates can use to inflict injuries either to themselves or to the others.

Each room has a television and the prisoners are allowed to bring in their own TV sets and transistor radios as well. They can also watch satellite television (17 channels) and the prison has its loudspeaker system which is used only for important announcements. In addition to these, there is also a central video player and the inmates can rent cassettes and watch in their rooms. The prison has a very nice hall where masses are held (behind a curtain there is an altar) and it also serves as a classroom. They also use another two, relatively spacious rooms, as classrooms.

Women-prisoners have the right to a two-hour visit once a month. Two adults and two children at a time can visit them. They receive visitors in the dining hall and they neither have the right nor a room for longer visits (weekend, for instance) by children or spouses.

As far as free time is concerned, inmates' wishes are taken into consideration and they are encouraged to organise it themselves. In their free time, the inmates paint, embroider, take part in a drama or literary-club work, listen to classical music and read. The library is well-stocked with books, in part thanks to donations. Apart from fiction, they have encyclopaedias and technical books and books in foreign languages (English, French and Romanian). There are also many books in German which the German Consulate gave them as a gift.

There is the central kitchen in the prison building where cooks – women-inmates prepare food. They pay attention to what prisoners like to eat and some dishes, spinach for example, are excluded from the menu since the majority dislike them. Traditional Hungarian dishes are most popular and they are most frequently prepared. They get two warm meals five days a week, while at weekends they get a cold snack for supper. Sun-

day lunch is typically Hungarian and consists of soup, meat and dessert. At holidays, they get traditional holiday food (for Christmas Eve they prepare traditional fish soup and a cake). Every day they get season fruit as well. When I visited the prison they had rice and meat, salad, tea and a cake for lunch, which I saw listed on the menu on the notice-board outside the dining hall. For those who are on a special diet because of an illness, pregnancy, religious beliefs or their own choice (e.g. vegetarians) an appropriate kind of food is prepared. The prison organises cooking classes for two reasons: that the women who have grown up in institutions learn how to cook and that those who buy food in the shop learn how to prepare it themselves. Namely, there is a separate kitchen where the inmates can make their own meals if they do not want to eat what is being made in the central kitchen. Up to seven inmates at a time can eat there, for instance, when one of them has a birthday. The kitchen resembles the one in an average Hungarian household – it has a cooker, a sink unit, crockery, cutlery, a refrigerator and a big table with chairs. The inmates can use this kitchen whenever they wish but they must take care that each of them takes her turn. For instant coffee or tea they only need hot water so they can make it in their rooms. There are no other facilities like a kitchenette, for instance.

Women-inmates receive parcels with food containing mostly durable articles. Visitors can also bring them food but the inmates must consume it during the visit.

The prison has public telephones as well which inmates can use freely every day except Monday. They buy telephone cards in the shop. If their families have a telephone, they may phone the inmates at the time scheduled by the pedagogues so that the inmates do not spend their money.

The Governor of the prison is male as are 40% of the wardens. To prove the appropriateness of his appointment, the governor quoted the recommendation of the European Council which states that the governor and wardens of a prison should be of the opposite sex to the inmates. He also pointed out that they have had a good experience with wardens in women's prisons but it remained unclear whether they have female wardens in men's prisons. As they were showing me the notice-board outside the dining hall they pointed out various pieces of information regarding the inmates and the one containing the address of the European Commission against Torture and Inhuman Behaviour to which the inmates can write in

case of violation of their human rights caught my attention.

In the last ten years the living conditions in this prison have been significantly improved. The number of women-inmates has decreased, the cells have been renovated and in the majority of wards, toilets have been separated from the rooms. The inmates have got TV sets in their rooms with satellite programmes so that now they can be better informed. Also, the prison is now allotted more money by the state to organise free-time activities and to stock the library. All the offices have computers and all the information have been stored in databases. Furthermore, the prison staff have notably changed their attitude towards the inmates and now show a better consideration for the problems of prison life. Twenty years ago, there was a great generation shift when about 60% of the employees were retired. According to the staff, employment in the prison is very highly regarded in the local community and whenever they announce vacancies, they get plenty of applications. But they also say that such an interest is also due to the fact that job opportunities in that part of Hungary are scarce because there are no foreign investments.

From what I saw and heard in Kalosca prison, I have gained an impression that, following the social changes in Hungary, much has been done on the improvement of the living condition and protection of human rights of women-inmates, primarily owing to an immense activity of the organisations for human rights. The following achievements should be specially noted: the introduction of public telephones which enables the prisoners to contact their families, a considerable improvement in access to information<sup>3</sup>, the organisation of free time, the improvement of the educational and professional training conditions, better conditions for practising good hygiene and the introduction of services which help long-term inmates to adapt gradually to life in freedom. Along with these, there is an apparent tendency to allocate more substantial amounts from the budget to prisons and it might be worth mentioning that food and health care of women-prisoners in Hungary are well provided for.

However, with the prison being situated in an inadequate building, it is difficult to make a real difference between maximum, medium and mini-

3 However, it should be taken into consideration that some of these improvements, like satellite programmes and foreign books, are of no or little use to the inmates since not many of them can speak foreign languages.

maximum-security wards which has a more detrimental effect than a similar situation in Serbia, i.e. in the women's prison in Pozarevac. Namely, not only that the women-inmates in the semi-open and open wards are always inside, but also the prisoners in the maximum-security ward are constantly locked in their rooms, their moving around the building being utterly limited. In addition to this, the position and the architecture of the building allow the inmates to spend only the minimum of necessary time in the fresh air.

It is obvious that the classification of women-inmates is made according to the crime committed and not according to their personal characteristics. One of the most serious consequences of the mis-

classification is that all the women who have committed murder are placed in the maximum-security ward. As a result, women who have committed murder defending themselves from domestic violence are subjected to the strictest regime and such women make the majority of female murderers in Hungary. Also, there is neither group nor individual work with women-prisoners aimed at surpassing the traumas caused by domestic violence, which led them to crime. Coupled with the rigorous control measures in the maximum-security ward, it has a serious effect on the mental health of women-inmates and, consequently, it is not surprising that many of them complain of various psychological and emotional problems. □



MIRJANA OBRETKOVIĆ

## Domestic Violence and Children's Rights to Protection

### Violence against children and social reactions

From the sociological aspect, violence against children represents the application of force in social relations, on the micro-social plan. Therefore, this phenomenon is conditioned by concrete historical situations and it is a variable social category.<sup>1</sup> Consequently, the definition of violence, harassment or abuse of children is related to the type of social reaction to certain forms of behavior, which threaten biological and social reproduction. In this sense, violence against children is also a political concept, because it implies a selection of protected values and a degree of state interference in the processes of raising and educating children. The global framework of social reactions to harassment of children is basically defined by two interconnected groups of assumptions, the first of which forms the social concept of childhood, whereas the second manifests the legal policy toward the family.

Historical evidence clearly shows that in some periods, sociological patterns of attitudes toward childhood and children change. Acknowledging children's special physical and psychological needs results in a specific treatment and preparation for life in the rational adult world. The assumption of dependence on adults and "moral imperfection" defines the relations of children's submission to parental authority. On the other hand, children's vulnerability requires special protection from acts that threaten their life, health and socialization. On the social plan, parental abuse and negligence damage the favorable processes of bio-social reproduction. That is the reason why the social and legal system impose some restrictions to parental power from an early age, finding justification in severe harm to the child or breaking the

ethic norms of family life. Social care for the children, which derives from the concept of the child as a weak and irresponsible creature and children as "the problem-population", susceptible to risks of social deviations, is primarily motivated by the prospect of the child's utility as a future social resource. A paternalistic attitude toward the child is divided between the parents and the state, in such a way that state intervention aims at controlling and insuring a desirable form of socialization. The child is treated as an object of protection, and social interventions directed at "high-risk" family groups, whose social status is usually unfavorable, by submitting them to increased surveillance, isolation and stigmatization.<sup>2</sup>

Modern sociological concepts on the social position of children, which take as a starting point a definition of childhood as part of the social structure and analysis of its participation in social division of labor and exploitation of social values,<sup>3</sup> have appeared only recently, starting from the seventies. Such an approach opens new problems concerning the relations between the children, the parents and the state, by putting an emphasis on the child as a subject and on developing his/her autonomy. The motivation of social care for children changes sense and is related to the idea of social change and social development, i.e., expanding human liberties.

Domestic violence is considered to be the primary and socially most recognizable form of violence against children. In view of the fact that its most frequent forms are produced by parents or persons who are directly in charge of the child, one of the principal problems concerning social reaction has to do with the sense and limitations of

1 Milosavljević, M. (1998) "Društveni kontekst nasilja nad decom", in: Milosavljević, M. (ed.) *Nasilje nad decom*, Belgrade, Department of Political Sciences, pp. 9-12.

2 Donzelot, J. (1980) *The Policing of Families*, London, Hutchinson, pp. 166-168; Freeman, M.D.A. (1983) *The Rights and Wrongs of Children*, London, Frances Pinter, pp. 136-137.

3 Qvortrup, J. (1990) *Childhood as a Social Phenomenon – an Introduction to a Series of National Reports*, Eurosocial Report, 36, Vienna, European Center.

family autonomy. On the historical plan, as well as nowadays, the same questions are being asked: whether, and under what conditions and by what means the state and the law should interfere with family relations, which are in private sphere. Various values, social and philosophical and ideological and political assumptions, lead to controversial views on the treatment of the family by the state: from the liberal orientation, which advocates the model of minimal state intervention, to demands for state control over child raising and maximal protection of their development. Controversies about state intervention are greatly due to findings concerning the dangers and inadequacies of protective measures: their insufficient rationale and arbitrariness, susceptibility to cultural prejudices, counterproductive practices, stigmatization of the child and the family, inefficiency, etc.<sup>4</sup> That is why not only theory and legal policy, but also direct professional practice, are continually confronted with dilemmas and expressing an ambivalent attitude toward the interference of the state and state institutions with family matters. This is reflected on the entire process of defining abuse, detecting and recognizing this phenomenon, and also on the contents and methods of protective intervention in concrete cases.

The content of the intervention regarding the problem of child abuse is considerably conditioned by etiological interpretations of this phenomenon. Models of social reaction oscillate, influenced by changes in scientific explanations. The earliest medical, psychiatric and psychological approaches, which stress the psycho-pathologic dimension of the problem, determine their orientation to early detection and individual psychiatric and psychological treatment. The switching of interest onto psycho-social factors, i.e., factors connected with the closer social environment, expands the contents of the intervention onto programs of special prevention, particularly directed toward raising parental competence and responsibility. The advantage of more modern sociological approaches is understanding the problem as an interaction between social factors and personal traits, and placing them into a more comprehensive social and cultural context.<sup>5</sup> From that point, the assumption can be drawn that, essentially, child abuse is conditioned by the actual position of a child in his/her closest surroundings, as well as by the

global social environment; therefore, it is a phenomenon which can be uprooted by introducing changes in the sphere of family relations, education, health and culture, i.e., by promoting general welfare. In other words: by expressing consistent respect for children's rights to life and development.

### Children's rights to protection from abuse

New theoretical concepts tackle problems of child abuse and social reaction to this phenomenon from the point of view of the child. Children's rights are considered to be part of universal human rights, which means that children are entitled to enjoy all the fundamental freedoms and rights which guarantee the unassailable physical, mental, moral and social integrity of human beings. Their importance is paramount for children, because they ensure the preconditions for their survival and development. The specific qualities and needs pertaining to the status of minors account for their increased vulnerability. Besides, emerging from their social status (in the family and in the social environment) are various forms of violation of their rights. By treating the child as a separate subject and by formulating independent children's rights, which expands their own welfare, the classical protective attitude toward children is overcome and they are enabled to influence their own position. Nevertheless, the state and state authorities act as warrants of children's rights by taking over the function of representing those rights in situations where they are infringed, i.e., breached by parental behavior or by the behavior of persons who are in custody of the child.<sup>6</sup>

Concrete measures of legal protection have been established within two legal sub-systems: Family Law and Criminal Law. The basic criteria for determining the type of legal reaction is the seriousness, i.e., the degree of threat, of jeopardizing the child's fundamental welfare, which is identified as public – social interest (the social danger of an act). The specific criteria are: the qualities of the perpetrators (parent' or guardian's position), and also features marking the subjective attitude of the perpetrator to the act (a certain degree of guilt or negligence in behavior toward the child). The sense and content of the intervention derive from there: rehabilitation of the family

4 Freeman, *ibid.* p. 248-250.

5 Gil, D.G. (1971) "Violence against Children", *Journal of Marriage and Family*, 33, 4.

6 Janjić-Komar, M. and Obretković, M. (1996) *Prava deteta – prava čoveka*, Belgrade, Dosije and Udruženje pravika Srbije za socijalno pravo, pp. 34-36.



and prevention of greater harm and deviations in the child's development, or oppressive measures according to Criminal Law. By incriminating actions "detrimental to the minor", sanctions have been prescribed for those forms of behavior that are most harmful to the child's physical integrity and upbringing and acts that pose a threat to the child's sexual integrity, mental health and moral development. A specific group of acts that are related to child abuse as a breach of parental or guardians' duties, are labeled as acts "against marriage and family". In the sphere of Family Law, measures of preventive protection of the child within the family have been prescribed; the Law provides for sanctions for cases of severe impairment of conditions for the child's development. Certain forms of parental, or guardian's illegal behavior, incur double responsibility, i.e., they are liable to sanctions provided by both Family Law and Criminal Law. In view of the main features of the phenomenon of child abuse, its causes and consequences, i.e., the main objectives and principles of protecting abused children, the assumption is that social care and legal protection of the family ought to have priority over other forms of intervention.

### **The institution of guardianship and child protection against abuse**

Under the influence of scientific interpretations of the phenomenon of child abuse, the system of social interventions aiming at prevention, early detection and providing direct protection to abused children, has been expanding and diversifying. The parallel influence of different segments of the legal system and other social sub-systems gives rise to a number of problems concerning their normative and practical compatibility as well as coordinating institutions and agencies which are authorized and in charge of implementing legal interventions. Specific models of child protection in the world differ regarding the agencies which are in the center of the system, thus being the coordinators of activities and initiators of respective legal and other protective measures. In the majority of cases, those are the services for child protection, which enjoy the prerogatives of trusteeship authorities. All the models have a single aim in common, that of unifying the principles of child protection and interconnecting the principles of protection and linking parts of the system and sub-system in a comprehensive process of recognizing, detecting, studying, decision-making and implementing protective measures.

In institutional legal system of Federal Republic of Yugoslavia, centers for social work are the basic services of social protection, which are also authorized to carry out the function of trusteeship authorities. Therefore, it can be said that this institution has a key position and the widest range of roles and tasks in the prevention of violence and the protection of children against abuse. The trusteeship authorities are entitled to implement a large number of protective measures, ranging from supervising and providing expert assistance to parents, to undertaking legal oppressive measures against parents, i.e., initiating legal procedures for the protection of children's rights and representing their interests in the course of those procedures. According to the governing concepts of our Family Law, the legal protection of children in family relations is functionally connected and permeated with social protection of the child and the family relations in a whole. The legal function of trusteeship is particularly directed at representing children and safeguarding the rights and interests of children within family relations. On the other hand, social protection involves specific levels of prevention of family deviations and is realized by providing various forms of support and expert services of counseling nature. However, these activities are a corporate part of the process of protection when the child is directly exposed to. In that sense, they are complementary with legal sanctions prescribed by Family Law.

The activities of the centers for social work is reflected in all the major problems and controversies related to child abuse and social reaction to this phenomenon: the amount of knowledge about the phenomenon, understanding the causes of violence and its consequences, the criteria of social and legal intervention, problems of detecting, expert assessment and selection of protective measures and evaluation of the implemented measures.

Within the framework of the complex research on child abuse, conducted by the Research Center for Social Work and Social Policy, at the Department of Political Studies of Belgrade University,<sup>7</sup> a separate chapter is dedicated to the role of centers for social work in prevention of violence and protecting the children against violence. The research results describe the insight of the centers

7 The project "Prevention, early detection, recognizing and protecting the children – victims of violence" was carried out by a group of authors and coordinated by professor Milosav Milosavljević, Ph. D.

for social work in the phenomenon of child abuse, the basic orientation of protective measures and the centers' activities, and about the main difficulties and problems which influence the quality and efficiency of protection. These findings are based on concrete data about the centers' activities and on the assessment and opinions of experts who work on the protection of abused children.

### **The volume and basic characteristics of the phenomenon**

Child abuse, being most often linked to the family as a closed group, is still considered to be a concealed phenomenon, insufficiently exploited and relatively inaccessible to social intervention. The specific obstacles in detecting it are: insufficient public awareness, lack of cooperation among various agencies and institutions working with children, lack of specific expert knowledge and undeveloped expert methodology and techniques for identification of specific forms of abuse. The research results reveal that the knowledge about child abuse in our country is very restricted and incomplete, compared with the assumptions about the presence of this phenomenon. Centers for social work, which are of primary importance for the protection of children, estimate that their insight into child abuse is insufficient and that there is a big discrepancy between the number of recorded cases and the actual volume of this problem, which can be presumed in view of the crisis and disturbances in family relations and in a broader social context.<sup>8</sup>

As a rule, child abuse is detected in the course of activity on cases reported on other grounds (lack of parental care, parental disputes over the performance of parental duties, criminal proceedings

against a minor, etc.), which incur the well established institutional mechanisms. The reported cases are usually limited only to child abuse within the family.<sup>9</sup> One of the reasons why family violence appears as the predominant feature are the normative activities of the centers for social work, i.e., their activities being primarily directed at the family. A peculiar feature is that abuse is not recorded as a specific phenomenon, either in the system of social protection, or within health care. The following are referred to as the main obstacles in detecting it: screened family life, the risk of stigmatization, inappropriate perception of the problem in the social surroundings, insufficient engagement of all agencies and institutions, and vagueness regarding their duties and authorities.<sup>10</sup>

Protective interventions of the centers for social work are, for the most part, directed at social protection of the child and the family as whole, i.e., helping the family to regain its functions, which is in accordance with the basic principles of family protection and protection of children's rights. Refraining from oppressive measures is an obvious fact. However, the undeveloped system of social security, utterly scarce resources of social protection, the lack of specialized services and institutions and the inaptitude and inadequate cooperation of the existing ones, limited practice in providing host families and other external factors, greatly diminish the range of possible interventions and the forms of social protection. Counseling activities and other optional forms of assistance and services which are provided by the centers for social work cannot affect the lives and living conditions of families, i.e., children, in a substantial way, due to incomplete assessment, inappropriate organization and personnel for the administration of specific forms of treatment, the discontinuity in monitoring the family situation and the child's needs. The application of legal interventions connected to legal procedure is impeded by the indemnified position of the trusteeship authorities in the procedure, by inappropriate treatment of centers' experts and protracted legal procedures. The consequences of all the above mentioned in the sphere of immediate

8 As part of the mentioned project, the centers for social work received a questionnaire which, among other things, sought data about recorded cases of child abuse, and expert opinions and assessment about the possibility of obtaining an insight into the actual volume of this phenomenon. The questionnaire was filled by 130 out of 158 local centers for social work in Serbia. According to the obtained feedback, in the period between 1994 and 1996, 3699 abused children were recorded, the majority of whom belonged to the category of "drastic negligence and inhibition of developmental needs" (35%), followed by "mental torture" (23%) and "combined cases", which mostly involve negligence and corporal punishment (22.7%). Corporal punishment as a separate phenomenon is less frequent (16.2%), and sexual abuse, as the most peculiar form of abuse, which is also most difficult to pinpoint, was recorded in a low percentage (2.6%), but not in an insignificant number of cases (98). According to this study, children of both sexes and all age groups are exposed to the same degree of risk of child abuse.

9 The father usually appears as the perpetrator (35.8%), then both parents (27.9%) and finally, the mother (22.9%). Other members of the household appear as perpetrators in 7.7% of recorded cases, whereas the smallest number of perpetrators was recorded outside the family circle (5.6%) of children.

10 Obretković, M. and Žegarac, N. (1998) "Centri za socijalni rad i uloga organa starateljstva u zaštiti dece od nasilja", in: Milosavljević, M. *Nasilje nad decom*, pp. 297-300.

protection, are asymmetric, palliative and mediocre interventions, which can do little to alleviate the consequences of abuse, and sometimes even augment them.<sup>11</sup>

### Basic problems of legal protection

The first group of problems refers to defining the concepts of child abuse and negligence, which are basically social constructs, defined by background values, social and cultural standards and legal and political concepts of the social attitude toward the family and the process of upbringing. In the legal sphere, the question arises – how does the law determine the conditions or situations which justify state intervention, i.e., how does it define behavior which is detrimental or violates the child's rights and incurs a corresponding legal sanction (limitation, or deprivation of parental rights). The issue concerning the criteria of the legal intervention in this sphere is one of the most intricate and most precarious problems in the corpus of human liberties and rights. When the implementation of the general legal pattern is based on broad discretion rights of the authorities in charge, as is the case in this sphere, the preconditions for the administration of the law are transferred outside the legal field. The risks of this kind of approach are: the lack of legal security, arbitrariness and autarchy of state agencies and institutions.<sup>12</sup> Therefore, the question always remains how far the implementation of legal standards go without reaching the level of legal casuistry.<sup>13</sup> In this respect, our legal system is characterized by the most comprehensive, vague, unclearly defined concepts. The situation is all the more unfavorable because appropriate expert standards for determining abuse and assessment of the possibility of intervention, have not been set yet. In the course of reform of our Family Legislature, attempts are being made to lay down more precise and complete definitions of legal grounds for the application of sanctions in the domain of Family Law against the parents.

The second group of problems concerns detection of cases of abuse, i.e., legal regulations regarding the obligation of reporting such cases. Indeed, our Law on Family prescribes the obligation of state agencies, institutions and of individual

citizens, to inform the trusteeship authorities about the situations where a minor is in need of protection, which by all means includes cases of child abuse within the family. However, this obligation is not liable to legal sanctions, but is considered to be the citizens' moral duty; for the institutions and agencies, i.e., for experts who work there, it is part of their professional duties and derives from their professional codex and ethical norms. In a similar way, the obligation of reporting cases which contain elements of criminal offences against children incurs criminal sanctions only for the gravest criminal acts. There have been many proposals to lay down the obligation of institutions and individual experts who work with children (in the sphere of health care, education, social and child protection), and establishing their responsibility for infringement of the law. In an analogous way, the obligation of reporting criminal acts of violence against children should be prescribed within the Criminal (substantive and procedural) Law. Some modern pattern of protection of children against abuse have adopted this approach: for example, the American model which is based on strict legal regulations regarding the process of protection, which implies the obligation of reporting cases of abuse and providing legal immunity for persons who report such cases.<sup>14</sup>

When the issue of child abuse is broached from the aspect of children's rights, which is a more recent, modern approach to children's rights as human rights, the question arises of how to adapt the entire model of legal protection to family relations. A critical scrutiny of the current legislation in the area of family relations reveals that the deficiency of process regulations is the consequence of an undefined legal status within substantive law: the right of a child to protection is not formulated as a separate personal right; the children have no legal requirement towards the parents, or social institutions, nor are they actively entitled to press legitimate charges in case their rights are being abused. Therefore, during the procedure for the implementation of certain legal interventions, the children are treated as a legal object. The definition of their legal interest lies upon the institutions which are in charge (the court or the trusteeship authorities). In the sphere of Procedural Law, the general question arises: representing the rights of a minor as a subject of the procedure. But still, the ultimate

<sup>11</sup> Ibid. pp. 304-309.

<sup>12</sup> Freeman, *ibid.* p. 249.

<sup>13</sup> Fox, J. (ed.) (1981) *Cases and Materials on Modern Juvenile Justice*, St. Paul, Minn., West Publishing Co.

<sup>14</sup> Fox, *op. cit.* pp. 261-264; Small, M.A., Wanke, K.L. (1994) *State Response to Child Maltreatment, Young Victims, Young Offenders*, The Haworth Press. Inc., pp. 19-20.

demand for respecting the autonomous personality of the child does not solve the problem of protecting the rights of young children, who have not yet achieved the level of maturity which would enable them to have and express their own will. The attitude that the child's opinion must be respected, in accordance with the Convention on Children's Rights, can be taken as a general principle. However, serious theoretical work is still ahead of us: defining the substance of this right and specific procedural capacities of a minor of certain age to independently realize his/her rights (the right to submit a request for the protection of human rights, the right to take part in the procedure, the right to seek legal remedies, etc.) Issues of representation of minors, who cannot independently exercise their procedural rights, have to be solved by establishing an appropriate role of the trusteeship authorities, who ought to be authorized to represent and protect the interest of the child.<sup>15</sup>

Establishing a new model of children's rights inevitably influences understanding the essence of such legal matters. The realization of children's rights in opposition to parents' rights certainly opens the dispute between separate legal subjects, which take the position of litigating parties. The trusteeship authorities take on the legal representation of a child who has no corresponding procedural capacities. With such a concept, it seems justified to establish the jurisdiction of courts and specific legal procedure containing elements of a lawsuit for all types of violation of children's rights; the application of the principle of contradiction, would ensure the complete protection of the rights of all subjects of the family relationship.<sup>16</sup>

Within this context, the issue of specialized courts is brought to light: they arbitrate in family disputes and other matters concerning family relations. In view of the growing tendencies and achievements of the modern legislative practice, one of the important aims of our legal system ought to be the institutionalization of special courts for minors, i.e., family courts. During the first phase it would be necessary to explore the possibility of establishing specialized court councils, whose authority would be to make decisions pertaining to the minors' right to protection against maltreatment in the family.

The role of trusteeship authorities, as a separate participant in the procedure, calls for a more detailed and more precise formulation, because it combines different functions, i.e., roles: that of representation and expertise, of a procedural subject and auxiliary judicial authority, etc. In that respect, it is indispensable to differentiate and define an appropriate procedural position of this agency and its experts in particular phases of the procedure and regarding certain aspects of procedural actions.

In matters concerning the provisions of Criminal Law referring to the protection of children against maltreatment, there are only two prominent problems concerning trusteeship authorities and their participation in the procedures. The first problem is that of the position of experts employed by trusteeship authorities and other institutions, who can appear during criminal procedures in various capacities: as submitters of criminal charges, as witnesses or as court experts. First of all, there are the conflicting issues of professional secret and the obligation of reporting or appearing as a witness. In a situation where an all-encompassing model of child protection has not been established in Criminal Law, their position is only partly regulated and is not specifically defined. Although the analysis of provisions of Criminal Law proves that the obligation of reporting and providing evidence in criminal procedures has priority over the obligation of keeping a professional secret, the question is whether legal immunity is provided for these experts in an appropriate way. In situations where they risk indictment (for calumny, slander, exposing personal and family matters) and where experts are relieved of responsibility provided they prove the truth of the evidence or solid grounds for suspicion, the issue of the standards in establishing proofs (especially in cases of less visible acts, which are more difficult to prove) becomes a crucial one. Future practice (both legal and expert) will have to develop standards that will ensure the presumption of professional competence and conscientiousness.

Finally, one of the most delicate problems is related to the treatment of the child as a victim of violence. The basic requirement which is set in all modern models of protection of abused children is that the consequences of victimization and additional trauma during the procedure be reduced to the greatest possible extent.<sup>17</sup> Procedural provisions of our Law concerning the possibility of excluding the public during the general procedure and the way of

15 Janjić-Komar, M. and Obretković, M. *ibid.* p.114-115.

16 Obretković, M. (1996) "Nadležnosti organa starateljstva i suda u stvarima vršenja roditeljskih prava", in *Reforma porodičnog zakonodavstva*, Law Department of Belgrade University, pp. 201-204.

17 Lanning, V. K., Walsh, B. (1996) Criminal Investigation of Suspected Child Abuse, in: Briere J. et al. (ed.). *The APSAC Handbook on Child Maltreatment*, Thousand Oaks - London, Sage Publications, p. 247.



conducting a hearing of a minor are insufficient for the realization of this goal. A systematic reform of the Criminal Law in this sphere would require the introduction of special procedural regulations, which would ensure a higher degree of child protection (peremptory exclusion of the public, obligatory participation of trusteeship authorities, i.e., of competent expert, during the child's hearing, the possibility of applying special instruments of providing evidence, which would be appropriate to the child's psychological needs). Thus, the approach to the hearing of a child would be primarily take into account the need to protect the child from the traumatic influence of the criminal procedure, as well as obtaining legally relevant information.

The need for legal reform cannot be separated from the need for developing complete models of protection of children against abuse; the possibilities of promoting legal practice directly depend on pursuing scientific advances, development of methodology, standardization of expert procedures of all the participants in this process and their permanent education. □

## Literature

Besharov, D. (1987) "Policy Guidelines for Decision Making in Child Abuse and Neglect", *Children Today*, November-December, pp. 7-11.

Briere, J. et. al. (ed.) (1996) *The APSAC Handbook on Child Maltreatment*, Thousand Oaks – London, Sage Publication.

Donzelot, J. (1980) *The Policing of Families*, London, Hutchinson.

Fox, J. (ed.) (1981) *Cases and Materials on Modern Juvenile Justice*, St. Paul, Minn., West Publishing Co..

Freeman, M.D.A. (1983) *The Rights and Wrongs of Children*, London, Frances Pinter.

Gil, D.G. (1971) "Violence against Children", *Journal of Marriage and Family*, 33, 4.

Janjić-Komar, M. and Obretković, M. (1996) *Prava deteta – prava čoveka* (Rights of Child-Rights of Human Being), Belgrade, Dosije and Udruženje pravnik Srbije za socijalno pravo.

Lanning, K.V., Walsh, B. (1996) "Criminal Investigation of Suspected Child Abuse", in: Briere, J. et al. (ed.) (1996).

Milosavljević, M. (ed) (1998) *Nasilje nad decom* (Violence against Children), Belgrade, Department of Political Sciences of Belgrade University.

Milosavljević, M. (1998) "Društveni kontekst nasilja nad decom" (Social Context of Violence against Children), in: Milosavljević, M. (ed.) (1998).

Quortrup, J. (1990): "Childhood as a Social Phenomenon – an Introduction to a Series of National Reports", *Eurosociological Report*, 36, Vienna, European Center.

Small, M.A., Qwanke, K.L. (1994) *State Response to Child Maltreatment, Young Victims, Young Offenders*, The Haworth Press. Inc.





IVANA STEVANOVIĆ

## Domestic Violence is not a Private Matter

**L**jiljana Vukotić was born in Arandjelovac in 1954. She spent her childhood and early youth in this city where her father and brother still live. Her mother died seven years ago of a brain tumor. She met her husband, a member of the judo representation of Yugoslavia, in her hometown while his team was preparing for a championship. After graduating from high school, Ljiljana went to Novi Sad, where she enrolled in the Higher school of Business and in 1978 she married Milutin. She started her marriage in a flat of 33 square meters together with her mother-in-law.

Milutin, who was an agriculture technician but worked as a travelling salesman, had already been married twice. He had five children from the previous marriages. His second marriage ended in divorce and a criminal indictment and charges for inflicting severe physical injuries to his ex wife. In addition to that he had been sentenced for misdemeanor a few times before. Ljiljana did not know this part of her husband's past life before she married him and she was faced with the true character of her husband a few months after the marriage, when Milutin beat up his mother in the presence of his pregnant wife. It was the beginning of a big tragedy in the Vukotic family.

Milutin's mother died quickly afterwards and he directed his sick jealousy towards Ljiljana and their children. As Ljiljana said: "He used to call me ten times a day at work. If I was in the toilet my colleagues would run to fetch me, because they realized, although I did not tell them anything, that it would be inconceivable for him not to get through to me immediately". In Milutin's opinion even taking a shower for more the 1.5 minute would mean that I was preparing for "a meeting with my lover". He did not allow her to visit her parents. When her mother was dying seven years ago, he allowed her to visit her only twice. She was in the same situation when her brother was seriously injured and his life was in danger – she was not allowed to see him at all.

During the last years nobody visited the Vukotić family and they did not go out at all. When Ljiljana "dared" to mention that fact, Milutin hit her on the head with a bottle. That was just one of her injuries she did not talk about – since even if she did confide in someone, help did not reach her, not even from the people whose duty it was to help her. Such was the case when Milutin scalped Ljiljana in front of their daughter 1983. The unfortunate woman was taken to a hospital and the doctors informed the police of the incident. Two policemen came, took Milutin's statement and left and that was the end of that. Not long afterwards, while she was in high pregnancy, Milutin came home drunk, broke of a leg of a chair and severely beat Ljiljana with it. That night she tried to commit suicide for the first time and that was unfortunately not her last attempt. She tried cutting the veins on her hands twice and taking an overdose of pills. All this was not sufficient reason for someone to do something about this situation.

Several times, Ljiljana tried to get a divorce. She submitted for divorce proceedings and Milutin threatened, pleaded and made promises. Two years ago, after she had started divorce procedures, Milutin even threatened to kill her if she appeared in court. He would repeat to her: "First I will kill you, then the children and the myself", convincing her that the police, the courts and the center for social work were on his side. Unfortunately Ljiljana's fear of these threats was not groundless, because a life full of violence and an armed husband was the reality she lived in. She even left him. However, she would always come back because of the children, since she was afraid of her husband's threats that he would get her expelled from the city and forbid her to see the children. Those fears were stronger than the torture she suffered.

The children were not spared the maltreatment. Besides being present when the violence was directed towards their mother, the children were

punished in various ways and directly maltreated by their father. They were allowed to shower only once a week. If they stayed in the toilet for more than two minutes, Milutin would see it as a reason to, at least, hallow at them. Various forms of physical maltreatment were not foreign to Milutin. He would beat the children with a cable, rubber hose for gas, pitchfork or with a bicycle chain. The daughter was the first who could not stand the situation any more. Although she was an excellent student, she left school when she was 17 and started working for a private firm, and would see the mother and brother only secretly. After she had left, all of Milutin's fury was directed at the son.

In January 1998, Milutin left his job. From that moment, the life of the mother and son became unbearable and the "punishment" of the wife and son became daily. The boy would go to school beaten up, and the reasons for the beating were usually trivial. On the tragic day, the boy lent his bicycle to a girl he liked. A horrible beating followed. First with a cable, then Milutin, knocked him out, put out a cigarette on his lip, and then hit him in his testicles with all his might with a wooden shoe. Ljiljana tried to protect her son but Milutin was twice heavier and bigger. The boy who was all bloody from the beating was sent to bring back the bicycle. Unfortunately, he found the bicycle without the key and that was the reason for new horrible beating. The child left the home again and did not return out of fear. Milutin sent Ljiljana out to find the son around nine o'clock. She did not find him. On her return to the flat, Milutin directed all his violence at her. He maltreated her, hit her and threatened that he would put out his cigarette on the child's eye and, if he did not come back by two o'clock, that he would kill him. On that occasion he kept repeating: "I threatened to do that twice up till now, I will surely do it the third time and you know that I always keep my promises".

After forcing Ljiljana to have sex with him, Milutin fell asleep at sunrise on the 12th of May 1998. Ljiljana could not sleep. She felt great fear for the life of her son. She remembered Milutin's always full "Magnum 357". She took the gun. The muzzle went from her forehead to his forehead, back and forth, as she described in her statement. A shot from the gun put an end to the hell they were living in. Ljiljana lit a cigarette and called the police. She was taken to the police station in Novi Sad where she spent three days in custody. In the request for police investigation the murder was qualified as "first degree murder" (article 47. Par. 2 Criminal Law of Republic Serbia) The investigate

judge on duty Mirijana Carić, after a few hours of interrogation, ordered pretrial custody which is obligatory when the murder is thus qualified.

On the 28th May 1998, the District Judge of the District Court in Novi Sad, Aleksandar Tatic began questioning Ljiljana Vukotić at 9.00 a.m. Besides Ljiljana, ten more witnesses testified that day: their neighbors, Milutin's friends, Ljiljana's children. Dimitrije Popić, public prosecutor, in his decision on conducting the investigation requalified the act into second degree murder (article 47. Par. 1. Criminal Code of Republic of Serbia). Psychiatrist Dr. Borislav Kapamadžija was appointed court expert-witness in this proceeding. After his talk with Ljiljana, due to the complexity of the subject, he gave his findings the next day, after having studied the documents and testimonies of the witnesses. Ljiljana was freed from prison the same day on the basis of the decision of the investigative judge of the District Court.

The diagnosis that Dr. Kapamadžija gave, freed Ljiljana of all responsibility because in his summary he wrote: "I consider that the accused Ljiljana Vukotić was completely unable to think rationally in the critical moment... In plain language it could be said that all psychological brakes failed. In other words, I think that she was not capable neither of understanding the significance of her act nor of controlling her actions". At the same time, in his medical findings he emphasis that: Ljiljana does not have any mental illness and that she has for almost twenty years lived in such an atmosphere which brought about the accumulation of strong emotions of fear and humiliation". The maltreatment that Ljiljana suffered, according to the findings of the expert-witness, were not ordinary slapping and beating but very often-sadistic outbursts. "In the house of the Vukotić's family", it is further written" there was a constant atmosphere of fear and fear of weapons, because Milutin's wife and children feared him". The end of the medical finding said: "For all that, a distinctive factor is the fear for the child's life appeared in the last moment, the fear for her son's life was the key moment in this event because this time one of the strongest instincts appeared in Ljiljana Vukotić, the motherly instinct to protect the life of her child".

At the request of the prosecutor Dimitrije Popić, an additional expertise on the capability of Ljiljana Vukotić to understand the significance of her act and ability to control her actions was conducted. At the head of the expert team this time was Dr. Božidar Savić and the final medical findings were identical to the first one which freed

Ljiljana of all criminal responsibility. On the basis of these medical findings the prosecutor stopped all criminal proceedings. In August of the same year, the investigative judge of the district court of Novi Sad handed down the decision in which all criminal proceedings against Ljiljana Vukotić were stopped.

The proceedings were stopped and Ljiljana was acquitted of all criminal responsibility for the act she had committed and it could be said that justice had prevailed. But after all that had been said, there is a bitter feeling and the author of this text, as someone who had met Ljiljana and her children, has asked herself and others the same question many times: "Should this have taken place? Did this woman and her children have to endure all this torture for so many years? Ljiljana was acquitted of criminal responsibility for killing Milutin. However, are all the others whose duty it was to protect and react in such cases also acquitted? Are women, because the violator was not penalized and there is not any other protection, forced to protect themselves from violence? Or to be as is more often the case abused physically and psychologically for a long time together with their children or to be killed by the violator.

**Sometimes the family becomes the most dangerous place for some of its members, most often the children and wife**

The family atmosphere is a specific place for the occurrence and perpetuating of violent relations since, according to the opinions of many theoreticians, violence within the family occurs within a specific social group, which differs from other small social groups. The position and role of a member of this group is formed on the basis of age and sex of the members and not on the basis of their affinity or ability. The diversity of obligations and responsibilities within a family makes the possibility of leaving the family more difficult when violence occurs. Until very recently, physical and other forms of violence were treated as a private matter and the consequence of such a situation is social blindness and the lack of legal coverage or inadequate regulations of this area.<sup>1</sup>

The problem of domestic violence has only recently attracted more significant public attention but it is still often considered as a "private matter" or the existence of the problem itself is negated in our culture. There is even widespread belief that the problem is "made up" or "imported from the West".<sup>2</sup> The consequence of such a conception is the diminishing of the danger and diffusion of this phenomenon, and, in some societies, even its justification, accepting it as something normal. All this leads to the situation that certain social systems, like the legal, police, social and medical systems, still rigidly adhere to the traditional framework of not interfering in the private sphere of family life and react only when "someone drops dead". Unfortunately the life of Ljiljana Vukotić and her children is a good example of this claim.

The existing material shows that the case of Ljiljana Vukovic is not an individual example of domestic violence in our country. Last year alone the Counseling Service for Victims of Domestic Violence received 3000 calls made by battered women and children. The research conducted by the Institute for Criminological and Sociological Research in Belgrade, conducted in 1993 on 192 women showed that more than a half of the interviewed (112 or 58,3%) were victims of some forms of domestic violence. 94 (49%) stated that they had been psychologically maltreated in marriage. Under psychological maltreatment they consider serious insults, intentional doing of something which seriously injures or hurts, threats of beating and murder. 36 (18,7%) of the interviewed women were physically maltreated. The same number was victim of rape or attempt of rape by their husbands.<sup>3</sup>

Physical abuse of wives as a rule is accompanied by the abuse of children. Even when the children themselves are not directly abused the violence they witness leaves lasting consequences on them. Ljiljana's daughter and son were often witnesses of their father's real sadistic acts (like the scalping of their mother) directed at their mother. Testimony to this is the medical findings of the expert Dr. Borislav Kapamadzija in which he, among other thing, cites that "...Besides being regularly beaten by her late husband, Ljiljana was humiliated, among other ways, by being beaten in front of her children".

1 Straus, M.A. (1977) "A sociological perspective on the prevention and treatment of wife beating" from Roy, M. (Ed) *Battered Women: a psychological study of domestic violence*, New York: Van Nostrand Reinhold, pp. 194-2348, cited according to Žegarac, N. Brkić, M. (1998) : "Nasilje u porodici - mogućnosti zaštite i prevencije" in Milosavljević, M. "Nasilje nad decom", Belgrade: Faculty of Political Science University of Belgrade, p. 79.

2 Žegarac, N., Brkić, M. (1998) "Nasilje u porodici - mogućnosti zaštite i prevencije" op. cit. p. 116.

3 Nikolić-Ristanović, V. (1994) "Nasilje nad ženama u uslovima rata i ekonomske krize", *Sociološki pregled* 3, p. 410.

Domestic violence is not an individual event. It is a long-term model of behavior that is handed down from generation to generation. The modalities of violence in a family are different but their aim is the same: total control of the intimate partner which is exercised through threats, the destruction of property, isolation from family and friends, through psychological brain washing, bad name calling and humiliating, rape and other forms of sexual violence, beating to death, stabbing, shooting with fire arms, attempts of strangling and similar.<sup>4</sup> Sometime this model of behavior is combined with individual acts of kindness in order to keep and increase the dependency of the victim, so it is not rare for some women to have difficulty in differentiating between signs of future violence and expressions of love. By implementing this model of behavior, the other partner has a feeling of being trapped – that there is no way out. Victims like Ljiljana have tried to get divorced, tried to leave the family but it has always proved tragic for her – by returning back to the family and increased aggression.<sup>5</sup> She has tried suicide a few times. That is were the answer to the question: "Why did not she leave?" lies. Maybe she was afraid of losing the children. Or maybe she was without material support and the social and legal institutions had maybe rejected her or were unable to help her. It should also be emphasized that women are specially threatened when they decide to leave the violent partner, when the risk of being killed increases for 50%. 75% of serious physical injuries also occur when the women leaves the family.<sup>6</sup>

Violence most often starts in the first year of marriage and it is not rare that violence starts immediately after the wedding or soon after.<sup>7</sup> Insults usually precede violence<sup>8</sup> and the most often given reason is jealousy or the reason is just not given, that is, the reason is not known to the victim. When the instigator of violence is an alco-

holic, as is often the case in domestic violence, then the victim is exposed to even more suffering. However, that is not always the rule and Ljiljana's story is an example. According to her Milutin did drink, but it did not have any special influence on his violent behavior toward her and their children. During the last critical events, when he sadistically behaved towards his son, he was absolutely sober. "He beat us when he was sober and when he was drunk there was no difference," said Ljiljana. The last months the maltreatment went on daily what is almost a rule since domestic violence only escalates as time passes. Women usually do not seek help after the first beating. It seems as if they are not aware what is happening to them and they often try to find an excuse for the husband's behavior and sometimes go as far as seeking their own fault. The explanation to this behavior is shock and often shame because women sometimes try to hide their "shame" even from their nearest family or friends.<sup>9</sup> Unfortunately, the consequences of domestic violence are not insignificant and sometimes they are tragic because there is no end to violence.

That we are dealing with a serious form of criminality and not an ordinary occurrence, which is just "socially unacceptable", is shown in the international documents, which clearly determine that violence towards women, whether it violence in public or private life is a violation of human rights (Declaration on the elimination of violence on women passed in 1993 and as asserted by the Beijing declaration and Platform for Action passed in 1995). During the recent years there has been an increase in the number of cases dealing with domestic violence that has had a tragic ending. The victims of murder are usually women who have been suffering due to the violent behavior of their husbands or male family members and who had not received adequate protection from those whose duty it was to protect them.

Defending their children and themselves from violence, not having the adequate protection from the state institutions and help of their kin or friends, women sometimes kill the instigator of violence and then criminal proceedings are brought against them. Many of them are sentenced to long term sentences because the judge, the prosecutor, as well as the expert-witness do not go into the cause and effect of relationship between the violence the women suffered and the murder. Luckily, that was not the case of Ljiljana Vukotić. The criminal pro-

4 Armatta, J. (1998) "Prevda ubija žene - posledice polnih predrasuda u američkom pravnom sistemu", *Jugoslovenska revija za kriminologiju i krivično pravo*, Vol. 36, 1, p. 96.

5 On the attempt of leaving the instigator of violence and the violence that is a consequence of that attempt see: Browne, A. (1988) *When Battered Women Kill*, New York: A Division of Macmillan, Inc. and London: Collier Macmillan Publishers. p.p. 109-122.

6 Armatta, J. (1998b) "Osvrt na pravnu strategiju koja se bavi nasiljem", *Temida*, Vol. 1. p. 38.

7 Browne, A., op. cit. p. 47.

8 Browne, A., op. cit. p. 50.

9 Browne, A., op. cit. p. 53.



cedure which was brought against Ljiljana is a positive example of accepting the significance of long term violence for the qualifications of the women's psychological state at the moment of committing murder, as was shown in the medical finding report of the expert-witnesses, that were called to assess whether Ljiljana was ready to accept the significance of her act and to control her actions. The medical findings show a culmination of strong emotions of fear and humiliation due to long term suffering of violence, which has been blocked by Ljiljana for twenty years. "In such a situation Ljiljana's strong emotions accumulated more and more energy with a tendency to discharge itself", concludes Dr. Borislav Kapamadžija, adding that, in his opinion, "Liljana has been living in a state of limited consciousness for months, which definitely deformed her thoughts and her perception of herself and her environment". Such a finding and other similar to it take into account the long term violence women were exposed to and the fact that the perpetrator of the crime – the woman, was brought to a state of great distress by serious and long term abuse brought about by the killed. We can say that this new conception of justifiable self-defense which considers justifiable self defense not only when the attack is simultaneous but when there is a situation of direct imminent attack<sup>10</sup> is of significance for the correct qualification of the act, the assessment of criminal responsibility, that is, for the adequate meting out of the penalty in such situations.<sup>11</sup>

### The issue of prevention and social reactions to domestic violence

The extent of domestic violence and its serious consequences pose the question of prevention and possible protection of its harmful conse-

quences as well as the question of suppressing it and penalizing the instigator of violence.

The basic aim is to prevent domestic violence. Different prevention programs are being developed for that purpose which can be general, special or individual. On the other hand, if violence exists, it is of most importance that the instigator of violence and the victim be discovered on time, that the reasons for violent behavior be eliminated and the adequate specialist aid be given, first of all to the victim but also to the instigator of violence, with the purpose of its all the more successful reintegration into normal family life.<sup>12</sup>

The question of suppressing this form of criminal behavior and the question how to react to it, what measures and what sanctions to use is posed. The Victimology Society of Serbia has proposed new criminal legal solutions, during the public discussion on the Draft of the new Criminal Code of Federal Republic of Yugoslavia, with the aim of suppressing domestic violence. The Working group of the Victimology Society of Serbia<sup>13</sup>, with its chairwoman, Vesna Nikolic-Ristanovic, has made a proposal for new solutions and informed about that: the Working group responsible for writing of the new Criminal Code, the scholars and professionals at the Conference of the Association for Criminal Law and Criminology which was held this October at Zlatibor, as well as the public through the media. The members of the Working group of the Victimology Society of Serbia have proposed the introduction of a new article into the Draft of the Criminal Code of FR of Yugoslavia called: Domestic violence. The incrimination of this article should be as follows:

(1) Who endangers the tranquility, physical integrity or psychological health of a member of his/her family or household by serious threats of

10 The new conception of self-defense introduced by the Draft of Criminal Code of FR of Yugoslavia is very significant because in most cases when abused women killed it was in self-defense and they had to react in that way in order to save their own lives. Very often the legal system does not react and does not provide protection to these women. Women should be given the same right as men have to protect their lives in situations when they are forced to do so, always having in mind the dynamics of domestic violence as an explanation why women sometimes do not have another choice except to kill the person who abuses them. More about this issue: Gillespie, C.K., (1989), *Justifiable Homicide*, Columbus: Ohio State University Press, p. 182-193.

11 It is important to note at this instance that the members of the Group for Women's Rights are leading a Campaign for the acquittal of or mitigating the sentence for women

who have killed the perpetrator of violence after long term violence suffering. This campaign means that the public will be informed on the necessity to protect women who have been exposed together with their children to long term domestic violence and which lacking any social protection killed the perpetrator of violence. Together with the Victimology Society of Serbia, which the Group for Women's Rights is a collective member of, a part of the campaign is to follow the trails and contact the judges, prosecutors, lawyers and court experts for the purpose of familiarizing them with the issue of domestic violence, while lobbying for the women's acquittal or mitigating of the sentence.

12 Žegarac, N., Brkić, M. op. cit. p. 117.

13 Beside Vesna Nikolić-Ristanović, the Working Group of the Victimology Society of Serbia consists of: Slobodanka Konstantinović-Vilić, Nevena Petrušić and Ivana Stevanović.

attack on the other's life or body by the use of violence or arrogance and by inconsiderate behavior will be fined or sentenced to two years in jail.

(2) If weapons, dangerous tools or instruments, which can stab the body and bring about serious injuries or seriously damage the health of family or household member, are used for committing an act from paragraph 1 and 2 of this article, the perpetrator will be sentenced to jail from six months to three years.

(3) If by committing acts from paragraphs 1 and 2 of this article serious bodily injury or permanent or serious damage to health has been inflicted or the act has been committed towards a minor the perpetrator will be sentenced to jail for a period of two to ten years.

(4) Who violates the protective measure<sup>14</sup> pronounced in a civil court procedure, whose aim is to stop or prevent further violence towards a member of the family or household,<sup>15</sup> will be fined or sentenced to jail up to one year.

If domestic violence has as its consequence the death of a family or household member, the perpetrator of such violence would be accused of first degree murder from article 140, par. 2.

Members of the Working Group of the Victimology Society of Serbia, conclude that in the aim of complete criminal legal protection from domestic violence, changes should be made in the provisions for suspended sentences as well.

According to their proposal article 55 par. 2 of the Draft of the Criminal Code of FR of Yugoslavia should be as follows:

(2) The sentenced person whose sentence was postponed the court can set an obligation to give back the established property, benefits gained by the committing of the criminal offense, to reim-

burse the established loss caused by the criminal act, to fulfill other obligations provided by the law which the court orders him to do by the sentence, as well that he be forbidden to contact the person who suffered loss or damage for a certain period, that is, not be in the same premises with the person who suffered loss or damage.

Two new security measures should be provided and they are: ban on contact and the measure of obligatory psychological counseling or treatment for the instigator of violence. These measures could be pronounced together with a prison sentence and fine and as a condition in a suspended sentence. The measure banning contact should be pronounced in the same manner as the ban on exercising a profession, while the measure of obligatory psychological treatment should be pronounced in the same manner as the measure for mandatory treatment of alcoholics.

The mandatory form of these measures, especially the measures of mandatory psychological treatment or counseling for instigators of violence in the family is of vital importance when we have in mind the fact that these programs are voluntary and have a high rate of dropping out and a low level of motivation. This treatment is directed at the change of behavior patterns and development of new communication skills - it include methods for recognizing stress situations and learning the adequate reaction to it, while studying new strategies for conflict resolution. The measures directed at the change of attitude and mode of thinking of the instigator of violence are directed at consciousness raising and cognitive reactions. Consciousness raising means the redefining of the most often rigid notions on the role of the sexes that spur an insight into personal and social roots of violent behavior towards women, the awareness of ones emotions as well as the empathetic attitude towards the victim.<sup>16</sup>

We consider that by adopting these proposals the victims of domestic violence would be completely protected by the Criminal Law of FR of Yugoslavia and that the offered solutions would have a general preventive influence on the instigators of violence. Under general preventive influence we mean that the instigators of violence, in knowing of the existence of these solutions and the possibility of being quickly and efficiently punished, would forgo violence towards members of their family and marriage. □

14 The implementation of this article means that the Law on Marriage and Family should be previously changed and should establish protective measures with the aim of protecting family members from violence. The meaning of implementing protective measures and incriminating its violator as a criminal act is in providing quick and effective protection from domestic violence, and its contents should be a ban on contact, an order to immediately cease violence and similar.

15 A member of a family or household is: marital partner (or common-law partner) or ex marital partner (or common-law partner), parents and children, blood relatives, persons who lived together or had lived together, persons who have mutual children regardless of the fact if they had been married or had ever lived together, persons who were in an emotional or sexual relationship, a man and woman if the woman is pregnant and the man is the father of her child, regardless of the fact if they were married or ever lived together.

16 Žegarac, N., Brkić, op. cit. p. 120.

**Literature:**

Armatta, J. (1998) "Pravda ubija zene –posledice polnih predrasuda u americkom pravnom sistemu", *Jugoslovenska revija za kriminologiju i krivično pravo*, Vol. 36 , 1.

Armatta, J. (1998) "Osvrt na pravnu strategiju koja se bavi nasiljem u porodici", *Temida*, Vol. 1, 1.

Browne, A. (1988) *When Battered Women Kill*, New York: The Free press.

Gillespie, C.K., (1989) *Justifiable Homicide*, Columbus: Ohio State University Press.

Nikolić-Ristanović, V. (1994) "Nasilje nad ženama u uslovima rata i ekonomske krize", *Sociološki pregled*, 3.

Straus, M.A. (1977) "A sociological perspective on the prevention and treatment of wife beating", in Roy, M. (Ed) *Battered women: a psychological study of domestic violence*, New York: Van Nostrand Reinhold.

Žegarac, N., Brkić, M. (1998) "Nasilje u porodici: mogućnosti zaštite i prevencije" in Milosavljević, M. *Nasilje nad decom*, Belgrade: Faculty of Political Science , University of Belgrade.

TRANSLATED BY VANDA PEROVIĆ



## Child Abuse in the Family<sup>1</sup>

Abuse and exploitation of children is as old as humanity itself, but the social position of children was not in focus of scientific interest for a long time. How can this be explained? Perhaps by the fact that "findings of social research are often in contrast with the image society upholds about itself."<sup>2</sup> However, it is a fact that this phenomenon is no exception, but a permanently present feature of the family both in former and in present social relations. Therefore, abuse is not "a family flaw", it is not an individual pathological phenomenon; abuse is not "asocial", but a widely spread and deeply rooted social deviation, almost a "normal phenomenon", directly connected and mutually conditioned by fundamental social structures, as a regular factor of their formation and reproduction. For a large number of researchers, and especially for the public, the revelation that in the most highly developed countries in the twentieth century, in countries with developed cultures, there are parents who are so abusive to their children in different ways, but all "in an attempt to rear them", that they even cause their death, came as a great shock. Such cruelty and strictness used to be attributed to the long gone times of industrial revolution, or even earlier times of "the obscure Middle Ages"<sup>3</sup>.

Nevertheless, in highly developed countries the parents kill more children than tuberculosis, infantile paralysis, smallpox and diabetes – together.<sup>4</sup> A similar assessment says that in the

USA, more children lose their lives as a consequence of abuse, than of well known diseases like leukemia, cystic fibrosis and muscular dystrophy, and it equals the death incidence caused by toxic and infective encephalitis.<sup>5</sup> Unfortunately, the statements reported by "Children's Employment Commission" indicate that "children of both sexes should not be more protected against anyone else but their own parents!" Although these quite arbitrary facts ought to be taken into consideration with extreme caution, one thing is certain: battering of children is now considered to be the prevailing cause of their mortality, and a major health problem.<sup>6</sup>

It is not accidental that, amid the chaos of manifold forms of child abuse, we turn to the family – to "the family core, which is small, but consists of a myriad of things" – in an attempt to grasp and explain child abuse on this micro level. For, "a woman and a man who bring into the world a human being ought to enable him or her to create their own world. "If that world is strong (and it is such if the children feel well) they will not be afraid of the outside world."<sup>7</sup>

Starting from the basic aims of the family as a human community, which Ackerman defines as "ensuring the physical survival of man and developing basic human qualities of individuals", we come to the conclusion that a healthy, or integrated family, is one that fulfills its task according to these basic aims. Golubović adds yet another aim: "that the family ought to be a genuine home for a human being, where he or she will be able to live in a way which would not be alienated."<sup>8</sup> The fami-

1 This paper was edited after the author's book *Udarac po duši – Sociološka studija zlostavljanja dece u porodici* (A Blow on the Soul – A Sociological Study of Abuse of Children in the Family), published on 1998 by Institute for Criminological and Sociological Research and Yugoslav Center for Children's Rights, Belgrade. The publishing of the book was financially assisted by: The open Society Fund, Redd Barna and Save the children Fund (UK).

2 Milić, V. (1978) *Sociološki metod*, Nolit, Belgrade, p. 35.

3 Milić, V. (1978) *Klase i porodica*, Radnička stampa, Belgrade, p. 104.

4 Data taken from The international Union for Childhood Protection, from the author's paper "A Bruised Soul" NON, issue 337/338. 28th November 1981.

5 "The Battered Child Syndrome", *Journal of American Medical Association*, Vol. 181, 1962; Cited after: Stojaković, V. (1984), *Zlostavljanje dece*, ISP, Belgrade, p. 6.

6 "The Battered Child Syndrome", *Journal of American Medical Association*, Vol. 181, 1962; Quoted according to: Stojaković, V. (1984) *Zlostavljanje dece*, ISP, Belgrade, p. 6.

7 Bettelheim B. (1983) *Ljubav nije dovoljna, Lečenje emocionalno poremećene dece*, Naprijed, Zagreb.

8 Golubović, Z. (1981) *Porodica kao ljudska zajednica*, Naprijed, Zagreb, p. 212.



ly is a foundation of age and experience, accomplishments or failure. It is also a source of illness and health.<sup>9</sup> However, the family itself is defined by social structure and is therefore only a conveyor of social and cultural expectations onto the child.

But still, in spite of many arguments denoting the family as an intermediary between the society and the individual, it is generally perceived as a cause of social oppression, and not as its victim.<sup>10</sup> Occasionally, Leing hinted that the whole world was an extended family group, which he refers to as "a total world system". Nevertheless, the fact that society is not a family must not be overlooked, nor are social relations equal to family relations. The family does not exist on no man's land. It is entangled into historical dynamics; it was transformed in the past and it is being transformed now. It is as much of a victim as it claims victims.

The fact that human relations are the closest within a family attaches particular importance to it. Children do not grow fond of those who feed them, but of those who give them emotional warmth. Parents are the first persons they encounter, completely unbiased. Children do not choose their parents; they love them – and that is exactly why, due to those close bonds, the child is most vulnerable in the family. "The child alone cannot and does not know how to protect itself in the family, because it is extremely vulnerable, it is always in an inferior position, because it needs parental love. It has already become a banal subject of discussion, but that love is a fundamental human need. The emotional need for creating ties is an autonomous human need, independent of physical needs. That is why a child can be threatened at school, or in the neighborhood, or at some other place, but never as much as it can be in the family – because there is the child's base, or foundations that are being affected."<sup>11</sup>

The primary problem which makes this trauma so hard is that the child loses confidence, partly or permanently, ceases to trust the adult world and the people in general because it has been taken advantage of or abused by the people it trusted most, on those it depended in every respect and expected protection from. However, the fact that

we all "know too much" about the family, a remark by an American sociologist of the good family, often hinders research, because one must fight many prejudices which do not correspond to facts.<sup>12</sup>

#### CHARACTERISTICS OF ABUSIVE PARENTS

Adult persons who batter and neglect their children do not represent a homogenous group; they vary regarding their level of intelligence and education and can be found in all social classes, and different socio-economic, racial and religious groups. Although devastating effects of poverty and need are undeniable, the tendency towards abusing and neglecting children is not restricted only to pauperized classes or minority groups. Reaching and struggling to maintain a high social status is fraught with dangers, which can backlash on the children. In fact, there has been no research so far to provide solid proof for the assumption that child abuse is more frequent in families of lower social rank. However, incidents of physical, sexual and emotional abuse in the so-called "powerful families" are much less frequently reported and acknowledged.

According to global estimates,<sup>13</sup> in 95% of child abuse cases, the parents are involved. Step-fathers, step-mothers, adoptive fathers and adoptive mothers account for 10% of this group. Mothers are usually involved in cases of battering or neglect of small children (in our society, they are the primary persons who look after the children). Fathers are usually involved in sexual abuse of their daughters. Brothers, sisters (in less than 1% of cases), babysitters (4%), relatives, teachers and other adult persons are much more rarely a source of abuse. As a rule, one of the parents initiates abuse, while the other supports him or allows such behavior and therefore, passively takes part in it.

Although it looks as if abusive parents represent "quite a random cross-section of the general population", some studies indicate an increased incidence of child abuse in several social groups: with members of fundamentalist religious groups, military bases personnel and in families with marked financial problems. A vast majority of abusive parents (80-90%) are not mentally disturbed, nor are they criminals. Feminist analyses also

9 Ekermen, N. (1987) *Psihodinamika porodičnog života*, Pobjeda, Titograd, p. 39.

10 Jekobi, R. (1981) *Društveni zaborav*, Nolit, Beograd, pp. 164-170.

11 Ognjenović, V. in an interview with the author, "A Blow on the Soul", NON, issue 668, 22 January 1989.

12 Golubović, Z. op. cit., p. 12.

13 After: Mc Neese, M.C. and Hebeler, J.R. "The Abused Child" Clinical symposia (CIBA).

point out that the majority of perpetrators of violence are neither psychopaths, nor asocial persons in the clinical sense of the word; those are people who act according to their own choice.<sup>14</sup> Basically, those are individuals who are suffering from stress and who react when they are offered help. However, the fact that 10-20% of child abusers are psychopaths must not be overlooked, because the risk of serious injuries (even death cases) in their families is high.

Nonetheless, it can be said that some common features have been identified with all the persons who are abusive to children. The psychological image of a child abuser reveals a person of very low self-esteem, who often feels threatened by others, unconfident in their family or working environment and therefore expressing a marked need for control and dominance. Abusive parents often have rigid and unrealistic concepts about their child's permitted or impermissible behavior and they react very aggressively if the child trespasses the limit if their imaginary rules.

Parents who physically abuse their children are immature and dependent. They often have weak impulses and low frustration tolerance. These personal traits, coupled with the belief that physical punishment is imperative in order to keep the children under control, can result in serious injuries they may inflict as a part of "normal discipline".

Parents who neglect their children are often depressed individuals who can be completely absorbed by satisfying their own needs. Some of them can be considerably retarded or even completely unfit to provide suitable care for their children. As it was already mentioned, in such cases the fact that the family did not provide optimal care in proportion with its means and possibilities, must be taken into account. In cases of utter poverty, the circumstances alone might not allow the necessary level of child care. Families of this type are often depressed, lacking many things and disorganized.

Parents who reject their children are defined as those who do not love, do not approve or show resistance to their children, reproach many things to them and are embittered. In many cases, they perceive their child as a burden, and, compared to other children, they see the child as useless and incapable. Rejection can be manifested in two possible ways: in the form of parental animosity and aggression, on the one hand, and on the

other, in the form of neglect and indifference. (Here also, there are many ways in which parents develop a feeling of rejection in their children).<sup>15</sup> Indifferent and negligent parents do not care about the child's needs, they are physically and mentally distanced from their children, inaccessible, ignorant to their children's appeals for attention and often irresponsible about their children's physical and emotional needs. They might express restrictive concern for the welfare of their children, without devoting any attention or minimum of time to them. Such parents often forget given promises and overlook the details that are important for children's happiness and development.

Parents who emotionally abuse their children are often considerably mentally disturbed. Such a parent, who does not succeed in creating any level of interaction with the child, can have a worse influence than a parent who gets physically abusive occasionally, but still expresses strong emotional ties to the child. Some parents lack knowledge, are "ignorant" in matters of childcare, but they are emotionally capable of understanding their children's need. Furthermore, abusive parents can expect their children to behave inconsistently with their stage of development, i.e., with their child's age. Or, some parents set unsuitable rigid standards regarding their children's behavior. When the child fails to fulfil those expectations, the parents inflict harsh disciplinary measures.

A one-year-old child, who was being treated because of bruises on the back, legs and face and wounded lips, had been battered "so that it would not become evil". (Their family interpretation of the religion they preached was not in accordance with the practical behavior of other members of their church). Another boy was punished because he had not finished his homework. He had 410 linear bruises on his back and arms and scars on his face and behind his ears.<sup>16</sup>

Scherrer brings forth the features of parents who sexually abuse their children<sup>17</sup>, by describing a photo-robot picture of an incestuous father: it is a woodcutter, coal-dealer or miner, socially isolat-

14 Paymar, M. (1994) "The Duluth Project: Responsibility for the Safety of Women" in *Test the West – Gender Democracy and Violence*, Vienna, p. 99.

15 Kuburić, Z. (1994) *Porodica i psihičko zdravlje dece. Odnos između prihvaćenosti dece u porodici i psihičkih smetnji u adolescenciji*; The Theological Institute for education, information and statistics, Belgrade, p.19.

16 McNeese, M.C. and Hebel, J.R. "The Abused Child" Clinical symposia (CIBA).

17 After: Lebovici, S., Diatkine, R., Soule, M. (1985) "L'inceste" in *Traite de psychiatrie de l'enfant et de l'adolescent*, Presses universitaires de France, Paris, pp. 391-396.

ed, head of a numerous family, who sexually initiates his daughter or daughters, while the mother plays the part of a submissive and servile wife. His alcoholism is often a notable feature. Scherrer divides incestuous fathers into two groups: in the first, incest is a consequence of sociopath – fathers replace their wives with a new companion with whom they engage in a love affair, more or less tenderly, more or less permanently, depending on the daughter's – lover's development. In the second group are fathers whose sexuality was frustrated by the mother and then revived by a promiscuous daughter, who is within his reach.

At this point, some objections arise: the character of a tacit accomplice usually comprises behavior with a certain degree of impossibility to maintain complex and adequate loving relations with husband and daughter. This alleged emotional neglect of the family results in the father and daughter finding mutual refuge in each other. "Actually, neglect comes from the other side: when the woman stops being sexually active, when the prime of her youth is gone, the housewife-spouse is no longer attractive to her husband, who starts being bothered by 'the kitchen witch'; that forms the concept of an ostensibly frigid and repulsive wife" (Green, 1970). This is a typical example of placing the blame on the mother: while the child-victim is seducing, the mother is emotionally cold and distanced.<sup>18</sup>

Scherrer depicts a separate category of incestuous fathers, whom he describes as neurotic: frustrated, passive, identify themselves with mothers, because their wives are authoritarian. They enter a relationship with their daughter, on whom they transfer part of their guilt feeling. They gear for being uncovered (accused) and they endure that suffering in a masochistic way, (once more) rejected by their families, in an attempt to re-experience motherly rejection, the victims of which they have already been themselves. However, according to critics of feminist theoretical orientation, "the very growing process of men, in a culturally-positive sense, means leaving behind the world of women and children; and that has always determined the way a man perceives a woman. On the other hand, women always, in a way, appear in a

childish allure because (after all), they never leave behind the world of children in the way men do. But still, a woman can also have a threatening, dominating, puzzling look, because the most powerful figure in his childhood was, of course, a woman."<sup>19</sup>

Abusive parents often enter marriage in order to escape from their domestic environment. Or else, because of the fact that they were unloved as children, they lack self-respect and they are particularly susceptible in stressful periods. Such parents are spiritually alienated from each other, they are isolated from their relatives and friends, and therefore unable to turn to others for emotional support when they need it. Actually, quite often they do not have friends at all, and they do not get involved into social activities. Many families are unlisted in telephone directories, and their lifestyles are chaotic. Abusive parents, partners in inappropriate marriages, seek emotional support from their children, instead of being the ones to lend that support to their children.

Similar interpretations of abusive parents can be found in other sources as well. For example, Green<sup>20</sup> depicts many patterns of behavior and psychopathologies attributed to parents and other adult persons who are abusive to children. They are described in the following way: impulsive, immature, rigid and with a tendency to dominate, dependent and narcissistic, chronically aggressive, isolated from their family and friends, having experienced marital problems.<sup>21</sup> One might also come across the argument that "abusive mothers are manly, while their husbands are – passive."

Although fathers and mothers who abuse their children have some specific traits in common, sexual differences, family roles and social roles create some typical contrasts in the patterns of child abuse by mothers on one end, and fathers on the other.<sup>22</sup> The most important factor for parental divergent behavior in the child rearing process are mothers' greater responsibility for the taking care of the child

18 Mršević, Z. (1997) *Incest između mita i stvarnosti*, p.84 and further: "Mothers are sometimes blamed of turning a blind eye to their husband's incestuous behavior, because they, allegedly, wish to keep him at any cost. Whereas in cases of rape, responsibility is usually put on the victim only, juvenile age obviously calls for another accomplice, that one being found in the mother."

19 Ehrenreich, B. (1994) "The Violence Debate Since Adam and Eve" in *Test the West – Gender Democracy and Violence*, p. 32.

20 Green, A. H. (1978) "Child Abuse" *Handbook of treatment of mental disorders in childhood and adolescence*, Prentice-Hall, Inc. Englewood Cliffs, New Jersey, pp. 430-441.

21 Elmer 1963., Cohen, Raphling and Green 1966., Merril 1962., Pollock and Steele 1968., and 1972., Kempe et al. 1962., Galdston, 1965.; after Green, A.H. (1978) "Child Abuse".

22 Green, A.H. (1976) "Child abusing fathers", Unpublished manuscript, after: Green, A.H. (1978) "Child Abuse".

and household duties and fathers' peripheral participation in family problems. An abusive husband treats his wife as the main source of his dependent gratification and expects her to compensate for the parental deprivation he experienced himself. Unable to tolerate the nurturing interaction between his wife and children, he subconsciously treats them as a rejecting mother and rival children. Typically, an abusive father will molest both his wife and children. He is incapable of communication and verbalization of his feelings of deprivation and longing for understanding from his wife. The articulation of these feelings is even more discouraged by the society's intolerance for male "weakness and passivity." The wish to attract attention is easier to satisfy in the socially acceptable ritual of getting drunk. Excessive consumption of alcohol makes possible the fulfillment of regressive oral fantasies, and at the same time, it relieves him of all responsibility for the act of abuse. Therefore, heavy drinking, rejection of dependence and violent behavior toward their wives are typical features of abusive fathers.

The women who are abused by their husbands are not the only victims of this type of crime. The children who witness domestic violence in their homes are secondary victims, by-products of violence against women. Research conducted abroad has shown that the influence of violence on these children can be extensive; they can manifest disorders and development problems in the form of behavior, emotional and cognitive maladaptation. Nevertheless, only extensive research will lead to defining all the long-term effects of domestic violence against children.<sup>23</sup>

When a mother gets out of a violent situation, she protects her child from "living with violence". But still, the very act of departing can be an additional source of difficulties: the child might have to leave his school or neighborhood; he /she can feel confused and angry because of the change of relations between his parents; the family can face financial problems and social stigma... In such a situation, the children will need special support.<sup>24</sup>

The mentioned features of abusive fathers are often non-existent with abusive mothers.<sup>25</sup>

23 P.G. Jaffe, D.A. Wolfe and S. K. Wilson, (1990), *Children of Battered Women*, Beverly Hills, California, Sage Publications, pp. 32-54; Cited after: *Strategies for confronting domestic violence: a resource manual* (1993) United Nations, New York, pp. 64-65.

24 *Strategies for confronting domestic violence: a resource manual* (1993) United Nations, New York, pp. 64-65.

25 Green, A.H. (1978) "Child Abuse" Handbook of treatment of mental disorders in childhood and adolescence, Prentice-Hall, Inc. Englewood Cliffs, New Jersey, pp. 430-441.

Dissatisfied with the relationship with their husband / partner, these mothers primarily turn to their children, looking for fulfillment. Although it is easier for them to express their craving, their needs still remain unfulfilled. The fact they are more intensely involved in their children's world and their identification with the children make them less dependent on alcohol. Being unable to express their frustration and anger directly, by confronting their husbands, they transfer those feelings and express them indirectly, by abusing their children and neglecting household duties.

Other differences between abusive fathers and mothers can be observed in reactions to the spouses' participation in child-raising activities: fathers react with jealousy and objections to their wives' closeness with the children, whereas mothers support any rare instance of their husbands' involvement with the children. Abusive mothers bear a grudge against the children's closeness to the father only in cases when marital relations are broken and the husband no longer lives in their home.

A difference can also be noted in the perception of the quality of roles alteration: an abusive mother will rejoice at her child's premature independence, because for her it is a source of the emotional and physical support she is not getting from her husband or family. The abusive father also looks forward to his children's early maturity, but for different reasons: so that they would relinquish the rights they enjoy as children with their mothers. These fathers often expect their sons to be aggressive (because it serves them as a proof of their own manhood). However, abusive mothers do not tolerate their sons' aggressive behavior, because it reminds them of their resented husband/partner.<sup>26</sup>

Therefore, various schemes of parental identification with the child, sexually defined, also, influence the quality of abuse. The easiness of identification with a child of the same sex, turns him / her into a "scape-goat" for the projection of the parent's own faults.

Those mothers who do not abuse their children (but the children get abused by their husbands / partners) express slight variations regarding their psycho - dynamic scheme. The interaction between mother and child begins in a similar way, by the mother attributing to the children qualities of her parents who rejected her. However, she partly retains her negative conception of childhood, and

26 Green, A.H. (1978), *ibid*.



partly transfers it to the child, while the interiorized "parent-aggressor" is projected upon her abusive husband. Such a mother rather adheres to her identification with the "child – victim" than to the "parent – aggressor". Those women subject their husbands to physical cruelty, because they experience them as a masochistic repetition of their own victimization in childhood. Feminist analysis would call this "a syndrome of acquired helplessness" which can turn into "a state of frozen fear". The explanation is contained in the fact that the victim role is learned, and that such a situation means, in fact, being used to violence from an early age, according to the principle "once a victim – always a victim". The painful attachment to the husband also serves as a defense from his animosity to the child, which is confirmed by the tenacity with which those women endure brutal and humiliating treatment. However, the mothers who are not violent with their children, tend to become such after their husband – partner leaves them.

Specific basic psycho-dynamics which increases parental malfunction and occurs in cases of child abuse, as was described by Steele in 1970;<sup>27</sup> he also pointed to the importance of the closely linked identification of a parent with a gruff, rejecting mother and "bad" self-image in childhood. Abusive parents subject their children to a traumatic experience, similar to what they underwent in their own childhood. That is the essence of the eternal truth that "the father's sin falls on the children, even three or four generations later". (The children who are genuinely loved grow up into loving and loved people, and they will also have these qualities as parents.) Abused children grow up into unloved people, and they will probably become abusive parents.<sup>28</sup> It is precisely in this respect that we find the largest field of congruence in child abuse, regarding abusive parents of both sexes. They have, usually, experienced abuse, deprivation, rejection and inadequate mother's care in their childhood. As children, they were exposed to unrealistic expectations and premature requirements set by their parents. Steele noticed the use of such defense mechanisms as rejection (deprivation), projection, identification with the aggressor and taking the opposite role.

Furthermore, according to Rohner's theory, it can be expected that parents who experienced rejection in their childhood will reject their own children much more often than those who felt accept-

ed. In that way the circle of rejection tends to be perpetuated in the constellation of described dispositions. Empirical research shows that such parents were abused, neglected and deprived of love and warmth in their early years (Rohner and Rohner, 1980).<sup>29</sup>

A study involving sixty abused children and their families, conducted by "The Downstate Medical Center" (by researchers Green, Gaines and Sandgrund, 1974), revealed the following personal features of abusive parents, with no reference to their sex:

1. The parents rely to the child in order to gratify their needs for dependence which were not satisfied in marital relations or in their family relations. This means reversing roles.

2. They manifest a damaged control of impulses, based exclusively on experience they acquired in their childhood, with drastic punishment and identification with models of violent adults.

3. They are handicapped by a weak self-concept. They feel worthless and unvalued, which is manifested through rejection and criticism, which they also, as children, suffered from adults.

4. They manifest disorders in identity formation. Identifications are shifted, they are unstable and dominated by inimical intro-projections, extracted by interiorization of "the bad and the weak" from oneself and representations of subjects from early childhood.

5. When their self-respect is threatened, they react by compensation adaptation. Because of their need to maintain a positive façade in relation to other people, they have to defend themselves additionally against their awareness of the strong feeling of self-worthlessness.

6. The projection of negative parental attributes upon the child creates their misconception of the child, who is seen as victim, who is blamed for everything and endures the burden of parental aggression.

A broad range of personal features and forms of behavior that has been noted with abusive parents indicates that there is no such thing as a specific, "abusive" personality. On the contrary, individuals of a certain psychological structure, torn between the burden of their painful childhood memories and direct exposure to a stressful situation, may abuse their children, probably because they are the ones who most vividly bring back the unhappy images from their own past.

27 After: Green, A.H. (1978), *ibid*.

28 Klajn, M. (1994) *Uspešan roditelj*, pp. 43-44.

29 Kuburić, Z. (1994) *Porodica i psihičko zdravlje dece*, pp. 43-44.



Let us examine the data obtained by Stojakovic, who conducted a research about abusive parents, by sending out a questionnaire to all centers for social work on the territory of Serbia, in 1977.<sup>30</sup> One of the assumptions, based on foreign research results, was that children are more often abused by persons who do manual work, rather than those of intellectual professions. This was confirmed by the results, because the total number of manual workers among the persons who abused their children was at least 41 (i.e. over 67%), in addition to seven unemployed persons. Insight into the level of education of abusive parents showed that parents with lower education prevail (four classes of elementary school or less, illiterate and uneducated people). The cited facts are complementary, but, while they, on the one hand, confirm the assumptions about occupations of abusive parents, on the other hand, they warn of the potential danger of unilateral orientation of social services – their activities are practically uniquely related to families of lower social status, which is related to their financial situation and level of education. Namely, respectable and powerful families are simply not “visible” to these services.

The analysis which was conducted in Croatia by Hirjan and Singer<sup>31</sup>, involving 200 persons sentenced for abusing and neglecting their children, established the fact that 58% of the respondents had been sentenced at least once for criminal offences and breaches. Among them, 15% had been sentenced for three or more times. Doubtlessly, the manifested behavior is closely connected with to the social relations of those individuals with their relatives, closest surroundings and colleagues at work. The social workers' observations about family relations and the child abusers reveal that 27 persons (or 44.3%) had poor relations or conflicts with neighbors, close relatives and colleagues at work, whereas only 6 persons (or 9.8%) had good relations. These facts show that practically one out of two persons who had abused their children lived in conditions of social isolation.

A more extensive research, conducted in 1987/88 in Zagreb<sup>32</sup> on a sample of 527 children

who had suffered from some form of abuse, arrived at similar results regarding the parent's features. The parents' level of education, i.e., their qualifications are very low. More than one half of the parents has no qualifications at all (68% of mothers and 54% of fathers) or have completed only elementary school (10% of mothers and 8% of fathers). If a certain number of parents for whom the social workers did not have any data is added (7% of mothers and 14% of fathers), it turns out that a very small percentage of parents have any qualification or have completed more than eight grades of primary school (15% of mothers and 24% of fathers).

The data about employment do not look more encouraging. Few of them have permanent jobs (28% of mothers and 34% of fathers). Most of them either do not work, or work only from time to time (62% of mothers and 49% of fathers). The proportion of pensioners (2% of mothers and 4% of fathers) and persons incapable to work (1% of mothers and 2% of fathers) is symbolic. Data is missing for 7% of mothers and 11% of fathers.

Regarding the presence of alcoholism, mental disease or disorders in mental or physical development, it is surprising that the social workers did not have any data for one quarter of the children. In the sub-sample of children (for whom the required data existed), there was marked presence of alcoholism in the family (78%), whereas mental disease (15%) and disorders in mental and physical development (21%) were more rare.

Vagrancy is such a form of behavior that reveals difficulties in socialization of the individual. Many authors relate it to “having a deranged attitude towards work, excessive inclination for alcohol and very slovenly attitude toward family members... actually, their way of life is in opposition to the concept of rearing, caring and supporting children”. In the respective sample, 21% of the children have a mother, and 3% a father who has turned to vagrancy. (This disproportion is probably due to the fact that children live with their mothers much more often than with their fathers, with whom centers for social work do not communicate)

Prostitution and promiscuity as a form of parental behavior can have extremely harmful consequences on the children. Such parents frequent places abundant with socially unacceptable forms of behavior, which are often manifested in front of the children. In the given sample, 13% of the children have a mother, and 4% a father whose behavior was determined as prostitution or promiscuity by the Center for Social Work.

30 Stojaković, V. (1984) *Zlostavljanje dece*; The questionnaire sought data that was supposed to be in the files of the children who were treated by the centers between 1974 and 1977. He obtained data about 71 children from 61 households.

31 Hirjan F. and Singer M. (1978) *Maloljetnici u krivičnom pravu*, Informator, Zagreb, pp 248-249.

32 “Zapuštanje i zlostavljanje dece od strane roditelja u evidenciji centara za socijalni rad” (1989), The City Council for Social Work of the City of Zagreb, Zagreb

Domestic violence are adverse factors in the upbringing of children, no matter whether the child is "merely" an observer, or a victim. Violence is a form of behavior that men are more inclined to. As many as 42% of the abused children have violent fathers (compared with 14% of violent mothers). When comparing data on socially unacceptable forms of behavior, it was noted that parents' alcoholic addiction is almost always combined with aggression.

With alcoholics, there is also a marked inclination to committing criminal offences. A higher incidence of breaches of laws and social norms clearly indicate the difficulties in socialization and represent a grim outlook for performing parental duties. In the Zagreb research, 8% of the children have a mother, and 14% a father, whose pattern of behavior includes criminal offences.

According to Stojaković, also, individuals who abuse children manifest certain behavioral deviations and other forms of anti-social behavior, like avoiding work and alcohol addiction. In addition to alcoholism, the percentage of individuals who have been sentenced for criminal offences is also very high. In a contrastive analysis of research results from Zagreb and for Serbia about the incidence of such forms of behavior, parallels can be made and the same tendencies can be observed. Nevertheless, it is to be noted that it would be wrong to think that child neglect and child abuse is only restricted to the alcoholics' population, as has been the practice so far, and that this phenomena are not present with "non-alcoholics". The fact is that many manifestations of alcohol addiction, as a way of life, are excessive and conspicuous, so that they become the subject of attention of many social institutions much more often than it is the case with the behavior of the "non-alcoholic" population.

Furthermore, all marginal groups attract attention by their anti-social (or socially unacceptable) behavior, and are exposed to sanctions; their primarily observed deviation is transparent, which makes it easier to recognize another disorder: child abuse. Therefore, all research conducted so far, in spite of being methodically correct, blur the image of reality instead of clarifying it, by enforcing the existing superstitions. Data obtained in this way escapes reality, does not cast a light on relevant things, in other words, it is not valid. However, those are also facts – they reveal "the so-called segregation politics" social sensitivity to marginal groups, the common belief that "it is easier to capture the disadvantaged individual in repeated offence"... Therefore, we do not obtain data on

child abuse, but on social stratification, and we inevitably tackle the issue of social power.<sup>33</sup> Here lies the explanation why child abuse in so-called "powerful families" is much less spoken about and made public. Not only are they "not visible" to the authorities, but even if they have been noticed, the use of power sets off a number of mechanisms that can conceal the incident. To support this is the fact that "neither the school, nor the Center for Social Work in a small place in Serbia, reacted to the report on child abuse, suffered by a boy whose abusive father was an influential legal officer."<sup>34</sup>

### Conditions and Causes of Child Abuse

Analyzing the characteristics, motivation and psychological interaction between abused children and their parents, within the context of their living environment, Green perceives child abuse as parental disfunction, where the parent does not understand the child because of his / her own frustrating experiences from childhood.<sup>35</sup> Through child abuse, the parent is trying to deal actively with the trauma he / she passively underwent in early childhood. Thus, the etiology of child abuse is based on three factors: 1. the parent's personality, which can contain "abusive tendencies", 2. the child's features which make him /her abuse-prone and 3. environmental stress which sharpens the conflict between the parents' limited capacities and increased pressures concerning the children's upbringing.

This view corresponds with that of Kemp and Helfer, who described the parent with abusive potential, the specific child and the accelerating crisis" as a combination of factors which lead to child abuse.

Causes of child abuse used to be sought in parents / guardians, in their psychopathic features, whereas nowadays the character of the social sur-

33 M. Veber uses this term for "any degree of probability to impose one's will in a social relationship, in spite of resistance, no matter where this probability derives from." As a rejoinder to this idea, P.Blau defines social power as "a capacity of the individual or a group to impose their will upon others by applying negative sanctions, i.e., by being able to punish them or deprive them of reward unless they do what they want them to do (the individuals who are in power)". For more details on social power, see Popović, M. (1974) *Problemi društvene strukture*, BIGZ, Belgrade.

34 See: The files of *Politika*, 2nd November 1996.

35 Green, A.H. (1978) "Child Abuse", Handbook of treatment of mental disorders in childhood and adolescence, Prentice-Hall, Inc. Englewood Cliffs, New Jersey, p. 441.

roundings which influence family disorganization are a focal issue. The roots of child abuse in general can be found in a culture and social climate which define the attitude towards children, by inhibiting optimal conditions for personality development.

A German report, containing a minute analysis of social and psychological environment of violence within the family, was presented before the Council of Europe in 1987.<sup>36</sup> According to this source, the possibility of interpretation of violence as a controlled epiphenomenon, which, on the whole, represents an instrument of patriarchal power. Violence within the family depends on power hierarchy, and is usually applied when all other sources of power fail. Moreover, violent, abusive behavior within the family is based on the function and structure of the patriarchal family. Therefore, it should not be treated as an individual pathological problem of the offender, but as a product of such a family, social and general pattern, which is receptive to aggression. (Or, as Klajn puts it simply, "child abuse is an evil deed, inflicted by the powerful upon the powerless").

Feminist analysis does not consider domestic violence to be a signal of chaos, uncivilised and pre-cultural behavior, but a regular and incorporate part of the general patriarchal social establishment and family order. It is a cultural product, socially constructed violence, which does not derive from human genes, but from the experience of the more powerful.<sup>37</sup> Such an approach to family violence "acquires the character of a political issue, because it is directly conditioned by the distribution of power among the largest social groups (men, women and children) in the specific context of the patriarchal family institution."<sup>38</sup>

Feminist social criticism emphasises the fact that the relations between the sexes are still, at the end of the twentieth century, characterized by violence – moreover, they are characterized by a structurally contextualized violence; by violence which takes many forms, but is always directed against those who are physically, psychologically, financially or economically weaker. Such violence is, according to Austrian Federal Chancellor Vranitzky, a means of imposing an individual's point of

view, to satisfy individual wishes and needs, to strengthen the power and position of an individual, violence that is, in the vast majority of cases, inflicted by man. "The use of violence in personal relationships is not only an exclusive issue for the police, courts, psychologists, family planning or women's politics; it is, actually, and above all, a challenge to society as a whole. What it necessary is – a social climate in which implicit tolerance and apathy regarding violence will no longer be acceptable."<sup>39</sup>

While public acts of physical violence are liable to penalties at peace time, violence within the family is still considered to be a "private matter". Developing new, democratic human relations is not an easy task, but it is crucial for the elimination and prevention of domestic violence. Because, resorting to violence "in order to preserve independence and re-establish male dominance, excludes all opportunities for a free and democratic coexistence of women, men and children" A society that tolerates violence is "a society of accomplices, which prevents the encounter of sovereign individuals". A society that wishes "to pass" the test of gender democracy "will no longer want to treat domestic violence as a private problem".<sup>40</sup> □

## Literature

- Bettelheim, B. (1983) *Ljubav nije dovoljna. Lečenje emocionalno poremećene dece*, Naprijed, Zagreb.
- Bedkowski, H., Buchele, A., Fischer, E., König, I. (1994) *Test the West – Gender Democracy and Violence*, Vienna.
- Council of Europe (1987) 25-27 Nov: "Colloquy on violence within the family: measures in the social field".
- Jacoby, R. (1981) *Društveni zaborav (Social Forgot)*, Nolit, Beograd.
- Ekermen, N. (1987) *Psihodinamika porodičnog života (Psychodynamic of Family Life)*, Pobjeda, Titograd.
- Ehrenreih, N. (1994) "The Violence Debate Since Adam and Eve" in *Test the West – Gender Democracy and Violence*, Vienna.
- Green, A. H. (1978) "Child Abuse" *Handbook of treatment of mental disorders in childhood and adolescence*, Prentice-Hall, Inc. Englewood Cliffs, New Jersey.
- Golubović, Z. (1981) *Porodica kao ljudska zajednica (Family as Human Community)*, Naprijed, Zagreb.
- Hirjan, F. and Singer M. (1978) *Maloljetnici u krivičnom pravu (Juveniles in Criminal Law)*, Informator, Zagreb.
- Kimmel, M.S. (1994) at the international symposium: *Test the West – Gender Democracy and Violence*, Vienna.
- Mršević, Z. (1997) *Incest između mita i stvarnosti*, Institute for Criminological and Sociological Research and The Yugoslav Center for Children's Rights, Belgrade.
- Vranitzky, F. (1994) (Austrian federal Chancellor), at the international symposium: *Test the West – gender democracy and Violence*, Vienna.
- Bedkowski, H., Buchele, A., Fischer, E., König, I. (1994): *Test the West – Gender Democracy and Violence*, Vienna.

Kuburić, Z. (1994) Porodica u i psihicko zdravlje dece. Odnos između prihvacenosti dece u porodici i psihickih smetnji u adolescenciji (Family and Mental Health of Children); Teoloski institut za obrazovanje, informacije i statistiku, Beograd.

Klajn, M. (1994) Uspešan roditelj (Successful Parent), Beograd.

Kimmel, M.S. (1994) at the international symposium: Test the West – Gender Democracy and Violence, Vienna.

Lebovici, S., Diatkine, R., Soule, M. (1985) "L'inceste" in Traite de psychiatrie de l'enfant et de l'adolescent, Presses universitaires de France, Paris.

Milić, V. (1978) Sociološki metod (Sociologic Method), Nolit, Beograd.

Milić, A. (1978) Klase i porodica (Classes and Family), Radnicka stampa, Beograd.

Mršević, Z. (1997) Incest između mita i stvarnosti (Incest Between Mith and Reality), Institut za kriminološka i sociološka istraživanja i Jugoslovenski centar za prava deteta, Beograd.

Mc Neese, M.C. and Hebel, J.R. (1977) "The Abused Child" Clinical symposia (CIBA) Vol. 29, No 5, New Jersey.

Paymar, M. (1994) "The Duluth Project: Responsibility for the safety of Women" in Test the West – Gender Democracy and Violence, Vienna.

Popović, M. (1974) Problemi društvene strukture (Problems of Social Structure), BIGZ, Beograd.

Stojaković, V. (1984) Zlostavljanje dece (Child Abuse), ISP Beograd.

Strategies for confronting domestic violence: a resource manual (1993) United Nations, New York.

Vranitzky, F. (1994) (Austrian Federal Chancellor) at international Symposium: Test the West – Gender Democracy and Violence, Vienna.

"Zapuštanje i zlostavljanje djece od strane roditelja u evidenciji centara za socijalni rad," (Neglect and Abuse of Children by Parents according to Centers for Social Work Data) (1989) Zagreb.

## Panel: "Self-organizing of women in Federal Republic of Yugoslavia and abroad"

(BELGRADE, 25TH MAY 1998)<sup>1</sup>

A panel discussion entitled "Self-organizing of women in FRY and in the world", which was organized by the Group for Women's Rights of the European Movement in Serbia, was held on May 25 1998. Introductory presentations were given by Marina Blagojević, professor at the Philosophy Department of Belgrade University and a renowned feminist; Sonja Drjević, who was one of the founders of the feminist movement in Serbia and is presently one of coordinators at the Center for Women's Studies in Belgrade; Marija Lukić, assistant-researcher at the Institute for Criminological and Sociological Research in Belgrade and member of the Group for Women's Rights; and Vesna Nikolić-Ristanović, coordinator of the Group for Women's rights and senior researcher at the Institute for Criminological and Sociological Research in Belgrade.

In her opening address, Vesna Nikolić-Ristanović stressed the importance of self-organizing of women and emphasized that unless women speak up for themselves and protect their own interests, nobody else would do so. She went on to introduce the other presenters and informed the audience that Sarah Maguire, a guest from England, was also present. Sarah is member of the women's group Justice for Women, who are known for their campaigns for justice for women who have killed their violent husbands, defending themselves from their violence. Sarah came to our country in order to obtain data on domestic violence here.

As the panel discussion was being recorded, here follows a full transcript of the entire event.

### Introductory presentations

Marina Blagojević: "I assumed that this was going to be a gathering of qualified people, so I shall try to interpret the female scene more from an analytical level, rather than give an informative survey. I would like to make another provision, that I will make it a point of stressing the problems that are present on the female scene here at this moment and let Sonja round up our

presentation with an optimistic appeal to everyone to join our movement. What I am about to tell you is based on research that has lasted more than a year and is now in its final stage which will result in a book. The title of this project is "The Women's movement in Belgrade between 1990 and 1997 – towards a visible women's history". This project has gathered together about twenty activists: most of them are leaders, founders of various groups, and also a number of women who have presented an analysis of different segments of the female scene which does not refer only to activist groups, but also to women's creativity, women in arts, science, publishing, etc. In addition to that, several workshops were organized within this project, where the experience of the movement was discussed. Besides, my own experience of participation in the movement since its very beginning in 1991, when the Women's party (ZEST) was formed, until recently, when I withdrew from the Center for Women's Studies and became an "independent feminist", has helped me a lot in my studies of the movement and understanding its advantages and shortcomings. A very curious thing, which might sound almost as an anecdote, is that I embarked on this project as a member of the group of the Women Studies Center and ended it up as an individual feminist. That was for me an intellectual and activist lesson from which I emerged the way I did.

The first and essential question is: what factors have influenced the strengthening of the movement? A specific feature of the women's movement 1990–1997 is that it developed as a medium of articulation of resistance to war, which was probably the main reason for its growth and diversification. Nevertheless, a very important precondition for its coming into being and spreading has been the support of international women's organizations. Namely, women's groups have had very strong ties with various women's organizations since the very beginning. At the moment when Serbia was cut off from the rest of the world, perhaps the only thing that worked smoothly and was a "normal" connection with the world were women's organizations. The third factor is its strong theoretical background, because feminism has been present in this area since the 1970's. These three factors, which represent both the causes and the background, have resulted in a

<sup>1</sup> The organization of the panel was financially supported by Friedrich Ebert Stiftung



binding combination of reasons, means and people. Everything was there, in one place, at the moment when the war broke out and our country fell apart in such a drastic way, as we can all remember, to create the minimum of indispensable conditions for the formation of women's groups.

Therefore, the women's movement was articulated in a public environment that was already filled with dissident energy, searching for alternative solutions, political maturity and forming a new system of knowledge. That political maturity is clearly reflected in two distinct political initiatives that emerged within the women's movement in the beginning of the war –the Women's Party (ZEST) and the Women's Parliament. Both political initiatives had clearly defined programs; moreover, they received massive support, especially the Women's Parliament, which, within a short period of time, managed to establish rather intensive relations with various parties that were being formed at the time and also with trade unions. The programs of those two women's political organizations are still absolutely up-to-date. For instance, I would like to point out two things that are related to the program of ZEST. The Women's party was formed in an attempt to trace and pave "a third way", which is what we are still striving for, a way which would not be communism, anti-communism or nationalism, either. That is exactly that third option that has been missing on the political scene all the time. ZEST was defined as a social-democratic party, with the idea that ethnic conflicts and tensions, which were very strong at that time, and escalated into a war later, could be lessened by pleading for a regional development of the entire former Yugoslavia: each region was to represent a geographic, cultural and economic entity, which would not be based on ethnic principles. That is a very important idea, actually promoted by ZEST. The second, equally important idea, is that development must serve the purpose of improving living conditions.

The prevailing features of the women's movement between 1990 and 1997 were, energy and enthusiasm, which are essential for any form of activism. We are talking of a hyperactive core of about twenty women who were joining and leaving groups, that is, forming new groups. In fact, a relatively small number of hyperactive women managed to attract much greater public attention than their actual number would suggest. But, that actually means quality, so feminists in this area represent "the loud minority of a silent majority". Those few women managed occasionally to stir the spirits and provoke strong negative reactions of the public. It sometimes seems to me that the importance of feminism in this area could be measured by the amount of resistance it provokes.

What are the main qualities of the women's movement here? Firstly, a distinctive feature of the women's movement in this area is that it basically relies on human resources, regardless of the financial support and good relations that were established with different sponsors in the meantime. Unlike other regions in the

former Yugoslavia, spontaneity and self-organizing are even more emphasized here. The concept of "self" makes sense because, along with organizing assisted by foundations from abroad, there have been original and autochthonous roots of the movement springing up here.

The second quality is that the main motivation for getting involved in the movement and its strengthening was resistance to war on the one hand, and on the other hand, on the individual level, women's negative personal experience – violence, exile, impaired health or lesbianism. These two dominant motives have been enriched by another one lately, that being of cognitive nature; it is particularly developed and has its stronghold at the Center for Women's Studies and at the Philosophy Department of Belgrade University and also, I hope, at the Department for Political Sciences: they have adopted statutory changes and "Women Studies" will be introduced as a subject starting from next year. Besides, within our cultural climate there is the idea that the feminism represents an alternative cultural space, which gives it a special attraction, like a fashion. A specific feature of our political movement nowadays is a strong connection between the personal and the political so that there is no political venture in Serbia at present, be it institutional or non-institutional, where this integration of personal and political issues has reached such a high level. The idea of complete learning aptitude and changing oneself is omnipresent and a "work on oneself" is a kind of religion, which might be in direct proportion with impotence to bring about any real changes in surroundings. The concept of "self-improvement" sets feminism apart from any other political initiative in the broader or more specific sense. The feminist scene here is also characterized by a whole range of external and internal elements, a specifically organized women's space, with a similar image and way of dressing and similar behavior which denotes specific methods of civil disobedience. Through my work and analyses of the protests 1996/97, still bearing in mind the experience of the 1992 protest, I am inclined to defend the argument that women's groups have considerably contributed to the dissemination of certain types of resistance, teaching methods of resistance and creating civilian practices of resistance. If you analyze the specific mechanisms that were used to manifest this in various protests, you will see that knowledge about civil disobedience has accumulated and that the role of feminism has been very important in this field. The next feature of the women's movement is that it is a very flexible scene, where the number of groups and their profiles, as well as the number of women and men, are changeable and variable according to the moment.

There are two very important features of the women's movement, which indicate that it is a growing movement: its pluralism and diversification of groups. Namely, at this stage already, women's groups can be divided into an impressive number of subdivisions. The political groups are: ZEST and the Women's Parlia-

ment, which no longer exist. The Women's Party have frozen their activities, some even consider it to be dead, but those were political parties. Of course, the Women's Lobby and Women in Black could also be included here. The second group is made up of groups against violence: SOS hotline, women's shelters, the Incest Trauma Center, counseling for girls, etc. The next group consists of groups that deal with women on the margins, thus treating the problem of double discrimination: a group for disabled women, the lesbian group Labris and groups for refugees. There are also groups for legal matters. The educational groups are: the Center for Women Studies and the groups that was formed at the Philosophy Department. The artistic feminist scene, the expert representative of which is Dubravka Djuric, deals with the analysis of specific female art in this area. There is also feminist research, theater and publishing, literature, painting and a video group. There is the research feminist scene, in the field of sociology and criminology, which also includes women psychologists, and they are established within the existing institutions, which is very important. There have also been economic initiatives, income-generating projects, such as the group "Lastavica". This diversification is also reflected in the existence of journals that are mutually complementary – *Feminist Journal*, which is devoted to activism, *Women Studies*, a journal devoted to theory and research, *Pro Femina*, devoted to women in arts, *Temida*, dealing with gender issues in law, and a project is also under way for the establishing of a magazine intended for a broader audience, that would appear as part of the magazine *Vreme* in the beginning, and evolve at a later stage. In this area, feminism has also been connected with movements – with the student, civil and peace movements, i.e., it represented the core of the peace movement and it is an undeniable fact that women, as individuals, even when they did not declare themselves as feminists, were initiators of the peace movement. The feminist scene is related to movements that strive for the creation of civilian society.

What are the main problems that exist on the feminist scene? That is, primarily, "the tyranny of structurelessness" (Joreen). This is a great "disease", which is probably more emphasized here than in the West, because in this area it is connected to the communist heritage and a somewhat deformed system of self-management, which exhausted itself in conflicts on the micro level and destruction of any rational organizing. The tremendous problems in functioning on the organizational level have been augmented by an acute institutional crisis, coupled with general moral erosion. This is the context in which the feminist scene and women's groups were formed. The chaotic situation we live in permeates not only women's groups, but also each one of us, as individuals, which sharpens the problem of "the tyranny of non-structure". We have also inherited a peculiar sort of vulgar egalitarianism and dogmatic mind, an ideologically tainted way of thinking, intolerance and authoritarianism. Women's groups cannot

manage to break away from this pattern of vulgar egalitarianism, although academic and activist trends are in fierce opposition. Women's groups are still struggling with the pattern of ideological thinking – ourselves and "the others" – those "others" being men, in this case, but the pattern is identical. You will hear as many extreme opinions on men in some feminist groups, containing the same dose of intolerance, as nationalistic talk about a different ethnicity might abound in.

The next problem of the feminist scene is the big number of existing conflicts between some groups, due to both "the tyranny of non-structure" and to the notorious problem of leadership. Women's groups are organized according to a model that very much resembles a family, where there is "a big mama" and a lot of emotions so that the normal conflicts of interest are needlessly blown up and fraught with emotions, instead of being rationalized. Therefore, their conflicts are extremely dramatic, rather resembling quarrels in a family than looking for constructive solutions to specific problems. Conflicts are exhausting for women's groups and no basic reshuffling has ensued from them so far; their usual outcome is that new groups are formed.

Another important problem of the feminist scene is its ghettoization. There is a certain satisfaction in one's ghettoized position, and also in one's position of a victim moreover, that kind of ghetto can also be rewarding, because there is a need inside the feminist scene to create an external image, especially before their funders, of being an exclusive place which belongs to proponents of different world and ideas. Bluntly said, there is a dose of utilitarianism in this ghettoization. It is also very important to mention that things have become more complicated since women's groups began receiving financing and that the switch from volunteer to paid work was, actually, a very dramatic period for many groups.

A major problem within the feminist scene is also the relation between feminism and professionalism. Those women who see feminism as their own profession have a problem in accepting the authority of another profession. There is tension in this area, which is still not being resolved in a constructive way. Also, it is very interesting how private, personal relationships work on a certain level and how they interfere with the group or the group's peculiar features. Namely, this personal part, which embodies the quality of women's groups, generated their inefficiency, on the other hand: excluding new women and many conflicts. There is a whole range of problems in women's groups they are reluctant to discuss, so I shall not dwell on them either. They give rise to a number of moral problems – especially the problem of women – victims of violence and the dilemma whether it is this problem is always treated in an appropriate way.

Furthermore, feminism has had very bad relations with the public so far, which does not mean that this situation will not change in the future, but it is important to be aware of the fact that this issue has not been han-

dled in an appropriate way. Consequently, many negative effects have ensued. There are some fractions within the feminist movement that genuinely enjoy being excluded, being "spitted at": they see it as a means to achieve a heroic standing for themselves.

I would like to say that the effects produced by a movement very much depend on the context in which it is placed and also on the selected strategy. The context in which the feminist scene is placed is extremely complex. We live in a society that sociologists label as "a pre-social condition", "a destroyed society", "anomie", "chaos" or "anarchy". Therefore, we live in a society which, after all, might not be one at all, which suffers from a tremendous institutional crisis and NGO activities take place in a context that is completely different from the context of normally working societies and states. We cannot exert any pressure on institutions from the movement, or from NGO-s, because there are no institutions. That puts us into a completely different position when it comes to developing strategies, because we cannot develop a concept of NGO-s facing up powerful organizations, since the institutions have been destroyed; actually, we have to reverse this idea and work on the strengthening of institutions. Unfortunately, our feminist movement inherits a lot of dogmatic attitudes from the West, by importing western concepts about what should be done and how, instead of motivating the local women and giving them support in planning their own strategy. Part of that specific, local strategy, should be their attitude toward the institutions.

Let me conclude by saying that the feminist movement in this country has a lot in common with other feminist movements in the world, but that it also has many specific features. A detailed comparative analysis of the global feminist movements indicates that both the strategies and the context form the specific range of a feminist movement. What is indispensable in this phase in order to achieve further growth of the movement is a clearer defining of strategies, which would conform to the specific local conditions and which would take as a starting point the actual needs of women.

Sonja Drljević: "I have a different approach than Marina's: in my opinion, it is good that we can have different opinions – unlike the patriarchal society we are part of – to belong to different party or not to be members of any, and still, to have something in common, which is our activity in the feminist movement. I support Marina's ideas, even those I disagree with, but I also criticize them. Nevertheless, a great quality of the feminist movement is that it has a different set of values than the one which has been dominant for several thousand years. There was a feminist group in the former Yugoslavia that used to cooperate with other women's groups. That resulted in establishing the SOS hotline in 1990. We had panels in the Students' Cultural Center from 1970 until 1992, when they threw us out in order to rent out those premises, and we did not have the money to pay the rent. We wrote a letter to the workers' council of Center for Culture of Serbia, saying that we

were a feminist group and that we had no place to go, asking them to let us use their basement, where they had their canteen. They agreed, provided we cleaned up the premises every time before leaving, which was no problem for us. So it would not be really fair to say that we did not have anything and that we have everything now. It was not all that bad during the self-management period. In my opinion, that the sense of self-organizing, which in our country was more treated from above than springing from the base, still existed on the lowest level. I have a very good opinion about this gift for self-organizing. I would say that it has saved us in the chaotic situation we were all engulfed in. People organized as best as they could. Nobody had a salary, but life went on, that it a very interesting phenomenon.

We have a whole range of groups in Belgrade, but there is one thing we have to admit: we have the kind of movement we deserve. What do we want to achieve with this movement? Well, we want something different. We do not wish things to be the same as in all other spheres, we do not want a society based on the principle of power, we do not want to become a group in power with all other groups subjected to us. The ultimate aim is that everyone, especially women, should have the freedom to choose their own way of life. And with this goal we seek a different life. We want to establish a different model in our mutual relationships, and also within the family; we hope to establish tolerance, dialogue and solidarity between men and women, above all, the right to a different opinion. That is the model we wish to have and it must be free of violence. Violence is something we are all confronted with. That bound us together to get organized. We all want to have equal education opportunities and health protection, to have the right to decide what to do with our children and to have feminist childcare.

The question is, how are we to achieve all that, how can we change things? Most people, men and women alike, think that nothing can be changed. I think that we can do it if we get organized, but I do not think that efficiency is so important. I think that the conflict between getting organized and being efficient could be resolved through some sort of dynamic balance. It is better to be less efficient and more humane. Our aim is to create a movement, because we, generally, do not have any power; with a few exceptions, those women are in the worst position in their groups. We have to acquire some power, and in order to do this, we have to have a movement. What kind of movement? We do not want a movement that would resemble some of those that have failed – like Christianity, that have turned into hierarchy – like communism and many heretic movements. How are we to avoid that? We can achieve it through decentralization and avoiding leadership in groups. Let the women create their own local groups that will cater their needs. Those of us who have been in the movement for over twenty years and also have a lot of theoretical knowledge, should visit smaller towns and explain to the women there how we work, which groups



we have, that we wish to get more women organized and to ask them if they want our help and what kind of help they need. We could cooperate by touring different towns like a travelling theater. Women are willing to accept that. There is no central group, especially not in Belgrade. All the groups are equally important. The case of Niš is interesting. There are newly formed groups – a group of Romany women, the SOS hotline for victims of violence. Women from Leskovac also go there. All this, of course, is not free of the problems Marina has mentioned. Let us take the example of Podgorica, for example. Podgorica has a lot of potential to become a center – they have a University, an SOS hotline, a group of women who wish to start Women's Studies, and they will probably organize a center for girls. We shall see what they will accomplish. Another example is Vršac. They have a group called Luna, which is mostly made up of women artists: ranging from poets, sculptors, painters, to those who make video films. Therefore, there are various possibilities of many things women can do. It is our wish to create various groups and have a completely decentralized and non-hierarchical version of feminist movement. What goes on inside the group, the things Marina mentioned, are the dynamics of a group, problems that can be overcome, it is a never-ending process. When a group splits up in two completely new groups, it is a brand new process. Our actual aim is to have the movement put pressure on society – on political parties and home councils alike, to demand clean buildings, to upgrade childcare and healthcare and all other aspects of life. Pressure can be exerted only when you have power, and our power is made up of small drops, which together will represent a huge mass of water in the future. We can also organize on different levels, we can organize like women's union, except that it would have to be called otherwise, because the word union has acquired a foul meaning. We spent three years trying to persuade various independent unions that they should pay attention to women's problems, the way they are exploited in some companies and private businesses; we pleaded that in all these places there must be small groups of at least three women with specific problems, but it was all in vain and we finally gave up. It was clear that we had to do everything ourselves. There is also the issue of small groups of women manufacturers. These are mainly groups of refugees who get together to work. Also, the project "Women at Work" is quite a good one. It is supposed to bind women together in their entrepreneur activities. There are similar projects in Užice and Čačak. Generally, the idea of women getting together, starting small businesses, helping one another mutually and generating some income is very much present. Eventually, we may arrive at the idea that the Women's Party ought to resume its activities in four or eight years, and change its name into EKOZEST – Women's Ecological Party – which should also admit men. It would be a party that could participate in elections, regardless of the fact that it might never achieve

much – or possibly would – but that would set clear objectives: we want quotas. If we constitute 51% of the population, we demand 51% representation in parliament. If parties want our support, they will have to incorporate this in their programs. And finally, I will inform you about the cities where women's groups exist: Vršac, Podgorica, Užice, Čačak, Prijepolje, Nikšić, Budva, Niš, Novi Sad, Kragujevac, Kraljevo, Kruševac, Kikinda, Sombor, Subotica, Zrenjanin. There will be something organized in Novi Pazar, and groups have existed for some time already in Pancevo. What are the weak points? Firstly, there is an incredible fear of the community and a typical womanly reaction – how are we going to do it alone, can we do it by ourselves? Secondly, when groups get organized, it takes them a long time to set the rules. A clear set of rules must be laid down in a group and there have to be some proportions, without hierarchy, there must be at least three women working part time and a clear division of tasks; at the end of a two-year period, things ought to be changed again, so that all the women get a chance to participate, everyone should get her share. It all depends on the rules, organization and whether the women have found a field of activity or not."

Marija Lukić: "I will talk about the Harriet Tubman Center, where I spent three months working. It is a shelter for women and children victims of violence. I would like to give you an account of how things are done in America. The H.T.C. is in Minneapolis in the state of Minnesota, which is one of the most progressive states in the U.S.A. The standard of living is high and the people are rich, but they are also oriented toward welfare programs, people who are used to having institutions, formal and informal groups involved in various programs. As a community, they are open to innovations and accepting differences; in the legal context, Minnesota is usually among the first states to adopt laws that will improve, for example, the position of women, children, people of different sexual orientation, etc. Moreover, a law has been adopted according to which transsexuals must not be discriminated against at work, even if they are wearing clothes of the opposite sex. When you go there, the first thing you notice is a completely different atmosphere and environment – you suffer a cultural shock, but this is not all. I was quite disappointed when I was told that I would spend three months in a shelter for women and children victims of violence. I thought that this was something we had in our country and that I need not have gone half way across the world in order to be in some shelter. However, H.T.C. ceased being just a shelter, although it was founded as one in 1977. That is a center with more than ten developed long term projects and what fascinated me most was the variety of approaches to the same problem – domestic violence. I would like to link my opinion to what Marina said, and argue that we do not deal with problems of violence in the right way. I do not know if the experience and the methods of H.T.C. are the right way, but they tackle this problem from practi-

cally all possible aspects; if the entire H.T.C. activities were to be condensed in a sentence, it would read that it is an integration and spreading toward institutions and other groups and expanding activities in the direction of helping the victims of domestic violence.

Harriet Tubman is a historical figure, a black woman who lived at the beginning of the nineteenth century. She was born as a slave in the South of the U.S.A. When she was 29, she decided to run away and gain her freedom. She took along several dozen fellow slaves. They managed to reach the North of the U.S.A. and then crossed the Canadian border. Afterwards, the same woman went back to the South 19 times, risking her own life, and helped set free 300 slaves more. During the Civil War she was a spy, a reconnaissance officer and a nurse. Her motto was "Keep going".

H.T.C. justify the name they bear: every year, they form a new project. As to the sources of financing, they have a model, which our feminist groups have not achieved yet – that Center is partly financed from the budgets of the city of Minneapolis, the state of Minnesota and also from the Federal budget. In addition to that, they receive large donations from individuals and there is also an organization specialized in financing outstanding projects on domestic violence, which operates on the state level. They receive between 1,5 million and 2 million dollars per year. They employ forty people and as many, or maybe more, volunteers who help them out with their activities. From my initial disappointment at the prospect of spending three months in an ordinary shelter, I reached the point of understanding that three months would be very little time to study all the programs and projects they are working on. In my opinion, some of the things they are doing could be implemented here within a short period, whereas some will have to be postponed until we have completed things they did twenty years ago, in order to catch up with them, or even come ahead of them. The basic ideas and the most peculiar features compared to our experience and our groups' activities, especially those dealing with violence against women, refer to a strong breakthrough they have made into the institutions. I do not have in mind only communication and cooperation with the institutions, but also the physical presence of the centers, i. e. of the women working at H.T.C. in courts, hospitals, at police stations, at schools. They have their own office where they abide daily, or once or twice a week, dealing with problems of domestic violence. Another very interesting aspect is connecting their work with other organizations, and I do not have in mind only women's organizations, because H.T.C. do not consider themselves to be only a feminist organization, but an organization dealing with problems related to domestic violence. Furthermore, the problem of violence is treated as a general social problem and a family problem as well. H.T.C. established links not only with organizations which deal with similar activities, but also with courts, hospitals, churches, private businesses commercial enterprises which can alleviate the vic-

tims' lives in all possible ways: the victim is in the center of attention, and so are the needs of women and children, victims of domestic violence. All these programs have evolved from a constant attention devoted to the victims and their families.

I shall start from the shelter, which was founded in 1977. Women can stay there between one day and two months. It works on the principle of providing simultaneous accommodation and physical protection; also, the people who work there help the woman to retrieve her personal belongings, in case she left them behind in the perpetrator's home. The Americans have a very practical way of thinking, especially when it comes to matters concerning emergencies and immediate help. The Baptist Church is involved in the H.T.C. activities in the following way: their volunteers go to the center that accommodated the homeless and inform those people, who represent potential victims, what legal options they have and what society can provide for them, what centers they can apply at for any help they might need.

In addition to this, there is a transition program, during which the woman gets used to living on her own and free of violence; it can be extended over a two-year period. H.T.C. occupies an exquisite two-story building, which was erected in 1995, with two entrances, under 24-hour police surveillance. Cameras have also been installed, so that all the visitors are being recorded. One of its important features is that the transition program has 11 suites with 50 beds, so that 50 persons can stay there over a two-year period at the most. A whole range of organizations support this transition program, which is intended to enable the woman stand on her feet within the shortest possible period. For example, a supermarket chain takes on women to work for them a couple of hours a day and lets them buy their goods at very favorable prices.

The third program is directed at finding permanent accommodation, i. e. a place to live – helping the woman to rent out an apartment. This program concentrates on informing the woman about all existing programs that provide financial support, from children's allowance to paying rent expenses, extended by banks and other organizations, which cover their debit account, i. e. the amounts that exceed their financial means.

H.T.C. are particularly proud of one of their recently introduced programs – the program intended to help women continue their education and find employment. It provides a whole range of services: testing women on their professional aptitude and education level, exploring their needs, professional inclinations and opportunities that are open to them at a certain point of time in a particular area. People from other institutions come in, bringing in lists of vacancies in the labor market, indicating the best paid jobs, the most popular professions, how a woman who lives in the shelter or is in the transition program can best obtain additional qualifications; they teach them how to write a CV, talk with a potential employer, talk about themselves. There is a center for children



where they are taught non-violent behavior and conflict resolution, they train them from an early age safety planning, i.e., how to escape from a situation of domestic violence, seek help, call the police and what to say. They are taught everything – from the simplest everyday situations to non-violent conflict resolution, etc.

The sixth project treats the poor as potential victims. The underprivileged, who are usually undereducated, are informed and educated in the field of violence dynamics, its causes and consequences and ways of overcoming it. This program has also done a great job, which fascinated me, in educating the police. Training programs on domestic violence were organized for police officers, where they were instructed how to react, tackle the problem and talk with the victim. In America, the police must react to every instance of domestic violence and the perpetrator must be put under arrest in case of an assault or attempted assault (in case of inflicted injury, the perpetrator will spend three days in remand). There is also training for priests, because Americans are attached to their churches. The church plays an important role both in their private lives and on the social level.

A subject that I would like to dwell on longer and where I spent most of my time is the program of legal assistance to women. Women, who are usually, but not necessarily, lawyers, provide legal assistance for the woman in case of a lawsuit, helping her to understand it as best as she can. She is allowed to sit with her throughout the trial, although she cannot counsel her during the proceedings. The legal program also includes the education of judges, lawyers and prosecutors about the dangers and adverse affects of domestic violence. The first breakthrough in this sphere had been made in hospitals. Nowadays, H.T.C. have their department, their office, in the general State Hospital with volunteers being on duty round the clock. If a case of domestic violence occurs, volunteers will talk to the woman, supply all the necessary information and try to give her legal counsel. Therefore, a minimum of legal knowledge is indispensable for anyone who wants to volunteer at H.T.C.

The latest project is prevention at school. A team of young people are touring high schools, educating students about domestic violence, showing them films and also talking about violence in teenage couples – how to recognize it, how to cultivate non-violent relationships, what violence leads to, how to get help and support if violence occurs. Besides educating students, they also organize training sessions for teachers, instructing them how to make their students sensitive to the issue of domestic violence. Once a week, they have individual counseling at schools, where students are given advice how to get out of critical situations and how to recognize a situation that requires legal assistance.

And finally, a program that should also be applied in our feminist groups is informing the public and general education of the population. Files are kept for each project, which enable them to keep track of their activities, of both their achievements and shortcomings, and eval-

uate them once a year. This enables them to see the mistakes, the advances, to define the problems, make further decisions and introduce changes. The University of Minnesota is helping with the implementation of this latest project (informing the public and general education of the population) through its Consulting Project. They monitor how much the population is informed on H.T.C., how present the Center is in the minds of ordinary people, church ministers, police, employees at certain enterprises and institutions which offer financial assistance; also, how much they know about domestic violence and, finally, helping to improve the project.

There is no doubt that the social background helped H.T.C. develop into the organization it is today. Men are involved in all their projects. The latest project concentrates on educating men to overcome fury: it will be run by psychologists, who will educate and counsel violent men. H.T.C. continues to address the general pattern, although it is really concerned with individual cases. Women still represent a vast majority among victims of violence, both in this center and in the state of Minnesota – over 98% of victims of domestic violence are women."

Vesna Nikolić-Ristanović: "The things that Marija mentioned as major advances H.T.C. has made, represent the roots of our failure; what Marina was saying about the breakthroughs that were made in cooperating with the institutions is exactly where our shortcomings are. Regarding cooperation, we are constantly moving within the same circle of ghettoization, unable to break away from it. We lack genuine evaluation, and documentation, i.e. research is also a problem. As to the question that Marina and Marija put forward, whether our approach to victims of violence is always a good and appropriate one, I would like to say the following: the Group for Women's Rights, along with the Victimology Society of Serbia, has been leading a campaign for the acquittal or mitigating the sentence of Radmila Asl, a Romany woman who killed her violent husband in self-defense and was sentenced to a four-year prison term. Our problem, actually, lies in the fact that we do not have a complex program, a project on working with women who are victims of violence. This is because there is neither enough cooperation among women's groups nor do they direct their activities toward the others as much as they should and we have the problem of breaking into the institutions and educating their staff. In this case this backfired upon us, because we were unable to establish proper communication both with the judge and the prosecutor. In reference to what Marina said about women who belong to marginal groups, which also relates to this case, I went over some of my notes on the Hungarian Women's Movement, which is younger than ours and does not call itself a feminist movement. I found that they have something that does not exist here – an association of Romany mothers. This association takes care of the education and legal interests of Romany women. It is obvious, and this case clearly illustrates it, that Romany women are a margin-

al group, not only as women, but also as Romany women. I would like to draw a parallel between our women's movement and the Hungarian women's movement. Marina said that our feminist movement diversified and gained momentum as a reaction to war. In Hungary, the movement was founded in reaction to the deteriorating position of women in the period of transition. In 1992, the group MONA was established with the aim to promote the participation of women in the political life and in civilian initiatives in general, so that the very next year they organized a round table discussion with the topic "Why is there no women's movement in Hungary?". This was when they discovered that there were already about twenty groups. The Hungarian women's movement is an imported movement and the only organization which bears the name feminist is the Feminist Network, which was founded by their SOS hotline for women and children victims of violence. Through their campaigns, they have adopted quite a lot of western methodology, which is not bad in itself, but they do not have many original features. The SOS hotline was started with the support and education they received from women from our country. However, after that period of imported feminism, owing to sociologist Marija Adamek, something more original has occurred. In an attempt to balance out her academic and activist work, she founded the organization Ombudswoman, which will be working on three projects. An interesting fact is that this organization was founded as a reaction to the institution of Ombudsman, which is a state institution. Unnerved because the traditional name for this institution was adopted (containing the word man), in spite of the fact that it is headed by a woman, and convinced that the Ombudsman would not protect women's rights in an appropriate way, Marija Adamek created women's group called Ombudswoman.

The first project of the Ombudswoman is about providing information and advice for women who found themselves in confusion during the period of transition: many lost their jobs, or their right to social welfare, etc. This project also involves a hotline for women, where they can call and seek various pieces of information or advice. In case a woman needs information or contact with other groups or institutions, she will be directed to the SOS hotline, or to ESTER – the center for aid to raped women, to the legal center or to some other women's group or institution. They find doctors who will be friendly with women; actually, they create a circle of experts who will provide women with the right kind of help. This is important because this is the way to work on preventing violence against women, by resolving conflicts before they escalate into tragedies.

The second project is Women's home, where women can come and talk with experts. The third project is a research center – Women Studies – which has not come into being yet. An important segment of the Ombudswoman project is maintaining good relations with the media. During the first four years, they ran a TV program called "Ombudswoman", where they had dis-

cussions on various topics and they were constantly in the public eye, but they have lost it recently. However, they are still trying to find other possibilities for public discussions about women's problems."

## Discussion

Marina Blagojević: "Marija has made a good point by emphasizing the relationship between efficiency and humanitarianism, as well as the fact that this relationship is not always so contradictory as Sonja implied. In my opinion, inefficiency is often inhuman, and I firmly believe that resources, especially women's resources, are so scarce here, that they are not to be wasted through bad organization of women's groups. This is also a conclusion I arrived at through my own experience and research. I think that we do not have so many women who work with women's issues and cope with their problems to have them exhaust themselves in such an irrational way as they do in women's groups. As I see it, our feminist movement is not ready for a genuine evaluation of their work, for serious consideration of these matters. Another feature is also present, and that is hiding behind arguments such as: it is a young movement, women's groups have not been around for a long time, they do not have enough experience yet, we are still learning, there is time ahead of us; some very tangible power structures and interest. I would also like to say another thing. This is going to sound very abstract, but I think it can materialize. I dare argue, and my argument is based on empirical data, that our population is sharply stratified. I should say that we have a pre-modern, modern and post-modern segment of population and that different strategies have to be applied on these different segments; this also refers to different segments of female population, and different feminist strategies that ought to be applied on them. I am no longer prepared to take part in a program where we refer to "us" in the way Sonja was using it a moment ago. But, I do not wish to interfere with the need felt by a great number of women, a great segment of the population, to use and articulate this idea of "us" in that sense. But it definitely is not my program any more: I think that I have come closer to something that could be defined as "post-feminism", an individual feminist strategy and understanding of the world from a particular perspective. In any case, it is something that cannot take "us" as a denominator, whether "us" might refer to feminism, women, Serbs, Serbian women... Therefore, I do not wish to deny the existence of such needs, but to say that feminist strategies have to be explicitly verified. Everything else is anachronistic and disastrous, leading toward a totalitarian way of thinking, which is completely overcome. Along with a reluctance to analyze and discuss problems, there is the problem of amateurism, non-professionalism, anti-professionalism and anti-academism, which is a very serious obstacle in our feminist movement. There is much more intellectual potential among our women, than the movement is

exploiting. In my opinion, our local feminism is to blame for the fact that the intellectual and cognitive potential of a great number of women of various professions is not being used. There is no feeling of duty, but self-infatuation and group narcissism, which astonishes me again and again, because in my opinion, it is precisely a consequence of lack of evaluation. Therefore, something has been done, but it was done because there was strong support coming from outside in one moment and it was also necessary for some people there to realize that there were people with different opinions here. So, in the spirit of the Balkan mentality, we experienced some sort of auto-mythologization, self-infatuation, group narcissism which does not comply with essential criticism and is not prepared for any self-evaluation.

Sonja Drljević: "Marina, you speak from the aspect of Julia Kristeva. But what is the percentage of illiterate women who probably would not be able to understand either one of you? With all due respect for the women who have attained such a level that enables them to rely on themselves for support, and it is a good thing that we have them, but those are few. As far as I am concerned, I always think about the other ones. The former have established their place, for which they deserve all the merit.

Vesna Nikolić-Ristanović: "The project Maja spoke about also involves men. In my opinion, the ghettoization of the feminist movement and the lack of cooperation with men is also a shortcoming. For me, it is beyond any doubt that there are cooperative men, especially when it comes to contacting institutions and cooperating with mixed groups; another very important field is working with perpetrators of violent acts. Besides, if you are educating experts, judges, teachers, etc., especially in our circumstances, it is extremely difficult to appear as a feminist, women's group, and this has to be clear to us. We must be clearly aware of the fact that we must use various tricks, and take advantage of other positions that we have – I speak about it openly and I say that our group would never have obtained access to prisons if we did not work in the Institute for Criminological and Sociological Research. Indeed, there is no other way. There is no need to appear as a women's group in every situation, you can just say you come from an institution. Now, two years later, we can say that we are from a feminist group, once the contact with them has been established. What I am saying derives from experience and it is the truth."

Slavica Stojanović: "Nowadays, here are people of good will who would like to do something, but they are somehow depressed within their profession. They say: 'You are doing something', they hear us, not because of our feminism, but because they want us to break through that isolated balloon they are in. We can undo that isolation from outside."

Marina Blagojević: "Activism should support women professionals. As I see it, every professional who attempts to redefine things, is faced with the problem of her environment. For that, she should have the support

of activists, which unfortunately is not the case. I am trying to say that there is no understanding for these different positions. I agree with Sonja that there are also illiterate women; that is why I said pre-modern strategy. Some women need that, some need something else, but there has to be sensitivity to these different women's needs. However, feminism nurtures a classical communist illusion here, that people at universities, in courts, women lawyers, doctors, etc., represent the elite and do not need help. That is not true and it deprives feminism of a strong pillar, which is only to be built – women professionals."

Slavica Stojanović: "Working on ourselves, that is something women's groups really offer. They enable you to continually analyze and work on all levels – family, history, transition from the private into the public sphere and back into the private. We then get all those women, even illiterate ones, who learn so much that they attain the level of professionals. This is a two-way communication. Because, when a woman finds herself in a safe haven, free to talk out of her own experience, then she lets herself talk. The SOS hotline has learned most from their women callers. They were the most precious voices to be heard, because they knew what they were talking about. Only then could we combine this with the bits we had gathered here and there. There may be an endless number of motives for women's groups closing down, but women join these groups – for example, our women joined them because of the war – in order to obtain some public space, because they could no longer endure their private sphere, because they lacked communication. However, when you join a group, you need to find a safe haven. A feminist group provides it. That is a source of continual conflict and that is where breeches occur and women react in different ways. That is why it is important to work on oneself, on the group and on the movement in general. We had, apparently, begun some communication with the institutions, which was encouraging. Now these possibilities are shutting down. Fortunately, voices are being heard, like theirs, which will maintain that continuity through their professions. I do not have that continuity through my political engagement. I cannot have it because I had to draw a dividing line between myself and the state, because I could not be on line with the regime. I want to be involved with all my resources, and one of them is the conflict with the war that I am engaged in as a human being. That is why women got together, otherwise, what would have made them emerge from their homes and from their own skin... There must be either great internal suffering, and many of us were not able to bear that pressure of war because of the various responsibilities that burdened upon them, or guilt, or anything else, or else, there is strong external pressure – a hard life. Therefore, this was one of the reasons that brought women together. And then they started doing whatever they were able to do. They joined women's groups in order to talk, they experienced major changes and gained confidence. Those were individual advances."



Marina Blagojević: "I see this on a different level – the social level, that is to say through changes that occur in a society, and from that angle there has not been enough efficiency. Female resources have not been used in an optimal way that would have produced proportional changes. When you carry out some kind of reflective experiment and when you have everything under control as a system of factors, you still see that the feminist movement is not efficient enough."

Biljana Maletin: "Amateurism is a major problem feminist groups have. In particular, those groups that deal with violence ought to do away with it. The SOS hotline or any other group has reached a level where they are being treated as an institution; everybody in the city knows about the SOS hotline. So now, they have to upgrade their professional standards and their structure, but it seems to me that we are still avoiding that. We avoid creating tighter structures and rules, which would enable us to be more efficient."

Sanja Milivojević: "But, in order to incorporate in some institution or anywhere else, we have to have a foundation, which we lack."

Biljana Maletin: "It is true that we do not have it, but we must create it."

Marina Blagojević: "In my opinion, the problem lies in the fact that our system works in the following way: 5% of the population live in a hyper-system – they have complete control over the other 95%, who live in total chaos. These 95% of the population do not have the feeling that they are controlling their own lives and they are fully exposed to manipulation by those who are in complete control – over the Army, Police and hidden economy. Consequentially, no civilian society can be developed here. Our social tissue has been destroyed, we are in a pre-social state, in a state of destroyed society; what is new in this situation and in our strategy is that we have to insist on forming institutions, which requires a lot of wisdom. The institutions can be renewed. This should be our aim inasmuch as we criticize the institutions. Basically, it is not sufficient just to oppose the institutions, because they are becoming more and more empty, they are not there any more. What is an institution, what is University? What does feminism actually oppose? Who has got the power, where does power rest? We have only one center of power, and that is that. There are no powerful institutions and it is absurd. When my University salary was 5DM, the Center for Women's Studies paid us 50 DM per lecture. Where do you see power? This is something we ought to think about in the strategic sense, but I am, naturally, concerned about the fact that there is neither readiness nor aptitude for such discussions. I have seen no such maturity within the movement. Not so far. That is also a consequence of the fact that we are a narrow circle, that it is not expanding as much as it should, that there are no new women coming with new ideas, needs and formulations of their own needs."

Sanja Milivojević: "If we agree, as we have, that our ultimate goal is to enter the institutions somehow in order to change them, we must acknowledge the fact

that we are living in a totalitarian society. Are we able, in this manner and with the approach we have adopted, to break up this totalitarian society, to function inside it in any possible way? We have to acquire some its features in order to oppose it. Therefore, our attitude has to be as aggressive as society itself demands."

Jadranka Radovanović: "I have been working in practice for a long time and I share a lot of opinions with Marina. I believe that it is important to have as many experts as possible working in their own fields in a professional way and that it is the best way to help the victims. Here in Belgrade, we are also doing many good things, many good projects are under way and we keep pace with the world. That is also a way for an expert to help victims, free of ideology. Of course, it requires knowledge, skill, what brings about advances. We need to evaluate our activities, to see just where we stand."

Marija Lukić: "I am a lawyer by profession and I do not have a big problem regarding institutions and women's groups and creating strategies outside institutions. After all, as lawyers, we are doomed to work with institutions, and we have to accept them, but we do not have to resign ourselves to the way they are. What we can do at the moment is look for people inside the institutions who are willing to cooperate, who are sufficiently broad-minded as to give you a chance to move a step forward. Therefore, we cannot expect the institutions, such as courts, prosecutors, the police, to comply with us. We have to build our relationship with them step by step and to find people who are ready to put up with us, look at us and listen to us. The feminist approach is that the autonomy of the group is most important, but they would not be able to do anything without the institutions. And I do not think that they would lose their autonomy that way."

Slavica Stojanović: "Theory which refers to violence, torture and incest was developed through direct work with victimized women. That experience has resulted in several exceptional books: *Trauma and Recovery*, and *The Courage to Heal*. Thousands have voiced their experience, their professions, made great professional shifts and contributed to a purification of the language. The same thing happened with the judiciary professions – what we call feminist jurisprudence, the benefits of which we are enjoying, was achieved in the same way. Because, until you have seen for yourself what violence really is, until you have experienced it and connected it to the cognitive part and transformed it into good language and thought what to do with it, you cannot come up with anything. Many women have to breach loyalty to their professions, which is not easy at all. We must, indeed, lend our support to professional women and rely upon one another, we must have an exact usage of the language."

The panel, which lasted more than two hours, opened up many issues related to the feminist movement in Serbia. Although it was difficult to arrive at some general conclusion, in view of the fact that many similar discussions will be necessary, the participants agreed

that, in spite of numerous problems and shortcomings, self-organizing of women has played an important role in developing awareness and empowering women in the difficult times we live in. A long-standing gap between activists and theoreticians of the feminist movement is still obvious. Also, there is disagreement regarding the feminist attitudes toward the sphere of public life, i.e.,

institutions. Nevertheless, the opinion prevailed that activists ought to support the professionals and also one another, and, with concerted effort, keep going. □

Prepared by:

Vesna Nikolić-Ristanović

Sanja Radisavljević

Sanja Milivojević

## Panel "Childbearing – a right or a duty"

(BELGRADE, SEPTEMBER 28TH, 1998)<sup>1</sup>

As part of the cycle of panels which has been organized by The Group for Women's Rights of the European Movement in Serbia, on September 28th 1998 a panel discussion was held, entitled "Childbearing – a Right or a Duty". The pretext for the discussion was the ever-present issue of the right of women to abortion. Since the adoption of the Abortion Law in 1995, this topic has been in the public eye and exposed to diverse criticism by the general and expert public in Serbia. Professor Slobodanka Konstantinović-Vilić, professor Nevena Petrusić, and professor Marina Blagojević, took part in the panel. Marija Lukic, assistant researcher at the Institute for Criminological and Sociological research in Belgrade, gave an introductory presentation.

At the very beginning, Marija Lukić pointed to the general and basic elements of the right to abortion, which is essentially an extremely complex and controversial issue. On the elementary level, it is a question of conflicting interests of the unborn child's right to life and of the mother's freedom of choice as to whether, when and how many children she wants to have. The next level of conflict is marked by an even stronger controversy, between the right and the need of individuals to decide on the quality of their own lives on one hand, and the interest and right of the state to implement a population policy on the other hand. Emphasizing a marked subjective approach, which is inevitable in any speculation in this topic, Marija Lukić brought to our attention the ever-present forms of manipulation in this sphere. Insisting on the intricate nature of this right, which has an impact on many areas of social life, she said that no legal debate could be devoid of political context, as well as no medical argument about the right to life and the right to abortion could be conducted outside the sociological, legal and cultural framework, inasmuch as no ethical reasons could be directed at the realization of aims opposed or contrary to the interests

of the proponents of political power. Finally, she referred to the current Abortion Law, which, in her opinion, has two distinguishing features: a brutal political influence on legal arguments and restrictive conditions for abortion.

Professor Slobodanka Konstantinović-Vilić began her presentation by mentioning the various views on the issue of women's rights to terminate pregnancy. She referred to the definition of the right to abstain from childbearing, which includes the right of a woman to use contraceptive devices in order to prevent unwanted pregnancy, her right to control her own fertility, her right to renounce to childbearing completely or to have as many children as she wishes, and also to terminate an unwanted pregnancy in a safe way in a medical institution. She emphasized the imperative need for informing and educating women as a precondition for implementing their right to abortion. Also, we must bear in mind that abortion is the worst possible option for exercising the right to control one's fertility. Further on, Slobodanka Konstantinović-Vilić pointed to the fact that state control by means of legislation is not the only form of exercising power and influence over a women's decision. In many countries, although their rights are formally granted, women are not in a situation to choose what they want, because their choice is conditioned by customs and patriarchal notions. Thus, the woman is constantly torn between the concept of maternity and fulfilling "matrimonial duties" and unwanted pregnancy and limiting childbearing. Having presented a short survey on the regulations regarding the conditions and procedure for termination of pregnancy – from the Decree on the Procedure for Performing a Legal Abortion, from 1952, which legalized abortion for the first time, down to the existing Law on Termination of Pregnancy, which was adopted in 1995 – she concluded that the present legal act interrupted an ascending line, which has had marked the Yugoslav legislation in the sphere of abortion until then. For example, this law does not provide for social reasons for terminating a pregnancy over ten weeks of gestation. Commenting on the results of the research conducted at the Clinic for Gynecology and

1 The organization of the panel was financially supported by Friedrich Ebert Stiftung and Delphi Star



Obstetrics Of the Clinical Center in Nis, which consisted of attending sessions of the Ethical Board and data-collecting through indirect observation, i.e., inspecting the available documentation from January 1995 till May 1998, she inferred that the majority of medical reasons were of psychological nature, manifested in the form of anxiety and depression. This means that, in practice, the law is being "rectified" and that social reasons are admitted in the disguise of medical justification. Slobodanka Konstantinović-Vilić called for changes of the Law, primarily in the sense of prolonging the period when the woman has the right to abortion only at her own request from 10 to 15 weeks of gestation; for a more precise formulation of medical reasons and introduction of social reasons as legally relevant for the termination of pregnancy over ten weeks of gestation. Finally, she drew attention to the fact that in our circumstances, the woman's decision whether to have a child or not is considerably influenced by their financial situation; still, the number of women who bear children against their will, because they did not have the possibility to implement their decision to terminate pregnancy, remains obscure.

Commenting on the procedure for the implementation of the woman's right to renounce to motherhood, Professor Nevena Petrušić, takes a starting point the fact that the right to childbearing and the right to renounce to motherhood are two aspects of the same right and the same freedom of a woman to decide whether she wants to have children, when she wants them and how many. In an ideal situation, the woman can achieve this right easily – by using safe and reliable contraceptive devices. However, in a situation of dramatically poor standard of living, of a low and declining level of health services, of uninformed women and a market saturated with contraceptive devices of questionable quality, it would be unrealistic to expect that the women will be in a position to fully exercise their right. Therefore, excluding and limiting the right to abortion means complete denial of reproductive rights in our reality, says Nevena Petrušić. Pointing to the essential importance of a well defined procedure for the realization of any individual right, which ensures individual protection and confirms the internal ethic principles of law itself, she defined the procedure for the termination of pregnancy as an ad hoc administrative procedure. The procedural regulations are thus reduced to improvisation, whereas the procedural guarantees for the legitimacy of a decision are non-existent. She supported this view by numerous shortcomings of this Law, such as the Provision that the decision on abortion can only be made unanimously, that the Law does not provide for the right of appeal, there is no explicit provision for the woman to bring forth important circumstances, etc. She also pointed out the way poor legal solutions are often rectified in practice: women whose demands for termination of pregnancy have been rejected by the Board, wait until their twentieth week of gestation to address the Ethical Committee, who, quite frequently, allow

them to have an abortion, although in this way they are exposed to a much greater health hazard. For the time being, according to Professor Nevena Petrušić, in a situation when the law does not provide for the right of appeal, the only remedy is bringing an administrative case to court. This is yet another confirmation of the absurdity of positive legal solutions which we must oppose; one of the ways to do it is exactly this one: conducting research, analyzing, speaking and writing in public – concluded Nevena Petrušić.

Professor Marina Blagojević, began her presentation by giving an example of the ever more present media manipulation of this subject, which she experienced herself. This has become a practically insurmountable problem in the attempt of every expert who wishes to do research in this field. Talking about the strong political pressures we are undergoing, the restrictions and oppression imposed by this, and any other authoritarian regime, she emphasized the fact that all authoritarian regimes "attacked" abortion. The extraordinary circumstances in which our society exists, the impossibility to clearly define the phenomena we are confronting, takes away meaning from terms such as population policy and similar ones. In her opinion, the essence of the problem is that the rhetoric about abortion and restriction of abortion is going on at the moment when people are in absolutely no position to have children, when they are deprived of their right and need to have children. On the other hand, she labels the regime in Serbia as necrophilic, which, in turn, determines an ultra-conservative, traditional, even primitive environment. "We are a society without a society, which does not belong to any pattern, but stands apart." According to Marina Blagojević, the basic ethic issue is not the right of a child to life, but bringing an unwanted child into the world. If a mother does not want to have a child, there is no ethic argument that could justify childbearing. Aborting an unwanted child is much less of an ethical offence, than bearing and unwanted child. Also, she pointed to the responsibility of men in conceiving, raising and bringing up children. The high rate of abortions in our country, among all categories of women, is a serious problem and it is related to a strong cultural pattern of sexual and gender roles that is present here. In conclusion to her presentation, Marina Blagojević said that the restriction of rights to abortion only leads to an increased mortality rate and infanticide.

Sonja Drljević opened the discussion by saying that the most important step at the time was to draw up a proposal for a new law, which could be backed up by the women's movement or a network of women's organizations and which would reflect women's needs.

Nadežda Četković supported this proposal and went on to say that the pro-life campaign is at its peak and that it was precisely the women's groups campaign that prevented the Abortion Law from being even more restrictive than it is. She highlighted the importance of positive examples that only wanted children are loved

and happy. She appealed to the participants to get involved in writing the petition.

Vera Litričin insisted that, in addition to writing a proposal of the new law, broader social activities were necessary, which would aim at improving the general level of knowledge about reproductive rights and means of family planning.

Vesna Nikolić-Ristanović drew attention to the fact that social and economic conditions are not the only problem, but also inadequate health care. Miscarriages often happen as a consequence of doctor's negligence.

The discussion ended with a proposal made by Nadežda Četković: to draw up a new Law on Child-

bearing, to replace the Abortion Law. It ought to involve everything purporting to childbearing, but also to proper care and upbringing of children.

The general conclusion of this gathering was voiced as the participants' unanimous opinion that the new Abortion Law must be amended in such a way as to respond to our women's needs more adequately and correspond to our reality better. There is a pressing need to work on consciousness raising, education and availability of contraceptive devices, so that abortion could become the last and ultimate means of preventing pregnancy. □

*Marija Lukić*

1. The first part of the paper discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for the company's financial health and for providing reliable information to stakeholders.

2. The second part of the paper focuses on the implementation of a robust internal control system. This includes establishing clear policies and procedures, as well as ensuring that all employees are trained and aware of their responsibilities.

3. The third part of the paper addresses the need for regular audits and reviews. It highlights that these are essential for identifying any weaknesses or areas for improvement in the company's financial reporting process.

4. The fourth part of the paper discusses the importance of transparency and communication. It stresses that the company should be open and honest in its reporting, and should provide clear and concise information to all stakeholders.

5. The fifth part of the paper concludes by reiterating the key points discussed throughout the paper. It emphasizes that maintaining accurate records, implementing a robust internal control system, and conducting regular audits and reviews are all essential for ensuring the company's financial integrity and success.

OLIVER BAČANOVIĆ,

## Policijata i žrtvite (The Police and the Victims)

"2. avgust S", Štip, 1997, 361 pages.

The book *Policijata i žrtvite* (The Police and the Victims) by Oliver Bačanović was published in 1997 by the publishing house "2. Avgust S" from Štip. The book is the result of the author's year-long research into the insufficiently explored phenomenon of the relations between the police and the victims of criminal offences. This topic is also the subject of his doctoral dissertation, which he obtained on 7th October 1996 at the Department of Security of Skopje University.

Its 340 pages contain an interesting and detailed analysis of the problems the author is dealing with. The contents of the book are structured into five volumes; this singular issue required a broader explanation of the role of police in society, and more specifically, in relation to the process of victimization and also regarding perspectives for a successful preventive victimological activity of the police. In comparison with the few works which were written in the former Yugoslavia in the field of victimology, (among which we commend the authors Zvonimir Šeparović and Vesna Nikolić-Ristanović), this book is unusual because the researcher's focus is averted from the actual victims and centered on the functions of police regarding the victim of the criminal offence. The topic is by all means a very provocative one, in view of the fact that police activity leads to uncovering the offence and the crime, so the first contact of the victims with official state organs represents their decision to exercise their rights during the subsequent criminal procedures.

The first part of the book, which bears the title "Theoretical and methodological approach to the topics", explains the subject of research, its importance, the methodological approach and the hypotheses. It also contains the definitions of basic concepts which were used in the course of the research (police, victim, criminality, victimization).

The author begins by claiming that the right to security (as an antipode of threatening the right to life) has

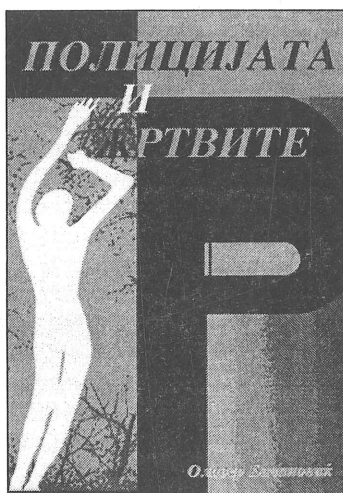
become an imperative of life today and a basic human need. The role of police regarding this imperative can be twofold: it can either represent a source of danger to the right to safety or, conversely, a guaranteeing factor. It is explained that, historically, the police have usually been an instrument for the implementation of violence on behalf of the authorities, and that it was identified that way. Only in the modern times, when the issue of legitimacy of state authorities has been raised, (particularly regarding the infliction of coercive and punitive measures), and also of the need to protect the citizens' freedoms and rights against excessive punitive measures, the police have been requested to modify their approach. That is why both the general and specific hypothesis in this research insist that the treatment of victims by the police has to be improved and that the role of police in democratic societies must change, as a precondition for successful execution of police activities.

The second part (on police in general) contains an etymological explanation of the police concept, a survey of the historical development of police, a definition of the term and the tasks of police, especially consider-

ing the rights of victims of criminal offences. The author explains the accepted term "police" as good management of society, which involves both civilian management and the enforcement of laws and regulations in order to maintain a regular state of things and public order (page 33). The model of the rule of law, which was formed in the period of liberal capitalism, laid down the foundations not only of the modern penal law system, but also to the concept of activities pertaining to modern police. The communist dictatorships and totalitarian regimes which came into being in the period preceding and following the Second World War confirm the general pattern that police force is used as a basic instrument of main-

taining the power of particular social groups. That is where all the dangers of this service derives from; therefore, it cannot be allowed to possess all the coercive means, but only to the limit of protecting the existing social order (within this framework is also crime prevention and detection of perpetrators).

The title of the third part is "Police as a factor of victimization". In this chapter the concept of victimization is defined and a survey of the forms of victimization is given; then, the role of police in the process of primary victimization is examined in detail, as well as the legal principles which define police activities within rule of law, and the role of police in the process of the so-called secondary victimization. Accepting the definitions given



by H.J. Schneider, V. Nikolić-Ristanović and V. Vodinelić, the author defines victimization as a process in which someone or something becomes the victim. Further on, he explains specific forms of victimization: primary, secondary, tertiary, i.e., personal, indirect and mutual. In spite of the fact that it is supposed to protect the citizens from the risk of victimization, the police themselves can victimize the victims by abuse of power. Therefore, the need arises for the creation of "protection against protectors" and imposing formal restrictions to the use of force by police officers. In addition to the survey and analysis of the internal legal order (national law), the author provides a detailed analysis of international legal regulations which refer to the protection of victims from abuse of power. A particular curiosity is the analysis of empirical data referring to the use of coercive means in the period 1983–1994, in the Republic of Macedonia, which shows a steady declining trend. The danger of secondary victimization by the police exists during the procedure of reporting criminal offences and during the activities undertaken with the aim of detecting the possible perpetrator. According to the author, experiences with secondary victimization (especially with victims of sexual criminal offences) reveal the need for additional training of police officers, which would increase their aptitude to provide help and understand the victim's needs. The motivation of the victim to report the criminal offence and to cooperate with the police during the procedure primarily depends on that.

The fourth chapter, entitled "The police as a factor of prevention of victimization", is the most important and the largest part of the book. Over 120 pages are devoted to explanations of the preventive and oppressive component in fighting criminality, to the importance of criminogenous and victimogenous factors, the contents of police preventive victimological activities, prophylactic measures in criminology, the importance of victimological knowledge for the prevention of criminality in general and regarding particular forms of offences (property, violent crimes, sexual and traffic offences).

The author emphasizes that the contemporary criminal policy favors prevention, both general and specific. In the realization of crime prevention, the main task of the police is to avert individuals from committing criminal acts and disturbing order. Nevertheless, this preventive policing is not primary (not even according to international legal documents), which conceals the danger of a possible neglect of their importance.

The basic assumption for the realization of the preventive role of police is knowledge about criminological and related to this, victimological factors. After a general examination of criminological factors (social and individual), the author explains the connection between being familiar with criminological factors and prevention, advocating for a general social character of preventive actions. The connection between criminological and political prevention aims and victimology as a scientific discipline which focuses on victims of criminal

offences is made obvious by the fact that victimological findings ought to ensure an effective preventive policy. That is why the findings about the victim bear a particular importance not only in casting a light on a particular criminal offence, but in preventive actions against criminal acts.

Victimological police activities are directed, ultimately, at preventing victimization. The author defines them more precisely as prophylactic victimology, in the framework of which counseling, educative and instructive measures are undertaken. As it can be seen, an indispensable component of this is communication of police with the public. The counseling function can be also realized in direct contact through counseling, exhibitions and the like and indirectly, through means of mass communication. The public can be influenced through publicity and various manuals for citizens, like, for example, self-protection against burglary.

A particular importance for the successful accomplishment of victimological activities is the detection of victimological inclinations of a certain person and the relationship between the victim and the perpetrator. However, the process of becoming a victim and effective preventive actions are not possible without explaining the features of the victim (through a certain typology), which reveals more about the victims' attitude toward the criminal offence and their relationship with the perpetrators. The author then gives a survey on the differences and advantages of the most important victim typologies (Fattah, Henting, Mendelsohn, Ellenberger, Selin, Wolfgang, Šeparović, Nikolić-Ristanović).

Besides, the police victimological preventive activities have yet another feature: they have to be directed and adapted to various forms of anti-social behavior. The author examines the differences in preventive approaches to the most important forms of offences: property offences, offences against life and limb, sexual and traffic offences. Preventive police activities in the field of property crimes neglects the role of public relations, particularly the possibility of informing the population about the ways to protect their own property. Physical and technical security measures have proved to be the most successful, followed by including police services in surveillance and protection of particular facilities. An important objective is also organizing cooperation with other state organs and raising the citizen's property culture. The common feature of violent crime is that their common denominator of all the criminal acts of this type is assault or attempt of assault against a particular victim. In cases of living circumstances where the conflicting relations of the potential perpetrator and the potential victim develop over a long period of time, the police is supposed to undertake measures aimed at preventing dangerous situations and physical prevention of the perpetrator to attack the victim. This especially refers to the criminal offence of murder, which is accompanied by year-long abuse. Sexual offences, although they are relatively scarce according to the official statistics of the



Macedonian republic, attract victimologists' particular attention because of the sensitive problem of police attitude toward the victims. The author illustrates this precarious issue with data obtained through victimological research which disperse the prejudices about the ever-present contribution of the victim in the form of provocation. Although preventive police activities are very difficult to conduct in this field, the author considers that this is not impossible, and that they have to be primarily directed at a timely identification of a potential perpetrator, who repeats sexual assaults toward different persons in similar situations. Victimological aspects have proved to be very important for carrying out continual police activities towards prevention and avoiding traffic accidents. In that context, he emphasizes the need for a specific preventive service which would deal with phenomenology of traffic accidents, and with broader actions directed at raising the traffic education level of citizens. Regular police actions which comprise checking of roads, vehicles and ensuring proper conduct of all motorists proved to be indispensable for the prevention of traffic offences.

In the last, fifth chapter, the author summarizes the results of his empirical research in which he examined the victims' concepts about the quality of their contact with the police while reporting offences and, conversely, the police attitude toward the victims of criminal offences. The research was conducted with the aim to verify, in specific, domestic conditions, existing claims (both positive and negative) regarding the victimizing role of police when the victim reports the crime. The research was conducted on a sample of 122 victims who had reported a crime during January 1995 and 243 police officers from 12 towns in the Republic of Macedonia. The results of the research indicate that the citizens are not satisfied by a strictly official treatment in situations when they expect sympathy and support. It is obvious that the police do not use sufficiently their knowledge of victimology, and are not trained enough to provide help and support. The risks of secondary victimization are particularly present in contact with minors or children – victims of criminal offences.

In view of all this, police victimological activities are proving to be indispensable from the aspect of the police authorities and from the social aspect, where the police exercise their principal function. The author calls

for the affirmation of a specific cluster of preventive measures (prophylactic victimology measures) which ought to be applied by the police, which would be suitable for specific crimes. Such requests are in accordance with the demands for respect of rights of victims of criminal offences and the need to create a new model, which would function in the conditions of democratic social order.

The author's clear language and uncomplicated style help in overcoming the language barrier. The second thing that immediately strikes an expert is a phenomenon which is, unfortunately, rare nowadays: an exceptional scientific conscientiousness and serious approach to citing bibliography. The author embarked on a task which meant speaking up about an important, but scarcely dealt with subject. From the layman's point of view, police activities are usually mystified and reduced to concrete actions toward solving criminal cases. Even the subjective concepts of the majority of police officers would probably match this description. By emphasizing the importance of victimological knowledge for regular police activities, especially in the field of prevention, the author made an effort to explain the police itself, its social role and the attitude toward the victim and the basic concepts of victimology. The difficulty of this task is best explained by the number of accepted general definitions that appear in this book. Due to the abundance of information one comes across in this book (from theoretical, to interpretation of statistical results and research summaries), and also due to the broadness of the subject, the book is interesting for experts in various fields (lawyers, policemen, victimologists, criminologists, social workers). Although it is obvious that such a comprehensive approach was painstaking work for the author, the fortunate readers have obtained a high quality monograph, unique for its topic and approach. This fact is particularly important in view of the fact that the topic is utterly unexplored and bibliography scarce, so that the author was forced to involve 129 bibliographical units (not counting legal regulations), which mainly refer to his sphere of interest only indirectly. By choosing this area of research, the author has defined the sphere of his potential scientific interest. Therefore, let us hope that the near future will bring new books, similar to this one, which we look forward to and warmly recommend to the readers. □

*Nataša Mrvić-Petrović*

DR ALENKA ŠELIH (ed.),

## Otrokove pravice, šolska pravila in nasilje v šoli (Children's rights, school rules and violence in schools)

The Institute for Criminology at The  
Law Department of Ljubljana University,  
Ljubljana, 1996, 83 pages

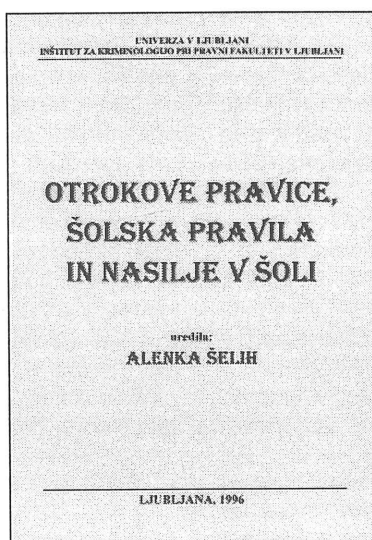
The book "Otrokove pravice, šolska pravila in nasilje v šoli" (Children's rights, school rules and violence in schools) was published in 1996 by the Institute for Criminology at the Law Department of Ljubljana University, edited by Professor Dr. Alenka Šelih. Basically, this book represents a specific multidisciplinary compilation which, in addition to the preface, mostly intended to clarify the basic conceptual orientations, contains four separate topical entities: 1. Assistant Professor Janez Bečaj presented a psychosocial review of school rules; 2. Professor Alenka Šelih explained the inter-relationship of educational and disciplinary rules and children's rights; 3. Assistant Professor Zoran Pavlovič examined the role of educational and disciplinary measures in the process of learning and teaching children to develop their own responsibility; 4. Bojan Dekleva analyzed the issue of peer violence at school and in school-related activities. The multidisciplinary orientation of this compilation is an inevitable outcome of the complexity of this topic, which comprises the use of various doctrines and traditions, the most prominent of which are two perspectives, as the most extensively applied and authors' dominant professional orientation: 1. The psychological, i.e., psychosocial and 2. the legal aspect. This is absolutely logical and justified, because a complete analysis of any form of violence, including violence which involves schoolchildren, calls for a multilateral explanation of the phenomenon by definition; this has generally been done in the book we are reviewing, although the authors aimed neither at explaining all the psycho-social conditions which lead to violence, directing and instigating it, or modifying it in various ways, nor did they analyze all the legal consequences of violence. In accordance with its basic subject, the book predominantly explains those legal consequences of violence at schools which are directly related to the entire corpus of children's rights; the accent is placed on examining

those rights based on international legal acts and analyzing the importance of some solutions that are contained in laws referring to school education, which were adopted in Slovenia in 1996. That is the source of a genuine authenticity of such an approach. Therefore, the authors' intention to promptly react with their expertise to all the changes in their "legislative environment", in which children's rights are exercised and within which it is necessary to protect the children energetically and efficiently against all forms of violence, by all means deserves appreciation.

In his analysis of the effect of psychosocial factors upon the school, Janez Bečaj starts from the basic theoretical explanations, by establishing the relevant reasons which impose a certain set of rules in every institution and in schools alike; he relates this explanation with a definition of rules as a means of achieving a formal general aim, and as a method of regulating mutual relations. Afterwards, this author attempts to answer the significant question about the quantity of rules in a school (how many rules are necessary?), insisting that without proper supervision, the rules cannot bring about genuine benefit. Eventually, he gives tentative answers to some very important issues concerning the definition of the aim of schools and their justification and he establishes a set of rules which could be labeled as "problematic", commenting on the correlation between rules and communicating. The momentum of the authors presentation is reflected in his critical approach to some conventional rules, which he considers to be imminent in all social

systems; some rules can be manifested as inconsistent or inappropriate in new circumstances and phenomena, or as unrealistic targets which are set in some schools and cannot be achieved, etc. A particularly attractive approach is the one insisting on properly defined basic parameters between rules and communication, which is defined as a basic means of shaping effective rules. Finally, such an approach is positive because it is a wide-known fact that many serious problems at schools derive from the lack of proper communication, which becomes too unilateral, i.e., goes only in the direction from the institution and its administration to the students, with no response mechanisms that could ensure a broader and much stronger

influence of students on the creation and application of school rules. Perhaps this part of the book ought to have contained a comparative analysis of theoretically possible, or already existing and implemented methods of formulating and applying rules in the process of education. Such a survey would have been a precious one, because modern pedagogy still groups for solutions in this field. Thus, on one end, the rigid approach is enforced, in the so-called "elite schools"(which are



sometimes only quasi-elite), which are characterized by numerous and strict rules, uniformity and excessive mechanistic approach (let us bear in mind that physical punishment has been banned in some English schools only recently), while on the other end, there is a tendency toward creating completely free educational associations, the paragon of which appeared as early as the first quarter of the twentieth century in the form of A. S. Neill's work "SUMMERHILL – a Radical Approach to Child Rearing".

The second part of the book, written by Alenka Šelih, represents a very successful legal analysis of all the basic normative sources: on the one hand, they refer to children's rights and to human rights in general, founded on internationally adopted legal standards and positive Slovenian legislature and on the other hand, they deal with disciplinary school rules and sanctions for the breach of those rules. In her analysis of The Convention on Children's Rights, Šelih emphasizes article 29 of that act, which has designated the importance of the right to education, which is stipulated in article 28 of The Convention, by laying down the following aims of education: the development of the child's personality, talents, mental and physical abilities to their utmost; the development of respect for human rights and fundamental freedoms and principles laid down by The United Nations Charter; to develop respect for the child's parents, his/her cultural identity, language and values, national heritage of the country the child lives in, his/her country of origin and civilization different from his/her own, etc. This kind of declarative emphasis on the importance of children's education can be of great importance in Slovenia, where, after its secession from SFRY, there is a considerable number of children who are not ethnic Slovenians, but belong to other south-Slavic ethnic groups. We hope that the attention that was given to article 29 of the Convention on Children's Rights in this paper will exert a practical influence regarding the issue of institutional education of children whose mother tongue is not Slovenian, and that they will be given the opportunity to preserve their cultural and ethnic identity, their language and national heritage. This deserves particular attention because of the notable fact that article 57 of Constitution of the Republic of Slovenia guarantees freedom of education, insisting on the fact that primary education is compulsory and financed from public sources, and that it is the state responsibility to ensure that opportunities are created for all the citizens to freely exercise that right. The question is, what are the options for those children who are Slovenian citizens and are of non-Slovenian origin; whether they can, realistically, preserve their national identity and especially, how the children who are being educated in Slovenia and are not Slovenian citizens will be able to do so, not being able to invoke their constitutional right. Šelih also presents some provisions (concerning the right to education) of the European Convention on the Protection of Human Rights from 1950. It is as a pity that some other relevant and more spe-

cific international legal acts concerning human rights and also children's rights have not been presented, like the International Treaty on Economic, Social and Cultural rights (adopted and open to signing and ratifying or joining by the General Assembly resolution 2200 A (XXI) of 16th December 1966, enacted 3rd January 1976), article 13 of which applies to education, and particularly, The European Convention on the Implementation of Children's Rights, adopted in Strasbourg on 25th January 1996, which, although it does not contain provisions concerning education, lays down a series of important children's rights.

Šelih gives a minute analysis of the normative situation in the sphere of sanctions for breaches of school discipline, ways of exercising children's rights in schools and rules concerning school discipline and its potential breaches, presenting a series of comparative examples, with expert comments and references to an excellent bibliography. In accordance with the traditional division of different branches and areas of law into substantive and procedural law, Šelih examines the correlation between educational and disciplinary measures and children's rights. The author created a very good classification of disciplinary measure, in accordance with logical and clearly defined criteria, proposing a selection of comparative solutions, among which the Bavarian Law is outstanding, due to its explicit formulations. Explaining the basic procedural rules concerning pronouncing educational and disciplinary measures in the sphere of breaching school rules, Šelih particularly analyses the methods of selecting the measures, setting apart individual and collective decision-making and by qualified majority and the multi-level procedure – at school, before administrative state organs and before the court – bringing forth the argument that this type of system is best developed in Belgium, in the province of Flanders. Furthermore, the author comments on the basic Slovenian legal sources regarding school discipline and goes on to derive fundamental principles for the conducting of the procedure based on the Book on the Rights and Duties of Primary School Pupils, where she perceives as outstanding "the students' right to free speech" i.e., "hearing the other side", that is the principle of *audiatur et altera pars*, which is recognized in all democratically established procedures.

In the third part of the book, Zoran Pavlović explains the concept of a school which is situated in between the society (association, group) and institution, and where breach of rules represents both a psycho-social and a legal issue. Referring to relevant international legal acts and citing the rules underlying in The Convention on Children's Rights, the author invokes "the three P's" contained in the international act (Protection, Provision, Participation), thus consistently announcing his definition of school as a place where the students associate, but also a very important social and state institution. Zoran Pavlović puts special emphasis on the fact that the violation of school rules is at the same time a psy-

cho-social and a legal problem and states that the school must clearly express disapproval of some forms of behavior and that it must be ready to implement the adopted rules. Schools must therefore also be schools of practical democracy. The author goes on to analyze the reasons for the existence of general school rules, laid down by laws, and cited the students' rights and duties according to the Books of Regulations which refer to primary and secondary schools. This part of the paper puts special emphasis on the comparison between the former and the present solutions in the sphere of school regulations. Zoran Pavlović supported his views with a number of tables which illustrate, in a very consistent and clear manner, the ratio between breaches of school regulations and sanctions that are proscribed by various legal acts governing in this field; he proposes solutions which comprise attributing "scores" for certain breaches, which would serve as a basis for pronouncing legally proscribed sanctions. Of course, such sanctions have to be not only legal, i. e., based upon some norms, but it must also serve a purpose. Finally, avoiding blind obedience of rigid legal patterns represents an indispensable imperative in the case of school offences, which must be viewed not only "through normative lenses", but also as a "psycho-social indicator" which often reveals that the child is in need of adequate help (which cannot be achieved by punishment as an isolated measure). This approach rests on the ancient proverb – "Praeceptoris nimia saevitia culpa adsignatur" – "the teacher's excessive rigor is a crime", i. e. "the teacher is to blame for all the wrongdoing inflicted upon the student by excessive rigor."

The fourth part of the book, written by Bojan Dekleva stands as a practically completely independent part, which at first sight is in big contrast with its basic subject, contained in the title; still, it is essentially connected to the issue of violence in schools, although the author does not focus his attention on violence generated by school rules and their implementation (or ignoring), but violence generated by the students themselves – peer violence at school or school-related peer violence. The author begins by presenting the basic issues which refer to peer violence and school bullies and analyzing this phenomenon from the point of view of its normality (or abnormality); he then analyses objective possibilities for developing intervention strategies and programs and finally presents one of his empirical researches. The research sample involved six primary schools in Ljubljana and its surroundings and all the pupils were selected by random sample. The survey involved pupils between the second and the eighth grade, which is methodologically absolutely justified, because first-graders usually do not have the necessary maturity as to understand the questions they are asked, and the author also mentions that pupils of that age do not have the necessary level of literacy. The basic instruments that were used during the research were: Olweus's survey questionnaire, which had been

pre-tested in a number of national and international studies, and also on a sample of 150,000 pupils in Norway; a sociometric questionnaire, which is founded on two sociometric indexes – the index of sociometric status (ISS) and the index of sociometric orientation (ISO); Rosenberg's questionnaire and the OL-So scale for school children, which represents a psycho-test intended for assessing forms of behavior of maladapted preschool and school children. The scale was devised by B. Sali on the grounds of four assumptions, where four syndromes can be classified: 1. The syndrome of emotional (psychoneurotic) disturbance; 2. The syndrome of dissociation; 3. The syndrome of decreased retention and 4. The syndrome of cerebral malfunction. It is obvious that this scale reveals some methodological similarities with certain tests that are being used in Yugoslavia, such as, for example, KON 6 or "the immorality scale" – AMRS-23. Dekleva's study is characterized by exceptional clarity and excellent comments on the obtained material. We shall only dwell on some of the obtained results. When asked: "How were you intimidated at school?", 13.8% of the pupils answered that they had been verbally threatened, 6.2% said they were scolded because they belonged to a different nation, 6.1% said they were physically threatened and 8.5% of the pupils could not opt for any of the offered answers, but described "more specified" forms of intimidation, such as "they tripped me", "spitted on me", "teased me", "threatened me", "stripped off my clothes", "threw petards at me", etc. In conclusion, Dekleva points out that approximately 50% of primary school pupils have been intimidated, that 15-20% of them experiences that often, that approximately 5% are being intimidated daily and that 1/10 of students confirmed that they intimidate other students, etc. Finally, on the grounds of research results and experiences acquired by insight into high quality references and research conducted in other countries, the author calls for a number of measures that could prevent peer violence in school and school-related peer violence; in this respect, school projects are of particular importance and ought to be financially assisted. He concludes his study in a very interesting and humorous way, by retelling an anecdote that happened while the pupils were completing the survey.

The book "Otrokove pravice, šolska pravila in nasilje v šoli" represents a precious contribution to consciousness-raising concerning the issue of children's rights and the need of creating school regulations which will not only make possible an effective educational process, but also safeguard the pupils' rights and protect them from all forms of violence. In our opinion, it would be very useful to have this book translated into Serbian, so that our expert and broader public could get acquainted with the authors views on this issue; it would also be particularly important to conduct a similar study in our schools, especially concerning the issue of peer violence in schools and school-related peer violence. Starting from the assumption, which might sound apho-



ristic, that the child is father of man, we must do our best to create the best possible environment for the psycho-social development of children. The creation of such conditions is all the more important in schools, which represent an inevitable and crucial step "on the road from childhood to adulthood." A child exposed to violence not only suffers, but is also incline to become a source of violence later and inflict suffering upon others. Every instance of suffering is a big "stain" on the conscience of the society the child lives in. F. M. Dostoevsky, a great writer and thinker, generously and wisely infers in his novel "The Brothers Karamozov" that

the greatest benefit of mankind must not be worth a single child's tear. By protecting the children from all forms of violence, society protects not only them, as direct victims, but also itself as a whole and its members. If at times, a society, i. e. the state, cannot find strength to protect the children from various forms of violence which are manifested in various more or less autonomous social groups, (most often from family-generated violence), it is still supposed to stamp out violence, or suppress it as much as possible, in the institutions it creates, as in the case of schools. □

*Milan Škulić*





## Call for papers:

*Temida* is the journal on victimization, human rights and gender, which is published as a quarterly in Serbian and English. *Temida* publishes academic and professional articles, which can also be understood by a wider public and which use gender language.

Relevant topics are: problems of victims of crime, war and human rights violations with particular emphasis on problems of women, children, minority groups, disabled persons and other vulnerable categories; fear of crime; human rights violations in prisons and during criminal procedures; prevention of victimization, etc. Each issue features a specific theme, but articles on other topics will also be published. Reviews of new books, conferences, case studies, information, etc. are welcome too.

Topics in 1999 are: Issue I - **International Victimization Survey** (until February 1, 1999), Issue II - **Victims and Criminal Justice System** (until April 1, 1999), Issue III - **Victimization of Children and Juvenile Crime** (until July 1, 1999) and Issue IV - **Sexual Crime** (until October 1, 1999). Articles not covered by this topics can be submitted to the editors regardless of deadlines. All articles are to be delivered to the Editorial Board at: Djure Jakšića 5/I, 11000 Belgrade, FRY, tel/fax: +381 11 630 281, E-mail: vnikolic@EUnet.yu. Articles are to be sent in two copies and on disk. They should consist of the following:

- a) A front page which should contain the title of the article, the name(s) and family name(s) of the author, the institution(s), title, a contact address, telephone number, abstract (up to 150 words) and key words;
- b) An article up to 16 pages (double spaced) of length. Quotations should be made according to the European system and footnotes should consist of the family name and the first letter of the author's first name, the year of publication in brackets, the title of the article (inside quotation marks) and the name of the journal (in italics), the volume, the issue number and the quoted page/s, or the title of the book, the year of publication in brackets, where it was published, the name of the publisher and the quoted page/s (e.g. Carlen, P. (1994) "Why Study Women's Imprisonment? Or Anyone Else's", *British Journal of Criminology*, vol. 34, Special Issue, p. 134., or Milutinović, M. (1977) *Penologija*, Beograd: Savremena administracija, p. 56.);
- c) Bibliography should be presented on a separate sheet. References should be made only about authors and works which are mentioned in the text, in alphabetical order. A bibliographical unit should contain the following:
  - for books: the family name and the first letter of the author's first name, the year of publication in brackets, the title of the book (in italics), where it was published and the name of publisher,
  - for articles: the family name and the first letter of the author's first name, the year of publication in brackets, the title of the article (with quotation marks), the name of the journal (in italics), the volume and the issue number.

Having reviewed all articles, the Editorial Board decides which ones will be published. Manuscripts are not being returned.

### Subscriptions (one year/four issues):

FRY

Individual rate - 80 dinars

Institutional rate - 120 dinars

All other countries

Individual rate - \$ 30

Institutional rate - \$ 50

Subscription (in dollars) should be sent to the following account with reference "For Temida":

Miross services (overseas), Ltd.,

2, Sophouli street, Chanteclair Building office #205

Nicosia, Cyprus

The Cyprus popular bank, Nicosia, Main branch

Account No: 001-33-060624

For further information please contact the editors. Upon request we will send you one free inspection copy.

