

IA REPORTS ON THE CASE INDICATE
THAT D.S. WAS EXPOSED TO
LONG TERM DOMESTIC VIOLENCE
BY HER HUSBAND, AND THAT
HE WAS AN ALCOHOLIC.
BASED ON DATA PROVIDED
BY THE CENTER FOR SOCIAL
WORK FROM PRNJAVOR
[CSW PRNJAVOR]
THE FIRST
REPORT OF
VIOLENCE OF
HER HUSBAND
AGAINST
HER WAS
SUBMITTED
BY D.S. TO
THE CSW PRNJAVOR
ON 28 DECEMBER 2018.
D.S. THE
PERPETRATOR WAS
IMPOSED
TWO (2) PROTECTIVE
MEASURES BASED
ON COURT ORDER
MANDATORY
TREATMENT FOR
ALCOHOL AND
DRUG
ABUSE AND
A MONTHS

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MURDERS OF WOMEN
IN THE WESTERN BALKANS REGION
2021
REPORT

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75 YEAR OLD WOMAN,
MOTHER OF TWO
ADULT SONS, MURDERED
IN 2021 BY ONE OF HER
SONS.
THE FIRST REPORT AGAINST
THE PERPETRATOR TO RELE-
VANT
INSTITUTIONS WAS MADE
FIFTEEN YEARS PRIOR
TO THE MURDER.
THE PERPETRATOR WAS A
DRUG ADDICT [USING
PSYCHOACTIVE SUBSTANCES],
AND WAS DETAINED FOR
SEVERAL TIMES.
THE PUBLIC PROSECUTOR'S
OFFICE NOTED THAT THE
PERPETRATOR WAS DIRECTED
TO MANDATORY TREATMENT IN
A MEDICAL INSTITUTION A

With funding from

 **Austrian
Development
Cooperation**

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**WOMEN'S RIGHTS CENTER
CENTAR ZA ŽENSKA PRAVA**



**Gender Alliance for Development Center
Qendra Aleanca Gjimore për Zhvillim**



Banjaluka, BiH

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I. CONTEXT

During 2020, the Western Balkan Regional Network for Addressing Violence Against Women¹ took the initiative to collect data and analyze cases of femicide in the Western Balkans region through monitoring media reports and following up with public institutions that protect victims from violence. In the case of Albania, the data on cases of femicide was collected by women's civil society organizations through communication with the General Directorate of State Police of Albania. *The objective of the joint regional initiative is to present available data on cases of extreme violence against women, to use it as a tool to raise public awareness about the prevalence of femicide, and to advocate for a stronger response from national authorities, public institutions, and international organizations involved in the prevention of violence against women and domestic violence.* This report aims to raise awareness about the recognition of murders of women in the Western Balkans as grave violation of women's human rights and extreme gender-based violence.

This is the second monitoring report on femicide based on data collected throughout 2021 using a joint methodology, developed by the Autonomous Women's Centre², in all targeted countries.

The Report is prepared based on collaboration of the contributing organizations within a regional project titled, "Institutionalizing Quality Rehabilitation and Integration Services for Violence Survivors", supported by the Austrian Development Agency with the resources of the Austrian Development Cooperation.

When available and relevant, the Report refers to data collected and presented in the Baseline Report (2020) for the purpose of analyzing and comparing the characteristics and prevalence of cases of femicide per country in the Western Balkan region. The report outlines common characteristics that are relevant for all countries with the objective of creating recommendations for future actions on preventing and combating femicide, and various forms of violence against women and girls that can lead to fatal outcomes. Most of the collected data by partner organizations focuses on cases of femicide committed by the family or by intimate partner relations between a woman victim and a perpetrator; with a few exceptions where murders of women were committed by an acquaintance or an unknown perpetrator. This data was collected in all countries by monitoring of media reporting³; some parameters were missing as they were not available/reported on. Regardless of these challenges, this report brings valuable information that can be used for public advocacy in the national and regional context, toward improving access of services of protection and support for women and girls exposed to gender based violence. The recommendations in this report aim to improve actions of public institutions that are obligated to provide services to victims (e.g., police, centers for social work, courts, prosecutor's offices, health centers, educational institutions, etc.) and policy making institutions in the context of security and gender based violence prevention.

In addition to providing country specific contexts to analyzing cases of femicide, the report also provides *common findings/characteristics of gender related murders of women, with key recommendations for future advocacy toward improved institutional response on femicide at national and regional levels in the Western Balkan region.*

DATA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

¹ Autonomous Women's Center (AWC) from Serbia, Gender Alliance for Development Center (GADC) and Albanian Women Empowerment Network (AWEN) from Albania, Kosovo Women's Network (KWN) from Kosovo, National Network to End Violence Against Women and Domestic Violence from North Macedonia (NNVWDV), Women's Rights Center from Montenegro (WRC), and Foundation United Women (FUW) from Bosnia and Herzegovina.

² The AWC's methodology is based on their long term experience of monitoring cases of femicide in Serbia.

³ The media reporting is the only publicly available data on femicide in the WB because most governments do not collect data on femicide (except Albania).

MURDERS OF WOMEN IN THE WESTERN
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ALCOHOLIC. D.S. REPORTED TO THE POLICE THAT A DAY EARLIER Z.S. WAS CRASHING THINGS IN THE HOUSE AND ASSAULTING HER UNDER

II. METHODOLOGY AND SPECIFICS OF DATA COLLECTION

Partner organizations collected data on fifty-one (51) cases of femicide in the Western Balkan region during 2021 – twelve (12) cases in Albania, nine (9) cases in Bosnia and Herzegovina, two (2) cases in Kosovo, two (2) cases in Montenegro, six (6) cases in North Macedonia, and twenty (20) cases in Serbia, in a family partnership context.

ZEMLJA	CASES OF FEMICIDE REPORTED IN WB COUNTRIES IN 2021	CASES OF FEMICIDE REPORTED IN WB COUNTRIES IN 2021
ALBANIA	12	9
BOSNIA AND HERZEGOVINA	9	7
KOSOVO	2	7
MONTENEGRO	2	2
NORTH MACEDONIA	6	4
SERBIA	20	26
TOTAL:	51	55

There is high probability that number of murders of women is higher because not all cases are covered by media reports. It is not possible to determine how many women died due to consequences of repeated violence, which is often treated in official statistics as a natural cause of death. Regardless of these challenges, media reporting represents an important source of information on murders of women. All countries in the Western Balkan region have limited and incomplete official statistics on all forms of violence against women and official statistics that focus on gender related murders of women are largely missing. Femicide remains largely unrecognized by governments and is rarely linked to various patterns of violence against women that victims of femicide often endure prior to being murdered. This cyclical pattern is clearly visible through media reporting that focuses on immediate circumstances of the events related to murders of women; and rarely brings investigative data related to actions of public institutions, including the details on

previous reports of violence to public institutions or CSOs that provide specialized support and assistance to women victims. The data in this report should be contextualized in the effects of the Covid-19 pandemic. The outbreak that started at the beginning of 2020 and its continued into 2021, lead to increased security risks for women who were now confined to their homes, with limited possibilities to seek assistance and support, and limited possibilities for media to access and collect relevant information related to cases of femicide.

The analysis of collected data per countries follows specific characteristics of femicide cases: **geographical location of a murder** (including village/town), **age of victim and perpetrator**, **number of children and number of underage children of a victim**, **relation between victim and perpetrator** (partner, former partner, husband, former husband, son, brother, father, grandson, other), **weapon used by a perpetrator and circumstances of death** (firearms, hunting rifle, strangulation,

knife, beating, ax, other), **if the murder was committed by firearms, if the perpetrator was legally or illegally possessing firearms, previous reports of violence to public institutions, and if previously reported, identifying which institutions was it reported to** (center for social work, police, prosecutors, healthcare institution, educational institution, several institutions, other), **did a victim and a perpetrator cohabit**, **femicides by location of murder** (house/apartment of a victim, house/apartment of a perpetrator, their common house/apartment, other), **if a perpetrator attempted to or committed suicide following the murder, and other**

circumstances and details relevant for the cases (history of criminal behavior, transgenerational transfer of violence, participation in war and PTSD, reported for violence against former wife, a victim left perpetrator few days or months before murder, etc.)

The Report also presents **case studies** in which partner organizations analyzed public reactions to government institutions that failed to provide assistance and support to women victims prior to their murder, and failed to protect women from becoming victims of femicide.

III. COMMON CHARACTERISTICS/ PATTERNS OF FEMICIDE IN THE WESTERN BALKANS REGION

Available data collected by partners from media and other relevant institutions⁴ in 2021 are enabling mapping of some of the key common characteristics of cases of femicide in the Western Balkan region, as follows:

- **Every second woman was killed by her husband or partner in their common house/apartment**, which indicates that women are at greatest risk of aggravated violence and becoming victims of murder in their closest family settings or in intimate relationships. In 2021, every fourth (24%) woman victim of femicide in the Western Balkan region was murdered in her own house/apartment which she did not share with a perpetrator. Over half of the women victims (53%) were murdered by their husbands or ex-husbands, while 10% of women victims were murdered by their partners or ex-partners. By analyzing the media reports in these cases, it was not possible to determine how many cases of femicide were preceded by domestic violence or intimate partner violence, and other specifics that would lead analysis and planning of the prevention programs/actions. This is why it is important to support continuous monitoring done by women's CSOs in the Western Balkan region on cases of gender based violence. Women's lead CSOs in the Western Balkan region prioritize cases of violence in family and intimate partner relationships through monitoring of responses by government institutions obligated to protect victims from violence (police, centers for social work, health centers, judicial institutions, in some countries also educational institutions, etc.).

24% EVERY FOURTH WOMAN VICTIM OF FEMICIDE IN THE WESTERN BALKAN REGION WAS MURDERED IN HER OWN HOUSE/APARTMENT WHICH SHE DID NOT SHARE WITH A PERPETRATOR

53% OVER HALF OF THE WOMEN VICTIMS WERE MURDERED BY THEIR HUSBANDS OR EX-HUSBANDS

10% OF WOMEN VICTIMS WERE MURDERED BY THEIR PARTNERS OR EX-PARTNERS.

ALCOHOLIC. D.S. REPORTED TO THE POLICE THAT A DAY EARLIER Z.S. WAS CRASHING THINGS IN THE HOUSE AND ASSAULTING HER UNDER

⁴Data were collected from media and police in Albania; Media, CSW, police and prosecutor offices in Serbia, while in other countries data were collected from media only.

- **Women of all age groups are at risk of being victims of femicide, with increased occurrence in the particular age group (46-55)** – collected data from media reports and other relevant institutions in the countries in the Western Balkans region indicate **that women in 46-55 age group are most likely to be victims**. The youngest identified woman victim was eighteen (18) years old, and the oldest woman victim was eighty-eight (88) years old. Every fifth woman victim of femicide (20%) was below thirty (30) years old (including two daughters of the woman victim of femicide that were murdered in Serbia), and every fifth woman victim (20%) was above sixty (60) years old. This indicates that future programs of prevention and combating gender based violence, and femicide should take into consideration the specific age and have an adjusted approach in terms of providing general and specialized service protection, support programs, and information on rights and available assistance for women and girls at risk of becoming victims/survivors of violence.

20% EVERY FIFTH WOMAN VICTIM OF FEMICIDE WAS BELOW THIRTY

20% EVERY FIFTH WOMAN VICTIM WAS ABOVE SIXTY (60) YEARS OLD

- **More than half of the cases of femicide in 2021 in the Western Balkan region occurred in urban areas (61%), while 39% women victims were murdered in rural areas** – this indicates that the situation remains almost unchanged comparing to the data collected in 2020. This indicates that urban settings pose greater risks for women to be exposed to the most severe forms of gender based violence, including femicide. Urban settings are at higher risk despite the availability of the general services provided by the public institutions, as well as specialized services of assistance and support provided by women's CSOs. The higher risk in urban areas should be taken into consideration especially when developing and implementing gender based violence prevention programs (targeting, for example, schools). Additionally, women and men professionals working in institutions must receive adequate training in school/college for prevention and suppression of femicide, as well as to have access to continuous training on the topic as a part of professional development, in order to be able to adequately respond to reports of violence.

61% OF THE CASES OF FEMICIDE IN 2021 IN THE WESTERN BALKAN REGION OCCURRED IN URBAN AREAS

39% WOMEN VICTIMS WERE MURDERED IN RURAL AREAS

- Only (24%) of women and girls who were victims of femicide reported it to public institutions before the femicide occurred. - In 2021, of twelve (12) cases of murders of women in the Western Balkan the data clearly indicate that women reported to government institutions (police, CSW's, and prosecutor's office) before their femicide occurred. In the other cases, the possibility of reports to government institutions was not explored, which does not indicate that those victims did not report because there are no databases for the public institutions. Case studies of handling the incidents of reported gender based violence, mostly violence in a family and intimate partner relationship, analyzed by the partner organizations for each of the targeted countries, clearly indicate serious omissions and inadequate reactions of public institutions who failed to protect women and girls victims from becoming victims of femicide. The low number of reports of violence also indicate a lack of trust from survivors of violence in the work of public institutions. Survivors doubt that public institutions can ensure their safety, protect them from repetition of violence, and prevent escalation of violence to more serious forms.

CASE STUDY ANALYSIS INDICATES THE LACK OF INSTITUTIONAL RESPONSE TO PREVENT GENDER BASED VIOLENCE AGAINST WOMEN AND GIRLS; ESPECIALLY WHEN CONDUCTING AN ADEQUATE RISK ASSESSMENT, THE CONTINUOUS MONITORING OF REPORTED CASES OF VIOLENCE, AND , IMPLEMENTING, AND SUPERVISING AVAILABLE SAFETY PROTECTION MECHANISMS (PROTECTION ORDERS AND EMERGENCY PROTECTION ORDERS) AIMED TO ENSURE THE SAFETY OF WOMEN AND GIRLS EXPOSED TO VIOLENCE. IT INDICATES THAT FURTHER ACTIONS AIMED TO PREVENT FEMICIDE NEED TO EXAMINE REASONS WHY PUBLIC INSTITUTIONS CANNOT RECOGNIZE WOMEN WHO ARE AT HIGH RISK OF FEMICIDE. PUBLIC INSTITUTIONS NEED TO ACT UPON SPECIFIC CIRCUMSTANCES THAT COULD INDICATE THAT THERE WOULD BE A FATAL OUTCOME OF VIOLENCE, AND WHICH WERE NOT RECOGNIZED, REPORTED, AND RECORDED, AND ACTED UPON.

- Every third woman victim (33%) was murdered with firearms (guns, automatic rifles, explosive devices) – one (1) case of femicide, media reports indicate that firearm was in legal possession of the perpetrator, while in other cases it was not possible to determine if the firearms were in legal or illegal possession of the perpetrators. Perpetrators in these cases were husbands, ex-husbands, partners, and ex-partners of

the women victims. This data should also be observed considering recent history of conflicts in the Western Balkan region, as well as the fact that weapons can be easily and cheaply procured. Better control of weapons in legal possession is needed. Recent research shows a high prevalence of usage of small arms in gender related violence in the region. **In Albania**, 57.1% of women murdered by family members were killed with a firearm, while there were no cases reported of men being killed by family members with firearms. In 2015 and 2016, 27.8% of women in Albania who were killed by their intimate partners were killed with a firearm. 26.3% of domestic violence incidents which involved firearms had a lethal outcome. **In Bosnia and Herzegovina**, 45.5% of women killed by their intimate partner were killed with firearms, and 50% of incidents of domestic violence that involved firearms resulted in a lethal outcome. **In Kosovo**, 71.4% of women and 81.8% of men murdered by a family member were killed with firearms. All women killed by an intimate partner were killed with firearms, and the misuse of firearms in domestic violence is more lethal than in any other type of incident. 88.9% of women and 18.9% of men killed with firearms were killed in their homes, apartments, or yards. **In North Macedonia**, 80% of women who were killed by their intimate partner were killed with firearms. Every fourth domestic violence incident which involved firearms had a lethal outcome. **In Montenegro**, 5 out of 10 women killed by their intimate partner were killed with firearms, and 45% of domestic violence incidents which involved firearms resulted in a lethal outcome. **In Serbia**, women account for 63.2% of people killed by family members using firearms, compared to 36.8% of men. Women account for 91.1% of people killed by an intimate partner with firearms, compared to 8.9% of men. 39.4% of women killed by an intimate partner were killed with firearms. 51.9% of incidents of domestic violence that involved firearms resulted in a lethal outcome.¹⁰ Monitoring findings urge for strict control of possession of firearms by law enforcement agencies in the Western Balkan region, especially in cases of domestic violence and intimate partner violence. The reported cases of domestic violence and intimate partner violence in which women have a partner in possession of firearms should be classified as high risk cases. These cases need to be flagged in order to improve safety and security of women and girls exposed to violence, and prevent cases of femicide.

ALCOHOLIC. D.S. REPORTED TO THE POLICE THAT A DAY EARLIER Z.S. WAS CRASHING THINGS IN THE HOUSE AND ASSAULTING HER UNDER

⁵ "Gender and Small Arms in Albania", SEESAC, 2019. Available at: https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_ALBANIA_ENG_WEB_1.pdf
⁶ "Gender and Small Arms in Bosnia and Herzegovina", SEESAC, 2019. Available at: https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_BiH_ENG_WEB.pdf
⁷ "Gender and Small Arms in Kosovo", SEESAC, 2019. Available at: https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_Kosovo_ENG_WEB.pdf
⁸ "Gender and Small Arms in North Macedonia", SEESAC, 2019. Available at:
⁹ "Gender and Small Arms in Montenegro", SEESAC, 2019. Available at: https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_Montenegro_ENG_WEB.pdf
¹⁰ "Gender and Small Arms in Serbia", SEESAC, 2019. Available at: https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_SERBIA_ENG_WEB.pdf

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IV. KEY RECOMMENDATIONS

- Men of all age groups are identified as the perpetrators of murders of women, with increased occurrence in particular age group (36-45) – The media and police reports indicate that men in age group 36 – 45 are predominant perpetrators of murders of women, with the youngest perpetrator identified as thirteen (13) years old and the oldest perpetrator identified as seventy-nine (79) years old. By collected data, **every second perpetrator (46%) committed or attempted suicide after murdering a woman victim.** The highest prevalence of suicide/attempted suicide of the perpetrators identified in Bosnia and Herzegovina – six (6) out of nine (9) perpetrators (67%) committed suicide after murdering women victims.

- In the region, circumstances that lead to cases of murders of women indicate greater risk of femicide in cases when women victims left their husbands/partners or there were indications that they were intending to do so. Public institutions need to take bigger steps to ensure risk assessments, as well protection and care for women who leave their violent husbands or partners, or who are exposed to continuous stalking, spying, harassment, threats, and other forms of violence. The cases of femicide per individual countries in the Western Balkan region (presented within country level analysis) show examples of the lack of urgent actions and support provided to women victims of femicide who were, in the majority of observed cases, reporting continuous violence. These victims of femicide experienced a lack of protection as their experiences and violence were not taken seriously and investigated with due diligence by relevant public institutions (primarily by police, prosecutor's offices, courts).

- Official statistical data related to cases of violence against women and girls in the countries in the Western Balkan region should include data on gender related murders of women disaggregated by age, nationality, and relationship of the perpetrator and the victim. This data needs to be available to the public, in order to enable continuous monitoring, and planning and implementation of evidence based institutional responses for the prevention of violence against women and girls.

- Ensuring support to allow women's CSOs in the Western Balkan region to conduct continuous monitoring on cases of gender based violence, prioritizing cases of violence in family or in intimate partner relationships. This ensures that the responses by public institutions (police, centers for social work, health centers, judicial institutions, in some countries also educational institutions, etc.) recognize these cases as high risk individuals who need protection.

- Ensuring that future programs of prevention and combating gender based violence and femicide are taken into consideration with specific age adjusted approaches in order to provide general and specialized service protection and support programs, and information on rights and available assistance for women and girls in risk of becoming victims/survivors of violence.

- Apply an integrated focus on geographic prevalence of cases of femicide (urban/rural) when developing and implementing gender based violence prevention programs (targeting, for example, schools), as well as training programs of women and men professionals that are working in providing direct services of support and protection to women and girls in risk of becoming the victims/survivors of violence.

- Observe the reported cases of domestic violence and intimate partner violence with a possession of firearms by perpetrators, and cases in which women who are exposed to violence have left or have the intention to leave the perpetrators of violence. Classify these cases as high risk cases. This categorization should be applied by the responsible public institutions in order to improve safety and security of women and girls exposed to violence, and prevent cases of femicide.

IV. REVIEW OF COLLECTED DATA ON CASES OF FEMICIDE ON COUNTRY LEVEL

A]. ALBANIA

Albania ratified the Istanbul Convention in 2013, and it entered into force in 2014.¹¹ GREVIO Baseline Evaluation Report for Albania (2017) indicates that the Albanian Institute for Statistics (INSTAT) is preparing the statistical publication “Women and Men in Albania” with a statistical data on crime rates disaggregated by the sex of a victim, with a reference to the offence of domestic violence.¹² The same publication presents the data on the rate (per 10 000 inhabitants) of women who report domestic violence per major city, and on the percentage of total murders caused by domestic violence. GREVIO strongly encouraged authorities of Albania to “make domestic violence against women and the gendered nature of other forms of violence against women more visible in the crime statistics presented to the public, by clearly identifying the number of women victims per type of offence...including visible presentation to the public of information on the number of homicides of women at the hands of men (gender-related killing of women).”¹³

Gender Alliance for Development Center (GADC) and Albanian Women Empowerment Network (AWEN) from Albania collected data from the General Directorate of State Police on twelve (12) cases of femicide in Albania during 2021. Comparing to the data collected in 2020, the monitoring identified increase of 33% in number of reported cases of femicide in 2021.

Average age of women victims is forty-nine (49) years old – the youngest woman victim was twenty three (23) years old, while the oldest woman victim was eighty three (83) years old. Information on number and age of children of women victims were not available.

Seven (7) murders of women occurred in rural/village area, while five (5) murders occurred in urban area. Eight (8) women victims were murdered by their husbands, one (1) woman victim was murdered by her brother, one (1) woman victim was murdered by her daughter in law, and two (2) women were murdered by other persons, and their relationship to women victims remained unknown.

Data gathered from the police indicate that there were twelve (12) identified perpetrators of murders of women – average age of perpetrators is forty-nine (49) years of age, with the youngest perpetrator being twenty-six (26) years old, and the oldest perpetrator being seventy-nine (79) years old. Age of the one (1) perpetrator remained unknown.

Collected data for Albania show that illegal possession of firearms by marital/intimate partners of women exposed to violence continues to be one of the highest safety risks of becoming victims of femicide.

Weapons used by the perpetrators/circumstances of death of women victims in 2021 were, as follows: five (5) women victims were murdered by firearms, among which four (4) were in illegal possession of the perpetrators - three (3) women victims were murdered by automatic rifles (Kalashnikov), one (1) woman victim was murdered by hunting weapon, and one (1) woman victim was murdered by a pistol. Four (4) women victims were murdered by a cold weapon – two (2) women victims were murdered by a knife, one (1) woman victim was murdered by a kitchen knife, and one (1) woman victim was murdered by a cutting tool. One (1) woman victim was murdered by burning. Data collected in 2020 indicated that four (4) out of nine (9) murders of women were committed by firearms in illegal possession of the perpetrators.

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¹¹ More information on reporting to GREVIO from Albania, baseline GREVIO Report, alternative reports submitted by CSOs available at: <https://www.coe.int/en/web/istanbul-convention/albania>

¹² Latest publication “Women and Men in Albania 2021”, Statistical Institute of Albania available at: <http://www.instat.gov.al/media/8713/burra-dhe-gra.pdf>

¹³ Point 41a of the GREVIO Baseline Report for Albania (2017), available at: <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

WEAPON USED IN CASES OF MURDERS OF WOMEN VICTIMS IN ALBANIA	2021	2020	TOTAL
FIREARMS IN ILLEGAL POSSESSION OF THE PERPETRATOR	5 [42%]	4 [44%]	9
COLD WEAPON [KNIFE, AX, SHARP TOOLS]	5 [42%]	3 [33%]	8
FIREARMS IN LEGAL POSSESSION OF THE PERPETRATOR	1	0	1
BURNING	1	0	1
SOLID OBJECTS	0	1	1
STRANGULATION	0	1	1

Only in two (2) cases, violence against women committed by their husbands in Albania was previously reported to the institutions – one (1) case was reported to police, while one (1) case was reported to police, prosecutor’s office, and court. Comparing to data collected in 2020, GADC and AWEN identified decrease in number of cases in which women victims of domestic and/or intimate partner violence reported violence to the public institutions prior to being victims of femicide, which can indicate lack of availability of the institutions to the women exposed to domestic/intimate partner violence, or lack of trust in actions of the institutions on preventing repetition of violence and protecting safety of the victims.

VIOLENCE REPORTED TO INSTITUTIONS PRIOR MURDER OF THE VICTIM IN ALBANIA ¹⁴	2021	2020	TOTAL
POLICE	2	5	7 [33%]
PROSECUTORS	1	0	1
COURTS	1	0	1
NOT REPORTED	10	4	14 [67%]
NOT KNOWN	0	0	0

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¹⁴Note: number of reports does not equal number of women victims of femicide who reported violence prior being murdered, but equals number of reports to various institutions.

Collected data indicate that women victims and perpetrators of femicide lived together in six (6) cases, while in rest of the six (6) cases, the victims and perpetrators did not share common household. Five (5) perpetrators committed suicide upon committing murder of women victims, while in seven (7) cases of femicide, the perpetrators neither attempted nor committed suicide after the murder of women victims.

The data gathered from the General Directorate of State Police on location of murder of women indicate that home remains to be the most dangerous place for women exposed to violence in Albania. Seven (7) women victims (58% of total women victims of murder in 2021) were murdered in the place they lived – five (5) women victims were killed in the apartment/house they shared with the perpetrator, one (1) woman victim was killed in her house, and one (1) woman was murdered in the backyard. Among rest of the murders of women victims, two (2) occurred in the car, one (1) murder occurred in the apartment for daily rent, and one murder of woman victim occurred on the street.

LOCATION OF THE MURDER OF WOMEN VICTIMS IN ALBANIA	2021	2020	TOTAL
SHARED HOUSE/APARTMENT OF THE VICTIM AND THE PERPETRATOR	5 [42%]	2 [22%]	7
HOUSE/APARTMENT OF THE VICTIM	1 [8%]	4 [44%]	5
IN THE BACKYARD	1 [8%]	1 [11%]	2
IN THE CAR	2	0	2
AT THE STREET	1	1	2
IN THE FAMILY SHOP	0	1	1
IN THE APARTMENT FOR DAILY RENT	1	0	1
HER PARENT'S HOUSE	1	0	1

HANDLING THE CASE OF SABRINA BENGAJ BY THE JUSTICE INSTITUTIONS IN ALBANIA¹⁵

Based on the event occurred in Fier region on 10/09/2021 where Sabrina Bengaj was killed by her former husband, the Albanian Women Empowerment Network (AWEN) undertook a monitoring of the case and how it has been handled by the institutions who have had contacts with both the victim and her former husband. Information has been requested on the investigation, adjudication, and case management from the institutions of Fier Local Police Directorate, Prosecution Office at Fier Judicial District Court, Judicial District Court, and Fier Municipality.

AWEN has submitted requests for information to these institutions, since they have handled the case of the late Sabrina Bengaj for a year, who, inter alia, from 19/09/2020 had been provided with an Immediate Protection Order and then with a Protection Order, which had a one-year validity until 14/10/2021.

From the verification of the information submitted in writing and documentation made available, AWEN has observed the following:

- The late Sabrina Bengaj was under the Protection Order against her former husband when she was killed;
- On 19/09/2020, after her being provided with an Immediate Protection Order, Elton Bengaj, former husband of the victim, approached near her parents' house and threatened Sabrina Bengaj's family members using a firearm. Police forces of Fier Police Station immediately arrived at the scene and apprehended Elton Bengaj in the act. Materials have been referred to Fier Judicial District Prosecution Office;
- A criminal proceeding was initiated against Elton Bengaj for "Domestic Violence" (Article 130/a-2), "Opposing the Official of the Public Order Police" (Article 236/2), "Illegal Possession and Manufacturing of Weapons, Explosives and Ammunition" (Article 278/1);
- On 22/09/2020, the First Instance Judicial District Court established for a preventive custody in prison for Elton Bengaj;
- On 20/11/2020, the report of the forensic psychiatry expertise was carried out for Elton Bengaj, wherefrom it appears that "*Elton Bengaj has been suffering from a psychotic disorder for at least the past two years according to the relevant accompanying documentation ... he is not criminally responsible for the offence committed as he had been under the influence of thought disorder..... presents a high risk for unpredictable and consequential behaviour*";
- The prosecutor requests the court to suspend trial for the criminal offences and establish the preventive measure of "Compulsory Medical Treatment in a Healthcare Institution;"
- On 31/03/2021, admitting the case prosecutor's request, the Judicial District Court of Fier decides on "dismissing the criminal case against Elton Bengaj and establishing the medical measure";
- The verdict is communicated to Elton Bengaj, who is in the penitentiary institution of Zahari, Krujë;
- After 15 days that the verdict took final ruling, on 08/04/2021 Elton Bengaj, through his lawyer, submitted a request to the court for verification of the medical measure. The court examines the case;
- On 25/03/2021, the penitentiary institution of Zahari, Krujë provides information in writing on the health of Elton Bengaj, which is then used by the lawyer as evidence in court. Such information, highlights, inter alia, that "*the patient Elton Bengaj who has been treated in the penitentiary institution of Zahari since 22/12/2020 does not have any psychiatric pathology and the patient's condition has been stabilized. ... During the treatment in the institution, he has not manifested psychotic or affective symptoms, therefore his treatment with any therapy is not necessary*";

¹⁵ Case study prepared by the Albanian Women's Empowerment Network

- After presenting the abovementioned written evidence, based on the records kept in the trial hearing on 04/05/2021, the prosecutor of the case has stated that “the deadline to request a review is short. If Elton Bengaj is responsible, we should take him out of the hospital and send him to prison;”

- The court decides to conduct a forensic examination;

- Na osnovu forenzičkog psihijatrijskog vještačenja od 21. jula 2021. godine, koje je provedeno na zahtjev Okružnog suda Fiera i predstavljeno 26. jula 2021. godine, procjenjeno je da “Elton Bengaj pati od neodređenog psihotičnog poremećaja. Trenutno se nalazi u fazi djelomične remisije. Ukoliko bude podvrgnut redovnom liječenju, moguće je upravljati rizikom od nepredvidljivog ponašanja”;

- Based on the forensic psychiatry expertise dated 21/07/2021, requested by the Judicial District Court of Fier and presented on 26/07/2021, it is assessed that “Elton Bengaj suffers from an unspecified psychotic disorder. It is currently in a partial remission phase. ***If treated regularly, the risk for unpredictable behaviour is manageable;***”

- 26. jula 2021. godine, Okružni sud Fiera donosi odluku o zamjeni medicinske mjere za Eltona Bengaja iz “Obaveznog medicinskog liječenja u zdravstvenoj ustanovi” u mjeru “Obaveznog medicinskog ambulantnog liječenja” pod nadzorom njegovog oca;

- Elton Bengaj has been released by court verdict on 26/07/2021;

- Based on the information submitted by the Local Police Directorate of Fier, “Sabrina Bengaj appeared at the police premises on 13/07/2021 to report her ex-husband. The ex-husband was in Zaharia prison, in Krujë.” No further information is provided why Sabrina Bengaj appeared at the Police Directorate meanwhile Elton Bengaj was in Zaharia prison. The Police Authorities have conducted the necessary procedural actions and materials have been referred to Fier Judicial District Prosecution Office related to the criminal offence “Acts opposing court’s verdict” provided for by Article 321/1 of the Criminal Code;

- On 10/09/2021, Sabrina Bengaj was killed by her ex-husband Elton Bengaj.

AWEN observes that within a very short period (from 20/11/2020 until 21/07/2021), there are two forensic psychiatry expertise acts different from each other. The first report states that “Elton Bengaj is not criminally responsible as he has been suffering from a psychotic disorder for at least the past two years, presents a high risk for unpredictable and consequential behavior”, and the second report states that “...if treated regularly, the risk for unpredictable behavior is manageable”. Meanwhile, only 4 months after the first forensic psychiatry expertise, the penitentiary institution in Zahari, Krujë provides information in writing related to the health condition of the patient Elton Bengaj, affirming that Elton Bengaj does not have any psychiatric pathology. Under such circumstances, having 2 different mental health assessment reports of Elton Bengaj, AWEN believes that the prosecutor of the case should have requested a third expertise act to verify if the first group of experts made a mistake in their first conclusion or if the second group of experts alleviated the health conditions of the accused.

In the hearing of 04/05/2021, the prosecutor of the case has stated that “he does not agree on conducting a forensic re-evaluation without exceeding 1 year and in case the defendant is criminally responsible, he should go to prison”, but he failed to undertake any legal initiatives, such as detailed questions or appealing the court verdict. At the end of the trial, in the hearing of 26/07/2021, the prosecutor has agreed and declared to admit the request for compulsory ambulatory medical treatment under his father’s care. In the Republic of Albania, the prosecutor is responsible for an indictment, and AWEN believes that had the prosecutor defended his case with professionalism and in accordance with the Albanian legislation, the offender would still be in a penitentiary institution or under hospital care for the criminal offence provided for in Article 278/1 and Article 236/2 of the Criminal Code. The Prosecutor’s Office has not undertaken any legal initiatives to defend the case, acting in contradiction to Articles 329/c of the Code of Criminal Procedure, thus unlawfully releasing the offender from the criminal offence.¹⁶

AWEN observes that the Judicial District Court of Fier has initiated the release of Elton Bengaj, just after 15 days upon the first verdict took the final ruling. Although the court has had two forensic psychiatry assessment reports, different from each other, both drafted within a few months, it has not delved into the merits

IA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

¹⁶Article 329/c, paragraph 1 of the Code of Criminal Procedure provides that “Where after the verdict to dismiss the charges or case, new information or evidence is discovered, which show that the verdict is not founded, it can be revoked by the preliminary hearing judge, at the request of the prosecutor, victim, or his/her heirs. The request, along with the new acts and evidence shall be filed with the secretary of the court”.

of the case in question and has not requested re-assessment by a group of experts.

The court decides to set Elton Bengaj free, ruling for a “Compulsory Ambulatory Medical Treatment” under his father’s care. This is based on the forensic psychiatry expertise and testimony of B.M., the father of the offender. This decision is not objected by the prosecutor. AWEN reminded the competent public institutions that removing or restricting the responsibility of a person to act shall be done by a court verdict. Placing an irresponsible person in special custody shall be done by a court verdict. **The person whom an individual with mental health disorders has been assigned under custody, shall prove before the court that he is able to be his custodian.** This fact is proved by means of medical reports, family situation, age, (under no circumstances pensioners are designated to be special custodians). There is no evidence in the court file, which proves whether B.M, i.e., the father of the offender, was able to take care of his son or not. In such case, AWEN considers that the **provisions of the Law No. 44/2012 “On mental health”, as amended, have not been complied with, as well as the provisions of Civil Procedure Code, Article 382 et seq., on removing or restricting the capacity to act.**

The court has ordered Elton Bengaj to visit the neuro-psychiatric medical doctor, at the Fier Specialties Clinic once a month, without providing any kind of ruling for the execution of such verdict.

Based on the information made available to AWEN by the Local Police Directorate of Fier, AWEN observes that Sabrina Bengaj appeared at the police premises on 13/07/2021 where she reported her ex-husband. No further information is provided why Sabrina Bengaj appeared at the Police Directorate meanwhile Elton Bengaj was in Zaharia prison. The Police Authorities have carried out the necessary procedural actions and materials have been referred to Fier Judicial District Prosecution Office related to the criminal offence “Acts opposing court’s verdict” provided for by Article 321/1 of the Criminal Code. Therefore, meanwhile the case for the medical measure verification of Elton Bengaj was under trial, another criminal proceeding has started against Elton Bengaj with the affected Sabrina Bengaj. **Although another criminal proceeding has started, the court has failed to take into consideration this**

fact and decided to set the offender free, who in a few months would become the killer of the late Sabrina Bengaj.

AWEN has observed violations in the manner how the criminal cases have been handled by the justice institutions against the citizen Elton Bengaj, i.e., the offender charged with the murder of the victim Sabrina Bengaj. The Court and the Prosecution Office of the Fier Judicial District, in just about 10 months have set the citizen Elton Bengaj free, apprehended him in the act and charged with the commitment of 3 criminal offences, respectively: “Domestic violence” (Article 130/a-2), “Opposing the Official of the Public Order Police” (Article 236/2), “Illegal Possession and Manufacturing of Weapons, Explosives and Ammunition” (Article 278/1). Under such circumstances, AWEN requested from the High Inspector of Justice, Ministry of Justice, Institute of Forensic Medicine, Parliamentary Commission on Labor, Social Issues and Health, Parliamentary Sub-Commission on Human Rights and all other institutions involved in this case to exercise their functions for inspection, monitoring, law enforcement and accountability of the following responsible institutions: Fier Judicial District Court, Prosecution Office at Fier Judicial District Court, Fier Forensic Medicine, with regard to the manner how the S.B. case has been handled by these institutions.

B]. BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina ratified the Istanbul Convention in November 2013, and it entered into force in August 2014. In 2019, BiH authorities have established the Board for Monitoring and Reporting on Implementation of the Istanbul Convention and Femicide in BiH¹⁷ with a mandate to conduct analyses of the implementation of policies and measures for preventing and combatting violence against women and domestic violence, assesses the status of implementation of the Istanbul Convention and makes recommendations for its more efficient implementation, analyses data about murder cases from the gender perspective (femicide) and makes recommendations for further actions aimed at preventing femicide. In February 2021, BiH Agency for Gender Equality of the Ministry for Human Rights and Refugees commissioned preparation of the first report on cases of murders of women in BiH for the period 2018-2020, analysis of the comparative practice from the Western Balkan countries, and preparing proposal for establishing Femicide Watch in BiH, including the structure, tasks, and working methodology, and this is ongoing process. BiH is currently under baseline evaluation process on implementation of the Istanbul Convention by GREVIO, and the first evaluation report is expected in September 2022.¹⁸

The latest statistical publication “Women and Men in Bosnia and Herzegovina”¹⁹ (2021) published by the BiH Agency for Statistics contains data on number of violent deaths disaggregated by the sex of a victim and type of death (accident, suicide, murder) for the period 2016-2020. According to this data, there were fifty-five (55) murders of women in BiH, however it remains unknown how many of these cases fit into category of gender related killings of women (femicide).

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AVERAGE AGE OF IDENTIFIED WOMEN VICTIMS

29

YEARS OLD WAS THE YOUNGEST WOMAN VICTIM

Based on monitoring cases of murder of women through media reporting, the United Women Foundation from Bosnia and Herzegovina collected the data on nine (9) cases of femicide in Bosnia and Herzegovina in 2021.

Comparing to the data collected in 2020, number of cases of femicide increased for 28%. Average age of identified women victims is forty-seven (47) years of age – the youngest woman victim was twenty-nine (29) years old, while the oldest woman victim was eighty-eight (88) years old. Based on available data, twenty (25) children lost their mothers, among which seven (7) were identified as minors. Five (5) murders of women occurred in urban areas, three (3) murders occurred in rural areas, and one (1) murder of a woman occurred in suburban areas.

Four (4) women were murdered by their husbands, and three (3) women victims were murdered by their former husbands. One (1) woman victim was murdered by her son-in-law, and one (1) woman victim was murdered by a neighbor. Average age of the perpetrators of femicide is forty-eight (48) years of age – with the youngest perpetrator being thirty-three (33) years old, and the oldest perpetrator being sixty-eight (68) years old.

Data collected by the United Women Foundation through monitoring of media reporting indicate increase in number of women being murdered by firearms in Bosnia and Herzegovina. Six (6) women victims (more than 66% of total number of murders) were murdered by firearms (gun, Kalashnikov) in 2021, while three (3) women victims (more than 42% of total number of murders) were murdered using firearms by the perpetrators of violence in 2020. Only in relation to one (1) case of femicide, media reports indicate that firearm was in illegal possession of the perpetrator, while in other cases it was impossible to identify from the media reports if the firearms were in legal or illegal possession of the perpetrators. Similarly in 2020, only in one (1) case of femicide committed by a security officer, it was revealed that he legally possessed the firearm, while in order cases this fact was out of media focus.

IA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

¹⁷ Official Gazette of Bosnia and Herzegovina, no. 60/19

¹⁸ More information on the BiH state report to GREVIO and alternative reports submitted by CSOs available at: <https://www.coe.int/en/web/istanbul-convention/bosnia-and-herzegovina>

¹⁹ “Women and Men in Bosnia and Herzegovina”, 2021, BiH Agency for Statistics. Available online at: https://bhas.gov.ba/data/Publikacije/Bilteni/2022/FAM_00_2021_TB_1_EN.pdf

WEAPON USED IN CASES OF MURDERS OF WOMEN VICTIMS IN BOSNIA AND HERZEGOVINA	2021	2020	TOTAL
FIREARMS [GUN, KALASHNIKOV]	6 [67%]	3 [43%]	9
COLD WEAPON [KNIFE, AX]	3 [33%]	1 [14%]	8
BEATING, STABBING WITH A KNIFE	0	1	1
BURNING	0	1	1
BLUNT OBJECT [HAMMER]	0	1	1

Only in two (2) cases of femicide (22% of total cases) committed in 2021 in the Bosnia and Herzegovina, media reports indicate that violence against women has been previously reported to the public institutions (centers for social work and police). In both cases, women victims of femicide were exposed to long term violence by their husbands prior being murdered. In one of the cases in which violence has been previously reported to the police and the center for social work, media reports indicate that protection measure of mandatory psychiatric treatment has been imposed against the perpetrator due to alcohol abuse, and that it was not implemented in the practice. In five (5) cases, media reports indicate that a woman victim and a perpetrator were living together in the time of a murder, while in four (4) cases, a woman victim and a perpetrator did not share common household. In six (6) cases, the perpetrator committed suicide after murdering a woman victim, while in three (3) cases the perpetrator did not commit/attempted suicide. **Collected data show increase in number of suicides of the perpetrators of femicide in the Bosnia and Herzegovina (67% of total number of femicide) comparing to the data on cases of femicide in the Bosnia and Herzegovina committed in 2020 (14%).**

NUMBER OF THE PERPETRATORS THAT COMMITTED/ ATTEMPTED SUICIDE AFTER MURDERING WOMEN VICTIMS IN BOSNIA AND HERZEGOVINA	2021	2020	TOTAL
COMMITTED SUICIDE	6 [67%]	1 [14%]	7
DID NOT COMMIT SUICIDE	3 [33%]	5 [14%]	8
ATTEMPTED SUICIDE	0	1	1

Media reports in the Bosnia and Herzegovina indicate that home remains to be the most dangerous place for women exposed to gender based violence. In seven (7) cases of femicide in 2021 (78% of all cases) women were murdered in the house/apartment which they shared with the perpetrator, or their own house/apartment. Two (2) women victims were murdered in the house of their parents, while one (1) woman victim was murdered by her former husband on the street, in front of her apartment building. In 2020, five (5) women victims (or 71.43% of all cases) were murdered in the house/apartment they shared with the perpetrator, or their own house/apartment.

LOCATION OF THE MURDER OF WOMEN VICTIMS IN BOSNIA AND HERZEGOVINA	2021	2020	TOTAL
SHARED HOUSE/APARTMENT OF THE VICTIM AND THE PERPETRATOR	3	3	6
HOUSE/APARTMENT OF THE VICTIM	4	2	6
HER PARENT'S HOUSE	2	0	2
AT THE STREET	0	1	1
AT HER WORKPLACE	0	1	1

Media reports in the Bosnia and Herzegovina in 2021 indicate that women who recently left their husbands/intimate partners, initiated procedure of divorce/divorced their partners, or announced they will leave common household are in high risk of becoming victims of femicide.

Circumstances related to previous violence and/or criminal behavior of the perpetrators of femicide reported by media in the Bosnia and Herzegovina in 2021 indicate that in six (6) out of nine (9) cases of femicide women victims recently left the perpetrators, and initiated common life with other partners, moved to their parent's house, undertook divorce procedure, or announced they will leave the perpetrators.

FOUR PROTECTION MEASURES IMPOSED AND NEVER IMPLEMENTED IN THE PRACTICE – CASE OF FEMICIDE OF D.S.²⁰

D.S., fifty-three (53) years old woman from a village near Prnjavor, Bosnia and Herzegovina, mother of three adult children was murdered in August 2021 by her fifty-six (56) years old husband Z.S. A perpetrator slaughtered D.S. in a family grocery store they owned, near coffee shop that was also a family owned business. After killing D.S., the perpetrator killed himself in the basement of a family house. In the morning when the murder took place, few customers were present in the coffee shop and could hear sounds of struggle from the nearby store, but nobody reacted as arguments were common occurrence between a victim and a perpetrator, and well known to entire neighborhood.

Media reports on the case indicate that D.S. was exposed to long term domestic violence by her husband, and that he was an alcoholic. Based on data provided by the Center for Social Work from Prnjavor (CSW Prnjavor)²¹, the first report of violence of her husband against her was submitted by D.S. to the CSW Prnjavor on 28 December 2018. D.S. The perpetrator was imposed two (2) protective measures based on court order -mandatory treatment for alcohol and drug abuse, and a removal from a family house in duration of six (6) months.

On 19 March 2019, D.S. again reported her husband for alcohol abuse, as well as physical and psychological violence against her, which implies that both protection measures have not been implemented in the practice. The police undertook field intervention, Z.S. was taken into custody, and the police filed the criminal report for domestic violence to the authorized prosecutor's office. Social workers from CSW Prnjavor interviewed D.S., and identified that she physically separated herself from her husband to another part of the house and was living there, her children supported her to undertake further steps to request protection from domestic violence. D.S. was informed by social workers about available protection measures, and requested for her husband to be sent to the mandatory treatment for alcohol abuse. On 5 April 2019, social workers from CSW Prnjavor undertook field visit, interviewed Z.S. and identified that he did not report to the Center for Mental Health, based on the court order, and they informed the court that Z.S. refuses to respect the court order on imposed protective measures.

On 20 June 2020 (more than a year after the latest action of institutions on the case), CSW in Prnjavor was informed

by the police that a day earlier Z.S. was assaulting his wife, cursing on her mother, destroying furniture in the house, and was threatening to her that "a bullet will be faster than her report". CSW in Prnjavor initiated another protective measure of restraining order to approach and contact with a victim of violence was imposed by the court.

On 23 March 2021 (five months prior to the femicide), D.S. reported to the police that a day earlier Z.S. was crashing things in the house and assaulting her under influence of alcohol. Police and CSW intervened, and accompanied Z.S. to a local hospital where a neuropsychiatrist examined him, and proposed a mandatory treatment of alcohol abuse in a closed facility. On the same day, CSW proposed to the court to impose two (2) protection measures - a mandatory treatment of alcohol abuse, and restraining order of approaching to a victim of domestic violence. On 24 March 2021, the court imposed the restraining order of approaching to a victim of domestic violence, and rejected the request for imposing mandatory treatment of alcohol abuse for Z.S. The CSW appealed on the court decision.

No further actions of competent public institutions were taken until 27 September 2021, when the court adopted the decision to suspend further proceedings due to the death of the perpetrator.

In relation to the case of femicide of D.S., the competent public authorities failed to protect her from long term domestic violence despite her continuous reporting, and requests for assistance and protecting her safety. **From presented chronology of the case, it is visible that four (4) protection measures were imposed by the court, however, the court did not sanction Z.S. for violating the court orders.** By the Article 190, Paragraph 5 of the Criminal Code of Republika Srpska, violation of protective measures has been recognized as a qualified form of criminal offence of domestic violence, with prescribed penalty of a fine and a prison sentence up to three (3) years cumulatively.²² Z.S. was not prosecuted for violation of protection measures imposed by the court. The court also rejected request of the competent medical expert (neuropsychiatrist) that provided opinion of Z.S. as a person that needs to be treated for alcohol abuse in a hospital.

Additionally, **there are no records if the criminal proceeding for domestic violence based on a criminal report filed by the police on 19 March 2019 was ever initiated by the authorized prosecutor's office.** It is now known if the police undertook mandatory risk assessment after D.S. reported serious threats to her life on 20 June 2020.²³ Instead all of that, D.S. was left without protection of her safety and life, and the local public institutions failed to prevent escalation of violence and femicide.

²⁰ Case study analysis prepared by the Foundation United Women from Bosnia and Herzegovina

²¹ Document no. 05/1-711.5-18/21 from 28 June 2022

²² Violence in a Family and Family Community. Article 190 of the Criminal Code of Republika Srpska regulates that "Anyone who violates protective measures or emergency measures of protection against domestic violence that the court has determined based on the law, will be punished with a fine and a prison sentence of up to three years."

²³ In the period of this report filled by D.S. to the local police, new Law on Protection from Domestic Violence of Republika Srpska entered into force, which obliges the police to conduct risk assessment in cases of domestic violence.

C]. KOSOVO

In 2020, Kosovo adopted the Istanbul Convention through an amendment to the Constitution of Kosovo which was adopted by the National Assembly in September of 2020.²⁴ The adoption of the Istanbul Convention signified the government's commitment to addressing gender-based violence. The latest statistical bulletin "Women and Men in Kosovo"²⁵ published by the Kosovo Agency of Statistics covers the period 2018 – 2019 and contains the data on deaths in violent manner (2013-2018) disaggregated by sex, victims of domestic violence by years (2010-2019), domestic violence reported by region by years (2013-2019), and victims of domestic violence reported by region in 2018 in percentages. Similar to other countries in the Western Balkan region, Kosovo does not keep official statistics on gender-related killings of women.

In 2021, there were two cases of femicide, according to the data collected by the Kosovo Women's Network through monitoring of media reporting on cases of murders of women. The femicides that happened in 2021 were followed by a weak institutional response and the government's failure to preemptively intervene and protect victims at high risk.

Responses to these cases are reflective of a larger problem in Kosovo, and on the work that still needs to be done in fully implementing the Istanbul Convention and addressing violence against women.

The murdered victims were women ages eighteen (18) and forty-two (42) years old. Both murders occurred in urban areas. According to the media reports, the forty-two (42) years old woman victim had four (4) children, among which two (2) are minors. The forty-

two (42) years old victim was murdered by her forty-five (45) years old ex-husband. While the eighteen (18) years old woman victim was murdered by her twenty-nine (29) years old partner and his thirty-two (32) years old friend.

A woman victim murdered by her ex-husband was killed by firearm for which it is unknown if it was legally or illegally possessed by the perpetrator. The perpetrator committed suicide after murdering the woman victim. The woman victim and the perpetrator did not live together, and the femicide took place on the street near the workplace of the perpetrator.

Media reports also indicate that a year prior to when the murder took place (April 2020), the woman victim reported to the police, prosecutor's office, and the court that she had been exposed to violence. This report should have led the prosecutor's office to open a file on this case. A detailed report on the failure of public institutions in this case focused on the lack of diligence by the prosecutor's office. This report was prepared by the Kosovo Law Institute and Kosovo Women's Network²⁶. The report pointed out **the failure of the prosecutor's office to react to the reports of violence filed by the woman victim ten (10) days prior to when she was murdered by her ex-husband. The prosecutor's office failed to provide immediate and effective protection of life and safety for the woman victim, and failed to impose available measures against the perpetrator (detailed analysis of the case provided below).**

The media reports on the case of femicide of eighteen (18) years old woman victim by her twenty-nine (29) years old partner and his thirty-two (32) years old friend indicate that she was sexually abused, tortured, and severely beaten for two days. After two days, the perpetrators left her without signs of life in front of a local hospital. The woman victim lived with the perpetrator in his house/apartment for two (2) months prior to the time she was murdered. Media reports on the case indicate that both perpetrators had a long history of criminal behavior, including attempted murder, theft, attack on police officers, rape, and other criminal offenses. According to media reports, there were no reports of violence filed by a victim or other persons in relation to this case.

IA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

²⁴ The Council of Europe, Strasbourg, Newsroom: the National Assembly of Kosovo Decides to Apply the Istanbul Convention, 25 September, 2020: <https://www.coe.int/en/web/istanbul-convention/-/the-national-assembly-of-kosovo-decides-to-apply-the-istanbul-convention>

²⁵ Women and Men in Kosovo, Kosovo Agency of Statistics, 2020, available at: <https://ask.rks-gov.net/media/6118/women-and-men-2018-2019.pdf>

²⁶ Shteti Me Mos Veprim Privon Nga Jeta Sebahate Sopin, Kosovo Law Institute and Kosovo Women's Network, March 2021. Analysis available (on Albanian) at: <https://klliks.org/wp-content/uploads/2021/03/IKD-Shteti-me-mos-veprim-privon-nnga-jeta-Sebahate-Sopi-17.03.2021.pdf>

RESPONSE OF THE COMPETENT INSTITUTIONS IN THE CASES OF VIOLENCE AGAINST SEBAHATE MORINA THAT PRECEDED FEMICIDE²⁷

On 14 March 2021, 42-year-old Sebahate Morina was murdered by her ex-husband in Pristina, Kosovo. Shortly after her murder, her ex-husband (L.S.) committed suicide. Sebahate's ex-husband had a history of domestic violence. In 2019, L.S. was taken into custody for abusing Sebahate. She had a protection order against her ex-husband until the end of 2020 that eventually expired. On 3 March 2021, Sebahate's daughter informed the police of domestic violence against her mother committed by L.S. The Basic Prosecution Office interviewed Sebahate; she rejected medical attention, told the prosecutor that she had a "disagreement" when her ex-husband physically attacked her, and refused to pursue the case any further. L.S. was interviewed and denied all abuse. The Basic Prosecution invited Sebahate for a second interview on 4 March 2021, but she did not attend. At this point, the Basic Prosecution did not undertake any additional actions in the case. 11 days later, Sebahate Morina was brutally murdered by her ex-husband.

The Basic Prosecution violated several parts of the Istanbul Convention while handling Sebahate's case. The Kosovo Law Institute and the Kosovo Women's Network completed a legal analysis²⁸ of the Basic Prosecution's response and put forth recommendations²⁹ on how to address their failure to follow the standard operation procedures for domestic violence. The Basic Prosecution violated Article V, Sec II. of the Istanbul Convention, "Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors".³⁰ The Basic Prosecution did not follow-up with Sebahate or consider the past charges against her ex-husband. They also violated Article XII, Sec. III of the Istanbul Convention, "Any measures taken pursuant to this chapter shall take into

account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre".³¹ The Basic Prosecution should have considered the re-traumatization of continually interviewing Sebahate and the unwillingness of domestic violence victims to speak out directly against their perpetrators. Throughout their short investigation, the Basic Prosecution did not consider the context of Sebahate's case. Sebahate failing to show-up for a second interview did not mean that violence was not occurring, or her life was no longer in danger. The Basic Prosecution did not intervene when Sebahate was in danger and failed to protect her. Shortly after her murder, Kosovo citizens took to the streets to protest the justice system's handling of the case and to remember Sebahate.

CASE OF FEMICIDE OF MARIGONA OSMANI

The failure of the justice system to protect Sebahate is not an isolated incident. Another violent femicide occurred in Kosovo in August of 2021. Marigona Osmani was left severely beaten and bloodied at the steps of a hospital in Ferizaj.³² Marigona was found to be sexually abused and tortured for two days before being carelessly left at the steps of the hospital. The two men who dropped off Marigona, Dardan Krivaqa and Arber Sejdiu, had previous records of criminal offences (rape, extortion, fraud, intimidation, robbery, physical assault, theft and stabbing a police officer). The particularly violent nature of this femicide led to public outcry and more street protests.

The cyclical nature of femicide continues in Kosovo due to oppression of women, patriarchal attitudes, and the inadequate judicial response to cases of gender-based violence.

²⁷ Analysis of the cases of femicide in Kosovo that occurred during 2021 prepared by the Kosovo Women's Network

²⁸ "Shteti Me Mos Veprim Privon Nga Jeta Sebahate Sopin", Kosovo Law Institute and Kosovo Women's Network, March 2021. Analysis available (on Albanian) at: <https://kli-ks.org/wp-content/uploads/2021/03/IKD-Shteti-me-mos-veprim-privon-nga-jeta-Sebahate-Sopi-17.03.2021.pdf>

²⁹ KLI and KWN Publish the Investigation Report Regarding the Murder of Sebahate Morina: Justice Institutions Neglected This Case, 17 March 2021. Article available at: <https://womensnetwork.org/kli-and-kwn-publish-the-investigation-report-regarding-the-murder-of-sebahate-morina-justice-institutions-neglected-this-case/>

³⁰ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, available at: <https://rm.coe.int/168008482e>

³¹ Ibid.

³² News Article: "Is the brutal murder of Marigona Osmani a tipping point for Kosovan society?" Euronews, 2 September 2021, available at: <https://www.euronews.com/my-europe/2021/09/02/is-the-brutal-murder-of-marigona-osmani-a-tipping-point-for-kosovan-society>

D]. MONTENEGRO

Montenegro ratified the Istanbul Convention in April 2013, and it entered into force in August 2014. Statistical publication “Women and Men in Montenegro” (2020) prepared by the Statistical Office of Montenegro and the Ministry for Human and Minority Rights of Montenegro does not contain any data on violent deaths or gender related killings in the country disaggregated by sex. Only official statistical data relevant for understanding the scope of gender based violence in Montenegro are related to domestic violence (number of criminal offences and misdemeanors, number of reported cases of domestic violence, types of services provided to the victims, verdicts for criminal offences of domestic violence, and number of convicted persons).³³

The state report to GREVIO from 2017 does not address specifically gender related murders of women (except through presenting collected data on violence against women that resulted with death),³⁴ while CSO alternative report, referring to data collected by the Women’s Rights Center through media monitoring addresses the issue of femicide indicating that at least twenty-one (21) women were murdered in Montenegro in the period 2011-2017.³⁵ In its baseline evaluation report for Monte-

negro, GREVIO does not directly address the issue of femicide, yet, in relation to administrative data collection, it “strongly encourages Montenegrin authorities to pursue their efforts to introduce harmonized data categories such as sex, age, type of violence, and type of relationship of the perpetrator with the victim to be collected at regular intervals by all sectors of the administration, including the law enforcement agencies, the judiciary, the relevant social services, the public health sector and other relevant public services.”³⁶

Through monitoring of media reporting on cases of femicide, the Women’s Rights Center from Montenegro collected information on two (2) cases of murders of women in Montenegro during 2021.

The number of identified cases of femicide remained the same, comparing to data from 2020 when two (2) cases were identified. Based on media reports, women victims were nineteen (19) and thirty-six (36) years old. Both murders of women occurred in urban areas. Thirty-six (36) old woman victim had seven (7) children, among which six (6) are minors, who are left without parental care. One (1) fifteen (15) years old daughter suffered grave bodily injuries, as the perpetrator also attacked her.

IA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

³³ “Women and Men in Montenegro”, 2020, Statistical Office of Montenegro and Ministry for Human and Minority Rights of Montenegro, pages 42-43. Available at: <https://www.monstat.org/uploads/files/publikacije/%C5%BDene%20i%20mu%C5%A1karci%20u%20Crnoj%20Gori.pdf>

³⁴ Baseline Report of Montenegro to GREVIO, 2017, Available at: <https://rm.coe.int/grevio-inf-2017-6/168073368f>

³⁵ “NGO Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence in Montenegro”, 2017, submitted by Women’s Rights Center, Women’s Safe House, SOS Hotline for Women and Children Victims of Violence Nikšić, SOS Hotline for Women and Children Victims of Violence Podgorica, page 8. Available at: <https://rm.coe.int/report-ngo-montenegro-2/168073c980>

³⁶ “GREVIO Baseline Evaluation Report Montenegro”, 2018

Nineteen (19) years old woman victim was killed by her twenty-eight (28) years old ex-partner, while thirty-six (36) years old woman victim was killed by her fifty (50) years old husband of the victim, who committed suicide.

Both women victims were murdered in their homes, which remains to be the most dangerous place for women exposed to violence also in Montenegro. Contrary to the data on femicides which occurred in Montenegro in 2020, in both cases women victims reported previous violence to the public institutions (police, centers for social work, and prosecutor's offices), which failed to assess all security risk factors, as well as failed to react promptly and efficiently to protect women victims.

The first murder was committed by firearm in front of the house/apartment of the woman victim, when the father of the woman victim was also wounded by the perpetrator. From the media reporting on the case, it is known that the firearm was in illegal possession of the perpetrator. Similarly, in the femicide case in Montenegro reported in 2020, a woman victim was murdered by her husband with firearm, however, he legally owned a gun by his profession as he was a police officer. Media reports also indicate that the perpetrator was stalking and harassing the woman victim and her family over a few months. A month prior the murder, the woman victim reported attacks and serious threats to her life to the police, and prosecutor's office qualified it as a minor offence of domestic violence.

The second case of femicide of the thirty-six (36) years old woman victim occurred in the house which she shared with her husband who was the perpetrator. He beat her to death with a blunt object, attacked one of their daughters, and other children witnessed violence and murder of their mother. Media reports show that the woman victim was reporting violence repeatedly over longer period, all local public institutions that are recognized as subjects of protection from violence were familiar with the case, and that the perpetrator was previously sentenced for domestic violence.

FAILED PROTECTION OF A WOMAN VICTIM OF VIOLENCE IN MONTENEGRO³⁷

On September 30, 2021, nineteen-year-old Š. B. was killed her ex extra-marital partner I.Đ., in the yard of her house. On that occasion, he seriously wounded her father, endangered the lives of her mother and grandmother, and then fled.

One month before the murder (August 25, 2021), Š.B. requested the protection of the institutions by filing a report against I.Đ. to the police. In the report, she stated that I.Đ. came to her house at 11 pm, entering through the terrace. When she tried to close the terrace door, he pushed her away and entered, threatening that he would murder her, in front of her underage sisters and brothers, saying: "You will be no one else's in heaven or on earth, I will not let you marry another, blood will be shed for this thing, your life is in my hands". In the report, she also stated that, three months after she left the extra-marital union and returned to live with her parents, I.Đ. continuously harassed her, by threatening her on the phone and coming to her parents' house. She further stated that, because of I.Đ.'s behavior, she felt threatened and feared for her safety. I.Đ. was violent during the time they lived together, which was why she decided to leave the extramarital union and return to her parents.

In its statement, the Police Directorate declared that, according to this report, they collected information from Š.B. and from I.Đ. in the official premises of the Security Center in Podgorica. The prosecutor on duty in the Basic State Prosecutor's Office in Podgorica was informed about the allegations from the report and the content of the statements, but stated that there were no elements of a criminal offense in this specific event. The police then processed this report as a violation of Art. 36 paragraph 2 pursuant to the Law on Protection of Domestic Violence.

Based on the insight into the application Š.B. submitted to the Police Directorate on August 26, 2021, and the statements of the competent prosecutor, the statements, and public appearances of the representatives of the Ministry of Interior and the Prosecutor's Office, and especially on the conversations that team members of the Women's Rights Center had with the

ALCOHOLIC. D.S. REPORTED TO THE POLICE THAT A DAY EARLIER Z. WAS CRASHING THINGS IN THE HOUSE AND ASSAULTING HER UNDER

³⁷ Case study analysis prepared by the Center for Women's Rights from Montenegro

victim's parents, members of her extended family and community, we conclude that serious omissions were committed in this case. The following is an analysis of the conduct of individual institutions.

POLICE

- **Inadequate risk assessment.** In their statements, the police officials state that the risk assessment was made during the submission of the report, and that it showed that it was a case of moderate to high risk level. However, by reviewing the mentioned risk assessment document, the indicators referring to a high risk of new violent acts are clearly stated. In addition, earlier criminal records of I.Đ. indicate the history of his violent behavior, connection with criminal activities and the possibility of possessing weapons, about which the police had records. In addition, the police did not obtain information on the history of violence and did not examine witnesses. All this indicates that, although they made an assessment, the police did not adequately assess the real risk to the victim's safety.

- **The victim did not receive all the necessary information about her rights.** The victim was not informed about the right to free legal aid, as well as about the possibility to be accompanied by a person of trust, the court procedure was not explained to her, which is why Š.B. did not know what was expected of her in the Misdemeanor Court.

- Although the violent event in question took place in presence of **minor children** (sister of the injured party), the police failed to treat them as injured parties/witnesses of the event and did not include them in the Request for Initiation of Misdemeanor Proceedings.

- **Not all necessary security checks were performed,** such as a search of the defendant's place of residence, which would determine whether he possessed a weapon, which had to be confiscated from him. This was especially important due to the fact that he is a recidivist who has already been held accountable for violent behavior and that the victim stated serious threats to her life in her report.

- **Failure to prevent the escape and to arrest I.Đ., after the crime was committed** After an unsuccessful three-day police pursuit, I.Đ. was arrested only when he surrendered himself to the police.

- **In its request to the Misdemeanor Court, the police did not propose protection measures in accordance with the Law on Protection from Domestic Violence.**

BASIC STATE PROSECUTOR'S OFFICE IN PODGORICA

The Prosecutor's Office demonstrated inefficiency in directing the police investigation. Without performing the security assessment of the identity of the I.Đ. as the reported person and without insight into his criminal records, they assessed that there were no elements of the criminal offense of Violence in the Family and Family Union (Article 220 of the Criminal Law of Montenegro). The prosecution did not request the obtaining of other evidence, such as witness statements, and based the assessment on the telephone communication with the Police, without direct communication with the Š. B. as the victim. Following the statement, the Prosecution withdrew from further proceedings in this case.

MISDEMEANOR COURT

A series of omissions of the Misdemeanor Court were noted. The Misdemeanor Court was competent to act upon the request to initiate misdemeanor proceedings submitted by the Police, following the Prosecution statement on the absence of elements of a criminal offense.

- **The judge failed to inform the victim about the right to free legal aid.**

- **The judge did not allow the victim to be accompanied by a person of trust** - her father at the hearing, even though Š.B. requested it and although she has the right to accompaniment the person of trust according to the Law on Protection from Domestic Violence.

- **The judge did not allow the victim not to encounter the perpetrator,** but the Š.B. victim stood and testified in the courtroom in the immediate vicinity of the I.Đ. as the defendant and his lawyer, which made her feel intimidated and insecure, ultimately affecting her testimony before the Court.

- **The court issued an acquittal decision,** without informing the victim, who believed that a protection measure of restraining order of approaching her as the victim was imposed in the proceeding against I.Đ.

- **The victim never received a written decision of the Misdemeanor Court.** This decision was obtained only after her murder and at the request of the Operational Team for Combating Violence against Women and Domestic Violence.

MURDERS OF WOMEN IN THE
WESTERN BALKANS REGION
2021
REPORT



ALCOHOLIC. D.S. REPORTED TO THE POLICE THAT A DAY EARLIER Z.S. WAS CRASHING THINGS IN THE HOUSE AND ASSAULTING HER UNDER

E]. NORTH MACEDONIA

North Macedonia ratified the Istanbul Convention in December 2017, and it entered into force in 2018. Baseline evaluation procedure by GREVIO is ongoing, with a state report submitted in April 2022, and alternative reports provided by civil society organizations.³⁸ Latest statistical data provided in the publication “Women and Men in North Macedonia” (2021)³⁹ indicate that official statistics related to homicides in the country are disaggregated by sex in relation to cause of death (not specifically referring to domestic violence or gender related killings of women), as well as violent deaths (accidents, suicides, and homicides). Official statistics in North Macedonia therefore do not provide data that would enable identifying scope of femicides in the country. New Law on Prevention and Protection from Violence against Women and Domestic Violence of North Macedonia came into force on 6 May 2021. According to the most recent surveys, North Macedonia has very low report rate for violence against women – only 2% of women who have experienced violence have reported it to the competent institutions.⁴⁰

The National Network to End Violence Against Women and Domestic Violence from North Macedonia collected data from media on six (6) cases of murders of women in North Macedonia during 2021.

Comparing to four (4) cases identified during 2020, this represents increase of 50% in number of media reported cases of femicide. Based on collected data, average age of women victims is sixty-three (63) years of age – the youngest woman victim was thirty-four (34) years old, while the oldest woman victim was eighty-five (85) years old. Five (5) murders of women victims occurred in urban areas (Skopje, Strumica, Ohrid, Struga), while one (1) murder of a woman victim occurred in rural area near Skopje, capital of North Macedonia. Data on children that lost their mothers remained unknown and out of focus of media reporting, except in the case of one (1) femicide committed by an adult son of the victim. The perpetrators of three (3) cases of murders of women remained unknown, one (1) woman victim was murdered by her husband, one (1) woman victim was murdered

by her son, and one (1) woman victim was murdered by two (2) underage boys (13 and 14 years old). Other two (2) known perpetrators were thirty-nine (39) and sixty-two (62) years old.

Weapons used by the perpetrators/circumstances of death of women victims were, as follows: two (2) women victims were murdered by a knife, one (1) woman victim was suffocated, while weapons used by perpetrators and circumstances of death of three (3) women victims remained unknown to the public through media reporting.

Home remains the place of highest risk for being a victim of femicide for women exposed to violence in the North Macedonia.

In 2021, five (5) out of six (6) women victims (83,33%) were murdered in their house/apartment, or the house/apartment they shared with the perpetrator, while three (3) out of four (4) femicides (75%) in 2020 in North Macedonia occurred in home of the women victim in 2020. The recently published Analysis of Cases of Femicide in the Republic of North Macedonia in the period 2017 – 2020, prepared by the National Network to End Violence Against Women and Domestic Violence from North Macedonia also confirmed that “most of the murders (50%) took place in the family home, i.e., the home where the perpetrator and the victim lived together, while 25% of the murders took place in the home where the victim lived alone or with her parents or other family members.”⁴¹

In all identified cases of femicide in 2021 in North Macedonia, it remained unknown if the violence was previously reported to the public institutions, as these facts were not given focus in media reports.

In one (1) case of femicide that occurred in the house of family friends, husband of the woman victim attempted suicide after murdering his wife, while in other reported cases it remained unknown if the perpetrators attempted or committed suicide.

DATA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

³⁸ More information on state report and alternative reports provided to GREVIO from North Macedonia available at: <https://www.coe.int/en/web/istanbul-convention/north-macedonia>

³⁹ “Women and Men in North Macedonia”, Republic of North Macedonia State Statistical Office, Skopje 2021, available at: <https://www.stat.gov.mk/publikacii/2021/Gener%202021.WEB.pdf>

⁴⁰ OSCE Mission to Skopje, OSCE-led Survey on Violence Against Women: North Macedonia – Well-being and Safety of Women, 2019. Available at: https://www.osce.org/files/f/documents/3/5/419264_1.pdf

⁴¹ Elena Dimushevska, „Analysis of Cases of Femicides, Murders of Women in the Republic of North Macedonia 2017-2020“, National Network to End Violence against Women and Domestic Violence, Skopje, 2021, page 26. Complete Report available at: https://glasprotivnasilstvo.org.mk/wp-content/uploads/2021/12/Femicid-EN_6.2.pdf

LOCATION OF THE MURDER OF WOMEN VICTIMS IN NORTH MACEDONIA	2021	2020	TOTAL
SHARED HOUSE/APARTMENT OF THE VICTIM AND THE PERPETRATOR	1 [17%]	3 [75%]	4
HOUSE/APARTMENT OF THE VICTIM	4 [67%]	0	4
IN THE FRIEND'S HOUSE	1 [17%]	0	1
UNKNOWN LOCATION	0	1	1

CASE OF FEMICIDE IN NORTH MACEDONIA⁴²

During 2021, six (6) women were killed in different cities in North Macedonia as a result of femicide. The National Network to end Violence against Women and Domestic Violence in North Macedonia decided to prepare a short report about the femicide case that happened on 21 April 2021 in Struga. This case involved not only the murder of the woman, but also involved suicide attempt by the perpetrator, after he murdered his wife. The victim is S.R. a thirty-four (34) years old woman from Bitola, who temporarily lived with J.R. her thirty-nine (39) years old husband in Struga. Together they have two minor children. That night, she and her husband were visiting their friends in their house. After they started arguing, out of nowhere, in front of their friends, the husband lost his control, took the knife, and stab the woman victim several times in her abdomen, which resulted with death. After the horrible situation, he started to run but he was prevented, so he tried to attempt suicide with the knife. He was immediately taken to hospital and survived.

There is no information how institution managed this case. The only publicly available data indicate that the public prosecutor's office took all the evidence, and started to question the witnesses. The National Network to end Violence against Women and Domestic Violence in North Macedonia will monitor this case to identify if there has been any violence reported before the murder of the woman.

Helsinki Committee for Human Rights of North Macedonia (HCHRNM) publicly reacted the same day when femicide took place⁴³ requesting femicide to be recognized as a criminal offence in the Criminal Code of North Macedonia. HCHRNM argues that in the process of harmonization of the new Law on Prevention and Protection from Violence against Women and Domestic Violence with the Istanbul Convention, and incrimination of various forms of gender based violence, has to include also the femicide as the most difficult form of gender based violence against women.

⁴²Case study prepared by the National Network to end Violence against Women and Domestic Violence in North Macedonia

⁴³ Публикум - "По случајот со убиство на жена во Струга, Хелсиншкиот комитет бара фемцидот да биде дел од Кривичниот законик" 21 April 2021, <https://www.publikum.mk/po-slucajot-so-ubistvo-na-zhena-vo-struga-helsinshkiot-komitet-bara-femicidot-da-bide-del-od-krivichniot-zakonik/>

F]. SERBIA

Serbia ratified Istanbul Convention in November 2013, and it entered into force in August 2014. The latest statistical publication “Women and Men in Serbia”⁴⁴ (2020) prepared by the Statistical Office of the Republic of Serbia indicate that the sex disaggregated data exists for cases of violent deaths (divided per categories of accident, suicide, homicide, other), according to which thirty (30) women were murdered in Serbia in 2019. According to the state report to GREVIO (2018), “Ministry of Interior is keeping data disaggregated by the type of criminal offence, including femicide and offences resulting in death of women and children victims of violence, as well as according to the number and gender of victims and perpetrators.”⁴⁵ The statistical data provided in the Report indicate there were hundred and thirty seven (137) women older than fourteen (14) years old that were victims of criminal offences resulting in death, registered by the Ministry of Interior of Serbia for the period 2014-2017. Within the same period, five (5) women were murdered as result of the criminal offence of Domestic Violence (Article 194 of CC), forty-eight (48) women as result of the criminal offence of Murder (Article 113 of CC), and seventy-two (72) women as result of the criminal offence of Aggravated Murder (Article 114 of CC).⁴⁶ However, similarly like in the other countries in the Western Balkan, it is unknown which of these cases were gender motivated/related killings of women.

The Law on Prevention of Domestic Violence in Serbia introduced mandatory risk assessment if the victim is in immediate danger from violence, including if “the perpetrator committed domestic violence previously or immediately prior risk assessment and whether he is ready to repeat it, whether he has threatened with murder or suicide, whether he owns a weapon, whether he is mentally ill or abuses psychoactive substances, whether there is a conflict over the custody of the child or about the way of maintaining personal relations between the child and the parent who is the possible perpetrator, whether the possible perpetrator was given an emergency measure or a specific measure of protection against domestic violence, whether the victim experiences fear and how she assesses the risk of violence.”⁴⁷

Based on continuous monitoring of media reporting and response of the public institutions, the Autonomous Women’s Center from Serbia collected data on twenty (20) cases of femicide in Serbia during 2021, which represents 20% decrease compared to twenty-six (26) cases of femicide reported during 2020.

Average age of women victims is fifty-five (55) years old - the youngest woman victim was twenty-seven (27) years old, while the oldest woman victim was eighty-six (86) years old. Thirty (30) children lost their mothers, out of which twelve (12) children, or 40% are minors. Twelve (12) murders of women (60% of total identified cases of femicide) occurred in urban areas, while eight (8) cases were identified in rural areas.

In terms of relationship between a woman victim and a perpetrator, five (5) women victims were murdered by their husbands, four (4) women victims were murdered by their former husbands, three (3) women victims were murdered by their partners, three (3) women victims were murdered by their sons, two (2) women victims were murdered by their grandsons, one (1) woman victim was murdered by her former partner, one (1) woman victim was murdered by a distant relative, while one (1) woman victim was murdered by a repairman who occasionally worked for her, and according to the media reports, was in love with the victim. In two cases of femicide committed by the former husbands, the media reporting indicates that there were additional victims – in the first case, beside murdering his former wife, the perpetrator also murdered her father and mother, and tried to murder her brother. In the second case, the perpetrator also murdered his two daughters (19 and 15 years old).

IA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

⁴⁴ “Women and Men in Serbia”, 2020, Statistical Office of the Republic of Serbia, pages 167-168. Available at: <https://publikacije.stat.gov.rs/G2021/PdfE/G20216001.pdf>

⁴⁵ Report of Serbia to GREVIO, 2018, page 56 Available at: <https://rm.coe.int/state-report-serbia/pdfa/168094afec>

⁴⁶ Ibid, Page 15 of the Annex, Tables 11-12. Note: Report indicates that these data were collected for the purpose of preparing the Report to GREVIO, and are not otherwise publicly available

⁴⁷ Article 16, of the Law on Prevention of Domestic Violence in Serbia, Official Gazette of Republic of Serbia, no. 94/16

IDENTIFIED PERPETRATORS OF FEMICIDE IN SERBIA	2021	2020	TOTAL
HUSBAND	5 [25%]	8 [31%]	13
PARTNER	3 [15%]	8 [31%]	11
FORMER HUSBAND	4 [20%]	1 [4%]	5
SON	3 [15%]	2 [8%]	5
FORMER PARTNER	1	2	3
STEPSON	0	2	2
GRANDSON	2	0	2
BROTHER	0	1	1
BROTHER-IN-LAW	0	1	1
NEIGHBOR	0	1	1
OTHER RELATIVE	1	0	1
OTHER [A REPAIRMAN WHO WORKED FOR A WOMAN VICTIM]	1	0	1

Data collected by the Autonomous Women's Center through media monitoring in Serbia indicate there were twenty (20) perpetrators of femicide in 2021 – average age of perpetrators is forty-six (46) years old, with the youngest perpetrator being eighteen (18) years old (grandson of the woman victim), and the oldest perpetrator being sixty-seven (67) years old (husband of the woman victim). Out of twenty (20) identified perpetrators, five (5) perpetrators (25%) committed suicide (2 former husbands, 2 partners of the women victims, and 1 former partner), and two (2) perpetrators attempted suicide (husbands of the women victims) following the murder of the women victims. Weapons used by the perpetrators/circumstances of death were, as follows: six (6) women victims were murdered with firearms (gun, rifle), and in only one case, the weapon was in legal possession of the perpetrator, while in other cases the weapon was illegally possessed by the perpetrator, or this was not in focus of media reporting. **Comparing to data collected during 2020 also through media reporting, it is visible that majority of cases of femicide in Serbia were committed by firearms illegally possessed by the perpetrator. Out of fourteen (14) cases of femicide committed with firearms in the period 2020-2021, only in two (2) cases (14% of total number of femicides committed with firearms) media reports indicate that firearms were legally possessed by the perpetrator.** Five (5) women victims were murdered with a knife, four (4) women victims were beaten to death, two (2) women victims were murdered with an axe, one (1) woman victim was murdered with a hammer, one (1) woman victim was murdered with a metal stick, and one (1) woman victim was murdered with a sharp object.

WEAPON USED IN CASES OF MURDERS OF WOMEN VICTIMS IN SERBIA	2021	2020	TOTAL
COLD WEAPON [KNIFE, AX]	7[35%]	12[46%]	19
FIREARMS/EXPLOSIVE DEVICES [GUN, RIFLE, KALASHNIKOV, BOMB]	6[30%]	8[31%]	14
BEATING TO DEATH	4[20%]	3[12%]	7
BURNING	0	1	1
SHARP OBJECT	1	0	1
STRANGULATION	0	1	1
BLUNT OBJECT [HAMMER]	1	1	2
METAL STICK	1	0	1

In relation to five (5) identified perpetrators of femicide in Serbia in 2021, media reports indicate they have had history of criminal behavior related to domestic violence, and other criminal offences related to violence. In one (1) case of femicide, media reports indicate that the perpetrator strangled his girlfriend in 1998, and attempted to murder his second victim in 2007, prior killing his current partner. He served prison sentences twice, and his sentence for the first murder was reduced (convicted to 9 years prison sentence, served 1.5 years less). In the second case of femicide, media reports indicate that the perpetrator (husband of the woman victim) was previously punished for a misdemeanor. In the third case of femicide, the media reports indicate that the perpetrator (son of the woman victim) was previously detained by police based on reports of violence filled by the woman victim. In the fourth case, the media reports show that the perpetrator (former partner of the woman victim) has been previously suspended from work (as the police officer) and convicted for violence. In the fifth case, the media reports show that the perpetrator (former husband of the woman victim) was often in prison due to repeated criminal behavior.

Collected data for Serbia indicate continuous trend of low percentage of cases of femicide in which violence has been previously reported to the competent

public institutions (centers for social work, police, prosecutor's offices, courts, etc.). Out of twenty (20) cases of murders of women in Serbia in 2021, media reports indicate that only in relation to five (5) cases (25%), the violence has been previously reported to the competent public institutions, while in relation to one (1) case of femicide, the violence has been previously reported to the public institutions in Montenegro. In four (4) cases of femicide, violence was reported to police and prosecutor's offices, while in one (1) case, the violence was reported to the center for social work, police, and prosecutor's office. Data collected for 2020 through media reporting in Serbia indicate that violence has been previously reported to competent public institutions only in relation to four (4) cases (15%), out of twenty-six (26) identified cases of femicide. **As in other countries in the Western Balkan region, this data should be taken with reserves as media reports on cases of femicide are usually lacking investigative reporting details on the period that preceded femicide – if the woman victim previously reported violence to the competent institutions, and what were their reactions and measures taken to prevent further violence through adequate risk assessment and applying available measures to ensure safety of the victim.**

In its report on the institutional response to reports of violence that preceded femicide (2022), the Autonomous Women's Center pointed **at numerous challenges**

and open issues related to institutional handling of reports that were filed prior to femicide – “untimely proceeding upon reports, failure to recognize violence, failure to record reports of domestic violence, failure to inform other competent institutions about the report received and exchange information about the case with them, failure to obtain additional information from other institutions, treating violence as a spousal or family conflict, establishing or conditioning the launching of proceedings by testimony of the victim, complete absence and inadequate assessment of security risks, neglecting, ignoring or failing to recognize the presence of high risk indicators of fatal outcome of violence, absence of standardized mechanisms for monitoring the measures imposed (security measures, measures of protection against domestic violence, emergency measures), treating acts as only domestic violence that resulted in a serious injury instead as a crime of domestic violence that resulted in death or crime of (aggravated) murder.”⁴⁸

The data collected by the Autonomous Women’s Center in 2021 for Serbia indicate that home remains the most dangerous place for women victims of violence, as identified in the other countries in the Western Balkan region.

LOCATION OF THE MURDER OF WOMEN VICTIMS IN SERBIA	2021	2020	TOTAL
SHARED HOUSE/APARTMENT OF THE VICTIM AND THE PERPETRATOR	12[60%]	15[58%]	27[59%]
HOUSE/APARTMENT OF THE VICTIM	3[15%]	4[15%]	7 [15%]
HER PARENT’S HOUSE	1	1	2
HOUSE/APARTMENT OF THE PERPETRATOR	0	1	1
AT THE STREET	1	2	3
AT HER WORKPLACE	1	1	2
CAFÉ	1	0	1
CAR	1	2	3

In twelve (12) cases of femicide (60%), the women victims and the perpetrators were living together prior to the murder, while in eight (8) cases they did not share common household. Twelve (12) murders of women were committed by the perpetrators in their common house/apartment, three (3) murders occurred in the house/apartment of the women victims, among which one (1) murder occurred in front of the apartment building of a woman victim. One (1) woman victim was murdered at the street – she was hit by a car driven by her former husband. One (1) woman victim was killed with a rifle at her workplace by her former husband. One (1) woman victim was murdered in her parent’s house, and the perpetrator also murdered her parents, and attempted to murder her brother. One (1) woman victim was murdered by her husband at her workplace (the perpetrator also murdered two of her co-workers). One (1) woman victim was murdered with a gun in the café at the gas station by her partner. One (1) woman victim was murdered with a gun in the car by her partner.

⁴⁸ Vedrana Lacmanović, “When Institutions Fail, Silence Remains”, Analysis of Institutional Response to Reports of Violence That Preceded Femicide (2017-2018), Autonomous Women’s Center, Belgrade, Serbia, page 54. Complete report available at: https://www.womenngo.org.rs/images/publikacije-dp/2022/When_Institutions_Fail.pdf

RESPONSE OF THE COMPETENT INSTITUTIONS IN THE FEMICIDE CASE IN SERBIA⁴⁹

75 year old woman, mother of two adult sons, murdered in 2021 by one of her sons. The first report against the perpetrator to relevant institutions was made fifteen years prior to the murder. The perpetrator was a drug addict (using psychoactive substances), and was detained for treatment several times. The victim contacted the relevant institutions at least 16 times from 2006 to 2018: police have recorded ten reports against him (from 2012 to 2018), the District Public Prosecutor's Office notes they had three reports against the perpetrator (from 2006 to 2014), and the Center for Social Welfare also noted the same number of reports (from 2006 to 2016)⁵⁰.

In regard to police conduct: the police had reacted to four reports by assisting with placing the perpetrator in a medical institution for treatment; they had reacted to three reports by interrogating the perpetrator, informing the District Public Prosecutor's Office and the Center for Social Welfare, and sending him to a medical institution for treatment; and they had reacted to three reports by cautioning the perpetrator and sending him to a medical institution for treatment.

The Public Prosecutor's Office noted that the perpetrator was directed to mandatory treatment in a medical institution after he was first reported to them, while the other two reports were dismissed because the victim refused to testify.

The Center for Social Welfare noted that in relation to the first report the perpetrator was directed to a medical institution for mandatory treatment, and he was later released; in relation to the second report they counselled the victim who came to collect financial aid regularly and kept them up to date on developments (not just about the violence at home, but also about the custody battle the perpetrator was involved in); they also counselled the perpetrator (who was legally under the victim's guardianship); they also visited them at home, developed a set of measures and services; they also noted that the victim refused to have the perpetra-

tor placed in an institution and refused to file charges against him claiming that he has changed and is taking his medication now. In their response the Center for Social Welfare's noted that in relation to the last report against him the perpetrator was taken to a psychiatric institution where he was refused admission. He was returned home the same day (even though he lives in the same house/apartment with the victim).

Analysis of these responses received from institutions indicates that there was a lack of information exchange among institutions sometimes. Their record taking and record keeping of reports against the perpetrator is also of questionable value

(for instance, the Center for Social Welfare and the District Public Prosecutor's Office both noted they had a report from 2006 when they both directed the perpetrator to mandatory treatment in a medical institution, while the police make no mention of this report).

IA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

⁴⁹ Case Study analysis prepared by the Autonomous Women's Center from Serbia

⁵⁰ Report of Serbia to GREVIO, 2018, page 56 Available at: <https://rm.coe.int/state-report-serbia/pdfa/168094afee>

⁵⁰ Because precise dates are not recorded on reports and because the number of reports varies among institutions, it is not possible to precisely determine who the reports were filed with, nor whether institutions responded to the same reports or different ones.

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his case is specific in the fact that the perpetrator was under the victim's legal guardianship (it's impossible to know exactly when it started), and was stripped of his legal capacity. It was therefore impossible to conduct criminal proceedings against him (except for criminal procedures for mandatory medical treatment, which may be repeatedly conducted); also because this is a mother-son relationship where she is simultaneously the legal guardian of her son who has been deprived of legal capacity and a victim of this son's violence – in cases such as this, the victims frequently feel responsible and therefore refuse to testify / press charges and legal proceedings against their own children.

In accordance with the legal regulations of the Republic of Serbia, some of the things institutions could have done, but didn't, during the twelve year period they worked on this case are as follows:

The police should have informed the District Public Prosecutor's Office and the Center for Social Welfare about every report against the perpetrator, all information they received from citizens; they should have integrated all data about reports of violence in every communication sent to the District Public Prosecutor's Office.

The District Public Prosecutor's Office should have requested that other service gather additional information; suggested psychiatric evaluation of the perpetrator; requested a court order for the perpetrator to be hospitalized for the psychiatric evaluation; and discussed this case on meetings of the Group for Coordination and Cooperation (established in 2017).

The Center for Social Welfare should have worked on strengthening the victim so that she could understand the situation and accept the security risks and therefore take adequate measures; despite the victim's wishes, they should have informed other services in the violence protection system; they should have requested a new temporary guardian be instituted and commenced mandatory hospitalization procedures; initiated a conference meeting about this case so as to discuss the victim's protection with a multidisciplinary team, and produced a protection plan.

Medical institutions should have ascertained whether the perpetrator posed a risk to himself and others (possible since 2010) after they had received all relevant information from the police and Center for Social Work.

There is an evident and serious lack of information exchange among service in the protection from violence system, as well as a lack of a multidisciplinary approach and coordinated work on this case. The victim may have been unwilling to acknowledge security risks even though the violence was chronic, frequent, and reported to authorities, however, the facts of the case indicate that the system does not adequately respond to violence (high risk violence) which is perpetrated by a person under guardianship of another. When it comes to how institutions could prevent such violence there are many challenges, but the system must not leave the victim to fend for herself. Rather it has to provide mechanisms that will ensure the cessation of violence and that prevent murder. If the case should be that Serbia lacks measures geared at addressing this problem, it would then be necessary to research the practices and institutional systems of other countries in this regard, and then to copy the good examples and try them out in pilot projects domestically.

ALCOHOLIC . D.S. REPORTED TO THE POLICE THAT A DAY EARLIER Z.S. WAS CRASHING THINGS IN THE HOUSE AND ASSAULTING HER UNDER

MURDERS OF WOMEN IN THE
WESTERN BALKANS REGION
2021
REPORT



DIA REPORTS ON THE CASE INDICATE THAT D.S. WAS EXPOSED TO LONG TERM DOMESTIC VIOLENCE BY HER HUSBAND, AND THAT HE WAS AN

