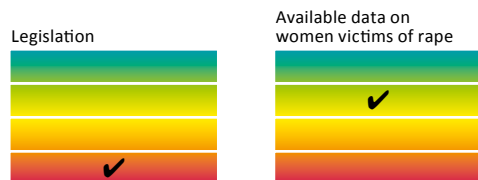


NATIONAL ANALYSIS

Serbia



Expert
Vanja Macanović

Legislation

There are five articles of Serbia's Criminal Code that criminalise various forms of sexual violence (articles 178 to 182):

Rape (Raping) is defined in Article 178 by the use of force or threat of direct attack against the body of another person and punished with imprisonment from two to ten years. A more serious penalty applies in the following cases:

When rape results in grievous bodily harm or death; If the offence is committed by more than one person or in a particularly cruel or humiliating manner; If it is committed against a child or juvenile; Or the act results in pregnancy.

Short explanation

A criminal offence is categorised as rape **only if it includes a use of force or a threat of use of force**, which implies that victim should physically resist. Nowadays, judicial practice is moving from this firm attitude into a more flexible definition of rape. In addition, for the crime of rape or other forced sexual acts, the theory and judicial practice require penetration by the male sexual organ, even in cases against children. All other cases of penetration by hand or foreign objects, or of forcing someone to perform an oral sexual act, are not considered rape or forced sexual acts, but instead prohibited sexual acts (article 182), for which the penalty is monetary fine.

The Criminal Code also states that prosecution for rape within marriage will be undertaken only if the victim agrees with a criminal prosecution, and not ex officio (article 186), even if there is clear evidence that the crime was committed. At any point, the victim of marital rape can withdraw charges and the case is then automatically dismissed.

Available data on women victims of rape

Year 2009-2011

There were 177 criminal charges of rape (article 178), 138 in 2010 and 131 in 2011.

<http://webrzs.stat.gov.rs/WebSite/repository/documents/00/00/05/79/sk12122009e.pdf>

<http://webrzs.stat.gov.rs/WebSite/repository/documents/00/00/38/87/SK122010e.pdf>

<http://webrzs.stat.gov.rs/WebSite/repository/documents/00/00/73/97/sk12122011e.pdf>

Victim statistics 2009 (available only in Serbian)

For the crime of rape, data existed for victims in 61 out of 72 cases. Out of 64 victims of rape, 1 was male and 63 were female, 7 were children under 14 and 19 were children between 14 and 18 years.

Victim statistics 2010 (available only in Serbian)

For the crime of rape, data existed for victims in 46 out of 53 cases. Out of 56 victims of rape, 4 were male and 52 were female, 1 was a child under 14 and 17 were children between 14 and 18 years.



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Victim statistics 2011 (available only in Serbian)

For the crime of rape, data existed for victims in 44 out of 53 cases. Out of 48 victims of rape, 4 were male and 44 were female, 5 were children younger than 14 and 8 were children between 14 and 18 years.

Useful Contacts

Autonomous Women's Center, Belgrade, Tirsova 5a, helpline (+381 11) 266-2222, e-mail: azc@azc.org.rs

www.womenngo.org.rs

and receive psychological help and free legal aid

adults and parents of the abused children can

contact: Incest trauma center, Belgrade, Macvanska 8, helpline (+ 381 11) 386 1332 or 344 1737, e-mail: itcentar@eunet.rs, www.incesttraumacentar.org.rs and receive psychological help

