



Violence against women and girls among refugee and migrant population in Serbia

Shadow report of Citizens Association for combating trafficking in human beings and all forms of gender-based violence „Atina“ on the state of affairs of the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in the Republic of Serbia

The State of Relevance

The Republic of Serbia ratified the Istanbul Convention in October 2013 after which this document became an integral part of the national legislation. In line with the newly-adopted Convention, Serbia amended its legislation respectively, primarily the Criminal Code, by defining new gender-based criminal acts and proscribing agreeable sanctions. These legislative changes were welcomed by wider public, particularly by civil society organizations active in the field of combating violence against women, supporting survivors and advocating for gender equality. However, the enforcement of adopted law provisions in the current social and political context, as well as the context itself, carry challenges that require undivided attention of all relevant actors. In this first individual shadow report of NGO “Atina” (hereinafter: Atina), we shall examine and present the implementation of the Convention in Serbia in the previous two years (2016-17) and up to date, in relation to refugee and migrant women, given the particular experience of the organization in work with this vulnerable group.

Atina is an association founded in 2003 in Belgrade, Serbia, with the aim of combating trafficking in human beings and all forms of gender-based violence, thus supporting the survivors. Atina maintains specialized social inclusion programme for human trafficking and all forms of gender-based violence survivors in Serbia and provides various forms of support, in relation to their social (re)integration, recovery, educational and economic empowerment. In the context of the European refugee and migrant crisis from 2015 on, Atina extended the provision of its direct assistance to thousands of refugees and migrants who came to Serbia – women and children particularly, thus becoming one of the leading civil society organizations in the field, and gathering important knowledge and insights in the area of greatest relevance for this report. During 2016 alone, Atina provided direct assistance to 3,715 refugees who were staying in Serbia, out of whom 250 were primary and secondary victims of gender-based violence, as well as potential survivors of human trafficking; safe accommodation was provided to 58 survivors; 71,6% of whom were women. As for 2017, Atina made 151 interventions for 2,550 refugees and migrants, out of whom 133 were survivors of some form of exploitation or violence, and 24 were provided with safe accommodation. These activities also continued in 2018, and currently (September 2018), Atina provides support to refugee and migrant women through its safe house and the activities aimed at socio-psychological support and economic empowerment which are regularly maintained in Atina’s Reintegration Center, as well as in Reception and Asylum Centers in Krnjaca (Belgrade), Vranje, Bujanovac, and Bogovadja. Atina's mobile teams are

operational 24/7 throughout the whole country, and upon call, they are dispatched to all Asylum Centers, where they conduct interventions. On average, one case per day is being reported on the SOS hotline of the organization. In 2017 and 2018, the reports have been coming from the police, centers for social work, other civil society organizations, and Commissariat for Refugees and Migration, which was not the case before.

Besides making this individual shadow report, Atina also participated in the work of an informal coalition of women's organizations led by SOS Network of Vojvodina which prepared and delivered the Joint Report to the GREVIO Committee. However, the findings in the present report do not overlap with the ones in the Joint Report, as the latter depicts civil society's general view on the implementation of the Istanbul Convention in Serbia, while this report presents individual perspective in respect of **violence against refugee and migrant women**. Therefore, in the following sections, we deliver the organization's overall insight into the state of affairs regarding the protection of refugee and migrant women based on the experiences from direct support interventions and qualitative research, as well as recommendations for the improvements of identified shortages. The Republic of Serbia has meanwhile sent the State Report to this respective Committee, however we shall not look back on that report, as it does not contain any concrete data relevant for this topic.

The Overall Position of Refugee and Migrant Women in Serbia

Serbia was gravely affected by the European refugee and migrant crisis, and from 2015 over a million of people from various Asian and African countries passed through its territory. The situation in Serbia after March 2016, and closure of the borders along the Western Balkan transit route, was marked by the "long-stay" of refugees and migrants. Throughout the crisis, and afterwards, Serbia opened and maintained 18 reception and asylum centers and vast majority of the incoming refugee and migrant population now resides in there. During the last months of 2017 and the first half of 2018, **the number of refugees and migrants on average was 4,000** (women and children make up about 50%), many of whom were residing in the country for more than a year. The adoption of the Istanbul Convention directly influenced legislative amendments in regard to improving the protection of refugee and migrant women (particularly by the changes in Criminal Code), and therefore it has to be underlined that this population is, at least at the normative level, now better protected. However, Atina's field experience and research findings, which are further elaborated in this report, do not confirm this change in practice.

Atina has recorded violence against women on the ground many times since the beginning of the crisis, mainly through the testimonies of refugees, and it was most often encountered in the form of: inflicting light and grievous bodily harm, domestic violence, forced and child marriage, forced prostitution, rape, sexual harassment, sexual intercourse with a child, human trafficking, and various physical assaults. It is important to note other recorded phenomena as well, such as attempts and threats of honor killings, revenge marriages, and survival sex (for food, shelter, protection). In the reports of Atina's mobile teams who worked in the field, it was noted that women refugees suffered violence in various places, in their countries of origin, during the journey, but also in Serbia, in reception and asylum centers, as well as in other places where refugees were residing. Some women have been exposed to violence multiple times, in various forms, and by different persons. Perpetrators were, in most cases, their partners or other members of immediate or extended family, other refugees, smugglers and traffickers, but also employees in helping professions. In many of these cases, perpetrators unfortunately remained unpunished, and the cases unprocessed.

Given the circumstances of a mass influx and rapid movement of refugees through Serbia at the beginning of the crisis, it should be noted that the actors in the protection system have not been able to always timely recognize and adequately respond to the occurrence of risks of exploitation and violence against women refugees, and to acts of violence and exploitation, given that they were mainly occupied with short-term rehabilitation of visible and acute consequences. The approach of the actors in the protection system in 2015 and 2016 was mainly a humanitarian one, and was not directed toward long-term support programs. The acts of violence were viewed, and responded to, partially and often ineffectively, because these acts were perceived as isolated cases, not a broader phenomenon, which led to the lack of joint activities and measures for the effective prevention. The UNFPA has developed Standard Operating Procedures for responding to cases of gender-based violence, but they have not been adopted so far.

Atina's Pilot Research on Violence against women and girls among refugee and migrant population in Serbia

In order to make a stronger verification of the violence against refugee women phenomenon, and to get a more detailed and analytical insight into it, Atina carried out a pilot research on this topic among women refugees in Serbia in the first half of 2017. Research was carried out with the support of United Nations Population Fund and can be found via the following link: <http://rs.one.un.org/content/unct/serbia/en/home/publications/violence-against-women-and-girls-among-refugee-and-migrant-popul.html>

The research was conducted in 6 asylum and reception centers throughout Serbia, as well as in Maternal Home and Miksaliste in Belgrade. It included 162 refugee women and girls who resided in the centers during that period. A majority of participants - 110 women and girls (68%) were under the age of 30, while 52 of them (32%) were over the age of 30. The average age of respondents was 28,6 - the youngest was 15, and the oldest 60 years old; most of the interviewed women were from Afghanistan, and then Syria and Iraq. The number of participants as well as their nationality were in line with the general frequency of women/countries of origin among refugee population residing in Serbia during the research period. According to the data women themselves gave, most of the participants in the research (87%) were staying in centers in Serbia with their husbands and children. These data should however be taken with caution, due to the fact that, per Atina's experience, women traveling alone often say they are traveling with a partner to "protect themselves", although the man is actually only a member of the group they travel with.

Based on this pilot survey, Atina drew conclusions which cannot be generalized to the entire refugee population, but nevertheless represent significant basis for further, more in-depth analysis. The findings clearly state that **the violence against refugee and migrant women is not incidental, but a widespread phenomenon** and as such should call up the interventions from the state and all other actors in the field. Out of the total sample, 64.8% of the participants experienced some form of physical violence, and 24% of the participants experienced some form of sexual violence; moreover, 9.9% of the participants who said they did not survive any form of sexual violence confirmed that they had injuries which occurred during sexual intercourse, which indicates that this percentage is much higher. In total, 66.9% of the participants stated to have survived some form of physical or sexual violence, which represents a high, statistically significant sample. It should be taken into account that this number is certainly much higher, as the survey had limitations due to the fact that, during the interviews, there was obvious presence of fear, but also shame to share such sensitive information (in the cultural patterns participants mostly come from, it is not socially acceptable to talk about this topic). On the other hand, we can conclude that the percentage is higher only if we add the statistics for the choice of partners.

In line with the previous, the survey revealed that 52.4% of the participants could not choose when and whom they would marry. Average age when participants entered into marriage is 17.5 years old. The participant who was married youngest was only 7 years old when she entered into marriage, while the oldest was at the age of 32. Therefore, we can conclude that early and child marriages are present among the refugee population. Furthermore, a total of 13 participants, i.e. 8% of the entire sample, who did not have the right to choose a partner or time of entering into marriage, cited that they have not survived any form of violence. Based on this, it can be concluded that at least 8% of the respondents do not perceive the lack of right to choose partners and the time of entering into marriage as violence, which shows that they are not able to recognize this form of violence, or are not able to place it in the aforementioned forms. Altogether, the analysis shows that the percentage of women and girls who survived violence, physical or sexual, and the inability to choose a partner and time of marriage is 74.9%. The survey also determined that 77.1% of the participants witnessed violence against other women and girls, which once again indicates a broad presence of violence in the given sample.

Based on the processed data, it was found that the participants who responded affirmatively to the question whether they have experienced violence, talked about the violence they have witnessed more openly, in comparison to those participants who have answered that question negatively. In 17.9% of the total sample, it was found that there is a complete denial of the existence of violence throughout their entire life, both when it comes to them and others. Based on the findings of the survey, it was also determined that women and girls most commonly experienced violence from partners and smugglers, and then by the police officers – both in their countries of origin and during the journey. Moreover, the research revealed that **women traveling with a partner and children have experienced violence the most**, and those traveling alone have experienced it the least, in relation 3:43. These data show that women who are traveling with a partner, or a male family member, are not necessarily protected against violence to a higher extent. Although this is an assumption, it is however heightened by Atina's wider experience, which suggests that survivors often conceal the perpetrator if it is a husband, and talk about the violence committed by smugglers.

A total of 16 participants said that they experienced violence in Serbia. This data indicates that **violence happens in Serbia as well**, and that protection mechanisms, as well as criminal prosecution, should be applied to the refugee population equally, regardless of the individual status of persons from the refugee population. A majority of women, 80% of them, is aware that violence in Serbia and in other European countries is prohibited by the law, but this does not necessarily mean they would report violence. A total of 23% of the participants said they did not know whom to turn for help, while other participants mostly responded: the police, Atina, Commissariat for Refugees and Migration, UNHCR, family members, as well as other actors in the field. Finally, researchers have established that there is a high tolerance for violence and that some participants have experienced violence so often that it has become normal and everyday occurrence. One of the respondents denied that she had ever survived violence, and claimed that she never witnessed another woman suffering violence. When asked how old she was when she entered into marriage, she answered that she was nine, and that she gave birth to her first child when she was 11.

Practical Implications

Despite the presented results of this survey, recognition and processing of violence against refugee women and girls, formal identification of survivors as victims, as well as a provision of protection and necessary support services to them appears challenging in Serbia, due to various reasons. According to a statistical review of the Center for Human Trafficking Victims Protection, this institution received 40 reports on possible victims among refugees and migrants in 2016 (35 children and 5 adults, 9 females in total), but identified only two victims. In 2017,

there were 14 reports and to the end of that year only one person was identified as a victim, while in 10 other cases the process was ongoing. The situation is not much better when it comes to prosecution. Different sources indicate that in the reference period **there was no criminal prosecution for human trafficking where victims were refugees and migrants, and there were only few charges filed for gender-based violence against refugee and migrant women** (but not all of them were prosecuted). Nevertheless, given the previously elaborated, it must be underlined that these outcomes are at odds with the real situation and may lead to wrong conclusion that the presence of this phenomenon among refugees and migrants is incidental.

There are several reasons why the violence and exploitation remained underreported and why only a small number of reported cases received a court epilogue. These reasons include, but are not limited to: under-regulated process of reporting, poor flow of information between competent authorities, non-participation of victims, thus later withdrawal of charges. Moreover, as it was revealed by the research, refugee and migrant women do not always recognize violence they suffer, often tolerate and hide it, thus minimize its consequences. Since a majority of these women come from traditional and patriarchal societies, they are taught to be submissive and dependent on their male partners or companions and therefore often believe they would not be able to continue the journey without them, and decide to keep silent. On the other hand, **Serbian authorities have not granted asylum status on the basis of gender in any of the cases**, despite the fact that Istanbul Convention directly invokes such a possibility. Furthermore, the approach of the state, which has in the situation of “long-stay” remained mostly humanitarian, as it was at the peak of the crisis, speaks about certain ignorance. It seems that the state is not interested in prosecuting cases of gender-based violence against refugees and migrants as it wishes to signalize them to leave, or at least to stay as short as possible. The number of conditional discharges also speaks in favor of this, as a dominant type of conviction of perpetrators in those few cases where violence was prosecuted, and certainly do not represent an adequate sanction.

It must be emphasized that there should be no excuse for the ignorance of the state when reporting or prosecuting any form of violence against refugee and migrant women. In order to prevent this, **state authorities clearly must change political approach from humanitarian to integrative**, thus fully applying regulations and mechanisms aimed at suppressing gender-based violence against refugees and migrants and protecting the victims, including the Istanbul Convention itself and the legislative changes that followed. Based on the conducted research, other analyses, and Atina’s experience in general, we shall suggest the following **recommendations** for actions in this field:

Prevention measures

- Empowerment and awareness-raising of refugee women and girls on violence is necessary in order for them to be able to identify it and seek assistance. Work with boys and men is also very much needed when it comes to prevention of this issue;
- Open the topic of violence against women and girls refugees in a way that is adapted to the gender, culture, and age. This topic should be discussed with everyone in order to break the vicious circle of transgenerational violence;
- Open an intercultural dialogue with all the refugees, migrants, asylum seekers, as the key component of prevention, in order to eradicate the established social patterns - honor killings, revenge marriages, child marriages, and similar.
- Introduce women and girls to the legal framework concerning their protection, in order for them to become fully aware of what violence is, and which norms and mechanisms protect them;

- Work on the recovery with women and girls who have survived violence should be comprehensive, networked with all the support systems, and individually designed considering that each victim comes from a specific cultural, social, and family framework;
- Work on the prevention of violence in the centers, due to the fact that respondents indicated they suffered sexist comments and threats by men refugees, which causes fear and secondary victimization of the survivors of violence;
- Organize safe spaces for women and girls so that they can socialize and re-build their social contacts, acquire appropriate skills, have access to gender-based violence response services;
- Protection system must timely respond to cases of child neglect, so that children are protected from severe forms of abuse and violence; Child and forced marriages should be addressed at the policy level, as part of a government action plan in addressing the protection needs of the refugees and migrants in the country;
- Effective prevention and reporting mechanisms should be in place in order to encourage victims of forced and child marriage to report the offense. These mechanisms should prevent further stigmatization and discrimination.
- Safety and security measures should be regularly conducted in refugee centers to monitor potential gender-based violence and human trafficking risks and vulnerabilities;
- As the role of security sector (police) is of crucial importance in this regard, the police should be continuously present in all the reception and asylum centers;
- Within the Standard Operating Procedures, create special procedures for each individual form of violence;
- Strengthen the capacities of all actors in the field, and work on additional education and sensitization of all the professionals, so they can timely identify violence and provide an adequate response; in this regard, a multisectoral and coordinated approach should be created by frontline service providers;

Processing measures

- Perpetrators of violence should be prosecuted non-selectively and regardless of their legal status and whether they are in “transit” in Serbia;
- Conduct proactive investigations in which the process of detection and evidence-gathering will not depend only on the victim's statement;
- Create special instructions to the police and the prosecutor's office to investigate the criminal offense of smuggling refugees and migrants so as to ensure the identification of possible existence of some other criminal offenses (especially human trafficking and acts of gender-based violence);
- Determine the obligation to notify international police bodies in the countries on the supposed route and the desired destination of the alleged victims of human trafficking, thus ensuring the timely detection of traffickers and preventive actions;
- Promote the implementation of the new Law on Foreigners, which allows temporary residence to be granted to victims and potential victims of human trafficking and gender-based violence;
- Ensure that women accompanied by a man make statements separately from their escorts when applying for asylum, in accordance with Article 16 of the new Law on Asylum and Temporary Protection;
- Establish a compulsory record of all reports of violence and other crimes, as well as persons identified as potential victims of human trafficking or parts of gender-based violence, and special records of unaccompanied children, which will be available to all relevant actors dealing with the care of migrants and refugees;