

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Serbia

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1. INTRODUCTION

In its concluding observations on the fourth periodic report of Serbia, the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW) suggested targeted actions in education to promote gender equality and combat negative stereotypes that cause violence against women (CEDAW, 2019). However, effective gender action plans to include a gender perspective in curricula, textbooks, and teaching methods are still lacking. So far, the only higher education institution in Serbia to have adopted a gender action plan is the University of Belgrade (Univerzitet u Beogradu, 2019). The Faculty of Law drafted its Gender Action Plan (GAP), and its adoption is underway (Vujadinović et al., 2020).

According to the Law on Science and Research (Zakon o nauci i istraživanjima, 2019) the Ministry of Education, Science and Technological Development should be responsible for setting legal and policy frameworks, including those related to combat GBV in universities and research organisations. However, none of the measures is adopted or envisaged for adoption yet. The Science Fund is the leading research funding institution in Serbia that has the mandate to make a set of criteria related to combating GBV as a precondition for financial support. Besides, they can introduce projects approval procedure that takes into account measures to combat violence against women. However, none of the measures is adopted yet apart from a very general *Environmental and Social Management Framework* (World Bank, n.d.) introduced by the World Bank who provided a loan to the Government of Serbia to establish the Science Fund. Another entity that potentially could introduce some anti-violence measures is the National Entity for Accreditation and Quality Assurance in Higher Education (NEAQA). It is an independent national body that performs accreditation and quality assurance of higher education institutions and their units, evaluating study programs and quality assurance in Serbia's higher education (NEAQA, n.d.).

Although gender-based violence (GBV) has a long tradition in research and activism, in universities and research institutions in Serbia has been shyly raised recently as a consequence of several cases of sexual harassment and assault at the University of Belgrade. The first incident of sexual harassment at the University of Belgrade's Faculty of Political Science (FPS) that occurred in 2013 led to the adoption of the first-ever internal rules and regulations concerning prevention and protection against sexual harassment and blackmail in 2014. The FPS Rulebook on the Behaviour of Employees in Relation to the Prevention of and Protection from Sexual Harassment and Blackmailing of Students defines the concept of sexual harassment and blackmail of students, prohibition of such behaviour, and measures for prevention and procedures for protection against sexual harassment. The main aim is to build and preserve the principles of academic freedom, equal opportunities and conditions for studying, respect for the



integrity and human dignity in higher education (Pravilnik, 2014). Until this date (April 2021), only two states (Faculty of Political Science and Faculty of Philosophy) and one private faculty (Union University, Faculty of Law) adopted similar regulations and rules (Tomić & Radivojević, 2021). One Rulebook against sexual harassment is in the process of adoption at the Faculty of Law at the same University as part of its Gender Action Plan (Vujadinović et al., 2020).

Another prominent case happened in June 2020 when several female students at the University of Belgrade's Faculty of Theology accused one of the professors, current Vice Dean and active priest of the Serbian Orthodox Church, of sexual assault and rape (Živanović, 2020). The claims were sent to the Rector, University Ombudsperson and the President of the University of Belgrade Council, who immediately submitted all the received material to the relevant Prosecution Office. The University Ombudsperson described it to the media as a regular procedure. The University Ethics Committee has not taken any steps related to the rape allegations (Jokić-Stamenković, n.d.).

Finally, at the beginning of 2021, a group of former female students from a private drama and theatre school accused the school's owner and drama teacher of long-term abuse, sexual assaults and abuse while they were still underage. One of them (younger generation actresses) pressed charges. After her story went viral, over 20 other female students, some still underage, joined the claim. The pre-trial investigation is ongoing. The case provoked several activities related to universities. First, the Faculty of Drama Arts established a special independent committee for complaints of sexual harassment and abuse by professors (Fakultet dramskih umetnosti, 2021). And second, a group of female students at the University of Novi Sad launched the initiative "We will not remain silent", demanding an urgent response from the University and to start the process of drafting a rulebook to regulate the prevention, reporting and sanctioning of sexual harassment and abuse at the University of Novi Sad. Motivated by this initiative, the University of Novi Sad's Faculty of Philosophy initiated the establishment of the team for assistance and violence prevention (Kovačević Prica, 2021).

Despite the measures adopted in policies and laws on anti-violence and employment at the national level (Čopić, 2019; OSCE, 2019), universities in Serbia still lack institutional responses (mechanisms, procedures and victim support) to address GBV. Only the University of Belgrade Code of Ethics includes sexual harassment and harassment as violations of academic freedom, equal opportunities, respect for the integrity and human dignity in higher education (Etički kodeks, 2016). Yet, half of the surveyed students from three state universities (Belgrade, Novi Sad and Niš) stated that protection from sexual harassment is insufficient (Autonomni ženski centar, 2018). Consequently, GBV at universities remains unreported and continues to go unpunished.

The latest request came from an informal group of 14 University of Belgrade professors to draft and adopt a University rulebook on the prohibition of sexual harassment and violence, to inform the public about the process and to organise training after its adoption. In her urgent response to the initiative, the Rector confirmed that the University has been working on such a document for a long time and that a draft exists (Tomić & Radivojević, 2021).

Teaching about GBV is still relatively undeveloped and exists mainly at the undergraduate level. This topic was first included at the University of Niš' Faculty of Law in 1998. The same Faculty



introduced clinical legal education on violence against women in 2005. The University of Belgrade's Faculty for Special Education and Rehabilitation introduced a syllabus on violence against women in 2004 (Nikolić-Ristanović, 2019). At the law faculties in Novi Sad and Belgrade Universities, topics related to GBV are mainly in the area of domestic/intimate partner violence and trafficking in human beings. A recent analysis of the syllabi (undergraduate, master and doctoral level) of three state universities (Belgrade, Novi Sad and Niš) suggests that the topic of domestic violence is the most common. In contrast, other forms of gender-based violence are presented less (sexual violence, stalking or trafficking in human beings). Almost all of the courses are optional, not obligatory. Despite slight improvements, violence against women as a subject is still in its early stages of development, and future research in this area is necessary (Ibid).

Violence research in Serbia has a long tradition in the academic community, but historically, it has focused mainly on domestic and intimate partner violence rather than other forms of GBV. Stable and continuous financing of scholarly research on GBV is lacking. So far (April 2021), not a single seminar, campaign or even a roundtable has been supported by the national research funding institutions or ministries to address GBV in universities and research organisations. Women's organisations remain the primary source of data, knowledge and activism against GBV, including GBV in research organisations or universities. The example of this practice is the project *Sexual violence at the universities in Serbia: Raising awareness and developing innovative mechanisms of victim support* is in the process of implementation by the non-governmental organisation (NGO) Victimology Society of Serbia. It is supported within the Sexual Violence Research Initiative and by World Bank Group Development. The project won Marketplace Award for Innovation in the Prevention and Response of Gender-Based Violence in 2020. The information about the project is limited. The prevalence study is planned for April – June 2021 with a sample of 1,500-2,000 university students at four universities (Belgrade, Niš, Novi Sad and Kragujevac). The project aims to build the capacities of university staff to recognise and respond to sexual violence. The expected result is developing and piloting the 'first response' training model at one Serbian university. The second goal is to influence policy and practice changes in responding to sexual violence at the universities. The expected result is developed prevention and support mechanisms and procedures to support victims at six faculties at the University of Belgrade. The third goal is to enhance support and referral mechanisms for protection through establishing cooperation between the university and administrative staff, students' associations, staff trained as 'first responders', victim support services, etc. (Viktimološko društvo Srbije, 2020).



2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

Recent years have shown efforts by Serbian authorities to build a framework to address gender inequality and violence against women (Ćopić, 2019). The Law on the Prevention of Domestic Violence, which entered into force in June 2017, proscribes actions to provide urgent, adequate and efficient protection and support to victims of all forms of violence. Following the Istanbul Convention, the Law defines violence as an act of physical, sexual, psychological or economic

violence. It also clearly defines the relationship between the victim and perpetrator as a current or previous marital or extramarital relationship or intimate partnership. It also includes blood relations, both indirect and sidelines to the second degree, in-law or parental relations (adoptive parent, adoptee, foster parent). It also defines the victim and perpetrator relationship as a joint household where they used to live or still live (Zakon o sprečavanju nasilja u porodici, 2016).

Criminal Code introduced domestic violence as a criminal act in 2005. The 2017 amendments to the Criminal Code included aligning other forms of GBV with the Istanbul Convention, such as stalking and female genital mutilation. The forms of GBV included in the Criminal Code are rape, sexual assault of a vulnerable person or a child and sexual assault by abusing the position of power and sexual harassment. It also recognised displaying, obtaining and possessing pornographic material and exploitation of minors for the purposes of pornography and trafficking in human beings as GBV (Krivični zakon, 2005).

The Family Law was adopted in 2005. The Law guarantees women victims of violence the right to file a civil lawsuit for the issuance of protection orders against domestic violence. Members of the victim's family, a legal representative, a public prosecutor and centres for social work are also entitled to file such a lawsuit on behalf of the victim. The Law defines domestic violence (Article 197) as any behaviour by which one family member endangers the physical integrity, mental health or tranquillity of another family member. It includes physical violence and threats of violence, but also psychological violence. Domestic violence also includes threats to murder or inflict a bodily injury to a member of the family or another person close to him/her; forcing sexual intercourse; abetting to sexual intercourse or sexual intercourse with a person who has not reached fourteen years of age or an incapacitated person; restricting of freedom of movement or communication with other persons; insulting, as well as any other insolent, unscrupulous or malevolent behaviour. The Law defines as members of the family spouses or former spouses; children, parents and other blood relatives, in-law or adoptive relatives, and persons related by the foster care; persons who live or used to live in the same family household; cohabitantes or former cohabitantes; persons who used to be or still are together in an emotional or sexual relationship, or have a child together, or a child on the way, although they have never lived in the same family household (Porodični zakon, 2005).

The Labour Law was adopted in 2005. Article 21 defines harassment and sexual harassment as any unwanted behaviour caused on any grounds (gender, birth, language, race, skin colour, age, pregnancy, health condition, disability, nationality, religion, marital status, family obligations, sexual orientation, political or other beliefs, social origin, property status, membership in political organisations, unions or some other personal characteristics) that is directed at or violates the dignity of a job seeker, or an employee, which causes fear or creates a hostile, degrading or offensive environment. Sexual harassment is further defined as any verbal, non-verbal or physical behaviour that is directed at or violates the dignity of a job seeker and a full-time employee, which causes fear or creates a hostile, degrading or offensive environment (Zakon o radu, 2005).

3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

#MeToo movement did not fully take root in Serbia. Only recently have the cases of young actresses who were raped and sexually harassed in a private acting school and the internationally known documentary by another actress from Serbia started an avalanche of



public discussions and media comments on the topic of sexual and gender-based violence (Štajnfeld, 2020).

4. PUBLIC OPINION ON GBV

Based on the OSCE (2019) survey, violence against women is common in Serbia, according to 85 % of the surveyed women (p. 23). Furthermore, 29% of the respondents believe domestic violence is a private matter and should be handled within the family (OSCE, 2019, p. 22). More than three-quarters of the respondents strongly disagree that sexual intercourse without consent is justified in any of the following situations: sex within a marriage or partnership if either the woman or assailant were drinking or if the woman was wearing provocative clothing (Ibid, p. 21). Still, one in ten women believes that sexual intercourse without consent could be justified in a marriage or between partners living together. Also, one in five states that violence against women is often provoked by the woman (19%) and that women who say they were often abused make up or exaggerate claims of abuse or rape (23%) (Ibid, p. 21).

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

All protective measures during the Covid-19 pandemic were aimed at domestic violence or violence in intimate partnerships. No measure, discussion, or text addressed the issue of the Covid-19 pandemic and gender-based violence in research institutions and universities.

6. CONCLUSION

GBV policies and laws are in their infancy and have not been sufficiently developed or tested in other areas, let alone in higher education. In that sense, it seems that the issues of GBV have not yet reached the agenda of higher education. Despite a number of good legal and practical policy solutions at the national level, the GBV issue remains in the realm of domestic and intimate partner violence. Understanding GBV in its various forms and as a broader social and institutional phenomenon is still on the margins of interest and understanding in higher education and research institutions.

Universities and research institutions in Serbia continue to be rigid, closed and patriarchal structures that resist any change, whether these changes are part of the overall structural reforms regarding teaching methods, improvement of study conditions, prohibition of any violence and discrimination or changes in the curriculum and syllabus. Also, inertia and the lack of knowledge and competencies largely prevent researchers and university teachers, policy and decision-makers from seeing the importance of the GBV topic for further and deeper education reform in Serbia.

Future steps should include the adoption of comprehensive gender action plans at universities in Serbia, defining rules and regulations for combating gender-based violence. Also, the National Entity for Accreditation and Quality Assurance in Higher Education (NEAQA) can establish additional criteria for universities for the processes of accreditation, quality assurance, and evaluation of study programmes. Unfortunately, neither regional nor national authorities have sufficient human and financial resources or knowledge to combat gender-based violence at universities. Therefore, some internal pressure from women's organisations and external from the European Union (EU) research funding organisations should be applied. In addition, some



more surveys, both qualitative and quantitative, should be conducted, preferable by academic institutions in cooperation with civil society organisations with expertise in gender-based violence.

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