

ANEX 1 – SEXUAL VIOLENCE

There are 5 articles of the Serbia's Criminal Code that criminalize various forms of sexual violence (art. 178 to 182):

CHAPTER EIGHTEEN

CRIMINAL OFFENCES AGAINST SEXUAL FREEDOMS

Rape (Raping)

Article 178

- (1) Whoever forces another to sexual intercourse or an equal act by use of force or threat of direct attack against the body of such or other person, shall be punished with imprisonment from two to ten years.
- (2) If the offence specified in paragraph 1 of this Article is committed under threat of disclosure of information against such person or another that would discredit such person's reputation or honour, or by threat of other grave evil, the offender shall be punished with imprisonment from one to eight years.
- (3) If the offence specified in paragraphs 1 and 2 of this Article resulted in grievous bodily harm of the person against whom the offence is committed, or if the offence is committed by more than one person or in a particularly cruel or particularly humiliating manner or against a juvenile or the act resulted in pregnancy, the offender shall be punished with imprisonment from three to fifteen years.
- (4) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child the offender shall be punished with imprisonment from five to eighteen years.

Sexual Intercourse with a Helpless Person (Intercourse with powerless person)

Article 179

- (1) Whoever has sexual intercourse with another or commits an equal act by taking advantage of such person's mental illness, mental retardation or other mental disorder, disability or some other state of that person due to which the person is incapable of resistance, shall be punished with imprisonment of one to ten years.
- (2) If the helpless persons suffers serious bodily harm due to the offence specified in paragraph 1 of this Article, or the offence has been committed by several persons or in a particularly cruel or humiliating manner, or against a juvenile or if the act resulted in pregnancy the perpetrator shall be punished with imprisonment of two to twelve years.
- (3) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child, the offender shall be punished with imprisonment from five to eighteen years.

Sexual Intercourse with a Child

Article 180

- (1) Whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment from one to ten years.
- (2) If the offence specified in paragraph 1 of this Article results in grievous bodily harm of the child against whom the act was committed or if the act is committed by several persons or the act resulted in pregnancy,

the offender shall be punished with imprisonment from two to twelve years.

(3) If death of the child results due to the offence specified in paragraphs 1 and 2 of this Article, the offender shall be punished with imprisonment from five to eighteen years.

(4) An offender shall not be punished for the offence specified in paragraph 1 of this Article if there is no considerable difference between the offender and the child in respect of their mental and physical development.

Sexual Intercourse through Abuse of Position (Intercourse based on position/role of abuse) **Article 181**

(1) Whoever by abuse of position induces to sexual intercourse or an equal act a person who is in a subordinate or dependant position, shall be punished with imprisonment of three months to three years.

(2) Teacher, tutor, guardian, adoptive parent, stepfather or other person who through abuse of his position or authority has sexual intercourse or commits an act of equal magnitude a juvenile entrusted to him for learning, tutoring, guardianship or care, shall be punished with imprisonment from one to ten years.

(3) If the offence specified in paragraph 2 of this Article is committed against a child, the offender shall be punished with imprisonment of two to twelve years,

(4) If the offence specified in paragraphs 1 through 3 of this Article resulted in pregnancy, the offender shall be punished for the offence specified in paragraph 1 by imprisonment from six months to five years, and for the offence specified in paragraph 2 by imprisonment from two to twelve years, and for the offence specified in paragraph 3 by imprisonment from three to fifteen years.

(5) If death of the child results due to offence specified in paragraph 3 of this Article the offender shall be punished with imprisonment from five to eighteen years.

Prohibited Sexual Acts (Illegal sexual activities)

Article 182

(1) Whoever under conditions specified in Article 178, paragraphs 1 and 2, Article 179 paragraph 1, Article 180 paragraph 1, and Article 181 paragraphs 1 through 3 hereof commits some other sexual act, shall be punished with a fine or imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article results in grievous bodily harm of the person against whom the act is committed, or if the act is committed by several persons or in a particularly cruel or degrading manner, the offender shall be punished with imprisonment from two to ten years.

(3) If the offence specified in paragraph 1 of this Article results in death of the person against whom the act is committed, the offender shall be punished with imprisonment from three to fifteen years.

OFFICIAL STATISTICS

Statistical Office of the Republic of Serbia - [judicial statistics](http://webrzs.stat.gov.rs/WebSite/)

(<http://webrzs.stat.gov.rs/WebSite/>)

Year 2009

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

There were 379 reported adult perpetrators for the criminal acts of art. 178 to 182 (177 for rape – art. 178, 23 for art. 179, 36 for art. 180, 10 for art. 181 and 133 for prohibited sexual acts – art. 182) out of which 2 were against women as perpetrators. Only 208 persons accused for these acts were convicted, out of which 77 of them were convicted for the crime of rape, 7 for art. 179, 30 for art. 180, 8 for the sexual intercourse through abuse of position (art. 181) and 86 for prohibited sexual acts (art. 182). In 159 cases sentences were imprisonment (in all 77 cases of rape, in all 7 cases for art. 179, in 20 for art. 180, in all 8 cases for art. 181 and in 47 for art. 182). In the total of 36 cases there were suspended (conditional) sentences, 10 in cases of sexual intercourse with a child (art. 180) and 26 for prohibited sexual act (art. 182). In 13 cases for prohibited sexual act (art. 182) the penalties were monetary fines.

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 were male and 63 were female, 7 were children younger than 14 and 19 were children between 14 and 18 years.

For the art. 179 data existed in 5 of 7 cases. There were 11 victims, 2 male and 9 female, 1 child was younger than 14 and 4 children between 14 and 18 years.

For the art. 180 data existed in 29 of 22 cases. Out of 22 victims 6 were male and 16 were female, 13 children younger than 14 and 6 were children between 14 and 18 years.

For the criminal act of sexual intercourse through abuse of position (art. 181) data existed in 6 of 8 cases, in which there were 8 victims, 3 male and 5 female, 2 were children younger than 14 and 4 were children between 14 and 18.

And for criminal act of prohibited sexual acts (art. 182), data existed in 68 case where there were 71 victims (7 male and 64 female), and 23 were children younger than 14 and 20 were children between 14 and 18 years.

In 2009 - 2 women were convicted for the art. 180 and for the art.182.

Year 2010

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

There were 312 reported adult perpetrators for the criminal acts of art. 178 to 182 (138 for rape – art. 178, 19 for art. 179, 45 for art. 180, 3 for art. 181 and 107 for prohibited sexual acts – art. 182), but only 134 persons accused for these acts were convicted, out of which 62 of them were convicted for the crime of rape, 8 for art. 179, 10 for art. 180, 7 for the sexual intercourse through abuse of position (art. 181) and 47 for prohibited sexual acts (art. 182). In 108 cases sentences were imprisonment (in 59 cases of rape, in 8 cases for art. 179, in 4 cases for art. 180, in 7 cases for art. 181 and in 30 cases for art. 182), but in 2 cases of rape there was a suspended (conditional) sentence and in 1 case the perpetrator was found guilty but released. Suspended (conditional) sentences were also in a 6 cases of sexual intercourse with a child (art. 180). In 3 cases for prohibited sexual act (art. 182) the penalties were monetary fines.

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 child younger than 14 and 17 were children between 14 and 18 years.

For the art. 179 data existed in 7 of 8 cases. All 7 victims were female, 2 children younger than 14 and 2 children between 14 and 18 years.

For the art. 180 data existed in 9 of 10 cases. Out of 9 victims one was male and 8 were female, 7 children younger than 14 and 1 child was between 14 and 18 years.

For the criminal act of sexual intercourse through abuse of position (art. 181) data existed for all 7 cases, in which there were 9 victims, all female, 6 were children between 14 and 18.

And for criminal act of prohibited sexual acts (art. 182), data existed in 41 case where there were 47 victims (4 male and 43 female), and 9 were children younger than 14 and 12 were children between 14 and 18 years.

In 2010 all convicted persons were men.

Year 2011

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

There were 331 reported adult perpetrators for the criminal acts of art. 178 to 182 (131 for rape – art. 178, 21 for art. 179, 38 for art. 180, 13 for art. 181 and 128 for prohibited sexual acts – art. 182), but only 152 persons accused for these acts were convicted, out of which 59 of them were convicted for the crime of rape, 8 for art. 179, 21 for art. 180, 6 for the sexual intercourse through abuse of position (art. 181) and 58 for prohibited sexual acts (art. 182). In 128 cases sentences were imprisonment (in all 59 cases of rape, in all 8 cases for art. 179, in 19 cases for art. 180, in all 6 cases for art. 181 and in 36 cases for art. 182). Suspended (conditional) sentences were in 2 cases of sexual intercourse with a child (art. 180) and in 18 cases of prohibited sexual act (art. 182). In 18 cases for prohibited sexual act (art. 182) the penalties were monetary fines.

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.

For the art. 179 data existed in 8 of 8 cases. Out of 8 victims, 1 was male and 7 were female, 3 children between 14 and 18 years.

For the art. 180 data existed in 16 of 20 cases. Out of 21 victims 8 were male and 13 were female, 15 children younger than 14 and 6 children was between 14 and 18 years.

For the criminal act of sexual intercourse through abuse of position (art. 181) data existed for all 6 cases, in which there were 6 victims, 1 was male and 5 were female, 3 were children younger than 14 and 3 were children between 14 and 18.

And for criminal act of prohibited sexual acts (art. 182), data existed in 51 cases out of 56, where there were 77 victims (9 male and 68 female), and 36 were children younger than 14 and 16 were children between 14 and 18 years.

In 2011, only 2 women had been convicted for the art. 182. For all other articles the convicted persons were men.

Year 2012

http://webrzs.stat.gov.rs/WebSite/repository/documents/00/01/24/93/SB_576_Punoletni_uciniociKD2012.pdf

There were 302 reported adult perpetrators for the criminal acts of art. 178 to 182 (121 for rape – art. 178, 22 for art. 179, 28 for art. 180, 7 for art. 181 and 124 for prohibited sexual acts – art. 182), but only 248 persons accused for these acts were convicted, out of which 105 of them were convicted for the crime of rape, 14 for art. 179, 35 for art. 180, 10 for the sexual intercourse through abuse of position (art. 181) and 84 for prohibited sexual acts (art. 182). In 144 cases sentences were imprisonment (in 64 cases of rape, in 10 cases for art. 179, in 20 cases for art. 180, in 8 cases for art. 181 and in 42 cases for art. 182). Suspended (conditional) sentences were in 1 cases of rape, 4 cases of sexual intercourse with a child (art. 180), 1 case of sexual intercourse through abuse of position (art. 181) and in 18 cases of prohibited sexual act (art. 182). In 5 cases for prohibited sexual act (art. 182) the penalties were monetary fines.

Year 2013

<http://webrzs.stat.gov.rs/WebSite/repository/documents/00/01/62/79/SB-588-PunoletniUciniociKD.pdf>

There were 286 reported adult perpetrators for the criminal acts of art. 178 to 182 (92 for rape – art. 178, 14 for art. 179, 36 for art. 180, 10 for art. 181 and 134 for prohibited sexual acts – art. 182), but only 273 persons accused for these acts were convicted, out of which 93 of them were convicted for the crime of rape, 27 for art. 179, 47 for art. 180, 10 for the sexual intercourse through abuse of position (art. 181) and 96 for prohibited sexual acts (art. 182). In 144 cases sentences were imprisonment (in all 60 cases of rape, in 21 cases for art. 179, in 30 cases for art. 180, in 5 cases for art. 181 and in 41 cases for art. 182). Suspended (conditional) sentences were in 1 case of intercourse with powerless person, 3 cases of sexual intercourse with a child (art. 180), 1 case of sexual intercourse through abuse of position (art. 181) and in 23 cases of prohibited sexual act (art. 182). In 7 cases for prohibited sexual act (art. 182) the penalties were monetary fines.

Year 2014

http://webrzs.stat.gov.rs/WebSite/repository/documents/00/01/80/73/SK12_192_eng-punoletni-2014.pdf

There were 219 reported adult perpetrators for the criminal acts of art. 178 to 182 (60 for rape – art. 178, 10 for art. 179, 24 for art. 180, 4 for art. 181 and 119 for prohibited sexual acts – art. 182), but only 196 persons accused for these acts were convicted, out of which 73 of them were convicted for the crime of rape, 8 for art. 179, 36 for art. 180, 2 for the sexual intercourse through abuse of position (art. 181) and 77 for prohibited sexual acts (art. 182). In 128 cases sentences were imprisonment (in 70 cases of rape, in 7 cases for art. 179, in 29 cases for art. 180, in all 2 cases for art. 181 and in 43 cases for art. 182). Suspended (conditional) sentences were in 2 cases of rape, 1 case of intercourse with powerless person, 7 cases of sexual intercourse with a child (art. 180) and in 25 cases of prohibited sexual act (art. 182). In 8 cases for prohibited sexual act (art. 182) the penalties were monetary fines.