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Abstract

Domestic violence has been present since time immemorial. States usually fight against it through legal means by ratifying various international conventions and through national laws. Nowadays, the newly established countries of the former Yugoslavia, which were for more than seventy years part of one state with a single legal regulation, have their own Laws on protection domestic violence which include specific properties of nations, their ethics and cultural norms. The aim of this paper is to give the overview and comparison of the Law on protection against domestic violence in the countries of former Yugoslavia. Advantages and disadvantages of each of the laws is considered. In the research descriptive and comparative methods are applied. It is concluded that the efficiency of Laws are partly satisfactory but further effort on solving the problem is necessary. Adequate legal measures are suggested to be introduced to strengthen the position of the victims of domestic violence, eliminate the fear of condemnation and ensure the socialization of the victims.

Keywords

domestic violence, legal measures in domestic violence, law in protection domestic violence, international law, countries of the former Yugoslavia

Absztrakt

A családon belüli erőszak időtlen idők óta jelen van. Az államok általában jogi eszközökkel, különféle nemzetközi egyezmények ratifikálásával és nemzeti törvényekkel küzdenek ellene. Napjainkban a volt Jugoszlávia újonnan alapított országai, amelyek több mint hetven éve egyetlen jogi szabályozással egy állam részei voltak, saját törvényekkel rendelkeznek a családon belüli erőszak védelméről, amelyek magukban foglalják a nemzetek sajátos tulajdonságait, etikai és kulturális normáit. A cikk célja, hogy áttekintést és összehasonlítást adjon a volt Jugoszlávia országaiban a családon belüli erőszak elleni védelemről szóló törvényről. Az egyes törvények előnyeit és hátrányait mérlegeljük. A kutatásban leíró és összehasonlító módszereket alkalmaznak. Megállapítható, hogy a törvények hatékonysága részben kielégítő, de további erőfeszítésekre van szükség a probléma megoldására. Megfelelő jogi intézkedések bevezetését javasolják a családon belüli erőszak áldozatainak helyzetének erősítése, az elítéléstől való félelem megszüntetése és az áldozatok szocializációjának biztosítása érdekében.

Kulcsszavak

családon belüli erőszak, jogi intézkedések a családon belüli erőszak területén, törvény a családon belüli erőszak védelmében, nemzetközi jog, a volt Jugoszlávia országai

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INTRODUCTION

Domestic violence is a worldwide phenomenon. This is evidenced by numerous articles of various types. In Western countries information regarding different aspects of family violence are rather straightforward published [1], but in non-Western countries it is a formidable challenge because of faulty dissemination of information. However, it can be seen that in general, domestic violence takes many forms including physical, psychological, sexual and economic [2]. Usually, these types of violence are intertwined and their effect is different for each victim [3]. The most spread violence is the physical and sexual where victims are women. Unfortunately, the real statistics for these violence and victim number is not available due to significant objective and subjective factors. Nowadays, the evidence of economic violence is much widely reported. Job loss or unemployment is very often the result of domestic violence [4]. Most often women are victim of this violence. Consequences of violence can cause serious damage of the foundations of the family which lead to family disintegration. Because of that, improving woman's economic status, her employment, economic stability and security may provide her from victimization [5] and decrease the domestic violence.

To find the effective methods for reducing the domestic violence is not an easy task. Various methods and legal systems are developed to prevent and protect against the domestic violence. Let us mention some of them. For security-based situational prevention and reducing of domestic violence the application of the offender GPS tracking, shelter security, home security, personal duress alarms and combined home securities etc. [6] is recommended. The legal form for protection of domestic violence are laws, acts, conventions, etc. One of the most important document against domestic violence accepted in Europe is the 'Convention on preventing and combating violence against women and domestic violence' (Istanbul's Convention) published by the Council of Europe in the Council of Europe Treaty Series (CETS) in 2011 [7]. Based on this legal act in the most of European countries laws of prevention domestic violence are given.

In all countries of the former Yugoslavia: Republic of Serbia, Croatia, Slovenia, Republic of North Macedonia, Federation of Bosnia and Herzegovina, Monte Negro and the Republic of Kosovo, the law to prevent and protect against the domestic violence is introduced. The law includes the specific properties of these newly established countries (not older than 30 years). Namely, some of these countries are born after the civil war which gives terrible consequence in some families, primarily where the members are with different national and religion belonging.

The aim of this paper is to give the overview of laws for protecting against domestic violence of the countries of the former Yugoslavia, to make the comparison and to give the suggestion for their improvement.

The paper is divided into 4 parts. In the Sec. 2, the Laws of protection against domestic violence of the Republic of Serbia, Croatia, Slovenia, Republic of North Macedonia, Federation of Bosnia and Herzegovina, Monte Negro and the Republic of Kosovo are shortly described. Definitions and types of domestic violence are discussed. The competency of organizations and their activity is presented and various measures for protection of the violence are reported. In Sec.3, using the descriptive and comparative methods, the analysis and comparison of the aforementioned laws are presented. Advantages and disadvantages

of the laws are discussed. The paper ends with conclusion and suggestion for improvement of the laws and also prevention and protection against domestic violence.

LAW OF PREVENTION AND PROTECTION AGAINST DOMESTIC VIOLENCE

All countries of the former Yugoslavia have the valid legal documents dealing with the problem of prevention and protection against domestic violence. Thus, the 'Law for protecting against domestic violence' in Monte Negro [8] and Republic of Kosovo [9] is valid since 2010, in the Federation of Bosnia and Herzegovina [10] since 2013, in Slovenia [11] since 2016 and in Croatia [12] since 2017. In North Macedonia the 'Law of prevention and protection against the domestic violence' [13] is valid since 2014 and in Republic of Serbia the 'Law of prevention of domestic violence' [14] since 2016.

Law of prevention and protection against domestic violence is the document which treats perpetrator of domestic violence and mitigates the corresponding consequences. Laws are in compliance with the European document [7], but have some provisions connected with specific requests of the country. Thus, the Kosovo's law [9] pays special attention to the children, elders and disabled persons due to the fact that this popularity is terribly exposed to violence. The Law of Bosnia and Herzegovina [10] includes the protection against domestic violence of children up to 18 years. However, some of the articles of the law are not valid for children acting the violence. In Macedonia the principle of prevention in domestic violence is given according to the documents of Ministry of work and social politics, Ministry of health, Ministry of unit affairs, Ministry of science and education and Ministry of justice. In the Law [13] the general statements and politics of the country on the topic of domestic violence prevention is presented.

The law proclaimed in Serbia [14] aims to prevent domestic violence in all its forms through appropriate legal measures, but in the Law provisions about protection against domestic violence are not included. The law considers the measures of prevention for family members who are victims of the domestic violence. The law excludes from consideration juveniles who have committed violence in family.

Family Relationship

In the mentioned law the following family relationships are usually considered:

- Spouses or ex-spouses
- Extra marital or ex-extra marital union
- Cohabiting or ex-cohabiting partners and persons living in a joint household
- Persons in a partnership, regardless of whether they live in a joint household or not
- Relatives connected by blood, marriage or adaption
- Parents and persons of a common child or children.

In the Law of the Federation of Bosnia and Herzegovina [10] and of Slovenia [11] the definition of the collateral relative is much widely set: in branching it is up to the fourth level and for the relative by affinity it is up to the second level. In the Law not only the foster carers but also the children placed in foster care are considered.

In the Law of Kosovo [9] some other relationships are also included: for example guardian relationships. In this law the term ‘relatives’ includes: parents, grandparents, children, grandchildren, nephews, siblings, aunts, uncles and cousins.

In the Law of Croatia [12] three groups of victims are mentioned: 1) adults, 3) children up to 18 years, and 3) invalids and old persons (older than 65 years). The blood relatives are assumed in the right line and in the branch up to the third level, while in marriage relatives in the marital and extra-marital community up to the second level.

In Serbian Law [14] an additional explanation for relationships is given: the blood relatives are considered in the right line and in branch to the second level, while in marriage relatives also up to the second level. In the Law the adopter and adopted, caregiver and foster and other persons who live or lived in the common household are considered.

Types of Domestic Violence Considered in Laws

As it is already mentioned, the domestic violence is the form of physical, psychological, sexual or economic violence inflicted by a perpetrator against the victim who both are family members. Definition for the specific violence are as follows:

1. Physical violence denotes any use of physical action or treatment to force the victim to do something, or makes the victim to suffer, to restrict the motion and communication, causes victim’s pain, fear of shame.

2. Perpetrator exercises psychological pressure toward another member of family to cause psychological suffering, fear for her or his economic, emotional or physical well-being. Thus, psychological violence includes the dissemination of information and actions through which the perpetrator of violence spreads feeling of inferiority, fear, endangerment, shame etc. The violence denotes the action of the perpetrator by use of various information and communication technologies.

3. Sexual violence denotes actions of sexual nature to which the victim is forced. The violence includes non-consensual sexual acts and sexual ill-treatment. The sexual violence includes publication of material of sexual nature relating to the victim, too.

4. Economic violence is the placing restriction and control on victim’s income, restriction or managing of the common financial assets of family members which undoes failure or transfer of financial or material obligation of family members.

In addition to these violence, in Monte Negro the additional two types of violence are included into the Law [8]: 1) violence due to the fact that the perpetrator do not care of the child feeding, hygiene, clothing, medical protection, education, spacebar or theft and neglects the upbringing of the victim, 2) violence of the perpetrator who do not care of the family member with disability or illness in the request of feeding, clothing, medical protection, or hygiene.

In the Law published in Bosnia and Herzegovina [10] the violence against the child and also ill persons and persons of disability is included, but with much less details than in the previous Law.

The Law of Slovenia [11] covers also the aforementioned forms of violence against ill persons, persons with disability and old age, developmental or any other personal circumstances. Special care in providing help and considering violence is directed toward old and disabled persons, and also to persons are not capable of taking care of themselves, due

to their personal circumstances. In this Law more than 10 articles are oriented toward prevention of child violence and protection against corporal physical, cruel or degenerate punishment of children which contain elements of physical, psychological or sexual violence or neglect as a method of upbringing. In addition, in this Law it is stated that the children are victims even if they are only present where violence is perpetrated against other family members. Similar statement is evident in the Law of protection against domestic violence in Croatia [12]: the physical punishing of the children is considered as the domestic violence.

In the Law given in Kosovo [9] as domestic violence insult, offence, calling by offensive names and other forms of violent intimidation are included. In addition, kidnapping, damaging or destruction of property or the threat to do this, are also domestic violence.

Competent Authorities and Court Jurisdiction

According to the Law in Serbia [14] main authorities for protection of violence are: police, public prosecutor, court and center for social work. There are also some competent authorities which give information and help to victims. Dependently on the kind of the violence some organizations of health care and organizations for protection of children are also included. The police have to protect the lives and ensure the personal safety of victims in accordance with the regulations governing the tasks and powers of the police. The police officers, dealing in protection, are specially educated for domestic violence. In Serbia the public prosecutor appoints the deputy who is the specialist in protection against domestic violence. According to his opinion the Court is introduced in the process for giving protection against domestic violence. In special cases the individual plan of protection is formed by a so called 'coordinate group' whose members are delegated from the public prosecutor office, police and social work center. The municipal court has to be competent to give protection measures for the applicant who is permanently or temporarily resident or is just staying in this municipal. Protection measures shall be issued with the purpose to protect a person who is exposed to violence and to prevent domestic violence, by removing the circumstances which impact or may impact in committing other acts. The competent municipal court may impose protection measures for emergency. However, the police has to be the competent body for the execution of protection measures.

The procedure is as follows:

The police is declared about the violence and the police officer decides about the risk. Sometimes the police brings the perpetrator to the police station and sometimes not, but the opinion of the Center of social work may be asked. In the police station the perpetrator has the possibility to give the statement. Based on the estimation of the police officer the perpetrator obtains the certain emergency measures. The police gives the information to the public prosecutor. Public prosecutor studies the obtained documentation and gives his decision of the risk. This documentation is sent to the local court which prolongs the emergency measures or decline them. Dependent on the risk a person for monitoring of perpetrator is given by the police, court or center of social work. This person gives help and recommendation for the victims but also to perpetrator with the aim not to repeat the violence. Court may introduce the prohibition to a violence perpetrator who has harmed the victim physically or harmed the health of victim or has in any other way unlawfully encroached on the dignity or any other personal rights.

Due to the Law of Slovenia [11] into victim protection there are included organizations, authorities and also non-governmental organizations. The Government, the National Assembly proposed that the resolution on the national programme for preventing domestic violence has to be adopted during a period of six years. Specific action plans have to be prepared according to national program in duration of two years. Services are planned to be offered to victims and perpetrators of violence in accordance with the act regulating social security by the Social work centres. The goal is to eliminate direct threat. In addition, by elimination of circumstances and causes in which violence is present and by resolving their material living and social needs the long-time safety of victim would be ensured. The newly formed called Regional services for coordination and assistance to victims have to coordinate activities of authorities and organizations, to provide assistance to victims of violence, to give intervention services, and to monitor and analyse the occurrence of violence in a region. This service shall give urgent measures for protecting children and their interest in the relation of the family and perform services to act governing social security. Non-governmental organizations shall be involved into cooperation with organizations and authorities in dealing with individual cases of victims and violence perpetrators. It is expected that the non-governmental organizations shall be acting in implementation of measures for protection of victim. In Slovenia, strong financial support is given for realization of the aforementioned program.

The financing of the Protection of Domestic Violence is directly given in the law of the Federation of Bosnia and Herzegovina [10]. The Federation of Bosnia and Herzegovina has cantons and these cantons have to arrange the tentative help and the legal aid to victims of the domestic violence. Federation of Bosnia and Herzegovina, due to the law, take care of the victim in the Safety House or in other institution or other family. Safety House is founded by the legal or private entity according to the legal acts of the Ministry of work and social politics. The financial support for the victim's care in the Safety House, or other institution or other family is given by the legal acts of the Federation of Bosnia and Herzegovina and cantons: 1) 30% from cantons, 2) 70% from the budget of the Federation of Bosnia and Herzegovina.

Comparing the budget for the protection system of domestic violence in Serbia [14] is much lower than in Slovenia [11] and in the Federation of Bosnia and Herzegovina [10], for example.

The main organization which gives the protection to victims of domestic violence in North Macedonia is the Center of Social Work [13]. It gives the following help:

- 1) accommodation and hostess for the victims of the domestic violence
- 2) health protection
- 3) psycho-social intervention and treatment
- 4) psycho-social advises
- 5) help in education of children
- 6) legal aid and representation
- 7) economic help by employing of the victim

Health organization is under an obligation to review the victim and give the necessary medical help.

Implementation and monitoring the application of the Law in Serbia is done by the Council for preventing of the domestic violence, formed by the Government,

In the Federation of Bosnia and Herzegovina the control over implementation of the Law is done by the Federal Ministry of Justice. Government of Federation is obligatory to prepare the annual report of conduct of Law for protection of domestic violence.

Emergency measures and protection measures against violence

Due to the Law published in Serbia, there are two emergency measures of the police against domestic violence. These are:

1) measure of elimination of the perpetrator from the home if there is a risk to repeat domestic violence to a person who has committed violence against a member of the family sharing the same house, living premise or apartment, the removal from the apartment, house or other living premise may be imposed.

2) prohibition measure of the contact with the victim
To a person who has committed domestic violence, protective measures on prohibition of approaching the domestic violence victim and his/her subordinate and other persons, may be issued if there is a risk of repetition of domestic violence. In the order of prohibition of approaching of the the domestic violence victim, the Court defines the region, location and distance within which the perpetrator cannot approach the victim of domestic violence.

Both measures can be given to perpetrator in the same time. In Kosovo's Law [9] the perpetrator has to be removed from a common residence or other person's residence under police observation. In the presence of police officers the perpetrator has the right to collect personal belongings.

In the Law of Slovenia [11] the measures are the same as in Serbia's Law, but much wider explanation of the measures is given.

In Monte Negro due to the law [8], perpetrator may obtain two additional protection measures:

3) obligatory treatment of addition disease
which is mandatory for medical treatment from psychotropic substance dependency and alcohol. It is issued to a person who has committed domestic violence under their influence, and

4) obligatory psycho-social treatment
which is the protection measure which may be ordered to a perpetrator of domestic violence and combined with other measure of prevention with the aim to eliminate the perpetrator violent behaviors, special, if there is a high risk the domestic violence to be repeated. The aforementioned four measures of protection (items 1-4) are also prescribed in Croatia [12].

In Kosovo, Ministry responsible for Labor and Social Welfare in cooperation with the Ministry responsible for Health and relevant institutions prepare and propose for approval to the Government the issuance of a sub-legal act with which the way and location of implementation of psycho-social treatment is determined.

In the Law of the Federation of Bosnia and Herzegovina [10] the list of protection measures is extended with an additional one:

5) temporarily deprivation of liberty and engagement

In Kosovo Law [9] the following measure is also included:

6) measure of prohibition of disturbance and scattering of the violence

To protect the person against whom domestic violence has been committed and also other potential persons for victim, the protection measure of confiscation of object by means of which the act of violence was done or is possible to be imposed. In addition, the following measures may be imposed by the Court in Kosovo:

- to order the allowance of the perpetrator to the protected party for the use of living premises shared, or a part of the premise
- to order the payment of rent of temporary living premise of the protected party by the perpetrator
- to order the payment of alimony to children and the protected party by the domestic violence perpetrator for whom the person has an obligation to support
- to prohibit the sell of any assets by the the protected party or the perpetrator within a certain period of time
- to give the possibility for the protected party to exclusively use and possess its assigned personal assets
- to impose any other measures that are necessary to protect the welfare, health or safety for the person or protected party which is in a domestic relationship with perpetrator
- to order the perpetrator to return the household to the protected party.

In the Law of North Macedonia [13] additionally to the 1-4 aforementioned measures for protection of the victim's life, the following emergency measures are suggested:

- prohibition of maltreatment, telephone call and direct or indirect contact with victim
- prohibition of entering the home, office and any other place which the victim visits on the distance smaller than 100 meter
- prohibition of having fire and other weapon

Pronouncement of emergency measures are given by the court using the Law in Macedonia [13] and the Law on Civil Procedure.

The Law proclaimed in Slovenia [11] includes protection measures for the victim child.

The specificity of the Croatian Law [12] is that it gives not only protection measures, but also gives the attention to the right of the victims. Penalties for the case of violation are also prescribed.

The same is in the federal state of Bosnia and Herzegovina [10]. Offence Provisions are directly included into the text of the Law of the North Macedonia [13]. In the Law of Monte Negro [8] penal provisions are also introduced.

COMPARISON AND DISCUSSION OF LAWS

Comparing the Law of prevention and protection against domestic violence of the countries of the former Yugoslavia it is found that all of them are based on the European Convention [7] but have some specificity connected with government organization, budget, financial possibility but also ethic, tradition and culture of the nation. All countries of former

Yugoslavia incorporated the law in their everyday praxis and every government controls the effect of the law.

Thus, in Monte Negro investigation in the Law effect was done in the period of 2014-2016. The statistics [15] show that, in spite of that the law was incorporated, during that time the number of vicinity against women is weakly increasing, while against children and old persons is almost constant. Thus, the number of vicinity for the year is approximately 950, which is a high number comparing to the number of inhabitants of the country.

To judge about the situation in the Federation of Bosnia and Herzegovina is impossible as there is no common statistics for the whole country. It is reported that in the Republic of Srpska, which is the Serb entity of the Federation, even more than 50% of women were victim of physical vicinity [16]. However, in the period of January to October 2017 in in the Republic of Srpska 907 cases of domestic violence is evident and it is the decrease of 7,2% in comparison to 2016.

In Croatia the situation with domestic violence is very serious (see [17]). Each year 11.500 to 17.500 perpetrators have been reported. Depending on the year the number of victims of the offenses is between 14,500 and 22,200. In total, the women were the victims in 64% to 71% of all these cases.

In Slovenia every fourth to fifth woman has the problem with domestic violence [18]. On average the police has up to 3,000 cases of domestic violence a year. Thus, in 2016 the number of cases was 2,760, and it was the decrease of a nearly 1% from 2015. At the same time the police issued almost 860 restraining orders, and that is the increase of 4.4% to 2015. It is worth to be said that the perpetrators of domestic violence are not ready to respect them. According to the evidence in 90-98% of cases, the perpetrators are men and their victims are mostly their women partners. Women as perpetrators are very rare and their victims are children.

During the first six months of 2017 in the North Macedonia the police charged the fee to 388 persons which were suspected of domestic violence [19]. According to the statistics even 94% of perpetrators of domestic violence were men. The violence was done in 161 cases by a husband, in 84 cases by a son and 21 by a father. The most vulnerable category in domestic violence are still women, who in 75 of the reported cases were victims of violence. In addition, victims of domestic violence are parents and children.

The statistics show that more than 320 women were killed in the previous decade in Serbia as victims of the family or partner violence [20]. Only last year the police issued 23.118 emergency measures that should prevent domestic violence. More than 7000 persons were temporarily prohibited and 16.000 were forbidden from families. Due to domestic violence, on average, every month 1572 bans of contact and approaching the victim or entering the home is given. On average, 635 people receive both emergency measures monthly.

During the period of 2009-2014 from Kosovo Police were recorded 7319 domestic violence cases, or an average of 1464 per each year [21]. These records indicate that the number of domestic violence cases in Kosovo is relatively high. Domestic violence in Kosovo significantly is expressed as a physical and psychological violence, as well as economic and sexual violence. In most of cases victims were women, and then children, elderly as well as other persons within family. The Kosovo Police has filed 6544 criminal reports concerning domestic violence, State Prosecutor has filed 4321 indictments and courts have convicted 1255 persons.

In spite of the fact that the number of conventions, acts and laws in prevention and protection against domestic violence is increasing, the domestic violence is not eliminated or even decreased to a small number. The application of law and effects of measures suggested in the law are necessary but not sufficient for protection against family violence special when the risk is very high. Unfortunately, in this case perpetrators are not prevent from committing a crime and the evil cannot always be prevented.

Nowadays, some additional measures for prevention of domestic violence are introduced.

Some states, such as Australia, the United States of America and Spain, apply a new model of psycho-social treatment of domestic abusers [22] as the method of prevention of future incidences of domestic violence. In Australia a process evaluation of a new youth participation model called R4Respect is considered. The aim of the model, which has the property of a peer-led approach to education of respectful relationships, is to prevent domestic violence [23]. For evaluation qualitative methods are applied which are based on interviews done with adult external stakeholders and young participants. The evaluation demonstrates that R4Respect is successfully engaging young people as decision-makers and peer-educators in strategies aimed at improving the understanding young people have of what constitutes respect in relationships. The result of R4Respect model is that in the prevention of domestic violence the young people can fulfil an important role. In Taiwan [24] the three-tier five-level preventive strategy for domestic violence is introduced. The most important are the primary and secondary preventions. Primary prevention (zero tolerance for violence) has two levels: 1. ‘advocate anti-violence’ - public education on the topic by dissemination of anti-violence resources and information of related topics via the internet and 2. ‘specific protection’ – premarital education of young adults in types of domestic violence and special in sexual. Secondary prevention is the ‘violence alarm’ for early identification and early intervention for effective prevention of domestic and sexual violence. By setting up ‘protection hotlines’ the intention of the Government is to prevent children and youths who have not received proper care, to help them to improve the functioning of their families and to prevent child and youth abuse incidents.

However, the effect of the mentioned new trends in protection against domestic violence are not available yet due to short time of their application.

CONCLUSION AND SUGGESTION

Based on the aforementioned it is concluded:

1. The specificity of domestic violence in the countries of the former Yugoslavia are the consequences of war events, difficult economic situation, a complicated and prolonged democratic transition of country, etc.
2. Only the application of the Law of prevention and protection against domestic violence gives not enough effect in decrease of the violence. Additional prevention measures are necessary.
3. It is impossible to anticipate whether the measure of prohibition of admission will be sufficient. Neither the police nor the court have been not trained to read the future intentions of the perpetrators. However, the risk assessment must be much better when the anger of the perpetrators are seen. It recommended, if the decision about

- measure against perpetrator was made, the perpetrator to be monitored and controlled.
4. The measure of forbidding entering of the victim is not a bad one, but is not absolutely productive for all pathetic jealous people. Very often the perpetrators experience that this measure is a social humiliation and they see the culprits only in the person for which they this measure received. It is necessary to provide special by – laws to regulate the rules how to react in certain cases.
 5. In all levels of education the teaching material about equality between genders, non-stereotyped gender roles, the right to personal integrity, non-violent resolution of conflict in relationships between persons, gender-based violence against women and also mutual respect, has to be included.
 6. Stricter punishment for all perpetrators of the violence is recommended. The principle of ‘the law of three strikes’ already applied in some countries is suggested to be incorporated in the law. Every subsequent criminal act has to be penalized a level more. Thus, if someone repeats the criminal act for the third time, he would be in prison for 20 to 30 years. It seems that to be a good measure to direct the perpetrators to think carefully about whether they would strike someone and whether the violence would pay off,

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