

GENDER MARK OF MARGINALIZED PEOPLE

Miomira Kostić

Full professor, Republic of Serbia, University of Niš, Faculty of Law

kosticm@prafak.ni.ac.rs

Abstract

The adoption of the Law on Gender Equality on May 20, 2021 raised questions in the domestic public about the application of the Law. In the Law, in Art. 3 clearly states what is meant by gender equality, inter alia "equal rights, responsibilities and opportunities, (...), equal participation and balanced representation of women and men in all areas of social life, equal opportunities for the exercise of rights and freedoms". Emphasizing equal opportunities for the realization of the rights and freedoms of women and men, the author tries to draw the attention of the scientific public to the position of women and men in penal justice, in the past even in present times, in Serbia. Penal justice is dominated by retributive justice, with the possibility of applying standardized restorative justice. A basic research question is related to the need to integrate gender equality and gender perspective into the justice system, and, vice versa, seek to observe how the justice system can improve gender equality and integrates a gender perspective. The attention will also be paid to issues related to the gender perspective in the prosecution of perpetrators of criminal acts, convicts, as well as the gender approach to security. The application of the historical-legal and normative methodological procedure will be supplemented by positivist ones approach to the basic research question. The role of women activists, as well as scientists / researchers in criminology and penology, has often been neglected and relegated to the background.

Keywords: gender; equality; penal justice; restorative justice.

1. Introduction

In modern states, the protection of human rights is provided as: administrative law; judicial protection; constitutional court protection; as well as the protection of human rights before the ombudsman in those states where the institution is provided for by the constitution and law, and its tasks and responsibilities are entrusted by parliament. Observing the forms of protection of human rights at the state level, administrative legal protection is in the first place, and that is not accidental, because human rights of citizens are most widely and most often violated in administrative proceedings, at the level of everyday existence of citizens.⁴¹⁵ It has become necessary to separate and protect particularly vulnerable groups of the population.

⁴¹⁵ However, in the broadest sense, human rights, when violated, can be protected in both criminal and civil court proceedings. In the description of the nature of some criminal offenses in the modern criminal legislation of the Republic of Serbia, the term human rights is not explicitly mentioned. But in separate chapters, as group of protective objects, criminal offenses against: human health (Chapter XXIII), environment (Chapter XXIV) and the general security of people and property (Chapter XXV), could fall under the category of solidarity rights. Each of the chapters covers a number of special incriminations, the content and context of prescribing of which is largely determined by the progress of the achievements of civilization, as well as the needs of quality and organization of everyday activities of citizens.

Vulnerability is defined as an unfavorable position in relation to others, or a marginalized position in relation to others, which is occupied by individuals or groups of people in society. According to the World Health Organization, vulnerability is the level at which a population, individual or organization is unable to anticipate major difficulties, cope with them, resist them and recover from their impact. These are considered to include: children; pregnant women; seniors; malnourished people; persons with weakened immunity, who are in special danger in times of trouble.

Poverty and its common consequences, such as malnutrition, homelessness, poor housing conditions or abandonment, are the main cause of vulnerability.⁴¹⁶ UNESCO emphasizes as vulnerable groups: illiterate women in the first place,⁴¹⁷ then young people who are not included in the school system and who do not have basic literacy, convicted persons, refugees, indigenous population.⁴¹⁸

2. Learning economic factors on poverty, homelessness, unemployment of women

Man, as a natural and social being, strives to satisfy his needs, which change, depending on economic, social, cultural and technological possibilities and the situation in society. Social processes, such as urbanization and industrialization, have influenced the scope and quality of human needs to expand, but over time the tendency to organize society, through institutions, to meet the growing needs, even when individuals find it difficult or impossible to do so.

Human work is one of the most important aspects of the economic, cultural, political and personal prosperity of an individual and is woven into the general development and progress of a social community. Work realizes the process of production of material and spiritual goods, in the sense of purposeful human activity on the creation of use values. Human existence and the satisfaction of all other needs for its realization and development as a generic being depend on work.⁴¹⁹

⁴¹⁶ World Health Organization, *Vulnerable groups*,

http://www.who.int/environmental_health_emergencies/vulnerable_groups/en/, (20.10.2019).

⁴¹⁷ In the 1980s and 1990s, the most important international documents were adopted, which refer to the suppression of any form of violence against women and which contain legally binding norms for the signatory states. It is, above all, the Convention on the Elimination of All Forms of Discrimination against Women. This Convention, with the Optional Protocol, provides for measures to end discrimination against women and obliges all States that have ratified or acceded to it to remove all discriminatory laws and to establish effective protection of women against discrimination by establishing courts and other legal institutions. Art. 1 of the Convention defines "discrimination" as any difference, exclusion or restriction in terms of sex, which has the consequence or purpose of endangering or preventing the recognition or exercise by women of human rights and fundamental freedoms in political, economic, social, cultural, civil and other fields, regardless of their marital status, based on equality of men and women. *Convention on the Elimination of All Forms of Discrimination against Women* was adopted by the United Nations General Assembly by resolution 34/180 of 18 December 1979. Entered into force on 3 September 1981 in accordance with Article 27 (1). By 1 March 1988, 94 States had deposited the instruments of ratification or accession.

Translation taken from the *Law on Ratification of the Convention on the Elimination of All Forms of Discrimination against Women*, "Official Gazette of the SFRY" International Agreements, No. 11/1981. http://www.zensklavada.org.rs/downloads/konvencija_diskriminacija.pdf, (21.11.2019).

In addition to this document, the adoption of the UN Declaration on the Elimination of All Forms of Violence against Women should be emphasized, which stipulates that states should improve criminal, civil, labor and administrative sanctions in domestic legislation to punish and compensate women for violence. through other documents to prevent such conduct. *UN Declaration on the Elimination of All Forms of Violence against Women*. A/Res/48/104, UN 1993, <http://www.prs.hr/index.php/medunarodni-dokumenti/un-dokumenti/270-un-deklaracija-o-uklanjanju-nasilja-nad-zenama> (21/11/2019).

⁴¹⁸ UNESCO Institute for Lifelong Learning, *Vulnerable Groups*, <http://uil.unesco.org/literacy/vulnerable-groups/>, (02.12.2019).

⁴¹⁹S. Konstantinović-Vilić, M. Kostić, M. *Penologija [Penology]*, Niš 2006, p. 160.

Criminologists agree in their position that numerous factors, subjective and objective in nature, influence the occurrence of reluctance. It is difficult to conclude whether idleness in that most comprehensive sense is objectively caused by unemployment or the habit of an individual. The objective ones are related to the reduction of employment opportunities, due to economic crises or restructuring of the economy and economic branches, as a result of which the individual himself is not able to resist or directly influence the change of such a situation in society. On the other hand, the manifestation of disinterest in maintaining or improving one's existence, due to a special mental state or deviation in the personality structure, determines that one's social status is permanently unfavorable, and the person is clearly seen, in a professional sense, as someone with social maladaptation,⁴²⁰ as living in a state of permanent violent intercourse in marriage, vagrancy, or homelessness.

In criminological research, whose starting points are based on the methodological concept of advocating for gender equality, various forms of social maladaptation of particularly vulnerable groups, women and children, or persons with disabilities, are often associated with suffered family violence.⁴²¹ It is also called domestic violence in some segments. Domestic violence is most often defined as any form of physical, sexual, psychological or economic abuse committed by one family member against another family member, regardless of whether such conduct is criminalized by law and whether the perpetrator is reported to law enforcement. The perpetration of domestic violence endangers the security and relationship of trust among family members and is a form of control and a manifestation of power over family members.

Domestic violence stands out as a special type of domestic abuse. It is most often understood that it is a matter of physical and sexual abuse committed by partners against each other, regardless of whether it was reported or discovered, or whether it was the subject of criminal or misdemeanor prosecution and sentencing. The criminological literature points out that it is very difficult to draw the line between economic exploitation, political domination, psychological oppression and physical violence, because one form of violence develops a suitable ground for the next manifestation.⁴²²

In addition to domestic violence, lack of work can affect a woman to start living as a vagrant or a homeless person.⁴²³

In today's modern world, as well as in the conditions of life in our country, there is still no possibility for all categories of the population to meet their fundamental needs for survival – enough food, adequate clothing and footwear – so the sociological literature states that they “live in poverty.”⁴²⁴ The concept of absolute poverty is based on the idea of survival, that is, providing the basic conditions that need to be met in order to maintain a physically healthy existence. Therefore, the concept of absolute poverty is considered

⁴²⁰ See, for example: K. Perović, *Kriminologija [Kriminology]*, Podgorica and Nikšić 1998, p. 338.

⁴²¹ Domestic violence is considered not only at the national level of individual countries, but also at the international level. Among the international documents that contain standards on domestic violence, the UN and the Council of Europe stand out as particularly important: *the Beijing Declaration and Platform for Action since 1995, the Declaration on the Policy of Combating Violence against Women in Democratic Europe since 1993. yr. and Council of Europe Recommendation 1582, Domestic Violence against Women of 2002*. The starting point of all these international acts is that “violence against women is a manifestation of historically unequal relations of social power between men and women, which have led to domination and discrimination against women by men and the prevention of the full progress of women.”

⁴²² S. Konstantinović-Vilić, V. Nikolić-Ristanović, M. Kostić, *Kriminologija...*, p. 122.

⁴²³ It is interesting that in Hammurabi's code, which contains only fragmentary provisions of criminal law, paragraph 143 stipulates that if a woman “is not a good housewife, but a tramp, if she spoils the house, neglects her husband, she will be thrown into the water.” Hoboing, in the prescribed context of the law, is more a form of a woman's disobedience and reluctance, which would result in poor household management, than just a structural determination of punishment for vagrancy. S. Jasić, *Zakoni starog i srednjeg vijeka. [Laws of the Old and Middle Ages]*, Beograd 1968, p. 37.

⁴²⁴ E. Gidens, *Sociologija [Sociology]*, Beograd 2005, p. 317.

universally applicable. It encompasses standards of human maintenance that are, more or less, the same for all people of the same age and the same physique, regardless of which part of the world they come from. Any individual is therefore considered to be living in poverty if he is below this universal standard.

However, due to the impossibility to precisely determine the content of that standard, the concept of relative poverty is determined in the sociological literature, which determines poverty “in relation to the overall standard that prevails in a certain society.”⁴²⁵ Representatives of this concept believe that poverty is a culturally conditioned phenomenon, and therefore cannot be determined on the basis of a universal standard. Human needs are not identical everywhere, differences are possible even within one social community.

Poverty can also be defined as a state of multidimensionality when basic opportunities for a dignified life are lacking. The multidimensionality of poverty, as a phenomenon, is characterized by permanent or chronic deprivation of resources, abilities, choices, security and power necessary for an adequate standard of living and the realization of other civil, economic, political, cultural and social rights. The recognizability of poverty is reflected in various ways, such as: lack of income and resources sufficient to ensure a sustainable livelihood; hunger and malnutrition; poor health; limited or no access to education and other basic services; increased mortality, including mortality from disease; homelessness and inadequate housing conditions; insecure environment, social discrimination and isolation. It means the life on the social margins, as a “marginal citizen”.⁴²⁶ During the development of criminology as an independent science, a large number of theorists belonging to different criminological directions have studied the relationship and connection between economic (external) conditions and crime.

Among the first sociological explanations of crime investigating the connection between bad living conditions and the occurrence of crime is the opinion of the Dutch criminologist Bongers, who in his work “Crime and Economic Conditions” starts from bad living conditions, rejecting the hereditary views of anthropologically and biologically oriented criminologists. Bongers writes: “Deprived of the means of production, the worker sells his labor only so as not to die of starvation. The capitalists take advantage of this state of need of the workers and exploit it. (...) First, we have seen that the current economic system and its consequences weaken social sentiments. Given that the basis of the current economic system is exchange, the economic interests of the people are inevitably opposed. (...) This state of affairs especially stifles man’s social instincts; it develops in those who have power a sense of domination and insensitivity to the misfortunes of others, and at the same time arouses the jealousy and servility of those who depend on them.”⁴²⁷ In that sense, Bongers concludes that “a large part of economic crime (also prostitution to some extent) has its origin in the greed caused by the current economic environment.”⁴²⁸

Some criminologists, such as Hale, Howard, and others,⁴²⁹ single out a special direction in criminology, such as “pressure” theory, social disorganization (Chicago School), economic theory, control theory and opportunity theory, and everyday (routine) activities, which describe the relationship between poverty and crime, and are evolving through the recent teachings of criminal sociology.

Emil Durkheim stands out among the first creators of the theory of pressure. At the end of the 19th century, Durkheim made a special contribution to sociological and criminological thought with his concept of anomie, describing a situation in which social rules were destroyed or “blurred” and confusing to the extent that people did not know what to expect from each other. All this leads to a feeling of mutual isolation and awareness of the meaninglessness of life.

⁴²⁵ *Ibidem*.

⁴²⁶ M. Milutinović, *Kriminologija [Criminology]*, Beograd 1988, p. 380.

⁴²⁷ Đ. Ignjatović, *Kriminološko nasleđe [Criminological heritage]*, Beograd 2002, p. 128.

⁴²⁸ *Ibidem*, p. 131.

⁴²⁹ C. Hale, K. Hayward, A. Wahidin, E. Wincup, *Criminology*, Oxford 2005, p. 326.

Durkheim wrote his works in the 19th century after the boom of the industrial revolution which influenced the transformation of predominantly rural agricultural communities into urban environments dominated by manufacturing industrial production. According to Durkheim, anomie – a state of lawlessness – increases during periods of accelerated social change and leads to dissatisfaction, conflict and deviation. Such phenomena occur during economic recessions, but also during periods of enormous prosperity.⁴³⁰

The theory of pressure also includes the teachings of Merton, who, unlike Durkheim, does not consider the appearance of crime and anomie as a consequence of existing social changes. Instead, crime is explained as a possible response to pressures produced by the existence of unequally available opportunities to succeed. Highlighting the “American emphasis” on monetary success and the general aspiration to achieve it leads to excessive anxiety, repulsion, neurosis and antisocial behavior.⁴³¹

The Chicago School developed on the specific study of urban sociology at the University of Chicago between the two world wars, through empirical research on the urban environment and ecology. Authors, such as Tracer, Shaw, and McKay, have developed a concept in which some neighborhoods closer to the city center and poor suburbs have a direct impact on the criminal behavior of part of the population. Unsuccessful or difficult to achieve adaptation of migrants creates gangs of deviant orientations that reject existing social values. Investigating deviations in big cities, representatives of the Chicago School find the legality of such behavior in the area of local communities and social groups, slums, black ghettos with a high crime rate and other forms of deviant behavior, such as prostitution and suicide. The burden of subjectivism in these authors is pointed out as a critical attitude.⁴³²

According to economic theory, the economic model of crime defines individuals who choose between crime and legal work depending on the possibilities, rewards and costs of both. Thus, individuals choose whether to engage in legal employment or crime depending on job opportunities and wages in the legal market compared to the possibilities of illegal earnings, the risk of detection and the type and severity of the penalty prescribed for that offense, provided that the person undertake illegal activity. While at the very beginning of this explanation, the essence was in the choice between legal and illegal conduct, later learning was extended to situations when a person is engaged in both legal and illegal work in the same period of time. This is especially important to emphasize for periods when only occasional jobs of low quality can be obtained, with or without any security and poorly paid. This theory points out that if there is a deterioration in the economy, in terms of job cuts or even lower pay, crime will increase.⁴³³

The theory of control is also called the theory of social ties or Trevor Hirschi’s social bond theory. According to one variant of this teaching, which Hirschi advocated in 1969, the emphasis is on social ties to family, school, work, daily activities, and beliefs that isolate people from criminal activities. The first fulcrum of socialization is loyalty expressed towards family and school, while the second is commitment, and it refers to time, energy and efforts in educational social efforts that bind a person to the moral values of society. The third form of social ties is participation, that is, preoccupation with activities within the conventional interests of the community. That engagement, according to Hirschi, leaves little time for deviant behavior. As the last point or social connection, Hirschi considers a faith that emphasizes the system of social values, in terms of respect for the law, people and institutions that apply them.⁴³⁴

The explanation of the connection between misery and crime, which offers an approach to the theory of opportunity or routine activities, was developed by Cohen and Felson. These authors start from the understanding that criminals make rational choices by selecting a victim who enables large profits with little effort and risk. Much of this theory is focused on examining how lifestyle, that is, daily (routine)

⁴³⁰ E. Durkheim, *Pravila sociološke metode [Rules of the sociological method]*, Beograd 1963, pp. 70-71.

⁴³¹ Đ. Ignjatović, *Kriminološko...*, p. 158.

⁴³² M. Bošković, *Kriminologija [Criminology]*, Novi Sad 2002, pp. 56-58.

⁴³³ C. Hale, K. Hayward, A. Wahidin, E. Wincup, *Criminology...*, p. 328-329.

⁴³⁴ I. Marsh, *Theories of Crime*, London and New York 2006, p. 109.

activities of people affect the possibility of committing criminal behavior. Interpreting crime as a mass phenomenon, Cohen and Felson point out three elements that contribute to the occurrence of criminal behavior: a motivated perpetrator, a suitable victim and the absence of a capable guardian. Changes in routine activities (increased employment of both spouses, more frequent travel, starting a single household) lead to many houses and apartments remaining empty during the day and putting people in circumstances where they are deprived of a guard, that is, of protection from crime.⁴³⁵ Cantor and Land point out that rising unemployment will have consequences in relation to the increased number of motivated perpetrators and capable guardians. The number of motivated perpetrators is likely to increase in the face of rising unemployment, but so will the number of able-bodied guardians as more unemployed individuals remain at home. This will ensure the safety of their own property, but also increase the degree of informal social control focused on the behavior of neighbors. On the other hand, the fact that an unemployed person does not commute to work reduces the risk of victimization of a street crime.⁴³⁶

In interpreting the economic conditions of crime, Hentig (Hans von Hentig) points out that in most crimes there is an attempt to meet the needs of life through illegal means⁴³⁷ (Hentig, 1959: 247). But, since there are different forms of needs, the perpetrators' satisfaction refers not only to the fulfillment of the "existential minimum," but also to some other stimuli and impulses. Thus, there are groups of crimes that are not exclusively of a property nature. Hentig singles out economic conditions: unemployment, inflation, temptations of poverty, legal discrimination resulting from economic impotence, etc. According to this author, inflation affects members of the middle class, the part of the population that lives on their own earnings, as well as retirees. Wars, mass persecutions, the acquisition of refugee status, the black market and smuggling are among the phenomena that are an adequate basis for deviant behaviors and socially inconsistent behaviors in the broadest sense.⁴³⁸

The existence of unemployment⁴³⁹ in times of social crisis is not only a condition for committing property and other crimes, but also for any deviant behavior in general. According to Dorothy Thomas, the economic element predominates in the percentages of male suicides in times of business crisis. During the period of unemployment, the number of marriages decreases, which this author also sees as one of the reasons for the increase in suicidal tendencies.⁴⁴⁰

Job loss, inability to find new employment in one's profession, inadequate compensation for work, etc., create a situation that determines the new quality of family relationships. E. Ginzberg (Elli Ginzberg) calls an unemployed man a "retired husband" who has been deposed. The inability to perform his duty as a breadwinner undermines his reputation and, in the opinion of this author, leads to a „reduction of authority, usually in a woman, and sometimes in an older child“, who can compare his unemployed father with other, more successful fathers.⁴⁴¹

In this paper, the author also advocates mentioning the term pinkwashing. At first glance, the structure of words may not indicate all the complexity of social influence and social movements in different groups of people to whom this term has been assigned in order to explain their position in the social – and

⁴³⁵ S.T. Reid, *Crime and Criminology*, Boston 2003, p. 136.

⁴³⁶ C. Hale, K. Hayward., A. Wahidin, E. Wincup, *Criminology...*, p. 330.

⁴³⁷ H. Hentig, *Zločin – uzroci i uslovi* [*Crime - its causes and remedies*], Sarajevo 1959, p. 247.

⁴³⁸ *Ibidem*.

⁴³⁹ According to C. Booth, the unemployed are a special class in society, composed of those who are incompetent, maladapted and who suffer from poverty due to their unemployment. (Booth, C. (1892) *Life and the Labour of the People of London*, Vol. 1, p. 150. In: H. Hentig, H., *Zločin...*, p. 247). Certainly, this way of interpreting the personal characteristics of the unemployed does not correspond to the modern business conditions in our country, for example.

⁴⁴⁰ H. Hentig, *Zločin...*, p. 256.

⁴⁴¹ E. Ginzberg, *The Unemployed*, New York 1943, pp. 77-78. In: Hentig, H., *op. cit.*, pp. 256-257.

thus political – structure. The term was once used to denote the position of women with breast cancer, in order to identify companies that claimed to help sick women, but in fact profited from their disease.⁴⁴²

3. Discussion remarks

Since the 1990s, when drastic changes took place in the state organizational structure in the former single space of the Yugoslav state, such social differences have been established due to the different social status of newly formed and restructured strata of rich and poor citizens. At home, from the last wars until the entry into the 21st century, the impoverished middle class, which once could successfully and legally meet its diverse needs, much larger than the subsistence minimum, has lost economic power and its influence in various spheres of social life.

The sustainability of traditional theories about the impact of poverty on the occurrence of various forms of illicit behavior should be brought into a modernized context, taking into account the fact that the poor layer, at home, now has a different, non-traditional population structure.

However, the obligations assumed from the CEDAW Convention by the former state of SFRY, are also binding on the Republic of Serbia. The issue of women's vulnerability in the labor market has not been eradicated by the mere fact that the state has taken on the appropriate obligations under international acts.

The adoption of the Law on Gender Equality on May 20, 2021⁴⁴³ raised questions in the domestic public about the application of the Law. In the Law, in Art. 3 clearly states what is meant by gender equality, inter alia "equal rights, responsibilities and opportunities, (...), equal participation and balanced representation of women and men in all areas of social life, equal opportunities for the exercise of rights and freedoms".

Over time, certain mechanisms have emerged to eradicate this phenomenon. As such, the following are listed: gender budgeting; social entrepreneurship; subsidies; social cooperatives.

Public spending is directed so as to serve the general interest, to affect all citizens equally and to ensure that the budget funds spent on the implementation of public policies bring equal benefits to both women and men. The needs of individuals as human beings are the same, and public policies and budgets most often overlook the differences between women and men, whether in biological, social or cultural terms. However, differences in needs are related to anatomical and physiological differences between women and men (gender), that is, differences in reproductive biological mechanisms, or different needs related to meeting health standards. On the other hand, the social roles imposed on women and men determine and direct the expectations, responsibilities and privileges that belong to them.⁴⁴⁴ The dilemma imposed by the question of what would be achieved by gender budgeting should be removed by the following assumptions: raising awareness of various actors about gender issues and the impact of budgets and policies on gender equality; the responsibility of the government increased by allocating budget funds for the implementation of obligations in the field of gender equality; changes in budgets and policies to promote gender equality. It is especially important to emphasize the need to achieve the visibility of unpaid

⁴⁴² Imširović A.P., *Rekonstrukcija ženski fond. Kritički život 8: Džazbir Puar – Viralni homonacionalizam: disciplina, kontrola i afektivna relative osećaja* [Reconstruction Women's Fund: Critical Life 8: Jazzbir Poirier - Viral Homonationalism: Discipline, Control, and Affective Politics of Emotion], <https://www.rwfund.org/kriticne-teme/izvori-epistemologije-kriticki-zivot/kriticki-zivot-8-dzazbir-puar-viralni-homonacionalizam-disciplina-kontrola-i-afektivna-politika-osecaja/>, (11.12.2019).

⁴⁴³ *Zakon o rodnoj ravnopravnosti* [Law on Gender Equality], Sl. glasnik RS, 52/21.

⁴⁴⁴ D. Božanić, M. Ileš, M. Branković Đundić, *Ka rodno odgovornom programskom budžetu* [Towards a gender-responsive program budget], Novi Sad 2015, p. 6.

http://www.budzet.vojvodina.gov.rs/wpcontent/uploads/2016/01/Ka_rodno_odgovornom_programskom_budzetu.pdf, (30.05.2018).

work, because gender budgeting would make visible insufficiently recognized contributions of women, that is, it would indicate the value of unpaid women's work and activities performed by women (so-called care economy), which must be considered an important factor in policy making and implementation.⁴⁴⁵

The concept of social or solidarity economy refers to various activities in order to achieve certain social and economic benefits for citizens.⁴⁴⁶ Social entrepreneurship is a practically applied social economy. Social entrepreneurship is located between the public, private and civil sectors. The partnership of these three sectors implies the pooling of resources and knowledge in order to adequately meet a public need. The public sector seeks to enforce laws while solving social problems, the private sector wants profit, while the civil sector strives for fairer social relations and the protection of civil rights.⁴⁴⁷

Of the existing recommended forms of a social enterprise, cooperatives are the legal form that has the most common characteristics with social entrepreneurship. There are several arguments in favor of this: cooperative principles of democracy, equal voting rights, and joint distribution of profits are the closest to the characteristics of social entrepreneurship; cooperatives are based on the principles of solidarity and inclusiveness which are the basis for social entrepreneurship; cooperatives and social enterprises have a directed distribution of profits.⁴⁴⁸

The above examples of how to prevent or at least mitigate the victimization of women in the labor market should be applied in practice. Even though this sounds simple, the indicators are clear. Over 40% of women of working age are excluded from the labor market (compared to 27% of men), and the largest percentage of inactive women is in Vojvodina (44.5%) where the largest gender gap is in the inactivity rates of men and women (17.6 percent points). Most women work in the sector of services (67.5% of total employed women), and significantly less in agriculture (16.2%) and industry (16.3%).⁴⁴⁹

It is clear that changes are taking place through the adoption of regulations, research, etc., but certainly not at the speed and efficiency we strive for.

References list

1. Bošković M., *Kriminologija*, Novi Sad 2005.
2. Božanić D., Ileš, M., Branković Đundić, M., *Ka rodno odgovornom programskom budžetu*, Novi Sad: Pokrajinski sekretarijat za privredu, zapošljavanje i ravnopravnost 2015, http://www.budzet.vojvodina.gov.rs/wpcontent/uploads/2016/01/Ka_rodno_odgovornom_programskom_budzetu.pdf.
3. Božić D., *Socijalno preduzetništvo u funkciji izlaska iz nezaposlenosti i siromaštva u BiH* [in:] *Zbornik Radova. Socijalno preduzetništvo – teorija i praksa*, R. Markuš (ed.), Prijedor 2016, p. 57-http://www.nvo-svjtionik.org/wp-content/uploads/Zbornik-radova_Socijalno-preduzetnistvo.pdf.

⁴⁴⁵ D. Božanić, M. Ileš, M. Branković Đundić, *Ka rodno odgovornom...*, p. 18-19.

⁴⁴⁶ D. Božić, *Socijalno preduzetništvo u funkciji izlaska iz nezaposlenosti i siromaštva u BiH* [“Social Entrepreneurship in the Function of Getting Out of Unemployment and Poverty in BiH”] [in:] *Zbornik Radova. Socijalno preduzetništvo – teorija i praksa*, R. Markuš (ed.), Prijedor 2016, p. 57, http://www.nvo-svjtionik.org/wp-content/uploads/Zbornik-radova_Socijalno-preduzetnistvo.pdf, (30.05.2018).

⁴⁴⁷ *Ibidem*, p. 63.

⁴⁴⁸ R. Macura, *Pojam karakteristike socijalnog preduzetništva* [The notion of the characteristics of social entrepreneurship] [in:] *Zbornik Radova. Socijalno preduzetništvo – teorija i praksa*, R. Markuš (ed.), Prijedor 2016, p. 46, http://www.nvo-svjtionik.org/wp-content/uploads/Zbornik-radova_Socijalno-preduzetnistvo.pdf, (30.05.2018).

⁴⁴⁹ J. Pantović, S. Bradaš, K. Petovar, *Položaj žena na tržištu rada* [The position of women in the labor market], Beograd 2017, p. 1, <http://library.fes.de/pdf-files/bueros/belgrad/13759.pdf>, (30.05.2018).

4. *Deklaracija UN o eliminaciji svih oblika nasilja prema ženama.* (UN Declaration on the Elimination of Violence Against Women) A/Res/48/104, UN 1993. , <http://www.prs.hr/index.php/medunarodni-dokumenti/un-dokumenti/270-un-deklaracija-o-uklanjanju-nasilja-nad-zenama>.
5. Dirkem E., *Pravila sociološke metode*, Beograd 1963.
6. Gidens E., *Sociologija*, Beograd 2005.
7. Hale C., Hayward K., Wahidin A., Wincup E., *Criminology*, Oxford 2005.
8. Hentig H., *Zločin – uzroci i uslovi*. Sarajevo 1959.
9. Ignjatović Đ., *Kriminološko nasleđe*, Beograd 2002.
10. Imširović A.P., *Rekonstrukcija ženski fond. Kritički život 8: Džazbir Puar – Viralni homonacionalizam: disciplina, kontrola i afektivna relative osećaja*, <https://www.rwfund.org/kriticne-teme/izvori-epistemologije-kriticki-zivot/kriticki-zivot-8-dzazbir-puar-viralni-homonacionalizam-disciplina-kontrola-i-afektivna-politika-osecaja>
11. Jasić S., *Zakoni starog i srednjeg vijeka*, Beograd 1968.
12. Konstantinović-Vilić S. and Kostić M., *Penologija*, Niš 2006.
13. Konstantinović-Vilić S., Nikolić-Ristanović V., Kostić M., *Kriminologija*, Niš 2012.
14. *Konvencija o eliminisanju svih oblika diskriminacije žena*, (CEDAW Convention), http://www.zenskavlada.org.rs/downloads/konvencija_diskriminacija.pdf.
15. Macura, R., *Pojam karakteristike socijalnog preduzetništva*, [in:] *Socijalno preduzetništvo – relati i praksa*, R. Markuš (ed.), Prijedor 2016, p. 12-46.
16. Marsh I. (ed.), *Theories of Crime*, London and New York 2006. <https://doi.org/10.4324/9780203030516>.
17. Milutinović M., *Kriminologija*, Beograd 1988.
18. Pantović J., Bradaš S., Petovar K., *Položaj žena na tržištu rada*, Beograd 2017,
19. <http://library.fes.de/pdf-files/bueros/belgrad/13759.pdf>.
20. Perović K., *Kriminologija*, Podgorica and Nikšić 1998.
21. Reid S.T., *Crime and Criminology*, Boston 2003.
22. *Zakon o rodnoj ravnopravnosti* [Law on Gender Equality], Sl. glasnik RS, 52/21.
23. UNESCO Institute for Lifelong Learning, *Vulnerable Groups*, <http://uil.unesco.org/literacy/vulnerable-groups/>.

24. *UN Declaration on the Elimination of All Forms of Violence against Women*. A/Res/48/104, UN 1993, <http://www.prs.hr/index.php/medunarodni-dokumenti/un-dokumenti/270-un-deklaracija-o-uklanjanju-nasilja-nad-zenama> (21/11/2019).
25. World Health Organization, *Vulnerable groups*, <https://www.coronainsights.com/2018/08/defining-the-vulnerable-and-at-risk-populations-who-are-we-really-looking-at/>http://www.who.int/environmental_health_emergencies/vulnerable_groups/en/.