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Victimology and Victim Support in Eastern Europe

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THE ARROGANCE OF POWER – A SWEDISH EXAMPLE



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The Scandinavian Research Council for Criminology celebrates its 50th anniversary this year. The purpose of the Council is to further criminological research within the member countries and advise the Scandinavian governments and the Nordic Council on issues related to criminology. The contribution of the Swedish Government to the jubilee is to withdraw all funds from the Council. With Sweden as the main contributor it is unclear if and how the Council can continue to exist.

The Swedish Minister for Justice, Beatrice Ask—the power behind this action—has given two separate reasons for her action. The first one is that the government's priority is to keep the Stockholm Prize and the International Stockholm Criminology Symposium that is held in connection with the award ceremony. The annual state contribution to the Council, approximately 150,000 euro, will be used to secure the future existence of this prestigious award in criminology. This is, rather unfortunately, named after the city where the decision was taken to deprive the Scandinavian Research Council for Criminology of its funds. I am convinced that this is not in any way in line with the intentions of the donors or the prize committee consisting of internationally well-known criminologists.

The second reason given is that the Swedish part of the Council does not deliver. The Minister for Justice states that what is produced by the Council in general and the Swedish part in particular is not relevant to the Department of Justice. The Government doesn't get value for money. The Council holds annual research conferences followed by a published report of the contributions. Papers presented here during the last three years by Swedish criminologists include research on violence in work life, criminality and life chances, self-reported criminality, and



recidivism. Contact seminars between politicians, civil servants and researchers have been held regularly, the latest one on the topic of victims of crime. The Council finances meetings of working groups on different subject such as abuse of (legal and illegal) migrant workforce, release from prison, corruption, and environmental crime. And regular newsletters are published on research and legislation in the Scandinavian countries. If these contributions are not relevant to criminal policy, then what is?

The largest project financed by the Council is the present research on the general sense of justice in the Scandinavian countries. It must be most relevant for a government that stresses that public sentiment is a central factor in shaping legislation and criminal policy. One might hope that it is just a coincidence that the results of this project so far have been exactly the opposite of what the government is pressing in the public: the research clearly shows that the public does not demand harsher punishments but rather milder ones than those meted out under current law and practice. But can this be of any interest to European criminologists outside Scandinavia? Absolutely. It clearly shows the dangers – and this is, unfortunately, not a unique situation in Europe—of a close association of criminological research and policymaking. Let me be clear: there is nothing wrong in government-funded research, or applied research project that support policy decisions. But we have to make it clear what the rules are; that the freedom of scientific research is guaranteed and that publication of the results and future funding does not depend on whether the conclusions are in line with government policy.

The decision taken by the Swedish Government also shows a lack of understanding of what the value

of criminological research can be to the state. This is not necessarily only the fault of the government. We, criminologists ourselves, might have failed to demonstrate the broader relevance of criminology. Even though our results usually cannot be directly transformed into crime prevention measures, we could ask ourselves the question: can I present my research in a way that stimulates the general debate on criminal policy so that it might be regarded more relevant by the public, the media and the politicians? Even with different perspectives on crime and punishment fruitful interchange can take place between governments and criminologists. This is the clear message from the ESC award winner, herself both a leading academic and a former Minister for Justice in Finland, Inkeri Anttila.

But such a discussion does not seem to be of interest to the Swedish Minister for Justice. A large number of leading Scandinavian criminologists have appealed to her in a joint letter to change her decision lining out the importance of the work that is being done in the Council. The Ministries of Justice of the other Scandinavian countries regard the collaboration as fruitful and intend to continue the Nordic co-operation, yet they are not capable of committing more resources if the Swedish government insists on withdrawing its support. The university based Swedish members of the Council have asked for a meeting with the Minister in order to discuss possible alternative arrangements. The only reaction so far was a short letter informing them that the Minister, the addressee of the plea, could not commit to a meeting. She did not even find the time to answer: the letter was signed by her secretary.

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Vesna Nikolić-Ristanović

VICTIMOLOGY AND VICTIM SUPPORT IN SERBIA: A DESCRIPTIVE REVIEW

Although victim issues were sporadically dealt with before as early as in 1960s, more systematic research on crime victims started in Serbia only in 1980s and has intensified, particularly, after 2000. Development of victimology in Serbia can be divided into three periods: the period since the beginning of 1980s until 1991, the period during the wars in the territory of the former Yugoslavia (1991-2000), and the period after 2000.

BEGINNINGS

The Influence of the Victim on the Phenomenon of Crime (Nikolic-Ristanovic, 1984), and *Women as Crime Victims* (1989) are two seminal books in the development of Serbian victimology. Both dealt with issues such as domestic violence, marital rape, inadequate legislation about victims, the position of rape victim before the police, the prosecutor and the court, shelters and hotlines for battered women etc. Moreover, the books served as important platforms for advocacy on legal changes. Apart from research findings that were presented in these two books, other victimological researches were conducted in 1980s as well such as: research on young people and children as victims (Radovanovic, 1989), research on the victims of traffic accidents (Nikolic-Ristanovic, 1987), on the first contact of the victim with the police (Nikolic-Ristanovic, Mrvic, 1988), and on the legal position of crime victims and fear of crime (Nikolic-Ristanovic, 1989a, Nikolic-Ristanovic, Mrvic, 1990).

Public interest for crime victims was initiated in 1980s primarily by feminist advocacy for the rights of women and children. Violence against women was discussed at public panels organised in Belgrade by the feminist group Women and Society. Representatives of women's groups, together with researchers, presented their proposals for changes of laws regarding domestic violence and marital rape to the former Yugoslav federal state authorities and lobbied for them to be adopted. In addition, the establishment

of Yugoslavian Victimology Society in 1988 was very important for the development of victimology in Serbia. The Society was established after the very successful Symposium of World Society of Victimology organised in Zagreb in 1985. The society had its headquarters in Zagreb (Croatia) but it gathered members from other parts of Yugoslavia, including very active members from Serbia.

DURING THE WARS IN THE FORMER YUGOSLAVIA

The disintegration of Yugoslavia and ethnic conflicts that followed, however meant an end of the Yugoslavian Victimology Society. The advocacy of women's groups also shifted mostly toward advocacy for women—victims of war violence, including victims of domestic violence by former combatants returning home from service. However, the advocacy of women's groups aimed at raising public awareness and better protection of domestic violence victims in general did not stop during times of war. Women's groups and feminist researchers contributed to the visibility of the problems of domestic violence victims, as well as those of victims of sexual violence and human trafficking. The first draft of the criminal offences of domestic violence and marital rape was submitted by the Group for Women's Rights of the non-governmental organisation European Movement in Serbia¹ in mid 1990s. Although not successful, this advocacy was very important in terms of raising awareness of state officials and the general public.

Due to severe budget cuts caused by the economic sanctions imposed on Serbia during the Yugoslav wars because of its role in the conflict, state research funding had been dramatically cut. The topic had not disappeared from public discourses, however: several victim support, anti-war and advocacy initiatives were launched and implemented by local NGOs. Then, although slowly, the international funds became available to these organizations, which also influenced both

¹ *European Movement in Serbia is Serbian non-governmental organisation, established in 1992, which mission is democratic and peaceful European integration. It is the member of International European movement. The Group for women's rights was predecessor of the Victimology Society of Serbia.*

research and practices related to victims. Thus, most of the victimology research projects were carried out by non-governmental organisations during this period, while many researchers shifted their research interest toward war victims. Several projects on women's war victimisation, which included both collection of data and support to victims, were carried out (Nikolic-Ristanovic, 2000). Empirical researches on the connection between domestic violence and women's crime (Nikolic-Ristanovic, 2000a) and the impact of the transition and war on violence against women and society's response to it (Nikolic-Ristanovic, 2002) were conducted as well. The first comprehensive studies on child abuse (Banjanin-Djuricic, 1998) and incest (Mrsevic, 1997) were also published. In 1996 the Institute for Criminological and Sociological Research participated in the International Crime (Victim) Survey. The first and so far the only Serbian crime victimisation survey was conducted in Belgrade covering a sample of 1094 respondents which showed extremely high (85.4%) level of victimisation of Serbian citizens. The high level of victimisation by both conventional crime and corruption was in close connection with the impact of war on over-criminalisation of Serbian society in 1990s. This was also confirmed by state statistics on reported crime, which showed the increase of 47 % in 1993, in comparison to 1990. The registered crime rate later decreased significantly – to levels lower than it had been before the war.

During 1990s, women's groups' activists established SOS hotlines, shelters and counselling services for women and children. The development of victim services was under the influence of feminist ideas and a political pluralism ushering in civil society organisations. The worsening economic situation, post-war suffering, and women's exclusion from formal politics motivated women to self-organize and defend their interests. Feminist activism also had an additional psycho-therapeutic dimension since many women tried to escape their own despairing realities, by helping other women (Nikolic-Ristanovic, 2002). These efforts led to other specialised services for torture and war victims. Until the end of 1990s, victim advocacy and support in Serbia was largely limited to women and children victims of violence. However, in 1997, a

group of former members of the Yugoslavian Victimology Society from Serbia, together with some other researchers and activists, some of whom were involved with the NGO the European Movement in Serbia², founded the Victimology Society of Serbia (VDS).

The society was established as a membership NGO committed to working toward the development of victims' rights and victimology as an academic discipline. Since its establishment, VDS have been advocating for legal changes, for the introduction of victimology courses at the university, for crime statistics to include data about victims. In addition, they collect data and raise public awareness about various forms of victimisation. In 1998, VDS started to publish a journal on victimisation, human rights, and gender issues called *Temida*. *Temida* was later recognised as an academic journal by the Serbian Ministry of Science and became a valuable resource for students, professionals and everyone else interested in research into victim issues³. The society is a member of World Society of Victimology and Victim Support Europe, and committed to link theory and practice. Over time it developed three organisational strands: research, education, and victim support service. However, in 2005 it established the Association Joint Action for Truth and Reconciliation as a third (non-conflict) way of dealing with the past has been developed.⁴

AFTER POLITICAL CHANGE IN 2000

Since the revolution in 2000, largely thanks to the advocacy of the Victimology Society of Serbia-VDS and other NGOs, as well as a greatly improved political climate, many positive changes were initiated and achieved. These were significant not only for women and children, but for other crime victims as well. The most important legal changes were initiated and advocated by Serbian non-governmental organizations, which also had the support of international organizations and donors. Legal changes related to domestic and sexual violence, trafficking in human beings and protection of victims from secondary victimization in criminal procedure were initiated and largely based on drafts written by the experts of Victimology Society of Serbia. Criminalization of marital rape, domestic violence, human trafficking and people smuggling,

2 The founding members of VDS were particularly active in the Group for Women's Rights of European Movement in Serbia, but they also participated in other activities.

3 It publishes papers in both Serbian and English and is accessible electronically on www.vds.org.rs

4 More information is available on www.vds.org.rs

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introduction of restorative justice measures, as well as changes of civil and labour laws, together with the new laws on work related abuse, organised crime, war crimes, anti-discrimination and gender equality, contributed to the harmonisation of Serbian legislation with international standards to a great extent. A range of protection orders can be issued in civil procedure, while their violation is punishable as the most lenient form of the criminal offence of domestic violence. The 2009 changes of the Criminal Code also introduced a new security measure of prohibition to approach and communicate with victims, which is important for protection of victims after the trial. The Criminal Code also provides that rape is punishable regardless of the relationship between the offender and the victim (hence including spouses as well) and regardless of the sex of the victim and the perpetrator. Counseling of and support to victims of violence, as well as SOS hotlines are for the first time recognized legally as victim support providers in 2011.

Also, since 2008, Serbian official statistics data contain basic information about victims. Moreover, many training events for various professionals, including police, social workers, judges, prosecutors and health workers, were organized by non-governmental victim organizations. Victimology Society of Serbia organised many national and international conferences dealing with various victim-related issues, such as war victimisation, domestic violence, as well as conferences on truth and reconciliation (2002, 2004 and 2009), and alternative sanctions and victims. Since 2010, VDS has started to organise regular annual conferences. In addition, it introduced yearly awards for young talented researchers dealing with victimology issues as an encouragement and incentive for young people to engage in this kind of research, as well as the awards for special contribution to victim's rights and development of the non-violent and inclusive approach, in dealing with past conflicts, called third way.

The society carried out many victimological researches such as victimisation surveys on partner and domestic violence. (Nikolic-Ristanovic, 2002a; Nikolic-Ristanovic, 2010), research on victim services (Nikolic, 2007; Copic, 2007; Nikolic-Ristanovic, 2007), trafficking in women, children and men (Nikolic-Ristanovic et al, 2004; Bjerkan, 2005; Nikolic-Ristanovic, 2009), victims and restorative justice

(Copic, 2010), victims and reconciliation in post-conflict society (Nikolic-Ristanovic, Hanak, 2004; Nikolic-Ristanovic, Srna, 2008), legal position of victims (Nikolić-Ristanović, Ćopić, 2011) etc.

Apart from the Victimology Society, other NGOs (domestic and international) and individual researchers have recently conducted some relevant victimological research as well⁵. These include surveys on domestic violence, trafficking in women and children, child abuse, elderly people as victims, homophobic violence, work related abuse, victim services, compensation for victims, etc (Otasevic, 2005; Garcia-Moreno et al, 2006; Konstantinovic-Vilic, Petrusic, 2004 and 2007; Babovic, Ginic, Vukovic, 2010). Also during 2004 and 2009-10, surveys on abuse of the elderly were conducted as well (Kostic, 2010; Stevkovic and Dimitrijevic, 2011).

Since 1998, victimology has been taught as part of the criminology course at the Law Faculty, University of Nis. The course was based on the criminology textbook by Slobodanka Konstantinovic-Vilic and Vesna Nikolic-Ristanovic who, for the first time ever in Serbia introduced the topics such as crime victims, victimology, child abuse, domestic violence, marital rape, battered women movement, feminist methodology and feminist theory in a university textbook. The text has since been revised and updated with other victimological topics such as trafficking in human beings, work related abuse, stalking, abuse of the elderly, etc. In 2007, victimology became a separate elective course at the faculties of Law (Nis) and Special Education and Rehabilitation (Belgrade University), as well as at the Police Academy and the Faculty for Security in Belgrade.

The development of crime victim services was particularly intensified after the social changes in 2000 as well. The first and so far the only victim support service of general type, i.e. which offers support to victims of all crimes and of both sexes, including prisoners as victims and abused women who commit crime was established in 2003 by the Victimology Society of Serbia. After 2000, the first victim services units were established within state institutions as well. State services mostly followed a general trend in the development of NGO services in terms of their focus on women and children victims of violence. Since 2010, new trends have been noticed suggesting

⁵ It is worth mentioning that a large part of this research was conducted by VDS members, who conducted researches either for their MA and PhD thesis or within other NGOs and institutions.

the suspension of some NGO victim services (SOS hotlines and shelters) which had been developed with a lot of enthusiasm and provided unique experience for activists. These activities were partly taken over by state institutions which often have less knowledge and experience addressing needs of victims.

CONCLUSION

One can assume that victimology in Serbia—given its various victimological activities—meets to be an independent academic discipline; criteria set by Mendelshon, and further developed by Kirchhoff and Morosawa (2009). However, research is still limited in scope and victimology courses need to be further developed. The development of both non-governmental and governmental victim services and programs in Serbia was very important, but it mostly came about as a result of the efforts of enthusiastic groups, and only fragmented state efforts. Also, although a certain level of cooperation of different services is obvious, a national network of local victim services that exists in many other countries has not been established yet.

One of the main characteristics of victim related developments in Serbia is that they contributed to increasing the social visibility and raising awareness of certain categories of victims, while other victims are largely invisible and unrecognized. The prevalence of specialised victim services and organisations contributed to the increased social visibility of certain victims, such as female victims of domestic violence, children victims of sexual abuse, victims of trafficking in women and children, and recently victims of work related abuse. Other victims—of robbery, burglary, street violence, men as victims—are mostly left invisible and unrecognized. But of course, the greater visibility of certain victims and existence of more services for them does not mean that their needs are met adequately. The number of victim support services is still insufficient and the capacities of existing services are very low. Also, in spite of significant enhancements in legislation, the protection of victims is still unsatisfactory when it comes to the implementation of laws and other practical solutions. Apart from the lack of clear and comprehensive legal conception about protection of victims, the lack of mechanisms for the implementation of new provisions in practice remains a major obstacle. Monitoring of the implementation of new provisions either does not exist, or it is not comprehensive and systematic. Moreover, apart from the changes of laws and their effective application,

it is necessary to meet other conditions which would guarantee security and protection of victims from secondary victimization. This includes special rooms for witnesses in courts, victim support services available to victims/witnesses in most of courts or prosecutor offices, as well as appropriate education of police, judges, prosecutors and lawyers.

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Alenka Šelih

VICTIMOLOGICAL RESEARCH IN SLOVENIA: A SHORT OVERVIEW

FROM THE STUDY OF VICTIMS TO VICTIMS' ASSISTANCE

The first scholarly publication in Slovenia on victimology and victimological research, which appeared in 1967 stated that this branch of criminology did not open a new field of research but expanded one that had earlier been known. (Šelih, 1967: 37). Victimology was in the beginning (e.g. von Hentig:1948) concerned almost exclusively with victims of crime

as well as with their characteristics and contribution to the commission of crime. The first victimological research projects carried out in Slovenia (Šelih: 1963; Pečar and Uderman: 1974) followed this trend, although with a certain time lag. A change in the original orientation of victimology could be perceived in the world from the 1970s and this was followed also by research projects carried out in Slovenia. The new trends found their most

distinctive expression in the study on the restitution to victims of crimes (Vodopivec, 1977, 1978).

In a similar vein, at about the same time-period, a research project on shop-lifting in self-service stores was carried out (Pečar, 1978; Pečar-Maver-Zobec, 1981). The project started from the assumption that a self-service store was considered a victimological entity. Although the study dealt with problems of perpetrators and their criminal offences, its basic interest lay, nevertheless, in particular victimological components of this kind of stores, due to which they were more likely to be victimised than others. The victims and assistance provided to them found, at the time, its best expression in the research project on child maltreatment—a problem that the society in Slovenia of that time was hardly aware of, or if it was, it tried to keep it silent (Šelih et al., 1985). The central theme of this research was the child as a victim.

Later on, two additional research projects were carried out dealing with particular kind of victims, one dealing with children and one dealing with violence against people with disabilities. In the first one, results of a survey carried out in day care services, schools, centres for social work and medical services showed that all services in Slovenia annually dealt with 3.500 cases of child abuse (per appr. 550.000 persons aged 0 to 19 years of age) (Pavlovič, 1997).

The second study on “invisible violence” against handicapped children and adults found out that these group of persons twice as likely as non-disabled persons to be victims of sexual abuse and other violent acts. In addition, within this group, females with mental disorders were more likely to be victimised (Zaviršek, 2002).

FROM THE VICTIMISATION OF INDIVIDUAL GROUPS TO THE STRUCTURAL VICTIMISATION

The first traces of structural victimisation could be perceived in those research projects dealing with child maltreatment in which considerations went beyond the limits of individual cases of domestic child abuse. They highlighted the problem of institutional abuse in such institutions as kindergartens, schools, hospitals and various institutions for children and adolescents (Šelih et al., 1985; Kos, 1988).

VICTIMOLOGY AND CRIME PREVENTION

Slovenian victimological research has emphasized from the very beginning the significance of research

results for the prevention of crime. The first studies provided rather general findings and recommendations, the impact of which cannot be measured or practically evaluated. It is, nevertheless, possible to claim that the results of at least two studies had an impact on preventive activity: the studies on self-service stores. These did make their way into practice and were applied in the planning and managing of these kinds of stores.

The adaptation of the recommendations on self-service stores was mostly driven by commercial interest. Other studies, like the one on the maltreatment of children—though it clearly shaped the public perception of violence against children—impacted only on the activities of private initiatives of victim support (like that of individual NGOs), and did not lead to the conception of comprehensive government policies in the field. This was, probably, due to the fact that victimology had up until then been confined to the academic realm – in Slovenia, it never turned into victim advocacy. In order to open such a taboo theme, however, as violence against children in the family and in other social environments, it was necessary to first raise awareness of professional and later on of the general public for these issues.

CRIME AND VICTIMISATION SURVEYS

The first research project on the dark number of crime—a forerunner on victimisation surveys—was carried out in Slovenia in 1981. The study on hidden crime investigated the unrecorded conventional property crime on the area of the municipality of Ljubljana (Pečar, 1981, 1982). The first victimisation survey as a part of the international study was carried out eleven years after the first survey in 1992. This study had applied a very similar methodology as the international victimisation survey (ICVS). In 1997, the 1992 project was replicated as part of this international scheme. After 1997 the ICVS was taken over into the regular statistical program.

THEORETICAL STUDIES AND GENERALIZATIONS

It seems that it was necessary to conduct a number of empirical studies in order to arrive at theoretical conclusions. The first among those was a research project on “Victims, victimisation and victimological perspectives” (Kanduč, 2002). According to Kanduč, the most widespread and the most dangerous forms of structural victimisation have been overlooked by

researchers, e.g., forms interwoven in the routine patterns of everyday life, in the working place and at home. A similarly critical attitude has also been shown by the next research study on victimology – dealing with the “cult of the victim” (Petrovec, 2004). The purpose of the research project was to study psychological and sociological mechanisms when persons or institutions become victimised.

The last research project to be placed within the group projects attempting at theoretical generalisations dealt with “Women, violence, victimisation and the (criminal) law system in the context of crisis of post-modern transformation” (Kanduč, 2009). The study is concerned with the problem of female crime from criminological and criminal law perspective and addresses the fundamental dilemmas of the “women’s issue” in the post-modern society.

CONCLUDING REMARKS

When looking back to the history of victimology in Slovenia, it becomes clear how the subject developed and what issues the research concentrated on. In the 1960s, it started with the analysis of particular kinds of victims and their contribution to the commission of the offence, but later it developed not only into a much broader discipline but it also underwent a significant transformation: it largely became occupied with an interest in developing various institutions of victim support. It also became more and more interested in the structural causes of victimisation as its focus moved from individual victims to the social context of the victimization process. Only after all these developments did it arrive at theoretical considerations. As to its practical application, the impact of victimological research is mostly felt in the ways the criminal justice system deals with minor crime—different forms of procedures diverting less important offences (and offenders) from criminal justice system were introduced on the basis of some victimological research projects. And finally, victimology certainly contributed to developing new forms of help and support to different categories of victims, especially to those particularly vulnerable: children and women.

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CORRECTION

In the printed copy of the article *An Examination of International or Comparative Studies Under the Aegis of the ESC* by Alida Merlo and Bitna Kim (Issue 3/2011), regrettably, some mistakes found their way into the final, published versions of the tables, for which we would like to apologize. Hereby we publish the corrected tables.

Table 1-1. International/Comparative nature of ESC presentation by years, N = 3,786^a

The comparative/international nature of 168 (4.4%) cases could not be determined.

Year	Nature of presentations			Total
	Comparative	Europe-affiliated & Europe studied	Non-Europe-based, non-comparative	
2001	7	216	11	244
	2.9%	88.5%	4.5%	100.0%
2002	17	293	46	387
	4.4%	75.7%	11.9%	100.0%
2003	14	201	23	254
	5.5%	79.1%	9.1%	100.0%
2005	14	298	32	356
	3.9%	83.7%	9.0%	100.0%
2006	14	322	37	390
	3.6%	82.6%	9.5%	100.0%
2007	29	444	55	556
	5.2%	79.9%	9.9%	100.0%
2008	25	459	55	553
	4.5%	83.0%	9.9%	100.0%
2009	16	447	46	529
	3.0%	84.5%	8.7%	100.0%
2010	12	440	42	517
	2.3%	85.1%	8.1%	100.0%
Total	148	3,120	347	3,618
	4.1%	86.2%	9.6%	100.0%

Table 1-2. International/Comparative nature of EJC Publications by years, N = 171^a

Year	Nature of presentations			Total
	Comparative	Europe-affiliated & Europe studied	Non-Europe-based, non-comparative	
2004	0	19	1	20
	0.0%	95.0%	0.5%	100.0%
2005	1	20	1	22
	4.5%	90.9%	4.5%	100.0%
2006	1	17	1	19
	5.3%	89.5%	5.3%	100.0%
2007	1	19	0	20
	0.5%	95.0%	0.0%	100.0%
2008	2	19	0	21
	9.5%	90.5%	0.0%	100.0%
2009	1	24	1	26
	3.8%	92.3%	3.8%	100.0%
2010	2	29	0	31
	6.5%	93.5%	0.0%	100.0%
Total	8	159	4	171
	4.7%	93.0%	2.3%	100.0%