



# **FRAMEWORK STRATEGY FOR THE IMPLEMENTATION OF THE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN BOSNIA AND HERZEGOVINA FOR THE PERIOD 2015 - 2018**

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## INTRODUCTION

The purpose of the Framework Strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as: the Strategy) is to provide for a consistent, high-quality and effective implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter: the Convention) in the territory of Bosnia and Herzegovina (B&H). The Convention was adopted on 11 May 2011 in Istanbul. Following a series of Council of Europe recommendations related to protection from violence and the prohibition of gender-based discrimination, aimed at setting common goals and determining minimum common standards for state parties which were not legally binding, the Convention is now the first legally binding document of the Council of Europe in the field of preventing and combating violence against women. By its nature, this document is not necessarily directly applicable in signatory countries but it requires the signatories to conduct a specific harmonization of their legal and institutional framework for the purpose of a successful implementation of the Convention.

B&H ratified the Convention on 7 November 2013, thereby becoming the sixth member of the Council of Europe to ratify the Convention. By this, B&H committed itself to take legislative and other measures to provide for the legal, institutional and organizational framework for the prevention of violence against women, protection of victims of violence and sanctioning of perpetrators. The Strategy constitutes a comprehensive framework that defines the manner in which the Convention will be implemented in B&H and the way in which the legal and institutional framework will be harmonized with the Convention. Furthermore, it also defines the priorities in the field of preventing and combating violence against women and domestic violence, identifies responsible institutions, and introduces the framework of monitoring and reporting on the implementation of the Strategy and the Convention.

B&H, Republika Srpska (RS) and Federation of B&H (FB&H) have taken a range of measures for the establishment of the legal, institutional and organizational framework for preventing and combating domestic violence as one of the most frequent and most prevalent forms of violence against women. These efforts resulted in not only the establishment of a special legal framework for preventing and combating domestic violence but also in new institutional and organizational arrangements aimed at ensuring a multidisciplinary approach to the protection of victims of violence and efficient sanctioning of perpetrators. This also resulted in a higher level of social awareness about the problem of violence and a better understanding of domestic violence as a social rather than private problem. However, relevant analyses and research have shown that the scope of violence against women and domestic violence in B&H is still large. According to the research of prevalence and characteristics of violence against women in B&H, 47.2 per cent of women were exposed to at least one form of violence during their adult life, while 11.9 per cent of women were in such a situation in the 12 months that preceded the research.<sup>1</sup> This research further showed that violence appears in various, mostly invisible forms, that many victims of violence do not recognize different forms of violence, nor do they recognize themselves as victims, that they have very poor knowledge about the protective mechanisms and they very rarely reach for those mechanisms due to their lack of trust in the protection agencies.

Therefore, further strategic measures are necessary to provide for the prevention of violence, domestic violence and violence against women in broader terms, and to ensure a high-quality, effective and credible protection mechanism for victims and efficient prosecution of perpetrators in order to reduce the tolerance of

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<sup>1</sup> Babović, M., Pavlović, O., Ginić, K., Karadinović, N. (2013) *Rasprostranjenost i karakteristike nasilja prema ženama u BiH /Prevalence and characteristics of violence against women in B&H*, Agency for Gender Equality of Bosnia and Herzegovina, page 19.

violence amongst individuals, perpetrators and victims, relevant institutions and society as a whole. This Strategy defines the strategic measures and determines the commitment of B&H institutions to strategic actions with a view to preventing and combating violence against women and domestic violence.

## METHODOLOGY OF THE STRATEGY DEVELOPMENT

The methodology of developing the 2015-2018 Framework Strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence contains several key segments:

1. Situation analysis
2. Stakeholders analysis
3. Definition of the strategic framework
4. Definition of the strategic issues, goals, programs and activities
5. Establishment of the monitoring and evaluation framework.

## SITUATION ANALYSIS

A situation analysis is the initial step in any strategic planning process. This analysis is intended to identify the context of strategic planning. This context includes external circumstances and internal resources for defining but also for implementing the strategic plan or strategy. For the purposes of the situation analysis, SWOT (strengths, weaknesses, opportunities, threats) and PESTLE (political, economic, social, technological, legal, environmental) analyses are used. While SWOT analysis pertains to both internal and external factors that might have an impact on the strategic planning and the strategy implementation, PESTLE analysis is “a tool used to analyse external trends.”<sup>2</sup> In addition to the mentioned methods, the “Resource analysis”<sup>3</sup> may also be used, as a combination of SWOT and PESTLE methods.

For the purpose of the situation analysis, which precedes the development of the 2015-2018 Framework Strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, a comprehensive Resource analysis was necessary. This method is of specific importance because many activities were conducted and significant results achieved in the field of preventing and combating violence against women and domestic violence. In this context, the resources refer to legal, political, institutional, organizational, human, material and technical resources. It should be noted that this field does not necessitate beginning anew; rather what needs to be done here is an update and systematization of the existing processes and resources, as well as their harmonization with the standards set forth by the Convention.

For the purposes of this Strategy, SWOT analysis was conducted amongst the institutions that have the most information on achieved results, challenges, and resources in the area of preventing and combating violence against women and domestic violence, such as the B&H Agency for Gender Equality, FB&H Gender Center and Republika Srpska Gender Center. This analysis helped to identify key strengths and weaknesses, as well as opportunities and threats, and it also encompassed the Resources analysis. SWOT analysis was supplemented with a framework analysis of the obligations set forth by the Convention and the definition of key areas of obligations as per chapters of the Convention. The obligations were made more precise with the help of an

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<sup>2</sup> UNDP (2010) *Strategic planning manual*, page 20.

<sup>3</sup> Ibid, page 21.

Explanatory report used in the interpretation of the Convention<sup>4</sup> and they were considered as parameters in a preliminary evaluation of how harmonized the laws, institutions and practices in B&H are with the standards defined by the Convention. This analysis is made based on available reports of the Agency for Gender Equality and FB&H and Republika Srpska Gender Centers, as well as relevant reports and analyses of non-governmental organizations. The situation analysis as per relevant areas is given in the text below.

## STAKEHOLDER ANALYSIS

The stakeholder analysis was made for the purpose of defining the membership in an expert team/working group for the Strategy development, as well as for planning the implementation and monitoring of the Strategy. Stakeholders are the parties that have an interest in and influence on certain policy. Their interest and influence might differ and they should be managed for the purpose of successful implementation of the Strategy, with a view to establishing an alliance around the common goals, through initiating specific activities and reducing the risk of failure to meet the defined goals.

For the purpose of developing and monitoring the Strategy, the stakeholder analysis resulted in the establishment of the working group with the following membership:

- B&H Agency for Gender Equality
- FB&H Gender Center
- Republika Srpska Gender Center
- Republika Srpska Ministry of Family, Youth and Sports
- B&H Ministry of Justice
- B&H Ministry of Human Rights and Refugees
- B&H Ministry of Foreign Affairs
- B&H Agency of Statistics
- B&H Ministry of Security
- B&H High Judicial and Prosecutorial Council
- B&H Parliamentary Assembly.

## STRATEGIC FRAMEWORK DEFINITION

The strategic framework consists of key documents in the area of gender equality and preventing and combating violence against women and domestic violence. The strategic framework ensures that the strategic planning is conducted within the constitutional, statutory and political frameworks, competences and obligations of B&H.

## STRATEGIC ISSUES, GOALS, PROGRAMS AND ACTIVITIES DEFINITION

Strategic issues are defined based on the findings of the Resources analysis and SWOT analysis and in relation to the targeted values in line with the obligations prescribed by the Council of Europe Convention. To that effect, the strategic issues emerge from identifying the shortcomings or inadequacies in the existing system in relation to the set standard. The deadline framework for achieving the strategic goals was also set at this stage of planning.

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<sup>4</sup> Konvencija Vijeća Evrope o sprečavanju i borbi protiv nasilja nad ženama i nasilja u porodici - Obrazloženje (zvaničan prevod na jezike BiH Treaty CETS No. 210 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and explanatory report, 2011, available at [http://www.arsbih.gov.ba/images/documents/CAHVIO/cahvio\\_explanatory\\_b.pdf](http://www.arsbih.gov.ba/images/documents/CAHVIO/cahvio_explanatory_b.pdf)).

When it comes to the Strategy planning, the standard and values are set forth in the Convention itself. These values are defined by the key goals of the Convention, so they are also defined as individual strategic goals and are part of the vision of the Strategy. The working group used the strategic issues to create the strategic goals, using positive formulations and the SMART principle (specific, measureable, achievable, realistic, and time bound) to define four strategic goals.

## MONITORING AND EVALUATION FRAMEWORK ESTABLISHMENT

Monitoring of the dynamics and success of the implementation is conducted based on the defined implementation indicators. The indicators are defined at the level of the strategic programs and strategic goals, and they are in major part qualitative. The indicators at the level of activities along with the indicators of strategic programs may be defined in separate operative plans of institutions. These indicators are good indicators of the dynamics of the work and possible obstacles. For the purpose of monitoring the substantive implementation of the Strategy and reporting to the Council of Europe, the indicators at the level of strategic programs and strategic goals shall show the level of change that was achieved by the implementation of the Strategy.

The coordination, implementation, monitoring and evaluation of policies and measures prescribed by the Strategy shall be conducted in accordance with the B&H Constitution competences, and in line with Article 10 of the Convention.

The Government of Republika Srpska and the Government of the Federation of Bosnia and Herzegovina shall determine the coordinating bodies for their respective territories. These coordinating bodies shall have the task of preparing reports on measures taken and policies conducted in the territories of the Entities and will form part of the report on legislative and other measures, which Bosnia and Herzegovina will submit to the independent international monitoring mechanism for the Convention implementation (GREVIO and Committee of the members). The report that Bosnia and Herzegovina will submit to the international monitoring mechanism shall be first submitted to Republika Srpska Government and Federation of Bosnia and Herzegovina Government for approval of the parts related to their respective territories.

## KEY PRINCIPLES OF THE STRATEGY

### Key principles of the Strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women

- ✓ Due diligence and obligation of the State
- ✓ Substantive gender equality and elimination of discrimination of women on any ground
- ✓ Integrated and gender sensitive prevention, protection and sanction policies

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is the framework for the drafting of the Strategy for the Convention implementation in B&H. The Strategy adopts the Convention's key principles and defines them as its fundamental starting point, values and positions. These principles result from the proven nature of violence against women and domestic violence, its causes and consequences, as well as the implications and costs of this form of violence to society as a whole. To wit, although it does not affect one gender only, gender-based violence affects disproportionately more girls and women and "is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women".<sup>5</sup> Besides that, violence against women and girls constitutes the violation of their human rights, and children are often both victims and witnesses of violence against women and domestic violence.

Considering the scope of damage that violence against women and domestic violence bring upon society, and particularly bearing in mind violence which is the result of a cross-generational transfer and a factor of criminally inclined behavior, further noting the costs to society in terms of a loss of workforce and social capital, increased costs of health and social protection, investments in law enforcement agencies and

costs of judicial proceedings, as well as costs of execution of sanctions, it appears quite logical that B&H and all relevant institutions for the prevention and elimination of violence against women and domestic violence bear the obligation and responsibility to create an adequate legal, institutional and organizational framework for preventing and combating violence against women and domestic violence.

Observing the issue of violence against women and domestic violence from this vantage point, an unequivocal conclusion is reached that gender-based violence is the result of social relations; because it is the problem of the entire society, the society, that is, the State, should assume responsibility to resolve it. In addition, violence against women is a human rights violation, and according to the Explanatory Report to the Convention: "Parties are required to organize their response to all forms of violence covered by the scope of this Convention in a way that allows relevant authorities to diligently prevent, investigate, punish and provide reparation for such acts of violence. Failure to do so incurs state responsibility for an act otherwise solely attributed to a non-state actor."<sup>6</sup> Therefore, in terms of preventing and combating violence against women and domestic violence, the ***State's due diligence and obligations*** (B&H and relevant institutions) are defined as the leading principle in the Framework Strategy for the implementation of the Convention.

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<sup>5</sup>Preamble of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

<sup>6</sup>Convention on Preventing and Combating Violence against Women and Domestic Violence – explanatory report, para 59.

Gender inequality is both the cause and consequence of violence against women and needs to be addressed as such. This complex social problem originates primarily from traditional gender inequalities, unequal opportunities for men and women in education, business and other spheres, patriarchal understandings of women's role in family and society and discriminatory policies and practices. It should be particularly emphasized that the Convention insists that prevention of violence, protection of victims from violence and sanctioning of perpetrators should not discriminate on any grounds, including gender, race, skin color, language, religion, political or other opinion, national or social origin, minority ethnic background, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, and immigrant or refugee status or other status.<sup>7</sup> ***Ensuring substantive gender equality and the elimination of discrimination of women on all grounds*** is the second key principle of this Strategy.

Manifestations and consequences of violence are multidimensional, carrying health, social, economic and sanction implications for victims and perpetrators. They should be taken into consideration from gender inequalities point of view, as the consequence of the discrimination against women and women's unequal access to education, employment and many other privileges. Therefore, this issue should be approached in a holistic, multidisciplinary and gender-sensitive way, through the inclusion of general and specialized services in different fields for the protection of victims (education, health, social protection) as well as the prosecution and further treatment of perpetrators (police, judiciary, institutions for execution of criminal sanctions, health institution). The realization of such a comprehensive approach, as ordered by the Convention, largely depends on ***creating integrated and gender-sensitive prevention, protection and sanction policies***, which constitute the third key principle of this Strategy. Integrated policies are those that are founded on the relevant data and evidence and are developed in thorough consultations with experts, non-governmental organizations and the public, thus guaranteeing a multidisciplinary and coordinated approach to preventing and combating of violence against women and domestic violence, with finances ensured for the implementation thereof. Gender-sensitive policies, as part of the integrated policies on preventing and combating violence against women, are based on the understanding that men and women are not equal and have different needs and opportunities, but that as human beings they have equal rights, with the possibility for affirmative action for those who need it when proven to have been subject to discrimination or inequality.

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<sup>7</sup>Convention on Preventing and Combating Violence against Women and Domestic Violence – explanatory report, para 53.



## SCOPE OF THE STRATEGY

The Framework Strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is enacted for a period of four years – from 2015 to 2018. The time framework of this Strategy partly coincides with the Entities' strategies on combating domestic violence. The FB&H Strategy on preventing and combating domestic violence is enacted for the period of 2013 to 2017 while the Republika Srpska Strategy on combating domestic violence for the period of 2009 to 2013 has expired, and the adoption of the Strategy on combating domestic violence in Republika Srpska for the period of 2014 to 2019 is planned to happen by the end of 2014. The implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence shall be aligned with the strategic documents of Republika Srpska and FB&H in regards to domestic violence. The intention of this Strategy is to serve as a platform for the creation and implementation of the Entities' strategies to ensure harmonization between them and the state level institutions. Thereby, this strategy introduces a comprehensive framework which includes the same strategic priorities as those defined in the Entities' strategies, but also the strategic programs for which the B&H level institutions are responsible.

A specific value of this Strategy is its comprehensive approach and attention to preventing and combating all forms of violence against women covered by the scope of the Strategy, bearing in mind that the Republika Srpska and FB&H Strategies on preventing and combating violence pertain exclusively to domestic violence and not to violence against women in broader terms. However, it is necessary to emphasize that the Strategy is created in conformity with other strategic documents and action plans which deal with the issue of preventing and eliminating violence against women and domestic violence.

The target group of this strategy includes all potential and real victims of violence against women and domestic violence, meaning all victims of different forms of violence against women and domestic violence regardless of ethnic background, religion or any other status.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence constitutes the framework for enactment and implementation of the Strategy. In that context, the key goals of this Convention should be reviewed:<sup>8</sup>

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<sup>8</sup>Article 1 of the Council of Europe Convention on Preventing a Violence.

### **KEY GOALS OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

- *protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;*
- *contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;*
- *design a comprehensive framework, including policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;*
- *promote international co-operation with a view to eliminating violence against women and domestic violence;*
- *provide support and assistance to organizations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence*

The Convention encompasses all necessary aspects of prevention of violence against women, protection of victims of violence, prosecution of perpetrators and compensation to injured parties. These four key aspects of the Convention cover the general principles of due diligence and uphold the obligations of B&H and relevant institutions to bear responsibility in the prohibition of discrimination and creation of integrated and gender-sensitive policy. The specific parts related to migrations and asylum are connected with the aspect of protection of victims of violence, and points on international legal aid and protection of secret data may be connected with the parts related to the efficient prosecution of perpetrators and compensation to injured parties.

Considering the aforementioned, the Framework Strategy for the implementation of the Convention defines four strategic issues in line with four key elements of due diligence, thus particularly emphasizing the obligations of B&H and relevant institutions in these four areas, while maintaining conformity to the key principles of the Strategy, responding to the monitoring mechanism of the Strategy implementation based on relevant data, and reporting to the Secretary General of the Council of Europe in co-operation with the Group of experts for combating violence against women and domestic violence - GREVIO.

#### **Key segments of the Convention**

- **Integrated policies and data collection**
- **Prevention**
- **Protection and support**
- **Substantive criminal law**
- **Migrations and asylum**
- **International co-operation**

## **SITUATION ANALYSIS IN THE AREA OF PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN B&H**

Bearing in mind that the institutions of B&H, Republika Srpska and FB&H and nongovernmental organizations invested significant efforts in creating the legislative, institutional and organizational framework for preventing and combating violence against women, although with the focus on domestic violence, and achieved significant results in fulfilling the requirements for preventing and combating domestic violence, the development of the Strategy was preceded by a detailed analysis of achieved results and problems that are not addressed yet or for which the attempt to solve them has not yet yielded any results.

The analysis of strengths, weaknesses, opportunities and threats makes up the integral part of the methodology for the development of this Strategy and has demonstrated the results achieved by the relevant institutions in B&H, through which the relevant provisions of the Convention are being applied. It also identified the areas that require additional efforts in order to reach the standards set forth by the Convention. The findings of the analysis helped in defining the strategic issues, as well as the strategic goals and programs.

The analysis below is made according to the strategic areas.

### **COMPREHENSIVE, EFFECTIVE AND INCLUSIVE PREVENTION OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

B&H has a high-quality international and national legal framework which creates the requirements for the prevention of violence against women and domestic violence. In addition to the international legal documents which are integral to the B&H Constitution, such as the documents in the area of human rights protection and the Convention on Elimination of Discrimination against Women (CEDAW) in particular, B&H signed and ratified other internationally recognized legal documents, setting up a legal basis for the general prevention of violence against women and domestic violence (more details in the Chapter "Strategic framework" which gives an extensive list of international documents).

The national legal framework is comprehensive. The constitutions of B&H, Republika Srpska and FB&H guarantee the prohibition of discrimination on grounds of gender, which is a requirement for the prevention of violence against women and domestic violence, as discrimination is one of the key causes and consequences of this form of violence. Besides that, B&H, Republika Srpska and FB&H adopted a series of legal documents that prohibit gender-based discrimination, criminalize different forms of violence against women and domestic violence and prescribe the protection from domestic violence and discrimination. In this context, it is utterly important to take into consideration the Law on Gender Equality in B&H,<sup>9</sup> which prohibits discrimination based on gender and sexual orientation in all spheres of life, and defines gender-based discrimination as "putting any person or group of persons into a less favorable position based on gender, through which rights of some persons or groups of persons are protracted or the enjoyment and

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<sup>9</sup>B&H Law on Gender Equality – revised version (Official Gazette of B&H Vol. 32/10).

realization of human rights and freedoms are not recognized."<sup>10</sup> In this context, different forms of gender-based violence are considered discrimination and constitute a violation of human rights. The Law on Prohibition of Discrimination in B&H<sup>11</sup> also supplements the framework for realization of equal rights and opportunities for all persons in B&H and regulates the system of protection from discrimination including gender-based discrimination. In addition to these laws, Family Laws of FB&H and Republika Srpska<sup>12</sup> prohibit domestic violence while Criminal Codes of B&H, Republika Srpska, FB&H and Brčko District<sup>13</sup> prescribe domestic violence as a criminal offense, all of which are defined in a gender-neutral way save for the acts that by their nature can pertain only to women as injured parties. These laws constitute the ground for the prosecution of perpetrators and protection of injured parties from gender-based violence, and set the framework for general prevention of violence against women and other criminal offenses. The Law on Protection from Domestic Violence in the Federation of B&H<sup>14</sup> and the Law on Protection from Domestic Violence in Republika Srpska<sup>15</sup> define the protective measures and mechanisms in cases of domestic violence.

In addition to the constitutional and legal framework, institutions of B&H and Entities enacted a series of strategic documents that are directly or indirectly focused on the prevention of violence against women. It is particularly important to mention the Strategy for Preventing and Combating Domestic Violence in FB&H and the Strategy for Combating Domestic Violence in Republika Srpska as specifically focused on preventing violence, protecting victims and prosecuting perpetrators. Apart from these specific documents, other broader and more comprehensive strategic documents have been enacted and set a strategic course of actions in preventing violence against women through the realization of gender equality (B&H Gender Action Plan), promoting the role of women in peace and security (Action Plan for the implementation of UNSCR 1325), and which are partly or completely focused on the promotion of gender equality and the empowerment of women as a requirement for the prevention of violence by way of development, employment and social inclusion (comprehensive Strategic framework contained in the Chapter "Strategic framework" as below). Some of these policies encompass groups with multiple levels of vulnerability such as women of ethnic minority backgrounds or women with special needs.

In addition to the legal framework, B&H also established relevant institutional mechanisms to ensure gender equality, the prohibition of discrimination and the prevention of violence against women. These include gender institutional mechanisms at levels of executive and legislative authority, and work with the institution of Ombudsman for Human Rights, the network of non-governmental organizations advocating gender-sensitive policies, prohibition of discrimination, gender equality and prevention of violence against women, protection and support to women victims of violence, as well as education, health, and social protection institutions, judicial institutions and police agencies as these institutions have statutory obligations to ensure the prevention of violence against women.

As for the executive authority, the Agency for Gender Equality of Bosnia and Herzegovina operates at state-level within the Ministry of Human Rights and Refugees of B&H, while the FB&H and RS Governments established the Gender Center of the Federation of Bosnia and Herzegovina and the Gender Center – Center

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<sup>10</sup>Article 3 Para 1 of the Law on Gender Equality in B&H – revised version (Official Gazzete of B&H Vol. 32/10).

<sup>11</sup>Law on Prohibition of Discrimination in B&H (Official Gazzete of B&H Vol. 59/09)

<sup>12</sup> FB&H Family Law (Official Gazzete of FB&H Vol. 35/05, 41/05) and Family Law in Republika Srpska (Official Gazzete of Republika Srpska Vol. 54/02 i 41/08).

<sup>13</sup>Criminal Code of B&H (Official Gazzete of B&H Vol. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10); Criminal Code of FB&H (Official Gazzete of FB&H Vol. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10 and 42/11); Criminal Code of Republika Srpska (Official Gazzete of RS Vol. 49/03, 108/04, 37/06, 70/06, 73/10 and 67/13); Criminal Code of Brčko District of B&H (Official Gazzete of BD Vol. 10/03).

<sup>14</sup>Law on Protection from Domestic Violence in FB&H (Official Gazzete of FB&H Vol. 28/13).

<sup>15</sup>Law on Protection from Domestic Violence in Republika Srpska (Official Gazzete of Republika Srpska Vol. 102/12).

for Gender Equity and Equality of Republika Srpska Government. At the cantonal level in the Federation of Bosnia and Herzegovina, there are boards for gender equality in some but not all cantons. As for the legislative authority at the state level, there is the Gender Equality Committee within the B&H Parliamentary Assembly. With regards to the Entities' levels, there are gender equality commissions of the House of Peoples and House of Representatives of the FB&H Parliament and the Equal Opportunities Committee with the Republika Srpska National Assembly. Gender equality commissions were established in the cantonal assemblies in the Federation of B&H. At the local level, there are commissions within municipal councils/municipal assemblies in almost all municipalities in B&H. These institutions are mandated to encourage gender mainstreaming and to create gender-sensitive policies for the prevention of discrimination and prevention of gender-based violence. In that regard, gender institutional mechanisms assumed an active role in giving an opinion as to whether the governmental enactments are harmonized with the B&H Law on Gender Equality and proposing special policies to influence the advancement of the position of women in society.

It has been assessed that training on the existing legal framework is necessary in order to ensure the creation of gender-sensitive policies and practices. To that regard, the B&H Agency for Gender Equality and Gender Centers of FBiH and Republika Srpska organized numerous trainings for appointed persons for gender equality with ministries at all levels of authority with the aim of enhancing the institutional capacities to apply gender equality standards. Activities were taken at the level of B&H, FB&H and Republika Srpska to have gender equality modules become integral parts of civil servant training programs and general knowledge exams and vocational exams for civil servants.

In terms of trainings as a preventive activity, judges and prosecutors in the Centers for Education of Judges and Prosecutors in FB&H and Republika Srpska will receive systematized trainings about gender equality, prohibition of discrimination and combating violence against women and domestic violence as part of the topics of criminal law, family law and human rights. Special modules were also defined related to the prevention and elimination of gender-based violence within institutions for police education in FB&H and Republika Srpska. Programs have been or are being developed for a continuous professional advancement of health and social workers for prevention and elimination of domestic violence, as well as training programs for pedagogical staff. In addition to that, the former post-graduate program of "gender studies" in the Center for interdisciplinary postgraduate studies of the University of Sarajevo and has in the past produced several generations of experts in gender equality, who are now expected to contribute to the creation of gender-sensitive policies and practices in B&H as a foundation for the prevention of violence against women.

Gender institutional mechanisms and non-governmental organizations continuously carry out campaigns for awareness raising and reducing tolerance of violence. In this context, it is worth highlighting the "16 days of activism to end gender-based violence" along with many other media and citizens' campaigns that raise awareness of violence as the violation of human rights and promote protection mechanisms. These activities have received significant co-operation and assistance from the media, and the Press Code and Code of TV and Radio broadcasting contain provisions to prohibit gender-based discrimination and encourage gender equality. The Gender Center of the Republika Srpska Government has conducted a campaign since 2008 entitled "Family without violence" and since 2009 one called "White Ribbon – NO to men's violence against women" which gains the most momentum from 25 November to 10 December, which is the period for the 16 days of activism to end gender based violence. Both campaigns are very important and the campaign "White Ribbon" is especially interesting because its goal is to mobilize men and build male-female partnerships in combating violence against women. The "White Ribbon" campaign is also carried out every year by the Gender Center of the Federation of B&H, and the campaign is attended by representatives of legislative and executive authority at all levels. Men wear white ribbon during the campaign to support non-violent behavior.

High levels of attendance to this campaign was confirmed and could be seen on TV shows as well. Furthermore, press releases, television, radio and press articles give additional support to the promotion of non-violent behavior. This promotion is ongoing throughout the year by way of SOS phone 1265 for the territory of the Federation of B&H.

Having reviewed legal and institutional frameworks for the prevention of violence against women and domestic violence in B&H it can be concluded that formally B&H, FB&H and Republika Srpska undertake significant measures and activities in upholding the principle of due diligence, meeting the Convention provisions relevant to the prohibition of gender-based and minority-status-based discrimination, ensuring the legal and institutional framework for the prevention of violence, training administration bodies, police, judiciary, health, social and education institutions for the implementation of gender-sensitive policies and gender-sensitive practices, as well as raising societal awareness on the problem of violence against women as a violation of human rights and on the existing legislative enactments in B&H.

However, regardless of the progress achieved in formal terms and by defined policies, the problems still exist and are related to the lack of harmonization of laws in different jurisdictions in terms of criminalization of violence and in terms of protection of victims. A large part of the problem also pertains to the inconsistent implementation of laws and obstacles to the efficient prevention of violence against women. This is due to the prevailing lack of recognition of violence against women as a human rights violation and as a widespread and alarming social problem. Furthermore, the exact scope of violence and its consequences are not known, and patriarchal and traditional positions of individuals, among them professionals in relevant institutions and protection agencies, continue to prevail over the possible effects of proclaimed policy and training of employees to recognize, prevent and eliminate gender-based violence. This shows that all relevant employees are still not sufficiently trained, including those who work with perpetrators, as a form of tertiary prevention, and thus to prevent repetition of criminal offenses. To wit, professionals responsible for the execution of criminal sanctions are not trained and have never had the opportunity to apply modern methods of treatment of perpetrators of domestic violence and sex offenders. This is also due to the responsibility of courts which very rarely order the measure of mandatory psychosocial treatment of violence for perpetrators, wherefore the trained professionals who are capable for this work are not utilized.<sup>16</sup> Still, there are significant pilot initiatives for work with perpetrators of violence. For example, citizens association *Vive Žene* from Tuzla and citizens association *Budućnost* from Modriča have a partnership project financed by IAMANEH from Switzerland within which they trained their employees in psychosocial treatment of perpetrators of violence. The training was conducted by experts from the Society for psychological help from Zagreb, the Republic of Croatia, and was attended by 25 employees from Tuzla canton and Dobož region. This was the first training conducted in Bosnia and Herzegovina that specifically pertained to psychosocial treatment for perpetrators of violence. The training was attended by employees of different profiles: social workers, doctors-neuropsychiatrists, psychologists, pedagogues-psychologists.

The shortcomings in the system for prevention of violence against women are manifested in the scope of violence against women, which largely remains unseen. To wit, according to the research of prevalence and characteristics of violence against women in B&H, 47.2 percent of women were exposed to some form of violence during their adult life (physical, mental, sexual or economic), while 11, 9 per cent of women, or one out of ten women, were in such a situation during 12 months preceding the research.<sup>17</sup> However, only 5.5 per cent of women who were subjected to violence addressed certain institutions asking for help.<sup>18</sup> This data

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<sup>16</sup>Gender Center of the Government of Republika Srpska (2011) "Preventing and eliminating gender-based violence and domestic violence in B&H: Legislation and practices in Republika Srpska".

<sup>17</sup> Quote Babović, page. 19.

<sup>18</sup>ibid, page 96.

confirms, among other things, that women thought they did not need help (62, 5 per cent of cases), mainly because they do not recognize themselves as victims, and do not recognize certain forms of violence as abuse (especially sexual and economic in partnerships), and also because of traditional and patriarchal justifications for violence. Such attitudes on the part of perpetrators and victims, but also individuals who are supposed to represent protection agencies<sup>19</sup>, constitute one of the key causes of violence and tolerance of violence against women and should be intensively treated through preventive activities. In that regard, the broader community, relevant institutions, religious communities, leaders of minor ethnic communities, associations of persons with special needs, and associations that protect rights of sexual minorities should assume a stronger and more effective role in preventing all forms of violence against women, and violence against different categories of the population of women in B&H.

The prevailing lack of understanding of violence against women is partly a consequence of non-comprehensive gender mainstreaming in laws, policies and practices which do not directly pertain to the prevention of violence. This conclusion can be primarily drawn in the area of education - though education legislation foresees the principles of non-discrimination on all grounds, curricula and textbook policies are not focused on the promotion of gender equality, prohibition of discrimination, non-violent communication and dispute resolution, but are still burdened with gender stereotypes and are not used to encourage the role of boys and young men in ensuring gender equality. Further, they are not used as a resource for upbringing new generations to live without violence or at least substantively recognize gender-based violence and fight against it. On the other hand, the research of prevalence and characteristics of violence against women in B&H identified the level of women's and men's education as one of most important predictors of violence, at least in the context of a partnership,<sup>20</sup> hence special focus is placed on the importance of education of girls, young women and women but also on education of boys and men. This particularly pertains to groups with certain minority status, such as ethnic minorities and persons with special needs who are under threat of multiple forms of discrimination and unequal access to education, based on their gender and based on their minority status.

Furthermore, the traditional understanding of gender roles in B&H is manifested as a threat to the larger participation of women in the decision-making processes in political, social and economic spheres of life. To wit, there are between 17 and 22 per cent of women in legislative bodies at the levels of B&H, FB&H and Republika Srpska, while the number of women in executive power is even lower.<sup>21</sup> However, Republika Srpska Government is 31 per cent female, the Prime Minister of Republika Srpska is a woman, the deputy prime minister is also a woman, and five out of sixteen ministries are led by women.<sup>22</sup> The presence of women in judiciary is higher, and it even reaches 64 per cent at some levels, while a lower percentage pertains to women at managerial positions in judiciary (35 per cent for courts, and 16.6 per cent for prosecutor's offices).<sup>23</sup> Besides that, there are a low percentage of women at decision-making positions in armed and police forces, while the percentage is somewhat higher at the positions of employees.<sup>24</sup> In the sphere of economy, despite the fact that women make 51.7% of the total estimated number of the population capable of working, only 35.6% of employed persons are women.<sup>25</sup> Activities and employment rates are significantly higher when it comes to men, while women make up most non-paid assisting members. Many women are not in position to have their own business, because of a stereotyped understanding of gender roles and traditional division of occupations, family and child care or lack of self-confidence which again is the result of

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<sup>19</sup> Gender Center of the Government of Republika Srpska (2011) "Preventing and eliminating gender-based violence and domestic violence in B&H: Legislation and practices in Republika Srpska". During the analysis one police official stated: "God rules the world, and man rules at home!", Page 79).

<sup>20</sup>Quote Babović, page 82.

<sup>21</sup>Fourth and fifth periodic CEDAW report of Bosnia and Herzegovina, 2011.

<sup>22</sup>[www.vladars.net](http://www.vladars.net)

<sup>23</sup>Fourth and fifth periodic CEDAW report of Bosnia and Herzegovina, 2011.

<sup>24</sup>Ibid.

<sup>25</sup>Ibid.

stereotyped and patriarchal upbringing and education. For example, according to the data obtained from the Taxation Authority of Republika Srpska for 2008, the percentage of owners/entrepreneurs was 62%. Out of the total number of owners, 75% were men.<sup>26</sup>

A lack of gender mainstreaming is also corroborated by the fact that gender-sensitive budgeting is not yet fully put in practice although it could be, among other things, directed at policies and programs for the prevention of violence against women, education of women and girls to reach higher level of equality, their economic empowering, and other forms of prevention. A lack of budgetary funds and reduction of donor help that could be invested into the prevention of violence against women are objective problems. However, if the price of violence against women was known, as it is not researched yet in B&H, it would become obvious that society pays a much higher price for violence than it would for substantive programs for the prevention of violence against women through gender-sensitive budgeting. The lack of information about the effects that the programs have had so far poses an additional problem, and this is because there are no instruments for the evaluation of prevention success in relation to the estimated price of violence.

## **MULTIDISCIPLINARY AND COORDINATED SYSTEM OF PROTECTION OF VICTIMS OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

In the area of protection and support to victims of violence, B&H has seen important results of the work of governmental institutions in co-operation with non-governmental organizations regarding the establishment of a relevant legislative, institutional and organizational framework. The key requirements for the provision of protection and support to victims were met by the adoption of the Laws on Protection from Violence in FB&H and Republika Srpska. These laws prescribe a multidisciplinary approach to the provision of protection to victims of violence through the following measures assigned to the actions of the perpetrator of domestic violence: 1) vacate the apartment, house or other residence of the victim and prohibited from entering the residence, 2) banned from contacting or approaching the victim, 3) banned from harassing and stalking of persons exposed to violence, 4) mandatory psychosocial treatment, 5) mandatory rehabilitation of addiction, 6) temporary deprivation of liberty, including through detention.

Laws on Social Protection in some jurisdictions set the requirements for the provision of general services of support. More specifically, a victim of domestic violence in FB&H is recognized as a beneficiary of social protection in four cantonal laws on social protection.<sup>27</sup> (Sarajevo Canton, Tuzla Canton, Zenica-Doboj Canton, West-Herzegovina Canton). Therefore, it is only these four cantons that give the victim the right to prescribed forms and measures of protection. However, only Article 6 of the Law on amendments to the Law on Social Protection, Protection of Civil Victims of War and Protection of Families with Children of Zenica-Doboj Canton<sup>28</sup> and Article 2 of the Law on amendments to the Law on Social Protection, Protection of Civil Victims of war and Protection of Families with Children of West-Herzegovina Canton<sup>29</sup> defined the measures of temporary accommodation and shelter in a safe house as a right to social protection.<sup>30</sup> There is ongoing development of new laws on social protection in FB&H which foresee the victims of violence as beneficiaries

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<sup>26</sup>Ibid.

<sup>27</sup>Law on Social Protection, Protection of Civil Victims of War and Protection of Families with Children („Official Gazzete of Tuzla Canton”, Vol. 12/00); Law on Social Protection, Protection of Civil Victims of War and Protection of Families with Children („Official Gazzete of Sarajevo Canton”, Vol.16/02, 8/03, 2/06, 21/06, 17/10, 26/12 and 15/13)); Law on Social Protection, Protection of Civil Victims of war and Protection of Families with Children („Official Gazzete of Zenica-Doboj Canton”, Vol. 13/07).

<sup>28</sup> Law on amendments to the Law on Social Protection, Protection of Civil Victims of War and Protection of Families with Children of Zenica-Doboj Cantono (Official Gazette of Zenica-Doboj Canton, Vol. 13/11).

<sup>29</sup> Law on Social Protection, Protection of Civil Victims of War and Protection of Families with Children („Official Gazzete of West Herzegovina Canton”, Vol. 16/01,11/02,4/04 and 9/05)



of social protection. The Law on Social Protection of Republika Srpska<sup>31</sup> also prescribes the right of children and adult victims of violence, to be sheltered in social protection institutions; it also prescribes that the victims of violence, regardless of whether they are children or adults, are the beneficiaries of social protection.

In terms of the access to health protection, the Law on Health Protection of FB&H prescribes that health protection pertains to, among others, victims of violence in the community who do not have health insurance (Article 12).<sup>32</sup> Furthermore, the Strategy of primary health protection in Republika Srpska prescribes that the access to the provision of health protection is comprehensive, taking into consideration all factors influencing the health of the population and that the work in identifying domestic violence and providing assistance and support to victims is active.

Relevant health institutions and social protection institutions are in charge of providing general services of protection and their network in B&H makes up the institutional framework for the provision of protection and support to victims which can include financial aid, allowance for care to other persons, support to equal opportunities for children and youth with impairments, accommodation in an institution, sheltering in foster family, help and care at home, daily care, one-time financial aid and counselling. According to the Republika Srpska Law on Protection from Domestic Violence, victims of violence have the right to free legal aid, health protection, psychosocial aid, and social, health and medical protection in line with the laws which regulate the said areas. In addition to the health institution network which provides services of family medicine and specialist medical services, it is necessary to mention the mental health centers which play a role in the treatment of addiction-related diseases. This is especially important because a partner's alcoholism was identified as a significant predictor of violence against women in partnerships, as shown by the research of prevalence and characteristics of violence against women in B&H.<sup>33</sup>

There is a range of specialized services of support to victims of violence provided in B&H. These types of services are established for the purpose of providing assistance and support to victims of domestic violence through the implementation of laws on protection from domestic violence. Bearing in mind the findings of the research of prevalence and characteristics of violence against women in BIH showing partner/domestic violence, the most frequent formally defined protective measures for victims of domestic violence are in conformity with present trends in terms of forms of violence against women. The responsibility of providing protective measures such as the removal of the perpetrator from an apartment, house or some other residence and ban to return therein, a restraining order, ban on harassing and stalking persons exposed to violence, and temporary deprivation of liberty including through detention, lies with the internal affairs agencies which have specially defined rulebooks on the place and manner of carrying out the protective measures. Health institutions of primary health protection – mental health centers (mental rehabilitation centers) or specialist-consultative psychiatric services with health institutions carry out the protective measure of mandatory psychosocial treatment in co-operation with fostering bodies. Protective measures of mandatory rehabilitation of perpetrators of domestic violence who suffer from alcohol, narcotic drugs or other psychotropic substances' addictions are conducted by rehabilitation centers, mental health centers and/or therapy communities/communes. Laws of Republika Srpska and FB&H prescribe the possibility of providing protection to persons exposed to violence in a form of temporary accommodation in a safe house. According to the law in FB&H, a safe house is defined as any shelter offered by other family or other appropriate institution while according to the law of Republika Srpska, a safe house represents a special support measure which provides safe accommodation and assistance to a victim of domestic violence which

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<sup>31</sup>Law on Social Protection of Republika Srpska (Official Gazzete of Republika Srpska, Vol. 37/12).

<sup>32</sup>Law on Health Protection of FB&H (Official Gazzete of the Federation of B&H, Vol. 46/10).

<sup>33</sup>Quoted, Babović, page 83.

can be realized by a legal entity. There are nine safe houses with the capacity of 173 individuals in the territory of B&H. There are six safe houses with the capacity of 126 persons-victims of violence for accommodation in the Federation of B&H. They operate within the non-governmental organizations *Fondacija lokalne demokratije*-Sarajevo, *Medica*-Zenica, *Vive Žene*-Tuzla, *Žene sa Une*-Bihać, *Žena BiH*-Mostar and *Caritas*-Mostar. At the same time, there are three safe houses in Republika Srpska which operate within non-governmental organizations *Budućnost*-Modriča, *Udružene žene*-Banja Luka and *Lara*-Bijeljina. Their total capacity for accommodation is 52 persons. Establishment and financing of safe houses is prescribed by laws and bylaws.<sup>34</sup>

Another form of specialized services of support to victims of violence in B&H is SOS phone line - 1264 in Republika Srpska and 1265 in Federation. SOS phone line 1264 for women and children victims of domestic violence in Republika Srpska has existed since 2005. It was established with the support of Gender Center of Republika Srpska, and the short number given by the B&H Regulatory Communications Agency was given for use to the organizations *Udružene žene*-Banjaluka, *Budućnost*-Modriča, *OŽ Lara*-Bijeljina and *Ženski centar*-Trebinje. Calls on SOS line 1264 are technically transferred to landline phone numbers of the said non-governmental organizations depending on the geographical position of the incoming call. A total of 28,206 calls are registered ever since the line 1264 was established, 98% of those pertaining to women victims of violence. In late 2008, the FB&H signed a Memorandum on Co-operation, creating the SOS line which is regulated between FB&H Gender Center, Social Work Center- Jajce, Local Democracy Foundation-Sarajevo, and non-governmental organizations *Medica*-Zenica, *Vive Žene*-Tuzla, *Žena BiH*-Mostar and *Žene sa Une*-Bihać. From 2009 to late 2012, the free SOS line 1265 received 7,501 calls.

Experience and best practices have shown that successful protection of victims of violence and their children requires a multi-sectoral, integrated and comprehensive system of protection and support to victims of violence coordinated with formal or informal mechanisms. B&H intensively works on the establishment of referral mechanisms for protection of victims of domestic violence. Referral mechanisms still do not encompass victims of violence in broader terms but only victims of domestic violence. They serve as instruments of high-quality implementation of the Law on Protection from Domestic Violence in both Entities in close co-operation and coordination with all protection agencies. A multidisciplinary approach refers to the joint intervention of different institutions and professions in cases of domestic violence while a multidisciplinary work is coordinated by protocols on co-operation.

In Federation of B&H there are eight cantonal protocols on mutual cooperation of cantonal institutions in providing different forms of assistance to victims of domestic violence. These protocols were joined by 72 % of municipalities in the Federation of Bosnia and Herzegovina, while some municipalities have local protocols as well. Mutual co-operation and prescribed procedures for actions of all institutions in providing assistance to victims of violence (police, health workers, social workers, education institutions, judiciary and non-governmental organizations) guarantee the adequate protection to every victim of domestic violence, including children.

Local communities that have safe houses and which joined the protocols signed by authorities and non-governmental organizations at cantonal and local levels yielded significant results in successfully supporting victims of violence because they regularly planned and earmarked municipal funds for support to the work of safe houses.

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<sup>34</sup> Rulebook on standards for realization of a safe house and Rulebook on contents and keeping of register of safe houses are published in Official Gazette of Republika Srpska, Vol. 32/13, Rulebook on manner of allocation of funds to safe houses published in Official Gazette of Republika Srpska, Vol. 62/1, and the price of sheltering victims of violence in a safe house is determined in the amount of BAM 1,636.00 KM monthly, published in Official Gazette of Republika Srpska, Vol. 69/13.

It is necessary to mention that protocols on co-operation are a statutory obligation prescribed by the FB&H Law on Protection from Domestic Violence. Health and social workers, teachers, educators, medical, education and other institutions and bodies, as well as non-governmental organizations, are obligated "to sign a protocol on co-operation for the territory of one or more municipalities and regulate mutual rights and obligations in the procedure of reporting cases of domestic violence, protecting victims of domestic violence and working with violent persons."<sup>35</sup>

Multi-sectoral teams were established in local communities in Republika Srpska (for example "Banja Luka model", "Modriča model") and became sustainable and examples of good practice, sharing their experience and practices with other local communities. New local protocols on co-operation and referral mechanisms for action in cases of domestic violence are established or their establishment is pending in the municipalities/towns of Banja Luka, Prijedor, Bijeljina, Modriča, Lopare, Ugljevik, Trebinje, Novi Grad, Doboj, Derventa, Brod, Šamac, town of Istočno Sarajevo (with all municipalities: Istočna Ilidža, Istočno Novo Sarajevo, Istočni Stari Grad, Pale, Sokolac, Trnovo), Višegrad, Novo Goražde, Foča, Rogatica, Čajniče, Vukosavlje, Nevesinje, Berkovići, Gacko, Vlasenica, Zvornik, Kozarska Dubica, Bratunac, Milići, Srebrenica and Šekovići. The number of municipalities with such protocols is expected to grow. Although the Law on Protection from Domestic Violence of Republika Srpska does not set a statutory obligation to have protocols on co-operation, it foresees the establishment of an expert team consisting of representatives of social work centers, local self-governance bodies and services, police, non-governmental organizations and experts dealing with the issue of family and domestic violence "for the purpose of determining the plan for the provision of assistance to victims in line with their needs and choices and the coordination of activities in that process." Besides that, a General Protocol on action in cases of domestic violence was signed in Republika Srpska. The Protocol was signed on 25 November 2013, on the International Day of Combating Violence against Women. The Protocol was signed by the Ministry of Justice, Ministry of Internal Affairs, Ministry of Health and Social Protection, Ministry of Education and Culture, and Ministry of Family, Youth and Sports of Republika Srpska for the purpose of ensuring the coordinated, efficient and comprehensive work of signatories in providing help, support and protection to victims of domestic violence, eliminating and preventing the repetition of violence.

It is evident that B&H invested significant efforts in ensuring the general and specialized services of protection and support to victims of violence against women, or at least victims of domestic violence and partnership relations. Although still incomplete, the existing legal and institutional framework constitutes a solid ground for upgrading the provision of protection and support to all victims of violence. However, there were some shortcomings identified in the protection system which need to be improved. To wit, victims of violence in FB&H do not have the status of social protection beneficiary in the whole territory of FB&H, but in four cantons only. A new Federation Law on Social Protection is currently in the legislative procedure and it foresees all victims of violence as beneficiaries of social protection, therefore the requirements will be in place for the harmonization of legislation in all cantons.

Despite the existing legal framework, there are problems in its implementation in terms of providing protection and support to victims of violence. To wit, protection agencies are exposed to a series of problems in the implementation of the Law and provision of support. These problems are partly related to insufficient finances and a lack of guarantee for sufficient resources, training and care for employees, and not addressing or preventing the so-called professional burn-out, which again can be brought in line with gender-sensitive budgeting, or the sufficient allocation of earmarked funds for specific obligations of protection and support to victims of violence. This also brings into question the identified positions dealing with this specific issue in the institutions which generally deal with numerous social problems. Pursuant to Article 35 of the FB&H Law

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<sup>35</sup>Article 39 of the Law on Protection from Domestic Violence in FB&H.

on Protection from Domestic Violence, the funds for temporary accommodation of victims of violence in a safe house, other appropriate institution or other family residence are ensured in line with Federation of Bosnia and Herzegovina funding in the following percentages: 1) cantonal budget in the amount of 30% and 2) Federation of Bosnia and Herzegovina budget in the amount of 70%. There is ongoing development of bylaws which will regulate criteria for financing temporary accommodation of victims of domestic violence in safe houses.

Financing is closely related to the quality of general and specialized services of protection. The Laws on Protection from Domestic Violence foresee the standards and criteria for the establishment and functioning of safe houses in terms of premises, equipment and personnel which will be prescribed by special bylaws, which are already prescribed in Republika Srpska. By these laws, safe houses are institutionalized as legal entities which can be registered for special measures of support including the provision of accommodation and help to victims of domestic violence. However, the harmonization of the legislative and institutional framework of B&H with the standards set forth by the Convention is yet to be analyzed, especially in regarding the creation of a sufficient number of safe houses and adequate services for women victims of sexual violence and security standards and quality of services of the said facilities.

The Convention defines six key criteria for high-quality protective measures and support to victims by all protection agencies, as follows: 1. That they are based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim, 2. That they are based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment, 3. That they aim at avoiding secondary victimization, 4. That they aim at the empowerment and economic independence of women victims of violence, 5. That they allow, where appropriate, a range of protection and support services to be located on the same premises (the so-called one stop shops), and 6. That they address the specific needs of vulnerable persons, including child victims, and are made available to them. A detailed analysis is also necessary to see how harmonized the provision of protection and support in broader terms is with the standards set forth by the Convention for the purpose of further harmonization and improvement of the system.

The availability of information on mechanisms of protection for victims of violence is a special challenge. To wit, the research on prevalence and characteristics of violence against women in B&H has shown the lack of knowledge when it comes to possible protection measures for victims of violence. "They actually do not even recognize sufficiently all sorts of institutions that can provide them with support,"<sup>36</sup> and the reason for that is, among others, insufficient information on protection. According to the findings of this research "if they address the institutions asking for support, it is most frequently police in the case of physical violence and health institutions in case of injuries suffered, while they more rarely address other institutions such as Social Work Centers. Women address non-governmental organizations and specialized services of support such as SOS phone lines and safe houses in the least percentage."<sup>37</sup> These findings suggest that the general public is not informed on the availability of protection for victims.

Insufficient and inadequately disseminated information on the availability of protective mechanisms constitute a special problem with the so-called *hard-to-reach groups*. These groups include marginalized categories of the population, which are excluded from the main social trends generally due to their minority status and sometimes because of societal prejudices. They often live in isolation, far from large centers and without opportunities to learn about their rights, to demand the ability to exercise and be protected by of their rights, and to address the existing protection agencies in cases of violence. Hard-to-reach groups

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<sup>36</sup>Quoted Babović, page 106.

<sup>37</sup>Ibid.

therefore become excluded on multiple grounds and left to themselves in surroundings that pose a threat in cases of violence against women and domestic violence. Although it cannot be generalized, this particularly refers to women of minority ethnic, religious and sexual background, women with disabilities, women immigrants, both legal and illegal immigrants. All the aforementioned groups were not subject to research of violence against women and domestic violence. The research of prevalence of violence against Roma women has shown that over 43 per cent of examined Roma women were exposed to physical violence mainly by their husbands or other family members.<sup>38</sup> Furthermore, the research of prevalence and characteristics of violence against women in B&H has shown that "women of weak health status and women with disabilities are not spared from violence – the prevalence rates with such women are the same as a sub-sample of healthy women and women without disabilities."<sup>39</sup> However, in most cases none of these groups were aware of available protection, regardless of whether this perception is correct or not. Other hard-to-reach groups and possible violence against them remains largely invisible.

The same goes for women immigrants, regardless of whether they are legal or illegal immigrants in B&H or are part of the vulnerable groups under international protection. Aside from the protection mechanism for foreign victims of human trafficking and support to persons under international protection, there is no gender-sensitive system of protection for women immigrants. Although it is harmonized with the European standards to a high degree, the Law on Movement and Stay of Aliens and Asylum in B&H still connects the residence status of women and children with the husband's status in terms of family reunification and in case of violence against women and domestic violence this can conflict with the interest of victims and their children. This is why the Convention prescribes that the conditions should be met for consideration of individual circumstances when it comes to an immigrant status of family members and to enable autonomous residence status upon requests, thus providing international protection to victims of violence based on their personal situation. The fundamental principle is to ensure that the victim does not feel obliged to stay in a violent marriage or relationship due to the fear of losing residency status or being extradited, and to protect a victim and provide the possibility of having international protection. This is especially necessary in cases in which the victim is persecuted on grounds of gender identity and status, bearing in mind especially genital mutilation, endowment-related violence, severe domestic violence and forms of sanctioning women in community. According to the valid legislation in B&H, a victim of violence who resides in the State based on marriage and family reunification will lose temporary residence if her husband loses his residence status. She can submit an autonomous request for temporary residence in accordance with general requirements, but must first leave the State and before being allowed to reenter. Also, according to Article 57(4) of the Law on Movement and Stay of Aliens and Asylum in B&H, an adult alien who has continuously resided in BiH for 3 (three) years, with temporary residency approved for the purpose of family reunification, shall acquire the right for approval of their independent request for temporary residence under some other grounds if he/she fulfils the necessary conditions regulated within this Law. Besides that, according to Article 54(2) of the Law on Movement and Stay of Aliens and Asylum in B&H, a temporary residency on humanitarian grounds may also be granted to an alien who fails to fulfill the general requirements in cases where "his/her presence in B&H is required to enable the conduct of court proceedings, and/or in cases where the alien co-operates with authorities for the purposes of revealing criminal offenses and their offenders, or if he/she has been a victim of organized crime and his/her presence in BiH is essential for the conducting of court proceedings." It is important to note that during his/her residency on humanitarian grounds referred to in Article 54(2) of the Law on Movement and Stay of Aliens and Asylum in B&H, the victim does not have support and assistance. To wit, although certain non-governmental organizations provide assistance and support to foreign victims of

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<sup>38</sup>Rights for all (2010) *Report on domestic violence against Roma women in Bosnia and Herzegovina*, available at: <http://www.rightsforall.ba/publikacije-bs.html>.

<sup>39</sup>quoted Babović, page 105.

human trafficking, based on signed protocols with the Ministry of Security of B&H,<sup>40</sup> these services are not formalized by similar regulations for the cases of foreign victims of violence against women and domestic violence. In this context, an analysis of relevant legislation in B&H is necessary and amendments should be proposed in order to enable gender-sensitive treatment of these categories of the population.

In the system of international protection (asylum), B&H has already met the requirements of the Convention. To wit, the system of international protection (asylum) recognizes individual requests by family members and decision-making upon such requests. Individual circumstances (subjective and objective) in the area of international protection (asylum) determine the basis for allocation of the status in B&H and its scope. For example, genital mutilation constitutes the most severe form of persecution from the perspective of the country of origin or country of usual stay of an alien, which in co-relation with other facts and circumstances may result in the granting of refugee status.

In the context of protection of foreign victims of violence in B&H, the Law on Movement and Stay of Aliens and Asylum in B&H <sup>41</sup> prescribes that persons under international protection have the right to obtain an identification document, health insurance and health protection, social protection, education and work, while the rights and general services of protection for other immigrants are resolved in line with their residency status. Psychosocial support is provided to all persons under international protection in B&H. It is provided by way of specialized counseling (individual or group). Discrimination is prohibited, and special attention is paid to risk groups (women victims of traumas, women victims of different forms of violence, etc.) as they are under the risk of being abused and sexually exploited.<sup>42</sup>

## **REQUIREMENTS FOR SANCTIONING PERPETRATORS OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE AND ENSURING VICTIM'S ACCESS TO JUSTICE**

Access to justice for victims of violence against women and domestic violence consists of several key elements: a) legislation to prescribe violence as a criminal offense in order to provide for the prosecution of perpetrators in the criminal proceedings, b) obligation to report violence to the relevant bodies, c) obligation to order urgent protective measures for a victim and her children, d) efficient investigation of the offense of violence, e) witness protection, f) availability of legal aid to victims, g) sanctioning of perpetrators commensurate with the gravity of the offense, and h) ensure the compensation of damages to a victim. Besides that, the access to justice and justice done for victims also implies the existence of legal remedies in cases when victims choose to exercise certain rights through civil and legal proceedings. This most frequently applies to forced marriages and consequences of the annulment thereof, or divorce actions in general, and to the instruction to victims to start a civil action for their damages claim whereby the victims and their children are often put in an unfavorable position. With regard to these elements of victim's access to justice, B&H and the Entities already took certain measures to create the framework ensuring that perpetrators are sanctioned and victims are satisfied.

First of all, criminal legislation of B&H, Republika Srpska, FB&H and BD prescribe domestic violence and many other forms of violence as criminal offenses are largely defined in a gender-neutral way in terms of potential injured parties and constitute the grounds for prosecution of violence against women if the relevant

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<sup>40</sup> Fourth and fifth periodic CEDAW report of Bosnia and Herzegovina, 2011.

<sup>41</sup> Law on Movement and Stay of Aliens and Asylum in B&H (Official gazette of B&H Vol. 36/08 and 87/12)

<sup>42</sup> Fourth and fifth periodic CEDAW report of Bosnia and Herzegovina, 2011.

bodies initiate the criminal proceedings. To that regard, the criminal offenses, among others, are prescribed for violation of equality of a man and citizen, sexual violence against adults, children, feeble persons, human trafficking and procuring in prostitution, criminal offenses against marriage and family, murder, forced abortion, infliction of bodily injury, and crimes against humanity (CC of B&H), which include, among others, rape during the war, forced pregnancy and enforced sterilization. The B&H Law on Gender Equality prohibits gender-based violence, harassment and sexual harassment. Laws on Protection from Domestic Violence differentiate mental, physical, sexual and economic violence.

According to the existing laws in B&H, it is mandatory for those who have any knowledge of a criminal offense of violence to report it, and it is also mandatory for protection agencies to ensure urgent protective measures and urgent procedures, especially when the victim is a child, elderly person, person with a disability, or person in a foster home. The police is in charge of implementing the urgent protective measures such as removal of a perpetrator from apartment, house or other residential area, restraining order, ban on harassment and stalking of persons exposed to violence, and temporary deprivation of liberty, and so police officials must make an assessment of the victim's vulnerability and make a plan for the implementation of the protective measures. Laws on Protection from Domestic Violence prescribe the procedure upon receiving the report on domestic violence, and it includes an urgent contacting of the social work center and a prosecutor for further action such as investigation or minor offense proceedings (depending on a jurisdiction), and submitting a proposal for ordering urgent protective measures, while a court judges the proposal and monitors the implementation of measures.

Criminal Procedure Codes<sup>43</sup> provide for the conduct of effective investigation in formal terms, giving the police and prosecutors the tools for a range of investigative actions necessary to reach a decision on criminal prosecution of a perpetrator and collection of evidence to file an indictment and represent the case before the court. In addition to that, the Republika Srpska Law on Minor Offenses<sup>44</sup> along with the Law on Protection from Domestic Violence provides for the conduct of minor offense procedures. In terms of the organizational framework for the conduct of criminal proceedings, it should be noted that special police inspectors for cases of domestic violence were appointed and therefore additional and focused capacities are provided for the investigation of such cases. The establishment of the Association of Women Police Officers in FB&H and Republika Srpska also contributes to the strengthening of the status of female police inspectors and increasing police sensitivity to the problem of violence against women.

In terms of ensuring the victim's protection during proceedings, the Criminal Procedure Codes prescribe that during the examination, the victim/injured party is treated with care in order to avoid detrimental effects on the victim's mental state and that the examination is conducted with the presence of a psychologist, pedagogue or other expert depending on the victim's needs. The Law on Protection of Witnesses under Threat and Vulnerable Witnesses<sup>45</sup> prescribes the possibility to provide personal security protection to the victim to ensure the victim's testimony. Pursuant to the said Law, the protective measures for a witness include psychological, social and expert support to the victim, appropriate order of evidence presentation in the main trial, monitoring of the examination of witnesses, removal of the defendant from a courtroom during

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<sup>43</sup>B&H Criminal Procedure Code (Official Gazette of B&H, Vol. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09); FB&H Criminal Procedure Code (Official Gazette of B&H Vol. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09, 12/10); Republika Srpska Criminal Procedure Code (Republika Srpska Official Gazette Vol. 53/12); Brčko District Criminal Procedure Code (BD Official Gazette Vol. 02/10 and 9/13).

<sup>44</sup>Republika Srpska Law on Minor Offenses (Republika Srpska Official Gazette Vol. 34/06, 1/09, 29/10, 109/11).

<sup>45</sup>Law on Protection of Witnesses under Threat and Vulnerable Witnesses (B&H Official Gazette, Vol. 3/03, 21/03, 61/04, 55/05).

the witness' examination, testimony via video conference link, and limitation of the rights of the defendant and his defense counsel to review the case file and documents. Furthermore, the Laws on Protection and Treatment of Children and Minors in Criminal Proceedings,<sup>46</sup> regarding criminal offenses to the detriment of a minor or child, prescribes that the procedural actions are taken with special care paid to the minor or child who was injured by the criminal offense taking into consideration the minor's/child's age, his/her personality, and education and living circumstances so to avoid possible negative consequences on his future life, education and growth. As a rule, the examination of a child or minor is conducted with the help of a pedagogue, psychologist or other expert. Pursuant to the said laws, provisions of the Law on witness protection in criminal proceedings are also applied to children and minor witnesses and eyewitnesses. The laws further prohibit confrontation with the suspect/defendant, and prescribe protective measures in terms of recognizing the suspect/defendant by a child/minor witness.

In terms of availability of legal aid to victims of violence, certain levels of authority in B&H adopted the relevant laws on free legal aid. Republika Srpska, Brčko District and certain cantons in FB&H adopted laws on free legal aid and have free legal aid institutions. With the help of UNDP, a network of free legal aid providers in B&H was established and currently consists of the B&H Association *Vaša prava*, Republika Srpska Free Legal Aid Center, Brčko District Free Legal Aid Office, Tuzla Cantonal Institute for Legal Aid, Zenica Cantonal Institute for Legal Aid, Odžak Cantonal Institute for Legal Aid, Široki Brijeg Cantonal Institute for Legal Aid, Bihać Institute for free legal aid, Goražde Institute for free legal aid, Sarajevo Cantonal Institute for free legal aid, Zvornik Information and Legal Aid Center, Mostar Human Rights Center, Zenica Center for legal aid to women and Local Democracy Foundation. Some of these organizations are specifically focused on the provision of legal aid to victims of domestic violence and violence against women including women victims of human trafficking, asylum seekers and persons under temporary protection in B&H.

B&H civil legislation also gives statutory grounds for the achievement of justice for victims of violence. For example, according to the FB&H Family Law and Republika Srpska Family Law, <sup>47</sup>forced marriage may be annulled if it is determined that the requirements for the validity of marriage were not fulfilled. To wit, one of these conditions is that one spouse consented to marriage "in fear caused by serious threat or under misapprehension about the spouse's personality or an important feature of his character" (Article 16 (1) of the Family Law of FB&H, Article 30(1) of the Family Law of Republika Srpska). According to the said laws, the annulment of marriage concluded in fear caused by a serious threat can be requested only by a spouse who concluded that marriage under the threat (Article 40 (1) of the Family Law of FB&H, Article 46(1) of the Family Law of Republika). Besides this, in line with the Convention, the Family Laws of FB&H and Republika Srpska took into consideration the safety of victims and children in the process of entrusting visitation rights after a divorce which was preceded by domestic violence. The Laws prescribed that a court shall decide which parent the child will be entrusted to after the divorce, marriage annulment and other procedures (Article 304 of FB&H Family Law, Article 72 of Republika Srpska Family Law). In the course of these actions, the Court *ex officio* takes care of protecting the rights and interests of children and other persons who are not capable of taking care of their rights and interests independently.

Bearing in mind the aforementioned legal framework, it can be claimed with certainty that the formal requirements have been met in B&H and the Entities for reporting on violence against women and domestic violence, as well as for the implementation of urgent protective measures for victims of violence, conduct of

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<sup>46</sup>Republika Srpska Law on Protection and Treatment of Children and Minors in the Criminal Proceedings (Republika Srpska Official Gazette, Vol. 13/10); Brčko District Law on Protection and Treatment of Children and Minors in the Criminal Proceedings Brčko distrikta BiH (BD Official Gazette, Vol. 44/11).

<sup>47</sup>FB&H Family Law (FB&H Official Gazette, Vol. 35/05, 41/05) and Republika Srpska Family Law (Republika Srpska Official Gazette, Vol.54/02 and 41/08).



effective investigations and prosecution, and in part witness protection and provision of legal aid to victims. However, many problems in achieving justice for victims have appeared in practice and are not necessarily only related to the legal framework but also to the tolerance of officials in relevant institutions when it comes to gender-based violence. To wit, the fact that the laws differently treat domestic violence (as criminal offense or as minor offense) poses a threat of underestimation of this act of human rights violation and influences judicial evaluation in the implementation of sanctions. Furthermore, although it is largely comprehensive, the criminal legislation excludes certain offenses that disproportionately or even exclusively affect women; this is due to general gender neutrality but also an overall perception of the society and understanding of gender roles. This primarily refers to offenses such as rape in marriage, forced marriage, and genital mutilation. The Convention also prescribes that the criminal legislation should introduce a concept of unacceptable justification for violence, such as culture, customs, religion, tradition and so-called honor. Therefore, it is necessary to make an analysis of the extent to which criminal and other laws are harmonized with the Convention and to initiate the harmonization thereof. A similar analysis is necessary for the evaluation of aggravating circumstances and proportionality of prescribed sentences for offenses of violence against women and domestic violence, in accordance with the provisions of the Convention.

To wit, the analysis of sanction policy in cases of domestic violence so far discovered that the "pronouncement of criminal sanctions is at the minimum level or below the minimum prescribed by the law", that there is "too much relying on the institute of suspended sentence", that there is often "milder qualification of criminal offense and reluctance to process the domestic violence in concurrence with other criminal offenses", and failure to "revoke a suspended sentence due to a new criminal offense committed during the operational period".<sup>48</sup> The analysis of sanction policy in cases of sexual and gender-based violence led to the same conclusions, adding that in the course of ordering sanctions on the perpetrator, aggravating circumstances are rarely taken into account and protective measures for victims are almost never ordered.<sup>49</sup> These findings confirm that the criminal offenses of violence against women and domestic violence are not taken as a threat to personal safety of an individual nor are they recognized as a serious social problem.

However, there are other reasons for this mild sanction policy. To wit, the quality and effectiveness largely influence the success of an indictment and results of the criminal proceedings, and so an assumption may be made that the failure to recognize how alarming this type of criminality is and that it is a human rights violations and serious social problem may start long before the case reaches the court, if it reaches the court. We already mentioned the low rate of reporting of offenses of violence against women and domestic violence and the reasons thereof. However, even when these offenses are reported to the police, they are often not recognized as a criminal offense but rather as a private problem, or the prosecutor goes forward with a mild qualification of the offense. This brings our attention to the insufficient level of awareness and training about this issue for the relevant institutions and employees. Therefore, the strategic direction defined by the Action Plan for the implementation of UN resolution 1325 can be seen as an opportunity in terms of increasing the number of women in police forces, which would certainly increase the recognition of violence against women. Monitoring of trials has shown that "based on evidence presented during the main trial, it is noted that prosecutors mainly rely upon testimonies of injured parties and defendant, possibly some other witnesses, and they do not invest sufficient efforts during the investigation to obtain other pieces of evidence such as forensic expertise of injuries, photo-documentation of injuries and possibly some other evidence." <sup>50</sup>This

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<sup>48</sup>OSCE (2011) *The Criminal Law Responsibility and Sanctioning of Domestic Violence Abusers, the Analysis and Recommendations on Criminal Law Sanctions in Domestic Violence Cases in Bosnia and Herzegovina*, page 42.

<sup>49</sup> Center for Legal Aid to Women (2011) *Monitoring and analysis of criminal proceedings and jurisprudence in the area of sexual and gender-based violence in the Federation of Bosnia and Herzegovina - Final report and analysis*, Gender Center of the Republika Srpska Government "Prevention and elimination of gender-based violence and domestic violence in B&H: Legislation and practices in Republika Srpska".

<sup>50</sup>Ibid, page 37.

naturally leads to milder qualifications of criminal offenses, in lack of other pieces of evidence. Sometimes it also happens that victims give up their statements due to secondary traumatization, repeated giving of statement or because of fear or threat, therefore the only pieces of evidence against perpetrators are lost while the prosecutors do not proceed by *ex officio* actions and rather give up the investigation and use of other evidence, regardless of the statutory possibilities.

According to the findings of trial monitoring, "the highest risk for vulnerable witnesses lies exactly in the criminal proceedings." Besides that, the feeling of vulnerability can also be the result of a general lack of trust in criminal judiciary. Sometimes inadequate and non-professional treatment by the criminal prosecution body can result in additional traumatization of witnesses.<sup>51</sup> However, regardless of the statutory obligations, the courts are not able to equally extend assistance and support. Some courts do have Witness Support Sections with psychologists working with them, for example, in Republika Srpska - District Court in Banja Luka and District Court in Istočno Sarajevo, and in the Federation of B&H - Cantonal Courts in Novi Travnik, Livno, Tuzla, Mostar, Zenica and Bihać. The same goes for the extension of free legal aid available in Republika Srpska, BD and FB&H (Institute for Free Legal Aid Bihać, Institute for Free Legal Aid Goražde, Institute for Free Legal Aid Odžak, Institute for Free Legal Aid Sarajevo, Institute for Free Legal Aid Široki Brijeg, Institute for Free Legal Aid Tuzla and Institute for Free Legal Aid Zenica), but the Framework law on free legal aid in BiH has not been adopted, which is why citizens and victims are not equal before the law.

Achieving justice for victims includes reparations, or the compensation of damage. Bearing in mind the principle of due diligence and the obligations of the State, the Convention prescribes that the compensation of damages to victims is made by either the perpetrator or the State in case of a severe injury or damage. According to this provision, if the perpetrator does not compensate the damages, or damages are not compensated from health and social insurance schemes, the State shall compensate the damages to the victim, holding recourse against the perpetrator and taking into account the interests and security of the victim.<sup>52</sup> Pursuant to the Criminal Procedure Codes in B&H, the injured parties may file property claims in the course of the criminal proceedings. When handing down a guilty verdict, the court may judge the property claim in its entirety or in part, and instruct the party to file a civil action for the rest of the claim. However, monitoring of trials in cases of gender-based violence has shown that the property claims are very rarely decided upon in the criminal proceedings; instead the parties are instructed to pursue their claims in a civil action. This requires victims to spend more time and money in order to reach justice.<sup>53</sup> There are no statutory provisions to prescribe that the property claims will be compensated by the State if the perpetrator fails to do so.

In terms of the protection and access to justice for victims of violence abroad or foreign victims in B&H, the Convention prescribes the consular support and international legal aid not limiting the scope of other conventions in this area, but adding the provisions especially related to violence against women and domestic violence, specifically directing them to prevention, combat and prosecution of criminal offenses of violence covered by the scope of the Convention, provision of support and protection to victims, conduct of investigation and court proceedings and implementation of civil and criminal verdicts in cases of violence, including the protective measures. Although B&H signed the European Convention on Mutual Aid in Criminal Matters and other conventions, and although it rendered a comprehensive Law on International Legal Aid in Criminal Matters,<sup>54</sup> a special analysis is necessary to evaluate the harmonization of this Law with the

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<sup>51</sup>Ibid, page 32.

<sup>52</sup>Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence Vijeća – explanatory report, paragraph 59.

<sup>53</sup>Center for Legal Aid to Women (2011) *Monitoring and analysis of criminal proceedings and jurisprudence in the area of sexual and gender-based violence in the Federation of Bosnia and Herzegovina - Final report and analysis*.

<sup>54</sup>B&H Law on International Legal Aid in Criminal Matters (B&H Official Gazzete Vol. 53/09).

provisions of the Convention and to attend to the harmonization thereof. The same goes for the Convention on Protection of an Individual in terms of automatic processing of personal data and the Law on Protection of Personal Data in B&H.<sup>55</sup>

## **FRAMEWORK FOR CREATION AND MONITORING OF INTEGRATED AND GENDER-SENSITIVE POLICIES FOR PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE**

Considering the nature of violence against women and domestic violence and the multiple causes and aspects of these offenses, it is necessary to involve different social spheres in the prevention of these forms of violence and in protection and access to justice for victims, and multidisciplinary, coordinated and gender-sensitive policies need to be created based on relevant data and analysis and in co-operation with all stakeholders who have access to potential or real victims of violence, all with the aim of assuring a focused, integrated approach to solving the problem. The Council of Europe Convention prescribes that the member states must adopt legislative and other measures to ensure comprehensive, effective and coordinated policies for preventing and combating all forms of violence covered by the scope of the Convention with the aim of having a multidisciplinary approach to the protection of victims, placing the interest of victims at the center of co-operation between different institutions. This implies a joint and holistic approach to combating violence which should not depend on the motivations of individuals, including all relevant governmental and non-governmental organizations, associations and interest groups at different levels of authority.<sup>56</sup>

As aforementioned, B&H, FB&H and Republika Srpska enacted a range of laws and policies approaching the issue of violence against women and domestic violence in a focused way, including and liaising different actors in the system of prevention, provision of protection and achievement of justice for victims. To that regard, Laws on Protection from Domestic Violence constitute the basis for a holistic approach to this issue. In addition to that, the Strategies for preventing and combating domestic violence of Republika Srpska and FB&H also insist on a multidisciplinary approach to this issue, not only through the strategic programs but also through the reporting mechanism. The Republika Srpska Strategy for the elimination of domestic violence for the period from 2014 to 2019 defines the strategic directions, goals and programs of measures as: Strategic direction 1: prevention of domestic violence, Strategic goal 1: zero tolerance of domestic violence; Strategic direction 2: support and help to victims of domestic violence, Strategic goal 2: efficient application of the Law on Protection from Domestic Violence; Strategic direction 3: Protection of victims of domestic violence, Strategic goal 3: recognition that domestic violence is dangerous for the society just like any other criminal and minor offense; Strategic direction 4: monitoring of the implementation of laws, policies and measures against domestic violence, Strategic goal 4: Harmonization with the standards set forth by the Convention on Preventing and Combating Violence against Women and Domestic Violence.

The Federation of B&H Strategy for preventing and combating domestic violence for the period from 2013 to 2017 defines five strategic goals: 1. Harmonization of legislative framework in the area of domestic violence with the national and international standards, 2. Enhance knowledge and skills of persons who professionally deal with the issue of domestic violence, 3. Enhance the methodology for data collection on cases of domestic violence, 4. Raise public awareness about domestic violence and forms of non-violent behavior, and 5. Develop a multi-disciplinary approach of local communities in provision of appropriate forms of protection and treatment of victims of domestic violence and in work with persons who committed domestic violence. Monitoring of the implementation of the new Strategy for preventing and combating

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<sup>55</sup>Law on Protection of Personal Data (B&H Official Gazzete Vol. 49/06, 76/11 and 89/11).

<sup>56</sup>Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence – explanatory report, paragraph 113 thru 115.

domestic violence in FB&H is entrusted with the expert team consisting of representatives of the Federation Ministry of Justice, Federation Ministry of Labor and Social Policy, Federation Ministry of Health, Federation Ministry of Education and Science, Federation Ministry of Internal Affairs, Federation Institute of Statistics, Federation Employment Bureau, Federation Institute for Development Programming, Federation Institute of Public Health, Federation Gender Center, B&H Agency for gender Equality, Center for Education of Judges and Prosecutors and Safe Network of non-governmental organizations. The implementation of these strategies largely depends on the quality of gender-sensitive budgeting in institutions which are in charge of its implementation.

Article 37 of the Federation Law on Protection from Domestic Violence prescribes that the Cantonal governments are obligated to enact biannual programs of measures for prevention, protection and combat against domestic violence. These programs are the foundation for the enactment of municipal plans of prevention, the goal of which is to promote non-violent behavior and decrease the number of domestic violence cases.

Besides special strategies of Republika Srpska and FB&H, wider policies were enacted at the level of B&H and include the segments of combating violence in the wider context of enhancing the position of women in B&H. The B&H Council of Ministers adopted the Gender Action Plan of Bosnia and Herzegovina as a strategic document in the area of gender equality in B&H and its basic goal is to realize the principle of gender equality in B&H in all spheres of public and private life. In strategic goal 1. B&H Gender Action Plan Gender prescribes: "Development, implementation and monitoring of the program of measures for improvement of gender equality within governmental institutions, as per priority areas", among others also "I.1. Preventing and combating gender-based violence, including domestic violence as well as trafficking in human beings." The Agreement on joint financing of the Program of implementation of Gender Action Plan (FIGAP program), was signed between the B&H Council of Ministers and a group of donors in November 2009, in parallel with bilateral agreements. This established the financial mechanism and secured significant funds for the implementation of B&H GAP, from both international funds and from the budget of Bosnia and Herzegovina. The financial mechanism for the implementation is B&H GAP (FIGAP Program) and the budget projection amounts to BAM 7,475.377.84 KM for the period from 2009 to 2015. In this manner, in addition to the regular budgets of gender institutional mechanisms, significant funds are provided for B&H GAP implementation in the said five-year period. The basic goal of the FIGAP Program is to further empower the capacities of gender institutional mechanisms and relevant institutions to include the activities of GAP BiH in regular plans and programs, and to provide support to non-governmental organizations in the implementation of projects within FIGAP. The Agency and Gender Centers promoted the FIGAP program and informed all key institutional and non-institutional actors of its implementation and possibility of financing from the said Fund. The Steering Board consisting of directors of the Agency and Entities' Gender Centers was established to monitor the implementation.

In order for the policies of preventing and combating violence against women and domestic violence to be informed and based on the realities of the situation and on the scope, trends and different aspects of violence against women and domestic violence, it is necessary to ensure the availability of relevant data from administrative and alternative sources, and regularly conduct quantitative and qualitative research to follow changes of trends, implementation of policies and their effects, evaluation and update of policies or creation of new ones, and timely reporting to relevant bodies and public institutions about the implementation of these policies and the results thereof.

Institutes of Statistics of FB&H and Republika Srpska and B&H Agency of Statistics are authorized to collect, register, and process, analyze and publish statistical data and information in accordance with their programs. Gender statistics are an integral part of statistics research conducted by both Institutes. FB&H Institute

regularly issues a biannual publication "Women and men in the Federation of B&H," which contains data on social areas including population, health, education, employment/unemployment, social protection, judiciary (including data on domestic violence), elections and registration of legal entities along with an overview of the participation of women as responsible persons in the total number of legal entities. The latest publication was published in 2012 when the FB&H Institute of Statistics in co-operation with the FB&H Gender Center published the usual data along with data on the number of calls to SOS telephone line for help to victims of domestic violence, data on the number of victims of domestic violence who stayed in safe houses during 2008 and 2009 in the Federation of B&H, as well as data on the number of victims of criminal offenses collected from cantonal prosecutor's offices for the period from 2006 to 2009. Republika Srpska Institute of Statistics in co-operation with the Gender Center collects and registers gender-classified data on domestic violence, violence against women and general crime, and the data are published in a regular biannual statistic bulletin "Women and men in Republika Srpska." The latest bulletin Vol.7 was published in 2013. "Women and men in Republika Srpska " bulletin is significant because its special chapter contains data obtained from police, judicial bodies, safe houses and registers of 1264 -SOS calls which were collected by the Republika Srpska Gender Center. B&H Agency of Statistics also publishes a biannual publication "Women and Men in B&H". The fifth publication was published in 2011 and it encompasses the data classified by gender in the following areas: population and vital statistics, health, education, employment, social protection, living standards, politics and judiciary. The majority of data presented in the publication is the result of research conducted by the B&H Agency of Statistics and the existing statistical documentation, while a small portion of the data was taken over from other state and Entities' institutions.

Both Institutes updated their forms for monitoring judiciary statistics, and introduced very important indicators of violence against women such as age and gender of victim and relationship between victim and perpetrator. It is now possible to determine women victims in all offenses that were prosecuted in criminal proceedings and have an overview of violence against women. Considering that the data include the relationship between victim and perpetrator, it is also possible to see the context in which violence took place, whether it is family, partnership or wider community.

However, regardless of the progress achieved in re-defining the statistical forms of the FB&H and RS Institutes of Statistics to get a wider picture of violence against women, the process of putting the system in place for data collection on violence against women and domestic violence cannot be completed until individual institutions that participate in preventing and combating violence against women and securing the protection for victims have compatible registers of their cases, at least including data on forms of violence, consequences of violence, types of victims and perpetrators, and undertaken measures. Since 2008, Republika Srpska Gender Center has been collecting, processing and publishing data on gender-based violence in Republika Srpska on an annual basis, collecting data from the following: basic and district courts, prosecutor's offices, police, social work centers, health institutions and non-governmental organizations that manage safe houses. In addition to that, in accordance with the Law on Protection from Domestic Violence, Republika Srpska rendered a 2013 Rulebook on the contents of registers and reports on domestic violence.<sup>57</sup> FB&H rendered the Rulebook on contents and manner of keeping the records on ordered protective measures, persons who are protected by protective measures, and violent persons who were ordered protective measures.<sup>58</sup> Other regulations are also being developed because the Law on Protection from Domestic Violence imposed the obligation on other relevant Federation ministries (internal affairs, health, education and justice) to render bylaws to prescribe the contents and manner of keeping the records on victims of domestic violence and their relation with the perpetrators of violence.

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<sup>57</sup> Republika Srpska Official Gazette, Vol. 71/13

<sup>58</sup> Federation of B&H Official Gazette, Vol. 95/13).

However, a single methodology of data collection on gender-based violence in B&H has not been developed yet at the level of B&H and the Entities, although a range of actions were taken to that end. A comparative analysis was made of different practices in the world and an overview of the current situation in data collection in the State is made along with recommendations for the development of methodology and indicators for following the situation in this area.<sup>59</sup> This analysis may serve as the basis for further action in developing the methodology of data collection and defining the relevant bodies to compile and process these data because it gives clear recommendations on the procedures of data collection from administration sources (police, social work centers, health institutions, prosecutor's offices, courts, and non-governmental organizations) and types of data (three levels of data on the scope and types of violence, protection of victims and measures of elimination, as well as consequences and price of violence - mental, physical, social and economic). However, it needs to be emphasized that additional opportunities for the realization of these activities, especially informatization of relevant bodies and monitoring of standards, are imposed by global trends and available networks of communication and exchange of information.

Administrative data, however, represent just the tip of the iceberg in the context of violence against women and domestic violence, taking into consideration the low rate of reporting of these offenses. For that reason, it is necessary that the administrative research is followed by alternative research such as studies of victimization like the one recently conducted in B&H, the result of which was the aforementioned research of presence of violence against women in B&H. This research gave a clearer picture of violence that is generally invisible, demystifying the scopes of mental, physical and mental/physical violence against women, manifesting a low rate of offense reporting, unstable perception of victims and their environment, lack of trust in the protection agencies, and clearly pointing to the need for changes in policies of preventing and combating violence against women and domestic violence. Considering the defined methodology and imperfect capacities of the Institutes of Statistics in B&H for the conduct of this research, the research must be treated as an opportunity to establish a system for regular conduct of such research for the purpose of data comparison, following the possible changes and policy changes.

It is not necessary to especially emphasize the importance of collecting data for the purpose of evaluating the success of policies. However, they have additional value in terms of reporting to international organizations and informing the public. To wit, as part of the implementation of the Convention, B&H has the obligation to report to the Secretary General of the Council of Europe in co-operation with the expert group GREVIO.

## Strategic framework

### INTERNATIONAL LEGAL FRAMEWORK

1. Universal Declaration of Human Rights, 1948
2. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
3. Convention on the Nationality (status) of Married Women, 1957
4. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962

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<sup>59</sup>Nina Karadinović (2010) *Analysis of the system of data collection on violence against women and recommendations for improvement* UN Population Fund, Gender Center of the Federation of B&H, B&H Agency for Gender Equality, Gender Center-Center for Gender Equality and Equity of Republika Srpska.

5. Convention on Elimination of all forms of Discrimination against Women (CEDAW), 1993 and Optional Protocol
6. Convention on the Rights of the Child, 1989
7. Geneva Conventions I-IV relative to protection of victims of war, 1949 and Additional Protocols I and II, 1977
8. Convention on the Status of Refugees, 1951 and the Protocol, 1966
9. Convention on the Nationality of Married Women, 1957
10. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987
11. Framework Convention for Protection of National Minorities, 1994
12. Beijing Declaration along with the Platform for Action, 1995
13. UNSC Resolution 1325 Women, Peace and Security, 2000
14. UN Millennium Development Goals and Millennium declaration, 2000

#### EUROPEAN LEGISLATIVE FRAMEWORK

15. European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 and Additional Protocols
16. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011
17. European Convention on Mutual Aid in Criminal Matters, 1959
18. European Convention on Extradition, 1957 and Additional Protocols
19. European Social Charter, 1961.
20. European Convention on Preventing Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987
21. Council of Europe Convention on Combating Human Trafficking, 2005
22. Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, 2007
23. Recommendation Rec 2002/05 on the Protection from Violence against Women
24. Recommendation Rec 2007/17 on Gender Equality Standards and Mechanisms
25. Recommendation Rec (2010) 10 on the Role of Women and Men in Conflict Prevention and Resolution and in Peace Building
26. Recommendation R(2007)13 of gender mainstreaming in education

#### NATIONAL LEGAL FRAMEWORK

27. Constitution of Bosnia and Herzegovina
28. Constitution of the Federation of Bosnia and Herzegovina
29. Constitution of Republika Srpska
30. Statute of Brčko District
31. B&H Law on Gender Equality - revised version (Official Gazette of B&H Vol. 32/10)
32. B&H Law on Prohibition of Discrimination (Official Gazette of B&H Vol. 59/09)
33. B&H Criminal Code (Official Gazette of B&H Vol. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10 and 72/13)

34. FB&H Criminal Code (Official Gazette of FB&H Vol. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10 and 42/11)
35. Republika Srpska Criminal Code (Official Gazette of Republika Srpska Vol. 49/03, 108/04, 37/06, 70/06 73/10, 1/12 and 67/13)
36. Brčko District of B&H Criminal Code (BD Official Gazette Vol. 10/03)
37. Republika Srpska Law on Minor Offenses (Official Gazette of Republika Srpska Vol.34/06, 1/09, 29/10 and 109/11)
38. B&H Criminal Procedure Code (Official Gazette of B&H Vol. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09)
39. FB&H Criminal Procedure Code (Official Gazette of FB&H Vol. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09, 12/10).
40. Republika Srpska Criminal Procedure Code (Official Gazette of Republika Srpska Vol. 53/12)
41. Criminal Procedure Code of the Brčko District of B&H (BD Official Gazette Vol. 02/10 and 9/13)
42. B&H Law on Execution of Criminal Sanctions, Custody and Other Measures - revised version (Official Gazette Vol. 12/10 and 117/11)
43. FB&H Law on Execution of Criminal Sanctions (Official Gazette of FB&H Vol. 44/98, 44/98, 42/99, 12/09 and 42/11)
44. Brčko District Law on Execution of Criminal Sanctions – revised version (BD Official Gazette Vol. 31/11)
45. Republika Srpska Law on Execution of Criminal Sanctions (Official Gazette of Republika Srpska Vol.12/10 and 117/11)
46. B&H Law on International Legal Aid in Criminal Matters ( Official Gazette of B&H Vol. 53/09)
47. Law on Protection of Witnesses under Threat and Vulnerable Witnesses (Official Gazette of B&H Vol. 3/03, 21/03, 61/04, 55/05)
48. Republika Srpska Law on Free Legal Aid (Official Gazette of Republika Srpska Vol.120/08, 89/13)
49. Law on Civil Proceedings before the Court of B&H (Official Gazette of B&H Vol. 36/04, 84/07 and 58/13)
50. FB&H Law on Civil Proceedings (Official Gazette of FB&H Vol. 53/03, 73/05, 19/06)
51. Republika Srpska Law on Civil Proceedings (Official Gazette of Republika Srpska Vol.58/03, 85/03, 74/05, 63/07, 49/09 and 61/13)
52. Brčko District Law on Civil Proceedings (BD Official Gazette Vol. 08/09 and 52/10)
53. FB&H Family Law (Official Gazette of FB&H Vol. 35/05, 41/05)
54. Republika Srpska Family Law (Official Gazette of Republika Srpska Vol.54/02 and 41/08)
55. FB&H Law on Protection from Domestic Violence (Official Gazette of FB&H Vol. 28/13)
56. Republika Srpska Law on Protection from Domestic Violence (Official Gazette of Republika Srpska Vol.102/12 and 108/13)
57. FB&H Labor Laws (Official Gazette of FB&H Vol. 43/99, 32/00 and 29/03)
58. Republika Srpska Labor Law – revised version (Official Gazette of Republika Srpska Vol.55/07)
59. Republika Srpska Law on Social Protection (Official Gazette of Republika Srpska Vol.37/12)
60. Republika Srpska Law on Child Protection (Official Gazette of Republika Srpska Vol.4/02, 17/08 and 1/09)
61. Brčko District Law on Child Protection (BD Official Gazette Vol. 1/03, 4/04, 21/05, 19/07, 2/08 and 51/1)
62. Republika Srpska Law on Protection and Treatment of Children and Minors in Criminal Proceedings (Official Gazette of Republika Srpska Vol.13/10 and 61/13)
63. Brčko District Law on Protection and Treatment of Children and Minors in Criminal (BD Official Gazette Vol. 44/11)
64. FB&H Law on Basic Social Protection, Protection of Civil Victims of War and Protection of Families with Children (Official Gazette of FB&H Vol. 36/99, 9, 54/04, 39/06, 14/09)



65. FB&H Law on Health Protection (Official Gazette of FB&H Vol. 30/97, 7/02 and 70/08)
66. FB&H Law on Health Insurance (Official Gazette of FB&H Vol. br. 29/97)
67. FB&H Law on Rights, Obligations and Responsibilities of Patients (Official Gazette of FB&H Vol. 40/10)
68. FB&H Law on System of Improvement of Quality, Safety and Accreditation in health care system (Official Gazette of FB&H Vol. 59/05)
69. Republika Srpska Law on Health Insurance (Official Gazette of Republika Srpska Vol.18/99, 51/01, 70/01, 51/03, 17/08 and 1/09, 1/09 and 106/09)
70. Republika Srpska Law on Health Protection (Official Gazette of Republika Srpska Vol.106/09)
71. Republika Srpska Law on Professional Rehabilitation, Training and Employment of Disabled Persons (Official Gazette of Republika Srpska Vol.37/12)
72. Republika Srpska Law on Protection of Mentally Impaired Persons (Official Gazette of Republika Srpska Vol.46/04)
73. Republika Srpska Law on Records and Statistical research in the area of health protection (Official Gazette of Republika Srpska Vol. 53/07)
74. Framework Law on Pre-school Upbringing and Education in Bosnia and Herzegovina (Official Gazette of B&H Vol. 88/07)
75. Framework Law on Primary and Secondary Education and in Bosnia and Herzegovina (Official Gazette of B&H Vol. 18/03)
76. Framework Law on Secondary Professional Education (Official Gazette of B&H Vol. 63/08)
77. Framework Law on Higher Education and in Bosnia and Herzegovina (Official Gazette of B&H Vol. 59/07)
78. Republika Srpska Law on Pre-school Upbringing and Education (Official Gazette of Republika Srpska Vol.119/08)
79. Republika Srpska Law on Primary Upbringing and Education (Official Gazette of Republika Srpska Vol.74/08 and 71/09 and 104/11)
80. Republika Srpska Law on Secondary Upbringing and Education (Official Gazette of Republika Srpska Vol.74/08 and 106/09 and 104/11)
81. Republika Srpska Law on Higher Education (Official Gazette of Republika Srpska Vol.73/10, 104/11 and 84/12)
82. Republika Srpska Law on Adult Education (Official Gazette of Republika Srpska Vol.59/ 09)
83. Law on Protection of Personal data (Official Gazette of B&H Vol. 49/06, 76/11)
84. B&H Development and social inclusion strategy
85. FB&H Employment strategy (2009-2013)
86. Republika Srpska Employment strategy (2011-2015)
87. FBIH Strategy for preventing and combating domestic violence (2013-2017)
88. Republika Srpska Strategy for preventing and combating domestic violence (2009-2013)
89. Republika Srpska Action Plan for the improvement of position of women in rural areas by 2015
90. BIH Gender Action Plan, 2007
91. BIH Action plan for the implementation of UNSCR 1325 in BiH, 2010
92. B&H Strategy for combating violence against children (2012-2015)
93. B&H Action Plan to resolve the Roma issue in terms of employment, housing and health protection, 2008

# STRATEGIC GOALS AND PROGRAMS FOR THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE 2015-2018

## Strategic goals

<b>1. Provide comprehensive, effective and inclusive prevention of violence against women and domestic violence</b>
<b>2. Set up a multidisciplinary and coordinated protection system for victims of violence against women and domestic violence in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence</b>
<b>3. Enhance the requirements for sanctioning perpetrators of violence against women and domestic violence and ensure victim's access to justice</b>
<b>4. Enhance the framework for creation and monitoring of the integrated and gender-sensitive policies for preventing and combating violence against women and domestic violence</b>

# 1. Ensure a comprehensive, effective and inclusive prevention of violence against women and domestic violence

No.	Strategic program	Responsible institution	Implementation deadline	Success indicators	Implementing acts/ verification sources
1.1.	Encourage and promote the creation of gender-sensitive policies and gender responsible budgets at all levels of authority	B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center, relevant ministries/departments in B&H, FB&H, Republika Srpska and BD, cantonal and local authorities	2015-2018	<ul style="list-style-type: none"> <li>- verifying whether governmental enactments at all levels are harmonized with the Law on Gender Equality</li> <li>- All institutions prescribed the obligation to enact gender-sensitive budgets</li> </ul>	<ul style="list-style-type: none"> <li>- legislative enactments</li> <li>- policies</li> <li>- budgets</li> <li>- analyses and evaluation of enactments, policies and budgets</li> </ul>
1.2.	Implement focused and effective programs for prevention of violence against women and domestic violence, including vulnerable and marginalized groups	Local and cantonal authorities, referral mechanisms, relevant ministries/departments B&H, FB&H, Republika Srpska and BD, non-governmental organizations in co-operation with B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center	2015-2018	<ul style="list-style-type: none"> <li>- comprehensive programs for prevention are carried out at the local level and they include: education, economic empowering of victims, political empowering, gender-sensitive budgeting and policies</li> </ul>	<ul style="list-style-type: none"> <li>- programs</li> <li>- evaluation of results and effects of prevention programs</li> </ul> <p><i>Prevention programs encompass ethnic, religious, gender, sexual and all other minorities as vulnerable and marginalized groups</i></p>
1.3.	Carry out effective campaigns for raising awareness to recognizing and combating violence against women and domestic violence	B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center, relevant ministries/departments B&H, FB&H, Republika Srpska and BD, local and cantonal authorities, non-	2015-2018	<ul style="list-style-type: none"> <li>- focused, effective and coordinated campaigns are conducted targeting different groups including vulnerable groups and individual institutions</li> </ul>	<ul style="list-style-type: none"> <li>- awareness raising campaigns</li> <li>- evaluation of campaign effects</li> </ul>

		governmental organizations			
<b>1.4.</b>	Harmonize curricula and textbook policy with the principles of gender equality	Relevant ministries/departments B&H, FB&H, Republika Srpska and BD, Pedagogic institutes in FB&H and Republika Srpska in co-operation with B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center	2015, 2016, 2017	- conducted analysis of curricula and textbook policy at all education levels and in extracurricular environments and recommendations made to harmonize them with the principles of gender equality; recommendations implemented	<ul style="list-style-type: none"> <li>- analysis</li> <li>- programs</li> <li>- evaluation of program results</li> </ul> <p><i>Curricula and textbook policy are harmonized with the principles of gender equality so to eliminate gender stereotypes and promote education of girls, young women and women, prohibition of gender-based and minority-status-based discrimination, peaceful resolution of disputes, role of boys and men in the promotion of gender equality</i></p>
<b>1.5.</b>	Provide for a permanent training of employees in civil service, police agencies, health, social protection and education institutions to be able to recognize violence against women and domestic violence and	B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center, Civil Service Agencies of B&H, Republika Srpska, FB&H, relevant ministries/departments of internal affairs, health, education, social	2015-2018	- the existing training modules are enhanced in relation to the principles of gender equality against women and domestic violence and signs of violence against women for the agencies of civil service, police, judiciary, health, social protection and education	<ul style="list-style-type: none"> <li>- training modules</li> <li>- evaluation of education results</li> </ul>

	to be aware of the obligation to report violence	work of B&H, FB&H, Republika Srpska and BD, Public Health Institutes of FB&H and Republika Srpska		- Training conducted on a permanent basis and it encompasses a large number of employees in agencies and institutions	
<b>1.6.</b>	Conduct adapted programs of work with perpetrators of violence against women and domestic violence	Relevant ministries/departments of health and social policy in FB&H, Republika Srpska and BD, non-governmental organizations, in co-operation with B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center	2015, 2016  2017-2018	- modules for work of employees with perpetrators are created, implementation of psychosocial treatment -system for licensing the work with perpetrators is put in place - standards and methodology for work with perpetrators of violence are determined  - programs are implemented	- programs - evaluation of program results  <i>Programs are conducted especially taking into account the interests, safety and human rights of victims; programs are founded on scientifically proven results of therapeutical work along with the application of special methods for perpetrators of sexual violence</i>
<b>1.7.</b>	Ensure gender-sensitive, engaged and responsible media reporting on violence against women and domestic violence and rights of victims of violence	B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center, Regulatory Communication Agency, Press Council, journalists' associations	2015, 2016	- training program is created for media representatives and editors and they are trained on a regular basis about the issue of violence against women and domestic violence, vulnerability of victims of violence and their rights - analysis is conducted about observation of media codes	- training programs - evaluation of program results - campaigns - evaluation of campaign effects  <i>Media are involved in promoting gender equality, elimination of gender stereotypes,</i>

			2017-2018	and recommendations made for enhancement  - recommendations are implemented	<i>promotion of peaceful resolution of disputes, raising awareness on different forms of violence against women and domestic violence and their rights</i>
<b>1.8.</b>	Encourage the private and communication technology sectors to prevent violence against women and domestic violence	B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center, Chambers of Commerce, employers' associations	2015          2016-2018	- regulations and practices of the private and communication technology sectors for prevention and combat of violence against women were analyzed and recommendations made for enhancement  - recommendations are implemented	- analysis - legislative enactments - evaluation of effects  <i>The private and communication technology sectors introduced the issues of gender equality and violence in their self-regulatory standards for the purpose of prevention of and protection from violence</i>
<b>1.9.</b>	Involve religious communities in awareness raising about violence against women and domestic violence as a socially unacceptable behavior and prevention of unacceptable justification for violence	B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center, religious communities, Republic secretariat for religions of Republika Srpska, relevant ministries/departments B&H, FB&H, Republika Srpska and BD, local and	2015-2018	- religious leaders and minority groups leaders are involved in a comprehensive, effective and inclusive prevention of violence against women and domestic violence	- consultation meetings, roundtables, conferences - evaluation of results of consultations with religious communities  <i>Religious leaders use their authority in communities to</i>

		cantonal authorities, referral mechanisms non-governmental organizations			<i>promote non-violent behavior, role of boys and men in the prevention of violence, and prohibit unacceptable justification for violence</i>
<b>1.10.</b>	Involve civil society organizations in awareness raising about violence against women and domestic violence as a socially unacceptable behavior and prevention of unacceptable justifications for violence, with a special focus on vulnerable and marginalized groups	B&H Gender Equality Agency, FB&H Gender Center, RS Gender Center, relevant ministries/departments B&H, FB&H, Republika Srpska and BD, civil society organizations	2015-2018	<ul style="list-style-type: none"> <li>- civil society organizations participate in non-violence promotion campaigns</li> <li>- leaders of associations of persons with disability, persons affected by addiction disease and severe diseases, mentally impaired, ethnic minorities, sexual and gender minorities, associations representing interests of sex workers, are informed of the Convention and they advocate the rights of marginalized groups to non-violence</li> </ul>	<ul style="list-style-type: none"> <li>- training programs</li> <li>- evaluation of the training results</li> <li>- awareness raising campaigns</li> <li>- evaluation of effects of campaigns</li> </ul>

**2. Set up a multidisciplinary and coordinated system of protection of victims of violence against women and domestic violence in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence**

No.	Strategic program	Responsible institution	Implementation deadline	Success indicators	Implementing sources of verification
2.1.	Harmonize the legislative framework which ensures the general and specialized protection and support to victims of violence with the standards set forth by the Convention	Relevant ministries/department of health, social policy of FB&H, Republika Srpska and BD in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center	2015, 2016	- legislative framework is adopted and ensures the general and specialized services to victims of violence	- legislative enactments  <i>General services provide for a recovery from violence and include legal and psychological counselling, financial aid, residence, education, training and assistance in getting an employment, as well as health and other social protection services; legislative frameworks in FB&amp;H, RS and BD foresee the specialized services for all victims of violence through special accommodation and therapy capacities for victims of violence against women, especially victims of sexual violence and domestic violence</i>



2.2.	Harmonize the institutional framework for protection and support to victims of violence with the provisions of the Convention	Relevant ministries/department in FB&H, Republika Srpska and BD, local and cantonal authorities in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center	2015-2017	- sufficient number of safe houses and crisis centers for victims of sexual violence is established	<p>- institutional arrangements</p> <p>- evaluation of the work and fulfillment of the standards</p> <p><i>Safe houses ensure an adequate geographical presence and sufficient capacity , at least one family spot per 10.000 residents; safe houses provide multidisciplinary protection and support to victims for the purpose of their recovery from violence and in line with six criteria of the Convention; specialized crisis centers or referral centers are established separately or within safe houses for victims of sexual violence with health capacities to provide for forensic material and posttraumatic support</i></p>
2.3.	Enhance a multidisciplinary approach to provision of	Relevant ministries/department in FB&H, Republika	2015-2018	- referral mechanisms are established at local or cantonal levels	- institutional arrangements

	protection and support to victims of violence in accordance with provisions and criteria of the Convention	Srpska and BD, local and cantonal authorities, non-governmental organizations in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center		<p>- requirements are met to ensure sustainability of SOS lines for help to victims of violence</p>	<p>- protocols, memoranda of understanding, treaties and the like</p> <p>- evaluation of the work and fulfillment of the standards</p> <p><i>Protection and support to victims is ensured from the very identification or reporting of violence with clear procedures applied by health, education and social protection institutions regardless of whether victims want to report violence or not; victims are ensured a comprehensive health and psychosocial support and protection based on six criteria of the Convention with the aim of having a full rehabilitation; protective measures are carried out and evaluation is made for the purpose of registering a problem in the implementation</i></p>
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2.4.	Allocate adequate resources to relevant agencies which provide protection and support to victims	FB&H Government, Republika Srpska Government, local and cantonal authorities	2015-2018	- protection and support agencies have sufficient financial, personnel and material resources to provide protection in accordance with the standards prescribed by the Convention	<ul style="list-style-type: none"> <li>- budgets</li> <li>- training programs</li> <li>- evaluation of results of training programs</li> </ul> <p><i>Focused training is conducted for better identification of the needs of victims of violence and for the implementation of protection and support programs; programs to prevent personnel burn-out syndrome are conducted</i></p>
2.5.	Increase the availability of information on instruments of protection and support to all victims of violence	Referral mechanisms, local and cantonal authorities, mechanisms, non-governmental organizations, media, in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center	2015-2018	- education, health and social protection institutions, police agencies and judicial institutions, citizens associations, non-governmental organizations and media ensure the visibility of information on available instruments of protection and support to victims of violence	<ul style="list-style-type: none"> <li>- communication policies</li> <li>- evaluation of effects</li> </ul>
2.6.	Ensure the protection and support to foreign victims of violence against women and domestic violence	Ministry of Security of B&H, Service for Foreigners' Affairs, relevant ministries of internal affairs of	2015	- harmonization of legislation on residence and movement of foreigners and asylum in B&H with the provisions of the Convention was analyzed	<ul style="list-style-type: none"> <li>- analyses</li> <li>- legislative enactments ensure gender-sensitive practices in decision-making about</li> </ul>

		FB&H and Republika Srpska, Police of BD, Asylum Center with the B&H Ministry of Security, Immigration Center for illegal immigrants in B&H, in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center	2015-2018  2015-2018	and the procedure for harmonization is initiated  - employees are trained for work with foreign victims of violence against women and domestic violence and their children  - the existing capacities of governmental and non-governmental organizations for information, protection and support to immigrants and asylum seekers are used and expanded	the status of female immigrant victims of violence  - training programs  - evaluation of training results  - institutional arrangements
2.7.	Ensure protection and support to victims of violence against women and domestic violence who are B&H nationals abroad	B&H Ministry of Foreign Affairs	2015  2015-2018	- Consular information, help, support and protection in cases of violence against women and domestic violence abroad are analyzed; recommendations for the improvement of information, help, support and protection are made and implemented  - consular staff trained	- analysis - general acts ensure the possibility of providing support and protection to victims of violence - analysis of effects of consular staff training

**3. Enhance the requirements for sanctioning of perpetrators of violence against women and domestic violence and ensure the access to justice for victims**

No.	Strategic program	Responsible institution	Implementation deadline	Success indicators	Implementing acts/sources of verification
3.1.	Harmonize the criminal legislation with the provisions of the Convention	Relevant ministries of justice of B&H, FB&H and Republika Srpska, BD Judicial Commission in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center FBIH	2015,2016	<ul style="list-style-type: none"> <li>- analysis conducted and recommendations made for harmonization</li> <li>- Criminal Codes of B&amp;H, RS, FB&amp;H and BD are amended in accordance with the Convention</li> </ul>	<ul style="list-style-type: none"> <li>- analysis</li> <li>- legislative enactments</li> </ul> <p><i>Amended laws include additional and precise criminal offense definitions, including the responsibility for non-reporting of criminal offense and minor offense, aggravating circumstances and commensurate sanctions, adequate statute of limitations, with the prohibition of mandatory alternative dispute resolution</i></p>
3.2.	Harmonize the civil legislation with the provisions of the Convention	Relevant ministries/departments of Justice of B&H, FB&H and Republika Srpska, BD Judicial Commission, in co-operation with B&H Agency for Gender Equality, FB&H Gender	2015-2018	<ul style="list-style-type: none"> <li>- analysis conducted and recommendations made for harmonization</li> <li>- Civil procedure laws and family laws amended</li> </ul>	<ul style="list-style-type: none"> <li>- analysis</li> <li>- legislative enactments</li> </ul> <p><i>Amended laws ensure civil legal remedies for victims of violence</i></p>

		Center, RS Gender Center			
<b>3.3.</b>	Carry out education campaigns encouraging the reporting of violence against women and domestic violence	B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center Relevant ministries/departments of B&H, FB&H, Republika Srpska and BD, local and cantonal authorities, referral mechanisms, NGO	2015-2018	- effective communication campaigns are conducted in wider public to encourage the reporting of violence and the effects of the campaigns are measured	- campaigns - campaign effects evaluation - education programs - evaluation of training results  <i>Professionals in education, social and health institutions, as well as non-governmental organizations and associations attend regular trainings about the obligation to report violence; training effects are evaluated</i>
<b>3.4.</b>	Enhance the response of police officials in cases of violence against women and domestic violence, application of protective measures and conduct of investigation	Relevant ministries of internal affairs of FB&H, Republika Srpska and Police of BD, B&H Service for Foreigners' Affairs, Agency for Education and Vocational Training Mostar, Administration for Police Education with the Ministry of Internal Affairs of Republika Srpska Police	2015,2016  2015,2016	- existing training programs in police education institutions are enhanced and carried out on a permanent basis, the programs are attended by a wide specter of attends  - subject of violence against women and domestic violence introduced in police academies and faculties of criminal science	- programs - evaluation of program results - policies - evaluation of policy effects  <i>Training and practices are enhanced with a view of introducing the concept of risk</i>

		Academy of FB&H Ministry of Internal Affairs in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center	2015-2018	- more efficient criminal investigations and protection of victims are conducted	<i>evaluation and proactive work of police in preventing the violence escalation, enhanced investigative actions and implementation of protective measures ; enhanced methods of criminal investigation and application of investigative actions; evaluation of the protective measures application is made, problems in the implementation are identified and clear steps for enhancement defined</i>
3.5.	Enhance training programs for prosecutors and judges	FB&H and RS Centers for Education of Judges and Prosecutors, HJPC of B&H, relevant ministries of justice and Judicial Commission of BD, in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center	2015-2018	- the existing training programs for judges and prosecutors are harmonized with the requirements of the Convention - the effects of trainings are analyzed and improvements are made in terms of improved investigative methods and method of evidence presentation	- programs - evaluation of program results - evaluation of policies  <i>The number of attends is growing at specialized trainings in the area of criminal and minor offenses against life and limb, family, marriage and youth, and values protected by</i>

					<i>international humanitarian law and human rights;</i>
<b>3.6.</b>	Ensure the requirements for a consistent implementation of regulations and witness protection	Relevant ministries of internal affairs of FB&H and Republika Srpska, Police of BD Service for Foreigners' Affairs, SIPA, Agency for education and vocational training Mostar, Administration for Police Education within the RS Ministry of Internal Affairs, FB&H and RS Centers for Education of Judges and Prosecutors, relevant ministries of justice in FB&H, RS, Judicial Commission of BD, HJPC B&H, courts and prosecutor's offices	2015-2018	<ul style="list-style-type: none"> <li>- police officials, prosecutors and judges are trained for working with vulnerable witnesses and witnesses under threat</li> <li>- human resources with courts and prosecutor's offices, as well as material and infrastructure are ensured, witness support sections established within the courts</li> </ul>	<ul style="list-style-type: none"> <li>- training programs</li> <li>- evaluation of the training programs results</li> <li>- institutional arrangements</li> <li>- budgets</li> <li>- analyses</li> </ul> <p><i>Adjusted treatment of victims of violence is ensured and the Law on Witness Protection and Law on Treatment of Children and Minors in Criminal Proceeding are consistently applied; an analysis of treatment of witnesses is done and recommendations for improvement made</i></p>



3.7.	Ensure access to free legal aid to all victims of violence	Relevant Ministries of Justice of B&H, FB&H, Republika Srpska, Cantonal Institute for Legal Aid Tuzla, Cantonal Institute for Legal Aid Zenica, Cantonal Institute for Legal Aid Odžak, Cantonal Institute for Legal Aid Široki Brijeg, Center for Free Legal Aid of Republika Srpska, BD Legal Aid Office, non-governmental organizations	2015,2016  2015-2018	<ul style="list-style-type: none"> <li>- laws on free legal aid are adopted and they recognize victims of violence against women and domestic violence as beneficiaries of free legal aid</li> <li>- institutional framework for free legal aid to victims of all forms of violence is supplemented regardless of their minority status in the entire territory of B&amp;H using the existing capacities</li> </ul>	<ul style="list-style-type: none"> <li>- legislative enactments</li> <li>- institutional arrangements</li> </ul>
3.8.	Ensure requirements for the compensation of damages to victims of violence	Relevant Ministries of Justice of B&H, FB&H, HJPC of B&H, BD Judicial Commission, FB&H and RS Centers for Education of Judges and Prosecutors, Ministry of Human Rights and Refugees, Council of Ministers of B&H, Government of Republika Srpska and Government of FB&H	2015, 2016	<ul style="list-style-type: none"> <li>- analyzed jurisprudence, judges trained to solve property claims, if possible in the criminal proceedings</li> <li>- budgets ensured for the State to compensate the damages</li> </ul>	<ul style="list-style-type: none"> <li>- training programs</li> <li>- evaluation of the training results</li> </ul>
3.9.	Harmonize the regulations on international legal aid with the provisions of the Convention	Relevant Ministries of Justice of B&H, FB&H, Republika Srpska, BD Judicial Commission	2017-2018	<ul style="list-style-type: none"> <li>- an analysis conducted and recommendations made for harmonization of legislation</li> <li>- legislation on international legal aid in civil and criminal</li> </ul>	<ul style="list-style-type: none"> <li>- analysis</li> <li>- legislative enactments</li> </ul>

				matters harmonized	
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**4. Enhance the framework for creation and monitoring of the implementation of integrated and gender-sensitive policies for preventing and combating violence against women and domestic violence**

No.	Strategic program	Responsible institution	Implementation deadline	Success indicators	Implementing sources verification acts/ of
4.1.	To define a single methodology for collection of administrative data on violence against women and domestic violence	B&H Agency for Gender Equality, FB&H Gender Center, RS Gender Center relevant ministries/department in B&H, Republika Srpska, FB&H and BD, Republic Institute of Statistics of Republika Srpska, FB&H Institute of Statistics, B&H Agency of Statistics	2015	- methodology and indicators for the collection of administrative data, forms for statistical processing and procedures for data exchange are defined	- legislative enactments - policies - institutional arrangements - methodology <i>Methodology of data collection and indicators include the data on forms of violence, profiles of perpetrators and victims and their relation, protective measures and support, sanction policy, and price of violence</i>
4.2.	Develop capacities of institutions to register and use the data on violence against women and domestic violence	Relevant ministries/department of B&H, FB&H, Republika Srpska and BD, HJPC of BIH in co-operation with B&H Agency for Gender Equality, FB&H Gender Center, RS Gender	2015-2018	- forms for registering and statistical processing, as well as software solutions are defined and prescribed  - professionals are trained  - an analysis made and the database of judicial	- policies - software solutions - training programs - evaluation of program results

		Center		institutions enhanced	
<b>4.3.</b>	Conduct a research of prevalence of violence against women and domestic violence	Agency for Gender Equality, FB&H Gender Center, RS Gender Center, Republic Institute of Statistics of Republika Srpska, FB&H Institute of Statistics, B&H Agency of Statistics	2017	- a research on prevalence of violence against women and domestic violence conducted and published	- legislative enactments - policies - institutional arrangements - research
<b>4.4.</b>	Ensure consultations with non-governmental sector and marginalized groups	Relevant ministries/department of B&H, FB&H, Republika Srpska and BD, Agency for Gender Equality, FB&H Gender Center, RS Gender Center, civil society organizations	2015-2018	- representatives of non-governmental organizations and civil society organizations included in working groups for the creation of laws and policies  - public discussions are conducted	- legislative enactments - policies - participation in consultations, consultative meetings, public discussions
<b>4.5.</b>	Submit regular reports to all stakeholders on the implementation of the Strategy and on scopes and consequences of violence against women	Representatives of relevant institutions of B&H, FB&H, Republika Srpska and BD and Safe network in accordance with the key aspects of the Convention and strategic document for its implementation	2015-2018	- reports are submitted to the Parliamentary Assembly of B&H, Council of Ministers of B&H, relevant institutions in B&H, Secretary General of the Council of Europe in co-operation with GREVIO, and interested UN organizations and others	- reports

