
BOSNA I HERCEGOVINA
Ministarstvo za ljudska prava i
izbjeglice



БОСНА И ХЕРЦЕГОВИНА
Министарство за људска права и
избјеглице

BOSNIA AND HERZEGOVINA
Ministry for Human Rights and Refugees

**Bosnia and Herzegovina Report
on Legislative and Other Measures
Giving Effect to the Provisions
of the Council of Europe's Convention
on Preventing and Combatting Violence against
Women and Domestic Violence
(Istanbul Convention)**

January 2020

Contents

LIST OF ACRONYMS.....	3
I INTRODUCTION.....	4
II INTEGRATED POLICIES AND DATA COLLECTION.....	10
III PREVENTION	29
IV PROTECTION AND SUPPORT	47
V SUBSTANTIVE LAW	63
VI. INVESTIGATIONS, CRIMINAL PROSECUTIONS, PROCEDURAL LAW AND PROTECTIVE MEASURES	85
VI. MIGRATION AND ASYLUM.....	99
APPENDIX 1. DATA COLLECTED WITHIN THE FRAMEWORK OF IMPLEMENTATION OF THE STRATEGY FOR PREVENTING AND COMBATING DOMESTIC VIOLENCE IN THE FEDERATION OF BOSNIA AND HERZEGOVINA.....	103
APPENDIX 2. TRAININGS BY COURSE FOR PROFESSIONALS IN THE FEDERATION OF BOSNIA AND HERZEGOVINA	107
APPENDIX 3. DATA COLLECTED FROM JUDICIAL BODIES BY THE GENDER CENTRE OF THE FEDERATION OF BIH FOR REPORTING ON CRIMINAL OFFENCES WITH ELEMENTS OF GENDER-BASED VIOLENCE	108
APPENDIX 4. DATA RELATED TO VIOLENCE COLLECTED BY THE FEDERAL OFFICE OF STATISTICS FOR THE ENTITY OF THE FEDERATION OF BOSNIA HERZEGOVINA.....	118
APPENDIX 5. DATA DISAGGREGATED ACCORDING TO THE PROTECTION BODIES FOR 2017 IN ACCORDANCE WITH THE RULEBOOK ON THE CONTENT OF RECORDS AND REPORTS ON DOMESTIC VIOLENCE FOR REPUBLIKA SRPSKA	123
APPENDIX 6. DATA DISAGGREGATED ACCORDING TO THE PROTECTION BODIES FOR 2018 IN ACCORDANCE WITH THE RULEBOOK ON THE CONTENT OF RECORDS AND REPORTS ON DOMESTIC VIOLENCE FOR REPUBLIKA SRPSKA	138
APPENDIX 7. MINISTRY OF JUSTICE OF THE REPUBLIKA SRPSKA DATA ON CASES OF VIOLENCE AGAINST WOMEN OTHER THAN DOMESTIC VIOLENCE FOR 2017 AND 2018 IN REPUBLIKA SRPSKA.....	153
APPENDIX 8. DATA ON THE PROCEEDINGS ON ACTS OF DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN AS COLLECTED BY THE REPUBLIKA SRPSKA INSTITUTE FOR STATISTICS	155
APPENDIX 9. AN OVERVIEW OF THE CRIMINAL OFFENCE OF VIOLENCE AGAINST WOMEN AT THE NATIONAL LEVEL IN BOSNIA AND HERZEGOVINA AND EXCERPTS BASED ON THE CONVENTION	158
APPENDIX 10. AN OVERVIEW OF THE CRIMINAL OFFENCES OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN THE FEDERATION OF BOSNIA AND HERZEGOVINA – EXCERPTS	159
APPENDIX 11. THE LAW ON PROTECTION FROM DOMESTIC VIOLENCE IN THE FEDERATION OF BOSNIA AND HERZEGOVINA	167
APPENDIX 12. THE LAW ON PROTECTION FROM DOMESTIC VIOLENCE IN THE REPUBLIKA SRPSKA.....	181
APPENDIX 13. THE LAW ON PROTECTION FROM DOMESTIC VIOLENCE IN BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA	194

LIST OF ACRONYMS

BD BiH	Brčko District of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
BPMIS	Budget Planning and Management Information System
CC	Criminal Code
CEDAW Convention	UN Convention on the Elimination of All Forms of Discrimination against Women
CEJP FBiH	Centre for Education of Judges and Prosecutors of the Federation of BiH
CMS	Case Management System in the Judiciary
CoM BiH	Council of Ministers of Bosnia and Herzegovina
EU	European Union
FBD	Framework Budget Document
FBiH	Federation of Bosnia and Herzegovina
FIGAP	Financial Mechanism for Implementation of the Gender Action Plan
GAP BiH	Gender Action Plan of Bosnia and Herzegovina
GC FBiH	Gender Centre of the Federation of Bosnia and Herzegovina
GC RS	Gender Centre of the Republika Srpska
GEA BiH MHRR BiH	Gender Equality Agency of BiH – Ministry for Human Rights and Refugees of BiH
GEL BiH	Gender Equality Law of Bosnia and Herzegovina
HJPC BiH	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
ICT	Information Communication Technology
ISF-EMMAUS	International Solidarity Forum
MoU	Memorandum of Understanding
NGOS	Non-governmental organisation
OSCE	Organization for Security and Cooperation in Europe
PA BiH	Parliamentary Assembly of Bosnia and Herzegovina
RS	Republika Srpska
RWA	Roma Women's Association
SIDA	Swedish International Development Cooperation Agency
SIPA	State Investigation and Protection Agency
TCMS	Case Management System in Prosecutors' Offices
UN WOMEN	United Nations Entity for Gender Equality and the
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNSCR 1325	United Nations Security Council Resolution 'Women, Peace and Security'
USAID	United States International Development Agency
YEP	Youth Employment Project

I Introduction

(Chapter II of the Convention, articles 7 to 11)

A. General principles of the Convention

The constitutional and legal framework and a description of the relevant measures

The Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence¹ was adopted in Istanbul on 11 May 2011.

Given that the recommendations of the Council of Europe on the prohibition of gender-based violence and protection from violence that were aimed at setting common goals and minimum common standards for member States were not legally binding, the Convention was the first legally binding document adopted by the Council of Europe for preventing and combatting violence against women. This document by its very nature does not have to be directly applicable in the signatory states yet it does require special adjustment of the legal and international frameworks of the signatory states for the purpose of its successful implementation.

As the representative of BiH, the Director of the Gender Equality Agency of BiH of the Ministry for Human Rights and Refugees of BiH (hereinafter, GEA BiH MHRR BiH) was a member of the ad hoc committee that drafted the text of the Istanbul Convention. Despite its constitutional structure and the decision-making process, which is more complex than in other member States, BiH was among the first Member-States of the Council of Europe to ratify the Convention. Namely, the Presidency of Bosnia and Herzegovina decided at its 38th regular session held on 7 August 2013 to ratify the aforementioned Convention.² Having done so, BiH made a commitment to undertake legislative and other measures to secure legal, institutional and organisational frameworks for the prevention of violence against women, the protection of victims and for the sanctioning of the perpetrators of violence.³

The constitutions of BiH, the RS and FBiH guarantee the prohibition of gender-based violence as a prerequisite for the prevention of violence against women and domestic violence in view of one of the key causes and consequences of those kinds of violence. The Statute of Brčko District of Bosnia and Herzegovina contains a general prohibition on discrimination on any grounds, gender-based discrimination included.

The Constitution of Bosnia and Herzegovina incorporates key international standards on gender equality, primarily the Convention on the Elimination of All Forms of Discrimination against Women (1979). Because to its legal nature, the latter is directly applicable in BiH. Other international treaties that are directly applicable in BiH as integral parts of the country's Constitution are as follows: 1948 Convention on the Prevention and Punishment of the Crime of Genocide; 1949 Geneva Conventions I-IV on the Protection of the Victims of War and the 1977 Geneva Protocols I-II thereto; 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto; 1957 Convention on the Nationality of Married Women; 1961 Convention on the Reduction of Statelessness; 1965 International Convention on the Elimination of All Forms of Racial Discrimination; 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto; 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto; 1966 Covenant on Economic, Social and Cultural Rights; 1979 Convention on the Elimination of All

¹ 'Official Gazette of Bosnia and Herzegovina', No. 15/13

² 'Official Gazette of Bosnia and Herzegovina', International Agreements, No. 19/13.

³ The Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention). Accessible from <http://arsbih.gov.ba/project/istanbulska-the-Convention>.

Forms of Discrimination against Women; 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; 1989 Convention on the Rights of the Child; 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; 1992 European Charter for Regional or Minority Languages and the 1994 Framework Convention for the Protection of National Minorities.

Moreover, BiH is signatory to other international legal acts and documents and their incorporation into the country's legal framework provides the legal basis and constitutes a form of general prevention of violence against women and domestic violence. In this regard, the following documents are of particular relevance: The 1995 Beijing Declaration with the Platform for Action and the United Nation Security Council Resolution 1325 'Women, Peace and Security' from 2000.

The constitutions of BiH, the RS, and FBiH and the Statute of BD BiH regulate the competency of institutions for development and implementation of legal frameworks and policies at the different levels of jurisdiction. In the context of implementation of the Convention, it is important to emphasise that the Constitution of Bosnia and Herzegovina regulates, inter alia, the competence of institutions at the national level. This applies to the areas of foreign policy, policy and regulation of the issues of immigration, refugees and asylum seekers, the implementation of international and inter-entity criminal law regulations (including relations with Interpol) and the establishment and functioning of joint and international means of communication. Institutions in the entities and in Brčko District are competent, inter alia, for securing and protecting human rights and freedoms, security policy and combatting crime, health and social policy, labour and employment policy, education, economic and financial policy, and for citizenship policy. Competence in FBiH is shared between the entity and the 10 cantons, inter alia, in the areas of guaranteeing and implementing human rights, healthcare, social policy, implementation of legislation and other regulations relating to citizenship, immigration and asylum.

In regard to the constitutional organisation of the country, this report follows each of the Convention chapters and outlines the legal provisions, policies and practices in the different jurisdictions that stem from the different dynamics of development of the legislation and the differences in practice related to the implementation of policies in the area of prevention of violence against women and domestic violence. In order to address each of these provisions properly, this report exceeds the required 60 page limit.

The Law on Gender Equality in BiH⁴ prohibits discrimination on the basis of gender and sexual orientation in all spheres of life and defines gender-based discrimination as putting any person or groups of persons into less favourable position based on gender due to which rights of some persons or groups of persons are protracted or enjoyment and realisation of human rights and freedoms are not recognized.⁵ In this context, different types of gender-based violence are considered forms of discrimination, i.e. a violation of human rights.

The Law on the Prohibition of Discrimination in BiH⁶ also creates the framework for the realisation of equal rights and opportunities for all persons in the country and regulates the system of protection from discrimination, inter alia, on the basis of gender. The process of amending this Law to align it with the relevant EU Directives has led to the Law protecting the citizens of BiH from discrimination

⁴ The Law on Gender Equality in Bosnia and Herzegovina – consolidated text ('Official Gazette of Bosnia and Herzegovina', No. 32/10).

⁵ Para. 1 of Article 3 of the Law on Gender Equality in Bosnia and Herzegovina – consolidated text ('Official Gazette of Bosnia and Herzegovina', No. 32/10).

⁶ The Law on Prohibition of Discrimination of Bosnia and Herzegovina ('Official Gazette of BiH', nos. 59/09 and 66/16).

in all areas of life. This includes labour and employment, social and health protection, judiciary and administration, housing, public information, education, sport, culture, science and economy. Furthermore, this Law prohibits sexual and every other form of harassment, mobbing, segregation and incitement to discriminate.

The Laws on protection from domestic violence were adopted in both entities as special pieces of legislation focused solely and comprehensively on the protection of victims of domestic violence. The Law on Protection from Domestic Violence in the RS⁷ was adopted in 2012 with the last amendments introduced in 2019. FBiH⁸ adopted the Law on Protection from Domestic Violence in 2013. Finally, in 2018 the Law on Protection from Domestic Violence in Brčko District of BiH was adopted.⁹ The relevant segments of this report will present these Laws in more detail.

B. Scope of the Convention and key definitions

The Convention applies throughout the territory of BiH via legislation and policies adopted pursuant to the constitutional competencies of the different levels of government, as was explained in the previous segment of this report. BiH did not express any reservations vis-à-vis its provisions when it signed and ratified the Convention.

Pursuant to the obligations arising from the Istanbul Convention, the Council of Ministers of BiH adopted, in August 2019, the Decision on the Establishment of the Board for Monitoring and Reporting on Implementation on the Istanbul Convention and Femicide in BiH.¹⁰ Inter alia, the Board analyses the implementation of policies and measures for preventing and combatting violence against women and domestic violence, assesses the status of implementation of the Istanbul Convention and makes recommendations for its more efficient implementation, analyses data about murder cases from the gender prospective (femicide) and makes recommendations for further actions aimed at preventing femicide. The inaugural meeting of the Board was held in September 2019. The first Board meeting was held in November 2019 wherein the Rules of Procedure were adopted along with the framework plan of activities for the forthcoming period.

In October 2015, at the proposal of the GEA BiH MHRR BiH, the Council of Ministers of BiH adopted the Framework Strategy for the Implementation of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence. This Strategy is intended to ensure consistent, quality and effective implementation of the Convention in BiH. The Strategy is a comprehensive framework that defines the method for implementation of the Convention in BiH and the harmonisation of the legal and institutional framework with the provisions of the Convention. It also outlines the priorities for preventing and combatting violence against women and domestic violence as well as the framework for monitoring and reporting on the implementation of the Strategy and consequently of the Convention itself. The Strategy defines the aforementioned strategic measures and the corresponding obligations of different institutions in the country in relation to strategic actions in the area of preventing and combatting violence against women and domestic violence.

At the beginning of 2019, the GC RS proposed and the Government of RS adopted the Action Plan for Implementation of the Council of Europe's Convention on Preventing and Combatting Violence against

⁷ 'Official Gazette of Republika Srpska', Nos. 102/2012, 108/2013, 82/2015 and 84/2019.

⁸ 'Official Gazette of the FBiH', No. 28/13.

⁹ 'Official Gazette of the Brčko District', No. 7/2018

¹⁰ 'Official Gazette of Bosnia and Herzegovina', No. 60/19.

Women and Domestic Violence in the entity for the period 2019–2020.¹¹ The general goal of this Action Plan is to achieve an efficient level of prevention and to combat gender-based violence in line with the Convention.

C. State obligations and due diligence

The Framework Strategy for Implementation of the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence¹² defines, inter alia, the following key principles.

“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.’¹³ Therefore, regarding the obligation to prevent and combat violence against women and domestic violence, the State’s (i.e., BiH and relevant institutions), its due diligence and obligations are defined as the leading principle in the Framework Strategy for the implementation of the Convention.”

D. Bodies, agencies, institutions and organisations involved in the preparation of reports submitted by the State party on Implementation of paragraph 1 of Article 68

All relevant state bodies at all levels of government in BiH were invited to participate in the preparation of this report. The task of coordinating the development process was assigned to the GEA BiH MHRR BiH and the entity gender centres. The GEA BiH MHRR BiH coordinated data collection from the competent institutions in the entities and compiled special reports in response to the GREVIO questionnaire. These reports were used for the consolidated BiH Report on Legislative and Other Measures in the implementation of the Provisions of the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence. Documented sources were utilised to collect data for Brčko District. These documented sources, in the form of laws, bylaws and official reports from other institutions, were also used for due diligence and the obligation to have complementary sources and are cited in the relevant segments of the report.

The following institutions submitted data at the state level:

- Ministry for Human Rights and Refugees of BiH
- High Judicial and Prosecutorial Council of BiH
- Ministry of Justice of BiH
- Ministry of Security of BiH
- Prosecutor’s Office of BiH
- The Service for Foreigners’ Affairs of BiH

¹¹ Conclusion of the Government of the Republika Srpska, No. 04/1-012-2-283/19 of 3 January 2019. Please Note: The Action Plan for the Implementation of the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence in the Republika Srpska for the period 2019-2020 was adopted after of the reporting period. However, it is mentioned in this segment of answers to the Questionnaire because of its importance and because of its direct connection with implementation of the Convention in the Republika Srpska.

¹² Accessible from https://arsbih.gov.ba/wp-content/uploads/2015/10/CAHVIO_Strategija.pdf, str. 6.

¹³ The Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence – Explanatory Report, point 59.

- State Investigations and Protection Agency
- Communication Regulatory Agency of BiH
- Directorate for Coordination of Police Bodies of BiH

The following institutions submitted data for the RS:

- Ministry of Justice
- Ministry of Interior
- Ministry of Family, Youth and Sport
- Ministry of Health and Social Protection
- Ministry of Education and Culture
- Ministry of Labour, War Veterans and Disabled People's Protection
- Centre for Free Legal Aid
- Centre for Education of Judges and Prosecutors in the RS
- Republika Srpska Institute of Statistics
- Ombudsman for Children

The following institutions submitted data for FBiH:

- Federal Ministry of Interior
- Centre for Education of Judges and Prosecutors in FBiH
- the Federal Office of Statistics for the Entity of the Federation of Bosnia Herzegovina
- Federal Employment Institute
- Federal Ministry of Labour and Social Policy
- Federal Ministry of Education and Science
- Federal Ministry of Health
- Federal Ministry of Justice
- Institute for Public Health of FBiH

Data was also collected for the purposes of this report from the Safe Network, which brings together 22 non-governmental organisations from all over BiH that deal with the problem of violence against women, and from the following NGOs: Atlantic Initiative, Roma Women's' Association (RWA), Better Future Tuzla, Women's Centre Trebinje, 'Association XY' Sarajevo and the Women's Network of the Ministry of Interior of RS as well as from BiH Journalists.

More on key institutional gender mechanisms in BiH

In the framework of its competencies, **the Gender Equality Agency of BiH¹⁴** performs the following tasks:

- Based on its own reports and reports those of the entity gender centres, it follows and analyses the status of gender equality in BiH and produces the annual report for the Council of Ministers of BiH. It also produces special reports, opinions, suggestions and recommendations for competent bodies at the state level based on its analyses and monitoring.
- The Agency determines the methodology for developing reports on gender equality in BiH.
- In cooperation with entity gender centres, it initiates and coordinates the development of the Gender Action Plan of BiH that is adopted by the Council of Ministers of BiH.
- In line with paragraph 3 of Article 21 of the Law, the Agency monitors the application of and coordinates activities with all relevant subjects involved in the implementation of the Gender Action Plan of BiH.
- The Agency cooperates with institutional mechanisms for gender equality at the state level.

¹⁴ Article 26 of the Law on Gender Equality of Bosnia and Herzegovina.

- While preparing drafts and proposals of laws, bylaws and other norms, strategies, plans and programmes, prior to their delivery to the Council of Ministers of BiH, the Agency provides an opinion on the level of compliance of these acts with the Law and international standards on gender equality.
- In order to determine measures for achieving gender equality in all spheres of social life, the Agency initiates and participates in the preparation of laws, bylaws and other acts, strategies, plans and programmes adopted at the state level.
- It initiates the procedure to change and amend regulations in the event of non-compliance with the provisions of the Law or with domestic and international standards for gender equality.
- The Agency considers depositions and complaints submitted by citizens that point to a violation of a certain right from this Law.
- In accordance with paragraph 9 of the aforementioned Article, the Agency adopts Unified Rules for Consideration of Depositions and Complaints by Citizens.
- Within its jurisdiction, it presents and coordinates activities at the international and regional level.
- It monitors implementation of the Law and together with the entity gender centres prepares reports on the fulfilment of international obligations in relation to gender equality.
- Within its jurisdiction, the Agency cooperates with non-governmental organisations that deal with the protection of human rights and freedoms.
- The Agency performs activities that promote gender equality.
- The Agency performs all other duties in order to ensure the implement of this Law.

The entity gender centres¹⁵ monitor the implementation of the entity laws on gender equality and give particular focus to the following tasks:

- They monitor the level of harmonisation of laws and other acts, policies, strategies, plans and programmes adopted at the entity level with domestic and international gender equality standards for gender equality.
- They provide opinions as to the level of harmonisation of laws and other acts, policies, strategies, plans and programmes adopted at the entity level with the provisions of the Law and other domestic and international gender equality standards for gender equality and initiate activities aimed at their harmonisation.
- The centres monitors and analyse the status of gender equality in the entities.
- They prepare regular and special reports on the status of gender equality in specific areas and prepare information, opinions and recommendations for submission to the entity governments and other competent bodies.
- Pursuant to the Unified Rules referred to in point I, paragraph 1 of Article 26 of the Law, the agencies receive and process depositions and complaints by individual citizens and groups of citizens that point to the violation of certain rights protected by the Law.
- They cooperate with the institutional mechanisms referred to in paragraph 2 of Article 24 of the Law.
- At the regional level, they present and coordinate those activities within their competence.
- They cooperate with non-governmental organisation that deal with the protection of human rights and freedoms.
- The centres provide professional and advisory support and assistance to all institutions and other partners.
- The centres perform other tasks related to the advancement and promotion of gender equality in the entities.

¹⁵ Article 27 of the Law on Gender Equality of Bosnia and Herzegovina.

II Integrated policies and data collection

(Articles 7 to 11 of Chapter II of the Convention)

A. Strategies/action plans and other policies for combatting violence against women

In the past period, a score of public policy documents directly focused on combatting violence against women as well as policies that contain some aspects of combatting violence against women have been adopted and implemented in BIH. These policies have been developed mostly in the form of strategies or action plans. The following overview gives a brief insight into these policies, their implementation and monitoring mechanisms. In accordance with the sectorial competences prescribed in legal regulations, government bodies at the state and entity level and those in Brčko District along with cantonal and local self-government units are responsible for the implementation of the measures contained in these strategic documents and policies.

Framework Strategy for the Implementation of the Convention on Preventing and Combatting Violence against Women and Domestic Violence in BIH

In view of the implementation of the Convention, the Framework Strategy for the Implementation of the Convention on Preventing and Combatting Violence against Women and Domestic Violence in BIH for the period 2015–2018 was developed and adopted in 2015.¹⁶ Based on the initial analysis of the status of prevention and combatting violence, the Strategy defined four key goals.

1. Provide comprehensive effective and inclusive prevention of violence against women and domestic violence.
2. Establish a multidisciplinary coordinated protection system for the victims of violence against women and domestic violence pursuant to the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence.
3. Enhance the means for sanctioning the perpetrators of violence against women and domestic violence and ensure access to justice for the victims.
4. Enhance the framework for the creation and monitoring of integrated and gender-sensitive policies aimed at preventing and combatting violence against women and domestic violence.

Reporting on implementation of the Framework Strategy recorded progress in meeting the set goals and measures.

In order to meet the obligations that arose through the signing of the Istanbul Convention, the Government of RS assigned the Gender Centre of RS as the body responsible for coordinating the implementation of and monitoring and reporting on programmes and measures defined in the Convention; this includes cooperation with the relevant bodies and organisations in the entity and in BIH and the Council of Europe.

The Gender Action Plan for Bosnia and Herzegovina

As the mid-term public policy document aimed at the implementation of the Law on Gender Equality in BIH, the Gender Action Plan for BIH (GAP) was adopted for a five-year period. The adoption of GAP is a legal obligation prescribed in the Law on Gender Equality of BIH. According to Article 26 of the Law, the Gender Centre of BIH has the task to, “initiate and coordinate, in cooperation with entity Gender Centres, the development of GAP, which is adopted by the Council of Ministers of BIH” and “to monitor the implementation and to coordinate activities with all relevant bodies in the process of

¹⁶ Accessible from https://arsbih.gov.ba/wp-content/uploads/2015/10/CAHVIO_Strategija.pdf.

implementation of the Gender Action Plan for BIH.”

Two Gender Action Plans of BIH are relevant to this report: the one for the period 2013–2017¹⁷ and the one for the period 2018–2022.¹⁸ Both documents contain a special priority area, namely *Prevention and Combatting Gender-based Violence, including Domestic Violence, and Human Trafficking*. The main goal envisaged in the measure is to prevent and combat violence against women and men in both the public and private sphere as well as all forms of human trafficking through the establishment of an efficient system of protection and prevention.

The key measures envisaged in the Gender Action Plan for BIH are as follows:

- To introduce and apply international and domestic gender equality standards as obligations that regulate directly or indirectly the prevention and combatting of gender-based violence, including domestic violence and human trafficking.
- Organise regular systematic collection, analysis and publication of data and information on the types and prevalence of gender-based violence, including domestic violence and human trafficking.
- Establish an efficient system for preventing and combatting gender-based violence and for preventing and sanctioning human trafficking, particularly that of women and children, including the protection and rehabilitation of potential and actual victims and the judicial prosecution of the perpetrators.
- Implement activities that are included in the state and entity level strategies and action plans for preventing and combatting gender-based violence, including domestic violence, and the prevention and combatting of human trafficking.
- Conduct or support research into the prevalence and different aspects of gender-based violence, including domestic violence, and human trafficking.
- Introduce education programmes for professionals and service providers, including specialised training, on the prevention and combatting of gender-based violence and human trafficking, including the identification of and provision of assistance to victims and the protection of their human rights.
- Initiate support programmes that offer psychosocial treatment for the perpetrators of violence and those who resort to violent behaviour in their family and other environments as well as programmes for the reintegration of victims of violence and human trafficking into society, including their reintegration into the education system and the labour market.
- Initiate promotional activities and conduct information and awareness raising campaigns that present violence against women as a form of human rights violations and include specific messages for boys and men concerning their responsibilities in relation to the prevention and elimination of violence against women and domestic violence.
- Conduct promotional activities, information campaigns and awareness-raising campaigns among women, young women and girls, especially vulnerable categories, on the phenomenon of human trafficking.
- Monitor and report on forms violence against women and trafficking of women and girls as well as on those measures undertaken to combat these phenomena.

In August 2019, the Council of Ministers of BIH adopted the Decision on the Establishment of the Steering Board for Coordination and Monitoring of the Implementation of the Gender Action Plan for BIH (GAP) for the period 2018–2022.¹⁹ The Steering Board is tasked with the adoption of guidelines for the development of annual operational plans and their approval as well as for reporting on the

¹⁷ ‘Official Gazette of Bosnia and Herzegovina’, No. 98/13.

¹⁸ ‘Official Gazette of Bosnia and Herzegovina’, No. 89/18.

¹⁹ ‘Official Gazette of Bosnia and Herzegovina’, No. 60/19.

progress made on implementation of the GAP to the Council of Ministers and the Parliamentary Assembly of BiH. At the initiative of the GC RS, the Government of RS nominated the Coordination Board for Monitoring Implementation of the Gender Action Plan of BiH for the period 2018–2022, which is comprised of representatives from all ministries. The competent institutions in FBiH also delegated their representatives to participate in the work of the Coordination Board and in the process of the development of the Operational Plan of Activities in the entity.

The Report on Implementation of the Gender Action Plan in BiH 2018–2022 for the period November 2018 to September 2019 mentions these key results: adoption of new or amendment of the existing laws on protection from violence and on free legal aid, adoption of bylaws and the further strengthening of monitoring capacities and provision of protection for victims of domestic violence and violence against women.

Action Plan for the Implementation of United Nations Security Council Resolution 1325 ‘Women, Peace and Security’

At the state level, other strategic documents that address the issues of preventing and combatting violence against women and domestic violence were also adopted within specific aspects of gender equality. For example, the **Action Plan for the Implementation of United Nations Security Council Resolution 1325 ‘Women, Peace and Security’** in BiH 2018–2022 was developed and its implementation is under way.²⁰ In August 2019, the Council of Ministers passed the Decision on the Establishment of the Coordination Board for the Supervision of Implementation of the Action Plan.²¹ In the context of the goal titled ‘Increased human safety in view of gender equality’, the issues of human trafficking, migration and the refugee crisis were recognised along with the following expected results:

- application of the legal mechanisms and appropriate measures developed to combat the trafficking of humans, especially women and girls;
- ensure capacity building aimed at the prevention and combatting of human trafficking and for raising awareness about the problem of trafficking among women and girls;
- preventive measures in place to secure the conditions for a gender-responsible approach to the current security threats and challenges as well as for crisis and emergency situations (natural disasters, violent extremism, refugee/migrant crisis).

Special policies for preventing and combatting domestic violence and violence against women

In the previous period, special policies for preventing and combatting domestic violence and violence against women were adopted at different levels of government in BiH. The key goal of these policies, described below, is to prevent violence and protect victims, with priority focus on the interests of victims. The strategic goals focus on awareness raising and capacity building in order to achieve a zero tolerance of violence and to reduce the number of victims as well as apply all institutional mechanisms to ensure adequate and timely protection for the victims of violence. A strategic approach is applied to the issue of the perceived impunity of the perpetrators of violence as well as to the work with the perpetrators aimed at preventing recidivism and the re-victimisation of victims.

In FBiH there has been continuity in the strategic planning and realisation of activities and reporting on activities undertaken in the area of domestic violence since 2009. Namely, the first strategic document (the Strategic Plan for Prevention of Domestic Violence in FBiH - 2009–2010) was adopted

²⁰ Accessible from <https://arsbih.gov.ba/wp-content/uploads/2019/02/Akcioni-plan-BOS-KB-14.01..pdf>.

²¹ ‘Official Gazette of BiH’, No. 60/19.

in 2009.²² This was followed by the Five year Strategy for the Prevention and Combatting of Domestic Violence (2013–2017)²³ and then by the ongoing Three year Action Plan for Implementation of the Strategy for the Prevention and Combatting of Domestic Violence for the period 2018–2020.²⁴

The long-term goal of the Strategy is to reduce domestic violence, establish and to secure equal access to the system of response and protection. The realisation of the Strategy is marked by five strategic goals: 1) the harmonisation of legislation related to domestic violence in BiH with domestic and international standards, 2) improvement of the knowledge and skills of those professionals that deal with the issue of domestic violence, 3) improvement of the methodology for data collection on cases of domestic violence, 4) increased societal awareness of domestic violence and other forms of violent behaviour and 5) the development of a multi-disciplinary approach by local communities in the areas of the provision of adequate forms of protection and the treatment of victims of domestic violence and work with the perpetrators of domestic violence.

Regular reporting provides an overview of the situation concerning preventive action, treatment and combatting domestic violence in different areas defined in the Strategy: social and child protection, education, healthcare, security, judiciary, statistical records, specific services for the protection of and rehabilitation of victims, and the development of a multi-disciplinary approach to the assistance provided to victims of domestic violence. There is also a continuous overview of previously defined long and mid-term indicators for monitoring the realisation of the Strategy and a description of the realisation of the five strategic goals together with analyses of trends and recommendations for the future period.

Pursuant to Article 36 of the Law, the Government of FBiH is obliged to adopt strategic documents in the area of the sustainability of activities and procedures aimed at preventing cases of domestic violence that are guaranteed by the Law on Protection from Domestic Violence. When it comes to lower levels of government, pursuant to Article 37 of the Law on Protection from Domestic Violence, cantonal governments are obliged to adopt programmes of measures to prevent and combat domestic violence through the establishment of coordination bodies and cooperation with different levels of government and professionals. Article 39 of the Law stipulates the obligation to sign protocols on cooperation for one or more municipalities, i.e. for the operation of multi-sector teams. This secures horizontal and vertical links between all actors dealing with prevention and other activities in cases of domestic violence as well as mechanisms for the implementation of strategies and policies in this area.

In the context of the implementation of the Strategy and the Action Plan, activities to improve the normative and legal framework were undertaken along with formal education programmes for professionals in all sectors (security, judiciary, healthcare, social care, education, civil service, multi-sector trainings, etc.). Data collection with special emphasis on electronic data collection was improved, a significant number of campaigns implemented and a multi-sector approach and work with the perpetrators of domestic violence adopted.

In the period prior to the signing and ratification of the Convention in the RS, very important strategic and programmatic activities focused on the prevention and combatting of domestic violence as one of the aspects of gender-based violence were adopted. Namely, the Action Plan for Combatting Domestic Violence in the RS 2007–2008 and the Strategy for Combatting Domestic Violence in the RS

²² 'Official Gazette of the FBiH', No. 77/08.

²³ 'Official Gazette of the FBiH', No. 22/13.

²⁴ 'Official Gazette of the FBiH', No. 102/18. Up until the adoption of new strategy the Action Plan was adopted for the transitional period defined in the Law on Development Planning and Management in the Federation of Bosnia and Herzegovina ('Official Gazette of the FBiH', No. 32/17).

2009–2013).²⁵ These public policies have contributed to the establishment and strengthening of the mechanisms to combat domestic violence and form the basis for further action on the implementation of the Convention.

Pursuant to the Law on Protection from Domestic Violence, the Strategy for Combatting Domestic Violence was adopted in the RS (2014–2019)²⁶ as the third successive public policy document dealing with the prevention and combatting of domestic violence in the entity. The Strategy defines the mission and vision, timeframe, strategic guidelines, goals and the programmes of measures. The implementation of the strategic guidelines, goals and programmes of measures contributes to the prevention and combatting of domestic violence and to strengthening the capacities of those bodies tasked with protection, thus helping them to act in accordance of the Law and in the best interests of the victims.

The Strategy consists of four strategic guidelines: 1) the prevention of domestic violence, 2) support and assistance for the victims of domestic violence, 3) protection for the victims of domestic violence and 4) monitoring the implementation of the Law, policies and measures related to domestic violence. The Framework Action Plan, which forms the basis for the adoption of the annual action plans for the prevention and combatting of domestic violence, is a component of the Strategy.²⁷

The key results of the implementation of this Strategy in the RS are as follows: monitoring of implementation of the Law on Protection from Domestic Violence, its harmonisation with the provisions and standards of the Convention, promotional activities and campaigns for raising public awareness on the need for zero tolerance to domestic violence, continuous training and professional advancement of professionals in the bodies tasked with protection from domestic violence and the establishment of a system for the collection and processing of statistical and administrative data on domestic violence in accordance with the Convention.

In order to achieve comprehensive action on preventing and combatting violence against women and domestic violence, as defined in the Convention, there was a need for the strategic inclusion of other forms of gender-based violence and measures for dealing with them. In this regard, at the beginning of 2019, the GC RS proposed that the Government of RS adopt the Action Plan for Implementation of the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence in RS for the period 2019–2020.²⁸ The general goal of this Action Plan is to achieve an efficient level of prevention and to combat gender-based violence, pursuant to the Convention. The specific goals are 1) the introduction of comprehensive and coordinated public policies that contain legal and other measures for preventing and combatting all forms of gender-based violence, pursuant to the Convention; 2) the establishment of an efficient system for the prevention and

²⁵ The first documents adopted by the Government of the Republika Srpska were the Action Plans for Combatting Domestic Violence in 2007 and 2008. Upon the adoption of the Law on Protection from Domestic Violence, the National Assembly of the Republika Srpska adopted the first Strategy for Combatting Domestic Violence in the Republika Srpska 2009–2013. Both documents were proposed and their implementation coordinated by the Gender Centre of the Republika Srpska. Following the transfer of competence for the implementation of the Law on Protection from Domestic Violence to the Ministry of Family, Youth and Sport, this Ministry then took over competence for the drafting, implementation and monitoring of public policies focused on the prevention and combatting of domestic violence.

²⁶ 'Official Gazette of the Republika Srpska', No. 63/14.

²⁷ At the proposal of the Ministry of Family, Youth and Sport, the Government of the Republika Srpska, during its 124th session, held on 15 May 2017, adopted the Action Plan for the Prevention and Combatting of Domestic Violence for 2017 and during its 182nd session, held on 21 June 2018, the Action Plan for the Prevention and Combatting of Domestic Violence for 2018.

²⁸ Conclusion of the Government of the Republika Srpska, No. 04/1-012-2-283/19 of 31 January 2019. Please Note: The Action Plan for Implementation of the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence in the Republika Srpska 2019–2020 was adopted after the reporting period; however, it is mentioned in this segment of answers to the Questionnaire because of its importance and because of its direct connection with the implementation of the Convention in the Republika Srpska.

combatting of gender-based violence and 3) improved monitoring of the frequency and prevalence of all forms of gender-based violence and an efficient institutional response to violence, pursuant to the Convention.

The authorities of BD BiH have not adopted special strategic measures or other planning documents related to the specific issue of the prevention and combatting of domestic violence and violence against women.

B. Financial resources for the implementation of policies

In order to secure the financial support needed to implement the Gender Action Plan for BiH (GAP), the second phase of implantation of the **Financial Mechanism for Implementation of the GAP of BiH (FIGAP II)** began in 2018, while the Council of Ministers of BiH adopted **the Decision on the Nomination of the Steering Board of the FIGAP II Programme** in May 2019. The total budget amounting to EUR 1.45 million was a donation from the Kingdom of Sweden. Of this amount, the entity gender centres each administered EUR 428,846 and the GEA BiH MHRR BiH administered the rest. The realisation of FIGAP-funds for grants, projects and activities began in 2019 with focus, inter alia, on protection from and the prevention of gender-based violence.

The Ministry of Finance and Treasury of BiH and the entity ministries of finance in their instructions for the submission of requests for the Framework Budget Document (mid-term period, i.e. 3 years) and annual budget asked that the institutions (where possible) provide an explanation of the gender aspect of individual programmes. In the framework of the Budget Planning and Management Information system (BPMIS), the budgetary users are obliged to mainstream gender equality into their programmes and economic categories of expenditures.

In the Budget of the Ministry for Human Rights and Refugees of BiH for 2019, EUR 51,129 was allocated for eight safe houses managed by non-governmental organisations ('Fondacija lokalne demokratije' in Sarajevo, 'Medica' in Zenica, 'Udružene žene' in Banja Luka, 'Budućnost' in Modriča, 'Žene sa Une' in Bihać, 'Vive žene' in Tuzla, 'Lara' in Bijeljina and 'Žena BiH' in Mostar). The funds were to be used to cover the cost of 'overhead expenses' in the aforementioned safe houses, which would enable their unimpeded functioning during the period of support by covering the cost of electricity, water, heating, telephone, fuel, maintenance, waste disposal, office furniture, hygiene, Internet and safety, etc. Because of the delay in the adoption of the Budget of the Institutions of BiH for 2019 this grant has yet to be realised. This grant was planned within the Budget of the Ministry for Human Rights and Refugees of BiH for 2020, pursuant to the obligations that arose when the country ratified the Istanbul Convention.

Those bodies in FBIH that perform different activities as defined in the Action Plan for Implementation of the Strategy for the Prevention and Combatting of Domestic Violence and that are an integral part of the Framework Budget Document as well as of annual plans for the operations of institutions make their plans of activities for the realisation of the Strategy. Gender-responsible budgeting in the Budget of FBIH is carried out on the basis of decisions taken by the entity Government.²⁹ When it comes to planning, realisation and reporting as parts of the realisation of strategic documents in the area of domestic violence, budgetary funds for those bodies that carry out these activities do not include new requests for financing but rather are expressed as funds that are already contained in their annual plan of activities and correspond to the value of the contribution of those institutions to the implementation of Annual Action Plans. In this way, they amounted to EUR 61,176 in 2017. In 2017, the donor funds for previously agreed sources of financing of individual activities amounted to EUR

²⁹ See No. 1144/2013, ('Official Gazette of the Federation of Bosnia and Herzegovina', No. 85/13) and No. 547/2016 ('Official Gazette of the Federation of Bosnia and Herzegovina', No. 19/16).

361,739. Budgetary funds for 2018 amounted to EUR 61,355, while donor funds amounted to EUR 111,552. These amounts do not include funds granted by institutions to individual organisations for the realisation of activities that could be linked to violence or for international programmes aimed at preventing and combatting violence.

In FBiH, non-governmental organisations that provide shelter for victims of domestic violence are financed through the budget of the Federal ministry of Labour and Social Policy. If they meet certain general and specific criteria, then these NGOs apply for funds through public calls. Funds are allocated via a special budget line of the ministry that is earmarked for implementation of the Law on Protection from Domestic Violence. Until recently, the budget for these funds amounted to EUR 82,830 in total annually. In 2018, the entity Government increased the funds for this purpose to EUR 127,823 so that in 2019 NGOs could receive significantly more money. Sarajevo Canton and in Zenica-Doboj Canton allocate a certain amount for non-governmental organisations and foundations that manage safe houses. Furthermore, the Federal ministry of Labour and Social Policy has been allocating funds for several years, including 2017 and 2018, through another public call where projects and programmes are financed through revenue paid to the Budget of FBiH from charges for firms running lottery and games of chance. A part of these funds is allocated for financing programmes and projects that are related, inter alia, to accommodation and shelters for victims of torture and violence (safe houses) and non-governmental organisations can apply for these funds. The maximum amount for projects or programmes proposed by these associations to the Ministry of Labour and Social Policy is BAM 30,000 per applicant. Only one non-governmental organisation applied for these funds through public calls in 2017 and 2018 and received the funding.

Over the period 2019–2020, the financial realisation of measures and activities within the Action Plan for the Implementation of the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence in the RS is supported through the regular budget as well as through donor support for the competent bodies. The Ministry of Family, Youth and Sport of RS has one budgetary line for implementation of the Strategy for Combatting Domestic Violence in the RS to the amount of EUR 6,300 annually, another budgetary line for the projects and programme activities of the Board for Combatting Domestic Violence and Family Unit of the RS to the amount of EUR 4,500 annually and a budgetary line for benefits to victims of domestic violence of EUR 150,000 annually.

Over the period 2016–2020, on the basis of financial support provided by the Kingdom of Sweden and the European Union, the Office of UN Women in BIH allocated a total of EUR 2,255,110 (USD 2.5 million) in support of the implementation of the Istanbul Convention and relevant public policies for preventing violence against women and domestic violence through the programmes and activities of state institutions, non-governmental organisations and through direct action. Through the aforementioned funds provided by the Kingdom of Sweden and within the framework of the project ‘Standards and Engagement for the Prevention of Domestic Violence and Violence against Women’, the entity gender centres implemented projects to a total value of EUR 137,890 in FBiH and EUR 152,002 in the RS over the period October 2016 to January 2019. Over the period October 2019 to December 2020, thanks again to the financial support provided by the Kingdom of Sweden, the continuation of these projects has been agreed to a value of EUR 84,927 for FBiH, and EUR 93,915 for RS.

C. Participation of non-governmental organisations and other civil society actors

NGOs in BIH are recognised as partners in combatting violence. They are involved in the development, implementation and monitoring of the implementation of strategic documents in the area of violence as members of working bodies or through public consultations.

During the implementation of the previous phase of the FIGAP Programme (2010–2016) about 80 NGO projects and 70 institutional projects were supported in all areas of the Gender Action Plan. In terms of the amount of funding received, projects on prevention and combatting violence against women were second (just behind the projects aimed at the economic empowerment of women). A total of 35 projects (26%) received support of which 23 were realised by institutions and 12 by NGOs.

In the reporting period, the GEA BiH MHRR BiH carried out the USAID financed project 'Strengthening the Capacity of Institutions to Address Gender-based Violence in BiH'. The project is intended to ensure an adequate institutional response to violence against women through further harmonisation of the legislation and the institutional strengthening of the bodies and organisations responsible for the provision of support for victims and the establishment of a system for monitoring, assessment and reporting on these cases. The project is based on the Agreement on Grant Funds for Developmental Goals concluded between the Government of the United States of America and the Council of Ministers of BiH in September 2015. The aim of the Agreement is to achieve more functional and accountable institutions and actors that meet citizens' needs. On the basis of this Agreement, the Government of the United States via USAID secured funding amounting to EUR 1,578,580 (USD 1,750,000) of which EUR 676,534 (USD 750,000) was allocated for the strengthening the GEA BiH MHRR BiH.

In the framework of this project, grants funds are allocated to non-governmental organisations for the purpose of improving access to and the means of prevention and protection of victims of violence against women and domestic violence. Funds for nine non-governmental organisations totalling EUR 80,000 were granted by the end of 2018 and the projects through these funds were realised between January and October 2019. The supported projects realised by the NGOs 'Žene sa Une' from Bihać, the association 'Udružene žene' from Banja Luka and 'Budućnost' from Modriča provided capacity building for services providers to the victims of gender-based violence. The increased capacities lead also to improved coordination among all bodies providing protection through a multi-sector approach to the provision of services to victims.

The projects carried out by the NGOs 'Lara' from Bijeljina, 'Vive Žene' from Tuzla and 'Momentum' from Sarajevo aimed to improve protection and psychosocial support for women placed in safe houses. The projects of the NGOs 'Alternativa' from Kakanj and the Roma centre for mothers 'Izvor života' from Vitez contributed to an improvement in the prevention of violence against women and domestic violence through promotional and educational activities. A project implemented by the NGO 'Glas' from Prozor Rama focused on the social and economic empowerment of women from vulnerable groups.

GEA BiH MHRR BiH cooperates with the Safe Network, which is a coalition of 22 non-governmental organisations dealing with gender-based violence and domestic violence from across BiH. One specific example of this cooperation is the roundtable that was held in Sarajevo in December 2018 and where the document 'Policy of the Safe Network on the Provision of Sustainable Services to Victims of Gender-based Violence and Domestic Violence pursuant to the Istanbul Convention' was presented. Members of the Safe Network developed this document as part of the project 'Improvement of Access to Services for All Women and Girls - Victims of Domestic Violence in BiH'. The aforementioned project was implemented with the support of UN WOMEN and on behalf of the Safe Network by the 'Fondacija lokalne demokratije' from Sarajevo in partnership with the association 'Budućnost' from Modriča.

GEA BiH MHRR BiH provided grants to non-governmental organisations for the 'Support to Build Partnerships between NGOs and Competent Institutions for the Implementation of the Istanbul Convention' project to a total amount of EUR 22,496. The NGOs implemented their projects in the

first half of 2017 with the aim of helping to achieve more efficient prevention and protection for the victims of gender-based violence with special emphasis given to vulnerable categories in society. This support was provided to the organisations 'Vermont' from Brčko, 'Bonaventura' and 'Snop' from Rogatica, 'Glas' from Prozor-Rama and 'Žena BiH' from Mostar.

In the course of the realisation of the project 'Improvement of the Efficiency of Courts and Responsibility of Judges and Prosecutors in BiH – Second Phase', which focused on the improvement of gender equality in the judiciary, activities were undertaken to promote and secure respect for the rights of vulnerable groups when they come into contact with the judiciary and the overall improvement of gender equality in the judiciary. The High Judicial and Prosecutorial Council of BiH began to cooperate with the competent state institutions and bodies (GEA BiH MHRR BiH, the entity gender centres and the Council for Persons with Disabilities within the Council of Ministers of BiH) as well as with non-governmental organisations. The latter comprised of NGOs significant for the realisation of the project activities: Udruženje žena sudija u BiH (Association of Women Judges in BiH), Ujedinjene žene (United Women), Centar za ljudska prava (Centre for Human Rights), TRIAL International, Udruženje demokratnih inicijativa (Association of Democratic Initiatives), MyRight BiH, Sarajevo Open Centre, Safe Network, Ženska mreža (Women's Network), CURE and Fondacija lokalne demokratije (Foundation of Local Democracy). It also involved international organisations such as Save the Children, UN Women, UNICEF and OSCE. Without this level of cooperation, it would not be possible for the Council to adequately define the areas in which it could act in order to eliminate or mitigate the difficulties encountered by members of vulnerable groups when in contact with the judiciary or to plan and realise adequate activities that would truly improve the status of vulnerable groups and their contact with the judiciary.

Concerning cooperation with organisations that protect marginalised groups in FBiH, according to data provided by the association 'Bolja budućnost' from Tuzla, which is a member of the Mreže Romkinja (Roma Women Network), formalised cooperation has been established between institutions at the local level. An inter-sectorial commission was formed in order to improve the socioeconomic status of Roma women and men in the areas of healthcare, education, prevention of violence, social issues, etc. Institutions at the state level, primarily the Ministry for Human Rights and Refugees of BiH and the Gender Equality Agency of BiH, as well as by the entity gender centre, recognise the Roma Women's network for its implementation of activities aimed at a general improvement of the status of Roma women and men in society.

Within the framework of the USAID supported and GEA BiH MHRR BiH implemented project 'Strengthening the Capacity of Institutions to Address Gender-based Violence in BiH', the survey and publication 'Due Diligence in the Approach to Women Who Experienced Gender-based Violence' was implemented by the association 'Udružene žene' from Banja Luka and the Association of Women with Disabilities 'Nika'. Women with disabilities who testify in numerous cases often lack an adequate response from police officers and those working in the centres for social work when cases of violence are reported. They also lack access to healthcare and adequate treatment by healthcare workers. This publication gives recommendations for professionals on how to treat women with disabilities who are victims of violence.

NGOs in RS are recognised as a significant resource and strength in combatting violence against women and are recognised in the relevant laws, other regulations and public policies at all levels of government.

Support for the work of non-governmental organisations is reflected in the following areas:

- On the basis of the Law, the finance for the operation of safe houses run by NGOs is secured through the budget of RS (70%) and the budget of local self-government units (30%).
- The licence for the help-line phone number '1264' that supports the victims of violence, where calls are directed to NGOs, is financed through the budget of RS.
- Representatives of NGOs are involvement in all legislative initiatives and work on amending regulations related to the prevention and combatting of violence against women, including domestic violence.
- Representatives of NGOs participate in the Council for Combatting Domestic Violence and Family Unity in RS.
- Local NGOs are involved in multi-sector protocols on cooperation for preventing and combatting domestic violence at the local level.
- Protocols on cooperation between institutions and NGOs are realised in the area of protection and support for the victims of violence.
- Funds are granted for projects that develop specialised services for the victims of violence and for work with the perpetrators of violence.
- There is cooperation on promotional activities and awareness raising campaigns aimed at achieving a zero tolerance of violence, including the international campaign '16 Days of Activism against gender-based Violence'.

In addition to support for the functioning of safe houses run by non-governmental organisations, NGOs in FBiH are directly involved in the development of policies for preventing and combatting violence against women and domestic violence. Namely, a representative of the Safe Network participates in the work of the Expert Team for Development and Implementation of the Strategy for Preventing and Combatting Domestic Violence in FBiH. In this way, NGOs are involved in drafting, implementing and monitoring strategic activities and therefore the involvement of NGOs in strategic activities is systemic.

Examples of cooperation with NGOs in BD BiH include the engagement of the Foundation Udružene žene from Banja Luka and the citizens' association 'Vive žene' from Tuzla in the production of the promotional video 'Zero Tolerance of Violence in Brčko District of BiH'. This video was created as part of the UN Women supported project 'Strengthening of Prevention and Combatting Violence against Women and Domestic Violence in Brčko District of BiH'.³⁰ The association 'Udružene žene' and the Network of Women with Disabilities 'Nika' from Banja Luka also developed the 'Manual for Understanding Domestic Violence and Violence against Women', which was published in 200 copies and made accessible in electronic format via www.unitedwomenbl.org.

D. Body/Bodies tasked with the implementation, coordination, monitoring and evaluation of policies and measures for protecting from and combatting violence against women

Like the previous Gender Action Plan for BiH (GAP), the current plan focuses on the first strategic area to prevent and protect women and girls from gender-based violence. The Steering Board for Coordination and Monitoring of Implementation of GAP BiH was established in order to coordinate the implementation of the activities foreseen in GAP. The Steering Board is comprised of the Director of the Gender Equality Agency of BiH and the directors of the entity gender centres. There are also three coordination boards for monitoring the implementation of GAP, which are comprised of representatives from the relevant institutions at the state (including Brčko District) and entity level. The coordination boards are established for a period that parallels the duration of each GAP. They adopt annual operational plans with priority measures aimed at the attainment of the goals set in GAP

³⁰ Accessible from <http://zenskamreza.ba/nulta-tolerancija-na-violence-u-brcko-Districtu-bih>.

and which provide the basis for evaluating the level of progress achieved in terms of the implementation of GAP.

In August 2019, the Council of Ministers of BiH adopted the Decision on the Establishment of the Board for Monitoring and Reporting on the Istanbul Convention and Femicide in BiH.³¹ The Board is made up of representatives of BiH institutions, FBIH and BD BiH as well as the non-governmental organisations through Safe Network. The activities of this body are described in the introductory part of this report.

The Government of FBIH has formed an Expert Team for Development and Monitoring of the Strategy for Preventing and Combatting Domestic Violence (2013–2017).³² In accordance with Article 37 of the Law on Protection from Domestic Violence, nine cantonal governments have formed coordination bodies at their level (the only exception being the Western Herzegovina Canton). According to Article 39 of the Law on Protection from Domestic Violence, the signing of protocols on the establishment of multi-sector teams at the municipal level is envisaged. These teams currently exist in some form (formal or informal) in 70 % of municipalities.

Pursuant to available resources, all coordination bodies at all levels of government in FBIH are comprised of representatives from the competent institutions (police, judiciary, healthcare, education, etc.). At the federal level, in addition to the competent ministries, they also include the Civil Service Agency, the Institute for Development Programming, the Centre for Education of Judges and Prosecutors, and the Employment Bureau as well as a number of experts (practitioners in the area of treatment and protection, media, academic community, etc.) and NGOs.

The expert team in FBIH has 21 representatives, while the bodies at the cantonal level have between 10 and 15 members. The competent government institutions nominated and formed these bodies. The fact that some of these bodies are not formalised does not have an impact on the professionals who nevertheless undertake actions and measures in relation to domestic violence, pursuant to the Law. In one way, the fact that they are without signed protocols has actually improved their actions because their intra-institutional cooperation has become stronger. The task of the aforementioned bodies is to develop, realise and monitor the implementation of strategic documents in the area of domestic violence, which implies the mechanism of coordination and planning at all levels of governmental organisation.

The aforementioned bodies monitor the implementation of strategic goals at different levels of government and regularly report to the government/bodies that formed them. The Expert Team for Development and Monitoring of Implementation of the Strategy for Preventing and Combatting Domestic Violence (2013–2017) submits reports to the Government of FBIH. These reports include results drawn from monitoring the realised strategic goals and analysing trends and provide recommendations on how to improve implementation and its status in different areas over the forthcoming period. Currently, after having prepared the Final Report on the Implementation of the Strategy for Preventing and Combatting Domestic Violence (2013–2017), this team is finalising the next five-year strategy.³³ The Government of FBIH adopted the reports on the Implementation of the Framework Strategies for Implementation of the Convention on Preventing and Combatting Violence against Women and Domestic Violence in BiH (2015–2018). Cantonal coordination bodies submit their Reports on the Implementation of the Programme of Measures for Preventing, Protection and Combatting Domestic Violence to the cantonal governments (cantonal level strategic documents). Municipalities also prepare and submit reports on the situation relating to domestic violence, either

³¹ 'Official Gazette of BiH', No. 60/19.

³² 'Official Gazette of the FBIH', nos. 73/11, 34/14 and 36/16.

³³ 'Official Gazette of the FBIH', No. 29/18.

as special reports or as part of their information on the situation in different sectorial areas relating to domestic violence.

The Government of Republika Srpska has tasked the GC RS as the body responsible for carrying out the monitoring, implementation and reporting on the programmes and measures that are envisaged in the Council of Europe's Convention for Preventing and Combatting Violence against Women, including Domestic Violence. To this end, it cooperates with the competent bodies, institutions and organisations in RS and in BiH and with the Council of Europe. In a similar way, the Government of RS has instructed the competent ministries and other bodies and organisations in the entity to cooperate with the entity gender centre in relation to the obligations arising from the Convention.³⁴

Pursuant to RS Law on Protection from Domestic Violence, the Council for Combatting Domestic Violence of RS was established for the purpose of coordinated and efficient work in the domain of domestic violence and monitoring and assessment of the implementation of policies and measures for preventing and combatting domestic violence.³⁵ The Council has nine members with a mandate of four years, with the possibility of re-election. Representatives of the competent ministries and other institutions of the Government of RS (with the mandatory involvement of the entity gender centre) along with representatives of the academic community, the judiciary and NGOs participate in the work of the Council. The Council's annual budget is EUR 4,500. The Council performs the following tasks within the framework of its competency: It monitors the implementation of and assesses policies and measures for preventing and combatting domestic violence, makes recommendations and gives opinions to the Ministry in relation to the procedure on the proposal and adoption of legal regulations related to domestic violence, develops and participates in the realisation of scientific expert research and other projects in the domain of domestic violence, participates in the activities of social partners on the prevention and combatting of domestic violence and considers other issues of relevance to preventing and combatting domestic violence.

The introductory part of this report describes in general that the GEA BiH MHRR BiH and the entity gender centres are tasked with the supervision and implementation of policies and their coordination. These institutions are budgetary users and their resources and level of equipment are key factors in the promotion of gender equality in all spheres of society and for coordinated implementation of key gender equality policies, including the prevention and combatting of violence against women and domestic violence. Data referring to the human and financial resources of the GC RS is given above.

The Gender Equality Agency of BiH acts within the Ministry of Human Rights and Refugees of BiH. Its budget for 2019 amounted to EUR 180,000, which includes salaries, operational costs and financing of programme activities, including grants provided to NGOs. The number of employees and their assignment is in line with the current Rulebook on Systematisation of Jobs. According to the Rulebook GEA BiH MHRR BiH has a manager who is a public servant with the rank of assistant minister (this post is held by a woman) and three expert advisors (one woman and two men), a senior expert advisor (a woman), one staff member with a university degree (currently, a vacancy), a staff member (with a secondary school degree) and those employed on a contractual basis and financed through donations: FIGAP (one staff member) and USAID (two staff members).

The Gender Centre of FBIH is an office within the federal Government. Its annual budget in 2018 amounted to EUR 205,187. The systematisation of jobs envisages a total of 21 staff members; however, currently only nine positions are occupied of which seven persons hold a university degree and one has an academic degree in the domain of gender studies.

³⁴ Conclusion No. 04/1-012-2-446/16 of 2 February 2016.

³⁵ 'Official Gazette of the Republika Srpska', No. 07/13.

The Gender Centre of RS is an institution within the public administration with an annual budget that in 2019 amounted to EUR 254,879 (EUR 237,240 in 2018 and EUR 235,910 in 2017). The internal organisation and systematisation of the GC RS has 14 employees, civil servants and staff members, led by the director, of whom 12 have a university degree and/or an academic degree. Two staff members have academic degrees in the domain of gender studies.

E. Data collection on violence against women

Several institutions in BiH at different levels of government collect data on violence against women and domestic violence, in line with their competency. Efforts are being invested to produce aggregate data and to compare this data at the national level. The Agency for Statistics of BiH, for example, publishes the publication 'Women and Men in BiH',³⁶ which contains data on crime rates for women and men. Similarly, the High Judicial and Prosecutorial Council of BiH is tasked, inter alia, with maintaining, coordinating and supervising the application of an automated system of monitoring and registering cases or similar systems including data storage and support systems.³⁷

In March 2019, the Gender Equality Agency of BiH carried out an analysis of all data on gender-based violence and domestic violence available by the Judiciary of BiH. This analysis shows the extent to which the available data corresponds to the obligation to collect data as required by the Istanbul Convention and other international standards. The analysis also showed that the Automatic Case Management System in the courts (CMS) and the Automatic Case Management System in prosecutors' offices contain data on sex/gender, age and citizenship but because it has not been entered into the systems a significant amount of data of relevance to gender-based violence is not available.

The entity institutions have their own systems for maintaining records and collecting data on violence against women and domestic violence.

The Ministry of Family, Youth and Sport of RS is tasked with collecting and processing data on domestic violence. This data is provided by the bodies tasked with protection in RS (police, centres for social welfare/social care services, courts, healthcare and educational institutions) for minor offences of domestic violence pursuant to the Law on Protection from Domestic Violence.³⁸ This data is collected on the basis of forms with tables specifically adapted to the individual bodies tasked with protection from domestic violence. The General Protocol on the Procedure in Cases of Domestic Violence in RS³⁹ has improved the mechanism for collecting and recording data and reporting on domestic violence. The Ministry of Family, Youth and Sport of RS collects data from the bodies tasked with protection and reports on domestic violence twice a year: for the periods January-July and July-December. The reports provided by the bodies tasked with protection are submitted in both print and electronic form and are made accessible on the internet page of the Ministry of Family, Youth and Sport.⁴⁰ After processing, aggregating and comparing the data, the Ministry then extracts the data it deems useful for the bodies tasked with protection in order to help them to develop future measures and activities and channel them in the right direction. The Ministry aggregates the data and compiles the information that is then adopted by the Government of RS and the National Assembly of RS. In

³⁶ An example of the publication for 2017. Accessible from http://www.bhas.ba/tematskibilteni/FAM_00_2017_TB_0_BS.pdf.

³⁷ Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, 'Official Gazette of Bosnia and Herzegovina', nos. 25/04, 93/05, 48/07 and 15/08.

³⁸ 'Official Gazette of the Republika Srpska', nos. 102/12, 108/13, 82/15 and 84/19.

³⁹ 'Official Gazette of the Republika Srpska', No. 104/13.

⁴⁰ All the data and reports are accessible on the Ministry's webpage via the portal of the Government of Republika Srpska under in the section Reports and Data. Available from <http://www.Governmentofthethers.net/sr-SP-Cyrl/GovernmentoftheMinistarstva/mpos/oPorodica/Pages/Splash.aspx#collapsible0>.

addition to publishing this data, the Ministry prepares and submits annual information on the implementation of the General Protocol on the Procedure in Cases of Domestic Violence and provides annual reports on the Implementation of the Strategy for Combatting Domestic Violence in RS to the Government and the National Assembly of RS. The information and reports contain analyses, inter alia, of the collected data within the context of the application of current regulations and strategic measures for combatting violence. The Ministry of Family, Youth and Sport also collects data on violence against children, pursuant to the Protocol on the Procedure in Cases of Violence, Abuse or Neglect of Children.⁴¹

Pursuant to the Law on Statistics in RS,⁴² the multi-annual Statistical Programme⁴³ and annual work plans, RS Institute of Statistics publishes data on reported, indicted and sentenced adult and juvenile perpetrators in RS. The district prosecutor's offices and district courts in RS fill in and submit statistical reports after the completion of criminal proceedings, i.e. the first instance final judgment. These crime statistics involve regular collection, processing and dissemination of data on reported, accused and sentenced juvenile and adult perpetrators. This is done in line with international and European standards, EUROSTAT recommendations and the criminal codes of RS and BIH. The criminal offences are classified in accordance with the Criminal Code of RS. This data is collected on a monthly basis and published annually,⁴⁴ namely published in the current year for the previous reporting year. The data in the statistical surveys is disaggregated, inter alia, according to the age and sex of the perpetrators as well as victims.

Next year, RS Institute of Statistics plans to conduct a pilot survey on gender-based violence in RS with focus on women. The Federal Office of Statistics of the Federation of Bosnia Herzegovina and the Agency for Statistics of BIH will conduct the survey in other parts of the country. The survey will be conducted and financed within the IPA 2017 Project, following the model of other European countries that have conducted this pilot survey and in order that the data will be comparable internationally. The pilot survey is planned for the period March to June 2020 while the main survey will be conducted from October 2020 until August 2021.

As of 2003, the biannual publication 'Women and Men in RS' has been published.⁴⁵ The data is sourced from regular statistical surveys conducted by RS Institute of Statistics and the records of other bodies and organisations authorised to produce statistical data as well as the records of other administrative sources. The publication contains data on the following areas: population, healthcare, social protection, employment and unemployment, living standards, the use of information and communication technologies, authorities and their impact, violence and criminality. The Federal Office of Statistics of FBiH also publishes a biannual publication 'Women and Men in the Federation of BIH'⁴⁶ with comparable areas of data.

The GC FBiH, within the scope of its competency, produces annual reports on the state of gender equality in the territory of FBiH.⁴⁷ These reports contain, inter alia, data from the cantonal ministries

⁴¹ 'Official Gazette of the Republika Srpska', No. 82/13.

⁴² 'Official Gazette of the Republika Srpska', No. 85/03

⁴⁰ 'Official Gazette of the Republika Srpska', No. 21/18.

⁴¹ Data on adult and juvenile perpetrators of criminal offences in the Republika Srpska collected and published by the Republika Srpska Institute of Statistics for 2017 and 2018. Accessible from <https://bit.ly/2ZpG8L9>; <https://bit.ly/363dYIf>; <https://bit.ly/2QjPhRc>; <https://bit.ly/2tQqigF>.

⁴⁵ *Žene i muškarci u Republici Srpskoj (Women and Men in the Republika Srpska)*, the Republika Srpska Institute of Statistics, Banja Luka, 2017. Accessible from <https://bit.ly/2SuLzGZ>.

⁴⁶ *Žene i muškarci u Federaciji BiH (Women and Men in the Federation of Bosnia and Herzegovina)*, BAgency for Statistics of Bosnia and Herzegovina, Sarajevo, 2018. Accessible from <https://bit.ly/39eG6tX>.

⁴⁷ Annual Reports on the Status of Gender Equality were completed up until 2015. As of 2016, Reports on Gender Equality have been done within the framework of the CEDAW reports and the Beijing Declaration reports.

of interior, (pursuant to Article 222 of the Criminal Code of FBiH related to domestic violence), data from the municipal courts related to the implementation of the Law on Protection from Domestic Violence, data on the number of victims of domestic violence accommodated in six safe houses active within the territory of the FBiH, and since the introduction of the SOS phone line 1265 for assistance to victims of domestic violence, data on the number of calls to the aforementioned service number are also recorded.

When it comes to data related to the Law on Protection from Domestic Violence, it is envisaged, pursuant to Article 40 of the Law, that the competent institutions will maintain records and adopt the necessary rulebooks. In this regard, all such data is submitted to the GC FBiH. Pursuant to the Law, the Federal Ministry of Labour and Social Policy adopted the Rulebook on the Content and Method of Keeping Records and on Pronounced Protection Measures, about persons who have been granted protection and about violent persons who were sanctioned with protection measures in the FBiH.⁴⁸ The Ministry collects the prescribed data. The Federal Ministry of Interior adopted the Rulebook on the Implementation of Protection Measures within the Competence of the Police⁴⁹ and collects data on the pronounced sentences and measures. It should be mentioned that this data is treated as confidential and thus protected pursuant to the regulation on the protection of personal data in line with the Law on Protection of Personal Data of BiH. In cooperation with the OSCE Mission in BiH, the Gender Centre of the FBiH coordinates activities aimed at improving the electronic method of record keeping. In this regard, an information system that enables the entry of data from reports on domestic violence made by the police has been introduced along with the monitoring of the implementation of protection measures by the centres for social welfare, accommodation in safe houses operated by non-governmental organisations and calls made to the SOS phone line 1265. Pilot testing of the electronic method of recording began in January 2015 and three cycles of education of police officers and representatives of non-governmental organisations had been organised by the end of 2017. The database is located in the server of the Government of the Federation of BiH. Training based on a unified curriculum for the operators of the system is conducted at the Police Academy in Sarajevo, with the support of the association 'Network of Women Police Officers in BiH'. A rulebook for users of the database has also been developed. The electronic database represents a significant step toward achieving a better quality of response to the requirements stipulated in international and domestic legal acts related to record keeping in cases of domestic violence and toward a better system of reporting.

In the domain of judicial statistics, the Federal Office of Statistics of the Federation of Bosnia Herzegovina conducts surveys of all criminal offences prescribed by the Criminal Code of FBiH and in the section on criminal offences against marriage, family and youth it includes domestic violence (Article 222). These statistical surveys are conducted on reports submitted to cantonal prosecutor's offices and to municipal and cantonal courts. Data from the 'Judicial Statistics' bulletin⁵⁰ is collected on the reported, accused and sentences perpetrators, disaggregated according to adult and juvenile perpetrators and by sex. The Federal Office of Statistics of the Federation of Bosnia Herzegovina also collects data on victims of all criminal offences, including domestic violence, disaggregated by sex, age, citizenship and the relationship between victim and perpetrator. The Institute keeps data on domestic violence in its databases and they are available upon user request.

⁴⁸ 'Official Gazette of the Federation of BiH', No. 95/13.

⁴⁹ 'Official Gazette of the Federation of BiH', No. 19/14. The Federal Ministry of Interior developed the Rulebook on Amendments to the Rulebook on the Method of Implementing Protection Measures for Perpetrators of Domestic Violence within the Competence of the Police. These amendments are promulgated in the 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 95/18. The amendments to this Rulebook will enable improved domestic violence-related data recording and keeping, particularly in the area of electronic records.

⁵⁰ Judicial statistics of for 2018, FBiH Institute for Statistics, accessible on: <https://bit.ly/2MwVA2N>.

The Federal Ministry of Labour and Social Policy uses a unified questionnaire that is filled in and submitted by cantonal ministries to collect data annually in the area of social protection, i.e. data on the beneficiaries of social protection, which includes victims of domestic violence. Data on the beneficiaries of social protection is disaggregated by sex, age and type of violence (children, youth, adult). The SOTAC software tool that would enable communication between the centres for social work across FBiH and the Federal Ministry of Labour and Social Policy is still in the development and finalisation phase.

F. Surveys on violence against women

When it comes to forms, the causes and consequences as well as the prevalence of violence against women are significant. A survey of the prevalence and characteristics of violence against women was conducted in FBiH in 2012⁵¹ along with a survey of the causes of domestic violence in BiH.⁵² The Survey on the Prevalence of Violence against Women in BiH, initiated by the GEA BiH MHRR BiH, was the first survey of a representative sample at the level of BiH as well as the first such survey in the region.

The survey refers to four basic forms of violence: physical, psychological, sexual and economic. According to perpetrator and the context, differences were made between violence committed by partners, domestic violence and violence in the wider community. According to temporal dimension, violence experienced during your lifetime (from 15 years of age) and current violence (experienced in the past year) were registered. Two main characteristics of violence were also surveyed: prevalence (scale) and incidence (frequency of violent acts).

The Survey on the Prevalence and Characteristics of Violence against Women in BiH shows that just under half of the women in the sample (47.2% in BiH, 47.2% in the FBiH and 47.3% in RS) had experienced at least some form of violence after the age of fifteen. In the 12 months prior to the Survey, 11.9 per cent of women in BiH had experienced some form of violence (12.7% in the FBiH and 10.6% in RS). The findings indicate that psychological violence is the most prevalent, with a total rate of prevalence of 41.9 per cent during lifetime and 10.8 per cent in the previous year, followed by physical violence with a rate of prevalence during lifetime of 24.3 per cent and 2.4 per cent in the previous year. Sexual violence was experienced during adult life by 6 per cent of women and in the previous year was experienced by 1.3 per cent of women. According to the survey, the most prevalent form of violence against women is committed by their current or former partner, who were the perpetrators in 71.5 per cent of cases. The sphere of intimate marital and family relations represents a far greater source of threat of violence for women than their wider community. These findings justify the decision of the relevant institutions in BiH to focus their attention on domestic violence during the process of development and implementation of their policies.

The Survey on the Well-being and Safety of Women in BiH⁵³ was published in 2018. The OSCE Mission in BiH conducted the survey in cooperation with the competent institutions in the country. The survey is based on the methodology of the EU Agency for Fundamental Rights (FRA) methodology, used in other EU countries, which will make it possible not only to compare the changes that have occurred in BiH between 2012 and 2018 by comparing the two reports but also to compare the findings for BiH with those in other EU countries.

⁵¹ Babović, M., Pavlović O., Ginić, K., Karađinović, N.: *Rasprostranjenost i karakteristike nasilja prema ženama u BiH 2013*, Sarajevo, 2013.; accessible on: <https://bit.ly/34VcGO8>. The Survey was conducted by the Gender Equality Agency of Bosnia and Herzegovina in cooperation with the Gender Centre of the RS, the Gender Centre of the Federation of BiH, the Institute for Statistics of the RS, and the Institute for Statistics of the FBiH.

⁵² Sesar, K, 2013: *Istraživanje o uzrocima nasilja u porodici u Federaciji BiH*, Gender Centar Federacije BiH, Sarajevo.

⁵³ OSCE led Survey on Violence against Women: Bosnia and Herzegovina, OSCE 2019. Accessible from <https://bit.ly/39fxzXN>.

The following are the most important findings of the survey:

- The issue of violence against women is a fairly widespread concern in BiH. Two-thirds of women (67%) thought that violence against women is common and over a quarter (27%) thought that it is very common.
- Prevalence rates: Just under half (48%) of women in BiH had experienced some form of abuse, including intimate partner violence (IPV), non-partner violence, stalking and sexual harassment, since the age of fifteen. More specifically, nearly four in ten women (38%) said that they had experienced psychological, physical or sexual violence since the age of fifteen at the hands of a partner or non-partner (36% in the FBiH and 39% in RS).
- One in seven women (14%) said that they had experienced physical or sexual violence since the age of fifteen at the hands of a partner or non-partner. By perpetrator, the highest previous partner violence rate in the reports were 11 per cent for women who had a previous partner saying they have experienced one or more forms of such violence, compared to 6 per cent of those with a current partner who said that they had experienced current partner physical or sexual violence and 8 per cent of all women who said that they had experienced non-partner violence. These figures were the same in the two entities. Since the age of fifteen, 28 per cent of women had experienced sexual harassment (26% FBiH and 31% RS) and 10 per cent had experienced sexual harassment in the 12 months prior to the survey (9% FBiH and 14% RS). Stalking had affected one in twenty (5% in both entities). Although all of these figures were lower than the average reported across the EU, cultural norms should be taken into consideration.
- The consequences of violence: Survivors of violence in the Federation of Bosnia Herzegovina were significantly more likely to declare that they had suffered physical injuries as a result of the most serious incident of violence that they had experienced, especially in relation to non-partner violence (49% versus 16% respectively), than those in RS. This pattern was less pronounced but still prevalent when it came to intimate partners: 65 per cent of women in the Federation of Bosnia Herzegovina compared to 44 per cent in RS reported injuries inflicted by their intimate partner following their most serious incident of violence.
- Attitudes and norms: Women feel that they live in a society that places high expectations on them to be good mothers, wives and homemakers as well as employees. Patriarchal norms continue to exist, with the majority of women (59%) believing that most of their friends would agree that 'a good wife should obey her husband even if she disagrees.' Yet such attitudes appear to be changing and differed among various groups of women. Younger women were much less likely to agree with this view and this was true of women who had reached tertiary education or were in paid employment.

In the reporting period, with the support and coordination of the UN Women Office in BiH, an Analysis of the Cost of Domestic Violence in BiH: Estimating the Cost of a Multi-sectorial Response at the Local Level in BiH was conducted.⁵⁴ These are the findings of the survey:

- Extrapolation of the data received from the institutions covered by this analysis suggests that the total costs for BiH amounts to EUR 14,143,333 million annually for an estimated number of 13,158.
- The costs borne by survivors, shown as average annual costs paid yearly by the survivors themselves, amounted to EUR 202 per survivor or EUR 2,663,831 million on an annual basis at the level of BiH, while the opportunity costs of domestic violence such as reduced ability of a survivor to earn income and to do household chores was estimated at around EUR 1,186 per

⁵⁴ Kovač, R., Hrnčić, Z., Pilav, A., Poturković, M., Memić, F., Avdukić, N., and Blavac, M., *Impact Evaluation of Mandatory Protection Measures on Domestic Violence*, BHEVAL, USMEASURE, Sarajevo, 2018. Accessible from <https://bit.ly/2EYvTUu>.

survivor on an annual basis and the estimated cost at the level of BiH was EUR 15,742,677 million.

- The cost of specialist services still depends largely on donor funds through the non-governmental sector. This relates to the cost of accommodation for survivors and work with survivors in safe houses, telephone helplines, free legal aid, free psychosocial assistance and such like. The total cost of specialist support services in BiH was estimated at EUR 760,104 annually, those being specialist support services provided in safe houses.
- The total estimated annual economic cost of domestic violence or its effect on the economy of BiH was EUR 33,637,893 million annually.

In the course of 2018, the survey Evaluation of the Impact of the Implementation of Protection Measures based on the Law on Protection from Domestic Violence was conducted.⁵⁵ BiH – BHEVAL (the Association of Evaluators in BiH), supported by the “US MEASURE” project, conducted the survey in cooperation with the Cantonal Centre for Social Welfare in Sarajevo and the Gender Centre of FBIH. The survey included all cases of violence from 2013 to 2017 (five years) in which protection measures were pronounced in Canton Sarajevo based on the Law on Protection from Domestic Violence. The survey provided answers relating to the characteristics of the victims and the perpetrators of violence where protection measures were pronounced. It also identified the impact that individual protection measures had on repeated acts of violence and the problems that arose during the implementation of protection measures. The survey shows that the least amount of recidivism was registered when protection measures of psychosocial treatment and restriction orders and the arrest of the perpetrator were applied. The survey also shows that a significant number of perpetrators of violence were addicted to alcohol, narcotics or gambling.

The organisation “Atlantic Initiative” conducted the research ‘Analysis of judicial practice in cases of domestic violence in BiH’.⁵⁶ The 2016 research aimed to identify trends in the processing of cases of domestic violence by way of analysing a sample of 150 judgements with special focus on the sanctioning policy and meeting out mitigating and aggravating circumstances. The key finding of the research was that the primary victims of domestic violence are most often marital or common-law partners and parents. The average length of a prison sentence was eight months, the shortest being one month and the longest two years and ten months. However, the most frequent prison sentence for the criminal offence of domestic violence was three months, as imposed in 50 per cent of the cases. Female Judges were stricter when it came to imposing prison sentences. The courts tended to consider mitigating circumstances more often than aggravating circumstances. There was an extremely high degree of recidivism. To wit, 63.04 per cent out of the total number of analysed judgments and defendants pertained to recidivists and 50 per cent were convicted of more than two criminal offences.

With a view to creating and implementing adequate measures to achieve gender equality in BiH, as one of the basic requirements for eradicating gender-based violence, the High Judicial and Prosecutorial Council (HJPC) conducted an anonymous survey amongst judges, non-judicial staff and clients at the courts (attorneys, prosecutors, expert witnesses and notaries) in 2018. In order to determine the position of the judiciary in regard to gender equality a total of 969 persons participated in the survey and shared their opinions as to the courts’ attitude toward these proceedings and the parties to these proceedings, equality in terms of pay and the possibility to advance and various

⁵⁵ Kovač, R., Hrnčić, Z., Pilav, A., Poturković, M., Memić, F., Avdukić, N., and Balavac, M., *Impact Evaluation of Mandatory Protection Measures on Domestic Violence - Evaluation Society in Bosnia and Herzegovina* (MEASURE BiH), 2018. Accessible from <https://bit.ly/2t3bZ8e>.

⁵⁶ Čehajić-Čampara, M., and Veljan, N., *Analiza sudske prakse u predmetima nasilja u porodici u Bosni i Hercegovini*, Atlantska inicijativa, Sarajevo, 2018 and ‘Analysis of judicial practice in cases of domestic violence in Bosnia and Herzegovina’, Atlantic Initiative, Sarajevo, 2018. Available from <https://bit.ly/37bkjRX>: <https://bit.ly/37bkjRX>.

gender-based prejudices. They also shared their own experiences (gender-based prejudices, sexual and gender-based harassment), etc. The analysis of the survey results shows that the majority of survey participants believed that judicial awareness of gender equality was at the medium level and considered gender equality in the judiciary an important issue that needs to be addressed adequately. In that regard in 2019, the HJPC BiH started to develop a strategy to enhance gender equality within the judiciary in BiH to serve as the basis for individual judicial institutions to develop their own action plans.

In regard to the Roma population, the following research studies, analyses and case studies were conducted over the period 2017–2019:

- Discrimination against the Roma population in Tuzla Canton (2017)⁵⁷
- Case study in relation to the justification for hiring Roma Mediators of General Practice in the work with the Roma Community (2018)⁵⁸
- Inclusion of Roma Children in Primary Education in Tuzla Canton (2018)⁵⁹
- Research into Child Marriages in Roma Communities (2017)⁶⁰
- Research into Gender-based Violence against Roma Women in BiH (2017).⁶¹

G. Demographic based research

See the data provided in the preceding section F.

⁵⁷ Bolja budućnost (Women's Association 'Better Future'), Tuzla, reports. Available from <https://bit.ly/39jayTA>.

⁵⁸ Bolja budućnost (Women's Association 'Better Future'), Tuzla, reports. Available from <https://bit.ly/2ET6pYG>.

⁵⁹ Ibid.

⁶⁰ Bolja budućnost (Women's Association 'Better Future'), Tuzla, reports. Available from <https://bit.ly/2QiNk7C>.

⁶¹ Ibid.

III Prevention

(Articles 12 through 17 of Chapter III of the Convention)

A. Campaigns and programmes aimed at preventing violence against women

In October 2011, the GEA BiH MHRR BiH, in cooperation with the Council of Europe and UN Women, organised in Sarajevo the first regional forum for the promotion of the Istanbul Convention. The forum brought together participants from the region as well as from Turkey, Moldova and Georgia with a view to discussing the benefits and challenges of ratification of the Convention. It raised the level of interest among the key actors that had participated in the ratification process.

Since ratification of the Istanbul Convention, GEA BiH MHRR BiH organised a series of events with a view to promoting the Convention. This was done in cooperation with institutional and non-institutional partners and representatives of national organisations and representatives of the region attended.

In May 2014, in cooperation with the Gender Equality Commission of the Parliamentary Assembly of BiH and the women's association 'Udružene žene' /United Women/ from Banja Luka, the regional conference 'Protection of Women Victims of Domestic Violence in terms of the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence' was organised.

Implementation of the Istanbul Convention was recognised as one of the main priorities within the 2015 chairmanship of BiH of the Committee of Ministers of the Council of Europe. One of the most important events in the context of the Chairmanship of BiH of the Committee of Ministers of the Council of Europe was the high level conference on 'Monitoring the implementation of the Istanbul Convention - New synergies', which was organised by GEA BiH MHRR BiH with the support of the Ministry of Foreign Affairs of BiH and the Council of Europe's Unit for Combating Violence against Women. The conference took place in Sarajevo on 20 October 2015 with over 200 participants from 25 member States of the Council of Europe and national and regional human rights and gender equality institutions.

Two regional conferences related to the implementation of the Istanbul Convention took place in Sarajevo under the auspices of GEA BiH MHRR BiH in March and November 2018: 'Implementation of the Council of Europe's Istanbul Convention - Challenges and next steps'. The conferences that took place in Sarajevo were realised within the USAID funded project 'Strengthening the Capacities of Institutions to Address Gender-based Violence in BiH'. Representatives of gender mechanisms from Croatia, Serbia, Montenegro and Macedonia, the international community in BiH and over 60 representatives of relevant institutions and organisations from the whole of BiH participated therein. The aim of the conferences was to exchange experiences and good practice and to identify any lack in standards in the implementation of the Istanbul Convention in BiH. A special segment of the conferences focused on regional interconnection and the establishment of closer cooperation between all relevant partners.

With the aim of raising awareness in the wider community about the problem of domestic violence and violence against women, the campaign '16 Days of Activism against Violence against Women and Domestic Violence' was conducted regularly throughout the entire territory of BiH. Representatives of legislative and executive authorities at all levels attended the campaign. According to estimates, around 1,000 media headlines related to violence against women and domestic violence were published on a yearly basis.

GEA BiH MHRR BiH and the entity gender centres in cooperation with other institutions and NGOs have conducted the campaign '16 Days of Activism against Violence against Women and Domestic Violence' each year.

In 2015 GEA BiH MHRR BiH launched initiative within the campaign '16 Days of Activism against Gender-Based Violence' by which the members of the Council of Ministers of BiH expressed their commitment to achieving zero tolerance of violence against women. On that occasion, the members of the Council of Ministers of Bosnia and Herzegovina took a photo holding banners that read a '#youarenotalone' with a view to raising public awareness about the importance of preventing and combating gender-based violence.

In a partnership with UN Women, GEA BiH MHRR BiH has participating in marking of the campaign '16 Days of Activism against Gender-Based Violence' for several years already. The slogan of the 2018 campaign was 'Let's turn off the violence' and a bus tour was organised in eight towns in BiH (Livno, Bihać, Banja Luka, Brčko, Bijeljina, Istočno Sarajevo, Mostar and Sarajevo) along with accompanying events that brought together representatives of local communities, local partners and other participants in the campaign. The bus drove along regular routes offering a free ride and engaging citizens in a discussion with experts that work in the system of response to domestic violence: police officials, social workers, health workers, teachers and civil society organisations.

Over the reporting period, GEA BiH MHRR BiH has continually undertaken activities to bring the issues of gender equality and of gender-based violence to the attention of the public. It has done this by way of, among other things, making more than 60 media appearances (BHT, FTV, N1, TV Alfa, PINK BiH, TV1, BH Radio 1, RTL Croatia, Croatian magazine 'Globus' and others) and drafting around 20 written responses to media inquiries (Klix.ba, Dnevni avaz, Buka, Press RS) as well as by participating in around 80 conferences and roundtables at the national and international level.

The Federation of Bosnia Herzegovina Strategy for Preventing and Combating Domestic Violence (2013–2017) defined its special strategic goal as awareness raising on domestic violence and forms of non-violent behaviour. In order to exchange experiences, follow trends and define policies the conferences, workshops and other forms of training were held on an ongoing basis in addition to the official training programmes of the relevant institutions. In this regard, NGOs have done a lot within the scope of work of the Safe Network, such as organising the trainings, street actions, workshops and other forms of awareness raising work.

The media are a particularly important element in promoting non-violent forms of behaviour and defining the basic standards for media reporting on violence. The inclusion of the media into the strategic activities was important for the implementation of the Strategy as well as the research into media reporting and shows covering the theme of violence against women and domestic violence. Marking the international '16 days of Activism' campaign included a significant number of promotional activities in which officials wore white ribbons to underscore the significance of work in this field.

Over the course of the five years of implementation of the Strategy, around 6,000 persons attended around 300 trainings, workshops, conferences and public gatherings that dealt with the issue of domestic violence. There were 26 promotional campaigns and around 800 media headlines on the issue of domestic violence. As of 2013, this conference has been ongoing each year under the title 'Multidisciplinary approach to the prevention and processing of cases of domestic violence'. It targets representatives of coordination bodies at all levels of authority and the conference is organised as part of the '16 days of activism' campaign.

The following promotional materials were prepared and distributed: leaflets, a comic book titled 'Do not ignore', video campaign '#bolje'vako' (better this way), the flowchart 'Processing cases of violence', manuals, the White ribbon campaign and such like.

The GC RS conducts awareness raising activities on a regular basis each year by marking significant dates. The 'Life Free of Violence' and White Ribbon – Male No to Violence Against Women campaigns have now become a traditional part of marking 16 Days of Activism. As part of the 16 Days of Activism campaign in 2017, the Gender Centre of RS organised a conference on the theme 'Implementation of the Istanbul Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence'. Representatives of institutions and organisations involved in preventing and combating violence against women and domestic violence attended the conference.

A consultative meeting was also organised with women's NGOs in RS that deal with preventing violence against women. A poster with the slogan 'Strength is not violence' was made and distributed mainly by women's NGOs. An electronic sticker with the text and message of the campaign was distributed to all local self-government units and this moved them to publish the stickers on their official websites throughout the campaign. Promotional material (posters and white ribbons) were distributed on a regular basis. In 2018, the GC RS organised a conference under the 'Presentation of the Monitoring Tools with regard to Multi-sectorial Cooperation at the local level in cases of Violence against Women and Domestic Violence'. During this event, the results of the project 'Improving access to higher quality multi-sector services for victims of the violence against women and domestic violence at the local level', which is devoted to this issue, were presented.

Within the global campaign '16 Days of Activism against Violence against Women', the Ministry of Family, Youth and Sports of RS regularly holds a conference titled 'Let us stop Domestic Violence together.' Trainings that target the employees of the centres for social welfare and health and education institutions complement the conference. The purpose of the conference and the training is to enhance the work in the said institutions in line with the relevant laws and bylaws, to raise awareness about the significance of multi-sector cooperation amongst all parties involved in protection, enhance and strengthen the capacities for the prevention of violence and to enhance the system of record keeping and reporting on domestic violence in the said institutions.

The Ministry of Interior of RS is involved on an ongoing basis in the campaigns and media promotional activities and thereby informs the broader community about the activities of police officials concerning the prevention of violence and the introduction of protection and prevention mechanisms. In 2017, the Ministry of Interior of RS conducted public campaigns within the territory of RS in relation to the prevention of violence against women and girls. On that occasion, 5,000 leaflets and 200 posters were distributed throughout RS and a public roundtable was held along with one televised appearance on a show. In 2018, the Ministry of Interior of RS participated in a multi-sectorial campaigns designed to raise public awareness about the institutional mechanisms for protection from violence. Eight campaigns were implemented, including conferences, roundtables, workshops and media appearances.

In 2018, the High Judicial and Prosecutorial Council of BiH (HJPC) took part in the international campaign '16 Days of Activism against Gender-Based Violence'. The President of the HJPC opened the Council session in November 2018 and issued an appropriate press release underscoring that violence against women constitutes a violation of fundamental human rights. The Council President expressed the HJPC's support for actions aimed at combatting all forms of gender-based violence that occur on a daily basis, including domestic violence, rape and sexual harassment, and condemned the violation of fundamental human rights that are recognised under the Constitution and the Law. Orange colour badges (the official colour of the campaign) were distributed to the employees of the Secretariat of

the HJPC of BiH and donor representatives. This activity was carried out as part of the Government of Sweden financed project “Enhancing the efficiency of Courts and responsibility of Judges and Prosecutors in BiH” – second stage. The project foresees activities aimed at enhancing gender equality in the judiciary and the promotion of and support for vulnerable groups in exercising their rights when in contact with the judiciary. During the 2019 campaign, the HJPC organised a roundtable on work related to cases of gender-based violence. The HJPC also organised advanced training on sexual and gender-based violence prevention for advisors being a mandatory appointment in each judicial institution in BiH.

In the first half of 2017, the GEA BiH MHRR BiH supported the project titled ‘Violence against women is not cool’. The project was implemented by the NGO ‘Vermont’ from Brčko. Among other things, the said project implemented the promotional campaign aimed at preventing violence against women. In addition to that, the said project conducted and published research into the perception of violence against women in five rural areas of Brčko District using a sample of 100 women. Eight workshops were held in four secondary schools on topics such as peer violence, violence in relationships and violence as a type of discrimination. Furthermore, additional trainings were held for 20 selected pupils and all women who were interested in the said topics.

The activities aimed at preventing violence, eliminating gender stereotypes and promoting gender equality were carried out through two programmes of the ‘Association XY’ from Sarajevo in 2017 and 2018. The first was the ‘Young Men Initiative project: Promoting Healthier Lifestyle among Young People in BiH by Challenging Gender Stereotypes II’ and the project ‘Comprehensive approach to the inclusion of Young Men and the Media in the Prevention of Violence against Women and Domestic Violence in BiH’.

With the aim to affirm and mobilise young people to actively contribute to the prevention of gender-based violence and peer violence, the following campaigns were conducted during the reporting period:

- Be a Man (club campaign)
- React as a Human (campaign)
- Programme Y (An educational programme aimed at innovative approach to the prevention of gender-based violence and promotion of healthy lifestyles with young men and women)
- GENE Award (An advocacy campaign for accreditation of ‘Programme Y’)
- 16 days of Activism (campaign)
- UROK (This campaign is part of a broader programmatic approach to the elimination of gender stereotypes and the prevention of gender-based violence. UROK targets the mental health of young people and affirms the adoption of a proactive approach toward young people and efforts to strengthen their competencies in terms of adopting a pro-social model of behaviour.)

B. Education and teaching material

Education and textbook policies fall under the competence of the entities in BiH. The textbook policy in FBiH is regulated in accordance with the Decision on the procedure for the preparation and approval of textbooks, workbooks and other teaching aids for primary and secondary schools. Pursuant to the said Decision, primary schools use textbooks, workbooks and other teaching aids approved by the Coordination of Ministers of Education and Science in FBiH. An expert team of reviewers determines whether the textbooks, workbooks and other teaching aids are harmonised with textbook standards, the prescribed teaching content and anticipated outcomes of educational upbringing work as prescribed by the Instruction on the Expert Evaluation of Manuscripts. The evaluation mainly covers

seven aspects. One of these aspects is the ethical aspect of manuscripts that, among other things, raises the following questions:

- Does the manuscript reflect the wealth of diversity in society in BiH?
- Does it allow for the acquisition of knowledge concerning the equality of individuals and social groups and does it enhance the right to diversity.

The Federal Ministry of Education and Science of FBiH participated in the provision of the requirements and preparation of systemic support for the introduction of the subject Healthy Lifestyles into formal education. This subject covers the following: healthy nutrition (the foundation for the proper physical and mental development of children) physical activities (development of humanity, capability, knowledge and skills), healthy lifestyle (against abuse by psychoactive substances), development of life skills (the road toward non-violent communication), inclusion (respect for diversity and the maintenance of reproductive health) and developing positive attitudes and values. It is recommended that these topics be taught in synergy with a holistic approach that tends to the needs of each pupil.

The Coordination of Ministers of Education and Science in the Federation of BiH adopted the conclusion to task the relevant cantonal ministries with sending the recommendation of the Gender Centre of FBiH regarding the harmonisation of academic, professional and vocational titles specified in diplomas with the Law on Gender Equality in BiH to the respective universities in their area. The purpose of this recommendation is to ensure that academic, professional and vocational titles stated in diplomas, diploma annexes and other public documents issued by universities in FBiH upon the completion of the first, second and third cycles of study are issued in both the masculine and feminine gender. The mentioned coordination body adopted a conclusion on launching an initiative to form working groups and subgroups to develop a Framework curriculum for primary schools based on the learning outcomes that were drafted by the Agency for Preschool, Primary and Secondary education in BiH and at the same time take into account the thematic units within certain subjects related to the prevention of domestic violence.

In cooperation with the UN WOMEN implemented project, significant activities were carried out in the Central Bosnia Canton and in Canton 10 aimed at working with secondary school pupils, teachers and pedagogues to raise awareness about gender-based and domestic violence.

The 'Association XY' and partner organisations included in the 'Young Men's Initiative' programme conducted educational workshops in six secondary schools in the territories of Sarajevo, Istočno Sarajevo, Visoko, Novi Travnik and Bijeljina. In 2017, 'Association XY' in cooperation with partner organisations from Istočno Sarajevo, Bijeljina and Travnik organised three basic and three advanced peer education training sessions. As a result of the training, 71 young persons acquired knowledge and skills and therefore obtained the title of 'peer educator'. Peer educators are engaged in working in schools and implementation of a comprehensive prevention model of gender-based violence among the young population. In the reporting period, 'Association XY' also carried out three training sessions aimed at strengthening capacities in four local organisations located in Livno, Travnik, Bijeljina and Istočno Sarajevo to implement a comprehensive prevention model on gender-based violence.

Schools in RS primarily play a preventive role. In primary education sixth grade and in secondary education fourth grade pupils learn the subject titled 'Democracy and Human Rights', which is aimed specifically at stimulating humane interpersonal relationships. In primary schools, the upbringing class meetings also cover the topic titled 'Culture of Living' with the following content: boy-girl relationships, culture of behaviour, etiquette and such like. In primary education, the topic titled 'Prevention of Violence' is covered in all grades during class meetings.

In order to educate children about the perception and manner of conduct in cases of sexual harassment and other forms of violence as well as to educate parents and teachers, RS police officials held several lectures in primary and secondary schools in 2017 and 2018.

In 2017, the partner organisation CARE International Balkans obtained approval from the Ministry of Education and Culture of RS to implement Programme Y in secondary schools in RS. Partner organisations such as Forum Theatre (Istočno Sarajevo), Otaharin (Bijeljina) and Perpetuum Mobile (Banja Luka) continued to implement educational workshops and campaigns in secondary schools pursuant to the approval of the Ministry. A comprehensive programme for schools was developed for the educational institutions with the aim to integrate gender transformative tools into formal education that not only contained an educational component but also instructed schools as to how they can conduct a self-evaluation of their activities, how they can create and implement campaigns and how they can raise funds for the activities related to the prevention of violence.⁶²

In the course of 2018, 'Association XY' in cooperation with CARE International Balkans, Perpetuum Mobile and Snagom Mladih (strength of youth) created an online school for teachers. In late 2019, following testing and final revision, it will be available to all teachers who want to develop their competencies for the application of comprehensive gender transformative programmes in schools.

With the approval of the Ministry of Education and Culture of RS, schools can implement the training projects for pupils, teachers and parents on their own or in cooperation with partners. The training includes the following components: me citizen, school free of violence, through sports against violence, prevention of peer violence, stop the violence, non-violent conflict resolution, culture of tolerance, days of tolerance, for safe internet – for a safe childhood – STOP child pornography, children embraced by the media – strengthening the preventive influence of the media in combating instances of minor offenders, and school and peer mediation. These are just some of the projects implemented in schools in RS. 'Pink Shirt Day' is also marked by pupils who make finger prints, palm prints or sign the pink wall in order to express their opposition to all forms of violence, with focus on peer violence.

One of the regular activities that RS Ombudsman for Children carries out each year is the organisation of workshops for children in primary and secondary schools titled 'About your Rights in your School - Do we know what violence is'. In 2017, the workshops were conducted in 24 schools (14 primary and 10 secondary) in 21 municipalities. In 2018, the workshops were conducted in 28 schools (21 primary and 7 secondary schools) in 18 municipalities.

C. Initial training

Trainings for professionals on the principles of gender equality, prevention and combating violence against women and domestic violence, mechanisms to protect victims and treatment for perpetrators are conducted in BIH on a regular basis. Initial training and vocational advancement of professionals can be viewed separately only in the context of the police and the judiciary. This is because they are the only institutions that have formally separated their initial training through, for example, the

⁶² Mehmedović, F., Crownover, J., Petković, S., Mičijević, N., Slijepčević, A., Starčević Cviko, M., *Obrazovni paket – Program Y - Inovativni pristupi u prevenciji rodno zasnovanog nasilja i promociji zdravih životnih stilova kod mladića i djevojaka*, CARE Bosna i Hercegovina, 2018. Available from <https://bit.ly/2PZQ7n9>.

Mehmedović, F., Crownover, J., Petković, S., *Mladi – Inovativni pristupi u prevenciji rodno zasnovanog nasilja i promociji zdravih životnih stilova kod mladića i djevojaka*, CARE Bosna i Hercegovina, 2016. Available from <https://bit.ly/2MAySqC>.

Namy, S., Heilman, B., Stich, S., Edmeades, J., *Budi muško, mijenjaj pravila!*, CARE International Balkan, 2014. Available from <https://bit.ly/2t4hPWU>.

training of police cadets or newly appointed judicial office holders who receive vocational training through the available training programmes in the ministries of interior and through the centres for education of judges and prosecutors. In addition, professionals very often attend training and seminars and participate in educational conferences organised by non-governmental organisations and international institutions and organisations. Yet these activities are run on a project basis and therefore their continuity and regularity are not necessarily institutionalised. Therefore, the data on the number of trained professionals, as given below, is not comprehensive and nor was it possible to fill in tables 1 and 2 in details. The tables are attached to the questionnaire. Therefore, the available data on the number of trained professionals is given in the following sections and additionally for the Federation of Bosnia Herzegovina in Annex 2.

Education of judges and prosecutors

The Centre for Education of Judges and Prosecutors of the Federation of Bosnia Herzegovina (CEST FBiH) organises training for newly appointed judicial office holders and continuous vocational advancement for judges and prosecutors as well as for expert associates with judicial competency. The topic of violence against women and domestic violence is not included in the initial training programme but the topic of gender equality in judicial institutions is included in the first education module titled 'Judicial office holders and society'. The topics of gender (in) equality, stereotypes and prejudices and cases and consequences of domestic violence are included in the vocational advancement programme. In the course of 2017 and 2018, CEST FBiH held ten training covering the issues foreseen by the Convention (five in 2017 and five in 2018).

Pursuant to Article 35 of the Law on Protection from Domestic Violence in RS, the public institution the Centre for Education of Judges and Public Prosecutors in RS (CEST RS) provides for the acquisition of special skills and continuous professional training and development of judges and prosecutors in the area of domestic violence. In the course of 2017 and 2018, eight seminars were held on the topics foreseen by the Convention. Two of them were from the initial training programme and six from the continuous professional training and development for judicial office holders. The topics covered in the initial training programme in 2017 and 2018 were titled 'Gender Prejudices in the Judiciary and Gender (in) equality Prejudices and Stereotypes'. Putting the data together for 2017 and 2018, the initial training programme was attended by a total of 28 judicial office holders 27 of whom were judges (16 women and 11 men) and one prosecutor (man).

With regard to the training of judges and prosecutors within the CEST FBiH programme during the course of 2017 and 2018, there were six seminars in the continuous professional training and development programme for judicial office holders. The following topics were covered: investigating and processing sexual violence in war, sexual violence against children and adults, enhancing cooperation and exchanging experiences in cases of domestic violence, increasing access to multi-sector services for persons who survive violence against women and families at the local level, and gender prejudice. The collective data from 2017 and 2018 shows that the training was attended by a total of 78 judicial office holders, 50 of whom were judges (26 women and 24 men) and 28 prosecutors (16 women and 12 men).

It is worth mentioning that the training for judges and prosecutors in BiH on the aforementioned topics was not prescribed as mandatory and was therefore conducted on the basis of voluntary participation. The intention for the forthcoming period is that judges and prosecutors who work on cases of domestic violence and in fact all cases that apply to the Convention and the national legislation undergo mandatory training in those fields and obtain a certificate, which is currently the case with judges and prosecutors working on cases that involve minors.

In the course of 2017 and 2018, the non-governmental organisation 'Atlantic Initiative' organised a total of 18 trainings on the topic of domestic violence in cooperation with the CEST FBiH and CEST RS, the Association of Female Judges in BiH, law schools and certain courts in the country. The training sessions focused on the consideration of mitigating and aggravating circumstances in cases of domestic violence. In the course of 2019, trainings were held on the Law on Protection from Domestic Violence, strengthening cooperation between judicial office holders and other subjects of protection through multi-sector education, implementation of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, domestic violence and protection measures and implementation of the Law on Gender Equality in BiH. The training sessions were also held prior to the reporting period and covered the topic of the protection of children as witnesses.

The HJPC monitored the implementation of the 2015 Guidelines on the Prevention of Sexual and Gender-based Harassment in the judicial institutions in the country and determined the need to provide training on this subject for the newly appointed advisors. Therefore, in 2018, the initial training for advisors was held in cooperation with the NGO Atlantic Initiative from Sarajevo. In March 2019, the HJPC also organised a TAIEX workshop on the topic of Gender-Based Violence and Equal Access to Justice. The aim of the workshop was to raise awareness on these issues, establish cooperation with Member States of the European Union and exchange experiences and best practice, particularly on cases involving violence against women. EU experts took part in the said workshop and presented examples of best practice taken from cases of gender-based violence in their own countries. The keynote speakers were from HJPC BiH, the Delegation of the European Union in BiH and the Embassy of Sweden. A total of 115 participants attended the workshop, mostly representatives of the judiciary in BiH. The conclusions that were adopted included, among others, the need to improve the response to gender-based violence and to provide for equal access to justice, the need to insist on the establishment of adequate systems of data collection relative to gender-based violence, implementation of efficient procedures in order to minimise secondary victimisation of victims, and enhanced implementation of protection measures in accordance with the laws on protection from domestic violence in BiH.

Education of police

Representatives of the Directorate for the Coordination of Police Authorities in BiH participate in the educational and promotional events organised by GEA BiH MHRR BiH on a regular basis, including education on violence against women and the rights of LGBTI persons. They also attend regional conferences organised by the GEA BiH MHRR BiH on the topic implementation of the Istanbul Convention.

In cooperation with the Council of Europe's Sexual Orientation and Gender Identity Unit (SOGI), GEA BiH MHRR BiH issued the educational manual for police officials 'Policing hate crimes against LGBTI persons: Training for a professional police response'. A public promotion of the manual was held in September 2019 and was attended by over 60 representatives from the police structures from across the entire country, the administration and civil society. The manual will serve as the basis for training police in BiH.

Domestic violence constitutes an integral part of the training for police academy cadets in the entities. FBiH includes teaching units on domestic violence and gender-based violence as an integral part of the basic training curriculum for police. Within basic police training in RS, cadets receive training in how to react to domestic violence and how to recognise indicators of domestic violence, how to react to reports of domestic violence, including interventions, and how to document domestic violence and to collect the relevant evidence in order to instigate and conduct proceedings against the perpetrators of domestic violence. As part of basic police training, cadets learn about gender-based violence and

the specific characteristics of gender-based violence, aetiology and phenomenology, the frequency and scope of this type of violence and the specific characteristics of the reaction by police to these acts of violence, including a specific approach to victims.

Training is conducted for police officials in RS who solely or mainly deal with record keeping, the documenting and proving of domestic violence as part of the professional development and specialist training of professionals in the entity. Training of professionals in this field is conducted as part of the seminar titled 'Preventing Domestic Violence and Violence in the Family Community and Training of Female Instructors on the topic of Gender Equality, Human Rights and the Security Needs of Women'. The purpose of the seminar titled 'Preventing Domestic Violence and Violence in Domestic Units' is to provide the possibility for trainees to refresh their previously acquired knowledge and to adopt new knowledge, skills and attitudes on the prevention of domestic violence or violence in domestic units and thereby raise the level of efficiency and quality of police officials. The purpose of the training provided for female instructors on the topic of Gender Equality, Human Rights and the Security Needs of Women is to train female members of the Ministry of Interior of RS to conduct training on gender equality and the human rights of women on a regular basis at the local level by applying the principles of andragogy. The training allows female instructors to master the basic principles of andragogy and through this enhancement of their communication skills to select adequate teaching methods and apply them when training adults.

The Ministry of Interior of FBiH has developed a training programme for police officials, while the Police Academy has developed training programme for the Implementation of Regulations in the field of Domestic Violence and Electronic Records Keeping. Pursuant to the said programmes, trainings were conducted in all ten cantons and at the premises of the Police Academy in Sarajevo. Pursuant to the Police Academy training programme on the topic of the implementation of regulations in the field of domestic violence and the use of electronic records, 872 professionals attended 24 trainings conducted at the Police Academy over the course of three years. Furthermore, the organisation Local Democracy Foundation, with the support of the Ministry of Interior of Sarajevo Canton, conducted trainings for police officers who work with the victims of domestic violence in order to improve the quality of service, enhance cooperation between police officials, centres for social welfare and safe houses, and raise the level of protection for the victims of domestic violence in Sarajevo Canton. A total of 70 police officials who deal directly with the victims of domestic violence from all police departments attended the training. The training included the first interview with a victim, reporting violence by telephone and the criminal report on violence.

Education of other professionals

The Civil Service Agency of BIH conducted a series of relevant trainings in the field of gender equality and the prevention of violence against women and domestic violence. The training sessions were organised under the following titles: Mobbing (e-course), Harmonisation of Laws and internal Regulations with the Law on Gender Equality in BIH, Identifying Violence against Women and Domestic Violence and the obligation to report Violence, Training for newly-employed Civil Servants - Introduction of gender equality principles in the administration, Constitutional Protection of Human Rights and Civilian Freedoms, Prevention and Protection from Discrimination, Sexual Harassment and Gender-responsive Budgeting. In the course of 2017 and 2018, 55 civil servants received training (45 women and 10 men).

The Ministry of Labour and Social Policy of FBiH developed a manual for the training and education of social work/social protection centre employees in relation to the processing of cases of domestic violence. Pursuant to the said manual, trainings for employees as well as for trainers were conducted in centres for social welfare and additional training is to be conducted over the forthcoming period.

The Ministry of Education and Science of FBiH developed a training programme for the education of workers and conducted trainings in this field. The trainings were conducted pursuant to the “Preventing Domestic Violence in the Educational System” publication, published by the Ministry of Education and Science of FBiH.

Furthermore, as a part of its education programme, the Civil Service Agency of FBiH conducts education for civil servants in line with the Law on Protection from Domestic Violence and the Law on Gender Equality in BiH. Thereby, in as much as the training programmes are conducted along with the training of trainers and training for professionals, all segments of a professional response to domestic violence are covered. Four education sessions took place in accordance with the said programmes: There were three education sessions in the cantons and one two-day education session for 100 persons in Sarajevo. The latter also covered the Istanbul Convention and other documents.

Employees of the employment agencies in FBiH underwent training in order to learn how to use the programmes related to the employment of victims of violence. Trainings were held to the following topics: work with victims of domestic violence, domestic violence, the psychological aspects of violence, how to identify and support a victim, practical application of the Law on Protection from Domestic Violence, and employment counselling for female victims of violence. A total of 11 education sessions covered 253 employees of the employment agencies in FBiH who render services to unemployed persons, including victims of violence. The focus of the training was on the economic strengthening of this category of persons through employment service led projects.

When it came to the Ministry of Health of FBiH, 11 healthcare workers and associates completed training of trainers (ToT) training in 2016 conducted in line with the resources and training package titled ‘Strengthening the response of FBiH Healthcare system to Gender-based Violence’. Over the period 2016–2018, healthcare professionals underwent education through the aforesaid resources and training package and 140 healthcare workers and associates attended the said education session. In 2017, training of trainers was conducted in line with the document titled ‘Rendering Psychosocial Services to Victims of Gender-based Violence’ and 15 professionals from mental health and centres for social welfare attended. Over the period of 2017–2018, the education of healthcare professionals was conducted pursuant to the module titled ‘Rendering Psychosocial Treatment of Victims of Sexual Violence and Torture in Times of Conflict’ with 96 healthcare workers and associates attending.⁶³

In 2017, the Ministry of Health and Social Protection of RS drafted a number of publications and held education sessions for social protection and healthcare institution professionals on domestic violence as a social problem. Education sessions were held in Prijedor and Trebinje on the topic ‘Strengthening the response of RS Healthcare providers to Gender-based Violence’. The following publications were drafted (adapted): the training manual ‘Training of Trainers for Psychosocial Treatment of Gender-based Violence Perpetrators’ and the training module ‘Psychosocial Treatment for Gender-based Violence Perpetrators’. Professionals in RS participated in an education session held in Banja Luka related to the psychosocial treatment of gender-based violence perpetrators. A training package was prepared on the theme of strengthening the response of psychosocial service providers in RS to gender-based violence. An additional training of trainers’ package was prepared under the title ‘Strengthening the response of Psychosocial Service Providers in RS to Gender-based Violence – basics of andragogy in the training process’. A training of trainers on the theme of strengthening the response of psychosocial service providers in RS to gender-based violence was also conducted in Laktaši. A training package was also prepared under the title ‘Minimum Standards for Prevention of and response to Gender-based Violence in Crisis situations’. All of the publications and education

⁶³ 28 education sessions in 28 health institutions for 895 health institution employees were conducted earlier in line with another training programme for health workers.

sessions were aimed at sensitising and encouraging action with a focus on persons at risk of domestic violence.

In 2018, the Ministry of Health and Social Protection of RS prepared a consolidated resources package as a response by healthcare and psychosocial service providers in RS to gender-based violence. It comprises of eight publications for healthcare providers: 1) the resource package 'A Response by Healthcare Providers in RS to Gender-based Violence', 2) the training package 'Strengthening the Response of Healthcare Providers in RS to Gender-based Violence', 3) the procedure for dealing with cases of domestic violence at the public health institution the Healthcare Centre in Banja Luka, 4) the resource package 'A Response by psychosocial Service Providers in RS to Gender-based Violence', 5) the training package 'A Response by Psychosocial Service Providers in RS to Gender-based Violence', 6) the training module 'Psychosocial Treatment of Gender-based Domestic Violence Perpetrators', 7) the training manual 'Training of Trainers for the Psychosocial Treatment of Gender-based Violence Perpetrators' and 8) the training package 'Minimum Standards for Prevention of and Response to Gender-based Violence in Crisis situations'. This provided for a comprehensive education of healthcare workers and associates in RS on the provision of services to victims of gender-based violence, which will be scaled up in the forthcoming period.

By the end of 2018, 277 service providers (47 men and 230 women) in the healthcare and social protection sectors in the entities had received training on the response to gender-based violence/CRSV. The training covered primary healthcare professionals, but also professionals from mental health centres and social protection centres. Of the total number of trainees, seven professionals received training on the provision of psychosocial support to perpetrators and the rest of training was directed at work with victims.⁶⁴

The experience has proven multi-sectorial education to be highly efficient, because it provides for an exchange of experiences amongst professionals and enhances their cooperation. During the reporting period, 1,211 professionals from various fields, including the police, centres for social work and the judiciary, received training on multi-sectorial cooperation and a response to violence in line with the standards contained in the Istanbul Convention through 47 training sessions and workshops. The gender centres in both entities developed modules for the said trainings.⁶⁵ This programme provides for a framework of structured multi-sectorial education for all institutions and organisations at all levels of action. In addition, over the period 2016–2018, the entity gender centres conducted monitoring and other types of field visits in order to support the establishment and work of multi-sector bodies at different levels of authority.

D. Vocational advancement

This data along with the data on the initial trainings is provided under C.

E. Programmes for work with the perpetrators of domestic violence

There are two types of work with domestic violence perpetrators: mandatory psychosocial treatment and a voluntary work programme. In the reporting period, the entity gender centres and two civil society organisations developed and tested four pilot programmes for work with violence perpetrators. A total of 67 professionals underwent additional training for work with the perpetrators

⁶⁴ Data from the darft final report on the programme for Bosnia and Herzegovina (2013-2018.) UNFPA Country Programmes Evaluation for Bosnia and Herzegovina, Northern Macedonia, Serbia and Kosovo (UNSCR 1244) – unofficial translation.

⁶⁵ Publications – 16 days of Activism, available at: <https://bit.ly/361Lu1A>, including Hrnčić, Z., Bećirović, F.,: *Postupanje u slučajevima nasilja u porodici – multisektorski odgovor/ Working on domestic violence cases – multisectoral response*, FBiH Gender Centre, 2018.

of violence, while 62 perpetrators voluntarily participated in the implementation of these programmes.

In accordance with the Law on Protection from Domestic Violence of FBiH, a Rulebook was passed relative to the manner and place of implementation of the protection measures of mandatory psychosocial treatment for domestic violence perpetrators.⁶⁶ Thereby, the legal framework was put in place to implement the protection measures of the mandatory psychosocial treatment of perpetrators of domestic violence at mental health centres. In that regard, two education sessions were held for about 30 persons focusing on the implementation of the said treatment. The purpose of the protection measures imposed on the perpetrators of violence under the Law on Protection from Domestic Violence is to provide for protection and support of the victims of violence and thus ensure primary care for the victims of violence. The costs incurred in a psychosocial treatment are paid by the court that imposes the respective measure. Such a practice has proved to be problematic in terms of financial planning and payment of the costs incurred in relation to the said measure. However, research conducted by the Association of Evaluators in BiH into the impact of protection measures using a sample of measures pronounced over a period of five years in Sarajevo Canton⁶⁷ has shown that this measure yielded the best results in terms of the long-term occurrence of recidivism. The research also highlighted positive changes in family relations for the majority of perpetrators.

In addition to the aforementioned, special programmes were devised for voluntary work with the perpetrators of domestic violence. Although they do not represent the implementation of protection measures, the said programmes that are implemented in self-help groups have yielded significant results in terms of the prevention of repeated domestic violence. To that regard, a programme was drafted and published⁶⁸ and 28 voluntary treatment sessions conducted within self-help groups for around 230 persons in FBiH. Some NGOs that operate safe houses have ongoing programmes of psychosocial assistance for the perpetrators of violence. The Local Democracy Foundation, for example, conducts such treatments through self-help groups on an ongoing basis following the professional methodology that was harmonised with the Ministry of Labour, Social Policy and Refugees of Sarajevo Canton, which co-finances the accommodation of victims of domestic violence in the safe house in Sarajevo. Furthermore, 'Medica' from Zenica has a psychological counselling service within which they also work with the perpetrators of domestic violence by way of individual counselling/psychotherapy and marital and family counselling. The said programmes focus on the prevention of future violence and thus place the needs of victims of violence at the core of the programme. The issue understanding violence against women from the gender perspective is covered and discussed within education sessions for professionals related to psychosocial treatment and within the education sessions of self-help groups. Furthermore, the programme of work with the perpetrators of violence (psychosocial treatment and self-help groups) also covers the issue of understanding violence against women from the gender perspective. The self-help programmes are project funded and conducted by NGOs in cooperation with the centres for social welfare and the GC FBiH. The programme has yielded results in as much as the attendees of the programme were not recorded later as recidivists, thus showing the positive improvements in their conduct.

The Law on Protection from Domestic Violence in RS prescribes that in the case of domestic violence the courts can pronounce protection measure upon the perpetrators of violence whereby they

⁶⁶ 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 63/17.

⁶⁷ The research or rather the evaluation was conducted to check the implementation of protection measures pursuant to the Law on Protection from Domestic Violence in the Federation of Bosnia and Herzegovina. The research was conducted by the Association of Evaluators in Bosnia and Herzegovina in coordination with the Sarajevo Cantonal Centre for Social Work and the Gender Centre of the Federation of Bosnia and Herzegovina, with a support from US MEASURE.

⁶⁸ Sesar, K., Bećirović, F., Hrnčić, Z.: *Rad sa osobama koje su počinile nasilje u porodici - priručnik za vođenje grupa samopomoći*, Gender Centra Fedrajke Bosne i Hercegovine, 2018./ Work with perpetrators of domestic violence – manual for leading of self-help groups

undergo mandatory psychosocial treatment. The implementation methodology of the said measure is described in detail in the Rulebook on the manner and place of implementation of the protection measure of mandatory psychosocial treatment. A special achievement in 2013 that relates to the task of improving the systemic implementation of the measure of psychosocial treatment of the perpetrators of violence within the territory of RS is reflected in the adoption of the following two documents: 'The minimum standards for the establishment and functioning of psychosocial treatment of men and work with male perpetrators of gender-based violence' and 'The training module for professionals for enhancement of capacities for a psychosocial treatment of men perpetrators of gender-based violence: critical issues and review of capacity building' while in 2015 - the Resources package for a response of healthcare providers (in RS and FBiH) to gender-based violence was adopted.⁶⁹

In 2017, the Ministry of Health and Social Protection of RS prepared, updated and adapted the aforementioned training manual for the training of trainers on the psychosocial treatment of the perpetrators of gender-based violence and the training module 'Psychosocial Treatment of Gender-based Violence Perpetrators. On the basis of the said manual and module, the education of professionals in RS was conducted in 2017 for the implementation of psychosocial treatment of gender-based violence perpetrators. In 2018, the consolidated resources package was published and distributed. The resources package comprised of eight publications tailored to healthcare providers.

In RS there is an operational 'Men's Centre' in Modriča, which is the first of the kind. It is organised within the citizens' association 'Budućnost' (Future) from Modriča and works with perpetrators of domestic violence. Established in Modriča on 25 November 2010, the Men's Centre provides therapy and counselling to perpetrators of violence and it strives to develop the social skills of men in the community. The experience of the Men's Centre shows that men who committed this type of violence did not repeat it after undergoing psychosocial treatment. A connection with a safe house has been established. Once a victim of violence is taken care of in a safe house, volunteers from the Men's Centre contact the perpetrator within 24 hours and advise him to check in for psychosocial treatment. In a large number of cases, a perpetrator checks in on a voluntary basis.

In addition to the protection measure of mandatory psychosocial treatment for the perpetrators of violence, there is a statutory protection measure on alcohol and narcotic drugs rehabilitation. The latter is described in more detail in the Rulebook on the manner and place of implementation of the protection measure of mandatory alcohol and narcotic drugs rehabilitation.⁷⁰ In 2017 and 2018, the club of rehabilitated alcoholics of the City of Banja Luka, supported by the GC RS and UN Women, within the project 'Standards and Engagement for Prevention of Violence against Women and Domestic Violence in BiH - increased access to high quality multi-sector services for the survivors of violence against women and domestic violence at the local level' conducted a pilot project titled 'Stop the Violence and Addiction' through a new Model of Psychosocial Work with Perpetrators, which was integrated into a multi-sectorial institutional response to violence against women and domestic violence by way of signing a memorandum of understanding with the main actors involved in the treatment of perpetrators (the judiciary, healthcare and the centres for social welfare).

F. Programmes for work with sex offenders

The data relative to the work with sex offenders is not available.

⁶⁹ Petrić, N., Galić, N.: *Osnovna studija Analiza usklađenosti zakonodavstva i javnih politika u Bosni i Hercegovini sa Konvencijom Savjeta Evrope o sprečavanju i borbi protiv nasilja nad ženama i nasilja u porodici. Drugo dopunjeno izdanje.* Banja Luka: Fondacija „Udružene žene“. str. 5., 2015. basic study Analysis of harmonisation of legislation and public policies in Bosnia and Herzegovina with the Convention of the Council of Europe on Preventing and Combating violence against women and domestic violence. Second amended issue. Banjaluka, United Women Association, page 5, 2015.

⁷⁰ 'Official Gazette of Republika Srpska', No. 97/06.

G. Participation of the private sector, the information and communication technology sector and the media

With the aim of determining the joint priorities and presenting the activities that would follow, the GEA BiH MHRR BiH organised two conferences with non-governmental organisations in the field of gender equality in BiH. The conferences held in May and September 2019 brought together more than 50 participants. Among other things, the discussion went along the lines of cooperation on the forthcoming implementation of FIGAP. Furthermore, the non-governmental sectors' input was collected for the development of recommendations to employers on gender equality at work and employment in BiH. Sarajevo was the venue of the conference for professionals titled 'Perspectives of Social Entrepreneurship Development in BiH' within the EU funded project 'Contribution of Civil Society Organisations to the Development of Social Entrepreneurship'. The non-governmental organisations 'Local Democracy Foundation' from Sarajevo and the Foundation 'Lara' from Bijeljina implemented the project, while the panel members from Italy, Slovenia, Croatia and Serbia contributed to the quality of the conference.

GEA BiH MHRR BiH, in cooperation with the Women's Rights Centre from Zenica, organised a conference titled 'Presentation of the Initiative for Amendments to the Criminal Code of FBiH' in order to establish a legislative framework of sanctions for persons who commit criminal offences through the use of the information and communication technology. The conference underlined the fact that articles 17 and 34 of the Istanbul Convention recognise violence against women via contemporary information and communication technology (ICT) and that it further recognises the obligation of signatory States to adopt policies aimed at the prevention and protection from this form of violence against women. The event was organised as part of the campaign 'WIRELESS-INVISIBLE, YET PAINFUL' in order to inform the public about the initiative the need to amend the Criminal Code of FBiH in terms of stipulating sanctions for criminal offences committed through use of ICT.

H. Self-regulating standards for the information and communication technology sector and the media

The Regulatory Communication Agency of BiH is an independent regulatory authority in the field of communication, established pursuant to the Law on Communication in BiH.⁷¹ The said Law sets forth basic regulatory principles applied in the field of broadcasting which, among other things, include the protection of freedom of expression in accordance with the general standards of decency, non-discrimination, fairness, accuracy and impartiality. The statutory competencies of the Agency include respect for and the promotion of gender equality and the elimination of all forms of stereotyped representation of men and women in an offensive or humiliating manner.

The Code on audio-visual and audio media services⁷² defines the rules and standards related to media content which, among others, prohibits the broadcasting of content that is humiliating, intimidating or incites hatred, violence, discrimination or prejudice on the basis of gender, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation and other personal features. Paragraph 2 of Article 28 of the Code prescribes the use of gender-sensitive language.

The Code on commercial communication⁷³ regulates the basic principles of audio-visual communication for programmes and prohibits the broadcasting of commercials that are questionable from the human dignity perspective and those commercials that are humiliating, intimidating or incite

⁷¹ 'Official Gazette of Bosnia and Herzegovina, nos. 31/03, 75/06, 32/10 and 98/12.

⁷² Available from <https://www.rak.ba/bs-Latn-BA/articles/108>.

⁷³ Available from <https://www.rak.ba/bs-Latn-BA/articles/107>.

hatred, violence, discrimination or prejudice on the basis of sex and sexual orientation, among other things. Paragraph 2 of Article 23 of the Code prescribes the use of gender-sensitive language.

In the reporting period, one case was registered concerning a violation of the provisions that prohibit discrimination on the basis of sex, respect for human dignity and the fundamental rights of others. More specifically, it was established that a television programme broadcasted discriminatory, humiliating and inappropriate statements about women made by a public figure. In that case, a fine was imposed amounting to around EUR 1,000. In general, the overview on violations and sanctions that was imposed by the Regulatory Communication Agency⁷⁴ has shown that fines ranging between 2,557 and 76,694 euros were imposed on the media when they violated the Code provisions relating to hate speech.

GEA BiH MHRR BiH, during the media monitoring, identified the still present gender stereotypes and sexist attitudes in production policy in BiH. In addition, GEA BiH MHRR BiH received and processed several requests that called for an inquiry into the violation of the Law on Gender Equality for misogynous and stereotype based headlines in the media. In view of the aforementioned, in July 2017 GEA BiH MHRR BiH drafted a recommendation related to gender stereotypes and sexist attitudes and language in media in BiH and submitted it to the media and also published it on its webpage (www.arsbih.gov.ba).

At the proposal of the Ministry of Human Rights and Refugees of BiH, the Council of Ministers of BiH adopted during its 91st session held on 27 February 2017 the 2016–2019 Action Plan for Educating Journalists and Media Professionals about Human Rights. This action plan contains specific measures for enhanced access for and the presentation of marginalised and minority groups in the media. It also prescribes the development of guidelines for media reporting from the perspective of human rights protection and promotion, including gender equality.

In addition to the legislative framework, the Press Council of BiH is also a self-regulatory authority for print and online media in BiH. It operates in line with European standards of journalism and promotes those standards along with others that are prescribed by the Press and Online Media Code in BiH.⁷⁵ Pursuant to the general provisions of the said Code, journalists are obliged to abide by the standards of human rights defined by the international and national enactments on human rights and must develop the awareness of gender equality and respect of individuality as the integral part of human rights. Article 3 of the Code states that journalists shall at all times be aware of the danger that arises when the media, through hate speech, encourages discrimination and intolerance. Mindful of this danger, journalists shall do their utmost not to incite and/or inflame hatred and/or inequality based on ethnicity, nationality, race, religion, gender, sexual orientation, physical disability or mental disability. Journalists shall under no circumstances incite criminal acts or violence. Article 4 and 4a in particular define discrimination, gender equality and respect for individuality. Journalists must avoid prejudicial or insulting references to a person's ethnic group, nationality, race, religion, gender, sexual orientation and physical or mental disability. Journalists shall avoid direct or indirect comments that might place individuals in an unequal position or discriminate them based on sex, gender, sexual identity, gender identity, gender expression and/or sexual orientation. The Press Council of BiH also has recommendations for media court reporters relative to investigations and court proceedings⁷⁶ and recommendations for the media – Covering gender issues in the media.⁷⁷

⁷⁴ Official Gazette of B&H, No. 8/17, <https://bit.ly/2EWWtgT>.

⁷⁵ Press and online media code Bosnia and Herzegovina. Available from <https://bit.ly/2sffDvS>.

⁷⁶ Recommendations for media court reporters in relation to reporting on investigations and court proceedings. Available from <https://bit.ly/2Zpo5ES>.

⁷⁷ Recommendations to the media – Covering gender issues in the media. Available from <https://bit.ly/2ZqYDP6>.

With special focus on web portals, the Press Council of BiH launched the campaign ‘Stop Hate Speech!’ The purpose of the campaign is to educate and inform the public that hate speech is a criminal act according to European standards and that is punishable under the criminal codes in BiH as well as to underline the fact that freedom of expression ends at the point when it endangers the freedom of others. Online media editors take an active part in the campaign, resulting in the practice of removing hate speech from the web-site visitors’ comments becoming increasingly visible in the campaign’s third stage in 2019. Also in 2019, the largest advertisers in BiH and the region joined the campaign. A large number of advertisers used the campaign brand ‘We are against hate speech too’ displaying it on a visible spot on their web platforms and bulletins.

As part of the campaigns launched each year in RS, the GC RS established cooperation with the private sector, IT sector, the media and social networks in order to utilise all resources for the promotion of zero tolerance of violence. In 2017, in cooperation with journalists in BiH, ‘Association XY’ conducted an innovative competition after the workshops with journalists. The competition required journalists to create gender sensitive media content and a commission was formed in order to analyse the contents and select the winner in line with gender sensitive reporting and gender equality standards.⁷⁸ During the competition, 54 of the media content were published of which six were selected as winners. In the course of and after the competition, the percentage of media reporting on gender-based violence increased by 142 per cent.

With a view to strengthening media capacities for reporting on gender-based violence against women, UN Women developed a methodology for instructions to journalists and other media workers. The methodology was further verified during a two-day workshop. UN Women engaged the NGO ‘BiH novinari’ (BiH Journalists) because of its experience in terms of promoting gender-sensitive reporting and reporting on violence against women and domestic violence. A training was devised and conducted for the media in urban and rural areas and the programme was realised in the last quarter of 2017.

I. Protocols, guidelines and awareness raising for persons in charge of human resources in relation to the issue of violence against women, including domestic violence

The HJPC BiH adopted the ‘Guidelines for the Prevention of Sexual and Gender-based Harassment in Judicial institutions in BiH’,⁷⁹ after several months of work of the panel of judicial experts from BiH aimed at promoting professional relationships and an atmosphere of respect in judicial institutions. The Guidelines are intended to promote and ensure gender equality within all judicial institutions in BiH. This includes at levels of management, decision-making and employees and the protection of the individual rights and freedoms guaranteed by the Constitution of BiH, the laws and obligatory regulations of BiH and binding international documents. The Guidelines set forth the notion of harassment, sexual harassment and gender-based harassment, subjects to which the Guidelines apply, internal preventive response procedures, the role of the Advisor in the prevention of sexual and gender-based harassment, training and raising of awareness on the need to prevent sexual and gender-based harassment as well as monitoring and revision of the Guidelines. The HJPC BiH monitored the implementation of the Guidelines over the period from 2015 to 2018 and, pursuant to the monitoring, carried out adequate activities in order to ensure regular and continuous application of the Guidelines.

GEA BiH MHRR BiH prepared and the Council of Ministers of BiH adopted in October 2019 the ‘Information on Mechanisms for the efficient Prevention and Protection from Harassment on the

⁷⁸ Available from www.asocijacijaxy.org/konkurs-za-novinare-i-novinarke--blogere-i-blogerke.

⁷⁹ Guidelines on the Prevention of Sexual and Gender-based Harassment in the Judicial institutions in Bosnia and Herzegovina, 2015. Available from <file:///C:/Users/User/AppData/Local/Temp/docservlet.pdf>.

grounds of Sex and from Gender Harassment at the Workplace in the institutions of BiH', along with the 'Guide for efficient Measures for the Prevention of Harassment on the grounds of Sex and from Sexual Harassment at the Workplace in the institutions of BiH. The Council of Ministers of BiH ordered the institutions at the state level to adopt decisions in line with the 'Guide on a Zero Tolerance Policy for acts of Sexual Harassment and Harassment on the grounds of Gender' by the end of 2020. The Council also ordered the appointment of advisors for the prevention of harassment on the grounds of sex and gender harassment at the workplace. The Civil Service Agency of BiH was ordered to implement the education programme relative to sexual harassment and harassment on the grounds of gender at the workplace on an ongoing basis for civil servants in state level institutions in BiH. GEA BiH MHRR BiH monitors the implementation of the Guide and found that by December 2019 six state level institutions had adopted the decision on the zero tolerance policy and appointed advisors for the prevention of harassment.

J. Other measures for the prevention of violence against women

The activities for drafting the Action Plan for LGBTI persons' equality in BiH are ongoing. In 2008, GEA BiH MHRR BiH led working group devised an Action Plan for the equality of LGBTI persons in BiH. Yet, as not all of the necessary opinions were collected, the draft Action Plan could not be introduced into the agenda of the Council of Ministers of BiH and so the document was returned to a working draft in 2019. In October 2019, the GEA BiH MHRR BiH addressed the relevant entity level institutions asking them to appoint members to a working group to draft a new action plan. The working group started its work and the finalisation of the draft Action Plan is expected in the first half of 2020.

Despite the fact that the Action Plan for the equality of LGBTI persons has not yet been adopted in BiH, GEA BiH MHRR BiH and the entity gender centres have invested continuous efforts, within the scope of their authority, to enhance the rights of LGBTI persons in BiH, including activities aimed at awareness raising, organisation of education sessions, drafting and issuing the manual, improvements in data collection, public advocacy and others.

In March 2019, GEA BiH MHRR BiH and the Council of Europe's Sexual Orientation and Gender Identity Unit (SOGI Unit) organised and held the first workshop with relevant representatives from all levels of authority relative to the protection of the rights of transgender and intersexual persons. Conclusions were reached and recommendations made to pave the path toward resolving the problems of transgender and intersexual persons in BiH. The workshop was attended by, among others, representatives of the Institution of the Ombudsman, the entity level ministries of interior and health, clinical centres, health institutes, the academic community and civil society.

The HJPC BiH drafted and distributed a publication intended for judges covering the topic of prejudice and stereotypes. The publication explains the notion of stereotypes and prejudice and the ways in which we acquire and create them and the fact that every human being possesses certain prejudices primarily because of socialisation. In addition, the publication also addresses the consequences of negative attitudes, especially in the context of law enforcement, whereby stereotypes and prejudices can be either created and strengthened or prevented and corrected. Furthermore, it explains why the elimination of prejudice is a prerequisite for equal access to justice and public confidence in the judiciary and clarifies the importance of the role of judges in this process. The publication also covers the issue of how to eliminate prejudice from the judicial system, taking into account the relevant provisions of the Code of Judicial Ethics. The HJPC BiH considers this an extremely important topic because through awareness and the removal of prejudice and stereotypes from the courtroom as well as respect for diversity in their own environment and by eliminating discriminatory practices the judicial system will become more accessible, fair and impartial. A natural result of this process is that public trust in the judiciary will increase.

Within the UN Women funded project, the 'Association XY' included the religious community in developing the programme for the prevention of gender-based violence. 51 religious leaders participated in this project. The activities included the initial overview of the situation and an assessment of the level of interest among representatives of all three dominant religious groups present in local communities in the western part of BiH to work on the prevention of domestic violence. Besides expressing their interest, religious communities developed a set of recommendations for the inclusion of local religious communities in the prevention of violence and they plan to develop guidelines for preventive work in the said communities.

IV Protection and support

(Articles 18 through 28 of Chapter IV of the Convention)

In the course of 2017 and 2018, within the USAID funded project “Strengthening the Capacity of Institutions for Addressing Gender-Based Violence in BiH” the GEA BiH MHRR BiH conducted and presented an analysis of the institutional, legislative and organisational framework for services to victims of gender-based violence. The analysis was made with a view to enabling a comparison between the legislative, institutional and organisational framework in the relevant sectors and areas. It was also conducted as a review of the harmonisation and capacities of the framework in order to comply with the requirements and obligations under the Istanbul Convention.

The purpose of the comparative analysis was to define the measures and solutions for an adequate, efficient and sustainable system of prevention and protection. The following analyses were conducted:

1. analysis of the harmonisation of the legislative framework in BiH with the Istanbul Convention;
2. analysis of the legislative, institutional and organisational framework for the provision of specialised forms of support to victims (standards in the provision of support to victims);
3. analysis of the legislative, institutional and organisational framework of the healthcare sector in BiH for the provision of services to victims of gender-based and domestic violence;
4. analysis of the legislative, institutional and organisational framework of the social protection sector in BiH for the provision of services to victims of gender-based and domestic violence;
5. study for the establishment of a system of collection, exchange and analysis of data on gender-based and domestic violence in BiH in line with the Istanbul Convention.

A. Information on support services and legal measures available to victims

Subjects of protection act in accordance with their competences, which can be illustrated with the following obligations of subjects of protection set forth in Article 10 of the Law on Protection from Domestic Violence of RS.

1. Victims of domestic violence are entitled to access all subjects of protection and are exempt from all costs of the procedures.
2. Subjects of protection shall when first addressed inform victims in a language they understand about all the rights under this Law and other regulations as well as about the institutions, authorities, legal entities and organisations that render assistance, support and protection.
3. Victims are entitled to free legal aid in the proceedings related to their exercising their rights and protection in accordance with the regulations governing the field of free legal aid.

As of 1 May 2020, when the amendments to the Law on Protection from Domestic Violence in relation to support for victims of domestic violence became effective, victims of domestic violence are entitled, among other things, the following: to be informed by all subjects of protection in a language they understand about all of the rights covered by this Law and other regulations as well as about the institutions, authorities, legal entities and organisations that render assistance, support and protection, including the right to free legal aid in all procedures related to their exercising their rights and protection in line with regulations in the field of free legal aid (Article 10), and so to protection measures.

B. General support services

International standards related to protection from domestic violence and the regulations of RS and FBiH pay special attention to the rights of victims of domestic violence to access general support

services. The Laws on Protection from Domestic Violence in both entities set forth that the victims of domestic violence are entitled to access all subjects of protection and are exempt from all costs of the procedure.

Access to social protection services

The Law on the principles of social protection, protection of civilian victims of war and protection of families with children in FBiH⁸⁰ regulates, among other things, the following: the basis of social protection of citizens and their families, basic rights in the field of social protection, the rights of beneficiaries of social protection, and the establishment and work of social protection institutions and disability associations. The legislation in FBiH in the field of social protection sets forth that cantonal level legislation can extend the circle of beneficiaries of social protection from paragraph 1 of this Article in accordance with the programmes of development of social protection and specific conditions in particular cantons (paragraph 2 of Article 12 of the Law). Tuzla Canton and Sarajevo Canton have extended the circle of beneficiaries of social protection and they have included persons exposed to abuse and domestic violence. In Zenica-Doboj Canton, persons addicted to psychoactive substances and the victims of domestic violence and violence in the community are included. Canton Sarajevo and Zenica-Doboj Canton prescribe that safe houses shall be established as institutions providing social protection services under the circumstances and in the manner prescribed by the Law on Institutions and the Law on Social Protection of R B&H. Canton 10 defines the beneficiaries of social protection somewhat differently to FBiH and other cantons so beneficiaries refers to other persons who are in distress due to disturbed family relations, alcohol addiction, narcotic drugs or other narcotic substance addiction or due to other forms of socially unacceptable behaviour and other causes.

According to the records of the Ministry of Labour and Social Policy of FBiH and based on the available data on social protection beneficiaries submitted by cantonal ministries in charge of social protection, there were 2,905 victims of domestic violence in 2017 and 2,762 in 2018 (children, young people and adults) who received expert assistance from the protection authorities.

As the current Law on the Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children does not recognise victims of domestic violence as beneficiaries of social protection, the Ministry prepared a preliminary draft of the Law on Social Protection that, among other things, defines victims of violence as social protection beneficiaries with a view to extending the consolidated protection of victims of domestic violence (children and adults). Furthermore, it defines safe houses as institutions of social protection and prescribes their establishment under the Law on Institutions whereby they will become part of the social protection system. It is worth mentioning that the 'Rulebook on Standards of Operation and Special Standards for Discharging the duties of Social Protection in Social Protection Institutions' has been passed in the field of social protection in FBiH.⁸¹ The said rulebook defines other institutions (safe houses) to provide shelter to victims of violence, victims of human trafficking, etc., which will be established under the Law on Institutions.

With regard to the provision of accommodation to victims of violence in need, some municipalities in FBiH provide accommodation (safe apartments) in acute cases of violence through the work of coordination bodies. They also have social housing programmes through which they provide housing for a determined period. In the social housing programme, the City of Tuzla also allocated apartments to victims of violence. The municipality of Tešanj built housing units and allocated them for use by victims of violence. The Municipality of Vitez allocated a housing unit to the Centre for Social Welfare

⁸⁰ 'Official Gazette of the Federation of Bosnia and Herzegovina', nos.36/99, 54/04, 39/06 and 14/09.

⁸¹ 'Official Gazette of the Federation of Bosnia and Herzegovina', No.18/13.

for crisis sheltering of victims. The Municipality of Goražde is currently conducting the procedure for allocating a housing unit for crisis sheltering of victims of violence.

Furthermore, as of the beginning of 2018, the Law on Foster Care⁸² has been applied in the field of social protection and protection of families with children with a view to providing a systemic solution to the problem of accommodation and support for children without parental care, adults without parental care and to the elderly, feeble and disabled and also to shelter and protect children and adult victims of domestic violence.

In RS, victims of domestic violence exercise their right to access all services of social protection as set forth by the Law on Social Protection.⁸³ The Law recognises them as beneficiaries of the said rights and services (Article 17) and more specifically as “persons who are subjected to physical, mental, economic and sexual suffering or emotional pain within a family, or a threat thereof, whereby they are in need of social protection.”

In accordance with the Law on Protection from Domestic Violence, the centres for social work have expert teams that rendered individual plans for work with victims of domestic violence and throughout 2017 extended psychosocial support to victims of domestic violence. The centres for social work are one of the subjects in the chain of subjects providing support and assistance to victims of domestic violence and they carried out their regular activities over the reporting period. These activities include representatives of that institution as well as representatives of other services at the local self-governance level. Police, NGOs and experts that deal with the issues of family and domestic violence work with representatives of the centres for social welfare to determine plans of assistance for victims and to coordinate activities in the process of rendering assistance to victims in accordance with the victims’ needs and choice.

The centres for social welfare/social protection services of RS registered a total of 1,084 perpetrators of domestic violence in 2017, which is 22.5 per cent less than in 2016. Of those 1,084 perpetrators, 89 per cent were men and 125 or 11 per cent women. The centres/services registered 1,402 victims of domestic violence, which is 22.5% per cent less than in 2016. Among them, there were 379 or 27 per cent men and 1,023 or 73 per cent women. In 774 cases or 69 per cent in 2017, the police submitted the information on incidents of domestic violence. There were 235 cases where victims informed the centre about domestic violence. According to data provided by the centres/services in 2017, the highest number of perpetrators of domestic violence were aged between 31 and 50 years of age (529 or 55% of the total number of male perpetrators and 53% of women), while there were 204 men and 28 women between aged 51 to 64 years. In 2017, the centres for social welfare forwarded 195 reports on domestic violence to the police, while officials from the centres cooperated with the police in 429 interventions. According to the records of centres for social welfare/social protection services, the highest number of victims (498) in 2017 had suffered violence for longer than one year, 278 victims suffered violence for up to one year and 345 victims stated that the violence occurred only on one instance.

The centres for social welfare in RS received a total of 1,084 reports on domestic violence in 2018 and 1,158 in 2017. The centres for social welfare/social protection services registered a total of 1,060 perpetrators of domestic violence in 2018, which is 2.2 per cent less than in 2017. Of the 1,060 perpetrators of violence, 952 or 90 per cent were men and 108 or 10 per cent women. The centres/services registered 1,356 victims of domestic violence, 3.3 per cent less than in 2017, out of which 359 or 27 per cent were men and 994 or 73 per cent women. In the majority of cases, 722 or

⁸² ‘Official Gazette of the Federation of Bosnia and Herzegovina’, No. 19/17.

⁸³ ‘Official Gazette of Republike Srpske’, nos. 37/12, 90/16 and 94/19.

67 per cent, the police submitted the information on domestic violence, while the victims informed the centre for social welfare in 215 cases.

Access to health service

Access to health protection of all citizens is universal, including victims of violence. However, with a view to ensuring adequate healthcare services to victims, it was necessary to undertake certain measures towards informing health workers and associates about obligations under the Istanbul Convention.

Over the period 2015 to 2018, the Ministry of Health of FBiH, in cooperation with the UNFPA and the Partnership for Public Health of Sarajevo, drafted a number of documents intended for employees of healthcare institutions. These included the following: The resource package 'Strengthening the Response of the Healthcare System in FBiH to gender-based violence, the Ministry of Health and the UNFPA (2015); the training package 'Strengthening the Response of the Healthcare System in FBiH to gender-based violence, Ministry of Health and UNFPA (2015); the manual 'Rendering Psychosocial Services to Victims of Gender-based Violence', Ministry of Health, Ministry of Labour and Social Policy and the UNFPA (2016); the training of trainers manual 'Rendering Psychosocial Services to Victims of Gender-based Violence', Ministry of Health, Ministry of Labour and Social Policy and UNFPA (2017) (developed on the basis of the said manual); the module 'Rendering Psychosocial Treatment to Victims of Sexual Violence and Torture in Conflicts', Ministry of Health and UNFPA (2017); the module 'Treatment of Victims of Gender-based Violence in Crisis situations', Ministry of Health and UNFPA (2017); the module 'Role of Young People in the domain of Protection from Gender-based Violence', Ministry of Health and UNFPA (2017); the module 'Role of Young People in the domain of Protection from Gender-based Violence', Ministry of Health and UNFPA (2017) and the manual 'Clinical Treatment in Rape cases', Ministry of Health and UNFPA (2018).

The Modules were developed as an addendum to the training package 'Strengthening the Response of the Healthcare System in FBiH to Gender-based Violence'. This was done with a view to gradually providing complete information to professionals in the healthcare system about all gender-based violence and related issues, including the protection of victims of sexual violence and torture in conflicts. All of the documents were subsequently consolidated in a special resource package (February 2019) with a view to presenting all of the obligations undertaken through the signing of the Istanbul Convention in one consolidated manner.

A generic framework for the development of a protocol and standard operative procedures for health centres on the treatment of gender-based violence was also developed, including sexual violence and torture in conflicts. Attached to the internal protocol are standard operative procedures for healthcare services in relation to the beneficiaries of services (patients), identification of victims, examination of victims and documentation of the work with victims, and codification and reporting on victims of gender-based violence. An internal coordination mechanism is aimed at strengthening the response of the healthcare system to the rights and needs of victims, thereby strengthening the role of the health sector in the overall protection of victims. This document is further adapted for implementation in individual healthcare centres according to their organisational structure, following the presentation and on-the-job training implemented by the Ministry of Health of FBiH with the support of UNFPA. Internal protocols with all standard operative procedures have been adopted in eight healthcare centres. Preparation for the training in another 13 healthcare centres is ongoing, after which they will develop their protocols and procedures.

The Ministry of Health of FBiH does not have consolidated data of the number of female victims who received aid from health services. The Law on Record keeping in the Healthcare System⁸⁴ does not stipulate the obligation to keep separate records on aid rendered to female victims. The rulebooks that were passed based on the Law prescribe a better way of record keeping that includes the causes of injuries, including gender-based violence. However, the said rulebooks have only been in force since 1 January 2019 and therefore have yet to yield any available data.

In the course of 2017, the Ministry of Health and Social Policy of RS launched information and awareness raising campaigns relative to domestic violence as a societal problem. Trainings were conducted such as 'Strengthening the Response of the Healthcare System in RS to Gender-based Violence' in Prijedor and Trebinje. The following were drafted (adapted): The training of trainers manual 'Rendering Psychosocial Services to Victims of Gender-based Violence' and the training module 'Psychosocial Treatment of Perpetrators of Gender-based Violence'. Training for professionals in RS on the implementation of psychosocial treatment of perpetrators of gender-based violence was conducted in Banja Luka. A training package was prepared 'Strengthening the Response of Psychosocial Service Providers in RS to Gender-based Violence' along with an additional package for the training of trainers programme 'Strengthening the Response of Psychosocial Service Providers in RS to Gender-based Violence – basics of andragogy in a training process'. The training of trainers package was also conducted in Laktaši. A training package was prepared under the title 'Minimum Standards of Prevention and Response to Gender-based Violence in Crisis situations'.

In the course of 2018, the Ministry of Health and Social Protection of RS used the publications to inform and raise awareness on domestic violence as a social problem and to encourage activities aimed at persons at risk of domestic violence. The Ministry of Health and Social Protection of RS prepared the 2018 'Consolidated Resources Package for the Response of Health and Psycho-social Services Providers in RS to Gender-based Violence'. The package comprised of eight publications intended for healthcare providers: The resource package 'The Response of Healthcare Providers in RS to Gender-based Violence, the training package 'Strengthening of the Response of Healthcare Providers in RS to Gender-based Violence', the treatment of gender-based violence cases in the public health institution the healthcare centre in Banja Luka, the resources package for the response of psycho-social service providers in RS to gender-based violence, the training package 'Strengthening the Response of Psycho-social Service Providers in RS to Gender-based Violence', the training module 'Psycho-social Treatment of Perpetrators of Gender-based Domestic Violence, training of trainers for psycho-social treatment of gender-based violence perpetrators, the training manual 'Trainers for Psycho-social Treatment of Gender-based Violence perpetrators', and the training package 'Minimum Standards for Prevention and Response to Gender-based Violence in Emergencies'.

Thereby the requirements for the overall education of health workers and associates in RS to render services to victims of gender-based violence have been met and this will intensify over the forthcoming period.

Health institutions in RS recorded a total of 364 victims of domestic violence in 2017, of which 274 were female and 90 were male. This constitutes an increase of 3.1 per cent compared to the previous year. Most of the recorded victims of domestic violence were women aged 31 to 50, namely 130 or 47.4 per cent out of the total number of female victims of domestic violence. There were also 44 children and one disabled woman in the total number of recorded victims. In 2017, 14 males and one female perpetrators of domestic violence were referred to attend obligatory psychosocial treatment at health institutions. This is 37.5 per cent less compared to the previous year. A total of 11 men were referred to obligatory addiction treatment.

⁸⁴ 'Official Gazette of the Federacije of Bosnia and Herzegovina', No. 37/12.

Health institutions in RS recorded 329 victims of domestic violence in 2018, which is almost 10 per cent less than in 2017. Out of this number, 251 were women and 78 were men. Most women were aged 31 to 50 years, namely 100 or 30.4 per cent. The total number of victims also included 58 children and a disabled woman. A total of 36 men and two women who perpetrated acts of domestic violence were referred to attend obligatory psychosocial treatment at health institutions (15 perpetrators in 2017), while 17 male perpetrators of domestic violence were sent for obligatory addiction treatment in 2018 (11 perpetrators in 2017).

Access to employment support services

In addition to the above general social and healthcare services, other general services are available to victims of violence in FBiH and RS. According to data from the Public Employment Institute of FBiH and the cantonal public employment services, information about employment support is transparent and available to all, including female victims of domestic violence, unemployed persons. The said services (information about available jobs, possibilities for participation in active employment policy programmes, such as employment, self-employment, company based training and active job search training) are available at all municipal public employment services. This involves direct work with unemployed persons as well information provided via the websites of cantonal public employment services and the Public Employment Institute of FBiH.

Active employment policy programmes implemented by the Institute and the employment services and other partners included target group of unemployed female victims of domestic violence. Given the fact that victims of domestic violence are socially excluded persons in terms of their labour market status and taking into consideration their particular life circumstances, there is the continuous practice of increasing the basic employment co-financing amount for unemployed female victims of violence by 10 per cent as compared to other categories. This measure is intended to stimulate employers to hire this category of unemployed persons.

Employment and self-employment programmes, which have been a continuous part of these activities, including also the years 2017 and 2018, provide for eight active policy measures that include female victims of domestic violence in their unemployed persons target groups. In the period 2017–2018, the programmes included three female victims of domestic violence. An extremely successful result of the co-operation with the NGO sector, in particular the Government of Switzerland financed Youth Employment Project (YEP), is the support provided in 2016 to the Local Democracy Foundation for the establishment of a social entrepreneurship company 'Pro Fresh' that provides employment for female victims of domestic violence.

In RS, the Law on Employment Services and Unemployment Rights⁸⁵ provides that every person that applies to the Public Employment Institute for the purpose of searching for employment is entitled to receive information about employment opportunities and conditions, employment services, advice on the choice of profession and professional training and employment preparation. Persons who are not actively seeking employment, i.e. persons that are registered as unemployed in order to exercise other rights, can exercise the same rights at their personal request.⁸⁶ In compliance with the 'Rulebook on the Requirements, Criteria and Implementation of Active Employment Policy Measures',⁸⁷ the Public Employment Institute provides information about the rights and obligations of unemployed persons and services related to individual and group information once persons register as unemployed. Unemployed victims of violence can obtain information at public employment services in their place of residence either directly or through brochures, publications, posters, fliers, etc.,

⁸⁵ 'Official Gazette of Republika Srpska', nos. 30/10, 102/12 and 94/19.

⁸⁶ Law on Employment Services and Unemployment Rights, paragraphs 1 and 2 of Article 35.

⁸⁷ 'Official Gazette of Republika Srpska', nos. 20/17 and 31/19.

depending on the possibilities and type of information. Group information is provided at the same time to a larger number of unemployed persons through job search clubs and information, counselling and training centres.

The first public call for employers and unemployed persons under the 2018 employment programme funds was published in the '2018 Employment and Self-Employment of Target Categories in the Economy'.⁸⁸ An ad was published both in a newspaper and on the website of the Public Employment Institute of RS on 20 April 2018. An economic empowerment programme for female victims of violence was implemented in 2018. It involved employment and self-employment programmes in the economy. As a result of employment subsidies, three employers hired three female victims of violence. In 2018, the Public Employment Institute of RS allocated an amount of EUR 873,417.72 for implementation of the 'Employment and Self-Employment of Target Categories in the Economy'. An amount of EUR 6,075.95 was allocated for the employment of female victims of violence.⁸⁹

Access to legal advice and aid services

In regard the access to legal aid for victims of violence, there is no free legal aid system as a general service at the level of FBiH. However, there is a legal framework consisting of nine free legal aid laws at the cantonal level in FBiH. Free legal aid is provided by the cantonal institutes for free legal aid. The Central Bosnia Canton is the only canton in which this field has not yet been regulated. In addition to these institutes, free legal aid is also offered by NGOs. Victims of violence can therefore receive advice regarding their legal options.

In 2007, BD BiH adopted the Law on the Legal Aid Office of Brčko District and this legal aid office has been operational ever since.

By adopting the Law on Free Legal Aid⁹⁰, RS met its obligations toward not only the citizens of RS but also its obligations and duties regarding the application of the European Convention on Human Rights (ECHR). The Convention is incorporated into the legal system of RS. The Law on Free Legal Aid also includes the recommendations of the European Council on the defined levels for the provision of legal aid, starting from the basic level, such as legal advice, to the highest level, such as legal representation before the courts and other bodies. During the implementation of the Law on Free Legal Aid, it was established that some provisions should be completed and made more precise.

Based on the practical experience of the Centre for Free Legal Aid of RS, the Ministry of Justice of RS prepared the Draft Law on the Right to Free Legal Aid. Item 6 of paragraph 1 of Article 35 of the Draft Law provides as follows:

“The following persons shall be entitled to free legal aid based on the criterion of personal quality or status before a competent body, irrespective of the financial criteria specified in Article 32 of the Law: victims of domestic violence, who shall be given preference in the approval of free legal aid compared to other applicants in marital and family proceedings.”

The National Assembly of RS adopted the Draft Law in December 2019. The legal procedure continues and the Draft Law has been forwarded to the Government and the National Assembly of RS for review and adoption.

⁸⁸ Decision of the Steering Committee of the Public Employment Institute of Republika Srpska regarding the publication of the public call No. 01.6/0111-530-1/18 dated 20 April 2018.

⁸⁹ In 2017, there were no employment programmes for female victims of violence.

⁹⁰ 'Official Gazette of Republika Srpska', nos. 120/08, 89/13 and 63/14.

C. Access to individual or collective complaint mechanisms

Information about access to aid related to individual or collective complaint mechanisms at the regional and international level is provided within the framework of campaigns and other promotional and educational activities for various target groups of professionals. Training and seminars on gender equality standards must comply with the obligation to inform victims of violence about complaint mechanisms. Training and seminars must include international documents and procedures related to this field such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the European Convention on Human Rights (ECHR) and the European Committee of Social Rights (ECSR).

In 2019, the HELP course of the Council of Europe was implemented in cooperation with the Chamber of Lawyers of FBiH and the Chamber of Lawyers of RS in relation to violence against women and domestic violence. Course participants were mostly lawyers, but also officers in charge of affairs related to violence against women and domestic violence. The participants received attendance certificates for this six-month course.

D. Specialist support services – safe houses

There are eight NGO run safe houses with a combined accommodation capacity of 181 beds in BiH.

In FBiH, there are five safe houses that operate as part of the NGOs 'Fondacija lokalne demokratije' from Sarajevo, the citizens' association 'Vive Žene' from Tuzla, the association 'Žene sa Une' from Bihać, the citizens' association 'Medica' from Zenica and the association 'Žena BiH' from Mostar. They dispose of a total of 126 beds. If we compare the Council of Europe standard (based on a mother with an average number of children per 10,000 inhabitants) with the situation in FBiH it is obvious that at present time this standard is unattainable. According to the 2013 census, the average number of children in FBiH is 2.7 children and the number of inhabitants 2,219,220. This unrealistic comparison is also reflected in the case of BiH. Another problem is the geographical distribution of the safe houses.

In regard to bylaws on the criteria and standards for the establishment and operation of safe houses in FBiH, the adoption of such legislation is defined in paragraph 3 of Article 35 of the Law on Protection against Domestic Violence. However, the Ministry of Labour and Social Policy of FBiH was unable to adopt such secondary legislation because of the lack of clarity in the existing provisions of Article 35 and the absence of a clear legal basis for its adoption. The current Law on Basic Social Protection, Protection of Civilian Victims of War and Protection of Families with Children does not include victims of domestic violence as a category of social protection and as beneficiaries. Therefore, in order to provide uniform protection for the victims of domestic violence (children and adults) FBiH included victims of domestic violence as a category of social protection and as beneficiaries within the preliminary Draft Law on Basic Social Protection.

The budget of the Ministry of Labour and Social Policy of FBiH has a budget line for the implementation of the Law on Protection against Domestic Violence. It is used to finance the accommodation costs for victims of domestic violence based on a public call (funds amounting to EUR 82,829). This is a temporary solution until a rulebook is adopted to regulate the accommodation of victims in safe houses, other families or other relevant institutions. The anticipated rulebook would also render possible the full use of the cost payment mechanism according to which the entity level allocates 70 per cent of the funds and the cantonal level 30 per cent.

Safe houses in Sarajevo Canton and Zenica-Doboj Canton have partially resolved the issue of financing by securing funds from the cantonal budget and local institutions. Other safe houses obtain funds

from the competent cantonal and federal ministries only occasionally and unevenly. In 2018, the Government of FBiH increased the level of funds allocated for this purpose to EUR 127,823, so that in 2019 NGOs that run safe houses received significantly higher funds for co-financing the accommodation of victims of violence.

The Ministry of Labour and Social Policy of FBiH has also allocated funds from the entity budget within the framework of another public call for financing of projects and programmes for a number of years, including 2017 and 2018. Part of these funds stem from the revenue generated through the taxation of gambling, part of which is allocated for financing programmes and projects related to the accommodation and shelter of victims of torture and violence (safe houses). NGOs that run safe houses that provide accommodation for victims of domestic violence can apply for these funds. The maximum amount for projects or programmes proposed to the mentioned Ministry by associations amounts to BAM 30,000 per applicant. In the case of public calls issued in 2017 and 2018, one NGO applied and received such funds. In Sarajevo Canton and Zenica-Doboj Canton, certain funds are allocated from the cantonal budgets to NGOs that run safe houses in FBiH.

According to information provided by the NGOs that run safe houses in FBiH, around seven persons were hired for this purpose (the head of the safe house, a social worker, two psychotherapists, a lawyer, a nurse and a driver/night watchman). According to these NGOs, the social worker, the head of the safe house and the driver/night watchman are available 24/7. Foreign donors provide 95 per cent of the finance that covers the work of experts.

Outpatient care is available to all groups of victims. Treatments at the safe house are possible for all female victims of domestic violence and victims of war trauma and torture, including women with disabilities. To date, no female migrants have been admitted to the safe house. Accommodation services at the safe house are provided free of charge for all victims of violence irrespective of their income, only women and children are provided with accommodation.

There were 264 placements at safe houses in 2017 and 175 in 2018.⁹¹ Half of the persons at safe houses are children. Victims mostly spend up to a month at a safe house.

In RS, there are three safe houses for female and child victims of domestic violence run by the following NGOs: the association 'Udružene žene' from Banja Luka, the citizens' association 'Budućnost' from Modriča and the foundation 'Lara' from Bijeljina. These NGOs have been entered into the Registry of Safe Houses.⁹² Article 15 of the Law on Prevention from Domestic Violence of RS specifies the right of victims of domestic violence to temporary accommodation at a safe house. Safe houses continuously provide accommodation for women and children who are victims of domestic violence. In order for them to meet their primary task of providing safety for victims of domestic violence, it is extremely important that all legal persons implementing this specific support measure apply the uniform standards provided for under the Law and secondary legislation. These safe houses dispose of a total of 55 beds: 15 at the foundation 'Lara' in Bijeljina, 24 at the association 'Udružene žene' in Banja Luka and 16 at the citizens' association 'Budućnost' in Modriča.

The Law on Protection from Domestic Violence and the 'Rulebook on Safe House Standards' provide the standards that a safe house must meet in terms of the premises, equipment and personnel. Uniform standards of safe houses are determined based on construction, technical, spatial, material,

⁹¹ The Action Plan for the implementation of the 2018-2020 Strategy for Preventing and Combating Domestic Violence, 'Official Gazette of the Federation of Bosnia and Herzegovina' No. 102/18. The Government of the Federation of Bosnia and Herzegovina adopted the 2018 Report on the Implementation of the Action Plan during its 191st session held on 19 September 2019.

⁹² 'Official Gazette of Republika Srpska', No. 25/13.

personnel and safety criteria that must be met in order to make it possible to implement the special support measure in safe houses throughout RS.

The Ministry of Family, Youth and Sports of RS allocates funds to safe houses for the provision of temporary care, safe accommodation and assistance to victims of domestic violence four times a year, based on a public call and in compliance with the Law on Protection from Domestic Violence and the 'Rulebook on Safe House Funds Allocation'. In regard to the provided funds for the temporary care and accommodation of victims of domestic violence at safe houses, 70 per cent of the determined cost of accommodation for a victim is allocated from the budget of RS and 30 per cent from the budget of a local self-government (LSG). Payment of cost of the temporary care of victims of domestic violence at a safe house made through the budget of RS is performed by the Ministry of Family, Youth and Sports of RS, while payment through the budget of LSGs is performed by social services based on the decision on temporary accommodation.

According to data provided by the Ministry of Family, Youth and Sports of RS, a total of 117 victims of violence (39 women, 38 girls and 40 boys) spent 7,812 days in safe houses in 2017 and 82 persons (22 women, 24 girls and 36 boys) spent 10,122 days in safe houses in 2018.

There is no safe house in BD BiH. Funds for the temporary stay and accommodation of victims of domestic violence at safe houses in the two entities is provided through the budget of Brčko District.⁹³

No crisis centres for cases of rape have been established as special institutional mechanisms in BiH within the confines of the Convention. Having in mind the small number of reported cases of rape and the risk of additional stigmatisation, services for the victims of rape are provided by specialist physicians at healthcare institutions. A manual entitled 'Clinical Treatment of Cases of Rape' has been developed for healthcare institutions in the both entities as a resource for protecting victims and ensuring uniform treatment in cases involving violence. Training has also been provided for experts. Special support services for victims of rape are provided within the framework of the counselling services of specialised NGOs such as 'Vive žene' from Tuzla and 'Medica' from Zenica.

As previously mentioned, the GEA BiH MHRR BiH has conducted an analysis of the health sector in BiH within the framework of the USAID financed project 'Strengthening the Capacity of Institutions for Addressing Gender-Based Violence in BiH'. One of the key findings was that there were no crisis centres for female victims of rape and sexual violence, which is one of the criteria provided for under the Istanbul Convention. Within the framework of the project review, funds amounting to EUR 80,000 were allocated for the establishment of crisis centres. The BiH MHRR BiH is planning to define the legal framework for the establishment of the centres together with other institutions in 2020. The opening of a pilot centre is envisaged for 2021.

E. Telephone helplines

There are two SOS helplines for victims of violence in BiH: the 1265 helpline in FBiH and the 1264 helpline in RS.

The Law on the Protection from Domestic Violence of FBiH does not provide for an SOS helpline.⁹⁴ However, a memorandum of understanding was signed between the GC FBiH, Social Services in Jajce

⁹³ Answers to additional questions of the United Nations CEDAW Committee related to the 6th Periodic Report of Bosnia and Herzegovina on the Implementation of the Convention on the Elimination of all Forms of Discrimination against Women (2013-2016), the Gender Equality Agency of Bosnia and Herzegovina within the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

⁹⁴ Law on the Protection from Domestic Violence, 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 20/13.

and the NGOs 'Fondacija lokalne demokratije' from Sarajevo, the citizens' association 'Vive žene' from Tuzla, the association 'Žene sa Une' from Bihać, the citizens' association 'Medica' from Zenica and the association 'Žena BiH' from Mostar. As a result, there is a single 1265 helpline for the territory of FBiH.

Calls to the 1265 helpline are transferred to the nearest operator or organisation, which is part of the system and provides support, advice and information regarding violence. Calls are possible 24/7. Calls are anonymous and operators record both the call and the type of support provided, but there is no obligation to provide personal data. The statistical data recorded for this telephone number does not include any confidential information and the 1265 helpline operators have attended specialised training programmes enabling them to work with victims of domestic violence.

Calls to the 1265 helpline are free of charge. In compliance with a decision of the Government of FBiH on the publication of a 1265 helpline as an emergency assistance helpline, telecom operators have rendered these calls free of charge. The GC FBiH pays an annual fee to the Communications Regulatory Agency for the functioning of the short code 1265. The financing of helpline operators is not provided through the budget but rather by the service provider, i.e. the organisations that are signatories of the MoU. It is necessary to ensure a budget for continuous and sustainable helpline service as a specialised violence protection service, i.e. ensure funds for the work of the helpline operators and secure the financial sustainability of all helplines in BiH.

The number of 1265 helpline calls in FBiH was 453 (14% of men, 86% of women) in 2017 and 226 (with the same ratio of men and women) in 2018.⁹⁵ The persons affected made the largest number of calls (73%), while 12 per cent of calls were made by a family member of an affected person.

In RS, a single free-of-charge 1264 helpline for victims of domestic violence was introduced in 2005. The SOS helpline is available 24/7 and covers the entire territory of RS. Calls are transferred to the safe house nearest to the caller. There were 3,693 helpline calls in 2017 and 3,474 in 2018.

F. Child witnesses

The institutions that usually have the first contact with a victim of violence include social services, the police, health institutions and NGOs. These institutions intervene within their competence in order to protect and accommodate women and children who are victims of violence and keep records on these cases. Social services intervene within families primarily to protect the interests of children that unfortunately live in families where there is violence and where they are subject to physical abuse, neglect and abandonment.

In 2017, the HJPC BiH adopted the 'Strategy on Treating Persons in Contact with Prosecutor's Offices'. The strategy contains a set of principles and standards related to treating child witnesses and victims. In compliance with the strategy, the HJPC adopted guidelines for prosecutors on treating injured parties/witnesses that also apply to child witnesses. These guidelines have been forwarded to prosecutors' offices in BiH.

The Family Law of FBiH⁹⁶ dedicates the necessary attention to the protection of the interests of minor children. The Law contains a series of provisions that specify the activities that the authorities in charge of child custody issues and the courts must undertake in order to protect minor children. This

⁹⁵ The Action Plan for the implementation of the 2018-2020 Strategy for Preventing and Combating Domestic Violence, 'Official Gazette of the Federation of Bosnia and Herzegovina' No. 102/18. The 2018 Report on the Implementation of the Action Plan was adopted by the Government of the Federation of Bosnia and Herzegovina during its 191st session held on 19 September 2019.

⁹⁶ 'Official Gazette of the Federation of Bosnia and Herzegovina', nos. 35/05 and 31/14.

applies to cases where their rights have been violated in any way, including cases of violence, abuse, sexual abuse and neglect of children. In those cases, where a child was witness to or present during an act of violence, the child is subject to a psychological assessment in order to determine the psychological support that the child needs.

The laws on the protection and treatment of children and minors in criminal proceedings in FBiH, RS and Brčko District⁹⁷ regulate the treatment of injured children, the examination of children with the assistance of pedagogues and psychologists or other experts, and the manner and course of examination of a child witness. They also provide prescribe that special care must be applied when treating a child or minor involved in case and who was injured as a result of a criminal offence. This is done in compliance with his/her age, personality traits, education and the circumstances under which he/she lives in order to avoid any potential consequences for his/her future life, upbringing and development. The examination of a child or minor in general takes place with the assistance of a pedagogist, psychologist or another expert. If a child or minor witness was subjected to serious physical or psychological trauma, the circumstances under which the criminal offence was committed must be taken into consideration along with the fact that the child may be suffering from serious psychological disturbances that makes him/her particularly sensitive. In this case, making the child testify or face the accused is prohibited.

According to the laws on criminal proceedings, a judge can exclude the public from the whole main hearing or part of the main hearing under certain circumstances. This is done in order to, among other reasons, preserve the personal and intimate life of the accused or injured party or to protect the interests of a minor or witness. In regard to testimony, the spouse or life partner of the accused as well as the accused's parents or children, adoptive father or mother or adopted children have the right to refuse to testify.

Most courts in BIH have special divisions or panels for minors, whereas the prosecutors' offices have divisions for minors. In compliance with the laws on the protection and treatment of children and minors in criminal proceedings, the judge and prosecutor must consider fully the upbringing, needs and interests of young persons as apply his/her special knowledge. Judges and prosecutors for minors must have a proclivity toward working with children and special knowledge about the laws pertaining to children and juvenile delinquency as well as other knowledge and skills that make them competent for handling cases involving juvenile delinquency.

In regard to child witnesses, the 'Manual for Treating Child Victims and Witnesses of Criminal Offences' was developed and published in June 2017 within the framework of the Government of Switzerland and Government of Sweden (SIDA) supported UNICEF project 'Justice for Every Child'. The manual was used to train expert associates/advisors.⁹⁸ The purpose of the manual is to provide guidelines, information and instructions for professionals participating in criminal proceedings that will help them ensure the best interests of the child in criminal proceedings and avoid secondary victimisation.

The following judicial institutions have divisions for witness support, i.e. they employ psychologists for witness support: the Court of BIH, Prosecutor's Office of BIH, District Court in Banja Luka, Canton Court in Sarajevo, Basic Court in Banja Luka, Canton Prosecutor's Office of Sarajevo Canton, Canton Court in Bihać, Canton Prosecutor's Office of the Una Sana Canton in Bihać, Basic Court of Brčko, the Police in

⁹⁷ 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 7/14; 'Official Gazette of Republika Srpska', nos. 13/10 and 61/13 and 'Official Gazette of Brčko District of Bosnia and Herzegovina', No. 44/11.

⁹⁸ Savjak N., Ninković, O., Hadžimerović-Muftić, H., Uletilović, D., Kuldija, S. and Arula, B., *Priručnik za postupanje sa djecom žrtvama i svjedocima krivičnog djela* (Manual for Treating Child Victims and Witnesses of Criminal Offences), 2017. Available from <https://bit.ly/2PY4Dfg>.

Brčko District/Prosecutor's Office of Brčko District, District Prosecutor's Office of Istočno Sarajevo, Canton Court in Zenica, Canton Prosecutor's Office of Zenica Dobož Canton in Zenica, Canton Prosecutor's Office of the Herzegovina Neretva Canton in Mostar, Canton Court in Novi Travnik, Canton Prosecutor's Office of the Central Bosnia Canton in Travnik, District Prosecutor's Office of Trebinje, Canton Prosecutor's Office of Tuzla Canton, District Prosecutor's Office of Dobož, District Prosecutor's Office of Banja Luka, District Court of Istočno Sarajevo and the District Court of Trebinje.

The Law on Protection of Witnesses under Threat and Vulnerable Witnesses of FBiH⁹⁹ regulates the provision of psychological, social and expert assistance to witnesses under threat and vulnerable witnesses during questioning or during the hearing by social services and at the request of the prosecutor's office.¹⁰⁰ The Law on Witness Protection in Criminal Proceedings of RS¹⁰¹ regulates, among others, protection measures for vulnerable witnesses in criminal proceedings.

The term vulnerable witness is identical in both FBiH and in RS. It refers to a witness who has suffered serious traumatisation either physical or psychological because of the circumstances under which a criminal offence was perpetrated and who displays serious psychological disturbance that makes him/her extremely sensitive. This term also applies to children and minors. In compliance with the provisions of the law, a child and a minor automatically receive the status of vulnerable witness. The Law on Protection and Treatment of Children and Minors in Criminal Proceedings prohibits a child or a minor from being made to confront the perpetrator of the crime and from being heard as a witness if the child or minor is subject to serious physical or psychological trauma.

The identification process in all phases of the proceedings takes place in such a manner that makes it completely impossible for the accused to see a minor injured by the crime or a witness to the crime. The rule on the protection of privacy is also applicable in criminal proceedings against adult perpetrators of crimes in which children and minors are witnesses. It relates to the fact that over the course of criminal proceedings and when bringing the decision in criminal proceedings it is prohibited to publish, video or use audio recordings from the case. The final judgement can be published but without revealing the name of the child or and sensitive data that would make it possible to discover the child's identity. Such proceedings are urgent by their nature.

In RS, the Centre for Supporting Child Victims of Violence and Abuse at the Hospital of Foča provides expert psychological and social support and services for children that were subject to domestic or peer violence.

G. Other protection and support measures for female victims of violence

Following the adoption of the laws on protection against domestic violence in FBiH and in RS, cooperation protocols were signed between the competent institutions in relation to the handling of cases of domestic violence at the local level. Protocols define the mutual rights and obligations of the competent institutions involved in the process of reporting on cases of domestic violence, the provision of protection to victims of domestic violence and work with violent persons. Over the past period, protocols were signed in ten cantons in FBiH and 61 protocols were signed at the local level (including municipalities that were involved in the cantonal protocols). In RS over the past period, 36 protocols were signed at the local level. Women's NGOs at the local level played an important role in the preparation and functioning of the protocol.

⁹⁹ 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 36/03.

¹⁰⁰ 'Resursni paket jačanje odgovora pružatelja besplatne pravne pomoći na rodno zasnovano nasilje, uključujući seksualno nasilje i torturu u sukobima' (Resource Package for Strengthening the Response of Free Legal Aid Providers to Gender-Based Violence, including Conflict Related Sexual Violence and Torture), UNDP, 2017, page 65.

¹⁰¹ 'Official Gazette of Republika Srpska', No. 48/03.

The protocols specify, among other things, the manner in which the competent institutions come into contact, exchange information and inform one another about the various aspects of violence. This includes suspected cases of violence, the presence of violence, interventions in cases of reported violence and cooperation in relation to providing support to a victim of violence during an intervention. It also covers exchange of information and opinions during the rehabilitation of a victim of violence, exchange of information on the execution of sanctions against a perpetrator of violence and the exchange of important information on measures for the protection of a victim throughout the duration of a sanction.

Coordination between specialist support services and general support services is defined through cooperation protocols such as the intervention protocol in cases of domestic violence of the citizens' association 'Vive žene' that is applicable in Tuzla Canton, including all 13 cities and municipalities of Tuzla Canton and in Posavina Canton. There are also individual memoranda of understanding with some healthcare institutions. Cooperation and coordination takes place in both written and verbal forms but the relationship and cooperation varies from one local community to another.

A protocol on cooperation and handling cases of violence against women and domestic violence was signed in Brčko District in 2018. The following were signatories of the protocol: Prosecutor's Office of Brčko District, Police of Brčko District, Department of Health and Other Services of the Government of Brčko District, Department of Education of Brčko District, the public health institution 'Health Centre Brčko' and the association of active women 'GENDER' from Brčko District as well as 'BH Novinari' (Club of Journalists) of Bosanska Posavina in Brčko District.¹⁰²

Given the fact that domestic violence requires an interdisciplinary approach and inter-agency cooperation, the General Protocol on Handling Cases of Domestic Violence was signed in RS in order to improve and strengthen mutual cooperation related to protection, assistance and support to victims of domestic violence and a coordinated response to combating and preventing the repetition of violence.¹⁰³ The signatories of this protocol are the ministries of Justice, Internal Affairs, Health and Social Protection, Education and Culture and Family, Youth and Sports. The protocol defines general standards for handling such cases, while local self-governing units enter into their local protocols in compliance with the above general protocol. Annual reports are compiled on the implementation of the General Protocol.

During the reporting period (2017/2018), in cooperation with the GC RS and UN Women, the project 'Standards and Engagement for Preventing Violence against Women and Domestic Violence in BiH: Improving Access to Higher Quality, Multi-Sector Services for Survivors of Violence against Women and Domestic Violence at the Local Level' helped support the establishment of multi-sector mechanisms in five target locations in RS. They included two cities and three municipalities. The cities were Zvornik and Istočno Sarajevo, which consist of six municipalities (Sokolac, Trnovo, Istočni Stari Grad, Istočna Ilidža, Pale and Istočno Novo Sarajevo). The other three municipalities were Višegrad, Bratunac and Milići. In compliance with the Istanbul Convention, the aim was to strengthen the response mechanism that facilitates a decrease in violence against women and girls and domestic violence in RS. During project implementation and additional three municipalities joined, namely Rudo, Istočno Gorazde and Banja Luka. This meant that the project included 14 municipalities.

¹⁰² The protocol was developed within the framework of the project 'Strengthening Prevention and Combating Violence against Women and Domestic Violence in Brčko District of Bosnia and Herzegovina', which is implemented by the association 'žene' from Banja Luka and 'Vive žene' from Tuzla as part of the Swedish International Development Cooperation Agency (SIDA) financed UN Women project 'Standards and Engagement for Preventing Violence against Women and Domestic Violence in Bosnia and Herzegovina'.

¹⁰³ 'Official Gazette of Republika Srpska', No. 104/13.

Among others, the following results were achieved within the framework of the project:

- five local protocols in Istočno Sarajevo, Višegrad, Zvornik, Bratunac and Milići;
- guidelines on cooperation were established between several agencies in line with the Convention, including a legal and organisational framework for cooperation between several agencies at the local level;
- an instrument for monitoring multi-sector mechanisms;
- two rulebooks for monitoring the work of the municipal coordination team and the professional team;
- an instrument to monitor implementation of the Istanbul Convention;
- a manual for service beneficiaries;
- a comprehensive multi-sector training programme for the professional training of service providers on the target locations of the project.

A total of 479 experts (373 women and 106 men) participated in the project, which included events and visits by mentors and 16 perpetrators of crimes and 10 media representatives attended workshops and trainings. One of the direct results of the project was the development of a multi-sector training programme. The programme was included in the curriculum of the Department for Social Work of the Faculty of Political Sciences of the University of Banja Luka under the subject 'Social work and Domestic Violence' as of the fall semester in 2018. This means that future social workers, whether they work in the public or NGO sector, will be able to apply a multi-sector approach and provisions of the Istanbul Convention.

The following activities are planned within the framework of the project Standards and Engagement for the Prevention of Domestic Violence and Violence against Women and in cooperation with the Gender Centre of RS and UN Women over the period November 2019 – December 2020:

- 1) professional and technical support for the implementation of a multi-sector approach at the local level in the LSGs Prnjavor, Derventa, Brod, Laktaši, Srbac and Gradiška;
- 2) mentor support for professional service providers and monitoring of the quality of the multi-sector response to violence in order to meet the requirements of the Istanbul Convention;
- 3) provision of support for the introduction of minimum standards in the target sectors in RS in compliance with the Istanbul Convention (in cooperation with the ministries of Family, Youth and Sports and Internal Affairs);
- 4) improvement of the system for recording, gathering and analysing data, and monitoring and reporting on compliance with the Istanbul Convention;
- 5) raising media awareness regarding the negative consequences of violence against women.

In the period from September 01 January 2016 to 31 January 2019, the GC FBiH implemented the project 'Enhancing Access to Multi-Sector Services for Victims of Gender-Based Violence at the Cantonal and Municipal level'. The aforementioned project was implemented within the framework of the Swedish Development Cooperation Agency (SIDA) financed UN Women programme 'Standards and Engagement for Combating Domestic Violence and Violence against Women in BiH'. Implementation of project activities has made a significant contribution to the development of referral mechanisms and a multi-sector response to domestic violence and was extremely important for both the municipal and cantonal level. Activities were implemented and meetings were held in order to support the appointment of cantonal coordination bodies, the adoption of a programme of measures and in providing information to decision makers about the problem of violence and the corresponding obligations of cantonal governments. Meetings were held in order to support the establishment of municipal multi-sector teams, raise awareness about violence and obligations at the municipal levels.

The key results include the following:

- trained and aware representatives of various institutions and organisations in three cantons;
- issuance of an official decree of the Government of the Central Bosnia Canton on the appointment of a cantonal coordination body;
- a Decision issued by the Ministry of Health and Social Policy of the Central Bosnia Canton on the financing of the work of the coordination body;
- an official decree by the Government of Canton 10 on the appointment of a cantonal coordination body;
- the procedure for the adoption of a decree on the appointment of a cantonal coordination body initiated in the Western Herzegovina Canton;
- adopted programmes of measures in the Central Bosnia Canton and in Canton 10;
- municipal multi-sector teams established in six municipalities in Canton 10;
- municipal multi-sector teams established in ten municipalities in the Central Bosnia Canton;
- an initiative on the establishment of municipal multi-sector teams in three municipalities of the Western Herzegovina Canton;
- adoption of municipal protocols in the municipalities of Novi Travnik, Travnik, Vitez, Kiseljak, Fojnica, Kreševo, Donji Vakuf and Gornji Vakuf/Uskoplje;
- a review of the municipal protocol in the Municipality of Jajce;
- regular meetings of the municipal multi-sector teams, trainings and campaigns.

V Substantive law

(Articles 29 – 48 of Chapter V of the Convention)

A. Legal framework for the implementation of the provisions of the Convention

Criminal law

The Criminal Code of BiH¹⁰⁴ and the Law on Gender Equality define certain criminal offences that also relate to the issue of violence against women (within the context of the provision of Article 3 of the Convention). These criminal offences relate primarily to the area of exercising rights before the institutions of BiH. They also relate to the areas of gender-based discrimination, war events and the perpetuation of criminal offences as war events and as war crimes, the area of international human trafficking and international solicitation of prostitution and the area of violation of gender equality. An overview of criminal offences related to the application of the Convention is available in Appendix 9 of this report.

When it comes to restraining orders and protection measures, these are provided to female victims of all types of violence included in the Convention. The Court of BiH brings decisions on imposing, lifting or changing prohibited measures. The Court can impose an order of house arrest, a travel ban and other bans in a decision containing an explanation that it is made at the request of the injured party or his/her defence lawyer. In compliance with the Criminal Procedure Code of BiH, there is a mechanism for the issuance of a restraining order in the case of a witness. This mechanism can also be applied in a case of violence against a woman where a woman is a witness.

The procedure for obtaining a restraining order does not involve the payment of any fee. Such a measure becomes effective as soon as it is imposed and an appeal against the decision does not postpone the execution of the decision ordering such a measure to be imposed. A prohibitory measure can last for as long as deemed necessary or at the latest up until the judgment becomes final if the subject of the decision was not sentenced to prison or up until such time that he/she is sentenced to prison.

The imposition of a restraining order and a ban on visiting certain places relates exclusively to ongoing criminal proceedings. When imposing a ban, the suspect or the accused is warned that he/she can be detained if he/she violates the requirements of the imposed measure. In compliance with the Law on Protection of Witnesses under Threat and Vulnerable Witnesses,¹⁰⁵ the court, the prosecutor and other bodies that participate in the proceedings are obliged to inform a witness about his/her rights and social services are obliged to provide legal assistance and other forms of assistance and support within the competency to such a witness.

The criminal codes of RS and FBiH include the criminalisation of violence against women and domestic violence as defined in the Convention, although not in the same manner. Offences defined in the Convention can be classified as criminal offences as defined in the Criminal Code of FBiH, whereas the Criminal Code of RS also includes the names of offences that are identical to the definitions in the Convention.

¹⁰⁴ 'Official Gazette of Bosnia and Herzegovina', nos. 3/03, 32/03 - correction, 37/03, 54/204, 61/04, 30/05, 53/06, 55/06, 8/10, 47/14, 22/15, 40/15 and 35/18.

¹⁰⁵ 'Official Gazette of Bosnia and Herzegovina', No. 21/03.

The Criminal Code of FBiH¹⁰⁶ criminalises offences that are identical or similar to offences defined in the Convention in terms of the types of violence. In regard to criminal offences included in the Convention, in compliance with Article 41 of the Criminal Code of FBiH criminal offenders can be sentenced to prison or fines imposed. An overview of criminalised offences and the prescribed sanctions are contained in Appendix 10. The part that focuses on criminalising violence (under F) contains an overview of how criminalised offences from the Criminal Code of FBiH and other relevant laws correspond to definitions in the Convention.

Article 59 of the Criminal Code of FBiH specifies measures of warning: a judicial admonition and suspended sentence. In compliance with Article 68 of the Criminal Code of FBiH, a court can decide that a perpetrator with a suspended sentence be placed under protective supervision. This is based on the circumstances under which the offence was committed, the personality of the perpetrator, his/her previous life and behaviour after committing the crime. This measure is applied if it is the opinion of the court that the imposition of protective supervision will ensure that the purpose of a suspended sentence and social adaptation of the convict will be achieved in a better way. Protective supervision includes measures of assistance, care, supervision and protection provided for under the Law. The duration of supervision cannot be less than six months but must not exceed two years.

Article 69 of the Criminal Code of FBiH states that protective supervision can include a number of obligations. These obligations include a) the receipt of medical treatment at an appropriate healthcare facility, b) abstinence from alcohol and/or drugs, c) visits to psychiatric and psychological or other counselling centres and compliance with their advice, d) undergoing training for a certain profession, e) acceptance of employment in compliance with the perpetrator's level of education and abilities, and f) disposal of salary and/or other income or property in an appropriate manner that is in compliance with marital and family obligations.

Article 71 of the Criminal Code of FBiH provides for security measures that can be imposed on perpetrators of criminal offences: a) obligatory psychiatric treatment, b) obligatory addiction treatment, c) an occupational, activity or duty ban, d) driving ban and e) confiscation of instrumentalities.

Laws applicable in RS for cases involving violence against women, including domestic violence, constitute a comprehensive legal framework for regulating the field of violence against women and domestic violence. They include the following: the Criminal Code of RS,¹⁰⁷ the Criminal Code of RS,¹⁰⁸ the Law on Protection from Domestic Violence¹⁰⁹ and the Law on Misdemeanours of RS.¹¹⁰

The Criminal Code of RS, which entered into force on 18 July 2017, introduced new criminal offences in compliance with the Convention and other international standards. An overview of criminalised offences is contained in the section related to the criminalisation of offences defined by the Convention (under F). In addition to harmonisation with the Convention, it is important to mention that Article 92 of the Criminal Code of RS introduced a special register of persons convicted of criminal offences against the sexual integrity of children.

¹⁰⁶ 'Official Gazette of the Federation of Bosnia and Herzegovina' nos. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16 and 75/17.

¹⁰⁷ 'Official Gazette of Republika Srpska', nos. 49/03, 108/04, 37/06, 70/06, 73/10, 1/12 and 67/13.

¹⁰⁸ 'Official Gazette of Republika Srpska', No. 64/17.

¹⁰⁹ 'Official Gazette of Republika Srpska', nos. 102/2012, 108/2013, 82/2015 and 84/2019.

¹¹⁰ 'Official Gazette of Republika Srpska', nos. 63/2014, 36/2015 (a judgment of the Constitutional Court), 110/2016 and 100/2017.

In 2018, adopted the Law on a Special Register of Persons Convicted in the Final Judgment of the Criminal Offences of Sexual Abuse and Exploitation of Children.¹¹¹ The main purpose of the register is to prevent persons convicted of the criminal offences of sexual abuse and exploitation of children from being employed in workplaces that foresee work with children. The Law provides that all persons convicted in the final judgment of one of the criminal offences exhaustively listed in the Criminal Code of RS must be entered into the register, including their personal data. The Law also defines the body in charge of maintaining the register and which bodies have the right to obtain data from the register. The Law provides for special measures in the case of persons that have served a sentence for the criminal offences of sexual abuse and exploitation of children, who are obliged to present themselves at the competent organisational unit of the Ministry of Internal Affairs. In order to protect children from sexual abuse, abuse and exploitation, the perpetrators of these criminal offences must refrain from visiting places where minors gather and are sanctioned in the event that they violate the ban.

The Law provides for a criminal sanction for every criminal offence, which is imposed in compliance with three key principles: 1) the principle of criminal liability and criminality, 2) the principle of parity for the perpetrators of criminal offences and 3) the principle of fairness and proportionality. The Criminal Code of RS provides for the following criminal sanctions: sentences, alternative measures, security measures and corrective measures. Perpetrators of criminal offences defined in the Convention can be imposed two types of sentences: a prison sentence or a fine. In some cases, given the nature and the gravity of the criminal offence or the circumstances under which it was perpetrated as well as the personality of the perpetrator, a court can find that a sentence is not necessary in order to achieve the purpose of punishment. In such cases, the following alternative measures can be imposed on the perpetrators of criminal offences: a suspended sentence, a suspended sentence with protective supervision or community service.¹¹² In cases prescribed by the Law, a court can replace a prison sentence of up to one year with community service. It can impose a suspended sentence on the perpetrator and find that the sentence will not be executed, unless the accused commits another criminal offence during the probation period (which cannot be less than a year and not more than five years).

In regard to the general purpose of criminal sanctions in RS, it is possible to impose security measures on perpetrators of criminal offences in order to deal with a situation or circumstances where an expert witness has established that they impacted the perpetrator in the commission of a certain criminal offence. Security measures are a type of criminal sanction that focuses on eliminating the cause of the criminal behaviour of the persons on whom they are imposed. This means that a court can impose this type of measures when it finds that in a specific case there is the risk that the perpetrator might repeat the offence because of a certain personality trait (e.g. an addiction, a mental state, etc.). The court can impose one or several of the following security measures: compulsory inpatient psychiatric treatment at a health institution, a compulsory outpatient psychiatric treatment at a health institution, a compulsory addiction treatment, a restraining order requiring a person to stop contacting and communicating with someone, compulsory psychosocial treatment, removal from a common household, and confiscation of items.

In RS, a person can be detained¹¹³ if he/she commits the criminal offence of domestic violence for a number of reasons. A person can be detained if he/she is caught committing a criminal offence, if there is reason to fear that he/she will repeat the same or perpetrate a similar criminal offence or complete the attempted criminal offence. He/she can be detained if circumstances indicate that the person might escape or if there is a risk that he/she might destroy, hide, change or falsify evidence and traces that are important for the criminal proceedings. A person caught committing a criminal

¹¹¹ 'Official Gazette of Republika Srpska', No. 31/18.

¹¹² Criminal Code of Republika Srpska, Articles 61-70.

¹¹³ Criminal Procedure Code, Articles 196-203.

offence must immediately be handed over to the nearest police station, court or prosecutor. If this is not possible then one of the mentioned authorities must be informed immediately. A detention order is imposed or prolonged in accordance with a court decision, which is based on a motion by the prosecutor. In cases where some of the above reasons exist the police can arrest a person if there is reasonable suspicion that he/she committed a criminal offence. In compliance with the Law, such a person must be brought before the prosecutor no later than 24 hours after the arrest. The use of force by the police during the transfer is allowed in compliance with the law. When bringing the person, the police inform the prosecutor about the reasons for and the time of the arrest. The court adopts a decision on the detention motion within 24 hours.¹¹⁴

The legislation of Brčko District that criminalises domestic violence and violence against women is the following: the Criminal Code of Brčko District¹¹⁵ and the Law on Protection from Domestic Violence of Brčko District.¹¹⁶ This includes the following rulebooks: the Rulebook on the Manner and Place of Implementation of Protection Measure of Compulsory Addiction Treatment of Perpetrators of Domestic Violence,¹¹⁷ the Rulebook on the Manner and Place of Implementation of the Protection Measure of Compulsory Psycho-social Treatment of Perpetrators of Domestic Violence¹¹⁸ and the Rulebook on the Content of Domestic Violence Records and Reports.¹¹⁹

Other relevant legislation

The Family Law of FBiH¹²⁰ prohibits violent behaviour by a spouse or any other family member. Violent behaviour means any violation of the physical or psychological integrity within the meaning of Article 6 of the Law on Gender Equality in BiH. The Family Law of FBiH focuses in particular on the protection of the interests of minors. The Law includes a series of provisions defining the activities of the authorities in charge of guardianship and the courts aimed at the protection of minors in cases where their rights have been violated in any way, including cases of violence, abuse, sexual abuse and neglect of children.¹²¹

Article 9 of the Labour Law of FBiH¹²² prohibits harassment or sexual harassment and violence at the workplace, gender-based violence as well as systematic mobbing of workers and persons seeking employment at companies by employers or other employees. Harassment is defined as any unwanted behaviour derived from one of the grounds from Article 8 of the Law that is intended to or that constitutes a violation of dignity of a worker or a person seeking employment and that causes fear or a hostile degrading or insulting environment. Sexual harassment is any behaviour involving words or actions of a sexual nature intended to or that constitutes a violation of the dignity of an employee or a person seeking employment and that causes fear or creates a degrading or insulting environment. Gender-based violence is any action causing physical, psychological, sexual or economic damage or suffering, including threats of such acts that seriously limit a person's rights and freedoms based on the principle of gender equality or in relation to labour. Mobbing constitutes a special form of non-physical harassment at the workplace and implies the repetition of acts of one or more persons who are psychologically abusive or humiliate another person with the intention to or the consequence of

¹¹⁴ Article 204 of the Criminal Procedure Code, 'Official Gazette of Republika Srpska', No. 53/12.

¹¹⁵ 'Official Gazette of Brčko District of Bosnia and Herzegovina', No. 33/2013 – consolidated text, 47/2014 – correction 26/2016, 13/2017 and 50/2018.

¹¹⁶ 'Official Gazette of Brčko District of Bosnia and Herzegovina', No. 7/2018.

¹¹⁷ 'Official Gazette of Brčko District of Bosnia and Herzegovina', No. 33/18.

¹¹⁸ 'Official Gazette of Brčko District of Bosnia and Herzegovina', No. 33/18.

¹¹⁹ 'Official Gazette of Brčko District of Bosnia and Herzegovina', No. 29/18.

¹²⁰ 'Official Gazette of the Federation of Bosnia and Herzegovina', nos. 36/05, 41/05 and 31/14.

¹²¹ 'Resursni paket jačanje odgovora pružatelja besplatne pravne pomoći na rodno zasnovano nasilje, uključujući seksualno nasilje i torturu u sukobima' (Resource Package for Strengthening the Response of Free Legal Aid Providers to Gender-Based Violence, including Conflict-related Sexual Violence and Torture), UNDP, 2017, page 62.

¹²² 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 26/16.

which compromise his/her reputation, honour, dignity and integrity or degrade his/her working conditions or professional status.¹²³

The labour, employment, education, health and social protection legislation of RS provides for the prohibition of discrimination and gender-based violence. The Labour Law of RS¹²⁴ explicitly prohibits sexual harassment, which constitutes any unwanted behaviour intended to violate the dignity of a person seeking employment or a worker and causing fear or creating a degrading or insulting environment. Sexual harassment is any verbal or physical behaviour that intended to or that constitutes a violation of dignity of a person seeking employment or an employee in the segment of sexual life and that causes fear or creates a degrading or insulting environment. The Labour Law of RS defines gender-based violence as any act that causes physical, psychological, sexual or economic damage or suffering as well as the threat of such acts and that seriously limits the rights and freedoms of a person and contravenes the principle of gender equality. In relation to labour, mobbing is defined as a special form of behaviour at the workplace through which one or more persons systematically and physically abuse or humiliate another person for a longer period of time in order to compromise his/her reputation, honour, human dignity and integrity.¹²⁵ Apart from the legal provisions, there are no special protocols or guidelines for preventing sexual harassment at the workplace in RS.

The Law on Employment Services and Unemployment Rights prohibits gender-based discrimination in employment. It also specifically states that in the process of employment all persons shall be equal on the basis of gender.

The Family Law of RS¹²⁶ focuses in particular on the protection of interests of minor children. The law includes a series of provisions defining the activities of the authorities in charge of child custody issues and for the courts in order to protect minors in cases when their rights have been violated in any way, including cases of violence, abuse, sexual abuse and neglect of children.

Special legislation

Article 6 of the Law on Gender Equality of BiH¹²⁷ defines gender-based violence as any act that causes or could cause physical, psychological, sexual or economic damage or suffering, including the threat of such an acts, and limits a persons or group of people's ability to enjoy their human rights and freedoms in the public or private sphere. Gender-based violence includes but is not limited to domestic violence, violence in the wider community, violence committed or tolerated by government authorities or other authorised bodies or individuals and gender-based violence in the event of armed conflict. The competent authorities are obliged to take the relevant measures in order to eliminate and prevent gender-based violence in the public and private life and ensure instruments for providing victims with protection, assistance and damage compensation. Article 29 of the Law on Gender Equality of BiH criminalises gender-based violence, harassment and sexual harassment that jeopardises the peace, mental health and physical integrity of a person. Perpetrators of gender-based violence face a six-month to five-year prison sentence.

There are special laws on protection against domestic violence in FBiH, RS and Brčko District. The full text of these laws are attached in appendices 11, 12 and 13 to this report. A short elaboration on these laws is given below.

¹²³ "Resursni paket jačanje odgovora pružatelja besplatne pravne pomoći na rodno zasnovano nasilje, uključujući seksualno nasilje i torturu u sukobima" (Resource Package for Strengthening the Response of Free Legal Aid Providers to Gender-Based Violence, Including Conflict-Related Sexual Violence and Torture), UNDP 2017, page 63.

¹²⁴ "Official Gazette of Republika Srpska", No. 1/16 i 66/18.

¹²⁵ Labour Law ("Official Gazette of Republika Srpska", No. 1/16 and 66/18), Article 24, Paragraph 1) to 5).

¹²⁶ "Official Gazette of Republika Srpska", No. 54/02, 41/08 and 63/14.

¹²⁷ "Official Gazette of Bosnia and Herzegovina", No. 32/10 – consolidated text.

The Law on Protection from Domestic Violence of FBiH¹²⁸ defines domestic violence as acts committed by a family member that cause physical, psychological or sexual pain or suffering and/or economic damage, including the threat of such acts that cause fear of physical, psychological or sexual violence and/or economic damage to another family member. A domestic violence act or threat of such an act includes the following: 1) Any use of physical force against the physical or psychological integrity of a family member, 2) any acts by a family member that contain the threat of physical or psychological pain or suffering, 3) causing fear or making personal threats or the violation of the dignity of a family member through blackmail or another form of coercion, 4) physical attack against a family member committed by another family member, irrespective of the whether there was a physical injury or not; 5) a verbal attack, insults, swearing, name calling or other forms of serious harassment of a family member by another family member; 6) sexual harassment, 7) stalking and all other similar forms of harassment by another family member, 8) damage or destruction of common property or property in the possession of a family member, 9) use of physical force or causing fear for the purpose of depriving a person of his/her right to economic independence by prohibiting him/her from working or by keeping him/her in a state of dependence or subordination, 10) the use of physical or psychological violence against children and neglecting their education, 11) physical and psychological violence against old and weak persons and neglecting their care and treatment, 12) forced isolation or limiting the freedom of movement of a family member and 13) the failure to provide due care and attention and the failure to assist and protect a family member in spite of the legal obligation to do so.

The following rulebooks were adopted to support implementing of the Law on Protection against Domestic Violence of FBiH:

- Rulebook on the Implementation of Protection Measures falling within the scope of the Police¹²⁹
- Rulebook on the Manner and Place of Implementation of the Protection Measure of Compulsory Psychosocial Treatment of Perpetrators of Domestic Violence¹³⁰
- Rulebook on the Manner and Place of Implementation of the Protection Measure of Compulsory Alcohol, Drug or Psychotropic Substance Addiction Treatment for Perpetrators of Domestic Violence¹³¹

In compliance with recommendations contained in the BiH Legal Framework Analysis and Special Support Service Analysis that are in accordance with the Istanbul Convention, a preliminary Draft Law on Protection from Domestic Violence of FBiH was adapted in order to harmonise it with the Istanbul Convention. The BiH MHRR BiH supported an initiative for drafting a preliminary draft based on a MoU signed with the network 'Sigurna mreža'. Its representatives participated in a working group and supported meetings organised by the working group. Once the working group completed the text of the preliminary draft law, it was submitted to the Government of FBiH along with an explanation of the importance of its adoption. Given the fact that the draft law also provides for a change in relation to the competent ministry, the draft was submitted to the cabinet of the Prime Minister of the Government of FBiH in June 2019.

The Law on Protection from Domestic Violence of RS¹³² contains detailed definitions of domestic violence and provides for actions to be taken by the competent institutions, public authorities and institutions in order to provide protection from domestic violence. The basic purpose of this Law is to

¹²⁸ 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 20/13.

¹²⁹ 'Official Gazette of the Federation of Bosnia and Herzegovina', nos. 19/14 and 95/18.

¹³⁰ 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 63/17.

¹³¹ 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 99/15.

¹³² 'Official Gazette of Republika Srpska', nos. 102/12 and 108/13.

protect victims of domestic violence by preventing and fighting domestic violence that violates the human rights and freedoms enshrined in the Constitution and the Law. The Law regulates protection from domestic violence, defines persons considered members of a family or family unit within the meaning of the Law, the persons protected by the Law and the process for protecting victims of domestic violence. It defines the establishment of a committee for fighting domestic violence, measures for the protection of victims of domestic violence and other issues of importance for protection from domestic violence. The main goal of the Law is to protect victims of domestic violence by preventing and fighting domestic violence that violates the fundamental human rights and freedoms enshrined in the Constitution and the Law. Protection from violence against women and domestic violence in RS is achieved by applying the laws that regulate the administrative, misdemeanour and criminal proceedings in relation to the prosecution of the perpetrators of violence as well as the execution of criminal sanctions and sanction for misdemeanours.

In 2019, the National Assembly of RS adopted the Law on Amendments to the Law on Protection from Domestic Violence¹³³ in order to improve protection, assistance and support for victims of domestic violence as well as to harmonise this special law with the Istanbul Convention. This confirms the seriousness and responsibility when it comes to fighting and preventing domestic violence in such a manner that it is no longer classified as a misdemeanour but rather a criminal offence, by insisting on the application of provisions of the Criminal Code of RS that define domestic violence as a criminal offence.

The Law on Amendments to the Law on Protection from Domestic Violence of RS was adopted during a meeting of the National Assembly of RS on 27 September 2019.¹³⁴ The key change relates to the abolition of the definition of domestic violence as a misdemeanour and application of provisions of the Criminal Code of RS that define domestic violence as a criminal offence.

This is an additional measure to harmonise the legal framework of RS with the standards of the Istanbul Convention and to prevent and fight domestic violence in order to better protect victims and ensure a more efficient and stricter response of society toward the perpetrators of violence. The new Law separates the assistance, support and protection of victims of domestic violence, which are regulated in the Law on Protection from Domestic Violence, from the sanctioning of perpetrators, which is defined by the Criminal Code of RS. The amendments also relate to the improvement and harmonisation of the provisions of this Law with those of the Istanbul Convention. This is done in relation to urgent protection measures aimed at achieving the more efficient protection of victims and compulsory cooperation among all institutions responsible for protection in the best interests of the victims. This includes the obligation to assess the risk of repeated violence and the introduction of the possibility for victims of domestic violence to choose a trusted person to be present during the procedures or activities related to protection from domestic violence. It also includes stricter sanctions for citizens and family members as well as the institutions and officials in charge of this matter in the event that upon learning about violence they fail to report it.

In order to ensure the efficient implementation of the Law on Protection from Domestic Violence,¹³⁵ the following sub legal regulations were passed and is being implemented: The Rulebook on Safe House Standards,¹³⁶ the Rulebook on the Contents and Keeping of a Register of Safe Houses,¹³⁷ the

¹³³ 'Official Gazette of Republika Srpska', No. 84/19.

¹³⁴ The Law on Amendments to the Law on Protection from Domestic Violence was published in 'Official Gazette of Republika Srpska', No. 84/19, and will enter into force on 1 May 2020.

Law on Protection from Domestic Violence, 'Official Gazette of Republika Srpska', nos. 102/2012, 108/2013, 82/2015 and 84/19).

¹³⁶ 'Official Gazette of Republika Srpska', No. 25/13.

¹³⁷ 'Official Gazette of Republika Srpska', No. 25/13.

Rulebook on the Allocation of Funds to Safe Houses,¹³⁸ the Rulebook on the Content of Records and Reports on Domestic Violence,¹³⁹ the Rulebook on the Manner and Place of Implementation of the Protection Measure of Compulsory Alcohol and Drugs Addiction Treatment,¹⁴⁰ the Rulebook on the Implementation of Urgent and Protection Measures falling within the Competence of the Ministry of Internal Affairs¹⁴¹ and the Rulebook on the Manner and Place of Implementation of the Protection Measure of Compulsory Psychosocial Treatment.¹⁴²

B. Guidelines for the implementation of the legal framework

Secondary legislation in FBiH and RS defines the actions to be taken by all competent institutions in cases of domestic violence: reporting the violence, prosecution, provision of general and specialised support and protection services, records and multi-sector cooperation. A list of secondary legislation is given in section A above, while the protocols of procedure were elaborated on in the previous part of this report (IV Protection and support, (G) Other measures for providing protection and support to victims of violence against women).

It is important to mention that the Ministry for Human Rights and Refugees of BiH published the document 'Guidelines on Handling Cases of Violence against Children in BiH'. The Guidelines contain recommendations for institutions and persons responsible for handling cases of violence against children in BiH and provide clear guidelines for the early detection of cases of violence against children.¹⁴³

C. Civil remedies

The Law on the Obligations of FBiH¹⁴⁴ contains substantive law provisions that regulate the right to damage compensation in civil or criminal proceedings. The Law provides for damage compensation in case of physical injury or damage to health, which implies damage compensation for medical treatment and other necessary costs related to this as well as loss of earnings due to the inability to work during the treatment. It also covers financial compensation, which implies compensation for the physical and emotional pain suffered because of reduced activity, injury, tarnished reputation and honour, reduced freedom or right of personality, death of a dear person and fear. The damage compensation procedure is part of civil proceedings in compliance with the Law on the Civil Procedure Code.¹⁴⁵

Article 207 of the Criminal Procedure Code of FBiH¹⁴⁶ provides that the aggrieved party can present a civil claim resulting from a criminal offence in criminal proceedings, if it does not lead to a considerable prolongation of the proceedings. A civil claim can relate to damage compensation, return of property or the annulment of a legal transaction. In compliance with Article 208 of the Law, the injured party

¹³⁸ 'Official Gazette of Republika Srpska', nos. 62/13 and 11/17.

¹³⁹ 'Official Gazette of Republika Srpska', nos. 71/13 and 93/14.

¹⁴⁰ 'Official Gazette of Republika Srpska', No. 97/06.

¹⁴¹ 'Official Gazette of Republika Srpska', No. 73/14.

¹⁴² 'Official Gazette of Republika Srpska', No. 97/06.

¹⁴³ Guidelines on Handling Cases of Violence against Children in Bosnia and Herzegovina', Ministry of Human Rights and Refugees of Bosnia and Herzegovina, Sarajevo, 2013. Available from <https://bit.ly/2SwSQWS>.

¹⁴⁴ From the Former Socialist Federal Republic of Yugoslavia, taken over by Bosnia and Herzegovina, 'Official Gazette of SFRY', nos. 29/78, 39/85, 45/89 and 57/89, and 'Official Gazette of the Republic of Bosnia and Herzegovina', nos. 2/92, 13/93 and 13/94.

¹⁴⁵ 'Resursni paket jačanje odgovora pružatelja besplatne pravne pomoći na rodno zasnovano nasilje, uključujući seksualno nasilje i torturu u sukobima' (Resource Package for Strengthening the Response of Free Legal Aid Providers to Gender-Based Violence, including Conflict-related Sexual Violence and Torture), UNDP, 2017, page 63.

¹⁴⁶ 'Official Gazette of the Federation of Bosnia and Herzegovina', nos. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09, 12/10, 8/13 and 59/14.

can present a civil claim in criminal proceedings if authorised to do so in civil proceedings. In compliance with Article 209 of the Law, a civil claim in criminal proceedings is presented to the prosecutor or the court. A claim can be presented no later than the end of the main hearing or the hearing for the imposition of criminal sanctions by the court. Article 212 of the Law provides that the court will decide on a civil claim. The court can award full compensation to injured party in the judgment in which the accused is found guilty or it can award only partial compensation and refer the party to civil proceedings for the remaining part of the compensation.

The Criminal Procedure Code of RS regulates procedures for damage compensation related to a criminal offence. This also includes cases of violence against women and domestic violence. A civil claim relates to material or non-material damage compensation. A civil claim in criminal proceedings can be presented by an aggrieved party that has the right to do so in civil proceedings. A civil claim in criminal proceedings is submitted to the prosecutor or the court no later than the end of the main hearing or the hearing for the imposition of sanctions by the court. The prosecutor is obliged to gather evidence on a civil claim related to a criminal offence. The prosecutor or the court examines the suspect or the accused about the facts related to the claim presented by the aggrieved party.

The court can award full compensation to the aggrieved party in the judgment in which the accused is found guilty or it can award only partial compensation and refer the party to civil proceedings for the remaining part of the compensation. If the data in the criminal proceedings does not ensure a sufficient basis for either full or partial damage award then the court will refer the aggrieved party to civil proceedings for the entire damage claim.

In regard to the exercise of the right to protection, the Constitution of RS explicitly provides that everyone is entitled to equal protection of their rights before the courts and other public bodies, i.e. that everyone has the right to appeal or use other legal means against a decision on their rights or right to legal interest. In compliance with the above, the Constitution guarantees every citizen the right to damage compensation resulting from illegal or incorrect actions of an official or public authority or an organisation with a public mandate.

In addition to options provided for by the criminal legislation, the Law on Obligations¹⁴⁷ and the Civil Procedure Code of RS¹⁴⁸ also regulate the right to damage compensation. RS has not established a system for monitoring data on such cases.

The laws of FBiH and RS do not provide for damage compensation from the State when an offence results in permanent serious bodily injury or damage to health.

D. Damage compensation

The data is consolidated in section C above.

E. Custody and visitation rights proceedings

Article 106 of the Family Law of RS¹⁴⁹ provides that if a parent abuses his/her child, abuses his/her parental rights or leaves his/her child or neglects the child then his/her parental duties will be revoked by the court through non-contentious proceedings. The Law specifies which acts are considered an

¹⁴⁷ 'Official Gazette of the Socialist Federal Republic of Yugoslavia', nos. 29/78, 39/85, 45/89 and 57/89; 'Official Gazette of the Republic of Bosnia and Herzegovina', nos. 2/92, 13/93 and 13/94; 'Official Gazette of Republika Srpska', nos. 17/93 and 3/96.

¹⁴⁸ 'Official Gazette of Republika Srpska', nos. 58/03, 85/03, 74/05, 63/07, 105/08 (Decision of the Constitutional Court), 45/09 (Decision of the Constitutional Court), 49/09 and 61/13.

¹⁴⁹ 'Official Gazette of Republika Srpska', nos. 102/2012, 108/2013, 82/2015 and 84/2019.

abuse of parental rights¹⁵⁰ and which are considered parental neglect.¹⁵¹ The competent child custody authority, a parent or an adoptive parent initiates proceedings for the revocation of parental rights. The competent child custody authority is obliged to initiate the proceedings for the revocation of parental rights in cases where it learns about the existence of the circumstances defined in Article 106 of the Family Law.

In RS, when decisions are made on parental rights and personal relations between a child and his/her parent that he/she does not live with, all subjective and objective facts related to both the parent and the child are evaluated. It is certainly important to evaluate the willingness and ability of both parents to provide a safe and stimulating environment for the child when assessing their parental capabilities. This excludes violent behaviour patterns. In the case of any safety risk to the child by the parent who was entrusted with the child's protection and upbringing, the competent child custody authority can limit or fully prohibit personal relations between the child and the parent if this is in the best interests of the child (Article 93 of the Family Law). Limiting personal relations means that such relations take place under the supervision of a person close to the child or expert employees of the child custody authority under controlled conditions at the premises of the child custody authority. The right of the child to be in contact with the parent that he/she does not live with is thereby met, while at the same time the risk of an incident that might violate the rights of the child is minimised.

Article 154 of the Family Law of FBiH also provides for the removal of children from their parents' custody in the case of abuse of parental rights or parental neglect.¹⁵² In proceedings regarding the loss of custody by both parents or by one parent the competent child custody authority will appoint a special guardian. Upon the imposition of this measure, all obligations and rights of the parents toward the child cease to exist, except for the obligation to pay alimony for the child.

F. Criminalisation of forms of violence and sanctions

The criminal codes of FBiH and RS as well as special laws of BiH and the entities have a different approach to the criminalisation of the offences defined in the Convention: psychological violence, stalking, physical violence, sexual violence including rape, forced marriage, female genital mutilation, forced sterilization, and sexual harassment. An overview of the legal solutions is given in the tables below:

¹⁵⁰ A parent abuses parental rights and duties if 1) he/she perpetrates physical or psychological violence against a child, 2) if he/she perpetrates sexual abuse of the child, 3) if he/she abuses the child by forcing him/her to work too much or to perform work that is not adequate for his/her age, 4) if he/she allows the child to consume alcohol, drugs or other narcotic substances or induces the child to do so, 5) if he/she induces the child to participate in any form of socially unacceptable behaviour, and 6) if he/she seriously violates the rights of the child in any other way.

¹⁵¹ A parent seriously violates his/her parental duties and rights if 1) he/she abandons the child, 2) if he/she fails to take care of the child that he/she does not live with for more than a month, 3) if he/she fails to ensure conditions for a life together with the child that was placed under the custody of another family or institution within a year, without having a justified reason for failing to do so; 4) if he/she fails to take care of the basic living needs of the child he/she lives with or if he/she fails to comply with the measures adopted by the competent authority in order to protect the rights and well-being of the child.

¹⁵² "(1) The court shall revoke the custody of a parent who is obviously jeopardising the safety, health or the morals of the child by abusing his/her rights or by seriously neglecting his/her duties or by abandoning the child or by failing to take care of the child he/she lives with, or a parent who fails to protect a child from such behaviour of the other parent or another person, in non-contentious proceedings. (2) An abuse of rights is present especially in cases of physical and psychological violence against the child, sexual abuse of the child, inducing the child to engage in socially unacceptable behaviour and serious violation of the child's rights in another way. (3) A serious case of parental neglect is particularly given in cases when a parent fails to comply with the obligation of paying the alimony for a period exceeding three months, fails to meet measures imposed in order to protect the rights and interests of the child, does not prevent the child from consuming alcohol, drugs or other narcotics or does not prevent a minor under 16 years of age from staying out late."

Criminal and other legislation applied in FBIH

Psychological violence , as provided for under Article 33 of the Istanbul Convention
Jeopardising safety (Article 183 of the Criminal Code of the Federation of Bosnia and Herzegovina) <i>“A person jeopardising the safety of another person by seriously threatening to attack his/her life or body or causing agitation among citizens as a result of such a threat, shall be punished with a prison sentence of up to six months. A person jeopardising the safety of several persons by seriously threatening to attack their life or body or causing distress among citizens as a result of such a threat, shall be punished with a prison sentence of three months to five years. A person who jeopardises the safety of his/her spouse, life partner, parent of his/her child or another person with whom he/she has or had a close relationship by stalking, frequently following them or harassing them in another way, shall be punished with a fine or prison sentence of up to a year.”</i>
Domestic violence (Article 222 of the Criminal Code of the Federation of Bosnia and Herzegovina) <i>“(1) A person who jeopardises the peace, physical integrity or mental health of a member of his/her family through violence, brazen or reckless behaviour, shall be punished with a fine or a prison sentence of up to a year. (2) A person who commits the criminal offence referred to in Paragraph 1 of the Article against a family member from the same household shall be punished with a fine or a prison sentence of up to three years. (3) If he/she used a weapon, dangerous instrument or another any other item that can seriously injure a body or damage the health for the commission of the criminal offence referred to in Paragraph 1 and 2 of the Article, the perpetrator shall be punished with a prison sentence of three months to three years. (4) If a family member sustained a serious bodily harm or damage to his/her health as a result of the criminal offence referred to in Paragraph 1 to 3, or if the criminal offence referred to in Paragraph 1 to 3 was committed against a child or minor, the perpetrator shall be punished with a prison sentence of one to five years. (5) If a family member was killed as a result of the criminal offence referred to in Paragraph 1 to 4 of the Article, the perpetrator shall be punished with a prison sentence of two to fifteen years. (6) A person who kills a family member that he/she previously abused of shall be punished with a prison sentence of at least ten years or a long-term prison sentence.”</i>
Article 7 of the Law on Protection from Violence of the Federation of Bosnia and Herzegovina specifies violent actions. Among other things, these include endangering the mental health of a family member, causing fear or threat to the personal safety or violation of the dignity of a family member through blackmail or another type of coercion, any actions of a family member that can cause the danger of physical or psychological pain or suffering, fear or threat to personal safety or violation of the dignity of a family member through blackmail or another type of coercion, a verbal attack, insults, swearing, name-calling or another type of serious harassment of a family member by another family member, use of physical and psychological violence against children and neglecting their upbringing, physical and psychological violence against old and weak persons and neglect of their care and medical treatment, forced isolation or limiting the freedom of movement of a family member and omission of due care and attention and omission to assist and protect a family member in spite of the legal obligation to do so.
Stalking , as provided for under Article 34
The Criminal Code of the Federation of Bosnia and Herzegovina specifies criminal offences that contain elements of stalking, such as jeopardising safety (paragraph 3 of Article 183 of the Criminal Code of the Federation of Bosnia and Herzegovina).
Article 27 of the Law on Gender Equality of Bosnia and Herzegovina specifies the criminal offence of gender-based violence, harassment and sexual harassment.

Article 7 of the Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina specifies violent actions that include, among other things, stalking and all other similar forms of harassment of a family member.
Physical violence , as provided for under Article 35
The Criminal Code of the Federation of Bosnia and Herzegovina specifies criminal offences that include elements of physical violence, such as murder (Article 166 of the Criminal Code of the Federation of Bosnia and Herzegovina), grievous bodily injury harm (Article 172), minor bodily injury (Article 173) and domestic violence (Article 222), violent behaviour (Article 362).
Article 27 of the Law on Gender Equality of Bosnia and Herzegovina specifies the criminal offences of gender-based violence, harassment and sexual harassment.
Article 7 of the Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina specifies violent actions that include, among other things, any use of physical force against the physical or psychological integrity of a family member, any actions of a family member that can cause physical or psychological pain or suffering of another family member or the threat thereof.
Sexual violence, including rape , as provided for under Article 36
The Criminal Code of the Federation of Bosnia and Herzegovina specifies criminal offences including elements of sexual violence and rape, such as rape (Article 203), sexual intercourse with a helpless person (Article 204), sexual intercourse by abuse of power (Article 205), coerced sexual intercourse (Article 206), sexual intercourse with a child (Article 207), sexual misconduct (Article 208), sexual satisfaction in the presence of a child or a minor (Article 209), solicitation of prostitution (Article 210), human trafficking (Article 210a), organised human trafficking (Article 210b), abuse of child or minor for pornography (Article 211), introducing a child to pornography (Article 212), and incest (Article 213). According to the Criminal Code of the Federation of Bosnia and Herzegovina, a child is a person under the age of fourteen and a minor is a person under the age of eighteen. The Criminal Code of the Federation of Bosnia and Herzegovina specifies the criminal offence of sexual intercourse with a child in Article 207. In the case of other criminal offences against sexual freedom and morals, the Law provides for qualifying circumstance if they were committed against a minor or child. In addition to this, the Code specifies the criminal offence of sexual satisfaction in the presence of a child or a minor (Article 209), abuse of a child or minor for pornography (Article 211) and introducing a child to pornography (Article 212). In addition to this, the Code specifies the criminal offence of entering into a common law marriage with a child or minor (Article 16), in the case of which the Code provides that an adult who lives in a common law marriage with a minor, who is under the age of sixteen, will be punished with a prison sentence of three months to three years. The Family Law of the Federation of Bosnia and Herzegovina specifies in Article 380 the protection procedure that applies to violent behaviour in the family, according to which spouses, life partners and all members of the family have the right to protection from violent behaviour.
Paragraph 6 of Article 7 of the Law on Protection from Domestic Violence includes sexual harassment through violent actions.
Forced marriage , as provided for under Article 37
The Criminal Code of the Federation of Bosnia and Herzegovina specifies criminal offences including elements of forced marriage: bigamy (Article 214), connivance in contracting an illicit marriage (Article 215) and common law marriage with a younger minor (Article 216).
Female genital mutilation , as provided for under Article 38
Not regulated by the Law
Forced abortion , as provided for under Article 39a
The Criminal Code of the Federation of Bosnia and Herzegovina specifies the criminal offence of forced abortion, including elements thereof, namely illegal termination of pregnancy (paragraph 2 of Article 171).
Forced sterilisation , as provided for under Article 39b

Not regulated by the Law
Sexual harassment , as provided for under Article 40
Article 27 of the Law on Gender Equality of Bosnia and Herzegovina specifies the criminal offences of gender-based violence, harassment and sexual harassment.
Paragraph 6 of Article 7 of the Law on Protection from Domestic Violence includes sexual harassment through violent actions.
Article 9 of the Labour Law of the Federation of Bosnia and Herzegovina prohibits employers and other employees from harassing or sexually harassing, committing gender-based violence or mobbing employees or persons seeking employment with the employer. Within the meaning of this article, sexual harassment constitutes any verbal or physical behaviour of a sexual nature intended to or that constitutes a violation of the dignity of an employee or a person seeking employment and causes fear or creates a humiliating or insulting environment.

Offences from the Criminal Code and other laws of RS

Domestic or Family Violence (paragraph 1 of Article 190)
Whoever, by use of violence, threats of attack against life and body or by insolent or arrogant behaviour violates the peace, physical integrity or mental health of a member of the family or family unit and thereby causes harm to their physical or psychological integrity shall be punished by a fine or imprisonment of a term not exceeding three years.
Persecution (Article 144)
(1) Whoever, persistently and over a longer period of time pursues or stalks another person or tries to establish unwanted contact with that person directly or through a third party or otherwise causes in that person the occurrence of lifetime habit changes, anxiety or fear for their own safety or the safety of persons close to them, shall be punished by a fine or by imprisonment for a term not exceeding two years. (2) If the offence referred to in paragraph 1 of this Article is perpetrated against a current or former marital or extra-marital partner or against a child then the person with whom the perpetrator was in an intimate relationship, the perpetrator shall be punished by imprisonment for a term of between six months and three years.
Physical violence
Incriminated through criminal offences against life and limb
Murder (paragraph 1 of Article 124)
(1) Whoever deprives another person of his or her life shall be punished by imprisonment for a term of no less than five years.
Aggravated Murder (Paragraph 1 of Article 125)
(1) The punishment of imprisonment for a term of no less than ten years or long-term imprisonment shall be pronounced against a person who: a) deprives another person of his life/her in a particularly cruel or insidious way; b) deprives another person of his life/her out of greed or in order to commit or cover up another criminal offence or out of unscrupulous vengeance or hatred or for other particularly low motives; c) deprives a member of his/her family of life and molests that person prior to that deprivation; d) deprives another person of his/her life whilst acting ruthlessly and violently; e) deprives another person of his life/her and in doing so also intentionally endangers the life of another person; f) commits a premeditated murder of two or more persons, which is not involuntary manslaughter, an infanticide at birth or a murder under particularly extenuating circumstances (paragraph 2 of Article 124); g) murders a child, a minor or a pregnant woman knowing that she is pregnant.

Involuntary Manslaughter (Article 126)

Whoever deprives another person of his life/her after being brought to a state of strong irritation through no fault of his/her own or through grave abuse or serious insult by the person murdered shall be punished by imprisonment for a term of between two and twelve years.

Incitement to Suicide and Assisted Suicide (Paragraphs 1 through 4 of Article 127)

(1) Whoever induces another to commit suicide or assists that person in committing suicide and the suicide is actually attempted or committed shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever treats a person in a subordinate or dependent position to him/her brutally or inhumanely and as a result that person commits suicide can be charged with negligence because of such treatment. The perpetrator of negligence shall be punished in accordance with the punishment referred to in paragraph 1 of this Article.

(3) Whoever commits the offence referred to in paragraph 1 of this Article against a person whose ability to realise the significance of his/her actions or whose control over such actions is substantially diminished shall be punished by imprisonment for a term of between two and ten years.

(4) Whoever commits the offence referred to in paragraph 1 of this Article against a child or against a person who is not able to realise the significance of his/her actions or control his/her actions shall be punished by imprisonment for a term of at least five years.

Light Bodily Harm (Article 131)

(1) Whoever inflicts light bodily harm upon another person or lightly impairs that person's health shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) If the injury referred to in paragraph 1 has been inflicted with a weapon, dangerous tool or other means suitable for inflicting light bodily harm or serious impairment of health then the perpetrator shall be fined or punished by imprisonment for a term not exceeding three years.

Grievous Bodily Harm (Article 132)

(1) Whoever inflicts grievous bodily harm upon another person or gravely impairs that person's health shall be punished by imprisonment for a term of between one and five years.

(2) Whoever inflicts grievous bodily harm upon another person or impairs their health so gravely that the life of the injured person is endangered or if an important part or organ of his body is destroyed or permanently weakened to a substantial degree or if the injured person is rendered permanently unable to work or if permanent and grave damage to that person's health or disfigurement are inflicted or the offence was perpetrated out of hatred, then the perpetrator shall be punished by imprisonment for a term of between two and eight years.

(3) If the acts referred to in paragraphs 1 and 2 of this Article result in the death of the victim then the perpetrator shall be punished by imprisonment for a term of between three and twelve years.

(4) Whoever commits the acts referred to in paragraphs 1 and 2 of this Article out of negligence shall be punished by imprisonment for a term of between six months and three years.

(5) Whoever commits the acts referred to in paragraphs 1 through 3 of the Article in a fit of passion after having been provoked at no fault of his/her own into a state of intense irritation by an attack or serious abuse or serious insult by the victim then the perpetrator shall be punished for the criminal offence referred to in paragraphs 1 and 2 of this Article by imprisonment for a term not exceeding three years and for the criminal offence referred to in paragraph 3 of this Article by imprisonment for a term of between six months and five years.

Exposure to Danger (Article 136)

(1) Whoever leaves another person in a life threatening condition or circumstances that pose a significant risk to that person's health as a result of his/her causing or without help shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) If the person sustains grievous bodily harm or grave impairment of health as a result of the criminal offence referred to in paragraph 1 of this Article then the perpetrator shall be punished by imprisonment for a term of between one and five years.

(3) If the person loses his/her life as a result of the criminal offence referred to in paragraph 1 of this Article then the perpetrator shall be punished by imprisonment for a term of between two and ten years.

Rape (Article 165)

(1) Whoever coerces another person into sexual intercourse or any other equivalent sexual act by force or threat of immediate attack upon life or body or the life or limb of someone close to that person shall be punished by imprisonment for a term between three and ten years.

(2) If the criminal offence referred to in paragraph 1 of this Article has been committed against a child over 15 years of age or in a particularly cruel or degrading manner or if on the same occasion the victim was raped by several perpetrators or the rape was perpetrated out of hatred or if the criminal offence results in grievous bodily harm or a serious impairment of health or pregnancy of a female victim then the perpetrator shall be punished by imprisonment for a term of between five and fifteen years.

(3) If any criminal offence referred to in paragraphs 1 and 2 of this Article results in the death of the victim then the perpetrator shall be punished by imprisonment for a minimum term of ten years.

Sexual Blackmail (Article 166)

Whoever coerces another person into sexual intercourse or any other equivalent sexual act by serious threat of disclosing some information that would harm the honour or reputation of that person or someone close to that person or by threat of any other serious harm the perpetrator shall be punished by imprisonment for a term of between one and eight years.

Sexual Intercourse with a Helpless Person (Article 167)

(1) Whoever has sexual intercourse or any other equivalent sexual act with a person by taking advantage of that person's mental illness or mental retardation or any other mental disorder or helplessness or any other condition of that person that renders that person incapable of resisting shall be punished by imprisonment for a term of between two and ten years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed in a particularly cruel or degrading manner or if on the same occasion more instances of sexual intercourse were performed by more perpetrators or if it was perpetrated out of hatred or if the criminal offence causes grievous bodily harm or serious impairment of health or pregnancy in a helpless female victim then the perpetrator shall be punished by imprisonment for a minimum term of five years.

(3) If any criminal offence referred to in paragraphs 1 and 2 of this Article result in the death of the victim then the perpetrator shall be punished by imprisonment for a minimum term of ten years.

Sexual Intercourse by Abuse of Power (Article 168)

Whoever by abuse of power induces sexual intercourse or any other equivalent sexual act onto a person who is subordinate or in a position of dependence to him/her shall be punished by imprisonment for a term between two and five years.

Soliciting Prostitution (Article 169)

(1) Whoever incites or lures another person into providing sexual services in order to gain financial benefit or other benefits entices or who in any way enables the provision of sexual services to a third party or who in any way takes part in organising or managing the provision of sexual services shall be fined and punished by imprisonment for a term of between six months and five years.

(2) If the offence referred to in paragraph 1 of this Article is perpetrated against several persons then the perpetrator shall be fined and punished by imprisonment for a term of between one and eight years.

(3) The previous history of prostitution of the person enticed, incited, lured or forced into prostitution shall not have any bearing on the criminal offence referred to in this Article.

Lewd Acts (Article 171)

Whoever in the cases referred to in articles 165, 166, 167 and 168 of this Code perpetrates or some other sexual acts shall be punished by imprisonment for a term not exceeding three years.

Pursuant to Article 123 of the Criminal Code of the Republika Srpska, a child shall mean a person who has not reached the age of 18 years. The age for consenting to sexual acts is not legally regulated; however, the provisions of the Criminal Code of the Republika Srpska governing criminal offences against sexual integrity stipulate that if the victim is less than 15 years old then it is a qualifying circumstance or a more serious form of the criminal offence.

Forced Marriage (Article 183)

(1) Whoever by use force or threat forces another person to enter into a marriage shall be fined or punished by imprisonment for a term not exceeding three years.

(2) Whoever for the purpose of the offence referred to in paragraph 1 of this Article takes another person to another country or for the same purpose entices that person to go to a foreign country shall be fined or punished by imprisonment for a term not exceeding two years.

Sexual Mutilation of Women (Article 133)

(1) Whoever removes or permanently changes the outer parts of a female person's sexual organ in whole or in part shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever persuades a female person to undergo the practices referred to in paragraph 1 of this Article shall be punished by imprisonment for a term not exceeding three years.

(3) If the offence referred to in paragraph 1 of this Article is perpetrated out of hatred, against a child or if permanent damage is caused to the health of a female person then the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) If the death of a female person occurs as a result of the offence referred to in paragraph 1 of this Article then the perpetrator shall be punished by imprisonment for a term of between two and twelve years.

Illegal Abortion (Article 130)

(1) Whoever in violation of the abortion regulations performs an abortion on a pregnant woman with her consent and commences performance of the abortion or assists her in procuring her own miscarriage shall be fined or punished by imprisonment for a term not exceeding three years.

(2) Whoever practices or perpetrates the criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment for a term of between two and five years.

(3) Whoever performs or commences performance of an abortion on a pregnant woman who is less than 16 years old without her consent and without the written consent of her parents, adoptive parents or guardians shall be punished by imprisonment for a term of between three and eight years.

(4) If the pregnant woman on whom the abortion is performed suffers death, grievous bodily harm or serious illness as a result of the acts referred to in paragraphs 1 and 3 of this Article then the perpetrator shall be punished for the offence referred to in paragraph 1 by imprisonment for a term of between one and five years and by imprisonment for a term of between three and twelve years for the offence referred to in paragraph 3.

(5) An attempt to commit the criminal offence referred to in paragraph 1 of this Article shall also be punishable.

Enforced Sterilisation (Article 134)

(1) Whoever performs a surgery on another person for the purpose of preventing natural reproduction without the consent of that person shall be punished by imprisonment for a term of between one and eight years.

(2) If the offence that is referred to in paragraph 1 of this Article is committed against a child then the perpetrator shall be punished by imprisonment for a term of between two and ten years.

Amendments to the 2019 Law on Protection against Domestic Violence of RS stipulate that domestic violence, within the meaning of this Law, exists if there are grounds for suspicion that a member of the family or family unit has committed acts of physical, sexual, psychological and/or economic violence as well as threats that cause fear of physical, sexual, psychological and/or economic harm to another member of the family or family unit. Domestic violence acts are the following:

- applying force against the physical or psychological integrity of a member of the family or family unit;
- actions that could cause or threaten to cause physical or psychological pain or suffering to a member of the family or family unit;
- causing fear or personal endangerment or harm to the dignity of a member of the family or family unit by means of blackmail or other forms of coercion;
- verbal assault, insults, swearing, name calling and other methods of gross harassment of a member of the family or family unit;
- sexual violence;
- denial of access to health protection and care;
- stalking or any other similar form of harassment of a member of the family or family unit;
- wilful damage to or destruction of property of a member of the family or family unit, joint property or property in his/her possession;
- denial or deprivation of the right to economic independence by prohibiting employment or holding a member of the family or family unit in a relationship of dependence or subordination;
- upbringing of children through degrading treatment;
- taking children away or evicting a member of the family or family unit;
- exhaustion caused through excessive work, starvation, sleep deprivation or lack of necessary rest for a member of the family or family unit;
- non-compliance with the Decision of the competent authority that establishes the extent of personal contact between children with their parents;
- confiscation of a travel document or other document of a member of the family or family unit;
- forced isolation or restriction on the freedom of movement of a member of the family or family unit;
- any other act of domestic or family violence.

The threat of any of the above acts is also considered as domestic violence.

G. Sexual Harassment

This data is provided in section F above.

H. Assisting in and inciting violence

Article 32 of the Criminal Code of the Federation of BIH stipulates that whoever intentionally incites another person to perpetrate a criminal offence will be punished as if that person himself had perpetrated such an offence. Whoever intentionally incites another person to perpetrate a criminal offence for which a punishment of imprisonment for a term of three years or a more severe punishment can be imposed, despite the fact that the criminal offence was never attempted, will be punished to the same extent as an attempt to commit the criminal offence. The following are classified as an incitement to commit or the commission of a criminal offence: pleading, inducement or persuasion, demonstrating the benefits of committing the criminal offence, offering or promising gifts, misuse of subordinates or dependency relationships and leading or keeping a person in a state of actual or legal misconception.

Article 33 of the Criminal Code of the Federation of BIH stipulates that whoever intentionally helps another person to commit a criminal offence will be punished as if he himself perpetrated such an offence, but will be punished less severely. The following, in particular, will be considered as assisting in the perpetration of a criminal offence: giving advice or instructions on how to commit a criminal

offence, supplying the perpetrator with tools for perpetrating a criminal offence, removing obstacles to the perpetration of a criminal offence and promising prior to the perpetration of the criminal offence to conceal the existence of the criminal offence, to hide the perpetrator, the tools used when committing the criminal offence, traces of the criminal offence or items acquired through the perpetration of the criminal offence.

Pursuant to Article 34 of the Criminal Code of the Federation of BiH, the accomplice will be held responsible within the limits set by his own intent or negligence and the inciter and the accessory within the limits of their own intent.

The Criminal Code of RS stipulates complicity in a criminal offence by defining co-perpetration as a situation in which two or more persons have jointly perpetrated a criminal offence by participating in the action of perpetration or if they have decisively contributed to its perpetration by undertaking another action. Punishment prescribed for that particular offence will be imposed against each of them. Intentional incitement is punishable as if the person himself had committed the criminal offence. The same applies to incitement of an attempt to perpetrate a criminal offence, even if the offence was never attempted. Anyone who is an accessory and intentionally assists another person in committing a criminal offence will be punished as if he/she had perpetrated such offence, but will be punished less severely. According to the Law, an accomplice will be held criminally responsible within the limits set by his own intent or negligence whereas the inciter and the accessory be held criminally responsible within the limits of their own intent. In so doing, the personal relationships, characteristics and circumstances prescribed by the Law as grounds for exclusion of criminal responsibility or release from punishment or those that influence the inclusion of mitigation within punishment can be considered only for the perpetrator, accomplice, inciter or accessory with whom such a relationship, characteristics or circumstances exist. Personal relationships, characteristics and circumstances that are an essential element of a criminal offence do not have to exist with the inciter and accessory. The punishment against an inciter or accessory who does not have such a personal characteristic could be mitigated.

I. Attempted violence

Article 28 of the Criminal Code of FBiH stipulates that whoever intentionally commences perpetration of a criminal offence but does not complete it will be punished for the attempted criminal offence when the punishment of imprisonment for a term of three years or a more severe punishment for the criminal offence in question can be imposed and for the attempt of the criminal offence when the Law expressly prescribes punishment for the attempt alone. A perpetrator will be punished for an attempt to commit a criminal offence within the limits of the punishment prescribed for the same but completed criminal offence. However, for this offence, the perpetrator could be punished less severely.

The Criminal Code of RS defines under Article 22 that whoever intentionally commences the perpetration of a criminal offence but does not complete it will be punished for the attempted criminal offence when the punishment of imprisonment for the criminal offence in question has a term of five years imprisonment or a more severe punishment could be imposed and that for the attempt of another criminal offence the individual will be punished in this way only when the Law expressly prescribes a punishment for the attempt alone. A perpetrator will be punished for an attempt to commit a criminal offence within the limits of the punishment prescribed for the same but completed criminal offence. However, for this offence, the perpetrator could be punished less severely.

J. Culture, customs, religion, tradition and so-called honour

National legislation ensures that in criminal proceedings instituted after the commission of any of the acts of violence covered by the Convention, culture, customs, religion, tradition and so-called honour cannot be regarded as justification for such acts or as extenuating circumstances. More specifically, the 2016 Amendments to the Criminal Code of FBiH stipulate the definition of hate crime as any criminal offence committed on the grounds of race, skin colour, religious belief, national or ethnic origin, language, disability, gender, sexual orientation or gender identity of another person. It prescribes that such treatment will be considered an aggravating circumstance, unless the Law explicitly prescribes more severe punishment for a particularly serious form of hate crime.

The legislation of RS does not recognise culture, customs, religion, tradition or so-called honour as justification for criminal offences or as extenuating circumstances. In addition, item 21 of paragraph 1 of Article 123 of the Criminal Code of RS stipulates that a criminal offence perpetrated out of hatred is a criminal offence that is entirely or partly perpetrated on account of racial, national or ethnic origin, language, religious beliefs, skin colour, gender, sexual orientation, social origin, health status or gender of a person. Paragraph 3 of Article 52 of the Criminal Code of RS stipulates that if a criminal offence is perpetrated out of hatred as provided for in item 21 of paragraph 1 of Article 123 of this Code the court will take it into consideration as an aggravating circumstance, unless hatred is a qualifying circumstance of that criminal offence.

K. The nature of the relationship between the Perpetrator and the Victim

See section M (below).

L. Sanctions

An overview of the sanctions for offences criminalised under the legislation in RS is provided above under F, while information regarding FBiH is found both in Section F and Appendix 10.

M. Aggravating and extenuating circumstances

Article 49 of the Criminal Code of FBiH stipulates general rules for sentencing where the court prescribes the punishment for the perpetrator of a criminal offence within the limits prescribed by law for that criminal offence, having in mind the purpose of punishment and taking into account all of the circumstances that have a bearing on the magnitude of punishment (extenuating and aggravating circumstances). This applies in particular to the following: the degree of criminal responsibility, the motive for perpetrating the offence, the degree of danger or damage to the protected object, the circumstances under which the offence was perpetrated, the personal history of the perpetrator prior to the crime, his/her personal situation and conduct after the perpetration of the criminal offence as well as other circumstances related to the person of the perpetrator. In prescribing punishment for the perpetrator of a criminal offence who is a recidivist the court will give special consideration to whether the most recent offence is of the same type as the previous one, whether both offences were perpetrated for the same motive and the period of time that elapsed since the previous conviction or served or pardoned punishment. When prescribing a fine, the court will also take into consideration the financial situation of the perpetrator, taking into account the amount of his/her salary, other income, assets and family obligations.

The nature of the relationship between the perpetrator and the victim does not constitute grounds for non-prosecution, release from criminal responsibility or impunity. When it comes to the mitigation of punishment, pursuant to Article 54 of the Criminal Code of RS, it will not apply, inter alia, to the

criminal offences of rape (Article 165), sexual intercourse with a helpless person (Article 167), sexual intercourse with a child under the age of 15 (Article 172) or to a perpetrator who has been convicted of the same criminal offence two or more times before.

The Criminal Code of RS contains 'General Principles of Meting out Punishments',¹⁵³ pursuant to which the court will mete out a punishment for a perpetrator of a criminal offence within the limits provided for under law for that particular offence and taking into account all of the circumstances that have a bearing on the magnitude of punishment (extenuating and aggravating circumstances). In meting out the punishment the court will pay particular attention to the following circumstances: the degree of criminal responsibility, the motive for perpetrating the offence, the degree of danger or damage to the protected object, the circumstances under which the offence was perpetrated, the personal history of the perpetrator prior to the crime, previous convictions for the same or similar criminal offence, his/her personal situation and conduct after perpetrating the criminal offence.

When regulating the criminal offence of 'Domestic and Family Violence',¹⁵⁴ the lawmaker has prescribed the particularly serious form of this offence in the following cases in the national legislation: if weapons or dangerous implements or other instruments suitable for inflicting grave bodily injury or harming the person's health are used in the perpetration of the offence, if a member of the family suffered grievous bodily harm or severe impairment of his/her health because of domestic violence, if the act of domestic violence was committed in front of a child or against the child or a minor, and if the criminal offence resulted in the death of a member of the family. All of the above are given particular consideration by the court when meting out the appropriate punishment.

N. Alternative dispute resolution

The Family Law of FBiH states under Article 45 that one or both spouses who have children over whom they exercise parental care or during the pregnancy the wife must file a mediation request with a natural or legal person holding the relevant mediation authority prior to initiating divorce proceedings. Article 49 of the Law states that the procedure will be suspended when both spouses, if duly invited, fail to respond to the invitation to participate in the mediation procedure for unjustified reasons. The procedure will not be suspended in exceptional cases such as when a spouse acting violently toward the other spouse fails to appear.

The Family Law of RS prescribes exclusive competence of guardianship authority in the reconciliation procedure. This Law states that if the spouses reconcile in a proceeding before the guardianship authority then the request for retrial cannot be filed within six months from the date of receipt of the minutes on reconciliation. If during the reconciliation proceeding before the guardianship authority the spouses cannot reconcile then they can file a request or joint proposal for divorce enclosing the minutes on the failed attempt on reconciliation within six months from the date of receiving the minutes of the outcome of the reconciliation procedure.

If the reconciliation procedure fails then a litigation proceeding pursuant to the Family Law of RS (articles 65 through 78) for an annulment and divorce (marriage dispute) will be initiated through a lawsuit filed by one of the spouses or through a joint proposal for divorce, namely a request for consensual divorce. Pursuant to the provisions of this Law, the court will endeavour to achieve the reconciliation of the spouses throughout the proceeding. In a marriage dispute proceeding, the court will apply the provisions of the Civil Procedure Code of RS, unless otherwise provided for under the Family Law of RS. In divorce cases, the plaintiff can withdraw the petition up until the conclusion of the main trial without the consent of the defendant and until the proceeding is fully completed and

¹⁵³ Article 52 of the Criminal Code of the Republika Srpska, 'Official Gazette of the Republika Srpska', No. 64/17.

¹⁵⁴ Article 190 of the Criminal Code of the Republika Srpska, 'Official Gazette of the Republika Srpska', No. 64/17.

valid with the consent of the defendant. Spouses may withdraw a joint proposal for divorce and request for consensual divorce up until the proceeding is legally concluded. The legislator has envisaged that in marriage disputes, waiver of the claim has the same legal effect as a withdrawal of the lawsuit. The same judgment on annulment or divorce of marriage will decide ex officio on the protection, upbringing and support of joint children and the amount of support for the children (alimony).

It can therefore be established based on the provisions specified above that non-imposition on female victims of domestic violence of alternative dispute resolution and reconciliation procedures has not been provided for within the legal separation and divorce procedures.

O. Administrative and court information on the death, murder and other acts of violence committed against women

There is no administrative or court data on murders compiled by state level institution in BiH. The HJPC of BiH maintains aggregate data on crimes for all jurisdictions, including murders, but the information is not disaggregated by the gender of the victims. The same also applies to the Information on State Security prepared annually by the Ministry of Security of BiH.

According to the available statistics for 2017 gathered by the Gender Centre of FBIH from the municipal and cantonal courts and cantonal prosecutors' offices in FBIH (see appendix 3 and 4), and based on the information gathered from the cantonal courts in FBIH, there were eight murder cases with women as victims. Of these six constituted murders pursuant to item a) of paragraph 2 of Article 166 of the Criminal Code of FBIH, two were murders pursuant to item b) of paragraph (2) of Article 166 and one murder case was pursuant to item a) of paragraph 2 of Article 166 with a young girl as the victim. According to the information provided by the cantonal prosecutors' offices in FBIH, a total of seven (7) murders of women were reported in 2017: three murders pursuant to paragraph 1 of Article 166 of the Criminal Code of FBIH and four murders pursuant to item a) of paragraph 2 of Article 166 of the Criminal Code of FBIH (not including information from the Canton Prosecutor's Office in Tuzla for 2017).

According to the information gathered from cantonal courts in FBIH for 2018, there were a total of five murder cases with women as victims. All five of them constituted murder pursuant to paragraph (1) of Article 166 of the Criminal Code of FBIH. According to the information received from the cantonal prosecutors' offices in FBIH, a total of nine murders with women as victims were reported in 2018: six of which constituted murder pursuant to paragraph (1) of Article 166 of the Criminal Code and three murders pursuant to item a) of paragraph 2 of Article 166 of the Criminal Code. According to the information provided by cantonal prosecutors' offices there was one report of domestic violence in accordance with paragraph 5 of Article 222 resulting in the death of a young girl.

The Ministry of Interior of RS gathers information on the number of filed reports on criminal offences committed that pertain to violence against women and domestic violence, in accordance with the provisions of the applicable laws and requirements of the Convention. According to the information provided by the Ministry, a total of seven murders of women took place in 2017 and one case with an infant as the victim. The relationship between victims and perpetrators was as follows: wives in three cases, a common-law wife in one case, the mother of a common-law wife in one case, a mother in one case and a daughter in one case. Of the seven cases, previous reports to the police were in relation to three of the cases. In 2018, two women were murdered. The relationship between the victims and the perpetrators was as follows: a wife in one case and a mother in the other. Of the two cases, a previous report was filed to the police in relation to one of the cases.

The Ministry of Justice of RS gathers information from the competent prosecutors' offices in the entity on final and concluded proceedings pertaining to cases of domestic violence. According to the information received from the Ministry of Justice, two cases of domestic violence resulting in death of a woman were reported during the reporting period in 2017. One perpetrator committed suicide, while the other was sentenced to 35 years in prison. No such cases were reported in 2018. According to the information provided by the Ministry of Justice, there were no reports in the reporting period of domestic violence constituting an attempted murder. Detailed statistical information regarding all other cases of violence against women that occurred in 2017 and 2018 is provided in appendices 7 and 8.

According to the information provided by the Ministry of Interior of RS, a total of three attempted murders of women were reported in 2017. The relationship between the victim and the perpetrator was as follows: one former girlfriend, one daughter-in-law and one female official at her workplace. In 2018, one attempted murder was reported. The relationship between the victim and the perpetrator was as follows: a collateral victim in the murder of her husband. No previous reports were filed in any of the above four cases dating from 2017 and 2018.

According to the information provided by the Ministry of Interior of RS and the Ministry of Justice of RS, no cases involving the deaths of children of the female victims were reported in RS in 2017 or 2018.

VI. Investigations, Criminal Prosecutions, Procedural Law and Protective Measures

(Articles 49 through 58 of Section VI of the Convention)

A. Urgent processing of cases

The Criminal Procedure Code of FBiH provides for the measures to secure the presence of suspect or the defendant and the successful conduct of the criminal proceedings. Article 137 of the Criminal Procedure Code of FBiH stipulates the measures to be undertaken against the defendant in order to secure his/her presence and the successful conduct of the criminal proceedings. These include but are not limited to the following: summons, apprehension, house arrest, bail and custody. Article 146 of the Criminal Procedure Code of FBiH provides that if there are grounds for suspicion that a person has committed a criminal offence then a warrant can be ordered against that person: a) if he/she hides or if other circumstances exist that suggest a possibility of flight, b) if there is justifiable reason to fear that he/she will destroy, conceal, alter or falsify evidence or clues important to the criminal proceedings or if particular circumstances indicate that he/she will hinder the inquiry by influencing witnesses, accessories or accomplices; c) if particular circumstances justify the fear that he could repeat or attempt to complete the criminal offence or commit a threatened criminal offence where for such criminal offences a prison sentence of three years or more can be pronounced, and d) in exceptional circumstance, if the criminal offence is punishable by a sentence of imprisonment of ten years or more and where the manner of commission or the consequence of the criminal offence requires that a warrant be ordered for reasons of public or property safety.

Pursuant to Article 153 of the Criminal Procedure Code of FBiH, the police can deprive a person of his/her liberty if there are grounds for suspicion that the person has committed a criminal offence or if there are any of the reasons referred to in Article 146 of this Code; however, the police must immediately or no later than within 24 hours bring that person before the prosecutor. Article 147 of the Criminal Procedure Code of FBiH provides that a person caught committing a criminal offense can be restricted in his/her movement by any other person. The person so restricted must be immediately turned over to the court, prosecutor or to the nearest police authority, and if this is not possible then the court, prosecutor or the police must be notified immediately.

The Law on Protection from Domestic Violence of FBiH ensures that the principles of protection from domestic violence are applied in all cases in order to provide the most efficient protection for the victims of domestic violence. This Law prescribes urgent processing of cases involving domestic violence.

The Law on Protection against Domestic Violence of RS prescribes that the protection bodies must promptly provide for the immediate solving of the issue of domestic violence, while taking into account the fact that the interests and welfare of victims are the priority in these proceedings, especially if the victim is a child, elderly person, disabled person or a person under guardianship (paragraph 1 of Article 11). The police will immediately inform the centre for social welfare upon receipt of a report on the occurrence of domestic violence; the centre will immediately provide direct social protection and psychosocial help to the victim and take all other necessary measures within its jurisdiction and make an official report on the incident. A medical institution will provide the victim with a free medical examination in order to determine the existence and extent of violations of physical or psychological integrity. The police will immediately inform the competent public prosecutor about the domestic violence and submit the collected evidence along with the risk assessment and the report. Once the investigation has been completed the competent public prosecutor should notify the police in writing either to issue an indictment against the suspect or to provide the relevant reasons for suspending the investigation. In addition to the competent public

prosecutor, the notifications and risk assessment should be submitted to the centre for social welfare in line with paragraph 2 through 6 of Article 12 of the Law.

This Law also prescribes the urgent protective measures aimed at providing protection and support for the victims of domestic violence as well as the protective measures to be imposed on the perpetrator. The competent court can impose one or more protection measures on the perpetrator when there are the conditions for their imposition in accordance with this Law. The competent court will submit the Decision to the authority or institution competent for the implementation of the Decision on the imposition of protection measures within three days from the day of imposing the Decision. The authorities responsible for the implementation of protection measures will supervise their implementation and report to the court about this as well as propose their termination, extension or replacement by another measure. The authority responsible for implementation of the protection measures will submit a report on the execution of the protective measures to the court no later than six months from the date of their imposition or sooner if necessary (Article 33 of the Law).

In practice, upon receipt of a report and information on the perpetration of domestic violence the Ministry of Interior of RS will immediately take action in accordance with the Law in order to prevent further violence and thus ensure protection of the victim as well as facilitate medical assistance for the victim at an emergency medical service if required. In severe cases of domestic violence or in cases of repeated violence, the victim, where feasible, will be placed in a safe house. This will require collaboration amongst all of the protection bodies involved in the incident. Mobile teams composed of police officials and persons from other protection bodies are established and active in local communities in RS.

B. Risk assessment

In FBIH, upon receipt of a report on domestic violence filed with the police, representatives of the centre for social welfare accompanied by representatives of the police, if needed, will visit the family in order to intervene. Through an interview with the family members, the representative of the centre for social welfare will seek to establish the exact details of the event. This will include the extent of the issue, whether any family member is at risk and whether anyone's life and safety is at risk, the exposure risk for the children, persons with disability or elderly persons; whether medical intervention is required or medical tests need to be made, whether the victim of violence needs to be isolated and or whether the perpetrator of the violence needs to be removed from the residential dwelling.

If it is concluded that by remaining together with the perpetrator the victim would be at risk of further violence, then either the victim will be re-located from the residential dwelling or the perpetrator removed from the dwelling. If the victim is to be re-located, the representative of the police together with the representative of the centre for social welfare will accompany the victim to a medical institution. There, the medical history of the victim, including the current consequences of the violence, will be established along with an assessment of whether the victim suffers from any contagious disease or mental illness, namely whether the victim is addicted to a psychoactive substance that might complicate placement in a safe house.¹⁵⁵

According to the information provided by the Ministry of Interior of FBIH, a vulnerability assessment and a protective measure implementation plan are prepared for each decision on the imposing of protective measures. This serves as a basis for the implementation of the protective measure (Article 15 of the Rulebook on the Method for the implementation of Protective Measures against

¹⁵⁵ Handling cases of domestic violence – Multi-Sectorial Response, Gender Centre of the Federation of Bosnia and Herzegovina, Sarajevo, 2018, pp. 30-32.

Perpetrators of Domestic Violence – Preparation of a Risk Exposure Assessment for Protective Measures, and Article 37 of the Rulebook on Forming of an Expert Team).

Article 12a of the Law on Protection from Domestic Violence of RS prescribes that a risk assessment will be made upon each report of domestic violence. The competent police official will make the risk assessment based on the gathered information. This includes the following: whether the perpetrator has committed an act of domestic or any other form of violence prior to or immediately before the risk assessment is made and if he/she is likely to repeat the violence, has threatened murder or suicide, is in possession of a weapon, is mentally ill or uses psychoactive substances, if there is a conflict regarding custody over a child or on how personal contact between the child and the perpetrator/parent is maintained, if an emergency or protection measure against domestic violence has been imposed on the perpetrator, if the victim fears the perpetrator of violence and how the victim perceives the risk of repeated violence as well as other facts and circumstance of relevance to the risk assessment.

The Ministry of Interior of RS promulgates the Rulebook on the Procedure and Methods for conducting a Risk Assessment (Considering that this responsibility was introduced together with the 2019 amendments to the Law on Protection from Domestic Violence of RS, the Rulebook is currently in the drafting process). In practice, the Ministry of Interior of RS conducts an exposure and risk assessment as part of the procedure for issuing a licence for the possession and carrying of a firearm in accordance with the Law on weapons and ammunition in RS. This is especially relevant given that a filed report on the committing of an act of violence will hinder the granting of such a licence.

C. Emergency barring orders

All facilities (medical institutions, schools and others) have the responsibility to submit a report on domestic violence to the police in line with Article 8 of the Law on Protection from Domestic Violence of FBiH, whereas a motion to order a protection measure falls exclusively under the competence of the police and only under exceptional circumstances and with justified reason does it apply to the prosecutor's office (Article 17 of the Law).

FBiH Law does not explicitly differentiate between emergency and other measures of protection. However, the deadlines for the implementation of certain measures imply the emergency thereof. The protective measures are prescribed by sub-paragraphs 1 through 3 of Article 9 of the Law on Protection from Domestic Violence of FBiH: 1) Removal from the apartment, house or other dwelling and prohibition on entering the apartment, house or other dwelling, 2) a restraining order and 3) prohibition on harassment and stalking. The latter (3) requires that the competent court action and Decision be made within 12 hours of the receipt of the report pursuant to Article 19 of the Law on Protection from Domestic Violence of FBiH.

Pursuant to Article 18 of the Law on Protection from Domestic Violence of FBiH, with regard to each reported case of domestic violence, the police department is obligated to file a motion to order a protection measure with the competent court within 12 hours of learning about a case of domestic violence.

Pursuant to Article 22 of the Law, the competent court shall without delay serve the Decision on ordering a protective measure against the person for whom the measure was requested by the entity who filed the report, the entity in charge of enforcement of the protective measure and the victim of domestic violence. Within three days of its enactment, the court shall submit the Decision relative to the protection measure to the foster care authority in the area where the subject of the protection measure has permanent or temporary residence for the purposes of record keeping.

Article 11 of the Law prescribes that the protection measure of removing the perpetrator of violence from an apartment, house or other dwelling and the imposition of a prohibition on his/her entering the apartment, house or dwelling can be ordered against a person who has abused a family member with whom he/she resides in an apartment, house or other dwelling if the competent court finds that there is a risk that the abusive person could repeat the act of violence if this measure is not employed. The person upon whom the measure is prescribed shall vacate the apartment, house or other dwelling immediately and that this shall be done in the presence of a police officer if necessary. This measure shall be prescribed for a period of no less than one month and no longer than two years.

Article 12 of the Law prescribes that a restraining order can be imposed on a person who commits an act of domestic violence. In its ruling on the restraining order, the court shall define the places, areas and the distance to which the abusive person must not come near the victim of domestic violence. The measure shall be prescribed for a period of no less than one month and not longer than two years, except when the court rules that a longer duration is in the interests of the victim of violence.

Article 13 of the Law prescribes that the protection measure of prohibition on harassment and stalking can be imposed on a person who harasses or stalks a family member when there is the risk exists that such conduct could be repeated. This measure shall be imposed for a duration of no less than one month and no longer than two years, except when the court rules that a longer duration is in the interests of the victim of violence.

Pursuant to Article 20 of the Law, the competent court can impose several protection measures if it finds them justifiable. Upon receipt of the report from the competent authority on the enforcement of an imposed protection measure, the competent court can commute the protection measure. The court can replace it with another measure or annul the Decision on the imposed protection measure. In the case of a failure to comply with the protection measure, the court can impose a fine.

In line with the Law the protection measures prescribed under Article 9 can be imposed for the purpose of protecting each female victim of domestic violence.

Article 45 of the Law prescribes fines ranging from BAM 1,000 to BAM 1,500 (around EUR 500 to 750) for the misdemeanour for persons who fail to abide by the imposed protection measures. The data collected by municipal courts in FBiH in the course of 2017 show that 25 male persons and 1 female person were found responsible for the misdemeanour of failure to abide by an imposed protection measure (Article 45 the Law on Protection from Domestic Violence of FBiH).¹⁵⁶ In 2018, 15 male persons were registered for the misdemeanour of failure to abide by an imposed protection measures (Article 45 the Law).¹⁵⁷ According to the data collected by the municipal courts in FBiH in 2017, 64 fines were imposed for the misdemeanour of failure to abide by an imposed protection measure.¹⁵⁸ In 2018, 15 fines were imposed for the misdemeanour of failure to abide by an imposed protection measure.¹⁵⁹

The Law on Protection from domestic violence of RS prescribes that, in order to avoid a situation of immediate danger to the physical and mental integrity of the victim, prevent the recurrence of violence and guarantee the victim's safety, emergency protection measures can be imposed on the perpetrator of domestic violence prior to the start of or during the proceedings. The misdemeanour section of the competent municipal court shall impose the emergency protection measures. The

¹⁵⁶ This figure does not include the data of the Municipal Court of Kalesija.

¹⁵⁷ This figure does not include the data of the Municipal Court of Kalesija and the Municipal Court of Sarajevo.

¹⁵⁸ This figure does not include the data of the Municipal Court of Kalesija.

¹⁵⁹ This figure does not include the data of the Municipal Court of Kalesija and the Municipal Court of Sarajevo.

police, the authorised body or the aggrieved party shall submit a motion for the imposition of an emergency protection measure. The protection measure shall be imposed no later than 24 hours from receipt of the motion, i.e. from bringing the perpetrator of domestic violence before the court.

Emergency protection measures are a) removal of the perpetrator of domestic violence from the apartment, house or other residential dwellings and or (b) the issuance of a restraining order and a prohibition on the perpetrator contacting the victim of domestic violence. The emergency protective measures shall be imposed for a duration that does not exceed 30 days. The purpose of the said measures is permanent elimination of the risk to the physical and mental integrity of the victim, to terminate the violence and to remove the perpetrator, thus providing timely and efficient protection to the victim of domestic violence at the time of its occurrence. Enforcement of this measure prevents domestic violence, ensures the necessary level of protection of the health and safety of the victim and eliminates the circumstances that favour or encourage acts of domestic violence. These measures represent standard operational procedures in the field of protection from domestic violence and the definition thereof was adopted by the legal system. It is important to mention that emergency measures are not foreseen as sanctions for the perpetrator of domestic violence but rather are directed toward the victim. More precisely, the purpose thereof is to help the victim and protect the victim independent of any other proceeding.

The Rulebook on the Manner of Enforcement of Emergency and Protection Measures that fall under the competence of the Ministry of Interior of RS¹⁶⁰ sets forth the manner of preparing, planning and enforcing the emergency and protection measures and also regulates record keeping on the actions undertaken and the reporting thereof.

Article 6 of the Rulebook specifies that the responsible person shall without delay check upon the victim's safety and collect information as to whether the perpetrator abides by the imposed emergency or protection measure. It further specifies that the responsible person shall call upon the victim's cooperation and advise the victim to inform the police in advance prior to any change of permanent or temporary place of residence. The responsible person shall develop an action plan for the victim in the event of insurmountable and imminent threat and the manner in which relatives and other persons assist the victim.

Article 7 of the Rulebook specifies that the responsible person shall assess the vulnerability of victim and make a plan for the enforcement of emergency or protection measures. Article 8 of the Rulebook specifies that the competent manager shall review the case file relative to the enforcement of emergency protection measures at least once a month and more frequently if needed.

Article 10 of the Rulebook specifies that the responsible person shall establish contact with the victim via police officials or via other means of communication at least once a week or more frequently if needed.

Article 12 of the Rulebook specifies that when it has been established that the perpetrator of acts of violence violates the emergency or protection measures, a police officer shall without delay undertake measures and actions to protect the health and safety of the victim and shall inform the responsible person thereupon. Article 14 of the Rulebook states that the police officer shall enforce the emergency protection measure of the removal of perpetrator of violence from the apartment and at the same time warn the perpetrator of violence about his/her obligation to hand over the keys to the victim or another authorised person who is present. Article 17 of the Rulebook specifies that if the police officer finds the perpetrator of violence on the premises covered by the protection measure enforcement plan then the officer shall order the perpetrator to leave the premises of the victim and warn the perpetrator of the consequence in case he/she fails to abide by the court's Decision. Article

¹⁶⁰ 'Official Gazette of Republika Srpska', No. 73/14.

18 of the Rulebook foresees close police protection for the victim for as long as there is a risk to the victim's health and safety when the circumstances suggest that the perpetrator of violence might breach the emergency protective measure.

The Law on Protection from Domestic Violence of RS prescribes that whoever violates an emergency protection measures or protective measures imposed by the court under this Law shall be sanctioned in accordance with the provisions of the law covering the criminal offence. Pursuant to paragraph 5 of Article 190 of the Criminal Code of RS, "Whoever, in cases of domestic violence, violates the protective measures or urgent protective measures that were imposed by the court in line with the law, shall be punished by a fine or imprisonment for a term between three months and three years."

The Law on Protection from Domestic Violence of RS prescribes sanctions for minor offences in the form of fines for the state authorities that did not discharge their duty to undertake the necessary preventive or protection measures within the scope of their competence. Furthermore, this Law states that a police official who fails to act in line with the obligations under this Law after being informed about an incident of domestic violence shall be found responsible in line with this Law.

Pursuant to the Law on Protection from Domestic Violence of Brčko District, the Basic Court of Brčko District shall impose emergency protection measures. The police or authorised body shall submit a motion for the imposition of an emergency protection measure, which shall be imposed no later than 24 hours from receipt of the motion or the appearance of perpetrator of domestic violence before the Basic Court. The following emergency protection measures can be prescribed: a) removal of the perpetrator of violence from the apartment, house or other dwelling, b) imposition of a restraining order on the perpetrator of violence. Emergency protection measures shall be imposed for a duration that does not exceed 30 days. An appeal against the Decision of the Court in relation to the imposed emergency protection measure shall not stay its execution. The perpetrator of domestic violence shall hand over the keys to the apartment, house or other dwelling.

D. Protection orders

In addition to the protection measures elaborated in the section C above, sub-paragraphs 4 and 5 of Article 9 of the Law on Protection from Domestic Violence of FBiH prescribes mandatory psychosocial treatment and mandatory rehabilitation respectively. In terms of enforcement of these measures, the competent court has the obligation to render the Decision within seven days from receipt of the motion for the imposition of a protection measure as well as to obtain the opinion of an expert witness if needed. With regard to the protection measure temporary deprivation of liberty and detention referred to in sub-paragraph 6 of Article 9, the police department is in charge of depriving the liberty of any person who commits domestic violence or on the basis of grounds for suspicion that this person has committed the crime and to keep such a person in detention under the prerequisite that the requirements under Article 153 of the Criminal Procedure Code of FBiH have been met.

Article 14 of the Law on Protection from Domestic Violence of FBiH prescribes that mandatory psychosocial treatment, as a protective measure, shall be uttered to an abusive person in order to remove his/her abusive behaviour or if there is a risk that he/she might repeat the abuse. The said measure shall be imposed for a duration ranging intermittently from six months but no longer than two years.

Article 15 of the Law prescribes that the competent court shall impose mandatory rehabilitation, as a protective measure, on an abusive person who has committed an act of domestic violence under the influence of alcohol or drugs or other psychotropic substance if there is a risk that the abusive person could repeat the act of violence.

Pursuant to Article 31 of the Law, the victim of domestic violence is entitled to basic living needs in terms of necessary healthcare, social and material welfare and to the level of legal aid necessary for resolving their social, economic and other status. Protection of victims of domestic violence is ensured in accordance with the existing laws, which prescribe the right to healthcare and social protection and the exercise of right to legal aid. Pursuant to Article 33 of the Law, with a view to providing physical protection and enabling the exercising of the rights and interests of the victim of domestic violence, free of fear and threat to life, the police and foster care authority shall, with the prior consent of the victim, find a temporary shelter for the victim of domestic violence in a safe house/shelter, other adequate institution or other family. The victim of domestic violence shall be provided with temporary shelter in a safe house at the request of the police or foster care authority for a period of no longer than six months. The said deadline can be extended at the request of the safe house with through the written consent of the foster care authority.

Pursuant to the Law on Protection from Domestic Violence of RS, unlike emergency protection measures that can be imposed prior to or during the proceedings against a perpetrator of domestic violence and which are by their nature directed at the protection of the victim rather than the perpetrator in terms of the sanction for the committed violence, protective measures are imposed in misdemeanour proceedings and constitute the sanction for the committed domestic violence. Protective measures are the following: removal from the apartment, house or other dwelling, a restraining order, prohibition on harassment and stalking, mandatory psychosocial treatment and mandatory rehabilitation. The said measures are applied to all victims without any financial or administrative burden, are imposed through an exigent procedure and have immediate effect, namely an appeal does not stay the enforcement thereof. They can also be introduced through subsequent legal proceedings and are available regardless of other proceedings.

In addition to the said protection orders that can be imposed on a perpetrator of domestic violence under the Law on Protection from Domestic Violence of RS, barring orders can be imposed through criminal proceedings on a perpetrator who has committed a criminal offence with elements of violence (Article 79 of the Criminal Code of RS) or on a perpetrator who has committed a criminal offence with elements of violence against a person in a joint household (Article 81 of the Criminal Code of RS).

Under the Law on Protection from Domestic Violence of RS, the maximum duration of barring orders in relation to misdemeanour proceedings is one year whereas in the criminal proceedings under the Criminal Code of RS the maximum duration is two years. The amendments to the Law on Protection from Domestic Violence of RS that shall become effective on 1 May 2020 eliminate the possibility of imposing sanctions on perpetrators of domestic violence and violence in a family unit through misdemeanour proceedings. This will differentiate between the protection and support of the victim and the sanctioning of perpetrator.

It is worth mentioning that at this juncture (by the time the latest amendments to the Law on Protection from Domestic Violence of RS come into effect in May 2020), both protection measures and banning orders imposed on the perpetrator of violence with the general purpose being to sanction the perpetrator or remove the situation or conditions that could lead the perpetrator to commit further acts of domestic violence are criminal offences. These measures can be ordered through a decision or a judgment that finds the perpetrator guilty of violent acts and are enforced after the decision or judgment comes into effect. Therefore, as of 1 May 2020, when the amendments to the Law on Protection from Domestic Violence of RS come into effect, victim access to protection measures as well as the nature of these measures will change. Protection measures shall be considered as protection for victims and not as sanctions for the perpetrators of domestic violence. The court shall be under the obligation to impose protection measures within 30 days as of the motion

for the imposition of a protection measure. A police official, the centre for social welfare or the victim of domestic violence will be able to file such a motion (Article 23).

Pursuant to the Law on Protection from Domestic Violence of Brčko District, the competent court shall proceed and render a Decision within 24 hours from receipt of the motion on the protection measure. The protection measure of removal of the perpetrator of violence from the apartment, house or other dwelling shall be ordered for a duration of not less than 30 days but nor longer than six months. The protection measure of removal from the apartment, house or other dwelling is applied for the protection of all female victims of violence without exception. The person on whom the protection measure is imposed shall vacate the apartment, house or other dwelling immediately and this shall be done in the presence of the police if necessary. The request for the proceeding can be made by a natural person or legal entity and is instituted by the prosecutor. Pursuant to the Law on Healthcare of Brčko District,¹⁶¹ the competent health worker shall inform the Police of Brčko District immediately if it is established that a death occurred because of the violence.

E. Administrative and judicial data

The data on number of reports on domestic violence, filed reports on committed criminal offences, indictments, judgments and imposed protection measures for 2017 and 2018 in the Federation of BiH and RS are available in annexes 1, 3, 4, 5, 6, 7 and 8.

Police officials of the State Investigation and Protection Agency of BiH abide by the existing legislation. More precisely, they abide by the Criminal Procedure Code of BiH and the Criminal Code of BiH, the Law on the State Investigation and Protection Agency, the Law on Police Officials, etc. Since BiH ratified the Istanbul Convention, there have been no amendments to the legislation that affect the work of police officials of the State Investigation and Protection Agency. The basis on which they institute investigations is laid down in the international conventions, because once ratified international conventions have supremacy over the national legislation, including the Law on Prohibition of Discrimination in BiH and the Law on Gender Equality in BiH.

Over the course of one year, the State Investigation and Protection Agency conducted two investigations related to violence against women: one investigation into a case of sexual harassment (which comes under Article 33 and Article 40 as well as Article 5 of the Convention) and one investigation into the criminal offence of International Human Trafficking (under Paragraph 2 of Article 186 of the Criminal Code of BiH) that was committed to the detriment of a person who had yet to reach the age of majority.

F. Ex officio proceedings

In BiH, the prosecutor instigates criminal proceedings in accordance with the accusatory principle. Prosecutors in BiH have the statutory obligation to institute proceedings *ex officio* in the case of criminal offences. The criminal procedure codes of FBiH and RS respectively prescribe the principle of legality in the criminal prosecution. More specifically, the prosecutor must proceed with the criminal prosecution if there is evidence of the criminal offence, unless prescribed otherwise by the law. The prosecutor is under the obligation to undertake the necessary measures immediately after learning of the grounds for suspicion that a criminal offence has been committed. These measures include the identification and conduct of the investigation, locating the suspect, managing and supervising the investigation and leading the activities of official persons in locating the suspect and collecting the statements and evidence. A public interest is determined for all criminal offences prescribed by the criminal law, as well as for the criminal offences that are prescribed by *lex specialis*.

¹⁶¹ Law on Healthcare of Brčko District, 'Official Gazette of Brčko District', No. 52/2018 - consolidated.

A report on domestic violence can be submitted by the police, the centre for social welfare, representatives of healthcare and education institutions, non-governmental organisations, family members and by any citizen. The Criminal Procedure Codes define which persons can refuse to testify. These include the marital partner or common-law partner of the suspect/defendant, a parent or a child of the suspect/defendant, a foster parent or a foster child of the suspect/defendant. The institution in charge of the proceedings is under the obligation to inform the said persons of their right to refuse to testify before interviewing them or as soon as they learn of the said relationship with the suspect/defendant.

Considering that the evidence in the criminal prosecution of domestic violence or gender-based violence is most often based on statements of the aggrieved party, if the aggrieved party refuses to testify then the cases most often do not come to trial because of a lack of evidence. The prosecutor can ensure a further course of proceedings by collecting additional evidence, such as medical expertise and documentation. Considering that the proceedings are conducted *ex officio*, the withdrawal of a statement/report alone does not affect the authority of the prosecutor to conduct the proceedings. However, if the victim of violence refuses to testify or withdraws their statement then the implications for the successful completion of the proceedings can be significant.

In a large number of cases, the withdrawal of a statement or report by the aggrieved party/victim leaves the prosecutors no alternative other than to suspend the investigation on the grounds of insufficient evidence. Experience has shown that witnesses/aggrieved parties (most often women) most frequently give a statement to the police about domestic violence but afterwards change/mitigate that statement before the prosecutor. This results in the investigation taking a turn in favour of the defendant and can result in acquittal due to a lack of relevant evidence. Based on the aforementioned, it can be concluded that there is no essential guaranty of the resumption of an investigation once the victim withdraws their statement or report or when the victim refuses to testify or when they change their testimony.

G. *Ex parte* proceedings

This is consolidated under F.

H. Participation of non-governmental organisations and civil society actors

According to data from the Ministry of Interior of FBiH, protective measures are enforced in cooperation with the foster care authorities in relation to providing shelter for the victims of domestic violence in safe houses (safe houses are managed by non-governmental organisations), raising awareness on domestic violence and its ramifications and when establishing a team of experts (articles 4, 6 and 37 of the Rulebook on the Manner of Enforcement of Protection Measures, in regard to the perpetrators of domestic violence).

Pursuant to the Law on Protection from Domestic Violence of RS, prior to or during the proceedings, the victim can select a person of trust who will be present during one or more of the proceedings or actions related to protection from domestic violence. The person of trust can be any person of adult age except for a perpetrator of acts of violence. The competent authority shall have the obligation to allow the person of trust to attend all proceedings and actions involving the victim in line with the regulations and scope of their authority. The victim of violence is also entitled to a proxy in the proceedings. The provision was introduced in 2019 and will come into effect on 1 May 2020. In this case, the person of trust can also be a person from a non-governmental organisation (for example, those that render legal aid or legal advice or shelter to victims of violence).

I. Support measures within investigative and judicial proceedings

Bosnia and Herzegovina has a legal framework on witness protection in place that outlines the procedure for ordering and enforcing protection measures. Laws on the protection of witnesses under threat and vulnerable witnesses have been adopted at the state¹⁶², entity¹⁶³ and Brčko District¹⁶⁴ level, while the Law on the Witness Protection Programme in BiH has been adopted at the state level.¹⁶⁵ Furthermore, a number of conventions and other international instruments mandate BiH to provide for effective protection of witnesses against various forms of intimidation or threat to their physical integrity and life and body as well as to ensure a full range of support and protection measures for family members of witnesses or those close to them. In addition, laws have been enacted on the protection and treatment of children and juveniles involved in criminal proceedings at the level of entities and Brčko District. These stipulate specific rules for the treatment of children who are in conflict with the Law and for young adults and children who are victims or witnesses or are subject to actions by the courts. Their treatment should be non-discriminately and promote the child's sense of dignity and personal worth, taking into account the child's age, the best interests of the child and his/her right to life, survival and development. It should enable the child, in accordance with his/her age and level of maturity, to express his/her opinion on all matters that concern him/her. The treatment of child witnesses is elaborated on in Part IV 'Protection and Support' in section F of this report.

In regard to the protection measures available during the investigative and judicial proceedings at the level of BiH, there is no procedure in place for a witness under threat or a vulnerable witness in cases where a restraining order or a ban on visiting certain places has been ordered to be informed about the legal position of the suspect/defendant. Article 6 of the Law on the Protection of Witnesses under Threat and Vulnerable Witnesses regulates, "During the investigation, the prosecutor, and after the indictment has been issued, the Court, shall, provided the witness agrees, and without disclosing any of the witness's personal details, ensure that the body responsible for issues of social care is aware of the involvement of the vulnerable witness in the proceedings and shall enable the assistance of this body as well as psychological support to the witness, including the presence of appropriate professionals at the examination or hearings."

The Law on the Protection of Witnesses under Threat and Vulnerable Witnesses provides for a wide spectrum of measures aimed at limiting or completely avoiding contact between the witness/victim and the abuser. It thus provides for the following: the giving of testimony through use of technical means for the transfer of images and sound, removal of the defendant from the courtroom, and additional measures to ensure non-disclosure of the identity of the witness. The Criminal Code of BiH, the Criminal Procedure Code of BiH, and the Law on Gender Equality of BiH also provide for specific safeguards such as the following: restrictions when examining a witness about his/her earlier sex life, the obligation to obtain the consent of the witness/victim to carry out certain activities or, more precisely, activities that he/she previously engaged in but bear no relevance to the existence of the crime, and the application of special urgency in all actions. The prosecution of and decision-making in response to a crime or misdemeanour offence established under this Law is of an urgent nature and has priority in the work of the competent authorities.

The Law on Protection against Domestic Violence in RS enables victims of domestic violence the right to access all institutions of protection and exempts them from any costs incurred through such a procedure. During first contact, a protection institution must inform the victim in a manner

¹⁶² 'Official Gazette of Bosnia and Herzegovina', nos. 3/2003, 21/2003, 61/2004 and 55/05.

¹⁶³ 'Official Gazette of the Federation of Bosnia and Herzegovina', No. 36/16; 'Official Gazette of Republika Srpska', nos. 21/03, 61/04 and 55/05.

¹⁶⁴ 'Official Gazette of Brčko District', nos. 11/03 and 8/07.

¹⁶⁵ 'Official Gazette of Bosnia and Herzegovina', No. 36/14.

understandable to the victim about all of the rights that he/she has under these and other regulations and about other the institutions, bodies, legal entities and organisations that provide assistance, support and protection. In the procedures for exercising their rights and protection, victims are entitled to free legal aid in line with the regulations governing free legal aid (Article 10 of the Law).

According to Article 21 of the Law on Protection against Domestic Violence of RS, the centre for social welfare establishes an expert team of representatives of that institution, bodies and services of the local government unit, the police, non-governmental organisations and experts dealing with family and domestic violence issues in order to determine the victim assistance plan and to coordinate activities in the process of assisting the victim, depending on the needs and preferences of the victim. The victim assistance plan outlines specific measures to be taken in accordance with the laws governing social, health and child protection. If the victim is a child, the victim assistance plan also contains measures for the protection of the child, in accordance with the law governing family relations and the regulations governing the protection of the rights of the child.

Article 21a of the Law stipulates that the victim can, prior to or during the proceedings, choose a person of trust to be present at one or several domestic violence protection proceedings or actions. A person of trust can be any adult other than the perpetrator of violence. The competent authorities must allow the presence of a person of trust in all proceedings and actions involving the victim, in accordance with the regulations within their jurisdiction. A victim of violence is entitled to a proxy in the proceedings. As noted earlier, the Law on Protection against Domestic Violence of RS regulates that a risk assessment must be conducted for each report of domestic violence, which is one of the measures in the procedure to ensure protection for the victims of domestic violence. The risk assessment helps eliminate the threat to the victim in cases where the perpetrator of violence is a fugitive or is under temporary or complete release. The enforcement of measures to protect victims of domestic violence in practice calls for caution in order to ensure that any contact between the victim and the perpetrator of violence is avoided at the premises of law enforcement agencies and the courts whenever possible.

Article 8 of the same Law provides that a victim of domestic violence is entitled to psychosocial assistance and social and medical care in accordance with the laws in the field of health and social care. The following categories of victims enjoy special assistance and protection under this Law: a child, an elderly person, a disabled person and a guardian. A child is considered a victim even if the child was only present when the violence against another family member was committed, despite the fact that no violence was committed against the child. When it comes to children who are witnesses in cases that involved violence, the measures prescribed in the Protocol on Actions in Case of Violence, Abuse or Neglect of Children apply except for the legal provisions.

According to data of the Ministry of Interior of FBiH on reported cases of domestic violence on which basis a request for a protection measure was filed (according to Article 9 of the Law on Protection against Domestic Violence of FBiH), procedural actions consisting of the obligation of the police officer to carry out and provide a written analysis of the enforcement of the protective measure and the duty of the police officer to make contact with the victim of domestic violence (according to Articles 20 and 23 of the Rulebook on the Manner of implementation of Protection Measures for the Perpetrators of Domestic Violence within the jurisdiction of the police). After receiving a report on domestic violence, a police officer conducts a hearing of a party in the manner provided for in the cited provisions (pursuant to articles 10 and 11 of the Rulebook). There is also the possibility of forming an expert team that would provide all of the necessary services to the victim of domestic violence (according to Article 37 of the Rulebook). The victim domestic violence is heard without the presence of the perpetrator of violence (according to Article 10 of the Rulebook).

The witness support departments established within cantonal courts and prosecutors' offices provide psychological and logistical support and assistance to witnesses and victims of sexual violence and those of any other form of violence related to war crimes cases. In addition to war crimes cases, support is also provided in cases involving juveniles and other cases handled by judicial institutions. The support provided by the witness support departments includes the following: informational support wherein witnesses are assisted to understand the nature of the proceedings and the importance of testifying and in gaining trust in the judicial process, the provision of professional and psychological support and assistance during the investigation and before, during and after the trial; providing a sense of security in that all witnesses under threat and vulnerable witnesses feel comfortable giving evidence and testifying in completely safe conditions and environments and in the knowledge that such testimony will not cause them additional harm, suffering or trauma, ensuring the trust and well-being of witnesses before, during and after taking the stand, psychological and social assistance and support during their travel to and from the prosecutor's office or court, contact after testimony, improving the ability of witnesses to answer questions in the most accurate complete and truthful manner.¹⁶⁶

Before the actual trial, the witness support departments work on preparing witnesses for the trial. Multiple interviews are conducted in order to prepare witnesses psychologically for testifying. Psychological counselling for vulnerable witnesses (children, witnesses with physical or mental disabilities and the victims of rape and torture) can be organised in the form of a meeting with the witness in the witness room within the court several times in the days leading up to the trial, if more detailed preparation is required. As part of this preparation, all relevant information on the medical condition of the witness or victim is taken. This includes health, psychological, social and logistical needs of the witness or victim assessed at various stages of the court proceedings. An accompanying report must be submitted to the prosecutor on the case.¹⁶⁷

J. Free Legal Aid

The adoption of the Law on Free Legal Aid of BiH¹⁶⁸ provides for free legal aid before the bodies and institutions of BiH. The Law regulates that the right to free legal aid, based on the status of the applicant, is also available to victims of domestic violence and gender-based violence. The Rulebook on the Internal Organisation of the Ministry of Justice of BiH has been adopted and posts are planned for officials or providers of free legal aid within the Free Legal Aid Office. Until the Office is in place, a civil servant has been appointed to provide free legal aid with the technical and financial capacities of the Ministry of Justice of BiH at his disposal. The Rulebook on the Content and Manner of Keeping Records on the provision of Free Legal Aid and the Rulebook on the Form and Content of the Forms required in the Procedure for Exercising the Right to Free Legal Aid were adopted.¹⁶⁹ The Decision on the tariff and compensation of the costs incurred through criminal proceedings¹⁷⁰ was also adopted. Its adoption has rounded up the legal and institutional framework for free legal aid.¹⁷¹

In FBiH, free legal aid is regulated by the cantonal laws on free legal aid in Sarajevo Canton, Bosnia Podrinje Canton, Zenica-Doboj Canton, Tuzla Canton, Una-Sana Canton, Herzegovina-Neretva Canton,

¹⁶⁶ Responses to CEDAW Committee Additional Questions, 2019, p. 7.

¹⁶⁷ Responses to CEDAW Committee Additional Questions, 2019, pp. 7 and 8.

¹⁶⁸ 'Official Gazette of Bosnia and Herzegovina', No. 83/16.

¹⁶⁹ 'Official Gazette of Bosnia and Herzegovina', No. 43/18.

¹⁷⁰ 'Official Gazette of Bosnia and Herzegovina', No. 25/19

¹⁷¹ Since the start of the implementation of this Law, 104 cases have been registered with the number of cases involving multiple individuals (in other words, multiple requests) amounting to approximately 135 individuals. Foreign nationals staying illegally in Bosnia and Herzegovina filed most of these requests. Out of the total number of requests, five were filed by the Prosecutor's Office of Bosnia and Herzegovina on behalf of female victims of undisclosed identity seeking representation in order to file and seek a legal claim in relation to conflict related sexual violence.

Posavina Canton, West Herzegovina Canton and in Canton 10. No law on free legal aid has been enacted in the Central Bosnia Canton. The institutional framework for providing free legal aid in FBiH comprises the following: Institute for Free Legal Aid of Sarajevo Canton, Institute for Free Legal Aid of Bosnia Podrinje Canton, Institute for Free Legal Aid of Zenica-Doboj Canton, Institute for Free Legal Aid of Tuzla Canton, Institute for Free Legal Aid of Una Sana Canton, Institute for Free Legal Aid of Herzegovina-Neretva Canton, Institute for Free Legal Aid of Posavina Canton, Institute for Free Legal Aid of West Herzegovina Canton and the Institute for Free Legal Aid of Canton 10. These institutions do not have the same capacity to provide free legal aid.

Most cantonal laws on free legal aid in FBiH provide for assistance in the form of free legal aid based on the status of the victims of domestic violence and victims of gender-based violence. An exception is the Law on Free Legal Aid of Tuzla Canton, which does not enable female victims of sexual and gender-based violence to exercise their right to free legal aid under special and different arrangements. Instead, they exercise this right on an equal basis and in the same way as all other citizens who are resident in Tuzla Canton and who apply for legal aid. The Law on the Canton Institute for Free Legal Aid of West Herzegovina Canton does not foresee free legal aid based on the status of these categories. Within the scope of their competence and powers, the employees of the Institute can provide general information, legal advice, make appropriate submissions and represent applicants before the competent courts and other bodies. Free legal aid is provided for administrative proceedings and administrative disputes, litigation and non-litigation, enforcement, criminal and misdemeanour proceedings.

It is noteworthy that free legal aid is also provided by non-governmental organisations such as the 'Local Democracy Foundation' from Sarajevo, 'Medica' from Zenica, 'Vive Žene' from Tuzla, 'Free Legal Aid to Women in Travnik', 'Zenica Women's Rights Centre' and the association 'Vaša prava BiH', the 'Centre for Human Rights' in Mostar and others.

Legal aid in RS is exercised through the Law on Free Legal Aid of RS as the right to representation in court in litigation and in non-litigation, enforcement proceedings, and administrative disputes. It is also provided for legal advice (counselling or in writing), general information on rights and obligations, legal assistance in filling out different forms, legal assistance in drafting all types of documents, drafting appeals, legal assistance in procedures for peaceful settlement of a dispute (mediation). All persons, regardless of their financial status, have the right to legal advice (counselling or in writing), general information on rights and obligations and assistance in filling out different forms. Free legal aid in the form of court representation is provided to beneficiaries of legal assistance in exercising and protecting their rights in civil proceedings, non-litigation proceedings, enforcement proceedings, administrative proceedings, drafting appeals and for amicable settlements (mediation).

Beneficiaries of free legal aid in RS constitute any natural person who is provided with free legal aid in accordance with the criteria established by the Law on Free Legal Aid of RS and cannot cover the cost of the proceedings. This applies to the inhabitants of RS, citizens of RS as well as all other persons who are or find themselves in the territory of RS, persons who identify themselves as vulnerable categories and natural persons who are in the territory of RS under international protection in accordance with international standards, refugees, persons under temporary admission, victims of human trafficking and stateless persons. The right to legal aid is free of charge for every person, regardless of their nationality or ethnic origin, race, skin colour, religious or political belief, gender, sexual orientation, health status, disability, citizenship, residence or other personal traits. Therefore, legal assistance to female victims of domestic violence is available throughout RS to all persons living in RS as well as to persons who find themselves in RS, regardless of gender, nationality or ethnic origin as well as stateless persons and asylum seekers. Free legal aid is provided and available to all victims of domestic violence and female victims of domestic violence. This is regardless of financial criteria and comes in

the form of providing counselling and written legal advice, general information on rights and obligations, assistance in filling out different forms as well as through the provision of free legal aid in the form of representation before the court in civil proceedings (marital and family proceedings) when the conditions for representation are fulfilled (financial criterion).

With a view to implementing the Council of Europe Convention on the Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention) in RS and based on the past experience of the work of the Centre for Free Legal Aid of RS with female victims of domestic violence, the Draft version of Law on the Exercise of the Right to Free Legal Aid has been prepared. Item 6 of paragraph 1 of Article 35 of the Draft Law stipulates that victims of domestic violence be given priority over other applicants when granting free legal aid in matrimonial and family matters, regardless of financial criteria. The National Assembly of RS adopted the Draft Law in December 2019 as a step in the further legislative procedure.

The Office for Legal Aid of Brčko District is responsible for providing legal advice and representation to citizens of Brčko District of poor financial standing and takes all actions on their behalf before the Basic Court of Brčko District, the Court of Appeal of Brčko District and the Prosecutor's Office of the Brčko District. Its staff comprises the director and attorneys. In 2018, 48 requests from women seeking legal aid were handled in Brčko District, mainly related to divorce and child custody. There was no request for legal aid from women belonging to particularly vulnerable groups.¹⁷²

K. Data on all existing investigations, prosecutions, procedural laws and safeguards regarding violence against women

Administrative and judicial information is provided in appendices 1, 3, 4, 5, 6, 7 and 8.

¹⁷² Responses to Additional Questions of the United Nations CEDAW Committee in relation to the Sixth Periodic Report of Bosnia and Herzegovina on Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2013-2016), Gender Equality Agency of Bosnia and Herzegovina within the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

VI. Migration and Asylum

(Articles 59 to 61 of Chapter VII of the Convention)

A. Residence permit

The Parliamentary Assembly of BiH adopted the Law on Aliens¹⁷³ in November of 2015, which is largely in line with international and European Union standards. The Law on Aliens entered into force on 25 November 2015.

Article 48 (Grounds for issuance of a temporary residence permit) of the Law on Aliens stipulates that temporary residence can be granted to an alien who intends to reside or resides in BiH on the basis of family reunification, education, humanitarian reasons, employment with a work permit, employment without a work permit or other justifiable reasons.

Article 51 (Residence in the event of the cessation of a marriage or common-law marriage) stipulates that if a marriage or common-law marriage has ceased during the period of validity of a temporary residence permit issued for the purpose of family reunification the former spouse or common-law marriage partner who has been granted temporary residence as a close family member under Article 50 (Temporary residence on the grounds of family reunification) can submit a request for a temporary residence extension in the event that he/she has custody over a minor child holding Bosnian and Herzegovinian citizenship or in the event of the death of the spouse or common-law marriage partner for whom the temporary residence was granted for the purpose of family reunification or if evidenced that the alien has acquired the right to work in accordance with the provisions of this Law or if the temporary residence holder has secured the means for his/her own and family members subsistence and health insurance or if the alien resides in BiH for the purpose of studying and provides evidences as to the means for his/her own and family members sustenance and health insurance or if divorce proceeding are ongoing with respect to the decision on custody over a minor child holding citizenship of BiH.

Paragraph 2 of Article 51 states that in exceptional circumstances temporary residence for the purpose of family reunification can be granted to an alien without temporary residence prior to the death of a spouse or a common law partner of Bosnian and Herzegovinian citizenship if he/she assumes custody over a minor child of Bosnian and Herzegovinian citizenship residing in the BiH. Such temporary residence on the basis of these grounds (residence in the event of the cessation of a marriage or common-law marriage) is granted for a period not exceeding one year and can be extended under the same conditions applied for the approval of the temporary residence extension.

Under paragraph 3 of Article 58 (Temporary residence on humanitarian grounds) it regulates that temporary humanitarian residence can also be granted to an alien who fails to meet the requirements for granting temporary residence under Article 49 (General requirements for granting temporary residence) of this Law in cases where the alien co-operates with the authorities for the purposes of revealing criminal offences and the offenders or if he/she has been a victim of organised crime and his/her presence in BiH is essential for conducting the related court proceedings.

Paragraph 2 of Article 58 of the Law on Aliens (Temporary residence on humanitarian grounds) stipulates that temporary residence on humanitarian grounds can also be granted to a person who fails to meet the general requirements for granting temporary residence under Article 49 of this Law (General requirements for granting temporary residence) in the following cases:

¹⁷³ 'Official Gazette of Bosnia and Herzegovina', No. 88/15.

- the alien, who was a victim of human trafficking for the purpose of: providing him/her with protection and assistance for rehabilitation and repatriation into the country of his/her origin, habitual residence, or a country to admit him/her; providing him/her with protection and assistance when necessary for the purpose of cooperation with competent authorities in investigating and processing criminal case of trafficking in human beings;
- a minor child of an alien, if abandoned or a victim of organised crime or without parental protection or custody or if left unaccompanied for any other reason whatsoever;
- stateless person;
- for other justified humanitarian reasons to be stipulated by the Council of Ministers' bylaws issued upon the Ministry's proposal.

B. Grounds for granting asylum

Paragraph 2 of Article 20 of the Law on Asylum¹⁷⁴ prescribes that acts of persecution include, among others, the following: physical or psychological violence, including sexual violence and acts that by their nature relate specifically to gender and children. Gender-based violence as a form of persecution can be directly linked to the above provisions; however, other forms of persecution can be linked to gender (for example, prosecution before a court or punishment that is disproportionate or discriminatory can be attributed to gender discrimination). It should be emphasised that acts of persecution, which cover a variety of practices that prevent an individual from leading a normal life in his/her country of origin, are not exhausted in paragraph 2 of Article 20.¹⁷⁵

C. Gender-sensitive asylum procedures

According to item h of paragraph 1 of Article 2 of the Law on Asylum, particular social group is comprised of a group of persons who share a common characteristic other than their risk of being persecuted or who are perceived as a group by society. This characteristic will often be one that is innate, unchangeable or otherwise fundamental to the identity, consciousness or the exercising of one's human rights. In practice, gender specific requirements are generally analysed within the parameters of a social group yet in some cases other reasons, such as political opinion or religion, are applicable.

Over the period from 1 January to 22 November 2019 in BIH, 304 women applied for asylum (of which 126 were under and 178 over the age of 18). There was no trend observed in unaccompanied women seeking asylum. In the same period, refugee status was granted to one woman accompanied by two children. In this particular case, gender was recognised as the form of persecution and was viewed as membership of a particular social group. It is noteworthy that a significant percentage of asylum applications, including those submitted by women, were suspended. In other words, asylum seekers left the territory of BIH before the decision was made on the merits of their application. Likewise, a certain number of applications are pending.

Subsidiary protection is granted as an additional form of protection in cases where the conditions for granting refugee status are not met. If the violation of human rights relates entirely to gender then it is treated in the context of refugee status or, as elaborated in the previous questions, it is most commonly associated with membership of a particular social group, but also on other grounds such

¹⁷⁴ 'Official Gazette of Bosnia and Herzegovina', No. 11/16.

¹⁷⁵ a) physical or psychological violence, including sexual violence; b) legal, administrative, police and/or judicial measures that are discriminatory per se or are implemented in a discriminatory manner; c) prosecution or punishment that is disproportionate or discriminatory, d) denial of the right to judicial protection that leads to disproportionate or discriminatory punishment, e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts that fall under the exclusion clauses contained in articles 21 (1 a, b and c of the Law; f) acts that by their nature are specifically related to gender or children.

as political opinion or religion. Yet when granting subsidiary protection in a number of cases gender was treated as an element that led to the level of human rights violation. This was viewed as torture or inhumane or degrading treatment or punishment or in conjunction with other individual elements that led to a human rights violation that could be qualified as such. In this respect, it is difficult to quantify the number of subsidiary protections granted on such grounds. Yet it cannot be disregarded that torture, inhumane or degrading treatment or punishment is determined in the light of the facts and elements specific to each case, such as the sex of the victim.

It is also necessary to highlight the legal provisions that in the case of gender-sensitive applications provide for special procedural safeguards. This is in the sense that victims of gender-based violence are recognised as a vulnerable group and treated with due care, prioritised and provided with psychosocial protection. The interviewer and the translator or interpreter that conducted the asylum application process must be of the same sex as the applicant. According to Article 2 (ii) of the Law on Asylum, vulnerable groups include, "... victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation." Furthermore, Article 29 (item E of paragraph 1) states that the asylum seeker will have the opportunity to have the procedure upon his/her asylum application conducted by an interviewer and interpreter or a translator of the same sex, provided that there are justified grounds to do so. Paragraph 3 of Article 29 states that the Ministry of Security gives priority and special attention to the survivors of "... torture, rape, other forms of physical or psychological violence, pregnant women" According to paragraph 1 of Article 76, an asylum seeker is entitled to "... psychosocial assistance."

D. Principle of non-refoulement

According to the principle of non-refoulement, no foreign alien whose application has been denied can be returned to a country where he/she would be exposed to the actual risk of being subjected to the death penalty, execution, torture, inhumane or degrading treatment or punishment. The principle certainly covers victims of gender-based violence who are found in the asylum application proceedings to have been subjected to torture or inhumane or degrading treatment or to punishment.

E. Other measures to protect migrant victims and female asylum seekers

The 2016–2020 Migration and Asylum Strategy of the Ministry of Security of BiH recognises vulnerable categories and at-risk groups. A Coordination Body for Migration Issues in BiH has been established¹⁷⁶ as a standing body responsible for coordinating activities between the competent institutions dealing with migration and asylum in BiH.¹⁷⁷

According to operational data from the United Nations, there are still some 7,500 refugees and migrants in the country located mostly in the Una-Sana Canton. The migrant/refugee route runs from the eastern border of BiH (with Serbia and Montenegro) via Sarajevo to the north-western part of the country and the Una-Sana Canton (close to the border with Croatia/European Union). Estimates suggest that more than half of the migrants/refugees (present in the country) temporarily reside in the Una-Sana Canton, attempting to cross the border into the EU. Some areas of the country are particularly affected by the migrant crisis, such as the Bihać area, and much of the care for migrants, both men and women, is being provided by international organisations.

¹⁷⁶ The Decision on forming the Coordination Body for Migration Issues in Bosnia and Herzegovina, 'Official Gazette of Bosnia and Herzegovina', nos. 10/13, 64/13, 01/14, 20/16 and 83/17.

¹⁷⁷ The Coordination Body in Bosnia and Herzegovina comprises of senior civil servants and police officers, appointed from the ranks of the Ministry of Security of Bosnia and Herzegovina (Service for Foreigner Affairs, Bosnia and Herzegovina Border Police, State Investigation and Protection Agency, Sector for Immigration and Asylum), the Ministry of Human Rights and Refugees of Bosnia and Herzegovina (Sector for Immigration and the Sector for Refugees, Displaced Persons, Readmission and Housing) and the Ministry of Foreign Affairs (Sector for International Legal and Consular Affairs). The Minister of Security of Bosnia and Herzegovina chairs the Coordination Body.

As a part of the UNFPA programme and in cooperation with the Ministry of Health and Social Policy of the Una-Sana Canton, experts have developed standard operating procedures for the treatment of victims of gender-based violence, conducted training and awareness raising activities for humanitarian and other workers working directly in the field, established a safe space for women and girls, and organised daily activities tailored to the needs of migrant women including their cultural and other needs.¹⁷⁸ The Prosecutor's Office of the Una-Sana Canton also engages actively in the implementation of measures to protect female victims as well as categories of migrant women and female asylum seekers. The Prosecutor's Office participated in the development of the Standard Operating Procedures of the Una-Sana Canton on the prevention of and protection against gender-based violence in emergencies and crises and disasters.

Cooperation between the competent institutions and NGOs has been established in that the association 'Vaša Prava BiH' provides legal aid to persons under international protection, based on a signed Protocol with the Ministry of Security of BiH. The BiH women's initiative 'Vaša Prava' provides psychosocial support for persons under international protection, while the organisation MFS-EMMAUS implements projects of direct assistance and protection for victims of trafficking and migrants as well as prevention and awareness raising among at-risk groups and the general population. The Bihać based NGO 'Žene sa Une' produced the report 'Migrant Crisis in the Una-Sana Canton and the Risk of Gender-Based Violence – the Status and Condition of Women and Girls in Temporary Reception Centres'. According to the report, since early 2018, the arrival of more than 42,000 migrants/refugees has been registered in BiH. Over the past year, with the support of the Open Society Fund, the same NGO has implemented an intensive trauma recovery programme using expressive art techniques on canvas and creative workshops with a combination of spiritual and physical exercises. These programmes have covered 577 women and girls.

International and local NGOs involved in assistance activities for unaccompanied migrant children in BiH (UNICEF, Save the Children, UNHCR, DCR and the BiH women's initiative 'Vaša Prava') feed data to the Ministry for Human Rights and Refugees of BiH, which uses this information to develop Information on Unaccompanied Migrant Children in BiH.

The Government of RS has set up a Coordination Body to monitor the movement of illegal migrants throughout the territory of RS, managed by the Chief of Police within the Ministry of Interior of RS. Within its regular activities on providing security and preserving public law and order, the Ministry of Interior of RS makes a significant contribution to the security of borders and control of illegal migrants as they move across the territory of RS. When dealing with illegal migrants, police officers act in a humane and professional manner, following the recommendations of the Lanzarote Convention that BiH ratified on 1 March 2013. The Ministry of Interior of RS regularly drafts the special report on 'Protecting Children affected by the Refugee Crisis from Sexual Exploitation and Abuse' and submits it to the Lanzarote Committee.

According to data from the Ministry of the Interior of FBIH, the Law on Civil Registers of the Federation of BiH¹⁷⁹ and bylaws in the field of registers provide a mechanism for registering all persons born within the territory of FBIH in the birth registers, regardless of their migrant status or that of their parents. The Administrative Procedure Code regulates the provision of legal and professional aid to lay parties and parties that cannot bear the cost of the procedure themselves.¹⁸⁰

¹⁷⁸ Data from the Draft Final Report for the Bosnia and Herzegovina Programme (2013-2018) UNFPA Programme Evaluation for Bosnia and Herzegovina, North Macedonia, Serbia and Kosovo (UNSCR 1244) – unofficial translation.

¹⁷⁹ 'Official Gazette of the Federation of Bosnia and Herzegovina', nos. 37/12 and 80/14.

¹⁸⁰ 'Official Gazette of the Federation of Bosnia and Herzegovina', nos. 2/98 and 48/99.

APPENDIX 1. Data collected within the framework of implementation of the Strategy for Preventing and Combating Domestic Violence in the Federation of Bosnia and Herzegovina

1.1. Information from the cantonal ministries of interior under Article 222 of the Criminal Code of the Federation of Bosnia and Herzegovina (FBiH)		
Cantonal ministry of interior	Number of reports on domestic violence in 2018	Number of submitted reports on the committed criminal offence in 2018
Mol Una-Sana Canton	151	139
Mol Posavina Canton	18	18
Mol Tuzla Canton	465	174
Mol Zenica-Doboj Canton	192	114
Mol Bosna Podrinje Canton	8	8
Mol Central Bosnia Canton	53	53
Mol Herzegovina-Neretva Canton	14	8
Mol West Herzegovina Canton	50	24
Mol Sarajevo Canton	264	264
Mol Canton 10	27	27
Total in 2018	1,242	829

1.2 Number of reports of domestic violence cases per year (data from the cantonal ministries of interior under Article 222 of the FBiH Criminal Code)						
Inception phase (2012)	2013	2014	2015	2016	2017	2018
1,661	1,669	1,459	1,427*	***	1,487**	1,242

*Data from the Mol Central Bosnia Canton is missing

*Data from the Mol Herzegovina-Neretva Canton is missing

***No data provided

1.3 Number of submitted reports on committed criminal offence (data from the Cantonal Ministries of Interior under Article 222 of the Criminal Code of FBiH)						
Inception phase (2012)	2013	2014	2015	2016	2017	2018
882	916	992	771*	***	697**	829

*Data from the Mol Central Bosnia Canton is missing

*Data from the Mol Herzegovina-Neretva Canton is missing

***No data provided

1.4 Number of cases (data from the cantonal prosecutor's offices under Article 222 of the Criminal Code FBiH)					
Inception phase (2012)	2013	2014	2015	2016	2017
982	1,078	716	871	881	-

1.5 Number of indictments filed (data from the cantonal prosecutor's offices under Article 222 of the Criminal Code FBiH)					
Inception phase (2012)	2013	2014	2015	2016	2017
536	540	484	452	386	-

1.6 Number of judgments (data from the municipal courts under Article 222 of the Criminal Code FBiH)					
Inception phase (2012)	2013	2014	2015	2016	2017
409	324	422	351	473	377

1.7 Data from municipal courts regarding convictions under Article 222 of the Criminal Code FBiH					
YEAR	TOTAL NUMBER OF CONVICTIONS	PRISON TERM	FINE	SUSPENDED SENTENCE	OTHER
2012	409	10%	7%	81%	2%
2013	324	10%	6%	83%	1%
2014	311	26%	7%	65%	2%
2015	351	12%	5%	80%	3%
2016	473	13%	7%	77%	3%
2017	382	18%	6%	73%	3%

1.8 Data from the municipal courts on the perpetrators of domestic violence			
YEAR	TOTAL NUMBER	WOMEN	MEN
2012	401	4%	96%
2013	328	4%	96%
2014	302	3%	97%
2015	424	3%	97%
2016	423	2%	98%
2017	344	6%	94%

1.9 Data from the municipal courts on victims (men and women)			
YEAR	TOTAL NUMBER	WOMEN	MEN
2012	456	83%	17%
2013	372	83%	17%
2014	331	74%	16%
2015	392	76%	14%
2016	437	82%	18%
2017	357	83%	17%

1.10 Data from the municipal courts on underage victims (boys and girls)			
YEAR	TOTAL NUMBER	GIRLS	BOYS
2012	98	46%	54%
2013	74	50%	50%
2014	81	48%	52%
2015	96	54%	46%
2016	82	52%	48%
2017	74	55%	45%

1.11 Data from the municipal courts on motions for protection measures, the number of protection measures imposed and the number of persons protected							
	2012	2013	2014	2015	2016	2017	2018
Number of motions	124	153	168	165	532	276	-
Number of protection measures imposed	189	190	293	213	644	417	-
Number of persons under protection measures	554	446	241	205	235	308	-

1.12 Number of calls made to the SOS line 1265													
Inception phase (2012)		2013		2014		2015		2016		2017		2018	
1,190		1,004		1,103		914		654		453		226	
Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
14%	86%	8%	92%	13%	87%	14%	86%	14%	86%	14%	86%	14%	86%

1.13 Relationship between the caller and the person for whom help was sought at SOS 1265	%
Close family member	12%
Neighbour	8%
Same person	73%
Unknown	3%
Acquaintance	3%
Friend	1%
Relative	1%

1.14 Number of persons accommodated in safe houses – detailed overview for 2018						
SAFE HOUSE	Total	Women	Children	Up to 1 month	1 to 3 months	Over 3 months
'MARGUERITE', Žena BiH – Mostar	-	-	-	-	-	-
Viva Žene - Tuzla	84	48	36	60	20	4
'KUĆA SPASA', Žene sa Une - Bihać	22	7	15	9	13	0
Medica - Zenica	35	16	19	-	-	-
Local Democracy Foundation - Sarajevo	69	24	37	28	23	18
TOTAL	175	79	88	97	56	22

1.15 Number of persons accommodated in safe houses – total per year						
Inception phase (2012)	2013	2014	2015	2016	2017	2018
395	323	373	264	257	219	175

Please Note: Half of the persons accommodated in safe houses were children. Given the number of reported cases of domestic violence, it can be concluded that accommodation in safe houses is provided for around 10% of the reported cases of violence.

1.16 Violent person-victim relationship – A cross section of trends for 2015-2018 from electronic records (does not cover all reported cases)					
VIOLENT PERSON			VICTIM		
	Brother	4%		Brother	2%
	Grandfather	0%		Grandfather	0%
	Daughter	0%		Daughter	7%
	Stepmother	0%		Stepmother	0%
	Mother	1%		Mother	9%
	Grandmother	0%		Grandmother	1%
	Other	2%		Other	2%
	Stepfather	0%		Stepfather	0%
	Father	11%		Father	6%
	Stepson	0%		Stepson	0%
	Stepdaughter	0%		Stepdaughter	0%
	Sister	0%		Sister	2%
	Son	14%		Son	6%
	Husband	55%		Husband	9%
	Wife	1%		Wife	45%
	Grandson	1%		Grandson	0%

	Granddaughter	0%		Granddaughter	0%
	Common-law partner (woman)	0%		Common-law partner (woman)	8%
	Common-law partner (man)	9%		Common-law partner (man)	1%

1.17 Marital status of the violent person – A cross section of trends for 2015-2018 from electronic records *(does not cover all reported cases)*

Unmarried	14%
Married	65%
Divorced	8%
Widowed	1%
Common-law marriage	12%

1.18 Employment status of violent person – A cross section of trends for 2015-2018 from electronic records *(does not cover all reported cases)*

Unemployed	47%
Retired	11%
Employed	42%

APPENDIX 2. Trainings by course for professionals in the Federation of Bosnia and Herzegovina

		2012	2013	2014	2015	2016	2017	2018
Number of training courses for professionals (health, security, education, employment, social protection and the judiciary)		2	1	6	1	-	1	2
Judiciary	- number of trainings	0	2	2	1	4	6	2
	- number of participants	0	63	31	20	74	138	43
Health care	- number of trainings	28	0	3	5	17	-	10
	- number of participants	895	0	62	80	375	-	206
Education	- number of trainings	1	1	1	2	2	-	-
	- number of participants	50	60	35	150	50	-	-
Social protection	- number of trainings	0	0	2	1	1	3	-
	- number of participants	0	0	38	20	20	120	-
Employment	- number of trainings	0	7	-	2	2	-	-
	- number of participants	0	93	-	51	109	-	-
Security continuing trainings	- number of trainings	0	2	1	-	-	-	21
	- number of participants	0	50	45	-	-	-	65
Security specialised trainings	- number of trainings	0	1	-	10	7	7	-
	- number of participants	0	20	-	290	297	285	-
Training of civil servants through the FBiH Civil Service Agency	- number of trainings	0	0	1	1	1	-	0
	- number of participants	0	0	100	23	34	-	0
Multi-sector trainings	- number of trainings	0	-	-	-	7	9	2
	- number of participants	0	-	-	-	210	270	70

APPENDIX 3. Data collected from judicial bodies by the Gender Centre of the Federation of BiH for reporting on Criminal Offences with elements of Gender-based Violence

Table A

Summary table for cantonal courts in the Federation of Bosnia and Herzegovina for 2017

Table A	VIOLENT CRIME													
	Criminal Offences	Total Number	Victims				Suspects/Perpetrators				Convictions (sanctions imposed)			
			Women	Girls	Men	Boys	Women	Girls	Men	Boys	Prison Term	Fine	Suspended sentence	Other
1.	Murder (Article 166 (2) (a) Criminal Code of FBiH)	25	6	1	21			25			23		1	6 MS
2.	Murder (Article 166 (2) (b) Criminal Code FBiH)	Transferred to Cantonal Court Sarajevo	2		1			1						
3.	Murder (Article 166 (2) (c) Criminal Code FBiH)													
4.	Murder (Article 166 (2) (d) Criminal Code FBiH)	1			1			1		1				
5.	Murder (Article 166 (2) (e) Criminal Code FBiH)	1			3			2		1				
6.	Aggravated Bodily Injury (Article 172 (4) Criminal Code FBiH)													
7.	Rape (Article 203 (1) CC FBiH)	2	2					2		2				
8.	Rape (Article 203 (2) CC FBiH)													
9.	Rape (Article 203 (3) CC FBiH)													
10.	Rape (Article 203 (4) CC FBiH)													
11.	Rape (Article 203 (5) CC FBiH)													
12.	Rape (Article 203 (6) CC FBiH)													
13.	Rape (Article 203 (7) CC FBiH)													
14.	Sexual Intercourse with a Helpless Person (Article 204 Criminal Code FBiH)													
15.	Sexual Intercourse with a Child (Article 207 CC FBiH)	2		3				2		2				10 M
16.	Pandering (Article 210 (1), (2) and (3) CC FBiH)	3	11	2			1	2		3				
17.	Trafficking in Humans (Article 210a, Criminal Code FBiH)													
18.	Organised Trafficking in Humans (Article 210b, Criminal Code FBiH)													
19.	Incest (Article 213 CC FBiH)													
20.	Domestic Violence (Article 222 (5) Criminal Code FBiH)													
21.	Domestic Violence (Article 222 (6) Criminal Code FBiH)													
22.	Aggravated Robbery (Article 289, Criminal Code FBiH)	45	24		18	3		54		36		1		

TOTAL	79	45	6	44	3	1		89		68		2	7
		98				90				77			

Table F

Summary table for cantonal prosecutor's offices in the Federation of Bosnia and Herzegovina for 2017¹⁸¹

Table F		DATA FROM PROSECUTORS' OFFICES										
	Criminal Offences	Reported	Victims				Suspects/Perpetrators				Charged	
			Women	Girls	Men	Boys	Women	Girls	Men	Boys		
1.	Murder (Article 166 (1) CC FBiH)	34	3	1	26	2			32		32	
2.	Murder (Article 166 (2) (a) CC FBiH)	6	4		7		1		8		5	
3.	Murder (Article 166 (2) (b) CC FBiH)											
4.	Murder (Article 166 (2) (c) CC FBiH)											
5.	Murder (Article 166 (2) (d) CC FBiH)	1			1		1					
6.	Illicit Abortion (Article 171, CC FBiH)											
7.	Aggravated Bodily Injury (Article 172 (2) Criminal Code FBiH)	37	6		24		2		35		31	
8.	Aggravated Bodily Injury (Article 172 (4) Criminal Code FBiH)											
9.	Slight Bodily Injury (Article 173 (2) CC FBiH)	15	3	1	12		2		13		8	
10.	Infringement of the Equality of Individuals and Citizens (Article 177, CC FBiH)	20	3		13		3		17		7	
11.	Endangering Safety (Article 183, CC FBiH)	531	199	7	307	4	50	8	521	12	140	
12.	Rape (Article 203 (1) Criminal Code FBiH)	15	11	5					15		3	
13.	Rape (Article 203 (2) Criminal Code FBiH)	1	1						1			
14.	Rape (Article 203 (3) Criminal Code FBiH)	3		3					5			
15.	Rape (Article 203 (4) Criminal Code FBiH)											
16.	Rape (Article 203 (5) Criminal Code FBiH)											
17.	Rape (Article 203 (6) Criminal Code FBiH)											
18.	Rape (Article 203 (7) Criminal Code FBiH)											
19.	Sexual Intercourse with a Helpless Person (Article 204 Criminal Code FBiH)	3	1	2					3		1	
20.	Sexual Intercourse by Abuse of Position (Article 205, Criminal Code FBiH)	1				1	1					
21.	Forced Sexual Intercourse (Article 206, Criminal Code FBiH)											
22.	Sexual Intercourse with a Child (Article 207 Criminal Code FBiH)	8		6					6	1	4	
23.	Lechery (Article 208, Criminal Code FBiH)	26	2	24	2	1			26	1	10	
24.	Satisfying Lust in the Presence of a Child or Juvenile (Article 209, Criminal Code FBiH)	2		2					2		1	
25.	Pandering (Article 210, CC FBiH)	2	1	1			1		1			
26.	Trafficking in Humans (Article 210a, Criminal Code FBiH)	3	1	2					3			
27.	Organised Trafficking in Humans (Article 210b, Criminal Code FBiH)											
28.	Abuse of a Child or Juvenile for Pornography (Article 211, CC FBiH)	5		3		1			5			
29.	Introducing a Child to Pornography (Article 212, Criminal Code FBiH)											
30.	Incest (Article 213, Criminal Code FBiH)	1	1						1			
31.	Bigamy (Article 214, Criminal Code FBiH)	1	3						1			
32.	Connivance in Contracting Illicit Marriage (Article 215, Criminal Code FBiH)											
33.	Common-law Marriage with a Junior Juvenile (Article 216, Criminal Code FBiH)	13		13					13		7	

¹⁸¹ Summary table for nine cantonal prosecutors' offices, cantonal prosecutors' office Tuzla are not included.

34.	Abduction of a Child or Juvenile (Article 217, Criminal Code FBiH)	21	3	4	8	6	10		9		4
35.	Change of the Family Status (Article 218, Criminal Code FBiH)										
36.	Neglect or Maltreatment of a Child or Juvenile (Article 219, Criminal Code FBiH)	10		4	1	12	8		2		4
37.	Child Desertion (Article 220, CC FBiH)	1		1			1				
38.	Breach of Family Obligations (Article 221, Criminal Code FBiH)	1		2	1		1		1		1
39.	Domestic Violence (Article 222 (1) CC FBiH)	472	415	25	75	24	27		452	1	199
40.	Domestic Violence (Article 222 (2) CC FBiH)	113	93	11	33	6	10		102		108
41.	Domestic Violence (Article 222 (3) CC FBiH)	3	6						6		6
42.	Domestic Violence (Article 222 (4) CC FBiH)	17	9	3	3	2	2		17		8
43.	Domestic Violence (Article 222 (5) CC FBiH)										
44.	Domestic Violence (Article 222 (6) CC FBiH)										
45.	Maintenance Avoidance (Article 223, Criminal Code FBiH)	69	26	27	4	32	2		66		14
46.	Preventing and not applying Measures for the Protection of Juveniles (Article 224, Criminal Code FBiH)										
47.	Violation of Equality in Exercising the Right to Employment (Article 279, CC FBiH)	3	1		2		4		4		
48.	Violation of Rights Arising from Employment (Article 280, CC FBiH)	12	3		4		5		9		
49.	Failure to Implement a Decision on the Reinstatement of a Person to the Former Post (Article 284, Criminal Code FBiH)	3			3				3		1
50.	Failure to Implement Safety Measures at Work (Article 285, Criminal Code FBiH)	4			3		1		8		
51.	Aggravated Robbery (Article 289, CC FBiH)	222	141	4	92	12	8		205	26	101
52.	Gender-based Violence, Harassment and Sexual Harassment (Article 27 of the Law on Gender Equality)										
TOTAL		1,679	936	151	621	103	140	8	1,592	41	695
			1,811				1,781				

Summary table for municipal courts in the Federation of Bosnia and Herzegovina for 2017¹⁸²

Table A		VIOLENT CRIMES												
	Criminal Offence	Total Number Convictions	Victims				Suspects/Perpetrators				Convictions (sanctions imposed)			
			Women	Girls	Men	Boys	Women	Girls	Men	Boys	Prison Term	Fine	Suspended	Other
1.	Murder (Article 166 (1) CC FBiH)	2			3	1				2	1			10 M
2.	Illicit Abortion (Article 171, CC FBiH)													
3.	Aggravated Bodily Injury (Article 172 (2) Criminal Code FBiH)	8	1		7		2		6		3	4	1	1 MS
4.	Aggravated Bodily Injury (Article 172 (4) Criminal Code FBiH)													
5.	Slight Bodily Injury (Article 173 (2) Criminal Code FBiH)	38	7		30		4		34		5	5	27	3 MS,1 SO
6.	Infringement of the Equality of Individuals and Citizens (Article 177, Criminal Code FBiH)													
7.	Endangering Safety (Article 183, Criminal Code FBiH)	159	70	3	99	5	3		146	1	35	13	108	3so,5ms,10m
8.	Rape (Article 203 (1) CC FBiH)	3	3						3		3			1ms
9.	Rape (Article 203 (2) CC FBiH)													
10.	Rape (Article 203 (3) CC FBiH)													
11.	Rape (Article 203 (4) CC FBiH)													
12.	Rape (Article 203 (5) CC FBiH)													
13.	Rape (Article 203 (6) CC FBiH)													
14.	Rape (Article 203 (7) CC FBiH)													
15.	Sexual Intercourse with a Helpless Person (Article 204, CC FBiH)													
16.	Sexual Intercourse by Abuse of Position (Article 205, Criminal Code FBiH)													
17.	Forced Sexual Intercourse (Article 206, Criminal Code FBiH)	1	1						1		1			
18.	Sexual Intercourse with a Child (Article 207, Criminal Code FBiH)	7	1	8					6	1	2		3	2om, 1ms
19.	Lechery (Article 208, CC FBiH)	23	9	14	2	1			22		8		14	1ms
20.	Satisfying Lust in the Presence of a Child or Juvenile (Article 209, CC FBiH)	2		2					2				1	1ms
21.	Pandering (Article 210 (1), (2) and (3) Criminal Code FBiH)	1	1						1		1			
22.	Trafficking in Humans (Article 210.a Criminal Code FBiH)													
23.	Abuse of a Child or Juvenile for Pornography (Article 211 (1) CC FBiH)	6		4					2	2			4	2om, 1ms
24.	Introducing a Child to Pornography (Article 212 (1) Criminal Code FBiH)	2		5					1		1		1	1ms
25.	Incest (Article 213 Criminal Code FBiH)													
26.	Bigamy (Article 214, CC FBiH)													
27.	Connivance in Contracting an Illicit Marriage (Article 215, CC FBiH)													
28.	Common-law Marriage with a Junior Juvenile (Article 216, CC FBiH)	17		16			1		16				17	
29.	Abduction of a Child or Juvenile (Article 217, Criminal Code FBiH)	5	1		1	3	2		4				6	
30.	Change of Family Status (Article 218, Criminal Code FBiH)													
31.	Neglect or Maltreatment of a Child or Juvenile (Article 219, CC FBiH)	6		6		3	5		3				6	1MS
32.	Child Desertion (Article 220, CC FBiH)													
33.	Breach of Family Obligations (Article 221, Criminal Code FBiH)	2	2		1				2				2	

¹⁸² Data from the Municipal Court of Kalesija is missing.

34.	Domestic Violence (Article 222 (1) Criminal Code FBiH)	96	78	6	2	8	7		81		16	7	73	
35.	Domestic Violence (Article 222 (2) Criminal Code FBiH)	215	183	17	2	1	8		187		33	15	166	4ms
36.	Domestic Violence (Article 222 (3) Criminal Code FBiH)	31	22	1	9	1	2		26		12		19	
37.	Domestic Violence (Article 222 (4) Criminal Code FBiH)	35	13	17	7	1	5		28		7	1	23	4so, 2ms
38.	Maintenance Avoidance (Article 223, Criminal Code FBiH)	18	4	14	2	1	2		14		1		17	
39.	Preventing and not Applying Measures for Protection of Juveniles (Article 224, Criminal Code FBiH)													
40.	Violation of Equality in Exercising the Right to Employment (Article 279, Criminal Code FBiH)													
41.	Violation of Rights Arising from Employment (Article 280, CC FBiH)													
42.	Failure to Implement a Decision on the Reinstatement of a Person to their Former Post (Article 284, CC FBiH)	1			1				1				1	
43.	Failure to Implement Safety Measures at Work (Article 285, CC FBiH)													
44.	Aggravated Robbery (Article 289, Criminal Code FBiH)	50	20	2	8	2	1		38	6	34		9	6om
45.	Gender-based Violence, Harassment and Sexual Harassment (Article 27 of the Law on Gender Equality)													
TOTAL		728	416	115	21	59	42		624	12	163	45	498	12om,8so, 22ms
			805				678				748			

Table B	Criminal Offences/Acts of Domestic Violence	Total Number	Victims				Suspects/Perpetrators				Convictions (sanctions imposed)				
			Women	Girls	Men	Boys	Women	Girls	Men	Boys	Prison Term	Fine	Suspended sentence	Other	
	Article 222 of the Criminal Code of FBiH	377	296	41	61	33	22		32	2		68	23	281	6ms, 4so
TOTAL			431				344				382				

Table C	Number of requests submitted for protection measures	Number of protection measures imposed by type						Number of protection measures imposed on perpetrators of violence				Number of persons under protection measures			
		a*	b*	c*	d*	e*	f*	Men	Women	Boys	Girls	Men	Women	Boys	Girls
Year 2017	276	28	149	112	106	22		229	31	5		45	216	18	29
		417						265				308			

Legend:

a* - Removal from an apartment, house or other dwelling and the prohibition of return to the apartment, house or other dwelling.

b* - Restraining order

c* - Prohibition of harassment or stalking of a person subjected to violence

d* - Mandatory psychosocial treatment

e* - Mandatory addiction treatment

f* - Temporary apprehension and detention

Table A

Summary table for cantonal courts in the Federation of Bosnia and Herzegovina for 2018

Table A	VIOLENT CRIMES														
	Criminal Offence	Total Number	Victims				Suspects/Perpetrators				Convictions (sanctions imposed)				
			Women	Girls	Men	Boys	Women	Girls	Men	Boys	Prison Term	Fine	Suspended	Other	
1.	Murder (Article 166 (1) Criminal Code FBiH)	35	5		37				34			16			
2.	Murder (Article 166 (2) (a) Criminal Code FBiH)	2			2				2			1			
3.	Murder (Article 166 (2) (b) Criminal Code FBiH)														
4.	Murder (Article 166 (2) (c) Criminal Code FBiH)														
5.	Murder (Article 166 (2) (d) Criminal Code FBiH)	1			1				2			1			
6.	Murder (Article 166 (2) (e) Criminal Code FBiH)														
7.	Aggravated Bodily Injury (Article 172 (4) Criminal Code FBiH)														
8.	Rape (Article 203 (1) CC FBiH)														
9.	Rape (Article 203 (2) CC FBiH)														
10.	Rape (Article 203 (3) CC FBiH)														
11.	Rape (Article 203 (4) CC FBiH)														
12.	Rape (Article 203 (5) CC FBiH)	1		1					1			1			
13.	Rape (Article 203 (6) CC FBiH)	1		1					1						
14.	Rape (Article 203 (7) CC FBiH)														
15.	Sexual Intercourse with a Helpless Person (Article 204, Criminal Code FBiH)														
16.	Sexual Intercourse with a Child (Article 207 Criminal Code FBiH)														
17.	Pandering (Article 210 (1), (2) and (3) Criminal Code FBiH)	1							1			1			
18.	Trafficking in Humans (Article 210a Criminal Code FBiH)														
19.	Organised Trafficking in Humans (Article 210b, CC FBiH)														
20.	Incest (Article 213 Criminal Code FBiH)														
21.	Domestic Violence (Article 222 (5) Criminal Code FBiH)														
22.	Domestic Violence (Article 222 (6) Criminal Code FBiH)														
23.	Aggravated Robbery (Article 289 Criminal Code FBiH)	64	43		24	3	3		74			60	1	2	
TOTAL		105	48	2	64	3	3		115			80	1	2	
			117				118				83				

Table F

Summary table for cantonal prosecutors' offices in the Federation of Bosnia and Herzegovina for 2018

Table F	DATA FROM PROSECUTOR'S OFFICES										
	Criminal Offence	Reported	Victims				Suspects/Perpetrators				Charged
			Women	Girls	Men	Boys	Women	Girls	Men	Boys	
1.	Murder (Article 166 (1) CC FBiH)	47	6	1	46		5		42		40
2.	Murder (Article 166 (2) (a) CC FBiH)	6	3		6				9		5
3.	Murder (Article 166 (2) (b) CC FBiH)	1			1				2		
4.	Murder (Article 166 (2) (c) CC FBiH)				1		1		1		1
5.	Murder (Article 166 (2) (d) CC FBiH)										
6.	Illicit Abortion (Article 171, CC FBiH)										
7.	Aggravated Bodily Injury (Article 172 (2) Criminal Code FBiH)	17	2		11		1		16		8
8.	Aggravated Bodily Injury (Article 172 (4) Criminal Code FBiH)				1				1		1
9.	Slight Bodily Injury (Article 173 (2) Criminal Code FBiH)	63	11		53	3	3		61		54
10.	Infringement of the Equality of Individuals and Citizens (Article 177, CC FBiH)	1	1						1		
11.	Endangering Safety (Article 183, CC FBiH)	740	313	7	419	11	83		696	17	201
12.	Rape (Article 203 (1) Criminal Code FBiH)	20	17	1	3				19	2	6
13.	Rape (Article 203 (2) Criminal Code FBiH)	2	2						2		1
14.	Rape (Article 203 (3) Criminal Code FBiH)	2	2						2		2
15.	Rape (Article 203 (4) Criminal Code FBiH)										
16.	Rape (Article 203 (5) Criminal Code FBiH)	3	1	2					3		1
17.	Rape (Article 203 (6) Criminal Code FBiH)	1		1					1		
18.	Rape (Article 203 (7) Criminal Code FBiH)										
19.	Sexual Intercourse with a Helpless Person (Article 204 Criminal Code FBiH)	1	1						1		
20.	Sexual Intercourse by Abuse of Position (Article 205 Criminal Code FBiH)	2	1	2					3		2
21.	Forced Sexual Intercourse (Article 206 Criminal Code FBiH)	1	1						1		
22.	Sexual Intercourse with a Child (Article 207 Criminal Code FBiH)	22		18		3			18	4	9
23.	Lechery (Article 208 Criminal Code FBiH)	51	11	49		6	1		49	2	22
24.	Satisfying Lust in the Presence of a Child or Juvenile (Article 209 CC FBiH)	4	1	10	1	2			6		4
25.	Pandering (Article 210 CC FBiH)	6	13				5		6		3
26.	Trafficking in Humans (Article 210a Criminal Code FBiH)	17		6			1		5		
27.	Organised Trafficking in Humans (Article 210b Criminal Code FBiH)										
28.	Abuse of a Child or Juvenile for Pornography (Article 211 CC FBiH)	5		8		2	1		8		6
29.	Introducing a Child to Pornography (Article 212 Criminal Code FBiH)	2		2					2		
30.	Incest (Article 213 Criminal Code FBiH)										
31.	Bigamy (Article 214 Criminal Code FBiH)										
32.	Connivance in Contracting an Illicit Marriage (Article 215 Criminal Code FBiH)										
33.	Common-law Marriage with a Junior Juvenile (Article 216 Criminal Code FBiH)	26		24			2		26		26
34.	Abduction of a Child or Juvenile (Article 217, C Criminal Code FBiH)	28	4	12	11	8	22		8		12
35.	Change of Family Status (Article 218 Criminal Code FBiH)										
36.	Neglect or Maltreatment of a Child or Juvenile (Article 219, Criminal Code FBiH)	34		31		17	27		18		25
37.	Child Desertion (Article 220, CC FBiH)	1		2			2				2

38	Breach of Family Obligations (Article 221 Criminal Code FBiH)	4	3			1			4		
39	Domestic Violence (Article 222 (1) Criminal Code FBiH)	623	562	39	67	34	30		600	5	221
40	Domestic Violence (Article 222 (2) Criminal Code FBiH)	312	285	14	50	19	7		309		215
41	Domestic Violence (Article 222 (3) Criminal Code FBiH)	19	17	1	8	1	1		21		17
42	Domestic Violence (Article 222 (4) Criminal Code FBiH)	40	26	15	2	17	10		36		34
43	Domestic Violence (Article 222 (5) Criminal Code FBiH)	2		1	1				2		
44	Domestic Violence (Article 222 (6) Criminal Code FBiH)										
45	Maintenance Avoidance (Article 223 Criminal Code FBiH)	129	28	88	1	73	11		118		20
46	Preventing and not Applying Measures for Protection of Juveniles (Article 224 Criminal Code FBiH)										
47	Violation of Equality in Exercising the Right to Employment (Article 279, Criminal Code FBiH)	5	1		1		3		3		
48	Violation of Rights Arising from Employment (Article 280 CC FBiH)	14	3		4		5		10		1
49	Failure to Implement a Decision on the Reinstatement of a Person to a Former Post (Article 284 Criminal Code FBiH)	9	2		8		1		9		1
50	Failure to Implement Safety Measures at Work (Article 285 Criminal Code FBiH)	8	1		4	1			9		2
51	Aggravated Robbery (Article 289 CC FBiH)	218	162	7	143	15	11		254	17	128
52	Gender-based Violence, Harassment and Sexual Harassment (Article 27 of the Law on Gender Equality)										
TOTAL		2,486	1,480	341	842	213	233		2,382	47	1,070
			2,876				2,662				

Summary table for municipal courts in the Federation of Bosnia and Herzegovina for 2018¹⁸³

Table A	VIOLENT CRIME														
	Criminal Offence	Total Number Convictions	Victims				Suspects/Perpetrators				Convictions (sanctions imposed)				
			Women	Girls	Men	Boys	Women	Girls	Men	Boys	Prison Term	Fine	Suspended	Other	
1.	Murder (Article 166 (1) CC FBiH)	3			1	2					3	1			2om
2.	Illicit Abortion (Article 171 CC FBiH)														
3.	Aggravated Bodily Injury (Article 172 (2) Criminal Code FBiH)	3	1		3					3				3	1ms
4.	Aggravated Bodily Injury (Article 172 (4) Criminal Code FBiH)														
5.	Slight Bodily Injury (Article 173 (2) Criminal Code FBiH)	7	4							7				7	
6.	Infringement of the Equality of Individuals and Citizens (Article 177 Criminal Code FBiH)														
7.	Endangering Safety (Article 183 Criminal Code FBiH)	134	53	1	101	1	6			134	1	20	100	100	9ms, 1om
8.	Rape (Article 203 (1) CC FBiH)	4	2	2						3	1	2		1	1om
9.	Rape (Article 203 (2) CC FBiH)														
10.	Rape (Article 203 (3) CC FBiH)														
11.	Rape (Article 203 (4) CC FBiH)														
12.	Rape (Article 203 (5) CC FBiH)														
13.	Rape (Article 203 (6) CC FBiH)														
14.	Rape (Article 203 (7) CC FBiH)	1		1						1		1			
15.	Sexual Intercourse with a Helpless Person (Article 204 Criminal Code FBiH)	1	1							1		1			
16.	Sexual Intercourse by Abuse of Position (Article 205 Criminal Code FBiH)	1		1						1		1			
17.	Forced Sexual Intercourse (Article 206 Criminal Code FBiH)	1		1	1					1		1			
18.	Sexual Intercourse with a Child (Article 207 Criminal Code FBiH)	6		5		1				6		3		3	
19.	Lechery (Article 208 CC FBiH)	14	2	8		3				14	1	5	1	7	1om
20.	Satisfying Lust in the Presence of a Child or Juvenile (Article 209, CC FBiH)	4		8		1				4		2		1	
21.	Pandering (Article 210 (1), (2) and (3) Criminal Code FBiH)	1	1							1		1			
22.	Trafficking in Humans (Article 210.a Criminal Code FBiH)														
23.	Abuse of a Child or Juvenile for Pornography (Article 211 (1) CC FBiH)	6		8						4	2	1		3	2om
24.	Introducing a Child to Pornography (Article 212 (1) Criminal Code FBiH)	1		1						1		1			
25.	Incest (Article 213 Criminal Code FBiH)														
26.	Bigamy (Article 214 Criminal Code FBiH)														
27.	Connivance in Contracting an Illicit Marriage (Article 215, CC FBiH)														
28.	Common-law Marriage with a Junior Juvenile (Article 216 CC FBiH)	24		24			4			23		3		21	
29.	Abduction of a Child or Juvenile (Article 217 Criminal Code FBiH)	3	2	1		1	1			2			1	2	
30.	Change of Family Status (Article 218 Criminal Code FBiH)														
31.	Neglect or Maltreatment of a Child or Juvenile (Article 219 CC FBiH)	20		14		14	15			7				17	1so
32.	Child Desertion (Article 220 CC FBiH)														

¹⁸³ Data for the Municipal Court of Kalesija and the Municipal Court of Sarajevo is missing.

33.	Breach of Family Obligations (Article 221 Criminal Code FBiH)	1			1		1					1		
34.	Domestic Violence (Article 222 (1) Criminal Code FBiH)	126	11 3	10	1 6	1 6	6		10 9		20	1 1	96	
35.	Domestic Violence (Article 222 (2) Criminal Code FBiH)	256	23 3	11	3 2	1 5	9		25 1		29	2 2	19 9	6ms, 2so
36.	Domestic Violence (Article 222 (3) Criminal Code FBiH)	15	7		8	1			14		5		9	4ms
37.	Domestic Violence (Article 222 (4) Criminal Code FBiH)	36	19	13	5 1	1 1	3		33		11	3	21	2ms, 1om
38.	Maintenance Avoidance (Article 223 Criminal Code FBiH)	11	1	9		6	3		8				5	
39.	Preventing and not Applying Measures for Protection of Juveniles (Article 224 Criminal Code FBiH)													
40.	Violation of Equality in Exercising the Right to Employment (Article 279 Criminal Code FBiH)	1							1				1	
41.	Violation of Rights Arising from Employment (Article 280 CC FBiH)													
42.	Failure to Implement a Decision on the Reinstatement of a Person to a Former Post (Article 284 Criminal Code FBiH)													
43.	Failure to Implement Safety Measures at Work (Article 285 CC FBiH)	3			1	1			1	2			1	2om
44.	Aggravated Robbery (Article 289 Criminal Code FBiH)	36	18		1 3	1			38	3	28	1	4	5om,2ms,1so
45.	Gender-based Violence, Harassment and Sexual Harassment (Article 27 of the Law on Gender Equality)													
TOTAL		719	46 7	11 8	1 8 2	7 3	4 9		65 8	1 3	13 6	4 9	50 2	15om,24ms,4so
			840				720				730			

Table B	Criminal Offences/Acts of Domestic Violence	Total Number	Victims				Suspects/Perpetrators				Convictions (sanctions imposed)				
			Women	Girls	Men	Boys	Women	Girls	Men	Boys	Prison Term	Fine	Suspended sentence	Other	
	Article 222 of the Criminal Code of FBiH	433	372	34	61	43	18		40 7		65	36	325	12 ms ,2s o,1 om	
TOTAL			510				425				441(426 under Other)				

Table C	Number of requests submitted for protection measures	Number of protection measures imposed by type						Number of protection measures imposed on perpetrators of violence				Number of persons under protection measures			
		a*	b*	c*	d*	e*	f*	Men	Women	Boys	Girls	Men	Women	Boys	Girls
Year 2018	318	37	151	197	62	31	2	304	19			52	304	30	32
		480						323				418			
Legend:															
a* - Removal from an apartment, house or other dwelling and the prohibition of return the apartment, house or other dwelling															
b* - Restraining order															
c* - Prohibition of harassment or stalking of a person subjected to violence															
d* - Mandatory psychosocial treatment															
e* - Mandatory addiction treatment															
f* - Temporary apprehension and detention															

APPENDIX 4. Data related to Violence collected by the Federal Office of Statistics for the Entity of the Federation of Bosnia Herzegovina

Number of persons against whom a criminal report was filed					Outcome of the criminal report and the type of decision reached by the prosecutor's office		
		Total	F	M	Order not to conduct an investigation	Terminated investigation	Indictment filed
2017		996	65	931			
%		100	65	93.4	31.2	15.5	53.2
2018		887	53	834	193	181	513
%		100	59	94.0	21.7	20.4	57.8

Table 1. Adults charged with the criminal offence of domestic violence: Disaggregated according to the sex of the defendant and the outcome and type of decision (found guilty, found not guilty) for 2017 and 2018

Sex of the convicted person				Type of decision			
	Total	F	M	Found guilty	Found not guilty		
2017	431	31	400	400		31	
%		7.1	92.8	92.8		7.1	
2018	432	19	413	403		29	
%		4.4	95.6	93.2		6.7	

Table 2. Adults convicted of the criminal offence of domestic violence: Disaggregated according to the sex of the convicted person and the criminal sanction imposed

Sex of the convicted person				Criminal sanction imposed			
	Total	F	M	Prison Term	Fine	Suspended sentence	Other sentences
2017	400	27	373	374	24	1	1
%		6.7	93.3	93.5	6.0	0.2	0.2
2018	403	17	386	375	21	-	7
%		4.2	95.8	93.0	5.2	0.0	1.7

Table 4. Convicted adults according to the crime and sex of the person				
	2017		2018	
	F	M	F	M
Against life and limb	29	608	21	769
Murder	2	30	2	45
Aggravated Bodily Injury	4	194	1	194
Slight Bodily Injury	23	339	15	436
Participation in a brawl	-	43	3	91
Other offences	-	2	-	3
Against the liberty and rights of an individual and citizen	4	225	5	209
Unlawful Deprivation of Freedom	-	5	-	3
Endangering Security	2	197	3	177
Infringing the Inviolability of Dwelling	-	13	2	10
Other offences	2	10	-	19
Criminal offences against sexual freedom and morality	5	50	2	52
Rape	-	12	-	9
Lechery	-	21	-	20
Other offences	5	17	2	23
Criminal offences against marriage, family and youth	34	413	32	424
Neglect or Maltreatment of a Child or Juvenile	4	2	10	5
Domestic Violence	27	373	17	386
Maintenance Avoidance	1	15	1	11
Other offences	2	23	4	22
Against property	163	2373	171	2153
Theft	78	831	75	717
Aggravated Theft	15	721	23	586
Robbery	1	5	-	5
Aggravated Robbery	3	97	5	106
Embezzlement	23	111	27	137
Other Offences	43	608	41	602

Table 5. Adults convicted of criminal offences against sexual freedom and morality: Disaggregated according to the type of criminal offence and the sex of the victim (in percentages)

	Sex of the victim	
	F	M
2017		
Criminal offences against sexual freedom and morality	98.0	2.0
Rape	100.0	0.0
Sexual Intercourse with a Helpless Person	100.0	0.0
Forced Sexual Intercourse	100.0	0.0
Sexual Intercourse with a Child	100.0	0.0
Lechery	94.1	5.9
Satisfying Lust in the Presence of a Child	100.0	0.0
Pandering	100.0	0.0
Abuse of a Child or Juvenile for Pornography	100.0	0.0
Introducing a Child to Pornography	100.0	0.0
2018		
Criminal offences against sexual freedom and morality	82.5	17.5
Rape	90.0	10.0
Forced Sexual Intercourse	100.0	0.0
Sexual Intercourse with a Child	33.3	66.7
Lechery	86.7	13.3
Satisfying Lust in the Presence of a Child	100.0	0.0
Pandering	81.8	18.2
Abuse of a Child or Juvenile for Pornography	0.0	0.0
Introducing a Child to Pornography	100.0	0.0
Incest	100.0	0.0

Table 6. Victims of adults convicted under the final judgement: Disaggregated according to the type of criminal offence and by sex for 2017 and 2018

Victims								
	2017		2018		2017		2018	
	F	M	F	M				
	%	%	%	%				
Murder	40.6	59.4	17.0	83.0	3	9	2	9
Manslaughter	0.0	0.0	0.0	100.0				
Aggravated Bodily Injury	8.0	92.0	7.4	92.6	4	60	3	62
Slight Bodily Injury	23.3	76.7	14.5	85.5	7	20	4	18
Rape	100.0	0.0	90.0	10.0	1			
Lechery	94.1	5.9	86.7	13.3	6		3	
Sexual Intercourse with a Child	100.0	0.0	33.3	66.7			0	
Neglect or Maltreatment of a Child or Juvenile	50.0	50.0	100.0	0.0				
Child Desertion	0.0	0.0	0.0	0.0				
Domestic Violence	81.2	18.8	76.3	23.7	81	5	86	9
Robbery	80.0	20.0	0.0	100.0				
Aggravated Robbery	41.0	59.0	71.4	28.6	8	9	0	5

Table 7. Adults convicted of criminal offences against sexual freedom and morality: Disaggregated according to the type of criminal offence, sex and the sanction imposed

	Convicted persons			Type of criminal sanction imposed			
	Total		M	Prison Term	Fine	Suspended sentence	Other sentence
2017							
Criminal offences against sexual freedom and morality	55		50	55	-	-	-
Rape	12		12	12	-	-	-
Sexual Intercourse with a Helpless Person	3		3	3	-	-	-
Forced Sexual Intercourse	1		1	1	-	-	-
Sexual Intercourse with a Child	6		6	6	-	-	-
Lechery	21		21	21	-	-	-
Satisfying Lust in the Presence of a Child	3		3	3	-	-	-
Pandering	5		-	5	-	-	-
Abuse of a Child or Juvenile for Pornography	3		3	3	-	-	-
Introducing a Child to Pornography	1		1	1	-	-	-
2018							
Criminal offences against sexual freedom and morality	54		52	54	-	-	-
Rape	9		9	9	-	-	-
Forced Sexual Intercourse	2		2	2	-	-	-
Sexual Intercourse with a Child	8		8	8	-	-	-
Lechery	20		20	20	-	-	-
Satisfying Lust in the Presence of a Child	2			2	-	-	-
Pandering	7			7	-	-	-
Abuse of a Child or Juvenile for Pornography	4			4	-	-	-
Introducing a Child to Pornography	1			1	-	-	-
Incest	1			1	-	-	-

APPENDIX 5. Data disaggregated according to the protection bodies for 2017 in accordance with the Rulebook on the Content of Records and Reports on Domestic Violence for Republika Srpska¹⁸⁴

MINISTRY OF INTERIOR

Year:	2017											
Territory:	Republika Srpska											
1. The number of reports received on cases of domestic violence:											1,102	
2. The number of reports submitted to the competent prosecutor's office:											429	
3. The number of reported perpetrators of domestic violence according to sex, age and relationship to the victim												
3.1. The age of the perpetrator of domestic violence												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
22	1	192	21	480	54	244	38	63	7	1,001	121	1,122
3.2. Relationship between the perpetrator of domestic violence and the victim (in which the former is the perpetrator of the violence and the latter is the victim)												
Perpetrator - victim relation											Number of victims	
Husband – wife											492	
Wife – husband											53	
Common-law partner (man) - Common-law partner (woman)											76	
Common-law partner (woman) - Common-law partner (man)											13	
Former partner (man) - Former partner (woman)											47	
Former partner (woman) - Former partner (man)											12	
Father – son											108	
Son – father											93	
Son < 18 – father											8	
Father – daughter											75	
Daughter – father											6	
Daughter < 18 – father											0	
Mother – son											10	
Son – mother											81	
Son < 18 – mother											20	
Mother – daughter											10	
Daughter – mother											17	
Daughter < 18 – mother											1	
Other											204	
Total											1,316	

¹⁸⁴ Source: The Ministry of Family, Youth and Sports of the Republika Srpska.

4. Number of victims of domestic violence according to sex and age												
4.1. Number of victims of domestic violence												
Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total		Total				
M	F	M	F	M	F	M	F	M	F			
52	60	1	0	328	875	381	935	1,316				
4.2. Domestic violence victims by age and sex												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
55	65	55	191	111	413	106	198	54	68	381	935	1,316
5.1. Type of domestic violence by sex of the victim												
Type of domestic violence				Men		Women		Total				
Endangering safety				52		97		149				
Psychological violence				140		294		434				
Physical violence				194		371		565				
Sexual violence				0		2		2				
Economic violence				10		21		31				
Combination of the above				40		110		150				
Total				436		895		1,331				
6.1. The number of perpetrators of domestic violence apprehended and taken into custody												
Number of persons taken into custody				Men		Women		Total				
To the competent prosecutor's office				12		0		12				
To the competent court				34		0		34				
Total				46		0		46				
7.1. The number and type of proposed and enforced urgent protection measures												
Type of urgent protection measure						Number of proposed urgent protection measures		Number of enforced urgent protection measures				
Removal of the violence perpetrator from an apartment, house or other dwelling						12		4				

Restraining order and prohibition of contact with the victim for the violence perpetrator	9	6	
Removal of the violence perpetrator from an apartment, house or other dwelling and the imposition of a restraining order and prohibition of contact with the victim for the perpetrator of violence	17	13	
Total	38	23	
8.1. The number and type of proposed protection measures			
Type of protective measure	Number of protection measures proposed		
Protection measure: Removal of the perpetrator of violence from an apartment, house or other dwelling	17		
Protection measure: Restraining order	12		
Protection measure: Prohibition on harassment or stalking	56		
Protection measure: Mandatory psychosocial treatment	3		
Protection measure: Mandatory addiction treatment	12		
Total	100		
9.1. The number and type of enforced protection measures under the competence of the police			
Type of protection measure	Number of protective measures proposed		
Protection measure: Removal of the perpetrator of violence from an apartment, house or other dwelling	10		
Protection measure: Restraining order	9		
Protection measure: Prohibition on harassment or stalking	65		
Total	84		
10.1. The number of domestic violence cases where the perpetrator possessed or used a weapon			
	Legal	Illegal	Total
Number cases where the perpetrator possessed a weapon	18	11	29
Number cases where the perpetrator possessed and used a weapon	1	0	1

SOCIAL WELFARE CENTRES/SOCIAL PROTECTION SERVICES

Year:	2017
Territory:	Republika Srpska
1.1. Number of notifications received on cases of domestic violence	
Notifications delivered by	Number of notifications

Victim	235							
Police	774							
Health facility	20							
Education facility	15							
Court	9							
Prosecutor's Office	6							
Witness	8							
Other	91							
Total	1,158							
2. Number of reports on domestic violence that the centre for social welfare /social protection facility filed with the police								
			195					
3. Number of interventions involving staff of the centre for social welfare in cooperation with the police								
			429					
4. Number of recorded cases of domestic violence according to the sex of the victim, the type and duration of violence, the age of the victim, the relation between the perpetrator of the violence and socioeconomic data on the victim								
4.1. Type of domestic violence								
Type of domestic violence	Men	Women	Total					
Endangering safety	45	122	167					
Psychological violence	77	282	359					
Physical violence	115	387	502					
Sexual violence	0	11	11					
Economic violence	3	19	22					
Combination of the above	37	245	282					
Total	277	1,066	1,343					
4.2. The duration of the violence according to the victim's account								
One-off	Up to one year	More than one year	Total					
345	278	498	1,121					
4.3.a) The age of underage victims of domestic violence								
Under 6		6-14		15-18		Total		Total
M	F	M	F	M	F	M	F	
66	47	65	83	25	42	156	172	328
4.3.b) The age of adult victims of domestic violence								

18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	
39	127	56	437	72	188	56	99	223	851	1,074

4.4. Relation between the perpetrator of domestic violence and the victim (in which the former is the perpetrator of violence and the latter is the victim)

Perpetrator - victim relationship	Number of victims
Husband – wife	483
Wife – husband	32
Common-law partner (man) - Common-law partner (woman)	96
Common-law partner (woman) - Common-law partner (man)	3
Former partner (man) - Former partner (woman)	86
Former partner (woman) - Former partner (man)	6
Father – son	141
Son – father	85
Son < 18 – father	5
Father – daughter	122
Daughter – father	23
Daughter < 18 – father	3
Mother – son	18
Son – mother	79
Son < 18 – mother	10
Mother – daughter	27
Daughter – mother	16
Daughter < 18 – mother	3
Other	166
Total	1,402

5. Socioeconomic data on victims

5.1. Socioeconomic data on underage victims

	Total
Pupils - primary school	138
Students - secondary school	71
Preschool	100
Children with developmental disabilities	13
Children under guardianship	2
Total	324

5.2. Socioeconomic data on adult victims

	Total

By employment status	Employed	328
	Unemployed	569
	Retired	155
By type of income	Social assistance beneficiaries	27
	Self-employed	477
	Other sources of income	412
By level of education	Ph. D.	5
	Master of Science	0
	Masters	1
	University degree	52
	Two-year post-secondary qualification	6
	Secondary education qualification	615
	Primary school	288
	Primary education qualification	93
	Students	5

6. Number of recorded cases of violence according to the gender, age and socioeconomic data on the perpetrators of violence

6.1. Number, sex and age of the perpetrator of domestic violence

Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
26	7	134	19	529	53	204	28	66	18	959	125	1,084

6.2. Socioeconomic data on adult victims

		Total
By employment status	Employed	375
	Unemployed	546
	Retired	123
By type of income	Social assistance beneficiaries	23
	Self-employed	536
	Other sources of income	387
By level of education	Ph. D.	5
	Master of Science	0
	Masters	1
	University degree	38
	Two-year post-secondary qualification	19
	Secondary education qualification	603
	Primary school	260

	Primary education qualifications	80
	Students	6
6.3. Socioeconomic data on underage perpetrators of violence		
		Total
Pupils - primary school		12
Students - secondary school		18
Children with developmental disabilities		0
Children under guardianship		9
7. Number and type of court decisions delivered on urgent protection measures imposed and protection measures		
7.1. Number and type of court decisions delivered on the urgent protective measures imposed		
	Type of urgent protection measure	Total
Removal of the perpetrator of violence from an apartment, house or other dwelling		10
Restraining order and prohibition on contact with the victim imposed on the perpetrator of violence		9
Removal of the perpetrator of violence from an apartment, house or other dwelling and the imposition of a restraining order and prohibition on contact with the victim for the perpetrator of violence		3
Total		22
7.2. Number and type of court decisions delivered on the protection measures imposed		
	Type of protection measure	Total
Protection measure: Removal of the perpetrator of violence from an apartment, house or other dwelling		5
Protection measure: Restraining order		8
Protection measure: Prohibition on harassment or stalking		41
Protection measure: Mandatory psychosocial treatment		13
Protection measure: Mandatory addiction treatment		20
Total		87
8. Number of decisions on the temporary accommodation of victims in safe houses		
8.1. Number of victims of violence temporarily accommodated in safe houses		
		Total
Women		35
Children		64

Total	99
-------	----

HEALTH FACILITIES

Year:	2017												
Territory:	Republika Srpska												
1. Sex, personal traits, age and relation between the victim and the perpetrator of violence													
1.1. Number of victims of domestic violence													
Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total				Total			
M	F	M	F	M	F	M	F	M	F	M	F		
18	23	0	1	72	250	90	274					364	
1.2. Victims of domestic violence by age and sex													
Under 18		18-30		31-50		51-64		65+		Total		Total	
M	F	M	F	M	F	M	F	M	F	M	F		
18	24	8	50	19	130	27	46	18	24	90	274	364	
1.3. Relationship between the perpetrator of domestic violence and the victim (in which the former is the perpetrator of the violence and the latter is the victim)													
Perpetrator - victim relation										Total			
Husband - wife										152			
Wife - husband										23			
Common-law partner (man) - Common-law partner (woman)										17			
Common-law partner (woman) - Common-law partner (man)										1			
Former partner (man) - Former partner (woman)										10			
Former partner (woman) - Former partner (man)										1			
Father - son										23			
Son - father										20			
Son < 18 - father										2			
Father - daughter										13			
Daughter - father										1			
Daughter < 18 - father										0			
Mother - son										2			
Son - mother										20			
Son < 18 - mother										1			
Mother - daughter										0			
Daughter - mother										5			

Daughter < 18 - mother	1
Other	70
Total	364

1.4. Number of confirmed pathological conditions in victims of domestic violence

Classification of diseases (ICD-10)	Number of victims of domestic violence							
	Children		Persons with disability		Adults		Total	
	M	F	M	F	M	F	M	F
E00-E99	0	0	0	0	1	1	1	1
F00-F99	2	4	0	1	12	32	14	37
G00-G99	8	0	0	0	0	1	0	1
H00-H99	0	0	0	0	0	1	0	1
I00-I99	0	0	0	0	0	1	0	1
J00-J99	0	0	0	0	0	0	0	0
K00-K99	0	0	0	0	0	0	0	0
L00-L99	0	0	0	0	0	0	0	0
M00-M99	0	0	0	0	0	1	0	1
N00-N99	0	0	0	0	0	0	0	0
O00-O99	0	0	0	0	0	1	0	1
R00-R99	0	0	0	0	0	2	0	2
S00-S99	8	7	0	0	42	129	50	136
T00-T99	0	2	0	0	0	4	0	6
Total	10	13	0	1	55	173	65	187

2. Number of cases where the victim of domestic violence was referred for treatment

2.1. Number of victims of domestic violence referred for medical treatment (This does not include treatment at mental health institutions)

Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total		Total
M	F	M	F	M	F	M	F	
4	7	0	0	24	86	28	93	121

2.2. Age of victims of domestic violence referred for medical treatment (This does not include treatment at mental health institutions)

Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
4	7	4	15	8	46	10	16	1	8	27	92	119

3. Estimation of the average cost of the treatment of victim of domestic violence (all procedures in a healthcare facility)

BAM

4. Treatment of victims of domestic violence at mental health institutions												
4.1. Number of victims of domestic violence referred for treatment at mental health institutions												
Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total				Total		
M	F	M	F	M	F	M	F	M	F	M	F	
11	15	0	1	9	60	20	76					96
4.2. Age and sex of victims of domestic violence referred for treatment at mental health institutions												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
11	15	0	10	2	32	3	10	4	9	20	76	96
5. Number of perpetrators of domestic violence referred for treatment at mental health institutions												
5.1. Age and sex of perpetrators of domestic violence referred for treatment at mental health institutions												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
2	1	3	2	16	4	5	2	7	0	33	9	42
6.1. Mandatory psychosocial treatment for perpetrator of domestic violence												
						Men		Women		Total		
Mandatory psychosocial treatment for perpetrators of domestic violence						14		1		15		
7.1. Mandatory addiction treatment for perpetrators of domestic violence												
						Men		Women		Total		
Mandatory addiction treatment for perpetrators of domestic violence						11		0		11		

EDUCATION FACILITIES

Year:	2017
-------	------

Type of education facility:								
1.1. Learning about domestic violence								
Domestic violence noticed by							Number of cases of domestic violence	
Homeroom teacher							21	
Teacher							4	
Pedagogue							6	
Psychologist							10	
Social worker							10	
Principal							4	
Other students							1	
Other							10	
Total							66	
2. Number of reports on domestic violence that the education facility sent to protection bodies							35	
3.1. Number, sex and age of victims								
Under 6		6-14		15-18		Total		Total
M	F	M	F	M	F	M	F	
0	0	19	19	4	12	23	31	54
4. Type of violence and relationship between the victim of domestic violence and the perpetrator								
4.1. Type of domestic violence								
Type of domestic violence				Men		Women		Total
Endangering safety				5		5		10
Psychological violence				9		17		26
Physical violence				11		11		22
Sexual violence				0		3		3
Economic violence				0		1		1
Combination of the above				3		4		7
Total				28		41		69
4.2. Relationship between the victim and the perpetrator								
Relationship between the victim and the perpetrator		Son - father		Son – mother /	Daugh ter -	Other	Total	

		Daughter - father		mother		
	16	19	7	6	12	60
5. Feedback on follow-up actions undertaken upon receipt of the report						60

COMPETENT COURTS

Year:	2017											
Territory:	Republika Srpska											
1. Number of received, handled and pending motions to initiate misdemeanour proceedings												
1.1. Number of motions received to initiate misdemeanour proceedings												
Number of motions received											553	
Number of motions handled											420	
Number of pending motions											277	
2. Number of requests submitted seeking urgent protection measures												
											8	
3. Number of perpetrators (defendants) according to gender, age and the relationship with the victim of domestic violence												
3.1. Number, sex and age of perpetrators (defendants)												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
6	0	116	13	319	35	141	15	51	7	633	70	703
3.2. Relationship between the perpetrator of domestic violence and the victim (in which the former is the defendant and the latter is the victim)												
Relation between the perpetrator (defendant) and the victim											Number of victims	
Husband – wife											273	
Wife – husband											35	
Common-law partner (man) - Common-law partner (woman)											54	
Common-law partner (woman) - Common-law partner (man)											8	
Former partner (man) - Former partner (woman)											37	
Former partner (woman) - Former partner (man)											5	
Father – son											47	
Son – father											68	
Son < 18 – father											3	

Father – daughter	27
Daughter – father	2
Daughter < 18 – father	1
Mother – son	7
Son – mother	60
Son < 18 – mother	0
Mother – daughter	8
Daughter – mother	10
Daughter < 18 – mother	0
Other	98
Total	745

4.1. Number of victims

Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total		Total
M	F	M	F	M	F	M	F	
9	19	2	0	181	530	192	549	741

4.2. Victims by age and sex

Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
9	19	44	91	58	271	52	138	29	31	192	549	741

5. Number and type of emergency protection measures imposed and the age of the person on whom they were imposed

5.1. Number and type of urgent protection measures imposed

Type of urgent protection measure	Number of urgent protection measures imposed
Removal of the perpetrator of violence from an apartment, house or other dwelling	7
Restraining order and prohibition on contact with the victim imposed on the perpetrator of violence	4
Removal of the perpetrator of violence from an apartment, house or other dwelling and imposition of a restraining order and prohibition on contact with the victim for the perpetrator the violence	10
Total	21

5.2. Age of the person to whom the emergency protection measure was imposed

Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
0	0	4	1	14	0	4	0	0	0	22	1	23
6. Number and type of imposed misdemeanour sanctions												
6.1. Number of fines and suspended sentences												
Type of misdemeanour sanction										Number of misdemeanour sanctions imposed		
Fine				According to Article 42 (1) of the Criminal Code						159		
				According to Article 42 (2) of the Criminal Code						11		
				According to Article 42 (3) of the Criminal Code						21		
				According to Article 42 (4) of the Criminal Code						0		
				According to Article 42 (5) of the Criminal Code						8		
				According to Article 42 (6) of the Criminal Code						0		
				According to Article 42 (7) of the Criminal Code						2		
				According to Article 43a of the Criminal Code						7		
				Total						208		
Warning measure - suspended sentence										119		
Total										327		
6.2. Number and type of protection measures imposed												
Type of protection measure								Number of protection measures imposed independently		Number of protection measures imposed together with a fine or suspended sentence		
Protection measure: Removal from an apartment, house or other dwelling								4		8		
Protection measure: Restraining order								2		2		
Protection measure: Prohibition on harassment or stalking of the victim								46		34		
Protection measure: Mandatory psychosocial treatment								6		2		
Protection measure: Mandatory addiction treatment								11		3		
Total								69		49		

7.1. Number, sex and age of sanctioned perpetrators of violence												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
3	0	51	8	183	18	95	9	26	3	358	38	396
8.1. Number and type of protection measures enforced												
Type of protection measure										Number of protection measures enforced		
Protection measure: Removal from an apartment, house or other dwelling										5		
Protection measure: Restraining order										2		
Protection measure: Prohibition on harassment or stalking of the victim										52		
Protection measure: Mandatory psychosocial treatment										7		
Protection measure: Mandatory addiction treatment										7		
Total										73		
9. Number of suspended proceedings										20		

APPENDIX 6. Data disaggregated according to the protection bodies for 2018 in accordance with the Rulebook on the Content of Records and Reports on Domestic Violence for Republika Srpska¹⁸⁵

MINISTRY OF INTERIOR

Year:	2018												
Territory:	Republika Srpska												
1. Number of reports received on cases of domestic violence:											1,012		
2. Number of reports submitted to the competent prosecutor's office:											477		
3. Number of reported perpetrators of domestic violence by sex, age and relationship with the victim:													
3.1. Age of the perpetrator of domestic violence													
Under 18		18-30		31-50		51-64		65+		Total		Total	
M	F	M	F	M	F	M	F	M	F	M	F		
15	2	194	29	477	48	205	16	61	4	952	99	1,051	
3.2. Relationship between the perpetrator of domestic violence and the victim (in which the former is the perpetrator of the violence and the latter is the victim)													
Perpetrator - victim relationship											Number of victims		
Husband - wife											436		
Wife - husband											45		
Common-law partner (man) - Common-law partner (woman)											53		
Common-law partner (woman) - Common-law partner (man)											13		
Former partner (man) - Former partner (woman)											55		
Former partner (woman) - Former partner (man)											14		
Father - son											112		
Son - father											81		
Son < 18 - father											8		
Father - daughter											66		
Daughter - father											3		
Daughter < 18 - father											5		
Mother - son											8		
Son - mother											87		
Son < 18 - mother											8		
Mother - daughter											7		

¹⁸⁵ Source: Ministry of Family, Youth and Sports of the Republika Srpska.

Daughter - mother								9				
Daughter < 18 - mother								0				
Other								247				
Total								1257				
4. Number of victims of domestic violence by sex and age												
4.1. Number of victims of domestic violence												
Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total		Total				
M	F	M	F	M	F	M	F					
63	71	1	1	303	818	367	890	1,257				
4.2. Victims of domestic violence by age and sex												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
63	71	68	204	95	379	90	160	51	76	367	890	1,257
5.1. Type of domestic violence according to the sex of the victim												
Type of domestic violence					Men		Women		Total			
Endangering safety					67		162		229			
Psychological violence					106		247		353			
Physical violence					153		356		509			
Sexual violence					0		0		0			
Economic violence					1		4		5			
Combination of the above					58		138		196			
Total					385		907		1,292			
6.1. Number of perpetrators of domestic violence apprehended and taken into custody												
Number of persons taken into custody					Men		Women		Total			
To the competent prosecutor's office					23		1		24			
To the competent court					28		0		28			
Total					51		1		52			
7.1. Number and type of urgent protection measures proposed and enforced												
Type of urgent protection measure							Number of proposed urgent		Number of enforced urgent			

	protection measures	protection measures
Removal of the perpetrator of violence from an apartment, house or other dwelling	9	6
Restraining order and prohibition on contact with the victim imposed on the perpetrator of violence	23	17
Removal of the perpetrator of violence from an apartment, house or other dwelling and imposition of a restraining order and prohibition on contact with the victim for the perpetrator of violence	2	2
Total	34	25

8.1. Number and type of proposed protection measure

Type of protective measure	Number of protection measures proposed
Protection measure: Removal of the perpetrator of violence from an apartment, house or other dwelling	6
Protection measure: Restraining order	14
Protection measure: Prohibition on harassment or stalking	30
Protection measure: Mandatory psychosocial treatment	4
Protection measure: Mandatory addiction treatment	3
Total	57

9.1. Number and type of protection measures enforced under the competence of the police

Type of protection measure	Number of protection measures proposed
Protection measure: Removal of the perpetrator of violence from an apartment, house or other dwelling	4
Protection measure: Restraining order	19
Protection measure: Prohibition on harassment or stalking	35
Total	58

10.1. Number of cases of domestic violence where the perpetrator possessed or used a weapon

	Legal	Illegal	Total
Number cases where the perpetrator possessed a weapon	13	17	30
Number cases where the perpetrator possessed and used a weapon	0	6	6

CENTRES FOR SOCIAL WELFARE /SOCIAL PROTECTION SERVICES

Year:	2018
Territory:	Republika Srpska

1.1. Number of notifications on cases of domestic violence received								
Notifications delivered by			Number of notifications					
Victim			215					
Police			722					
Health facility			20					
Education facility			15					
Court			2					
Prosecutor's Office			3					
Witness			66					
Other			41					
Total			1,084					
2. Number of reports of domestic violence that the social welfare centre/social protection facility filed with the police			163					
3. Number of interventions involving staff of the social welfare centre/social protection facility in cooperation with the police			332					
4. Number of recorded cases of domestic violence according to the sex of the victim, type and duration of violence, age of the victim, relationship between the perpetrator of the violence and the victim, and socioeconomic data on the victim								
4.1. Type of domestic violence								
Type of domestic violence		Men	Women	Total				
Endangering safety		58	141	199				
Psychological violence		69	266	335				
Physical violence		90	293	383				
Sexual violence		1	10	11				
Economic violence		3	17	20				
Combination of the above		47	205	252				
Total		268	932	1,200				
4.2. The duration of the violence according to the victim's account								
One-off	Up to one year		More than one year	Total				
363	290		404	1,057				
4.3.a) Age of underage victims of domestic violence								
Under 6		6-14		15-18		Total		Total
M	F	M	F	M	F	M	F	

59	42	73	94	19	37	151	173	324		
4.3.b) Age of adult victims of domestic violence										
18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	
20	116	59	410	81	193	48	105	208	824	1032
4.4. Relation between the perpetrator of domestic violence and the victim (in which the former is the perpetrator of the violence and the latter is the victim)										
Perpetrator - victim relationship									Number of victims	
Husband - wife									427	
Wife - husband									15	
Common-law partner (man) - Common-law partner (woman)									115	
Common-law partner (woman) - Common-law partner (man)									1	
Former partner (man) - Former partner (woman)									111	
Former partner (woman) - Former partner (man)									7	
Father - son									150	
Son - father									51	
Son < 18 - father									10	
Father - daughter									147	
Daughter - father									9	
Daughter < 18 - father									1	
Mother - son									19	
Son - mother									84	
Son < 18 - mother									5	
Mother - daughter									19	
Daughter - mother									17	
Daughter < 18 - mother									1	
Other									166	
Total									1,355	
5. Socioeconomic data on victims										
5.1. Socioeconomic data on underage victims										
									Total	
Pupils - primary school									165	
Students - secondary school									56	
Preschool									94	
Children with developmental disabilities									4	
Children under guardianship									1	
Total									320	

5.2. Socioeconomic data on adult victims												
												Total
By employment status		Employed										339
		Unemployed										542
		Retired										137
By type of income		Social assistance beneficiaries										39
		Self-employed										458
		Other sources of income										430
By level of education		Ph. D.										1
		Master of Science										0
		Masters										2
		University degree										56
		Two-year post-secondary qualifications										25
		Secondary education qualifications										587
		Primary school										274
		Primary education qualifications										67
		Students										8
6. Number of recorded cases of violence according to gender and age and data on the socioeconomic status of the perpetrators of violence												
6.1. Number, sex and age of the perpetrator of domestic violence												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
28	3	162	17	485	59	210	20	67	9	952	108	1,060
6.2. Socioeconomic data on adult victims												
												Total
By employment status		Employed										416
		Unemployed										487
		Retired										121
By type of income		Social assistance beneficiaries										27
		Self-employed										545
		Other sources of income										364
By level of education		Ph. D.										1
		Master of Science										2
		Masters										0
		University degree										47

	Two-year post-secondary qualifications	22
	Secondary education qualifications	629
	Primary school	251
	Primary education qualifications	56
	Students	3
6.3. Socioeconomic data on underage perpetrators of violence		
		Total
	Pupils - primary school	11
	Students - secondary school	14
	Children with developmental disabilities	2
	Children under guardianship	4
7. Number and type of court decisions delivered on urgent protection measures and protection measures imposed		
7.1. Number and type of court decisions delivered on urgent protection measures imposed		
	Type of urgent protection measure	Total
	Removal of the perpetrator of violence from an apartment, house or other dwelling	14
	Restraining order and prohibition on contact with the victim for the perpetrator of violence	15
	Removal of the perpetrator of violence from an apartment, house or other dwelling and imposition of a restraining order and prohibition on contact with the victim for the perpetrator of violence	1
	Total	30
7.2. Number and type of court decisions delivered and the protection measures imposed		
	Type of protection measure	Total
	Protection measure : Removal of the perpetrator of violence from an apartment, house or other dwelling	5
	Protection measure: Restraining order	19
	Protection measure: Prohibition on harassment or stalking	32
	Protection measure: Mandatory psychosocial treatment	14
	Protection measure: Mandatory addiction treatment	16
	Total	86
	8. Number of decisions on the temporary accommodation of victims in safe houses	30
8.1. Number of victims of violence temporarily accommodated in safe houses		

	Total
Women	20
Children	38
Total	58

HEALTH FACILITIES

Year:	2018												
Territory:	Republika Srpska												
1. Sex, personal traits, age and relationship between the victim and the perpetrator of violence													
1.1. Number of victims of domestic violence													
Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total				Total			
M	F	M	F	M	F	M	F	M	F	M	F		
21	37	0	1	57	213	78	251					329	
1.2. Victims of domestic violence according to age and sex													
Under 18		18-30		31-50		51-64		65+		Total		Total	
M	F	M	F	M	F	M	F	M	F	M	F		
21	37	7	50	14	100	26	46	10	18	78	251	329	
1.3. Relationship between the perpetrator of domestic violence and the victim (in which the former is the perpetrator of the violence and the latter is the victim)													
Perpetrator - victim relationship										Total			
Husband - wife										121			
Wife - husband										6			
Common-law partner (man) - Common-law partner (woman)										29			
Common-law partner (woman) - Common-law partner (man)										0			
Former partner (man) - Former partner (woman)										7			
Former partner (woman) - Former partner (man)										2			
Father - son										23			
Son - father										20			
Son < 18 - father										2			
Father - daughter										29			
Daughter - father										4			
Daughter < 18 - father										4			
Mother - son										1			
Son - mother										14			

Son < 18 - mother	0
Mother - daughter	8
Daughter - mother	6
Daughter < 18 - mother	0
Other	45
Total	321

1.4. Number of confirmed pathological conditions in victims of domestic violence

Classification of diseases (ICD-10)	Number of victims of domestic violence							
	Children		Persons with disability		Adults		Total	
	M	F	M	F	M	F	M	F
E00-E99	0	0	0	0	1	2	1	2
F00-F99	6	19	0	0	6	33	12	52
G00-G99	0	0	0	0	2	1	2	1
H00-H99	0	0	0	0	1	2	1	2
I00-I99	0	0	0	0	1	3	1	3
J00-J99	0	0	0	0	0	0	0	0
K00-K99	0	0	0	0	0	1	0	1
L00-L99	0	0	0	0	0	0	0	0
M00-M99	0	0	0	0	0	0	0	0
N00-N99	0	0	0	0	0	0	0	0
O00-O99	0	0	0	0	0	0	0	0
R00-R99	0	1	0	0	1	1	1	2
S00-S99	4	3	0	0	26	82	30	85
T00-T99	0	0	0	0	4	4	4	4
Total	10	23	0	0	42	129	52	152

2. Number of cases where the victim of domestic violence was referred for treatment

2.1. Number of victims of domestic violence referred for medical treatment (This does not include treatment at mental health institutions)

Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total		Total
M	F	M	F	M	F	M	F	
8	24	0	0	21	83	29	107	136

2.2. Age of victims of domestic violence referred for medical treatment (This does not include treatment at mental health institutions)

Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	

8	24	2	17	5	41	9	18	5	7	29	107	136
3. Estimation of the average cost of treatment for victims of domestic violence (all procedures in a healthcare facility)											BAM	
4. Treatment of victims of domestic violence at mental health institutions												
4.1. Number of victims of domestic violence referred for treatment at mental health institutions												
Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total		Total				
M	F	M	F	M	F	M	F	M	F			
8	24	0	2	9	61	17	87			104		
4.2. Age and sex of victims of domestic violence referred for treatment at mental health institutions												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
8	24	0	15	3	33	2	12	3	3	16	87	103
5 Number of perpetrators of domestic violence referred for treatment at mental health institutions												
5.1 Age and sex of perpetrators of domestic violence referred for treatment at mental health institutions												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
0	0	2	0	27	7	18	1	4	0	51	8	59
6.1 Mandatory psychosocial treatment for perpetrator of domestic violence												
						Men		Women		Total		
Mandatory psychosocial treatment for perpetrators of domestic violence						36		2		38		
7.1 Mandatory addiction treatment for perpetrators of domestic violence												
						Men		Women		Total		
Mandatory addiction treatment for perpetrators of domestic violence						15		2		17		

EDUCATION FACILITIES

Year:	2018								
Type of education facility									
1.1 Learning about domestic violence									
Domestic violence noticed by								Number of cases of domestic violence	
Homeroom teacher								16	
Teacher								9	
Pedagogue								7	
Psychologist								9	
Social worker								5	
Principal								1	
Other students								3	
Other								8	
Total								58	
2 Number of reports on domestic violence that the education facility sent to the protection bodies									41
3.1 Number, sex and age of the victims									
Under 6		6-14		15-18		Total		Total	
M	F	M	F	M	F	M	F		
0	0	26	19	2	7	28	26	54	
4 Type of violence and the relationship between the victim of domestic violence and the perpetrator of the violence									
4.1 Type of domestic violence									
Type of domestic violence				Men		Women		Total	
Endangering safety				7		4		11	
Psychological violence				7		8		15	
Physical violence				12		10		22	
Sexual violence				0		1		1	
Economic violence				0		0		0	
Combination of the above				5		5		10	
Total				31		28		59	
4.2 Relationship between the victim and the perpetrator									

Relationship between the victim and the perpetrator	Son - father	Daughter - father	Son - mother	Daughter - mother	Other	Total
	18	13	10	8	9	58
5. Feedback on the follow-up actions undertaken upon receipt of the report						58

COMPETENT COURTS

Year:	2018											
Territory:	Republika Srpska											
1 Number of received, handled and pending motions to initiate misdemeanour proceedings												
1.1 Number of motions received to initiate misdemeanour proceedings												
Number of motions received											443	
Number of motions handled											363	
Number of pending motions											259	
2 Number of requests submitted seeking urgent protection measures												
											24	
3 Number of perpetrators (defendants) by gender, age and relationship with the victim of domestic violence												
3.1 Number, sex and age of perpetrators (defendants)												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
6	0	122	20	275	44	115	19	40	5	558	88	646
3.2 Relationship between the perpetrator of domestic violence and the victim (in which the former is the defendant and the latter is the victim)												
Relationship between the perpetrator (defendant) and victim											Number of victims	
Husband – wife											233	
Wife – husband											24	
Common-law partner (man) - Common-law partner (woman)											43	
Common-law partner (woman) - Common-law partner (man)											5	
Former partner (man) - Former partner (woman)											39	
Former partner (woman) - Former partner (man)											18	
Father – son											29	
Son – father											51	

Son < 18 – father		0										
Father – daughter		20										
Daughter – father		1										
Daughter < 18 – father		0										
Mother – son		9										
Son – mother		63										
Son < 18 – mother		1										
Mother – daughter		2										
Daughter – mother		3										
Daughter < 18 – mother		0										
Other		152										
Total		693										
4.1 Number of victims												
Child victims of violence		Persons with disability as victims of violence		Adult victims of violence		Total		Total				
M	F	M	F	M	F	M	F					
12	10	0	0	183	488	195	498	693				
4.2 Victims by age and sex												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
12	10	35	102	70	234	50	125	28	27	195	498	693
5 Number and type of emergency protection measures imposed and the age of the person on whom they were imposed												
5.1 Number and type of urgent protection measures imposed												
Type of urgent protection measure										Number of urgent protection measures imposed		
Removal of the perpetrator of violence from an apartment, house or other dwelling										2		
Restraining order and prohibition on contact with the victim for the perpetrator of violence										10		
Removal of the perpetrator of violence from an apartment, house or other dwelling and imposition of a restraining order and prohibition on contact with the victim for the perpetrator of violence										3		
Total										15		
5.2 Age of the person on whom the emergency protection measure was imposed												

Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
0	0	1	0	10	0	4	0	0	0	15	0	15
6 Number and type of misdemeanour sanctions imposed												
6.1 Number of imposed fines and suspended sentences												
Type of misdemeanour sanction										Number of misdemeanour sanctions imposed		
Fine				According to Article 42 (1) of the Criminal Code						166		
				According to Article 42 (2) of the Criminal Code						4		
				According to Article 42 (3) of the Criminal Code						30		
				According to Article 42 (4) of the Criminal Code						0		
				According to Article 42 (5) of the Criminal Code						4		
				According to Article 42 (6) of the Criminal Code						2		
				According to Article 42 (7) of the Criminal Code						0		
				According to Article 43a of the Criminal Code						0		
				Total						206		
Warning measure - suspended sentence										79		
Total										285		
6.2 Number and type of protection measures imposed												
Type of protective measure								Number of protection measures imposed independently		Number of protection measures imposed together with a fine or suspended sentence		
Protection measure: Removal from an apartment, house or other dwelling								3		1		
Protection measure: Restraining order								4		0		
Protection measure: Prohibition on harassment or stalking of the victim								35		6		
Protection measure: Mandatory psychosocial treatment								8		0		
Protection measure: Mandatory addiction treatment								7		1		
Total								57		8		

7.1 Number, sex and age of sanctioned perpetrators												
Under 18		18-30		31-50		51-64		65+		Total		Total
M	F	M	F	M	F	M	F	M	F	M	F	
4	0	74	10	140	20	58	13	19	5	295	48	343
8.1 Number and type of protection measures enforced												
Type of protection measure										Number of protection measures enforced		
Protection measure: Removal from an apartment, house or other dwelling										5		
Protection measure: Restraining order										2		
Protection measure: Prohibition on harassment or stalking of the victim										36		
Protection measure: Mandatory psychosocial treatment										8		
Protection measure: Mandatory addiction treatment										5		
Total										56		
9 Number of suspended proceedings										18		

APPENDIX 7. Ministry of Justice of the Republika Srpska data on cases of Violence against Women other than Domestic Violence for 2017 and 2018 in Republika Srpska¹⁸⁶

2017

DPPO ¹⁸⁷	No. of cases	No. of ongoing criminal proceedings	No. of suspended cases	No. of convicted perpetrators	Type and length of sanction
Banja Luka	529	0	157	92	- 10 prison terms - 23 fines - 59 suspended sentences
Doboj	41	3	16	22	- 2 prison terms - 4 fines - 17 suspended sentences - 2 measures of mandatory addiction treatment
Prijedor	116	27	49	40	- 5 prison terms - 6 fines - 28 suspended sentences - 1 measure of psychiatric treatment
Bijeljina	72	0	47	18	- 3 prison terms - 1 fine - 14 suspended sentences
Istočno Sarajevo	0	0	0	0	0
Trebinje	10	0	0	10	- 2 fines - 8 suspended sentences
TOTAL	768	30	269	182	- 20 prison terms - 36 fines - 126 suspended sentences - 2 measures of mandatory addiction treatment - 1 measure of psychiatric treatment

¹⁸⁶ Source: Ministry of Justice of Republika Srpska.

¹⁸⁷ DPPO – District Public Prosecutor's Office.

2018

DPPO	No. of cases	No. of ongoing criminal proceedings	No. of suspended cases	No. of convicted perpetrators	Type and length of sanction
Banja Luka	430	-	124	55	- 9 prison terms - 14 fines - 32 suspended sentences
Doboj	80	20	27	22	- 2 prison terms - 4 fines - 17 suspended sentences - 1 measure of psychiatric treatment - 2 measures of mandatory addiction treatment
Prijedor	86	40	41	33	- 7 prison terms - 6 fines - 17 suspended sentences - 2 correctional measures
Bijeljina	86	0	67	17	- 2 prison terms - 1 fine - 14 suspended sentences
Istočno Sarajevo	0	0	0	0	0
Trebinje	13	1	0	12	- 4 fines - 7 suspended sentences - 1 measure of psychiatric treatment
TOTAL	695	61	259	139	- 20 prison terms - 29 fines - 87 suspended sentences - 2 measures of psychiatric treatment - 2 measures of mandatory addiction treatment

APPENDIX 8. Data on the proceedings on Acts of Domestic Violence and Violence against Women as collected by the Republika Srpska Institute for Statistics

TABLE 1. Number of handled criminal reports for perpetrators of domestic violence in marriage or cohabitation disaggregated by sex and the decision of the prosecutor's office, 2017 and 2018

	Persons with finalised reports on the committed criminal offence of domestic violence in marriage or cohabitation			Decision of the prosecutor's office			
	Total	F	M	Non-conduct of the investigation	Suspended investigation	Indictment filed after the conducted investigation	Transfer of criminal prosecution to other state
2017	446	38	408	60	176	209	1
%	100	8.5	91.5	13.5	39.5	46.9	0.2
2018	492	41	451	111	181	200	0
%	100	8.3	91.7	22.6	36.8	40.7	0.0

TABLE 2. Adults charged with domestic violence in marriage or cohabitation disaggregated by the sex of the defendant and the decision of the court, 2017 and 2018

	Sex of the defendant			Court's decision	
	Total	F	M	Found guilty	Found not guilty
2017	139	4	135	132	7
%		2.9	97.1	95.0	5.0
2018	121	9	112	114	7
%		7.4	92.6	94.2	5.8

TABLE 3. Adults convicted of domestic violence in marriage or cohabitation, disaggregated by the sex of the defendant and the criminal sanction imposed, 2017 and 2018

	Sex of the convicted adult			Criminal sanction imposed			
	Total	F	M	Prison Term	Fine	Suspended sentence	Other sentence
2017	3,128	254	2,874	566	838	1,690	34
%		8.1	91.9	18.1	26.8	54.0	1.1
2018	3,478	273	3,205	462	895	1,669	452
%		7.8	92.2	13.3	25.7	48.0	13.0

TABLE 4. Convicted adults for individual criminal offences, disaggregated by the criminal offence and sex of the convicted adult, 2017 and 2018

Criminal Offence	2017		2018	
	F	M	F	M
Against life and limb:	23	326	16	327
Murder and aggravated murder	6	17	0	8
Infanticide	1	0	0	0
Bodily injury and severe bodily injury	0	80	2	117
Slight Bodily Injury	14	210	11	164
Other offences	2	19	3	38
Against freedoms and rights of citizens:	3	106	6	116
Endangering security	3	83	4	85
Other offences	0	23	2	31
Against sexual integrity:	0	20	0	16
Rape	0	5	0	1
Other offences	0	15	0	15
Against marriage and family:	13	155	12	162
Child Desertion and Abuse	4	9	3	4
Domestic Violence	4	127	8	111
Maintenance Avoidance	2	13	0	43
Other offences	3	6	1	4
Against property:	82	966	66	993
Theft	42	406	42	410
Aggravated Theft	9	269	2	278
Robbery and Aggravated Robbery	0	37	0	24
Other offences	31	254	22	281

TABLE 5. Adults convicted of criminal offences against sexual freedom, disaggregated by the criminal offence, sex and the sanctions imposed, 2017 and 2018

	Convicted persons			Type of criminal sanction imposed			
	Total	F	M	Prison Term	Fine	Suspended sentence	Other sentence
Criminal offences against sexual integrity and acts of sexual abuse and the exploitation of a child							
2017	20	0	20	12	3	5	0
Rape	5	0	5	4	1	0	0
Abandonment of a Helpless Person	1	0	1	1	0	0	0
Sexual Violence against a Child	5	0	5	5	0	0	0
Sexual Intercourse by Abuse of Position	1	0	1	1	0	0	0
Satisfying Lust in the Presence of Other	5	0	5	0	2	3	0
Production, Possession and Screening of Child Pornography	1	0	1	1	0	0	0
Incest	2	0	2	0	0	2	0
2018	19	0	19	14	1	4	0
Rape	1	0	1	1	0	0	0
Abandonment of a Helpless Person	6	0	6	6	0	0	0
Sexual Violence against a Child	2	0	2	1	0	1	0
Abuse of a Child for Pornography	1	0	1	0	0	1	0
Satisfying Lust in the Presence of Other	1	0	1	0	0	1	0
Production, Possession and Screening of Child Pornography	1	0	1	0	1	0	0
Sexual Harassment	2	0	2	1	0	1	0
Lechery	2	0	2	2	0	0	0
Sexual Intercourse with a Child under the age of 15	2	0	2	2	0	0	0
Satisfying Lust in the presence of a Child	1	0	1	1	0	0	0

APPENDIX 9. An Overview of the Criminal Offence of Violence against Women at the National level in Bosnia and Herzegovina and excerpts based on the Convention

Criminal Code of Bosnia and Herzegovina

Article 145, Infringement of the Equality of Individuals and Citizens

(1) An official or responsible person in the institutions of Bosnia and Herzegovina, who on the grounds of differences in race, skin colour, national or ethnic background, religion, political or other belief, sex, sexual orientation, language, education or social status or social origin, denies or restricts the civil rights as provided by the Constitution of Bosnia and Herzegovina, ratified international agreements, laws of Bosnia and Herzegovina, other regulations of Bosnia and Herzegovina or general acts of Bosnia and Herzegovina or, whoever on the ground of these differences or background or other status grants unjustified privileges or does unjustified favours to individuals, shall be punished by imprisonment for a term between six months and five years.

Law on Gender Equality in Bosnia and Herzegovina

Article 6

(1) Violence on the grounds of gender shall be prohibited.

(2) Violence on the grounds of gender shall be considered every action that causes or may cause physical, mental, sexual or economic damage or suffering as well as the threat of such action that prevents this person or group of persons from enjoying their human rights and freedoms in the public and private spheres of life.

(3) Violence on the grounds of sex shall include, but shall not be limited to, a) violence occurring in the family or household, b) violence occurring in the wider community, c) violence committed or tolerated by the authorities or other authorised bodies or individuals and d) violence on the grounds of gender in case of armed conflict.

(4) The competent authorities shall be obliged to take appropriate measures to eliminate and prevent gender-based violence in the public and private spheres of life and to ensure instruments to provide protection, assistance and compensation to victims.

(5) The competent authorities shall take appropriate measures, including but not limiting to, the area of education in order to eliminate prejudices, customs and all other practices based on the idea of inferiority or superiority of any gender as well on stereotypical roles of the male and female sex. This shall include, but shall not be limited to, education and awareness raising among civil servants, in public and by other means.

Article 29

A person who, on the grounds of sex, commits violence, harassment or sexual harassment that endangers serenity, mental health or bodily integrity shall be punished with a fine or imprisonment for a term of six months up to five years.

APPENDIX 10. An Overview of the Criminal Offences of Violence against Women and Domestic Violence in the Federation of Bosnia and Herzegovina – Excerpts

Criminal Code of the Federation of Bosnia and Herzegovina

Article 166, Murder

(1) Whoever deprives another person of his/her life shall be punished by imprisonment for not less than five years.

(2) The punishment of imprisonment for not less than ten years or long-term imprisonment shall be punishment for whoever:

- a) deprives another person of his/her in a cruel or insidious manner;
- b) deprives another person of his/her while acting ruthlessly and violently;
- c) deprives another person of his/her out of racial, national or religious reasons;
- d) deprives another person of his/her for greed, for the perpetration or covering up another criminal offence, out of unscrupulous vengeance or because of other low motives;
- e) deprives an official or military person of his/her life whilst exercising his/her duties of safeguarding the security, public peace and order or apprehending the perpetrator of a criminal offence or guarding a person deprived of freedom.

Article 167, Manslaughter

Whoever deprives another person of his/her life through a fit of passion and having been without his own fault provoked into a state of intense exasperation or fright caused by attack, abuse or serious insult shall be punished by imprisonment for a term of between one and ten years.

Article 170, Incitement to Suicide and Assisted Suicide

(1) Whoever induces another to commit suicide or renders aid to a person committing suicide and the suicide is actually committed shall be punished by imprisonment for a term of between three months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile or against a person whose ability to understand the meaning of his actions or to control his actions is substantially diminished shall be punished by imprisonment for a term of between one and ten years.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this article against a child or against a person who is not able to understand the meaning of his actions or to control his actions shall be punished pursuant to Article 166 (Murder) of this Code.

(4) Whoever cruelly or inhumanely treats a person who is in any way subordinate to or dependent on him and thereby out of negligence provokes that person to commit suicide, shall be punished by imprisonment for a term of between six months and five years.

Article 171, Illicit Abortion

(1) Whoever in contravention of the abortion regulations performs an abortion on a pregnant woman with her consent and commences performance of the abortion or assists her in procuring her own miscarriage shall be punished by imprisonment for a term of between three months and three years.

(2) Whoever performs or commences the performing of an abortion on a pregnant woman without her consent shall be punished by imprisonment for a term of between one year and eight years.

(3) If by the criminal offence referred to in paragraph 1 of this Article serious bodily harm or serious illness or death of the pregnant woman is caused then the perpetrator shall be punished by imprisonment for a term of between six months and five years.

(4) If by the criminal offence referred to in paragraph 2 of this Article serious bodily harm or serious illness or death of the pregnant woman is caused then the perpetrator shall be punished by imprisonment for not less than one year.

Article 172, Aggravated Bodily Injury

(1) Whoever inflicts serious bodily injury upon another person or severely impairs their health shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against his spouse, common-law partner or to the parent of his child with whom he does not share a household shall be punished by imprisonment for a term of between one and five years.

(3) Whoever inflicts bodily injury upon another person or impairs their health so severely that the life of the injured person is endangered or an important part or organ of their body is destroyed or permanently weakened to a substantial degree or if the injured person's earning ability has been impaired permanently or if permanent and grave damage to their health or disfigurement was caused the perpetrator shall be punished by imprisonment for a term of between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of hatred shall receive the punishment referred to in paragraph 3 of this Article.

(5) Should the injured person die as the result of the injuries referred to in paragraphs 1 through 4 of this Article then the perpetrator shall be punished by imprisonment for a term of between one and twelve years.

(6) Whoever perpetrates the criminal offence referred to in paragraph 1 through 3 of this Article out of negligence shall be punished by imprisonment for a term not exceeding three years.

(7) Whoever perpetrates the criminal offence referred to in paragraph 1 through 3 of this Article in the heat of passion, having been provoked without any fault of his/her own into a state of intense exasperation or fright caused by attack or serious insult by the injured person, shall be punished by imprisonment for a term of between three months and three years.

(8) Whoever perpetrates the criminal offence referred to in paragraph 4 of this Article in the heat of passion, having been provoked without any own fault on his/her part into a state of intense exasperation or fright caused by attack or serious insult by the injured person, shall be punished by imprisonment for a term of between six months and five years.

Article 173, Slight Bodily Injury

(1) Whoever inflicts slight bodily injury upon another person or impairs the health of that person in a minor way shall be punished by a fine or imprisonment of a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against his spouse, common-law partner or parent of his child with whom he/she does not share a household shall be punished by imprisonment for a term not exceeding one year.

(3) The court can pronounce a judicial admonition for the perpetrator of the criminal offence referred to in paragraph 1 of this Article if the injured person provoked the perpetrator through an incident or rude behaviour.

Article 177, Infringement of the Equality of Individuals and Citizens

(1) Whoever on the grounds of differences in race, skin colour, national or ethnic background, religion, political or other belief, sex, sexual orientation, language, education, social status or social origins denies or restricts the civil rights as provided for in an international agreement, the Constitution, laws and other regulation or general acts in the Federation Of Bosnia and Herzegovina or whoever on the grounds of these differences or backgrounds or any other status grants unjustified privileges or does unjustified favours to individuals shall be punished by imprisonment for a term of between six months and five years.

(2) An official or responsible person in the Federation of Bosnia and Herzegovina who perpetrates the criminal offence referred to in paragraph 1 of this Article shall be punished by imprisonment for a term of between one and eight years.

(3) Any official or responsible person in an institution in the Federation of Bosnia and Herzegovina who in contravention to the regulations on the equal use of languages and alphabets of the constituent peoples and others living on the territory of Bosnia and Herzegovina restricts or denies a citizen the use of his/her language or alphabet when addressing bodies or institutions of the Federation of Bosnia and Herzegovina, business enterprises or other legal persons in order to exercise his/her rights then this person shall be punished by a fine or imprisonment for a term not exceeding one year.

(4) Any official or responsible person in the institutions in the Federation of Bosnia and Herzegovina who denies or restricts the right of a citizen to gain employed anywhere within the entire territory of Bosnia and Herzegovina and under the same prescribed terms shall be punished by imprisonment for a term of between six months and five years.

Article 183, Endangering Security

(1) Whoever endangers the security of a person through a serious threat of attack upon the life or limb of that person or in that way causes anxiety among citizens shall be punished by imprisonment for a term not exceeding six months.

(2) Whoever endangers the security of a number of persons by threat of an attack upon their lives or bodies or in that way causes anxiety among citizens shall be punished by imprisonment for a term of between three months and five years.

(3) Whoever spies upon and frequently follows or otherwise harasses and thereby endangers the safety of a spouse, common-law partner or parent of his/her child or another person with whom he/she has or has had in the past a close relationship shall be punished by a fine or imprisonment for a term not exceeding one year.

Article 203 Rape

(1) Whoever coerces another by force or by threat of immediate attack upon life or limb or the life or limb of someone close to that person in order to have sexual intercourse or an equivalent sexual act shall be punished by imprisonment for a term of between one and ten years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim each shall be punished by imprisonment for a term of between three and fifteen years.

(3) If through the criminal offence referred to in paragraph 1 of this Article the death of the raped person is caused or serious bodily injury inflicted on the raped person or their health is severely impaired or the raped person is left pregnant then the perpetrator shall be punished by imprisonment for not less than three years.

(4) The punishment referred to in paragraph 2 of this Article shall be imposed on whoever perpetrates the criminal offence referred to in paragraph 1 of this Article out of hatred on the grounds of national or ethnic origin, race, religion, sex or language.

(5) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile shall be punished by imprisonment for not less than three years.

(6) Whoever perpetrates the criminal offence referred to in paragraphs 2, 3 and 4 of this Article against a juvenile shall be punished by imprisonment for not less than five years.

(7) If through the criminal offence referred to in paragraph 2 of this Article the consequences referred to in paragraph 3 of this Article are caused then the perpetrator shall be punished by imprisonment for not less than five years.

Article 204, Sexual Intercourse with a Helpless Person

(1) Whoever performs sexual intercourse or equivalent sexual act with another person taking advantage of that person's mental illness, temporary mental disorder, infirmity or any other state that renders that person incapable of resisting shall be punished by imprisonment for a term of between one and eight years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a person incapability of resisting has caused alone or participated in causing it shall be punished pursuant to paragraph 1 of Article 203 (Rape) of this Code.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim then the perpetrator or perpetrators shall be punished by imprisonment for a term of between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim then the perpetrator or perpetrators shall be punished pursuant to paragraph 2 of Article 203 of this Code.

(5) If by the criminal offence referred to in paragraph 1 of this Article the death of the person on whom sexual intercourse or equivalent sexual act was performed is caused or serious bodily injury is inflicted on that person or the person's health is seriously impaired or a female victim is left pregnant then the perpetrator or perpetrators shall be punished by imprisonment for a term of between one and ten years.

(6) If by the criminal offence referred to in paragraphs 3 and 4 of this Article the consequences referred to in paragraph 5 of this Article are caused then the perpetrator or perpetrators shall be punished by imprisonment of not less than three years.

Article 205, Sexual Intercourse by Abuse of Position

(1) Whoever by abusing his/her position induces into sexual intercourse or equivalent sexual act a person who is in a dependent position in relation to him/her because of the person's financial, family, social, health or other condition or straitened circumstances then the abuser shall be punished by imprisonment for a term of between three months and three years.

(2) A teacher, educator, parent, adoptive parent, guardian, step-father, step-mother or any other person who by abusing his/her status or relationship with a juvenile who is entrusted to him/her for education, upbringing, custody or care performs sexual intercourse or an equivalent sexual act on a juvenile then the abuser shall be punished by imprisonment for a term of between six months and five years.

Article 206, Sexual Intercourse

Whoever forces another person to have sexual intercourse or an equivalent sexual act through a serious threat of physical harm shall be punished by imprisonment for a term of between six months and five years.

Article 207, Sexual Intercourse with a Child

(1) Whoever performs sexual intercourse or an equivalent sexual act on a child shall be punished by imprisonment for a term of between one and eight years.

(2) Whoever performs forcible sexual intercourse or an equivalent sexual act on a child (paragraph 1 of Article 203, Rape) or on a helpless child (paragraph 1 of Article 204, Sexual Intercourse with a Helpless Person) shall be punished by imprisonment of not less than three years.

(3) Whoever performs sexual intercourse or an equivalent sexual act on a child by abusing his/her position (paragraph 2 of Article 205, Sexual Intercourse through Abuse of Position) shall be punished by imprisonment for a term of between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraph 1 through 3 of this Article in a particularly cruel or humiliating manner or if on the same occasion a number of perpetrators perform a number of acts of sexual intercourse or equivalent sexual acts against the same victim the perpetrator or perpetrators shall be punished by imprisonment for not less than five years.

(5) If by the criminal offence referred to in paragraph 1 through 3 of this Article the death of a child is caused or serious bodily injury is inflicted on a child or the child's health is seriously impaired or a female child is left pregnant the perpetrator shall be punished by imprisonment for a term of not less than five years or by long-term imprisonment.

Article 208, Lechery (concupiscence)

(1) Whoever, in the cases referred to in articles 203 (Rape), 204 (Sexual Intercourse with a Helpless Person), 205 (Sexual Intercourse by Abuse of Position) and 206 (Forced Sexual Intercourse) of this Code, commits a lecherous act, but without any attempt to commit any of the criminal offences cited in the aforementioned articles, shall be punished by imprisonment for a term of between three months and three years.

(2) Whoever commits a lecherous act, but without even an attempt to commit any of the criminal offences referred to in Article 207 (Sexual Intercourse with a Child) of this Code, or whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a child or juvenile shall be punished by imprisonment for a term of between six months and five years.

Article 209, Satisfying Lust in the Presence of a Child or Juvenile

Whoever performs acts aimed at satisfying his/her own lust or the lust of a third person in the presence of a child or juvenile and whoever induces a child to submit to such acts in his/her presence or in the presence of a third person shall be punished by imprisonment for a term of between three months and three years.

Article 210, Pandering

(1) Whoever for financial or other gain induces, incites or lures another person into offering sexual services or in another way enables the offering of sexual services to a third person or in any way takes part in organising or managing the offering of sexual services shall be punished by imprisonment for a term of between one and five years.

(2) Whether the person who was induced, incited, lured or coerced had already been engaged in prostitution is of no relevance to the perpetration of the criminal offence cited under this Article.

Article 211, Abuse of a Child or Juvenile for Pornography

(1) Whoever photographs or films a child or juvenile with the aim of developing photographs, audio-visual recordings or other pornographic material or is otherwise in possession of or imports or sells or deals in or projects such material or induces such

persons to participate in pornographic shows shall be punished by imprisonment for a term of between one and five years.

(2) All items meant or used for the perpetration of the criminal offence referred to in paragraph 1 of this Article shall be confiscated along with the items produced through the perpetration of the criminal offence referred to in paragraph 1 shall be confiscated and destroyed.

Article 212, Introducing a Child to Pornography

(1) Whoever sells, shows or makes available through a public display or in any other way writings, pictures, audio-visual material or other objects containing pornography to a child or whoever shows a child a pornographic show shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) The items referred to in paragraph 1 of this Article shall be confiscated.

Article 213, Incest

(1) Whoever performs sexual intercourse or an equivalent sexual act with a blood relative in a direct line or a sibling shall be punished by a fine or imprisonment for a term of between six months and two years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article with a juvenile shall be punished by imprisonment for a term of between one and five years.

(3) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article with a child shall be punished by imprisonment for a term of between two and ten years.

Article 214, Bigamy

(1) Whoever enters into a new marriage whilst being already married shall be punished by imprisonment for a term not exceeding one year.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever enters into a marriage with a person whilst knowing that such a person is married.

Article 215, Enabling the Contracting of an Illicit Marriage

An authorised person before whom a marriage is entered into or a registrar who in the exercise of his/her official duty enables the contracting of a marriage that is prohibited, null or considered non-existent under the law shall be punished by imprisonment for a term not exceeding one year.

Common-law marriage with a junior juvenile (Article 216 of the Criminal Code of the Federation of Bosnia and Herzegovina)

(1) An adult who cohabitates in a common-law marriage with a juvenile who has not reached the age of sixteen shall be punished by imprisonment for a term of between three months and three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a parent, adoptive parent or guardian who makes it possible for a juvenile who has reached the age of fourteen but has not reached the age of sixteen to cohabit in a common-law marriage with another person or induces him/her into such a marriage.

(3) Whoever perpetrates the criminal offence referred to in paragraph 2 of this Article for gain shall be punished by imprisonment for a term of between six months and five years.

(4) If a marriage has been contracted then a criminal prosecution shall not be instituted or if it has been instituted then it shall be discontinued.

Article 217, Taking away a Child or Juvenile

(1) Whoever unlawfully takes a child or juvenile away from the parent, adoptive parent, guardian or person to whom the child has been entrusted or whoever withholds or prevents

a child from being with the entitled person or whoever prevents the execution of an enforceable decision on a guardianship for a child or juvenile shall be punished by imprisonment for a term not exceeding three years.

(2) If by the criminal offence referred to in paragraph 1 of this Article a child or juvenile has left the territory of the Federation of Bosnia and Herzegovina or the territory of Bosnia and Herzegovina then the perpetrator shall be punished by imprisonment for a term of between three months and five years.

(3) A perpetrator who voluntarily surrenders the child or juvenile can be released from punishment.

Article 219, Neglect or Maltreatment of a Child or Juvenile

(1) A parent, adoptive parent, guardian or any other person who severely neglects his/her duties in relation to the maintaining or upbringing of a child or juvenile shall be punished by imprisonment for a term of between three months and three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on a parent, adoptive parent, guardian or any other person who abuses a child or juvenile, compels a child or juvenile to conduct work that is unsuitable for their age or to excessive work or to beg for gain or induces the child or juvenile to behave in a manner harmful to his/her development.

(3) If by the criminal offence referred to in paragraphs 1 and 2 of this Article serious bodily injury is inflicted on a child or juvenile or their health is severely impaired or because of the criminal offence referred to in paragraphs 1 and 2 of this Article the child or juvenile has taken to begging, prostitution or any form of other asocial behaviour or delinquency then the perpetrator shall be punished by imprisonment for a term of between three months and five years.

Article 220, Child Desertion

Whoever deserts a helpless child with the intention to abandon the child forever shall be punished by imprisonment for a term of between six months and three years.

Article 222, Domestic Violence

(1) Whoever by violence, insolent or arrogant behaviour violates the peace, physical integrity or mental health of a member of his/her family shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a member of his/her household shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) If in the course of the perpetration of the criminal offence referred to in paragraphs 1 and 2 of this Article a weapon, dangerous object or other instrument suitable for inflicting grave bodily injury or impairment of health has been used then the perpetrator shall be punished by imprisonment for a term of between three months and three years.

(4) If by the criminal offences referred to in paragraph 1 through 3 of this Article serious bodily injury is inflicted on a family member or his/her health is severely impaired or if the criminal offence referred in paragraph 1 through 3 of this Article is perpetrated against a child or juvenile then the perpetrator shall be punished by imprisonment for a term of between one and five years.

(5) If by the criminal offences referred to in paragraph 1 through 4 of this Article the death of a family member is caused then the perpetrator shall be punished by imprisonment for a term of between two and fifteen years.

(6) Whoever murders a family member whom he/she has previously abused shall be punished by imprisonment for a term of no less than ten years or by long-term imprisonment.

Article 362, Violent Behaviour

(1) Whoever by harsh insult or maltreatment of another or through violence toward another or by provoking a fight or through particularly insolent or arrogant behaviour disturbs the public peace shall be punished by imprisonment for a term of between three months and three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article within a group of people or if by the criminal offence referred to in paragraph 1 of this Article serious humiliation of a number of persons is caused or a slight bodily injury is inflicted upon a person then the perpetrator shall be punished by imprisonment for a term of between six months and five years.

APPENDIX 11. The Law on Protection from Domestic Violence in the Federation of Bosnia and Herzegovina

Official Gazette of the Federation of Bosnia and Herzegovina, No. 20/13.

I. GENERAL PROVISIONS

Article 1, Scope of the Law

This Law regulates protection from domestic violence, the notion of family and domestic violence, the types and purposes of protection measures for persons who committed acts of domestic violence, the method and procedure for pronouncing protection measures, protection of the victims of domestic violence, interconnectedness of all participants in the function of protection from domestic violence and other issues of significance in relation to protection from domestic violence.

Article 2, Meaning of Terms and Phrases

A violent person within the meaning of this Law is a family member who performs acts of violence from the Article 7 of this Law.

A victim of violence within the meaning of this Law is any family member who is exposed to the act of domestic violence from the Article 7 of this Law.

A child within the meaning of this Law is any family member who is still under the age of 18.

Grammatical expressions used in this Law to label male or female gender imply both genders.

Article 3, General Principles for Protection and Exceptions from the Application of the Law

The general principles and rules set forth in this Law and other acts as well as international standards accepted by Bosnia and Herzegovina that regulate the field of domestic violence shall be applied to all cases in order to ensure the most effective protection for the victims of domestic violence.

The application and implementation of this Law shall be ensured by the municipal courts – misdemeanour department (hereinafter the competent court), police and guardianship bodies within their competency as well as by the institutions competent for social and health protection, with the obligation of mutual and coordinated action.

The institutions from the paragraph 2 of this Article should ensure that employees educated for such work are engaged to work with the victims of violence and violent persons.

The provisions of article 9 through 30 shall not apply to a child in relation to paragraph 3 of Article 2 of this Law if that child commits actions in relation to Article 7 of this Law.

Non-governmental organisation registered for the provision of such services can provide protection to victims of domestic violence.

Article 4, Urgency of Ruling

The bodies stated in paragraph 2 of Article 2 of this Law shall ensure urgent rulings on these types of cases.

Article 5, Access to the Competent Court

This Law shall ensure free and clear access to the competent court for the victims of domestic violence.

II. THE NOTION OF FAMILY AND DOMESTIC VIOLENCE

Article 6, Definition of Family and Family Relations

In terms of this Law, a family is deemed to comprise of the following:

- 1) married and common-law spouses and their children (joint or those from previous relationships);
- 2) relatives, blood relatives and relatives joined by full adoption in direct kinship and in the *linea colateralis* up to the fourth degree of kinship, stepfather and stepmother, adopted children and the adopter in the case of partial adoption, in-laws up to the second degree of kinship;
- 3) guardian and protégé, foster parent and foster child;
- 4) previously married and unmarried spouses and their children (joint or from previous relationships) and their parents, including stepfather and stepmother.

Relationships between family members shall be based on humane principles that include mutual respect, support and devotion. Harmonious relationships shall be maintaining whilst developing and demonstrating their best traits with particular emphasis on child protection, gender equality and voluntary entry into marriage or common-law marriage.

In their relationships, family members shall respect the rights, freedoms and safety of other family members in a manner that is non-restrictive and does not disable or prevent the exercising of the rights and freedoms guaranteed to family members in accordance with the existing laws.

Family members shall refrain from harming the physical or psychological integrity of another family member or causing injury or discrimination on the basis of gender or age or subordination on any basis.

Article 7, Definition of Domestic Violence

It is to be considered within the meaning of this Law that domestic violence is present if there are grounds for suspicion of any act being committed that inflicts physical, psychological, sexual or economic harm as well as threats or fear of physical, psychological, sexual or economic harm to another family member.

Acts of domestic violence or the threats of such acts, in terms of paragraph 1 of this Article, include the following:

- 1) any use of force against the physical or psychological integrity of a family member;
- 2) any behaviour by a family member that could result in or cause danger of physical or psychological pain and suffering;

- 3) intimidation, threats or the violation of the dignity of a family member through blackmail or another form of coercion;
- 4) physical attack by a family member on another family member, irrespective of the fact of whether there was physical injury or not;
- 5) verbal attack, insult, profanity, name calling or other forms of violent harassment by one family member against another;
- 6) sexual harassment;
- 7) stalking or other related forms of harassment of a family member;
- 8) causing damage to or destroying joint property and possessions;
- 9) the use of physical violence or causing fear in order to take away the rights of a family member to economic independence by prohibiting that person's ability to work or by otherwise keeping a family member in a relationship of dependence and subordination;
- 10) the use of physical or psychological violence against children and neglect in terms of their upbringing;
- 11) physical or psychological violence against elderly or weak persons and neglecting of their care and medical treatment;
- 12) forced isolation or limiting the freedom of movement of a family member;
- 13) failure to provide due care for a family member or failure to assist and protect a family member when bound to do so by the law.

Article 8, Reporting Domestic Violence

Healthcare workers and social workers, teachers, educators, medical institutions, educational institutions and other institutions and bodies as well as non-governmental organisations that during the course of carrying out their duties learn of occurrences of domestic violence shall have the responsibility to report such cases immediately to the police.

Family members or any individual who learn of occurrences of domestic violence shall have the same responsibility to report domestic violence to the police as set forth in paragraph 1 of this Article. A victim of domestic violence can also report domestic violence.

Family members as well as any citizen that learns about acts of domestic violence relating to paragraph 2 of Article 7 of this Law have the obligation to report it in accordance with paragraph 1 of this Article, especially if it involves a minor as a victim of domestic violence.

A person that fails to report an act of domestic violence in relation to paragraph 2 of Article 7 of this Law shall be deemed responsible for a misdemeanour except when domestic violence is reported by the victim.

III. TYPES AND PURPOSE OF PROTECTION MEASURES

Article 9, Types of Protection Measures

The following protection measures shall be taken against an abusive person:

- 1) removal from an apartment, house or other dwelling and being barred from returning to that apartment, house or other dwelling;
- 2) imposition of a restraining order;
- 3) prohibition on harassment and stalking;
- 4) mandatory psychosocial treatment;
- 5) mandatory addiction rehabilitation;
- 6) temporary arrest and detention.

Article 10, Purpose of Protection Measures

The purpose of protection measures shall be to ensure the necessary level of protection to the health and safety of a person exposed to violence, prevent domestic violence and to undertake efficient measures to re-educate and treat violent persons.

Article 11, Removal from an Apartment, House or Other Dwelling

The protection measure of removal from an apartment, house or other dwelling and barring a person from returning to that apartment, house or dwelling can be ordered for a person who has abused a family member with whom he/she resides in the apartment, house or other dwelling if the competent court finds that there is a risk that the abusive person might repeat an act of violence if this measure is not implemented.

A person for whom the protection measure described in paragraph 1 of this Article has been prescribed shall immediately vacate the apartment, house or other dwelling if necessary in the presence of a police officer.

The measure set forth in paragraph 1 of this Article shall be prescribed for a period of no less than one month and not longer than two years.

The Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina shall regulate the enactment of the implementation of the protection measure from in paragraph 1 of this Article.

Article 12, Restraining Order

A person who has committed an act of domestic violence can be placed under a restraining order if there is a risk that he/she might repeat the abuse.

In its ruling on the restraining order, the court shall define the places, areas and the distance to which an abusive person must not come near the victim of domestic violence.

The measure set forth in paragraph 1 of this Article shall be prescribed for a period of no less than one month and not longer than two years in duration.

The Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina shall regulate the enactment of the implementation of the protection measure from paragraph 1 of this Article.

Article 13, Prohibition of Harassment and Stalking

The prohibition of harassment and stalking as a protection measure shall be placed upon a person who harasses or stalks another person if there is a risk that he/she might repeat such behaviour.

The measure set forth in paragraph 1 of this Article shall be prescribed for a period of no less than one month and not longer than two years in duration.

Ministry of Internal Affairs of the Federation of Bosnia and Herzegovina shall regulate the enactment of the implementation of the protection measure from paragraph 1 of this Article.

Article 14, Mandatory Psychosocial Treatment

Mandatory psychosocial treatment as a protection measure shall be imposed on an abusive person in order to remove his/her abusive behaviour and if there is a risk that he/she might repeat the violence.

The measure set forth in paragraph 1 of this Article shall be prescribed for a minimum of six months continuously, but shall not exceed two years.

The Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina, with the consent of the Ministry of Health of the Federation of Bosnia and Herzegovina, shall regulate the manner and place for the enactment of the implementation of the protection measure from paragraph 1 of this Article.

Article 15, Mandatory Rehabilitation from Addiction

The competent court shall impose mandatory rehabilitation as a protection measure on an abusive person who has committed an act of domestic violence under the influence of alcohol or drugs or other psychotropic substance if there is a risk that the abusive person might repeat that act of violence.

The measures set forth in paragraph 1 of this Article shall be prescribed for a period of no less than one month and not longer than two years.

The Ministry of Health of the Federation of Bosnia and Herzegovina shall regulate the enactment of the implementation of the protection measure from paragraph 1 of this Article.

Article 16, Arrest and detainment

The police are obliged to go to the scene of each reported case of domestic violence immediately after receiving a report on such violence.

The police have the obligation to arrest and detain any person suspected of committing domestic violence if the conditions of Article 153 of the Criminal Procedure Code of the

Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina, nos. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09 and 12/10) are fulfilled.

IV. DECLARING PROTECTION MEASURES

Article 17. Applying for protection measures

A request for a protection measure is submitted to the competent court by the police department.

The exception in relation to the request referred to in paragraph 1 of this Article is that such a request can be submitted by the Prosecutor's Office when there is good reason to do so.

Article 18, Deadlines for Submitting a Request and the Mandatory elements of a Request for a Protection Measure

The Police have the obligation to submit a request for a protection measure to the competent court for each reported case of domestic violence within 12 hours of becoming aware of an act of violence as referred to in Article 7 of this Law.

The request referred to in paragraph 1 of this Article shall be accompanied by the collected evidence and if the person has previously been reported for cases of domestic violence the mandatory excerpt from the official records.

The request for the imposition of protection measures shall be submitted to the competent court based on the place where the victim of violence has a place of stay or residence.

The mandatory elements of a request for a protection measure are the full name of the body submitting the request, the protocol number, the place and date, the name of the court to which it is submitted, the legal basis for the request and basic data on the violent person for whom a protection measure is required, the name of the protection measure(s) requested of the court, reasonable grounds for suspecting that the violent person has committed acts of violence referred to in Article 7, the name and surname of the victim and information on the victim's relationship with the abusive person, an explanation, the signature of the authorised official and any attachments to the request.

Article 19, Deadlines for imposing the Protection Measure and the Mode of imposing Legal Remedies

The competent court shall within 12 hours from receipt of the request for the protection measure referred to in item 1 through 3 of Article 9 of this Law act upon the request and issue a decision.

The competent court shall within seven days from receipt of the request for a protection measure referred to in item 4 through 5 of Article 9 of this Law ensure expert opinion, if necessary, and act upon the request and issue a decision.

If the competent court requires that a violent person be brought before the court, then it can summon that person through the competent police department.

When imposing a protection measure, the competent court is not limited by specific formal evidentiary rules when determining the facts related to the acts of violence referred to in Article 7 of this Law or when determining the consequences that have occurred.

The decision on the imposition of a protection measure defines the duration of the protection measure imposed on a violent person and comes into effect from the day when the decision is issued.

Article 20, Pronouncing a Protection Measure and replacing one Protection Measure with another

The competent court can impose more protection measures on a perpetrator of violence if it deems it necessary and justified.

After the report on the enforcement of a protection measure is submitted by the authorities competent for its enforcement the competent court can decide to replace the imposed measure with another protection measure by revoking the decision on the imposition of the initial protection measure or impose a fine for failure to comply with the imposed protection measure referred to in Article 45 of this Law.

Article 21, The Mandatory elements of a Decision to impose a Protection Measure

The mandatory elements of the decision referred to in paragraph 1 of Article 19 of this Law are as follows:

- 1) name of the court;
- 2) number and date;
- 3) introduction (containing a) the name of the court making the Decision, b) the number and date of the Decision on the protection measure, c) the legal basis for jurisdiction and making the Decision, d) the name of the body that submitted the request for the protection measure as well as a summary of the request);
- 4) the Decision (containing a) personal data on the person on whom the protection measure is imposed, b) the acts of violence as referred to in Article 7 of this Law on which basis the protection measure is imposed, including a factual description of the acts of violence and the obligatory personal data on the victim(s) of domestic violence; c) the type of protection measure imposed, d) the duration of the protection measure, e) the name of the body responsible for enforcement of the protection measure and f) a statement that the appeal shall not delay enforcement of the Decision);
- 5) justification (containing a) a brief presentation of the request for a protection measure, b) supporting evidence and facts, c) the reasons that were decisive in the evaluation of the evidence, d) the reasons based on the given established facts that indicate the justification of the type and duration of the protection measure imposed, and e) the legal basis for the imposition of the protection measure as well as the basis taken from this Law according to which the appeal does not delay the execution of the Decision);
- 6) legal remedy instruction (containing a) the name of the court through which an appeal can be submitted as well as the name of the court to which an appeal can be submitted and the deadline for submission);
- 7) the signature of the judge.

Article 22, Delivering Decisions

The competent court shall promptly send the Decision imposing a protection measure to the person on whom the protection measure has been imposed, the applicant, the authority competent for enforcement of the imposed protection measure and the victim of domestic violence.

The court has the obligation to submit the Decision on the imposition of a protection measure to the guardianship body in whose territory the person on whom the protection measure was imposed has residence or place of stay no later than three days after the adoption of the Decision.

Article 22a

The authorities competent for the enforcement of the imposed protection measure referred to in the Decision on the imposition of the protection measure shall regularly monitor the enforcement of the measure, prepare and submit a report on enforcement of measures to the competent court and propose termination or replacement of the measure when they deem it necessary. The body competent for enforcement of the protection measure has the obligation to inform the competent court upon learning of the non-enforcement or violation of the imposed measure.

Article 23, Suspension of Proceedings

The court shall reject the request for a protection measure and suspend the proceedings if it is found that the any of the following has occurred:

- 1) the actions specified in the request do not represent the actions specified in Article 7 of the Law,
- 2) the court has no jurisdiction to impose a protection measure,
- 3) the request has not been submitted by an authorised body.

Article 24, Lodging an Appeal

The person on whom the protection measure was imposed or the authorised bodies referred to in Article 17 of this Law can submit an appeal against a Decision on the imposition of a protection measure.

Article 25, Deadlines for an Appeal and the Content of an Appeal

An appeal against the Decision referred to in paragraph 1 of Article 19 of this Law is allowed within three days from the day of receipt of the Decision. Such an appeal does not delay the enforcement of the Decision.

An appeal against the Decision referred to in paragraph 2 of Article 19 of this Law is allowed within five days from the day of receipt of the Decision. Such an appeal does not delay the enforcement of the Decision.

An appeal relating to paragraphs 1 and 2 of this Article shall contain the number and date of the Decision against which it is filed, the signature of the appellant, as well as the reasons why it is filed.

Article 26, Grounds for Appeal

The Decision on the imposed protection measure can be challenged based on the following:

- 1) significant violations of the procedure prescribed by this Law,
- 2) violation of the material provisions of this Law,
- 3) decisions on the imposed protection measure.

Article 27, Significant Procedural Violations

Significant violations of the protection procedure exist based on the following:

- 1) the Decision imposing a protection measure was issued by a judge who should have been exempted from the procedure for the protection measure,
- 2) the court was not fully competent to impose a protection measure,
- 3) the request for a protection measure was filed by an unauthorised body,
- 4) the court failed to apply or misapplied the provisions of this Law and this resulted in significant damage to the appellant.

Article 28, Submitting an Appeal

An appeal shall be submitted in duplicate to the court that issued the Decision to impose the protection measure.

Article 29, Consideration of an Appeal

The court of second instance shall dismiss an untimely or incomplete appeal by means of a Decision, unless the court of first instance has already done so.

The second instance court shall consider an appeal on the basis of the file and the appeal without holding a hearing and has the obligation to render a Decision within three days from the day of receipt of the appeal.

Article 30, Deciding on an Appeal

An individual judge decides on an appeal.

When deciding on an appeal, the court of second instance can grant or reject the appeal.

The court of second instance shall mail copies of its Decision to the parties involved and return the case file to the court of first instance.

V. OTHER FORMS OF PROTECTION FOR THE VICTIMS OF DOMESTIC VIOLENCE

Article 31, Ensuring basic life needs

Victims of domestic violence have the right to basic living needs with regard to necessary health, social and material care and the right to legal assistance to solve their social, economic and other status problems.

The protection of the victims of domestic violence referred to in paragraph 1 of this Article shall be ensured in accordance with the applicable laws that prescribe the right to health and social care and the exercise of the right to legal assistance.

Article 32, Funding basic forms of Protection and Temporary assistance for Victims

Funds for financing the basic form of protection for a victim of domestic violence not immediately provided with protection in accordance with Article 31 of this Law within the existing health and social care systems shall be provided this protection through temporary assistance.

For the purpose of obtaining the temporary assistance referred to in paragraph 1 of this Article, the cantonal government shall adopt a regulation within six months from the day that this Law entered into force that prescribes the method for exercising the right to temporary forms of assistance, including legal assistance for victims of domestic violence.

Article 33, Accommodating Victims

In order to ensure the physical protection of a victim of domestic violence and their ability to exercise their rights and interests without fear or danger to life, the police and guardianship body have the obligation to temporarily accommodate the victim of domestic violence at a safe house/shelter (hereinafter, safe house), another appropriate institution or to another family with the prior consent of the victim.

A victim of domestic violence is temporarily placed in a safe house for up to six months at the request of the police or guardianship body.

The deadline referred to in paragraph 2 of this Article can be extended at the request of the safe house with the written consent of the competent guardianship body.

Article 34, Accommodating a Victim of Domestic Violence in another appropriate institution or with another family

A victim of domestic violence shall be referred to another appropriate institution or another family at the request of the guardianship body if the guardianship body considers it more favourable to the victim and with the consent of the victim.

Article 35, Establishing and Financing Safe Houses

A legal or natural person can establish a safe house in accordance with the law.

Funding for the temporary care of a victim of violence in a safe house, other appropriate institution or another family shall be provided for in accordance with the regulations of the Federation of Bosnia and Herzegovina and the cantons in line with the following percentages:

1) cantonal budget to the amount of 30% per cent,

2) budget of the Federation of Bosnia and Herzegovina to the amount of 70 per cent.

The Minister of Labour and Social Policy of the Federation of Bosnia and Herzegovina shall prescribe the criteria and standards for the establishment, operation and financing of safe houses within six months from the date this Law enters into force.

Article 36, Domestic Violence Prevention Strategy

The Government of the Federation of Bosnia and Herzegovina shall adopt a Domestic Violence Prevention Strategy that defines the strategic goals for the prevention/suppression of domestic violence and the method for securing funds to finance the implementation of the strategic goals.

Article 37, Programme of Measures to Prevent, Protect and Combat Domestic Violence

Cantonal governments shall each adopt a two-year programme of measures to prevent, protect against and combat domestic violence in the canton.

The programme of measures referred to in paragraph 1 of this Article shall include the following obligations:

- 1) the cantonal and municipal authorities shall implement preventive actions aimed at the suppression of all forms of domestic violence and the protection of the victims of violence;
- 2) measures necessary to work with violent persons, including counselling support for all family members;
- 3) activities to promote non-violent behaviour;
- 4) activities aimed at educating police officers, judges, representatives of guardianship bodies, health professionals, teachers, educators and other participants in the field of domestic violence;
- 5) the obligation to maintain statistical databases on violent persons and victims of domestic violence, taking into account the protection of personal data;
- 6) method of securing funding for the programme;
- 7) the establishment of a coordination body to coordinate the work of all competent institutions on the implementation of this programme of measures;
- 8) all necessary measures for the protection and safety of the victims of violence in safe houses.

The cantonal government shall adopt the programme of measures referred to in paragraph 1 of this Article within six months from the day this Law enters into force.

Article 38, Financing Programmes/Projects

Funding for specific programmes/projects aimed at creating the conditions for preventive action and improving the conditions for the protection of victims of violence shall be provided for through the budget of the Federation of Bosnia and Herzegovina if these programmes are of interest to the Federation of Bosnia and Herzegovina.

VI. A MULTIDISCIPLINARY APPROACH TO THE PROCEDURE FOR PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE AND IMPLEMENTATION OF THE IMPOSED MEASURES

Article 39, Cooperation Protocol

The competent institutions referred to in paragraph 1 of Article 8 of this Law as well as the competent judicial authorities have the obligation to sign a cooperation protocol covering the territory of one or more municipalities that will determine the mutual rights and obligations in the procedure of reporting on domestic violence cases, providing protection to victims of domestic violence as well as working with violent persons.

Article 40, Record Keeping

The police have the obligation to keep a record of reported cases of domestic violence and the enforcement of the protection measures referred to in article 11 through 13 of this Law.

Regulation on the manner of implementation of the measures referred to in articles 11 through 13 of this Law shall contain the necessary records and the form for keeping the records referred to in paragraph 1 of this Article.

The competent court has an obligation to keep a record of the requests for protection measures submitted and the protection measures imposed.

The Ministry of Justice of the Federation of Bosnia and Herzegovina shall prescribe the content and form of keeping the records referred to in paragraph 3 of this Article within 60 days from the day this Law enters into force.

The guardianship body has the obligation to keep a record of the protection measures imposed for the persons protected by the protection measure and the violent persons on whom the protection measures were imposed.

The Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina shall prescribe the content and form of the records that are referred to in paragraph 5 of this Article within 60 days from the day that this Law is adopted.

The regulation on the method of implementation of the measure referred to in Article 15 of this Law shall also contain the necessary records on the measures imposed and a form for keeping those records.

All records referred to in this Article must be kept in accordance with Article 18 of the Law on Gender Equality of Bosnia and Herzegovina ('Official Gazette of Bosnia and Herzegovina', nos. 16/03 and 102/09).

The records referred to in this Article shall be submitted to the Gender Centre of the Federation of Bosnia and Herzegovina no later than 10 January for the previous year.

Article 41, Obligations of the Police

The police have the obligation to inform the guardianship body immediately about a case of domestic violence as well as to provide any official notes it keeps in regard to cases of domestic violence for the purpose of record keeping and prevention.

The police shall upon learning of non-compliance with an imposed protection measure by the person on whom such a protection measure was imposed inform the competent court without delay and provide the court with a proposal for the imposition of a fine in accordance with Article 45 of this Law.

Article 42, Obligations of a Guardianship body

A guardianship body has the obligation to monitor the enforcement of an imposed measure, inform the competent court about the enforcement of such a measure and propose the termination, extension or replacement of such measure by another measure.

A guardianship body has the obligation to submit a report on the enforcement of the protection measure to the court within six months or earlier if requested by the court.

VII. SUPERVISION OF THE ENFORCEMENT OF THIS LAW

Article 43, Supervision of Enforcement

The Ministry of Justice of the Federation Bosnia and Herzegovina supervises the implementation of this Law.

The Government of the Federation Bosnia and Herzegovina has the obligation to submit a regular annual report on the implementation of the Law on Protection from Domestic Violence to the Parliament of the Federation of Bosnia and Herzegovina once a year.

VIII. PENALTY PROVISIONS

Article 44, Misdemeanour Sanctions

An official who fails to act in accordance with paragraph 1 of Article 8 of this Law shall be fined between BAM 500 and BAM 1,500.

A person who fails to act in accordance with paragraph 2 of Article 8 of this Law shall be fined between BAM 100 and BAM 500.

An official who fails to act in accordance with paragraph 1 of Article 8 of this Law shall be fined between BAM 500 and BAM 3,000 if a child is the victim of the acts of domestic violence referred to in paragraph 2 of Article 7 of this Law.

A fine from BAM 100 to BAM 3,000 shall be imposed for a misdemeanour on a person who fails to act in accordance with paragraph 2 of Article 8 of this Law if a child is the victim of acts of domestic violence referred to in paragraph 2 of Article 7 of this Law.

Article 45, Failure to comply with the Protection Measures imposed

A fine of between BAM 1,000 and BAM 1,500 shall be imposed on a person who fails to comply with the imposed protection measure.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 46, Applicability of Bylaws

Bylaws: Rulebook on the Method of Implementation of Protection Measures within the Jurisdiction of the Police ('Official Gazette of the Federation of Bosnia and Herzegovina', No. 9/06), Rulebook on the Method and Place of Implementation of the Protection Measure of Mandatory Psychosocial Treatment of Perpetrators of Domestic Violence ('Official Gazette of the Federation of Bosnia and Herzegovina', No. 60/06) and the Rulebook on the Method and Place of Implementation of the Protection Measure of Mandatory Treatment of Alcohol, Drugs or Other Psychotropic Substance Addiction of Perpetrators of Domestic Violence ('Official Gazette of the Federation of Bosnia and Herzegovina', No. 23/08) adopted based on Article 47 of this Law shall remain in force and shall be harmonised with the provisions of this Law within three months from the day this Law enters into force.

Article 47, Termination

On the day that this Law enters into force, the Law on Protection from Domestic Violence ('Official Gazette of the Federation of Bosnia and Herzegovina', nos. 22/05 and 51/06) shall cease to apply.

Article 48, Entry into Force

This Law shall enter into force on the eighth day after its publishing in the Official Gazette of the Federation of Bosnia and Herzegovina.

Appendix 12. The Law on Protection from Domestic Violence in the Republika Srpska

-Unofficial revised text-

(‘Official Gazette of Republika Srpska’, nos. 102/2012, 108/2013, 82/2015 and 84/2019)

I. GENERAL PROVISIONS

Article 1

This Law regulates protection from violence in a family or family unit (hereinafter, domestic violence), individuals who are considered as members of a family or family unit in terms of this Law, participants in protection, and the procedure for the protection of victims of domestic violence, establishing the council for fighting against domestic violence, and misdemeanour sanctions against the perpetrators of violent actions.

Article 2

The main objective of this Law is to protect victims of domestic violence by preventing and fighting against domestic violence, which violates the basic human rights and freedoms guaranteed by the Constitution of Bosnia and Herzegovina and the laws of Republika Srpska.

Article 3

Protection from domestic violence shall be achieved by applying this Law and the regulations that define the rights of victims of domestic violence.

Article 4

(1) For the purpose of protection from domestic violence, the National Assembly of Republika Srpska shall adopt the Republika Srpska Strategy for Combating Domestic Violence (hereinafter, the Strategy), at the proposal of the Government of the Republika Srpska (hereinafter, the Government).

(2) Annual action plans are adopted by the Government at the proposal of the Ministry of Family, Youth and Sport of Republika Srpska (hereinafter, The Ministry).

(3) The Strategy shall be adopted for a period of at least five years.

Article 5

Grammatical terms used in this Law that indicate male or female shall imply both genders.

II. ACTS OF DOMESTIC VIOLENCE, VICTIMS OF DOMESTIC VIOLENCE AND SUBJECTS OF PROTECTION

Article 6

(1) In terms of this Law, domestic violence is deemed present if there are grounds for suspicion that a member of a family or family unit has committed acts of violence against the mental, physical, sexual or economic integrity or threats that cause fear of physical, sexual, psychological and/or economic damage to another member of the family or family unit.

(2) In terms of paragraph 1 of this Article, acts of violence are deemed the following:

- a) the application of force against the physical or psychological integrity of a family member;
- b) actions that could cause danger or cause physical or psychological pain or suffering to a family member;
- c) cause fear or a sense of personal jeopardy or damage to the dignity of a family member by means of blackmail or coercion;

- d) verbal attack, profanity, name calling or insulting a family member in another way or other means of rough harassment of a family member;
- e) sexual violence;
- f) preventing access to healthcare;
- g) stalking a family member and all other forms of harassment;
- h) intentional damage or destruction of property owned by another family member or of joint property or property in the possession of another family member;
- i) denial of the right to economic independence by prohibiting a family member from working or by keeping a family member in a dependent or subordinate position;
- j) treating children in a degrading manner during their upbringing;
- k) taking children away or throwing a family member out of their place of residence;
- l) causing a family member to suffer from exhaustion through excessive labour, starvation, sleep deprivation or lack of necessary rest;
- m) failure to comply with the Decision of the competent body that defines personal contact between children and parents;
- n) withholding travel documents or other documents of a family member;
- o) forcible isolation or limitation of the freedom of movement of another family member;
- p) any other act that represents domestic violence.

(3) It is considered that the act of domestic violence also includes the threats of any of the actions from item 2 of this Article.

Article 7

In terms of this Law, a family member is defined as the following:

- a) married or former spouses and their children (mutual and those from previous marriages);
- b) common-law and former common-law spouses and their children (mutual and from other previous marriages);
- c) in-laws up to the second degree of kinship, regardless of the fact that the marriage ceased to exist;
- d) parents of current and former spouses and common-law partners;
- e) relatives joined by full adoption in direct kinship (*linea recta*), regardless of the degree of kinship, and in the *linea colateralis* up to the fourth degree of kinship as well as relatives by incomplete adoption;
- f) persons linked by the relation of guardianship;
- g) persons who live or have lived in the same household, regardless of their relationship;
- h) persons who have a child or whose child has been conceived but who have never lived in the same household.

Article 8

(1) A victim of domestic violence is entitled to psychosocial support and social and medical care in accordance with the laws in the field of health and social protection.

(2) In accordance with this Law, special aid and protection shall be provided to a victim who is one of the following:

- a) a child,
- b) an elderly person,
- c) a disabled person,
- d) a person under guardianship.

(3) A child is a victim if it was present during a violent act against another family member, despite the fact that the child was not the subject of the violent act itself.

Article 9

(1) Members of the Ministry of Interior of Republika Srpska (hereinafter, the police), the prosecutor's office, the centres for social welfare, i.e. the service for social protection, medical and educational institutions, and the competent court (hereinafter, participants in protection) shall provide protection, aid and support to the victims of domestic violence.

(2) Participants in protection shall comply with the provisions of this Law and provide protection, support and aid to the victims of domestic violence and prevent a repeat of these crimes, regardless of whether a criminal or minor offence procedure has been initiated against the perpetrator.

Article 10

(1) Victims of domestic violence are entitled to access to all participants involved in protection and are exempt from all costs related to the procedures.

(2) During their first contact with a victim the participants in protection have the obligation to inform the victim, in a manner comprehensible to the victim, about all the rights that the victim has in accordance with these and other regulations and about the institutions, bodies, legal persons and organisations that provide aid, support and protection.

(3) Victims are entitled to free legal aid during the proceedings and the exercising of their rights including the right to protection in accordance with the regulations governing the field of free legal aid.

III. THE PROCESS OF EXERCISING THE RIGHT TO PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE

Article 11

(1) Participants in protection shall promptly provide an immediate ruling in cases of domestic violence taking into account that the interests and welfare of the victims are the priority in these proceedings, especially if the victim is a child, an elderly person, a disabled person or a person under guardianship.

(2) In cases of domestic violence, participants in protection shall cooperate and share necessary data and information.

(3) A protocol on the actions to be taken shall be signed in the territory of the local government unit and a group for coordination and cooperation among all representatives of all institutions, bodies and organisations providing involved in protection, assistance and support to domestic violence victims shall be established.

Article 12

(1) The members of the family, the participants in protection and employees in education, social and health institutions as well as any other citizen who learn of the occurrence of domestic violence or have reason to suspect that domestic violence has been committed have the responsibility to report these incidents immediately to the police.

(2) The competent police officer shall upon receipt of the report on the occurrence of domestic violence inform the centre for social welfare immediately and the centre shall provide immediate direct social protection and psychosocial help to the victim(s). The centre for social welfare will take any other necessary measures within its jurisdiction and make an official report on the incident.

(3) The health institution shall provide the victim with a free medical examination in order to determine the existence of violations of physical or psychological integrity.

(4) The police shall inform the competent prosecutor immediately about the domestic violence and will submit together with the report the collected evidence and the risk assessment.

(5) After the investigation is completed, the competent prosecutor will inform the competent police officer about the issuance of an indictment against the person suspected or the suspension of the investigation. In the event that the investigation is suspended the prosecutor will provide the reasons for its suspension.

(6) The competent police office shall send the risk assessment to the competent prosecutor and the centre for social welfare.

Article 12a

(1) A risk assessment conducted for each domestic violence report.

(2) The competent police officer develops the risk assessment based on the following collected information:

a) whether or not the perpetrator committed domestic violence or any other form of violence previously or immediately prior to the risk assessment and whether the perpetrator is ready to repeat such acts;

b) whether or not the perpetrator threatened murder or suicide,

c) whether or not the perpetrator owns a weapon,

d) whether or not the perpetrator is mentally ill or uses psychoactive substances;

e) whether or not there is a conflict over guardianship over a child or the method of maintaining personal contact with a child,

f) whether or not the perpetrator was issued with an emergency measure or protection measure for domestic violence,

g) whether or not the victim is experiencing fear and how the victim assesses the risk of repeating the violence,

h) other facts and circumstance of significance for the risk assessment.

(3) The Ministry of Interior Affairs of the Republika Srpska shall adopt the Rulebook on the procedure and the methodology for implementation of the risk assessment.

1. Emergency Protection Measures

Article 13

(1) Emergency protection measures can be imposed on a perpetrator of domestic violence prior to starting the procedure or during the proceedings in order to avoid imminent danger to the physical and mental integrity of the victim and to prevent a recurrence of violence and to guarantee the safety of the victim.

(2) The competent court shall impose emergency protection measures through the misdemeanour procedure.

(3) The competent police officer, social welfare centre or the victim of domestic violence can submit a request to impose emergency protection measures and these shall be imposed no later than 24 hours after receipt of the request, i.e. from bringing the perpetrator of domestic violence to trial.

(4) Emergency protection measures include the following:

(a) removal of the perpetrator of domestic violence from the apartment, house or other dwelling,

(b) issuance of a restraining order and prohibition on the perpetrator contacting the victim of domestic violence.

Article 14

- (1) Emergency protection measures shall be imposed for a period not longer than 30 days.
- (2) The judge of the misdemeanour department of the competent principal court shall impose emergency protection measures from paragraph 1 of this Article through a Decision that can be appealed within three days from its imposition.
- (3) An appeal against the court Decision on the imposition of emergency protection measure shall not delay its enforcement.
- (4) The council of the competent principal court that issued the Decision shall decide on an appeal within 48 hours from receipt of such an appeal.
- (5) When leaving the apartment, house or other residential dwelling the perpetrator of domestic violence shall have the right to take his belongings necessary for everyday life but shall hand over the keys to the apartment, house or other dwelling.
- (6) The court that imposed the measure shall submit the Decision for its enforcement to the competent organisational unit of the Ministry of Interior of Republika Srpska for implementation and shall examine its enforcement and justification within the period for which it is imposed.
- (7) The manner of enforcement of an emergency protection measure shall be defined by the Rulebook from paragraph 3 of Article 26 of this Law.

2. Method of taking care of the Victims of Domestic Violence

Article 15

- (1) In order to ensure the physical protection and exercising of rights and interests of a victim, the centre for social welfare or social care service, with assistance from the police, can through the prior consent of the victim issue a decision on the temporary accommodation of the victim in a safe house.
- (2) In order to ensure the physical protection and exercising of the rights of a victim who suffered violence, fear and anxiety as well as to prevent the recurrence of violence, the victim of domestic violence shall have the right to submit a request to utilise the special support measure of temporary shelter in a safe house to the competent social welfare centre or social care service.
- (3) A safe house is a special support measure that provides safe accommodation and help for victims of domestic violence, which can be realised by a legal entity.
- (4) For the protection and safety of the victim, the police shall escort the victim into the house, apartment or other dwellings to take personal belongings and the belongings of other persons who left that apartment with the victim and which are necessary for satisfying their daily needs.
- (5) The measure referred to in paragraph 1 of this Article can be ordered for the period necessary for achieving the objective of the measure, but it cannot last for longer than six months.
- (6) In justified cases, the duration of the measure from paragraph 1 of this Article can be extended for another six months, i.e. until the termination or execution of the Decision through which the security measures are imposed on the perpetrator of violence.

Article 16

- (1) The safe house from Article 15 of this Law shall meet set standards in terms of space, equipment and staff.
- (2) Compliance with the standards from paragraph 1 of this Article shall be determined by a committee appointed by the Minister of Family, Youth and Sport of Republika Srpska (hereinafter, the Ministry).
- (3) Based on the proposal of the committee, the Ministry shall issue a Decision on compliance with the standards from paragraph 1 of this Article.

- (4) The Decision from paragraph 3 of this Article shall be subject to revision after the expiration of two years from the date of receipt of the Decision.
- (5) In performance of its official duties, the Ministry shall take care about the expiry of the period from paragraph 4 of this Article.
- (6) The Decision from paragraph 3 of this Article is final and no appeal can be submitted against it, but an administrative dispute can be initiated before the competent court.
- (7) The Minister shall adopt a Rulebook on the standards for the implementation of safe houses.

Article 17

- (1) Based on the Decision from paragraph 3 of Article 16 of this Law, safe houses shall be entered into the Register of Safe Houses run by the Ministry.
- (2) The Minister shall regulate the Rulebook on the Content and Manner of Keeping the Register of Safe Houses.

Article 18

The funds for temporary care and accommodation of victims of domestic violence shall be provided from the budget of Republika Srpska (hereinafter, the RS budget) to the amount of 70 per cent and from the budget of local governments to the amount of 30 per cent of the established price for accommodation of a victim.

Article 19

- (1) The reimbursement of costs for temporary care of victims of domestic violence in a safe house that is provided through the budget of RS shall be made through the Ministry, while the reimbursement of costs for taking care of victims of domestic violence in a safe house that is provided from the budget of local governments shall be made in accordance with the acts of local government.
- (2) The Ministry shall announce a competition for exercising the right to reimbursements of costs for taking care of victims of domestic violence provided for through the budget of RS.
- (3) The competition shall define the following:
- a) deadline for submission of applications,
 - b) the period referred to in the competition,
 - c) documentation to be submitted with the application for the competition,
 - d) financial report for the previous year,
 - e) work plan,
 - f) financial plan for the period referred to in the competition,
 - g) other issues of importance for the competition.

- (4) Safe houses entered into the Register from paragraph 1 of Article 17 of this Law shall compete under the same conditions for exercising the right to reimbursement of the costs for taking care of victims of domestic violence that are provided through the budget of RS.
- (5) The Minister shall adopt a rulebook on the manner of allocation of funds to safe houses.
- (6) The Minister shall issue a Decision on the cost of taking care of victims of domestic violence in a safe house.
- (7) The Decision from paragraph 6 of this Article shall be published in the 'Official Gazette of Republika Srpska'.

Article 20

- (1) Upon completion of the competition, the legal entity to whom the reimbursement of costs for the temporary care of victims of domestic violence in a safe house from the budget of RS was approved shall sign a contract with the Ministry.

(2) The contract shall regulate the mutual rights and obligations between the Ministry and the legal entity from paragraph 1 of this Article.

(3) The Ministry shall supervise the proper use of funds.

(4) Upon the request of the Ministry, the legal entity to whom temporary taking care of the victims of domestic violence in a safe house was approved shall submit all information regarding the number of victims and documentation related to the manner of use of the funds from the budget of RS within 30 days.

Article 21

(1) The centre for social welfare shall set up an expert team of representatives of this institution, bodies and the services of units of local government, police, non-governmental organisations and experts dealing with the issues of family and domestic violence in order to establish a victim assistance plan and coordination of activities in the process of helping the victims, in accordance with the needs and choices of victims.

(2) A victim assistance plan shall contain specific measures to be taken in accordance with the Law regulating social, health and childcare.

(3) If a victim is a child, a victim assistance plan shall also contain measures to protect that child in accordance with the Law defining family relations and regulations governing the protection of child rights.

Article 21a

(1) A victim can before or during the proceedings chose a person of trust who will be present during one or several proceedings or actions related to protection from domestic violence.

(2) A person of trust may be any adult with exception of the perpetrator of the domestic violence

(3) The competent bodies have the obligation to enable the presence of a person of trust in all proceedings and actions that involve the victim, in accordance with the regulations from their competence.

(4) A victim of violence has the right to a plenipotentiary in the proceedings.

Article 22

Information about a victim or a perpetrator of domestic violence on the basis of which one may identify the victim or a family member of the victim cannot be released unless the adult victim has expressly agreed to it.

IV. PROTECTION MEASURES

Article 23

(1) Measures for protection of a domestic violence victim are protection measures.

(2) The purpose of protection measures is to ensure the necessary level of protection and safety of a victim and to remove the conditions or circumstances that could otherwise prove favourable to and incite the perpetrator to commit further acts of domestic violence.

(3) Protection measures include the following

a) removal of the perpetrator of violence from the apartment, house or other dwelling;

b) a restraining order to prevent the perpetrator of violence from coming close to the victim of domestic violence or the victim's family (hereinafter, restraining order);

c) prohibition of harassment or stalking victims of domestic violence (hereinafter, the prohibition from harassment or stalking victims);

d) mandatory psychosocial treatment for the perpetrator of violence;

e) mandatory addiction rehabilitation for the perpetrator of violence.

(4) Protection measures are imposed by the competent court through a misdemeanour procedure that is based on the proposal of the competent police officer, social welfare centre or the victim of domestic violence.

(5) The court must impose protection measures within 30 days of the day of submission of the proposal for imposition of a protection measure.

Article 23a

Protection measures from paragraph 3 of Article 23 of this Law are imposed independently and are subject to direct enforcement by the bodies authorised for their implementation in accordance with the provisions of this Law.

Article 23b

Deleted.

Article 24

(1) The protection measure of removal from an apartment, house or other dwelling shall be imposed on the perpetrator of domestic violence if he/she committed violence against a family member with whom he/she lives in an apartment, house or other dwelling and if the competent court finds that there is a possibility that without the implementation of this measure the perpetrator could again commit violence.

(2) The person on whom the measure from paragraph 1 of this Article is imposed shall leave the apartment, house or other dwelling in the presence of a police officer without delay.

(3) The measure from paragraph 1 of this Article shall be prescribed for a period that may not be less than 30 days and not longer than six months.

Article 25

(1) A restraining order as a protection measure shall be imposed on the perpetrator of domestic violence if there is a risk that he/she might repeat the violence or if the presence of the perpetrator of domestic violence near the victim could create a high degree of emotional suffering of the victim and therefore prevents normal mental activity of the victim.

(2) In its Decision on imposing the protection measure restraining order the court shall define the places and areas and a distance of at least 200 metres as the minimum proximity at which the perpetrator of domestic violence can approach the victim.

(3) The measure from paragraph 1 of this Article shall be prescribed for a period of not less than 30 days and not longer than one year.

Article 26

(1) The protection measure prohibition of harassment or stalking of the victim can be imposed on the perpetrator of domestic violence if the violence was committed by harassing or stalking and there is a risk that the perpetrator could repeat the harassment or stalking of the victim.

(2) The measure from paragraph 1 of this Article shall be imposed for a period of not less than 30 days and not longer than one year.

(3) The Minister of the Interior of the Republika Srpska shall adopt a rulebook on the implementation of emergency protection measures that are within the competence of the Ministry of Interior and that are regulated under articles 13, 24, 25 and 26 of this Law.

Article 27

(1) Mandatory psychosocial treatment as a protection measure shall be imposed on the perpetrator of domestic violence in order to remove violent behaviour and re-educate, i.e. to reduce and remove the danger of a repeat of the violence.

(2) The measure from paragraph 1 of this Article can last until the reason for which it was assigned in the first place no longer exists, but it shall not last longer than one year.

(3) The Minister of Health and Social Welfare of Republika Srpska shall issue a rulebook on the manner for the implementation of the protection measure of mandatory psychosocial treatment.

Article 28

(1) The mandatory rehabilitation of addiction shall be imposed as a protection measure on a perpetrator who has committed an act of domestic violence when his/her addiction to alcohol or drugs or other psychotropic substance is deemed a contributing factor in relation to the violence and if there is a risk that the perpetrator might repeat the act of violence because of such an addiction.

(2) The measure from paragraph 1 of this Article shall be imposed for the period necessary for treatment, based on the opinion of the competent specialist/expert for the treatment, but it may not last longer than a year.

(3) The Minister of Health and Social Welfare shall adopt a rulebook for implementation of mandatory rehabilitation from addiction as a protection measure.

Article 29

(1) The competent court can impose one or more protection measures on a perpetrator of violence when the conditions to impose them in according with this Law are present.

(2) The competent court can ask the centre for social welfare to provide the following:

- a) assistance in obtaining the necessary evidence,
- b) its opinion on the purposefulness of the requested protection measure.

Article 30

(1) An appeal against a Decision imposing a protection measure must be submitted to the competent court within three days from the day of receipt of the Decision.

(2) The competent district court shall decide on an appeal within three days from the day of receipt of the appeal.

(3) The appeal shall not prevent the enforcement of a Decision imposing a protection measure.

Article 31

(1) The perpetrator of domestic violence shall act in accordance with the imposed protection measure.

(2) If a participant in the protection measure learns within the scope of its work that the perpetrator on whom the protection measure is imposed does not comply with the imposed protection measure then that party shall inform the competent court and the centre for social welfare.

Article 32

(1) The competent court shall submit the Decision on the imposed protection measure to the competent authority or the institution competent for the enforcement of the Decision within three days from the day of imposing the Decision.

(2) The Decision on the imposed protection measures from articles 24 through 26 of this Law shall be submitted to the police for enforcement.

(3) The Decision on the imposed protection measure from articles 27 and 28 of this Law shall be submitted to the centre for social welfare and the body or the institution that enforces the protection measure in accordance with the Law regulating the treatment and rehabilitation of persons addicted to alcohol, narcotic drugs and psychotropic substances.

Article 33

(1) When imposing protection measures from this Law, the purpose, severity, duration and effectiveness of the imposed measure shall be taken into account.

(2) The authorities responsible for enforcement of protection measure shall supervise their enforcement, report to the court on them and propose their termination, extension or replacement by another measure.

(3) The authority responsible for enforcement of a protection measure shall submit a report to the court on the enforcement of the protection measures no later than six months from the date of imposition of the protection measures or sooner if necessary.

V. RECORDS AND TRAINING

Article 34

(1) Participants in protection measures and other bodies authorised to act under this Law shall keep records on the actions undertaken in compliance with this Law and data on the number of initiated and completed procedures and other measures undertaken and submit these reports to the Ministry.

(2) The Ministry shall gather, process and record the data on domestic violence.

(3) The Minister shall adopt the rulebook on the content of the records and reports on domestic violence from paragraph 1 of this Article.

Article 35

The Centre for Education of Judges and Prosecutors of Republika Srpska shall ensure the acquisition of the required knowledge, continuous professional training and development of judges and prosecutors in the field of domestic violence.

VI. COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE

Article 36

The Government of Republika Srpska shall establish a Council for the Prevention of Domestic Violence (hereinafter, the Council) for the purpose of supervising and assessing the implementation of policies and measures intended to prevent and fight against domestic violence, improve coordination and increase the effectiveness of actions in the field of domestic violence.

Article 37

(1) Based on a proposal by the Ministry, the Government of Republika Srpska will appoint and/or dismiss members of the Council.

(2) The Council will have nine members, comprised of representatives from the competent ministries and other government bodies, public institutions and professional services in Republika Srpska.

(3) Where necessary, the Council can include in its work representatives of institutions and non-governmental organisations and experts from the academia and research community in areas of importance for the improvement of policies in the field of domestic violence.

Article 38

- (1) The mandate of the Council members shall last for four years.
- (2) The Council shall elect the Chairman from among its members.
- (3) The work of the Council members shall be voluntary and unpaid.
- (4) The procedure for the selection and appointment of new members of the Council, because of replacement or resignation of former members, shall be identical to the procedure and the manner of election and appointment of the members to be replaced.

Article 39

Within its jurisdiction, the Council shall perform the following tasks:

- a) supervision and evaluation of the implementation of policies and measures to prevent and combat domestic violence and in this regard the Council shall provide recommendations and reviews;
- b) provide recommendations and opinions to the Ministry during the process of proposing and adopting legislation related to domestic violence;
- c) create and participate in scientific and technical research and other projects in the field of domestic violence;
- d) participate in the activities of the social partners on preventing and fighting against domestic violence;
- e) consider issues of importance to the prevention and suppression of domestic violence.

Article 40

- (1) The Ministry shall ensure the administrative and technical affairs of the Council.
- (2) The Rules of Procedure shall regulate the operation and functioning of the Council.
- (3) The Rules from paragraph 2 of this Article shall be adopted through a majority vote.

VII. SUPERVISION AND PENALTY PROVISIONS**Article 41**

- (1) The Ministry shall perform supervision over the implementation of this Law.
- (2) The Gender Centre of Republika Srpska shall monitor the implementation of this Law from the aspect of the fulfilment of the obligations from domestic and international standards on fighting and preventing violence against women and gender-based violence and standards for gender equality.

Article 42

- (1) An employee of an education, social or health institution who fails to report domestic violence shall be fined between BAM 1,000 and BAM 3,000.
- (2) A citizen who fails to report domestic violence shall be fined between BAM 300 and BAM 900.
- (3) A family member who fails to report domestic violence shall be fined between BAM 300 and BAM 900, except in cases where the family member is also a victim of domestic violence.
- (4) Participants involved protection and employees of the bodies competent for acting under this Law who fail to act in accordance with paragraph 1 of Article 34 of this Law shall be fined between BAM 3,000 and BAM 5,000.

Article 42a

A police officer who fails to act in accordance with the obligations from this Law regarding the reporting of domestic violence shall bear the responsibility in accordance with the Law.

Article 43

Anyone who violates the emergency protection measures and protection measures ordered by implementation of this Law shall be punished in accordance with the provisions of the Law that prescribe criminal offences.

Article 43a

A legal entity that implements a special support measure but fails to act in accordance with paragraph 4 of Article 2 of this Law shall be fined between BAM 3,000 and BAM 7,000.

VIII. TRANSITIONAL AND FINAL PROVISIONS**Article 44**

Legal entities that establish a safe house shall meet the standards from Article 16 of this Law within six months from the date of entry into force of the Rulebook on Standards for the establishment of Safe Houses.

Article 45

(1) Within six months from the date of entry into force of this Law, the Minister shall adopt the following:

- a) Rulebook on Standards for the establishment of Safe Houses (paragraph 7 of Article 16),
- b) Rulebook on the Content and Manner of Keeping the Register of Safe Houses (paragraph 2 of Article 17),
- c) Rulebook on the Manner of Allocation of Funds to Safe Houses (paragraph 5 of Article 19)
- d) Rulebook on the Content of Records and Reports on Domestic Violence (paragraph 2 of Article 34).

2) Within six months from the date of entry into the force of this Law, the Minister of Interior of Republika Srpska shall adopt the Rulebook on Enforcement of Protection Measures that are under the Jurisdiction of the Ministry of Interior of Republika Srpska (paragraph 3 of Article 26).

3) Within six months from the date of entry into force of this Law, the Minister of Health and Social Welfare shall adopt the following:

- a) Rulebook on the Manner and Place of Enforcement of the Protection Measures of Mandatory Psychosocial Treatment (paragraph 3 of Article 27),
- b) Rulebook on the Manner and Place of Enforcement of the Protection Measure of Mandatory Rehabilitation from Addiction (paragraph 3 of Article 28).

Article 45a

Within six months from the date of entry into the force of this Law, the Minister of Interior shall adopt the Rulebook on the Procedure and Manner of implementation of Risk Assessment (paragraph 3 of Article 12a).

Article 46

Until the regulations from the Article 45 of this Law are adopted, regulations adopted under the Law on Protection from Domestic Violence ('Official Gazette of Republika Srpska', nos. 118/05 and 17/08) shall be implemented under the proviso that they are not in conflict with the provisions of this Law.

Article 47

With the entry into force of this Law, the Law on Protection from Domestic Violence ('Official Gazette of Republika Srpska', nos. 118/05 and 17/08) shall cease to have effect.

Article 48

This Law shall enter into force on the eighth day after its publication in the 'Official Gazette of Republika Srpska'.

Independent Article of the Law on Amendments

To the Law on Protection from Domestic Violence
(‘Official Gazette of Republika Srpska’ No. 84/2019)

Article 17

This Law has been published in the 'Official Gazette of Republika Srpska' and shall come into force on 1 May 2020.

APPENDIX 13. The Law on Protection from Domestic Violence in Brčko District of Bosnia and Herzegovina

(‘Official Gazette of the Brčko District’, No. 7/2018)

PART ONE

BASIC PROVISIONS

Article 1

(Subject)

This Law prescribes protection from domestic violence (hereinafter, domestic violence), persons who are considered as family members or as part of the family community within the meaning of this Law, participants in the protection of and procedure for the protection of victims of domestic violence, misdemeanour sanctions against the perpetrators of domestic violence and other issues relevant to protection against domestic violence in Brčko District of Bosnia and Herzegovina (hereinafter, Brčko District).

Article 2

(Definitions)

Individual terms used in this Law are explained below.

- a) ‘Family’ refers to a community of parents and children and other relatives.
- b) ‘Family member’ means:
 - 1. spouses or former spouses and their children and the children of each of them;
 - 2. common-law marriage partners or former common-law marriage partners, their children or the children of each of them;
 - 3. in-laws up to the second degree of kinship, regardless of whether the marriage has ceased, the parents of current and former spouses and common-law marriage partners;
 - 4. relatives through full adoption in a direct line without restriction and indirectly ending with fourth-degree relatives as well as relatives from incomplete adoption;
 - 5. persons who have a custody relationship, persons who live or have lived in the same family household, regardless of kinship;
 - 6. persons who have a common child or who have conceived a child, although they have never lived in the same family household.
- c) ‘Domestic violence’ is deemed to be any act of violence committed by a family member or threats by a family member that endangers the peace, psychological, physical, sexual or economic integrity of another family member.

d) A 'Child' is a minor who is under 18 years of age.

Article 3

(Goal)

The primary goal of this Law is to protect victims of domestic violence by preventing and combating domestic violence in violation of the Constitution of Bosnia and Herzegovina, the Statute of Brčko District and the basic human rights and freedoms guaranteed by law.

Article 4

(Exercise of protection)

Protection from domestic violence shall be exercised through the application of this Law and the laws governing the administration, misdemeanours and criminal proceedings, the protection of children and minors involved in criminal proceedings and the procedure for executing criminal sanctions.

PART TWO

DOMESTIC VIOLENCE

CHAPTER I. The MISDEMEANOUR ACT, ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE AND THE DUTIES OF PARTICIPANTS IN PROTECTION

Article 5

(Act of violence)

(1) An act of violence that does not contain the characteristics of a criminal offense constitutes a misdemeanour offense, if it includes one of the following:

- a) threat of bodily harm to a family member or close person;
- b) threat to take away children or expel a family member;
- c) exhaustion through excessive work, starvation, sleep deprivation or necessary rest deprivation of a family member;
- d) treating children in a humiliating manner during their upbringing;
- e) denial of the possibility of livelihood to a family member;
- f) denial of the right to economic independence by prohibiting a family member from gaining employment or holding a family member in a relationship of dependence or subordination and threatening or refusing to provide funds for life or other forms of economic domination;
- g) verbal assault, swearing, name calling or otherwise insulting a family member;

- h) restriction of the freedom of communication of a family member with other family members or other persons;
- i) damage, destruction or sale of joint property or property in the possession of a family member as well as damage or destruction of the property owned or possessed by a family member or any attempt to do so;
- j) stalking a family member;
- k) causing fear, humiliation or a feeling of inadequacy;
- l) other acts of violence within a family that do not contain the characteristics of a criminal offence.

(2) An offense shall be deemed to have been committed if the act of domestic violence has been committed one or more times and is determined by a permanent verb.

Article 6

(Assistance to a victim of domestic violence)

(1) A victim of domestic violence shall be entitled to psychosocial assistance and social and medical care in accordance with the laws in the field of health and social care.

(2) Special assistance and protection under this Law shall be enjoyed by a victim who is categorised as one of the following:

- a) a child,
- b) a person aged 65 or over,
- c) a disabled person,
- d) a person under guardianship.

Article 7

(Participants in protection)

(1) The parties involved in protection shall provide assistance and support to the victims of domestic violence. (2) The participants in protection include the following:

- a) the police of the Brčko District (hereinafter, the police);
- b) the Prosecutor's Office of Brčko District;
- c) the Office for Legal Aid of Brčko District;
- d) the Department of Health and Other Services, Sub-Division for Social Protection (hereinafter, the Division for Social Protection);

e) health institutions;

f) other specialised organisations (such as associations for the protection of women, for gender equality, etc.).

(3) The participants in protection have the obligation to act in accordance with the provisions of this Law, providing protection, support and assistance to victims of domestic violence and to prevent the recurrence of violence regardless of whether criminal or misdemeanour proceedings have been instituted against the perpetrator of violence.

Article 8

(Legal assistance for victims of domestic violence)

In the process of exercising their right to protection victims of domestic violence have the right to free legal assistance in accordance with the regulations governing free legal aid.

CHAPTER II. THE PROCEDURE FOR EXERCISING THE RIGHT TO PROTECTION FOR THE VICTIMS OF DOMESTIC VIOLENCE

Section A. Reporting Domestic Violence

Article 9

(Urgency of the proceedings)

(1) Participants in protection have the obligation to ensure the prompt resolution of cases of domestic violence whilst taking into account that the interests and well-being of the victim has priority in these proceedings, especially if the victim is a person referred to in paragraph 2 of Article 6 of this Law.

(2) In cases of domestic violence, participants in protection have the obligation to cooperate and exchange the necessary data and information.

Article 10

(Reporting domestic violence)

(1) Family members, participants in protection and employees of education, social and health institutions as well as any other citizen have the obligation to report domestic violence to the police immediately upon learning that domestic violence had been committed or that there are grounds for suspecting that domestic violence has been committed.

(2) Upon receipt of a report that domestic violence has been committed, the police shall inform the Social Protection Subdivision immediately and the Division shall immediately provide social protection measures to the victim, take any other measures within their jurisdiction and make an official report thereof.

(3) The health institution shall provide the victim with a free medical examination in order to determine the existence of violations of his/her physical or mental integrity.

(4) The police inform the competent prosecutor immediately about the perpetrated domestic violence and submits the collected evidence and notifications thereof together with the report.

(5) If the competent prosecutor finds that the act of domestic violence does not have the characteristics of a criminal offense then the case shall be returned to the submitter referred to in paragraph 4 of this Article for further action in accordance with the Law establishing the rules of criminal procedure.

(6) A request to instigate misdemeanour proceedings for domestic violence actions prescribed by this Law can be submitted by the following:

a) the police,

b) other authorised bodies in accordance with the law prescribing misdemeanour offenses.

Section B. Emergency Protection Measures

Article 11

(Emergency measures)

(1) In order to eliminate the imminent danger to the physical and mental integrity of the victim and to prevent the recurrence of violence and guarantee the safety of the victim, emergency precautionary measures can be imposed on the perpetrator of domestic violence prior to instigating the proceedings or during the proceedings.

(2) Emergency protection measures shall be imposed by the Principal Court of Brčko District (hereinafter, The Principal Court).

(3) The proposal for the imposition of an emergency protection measure shall be submitted by the police or the authorised body and shall be imposed no later than 24 hours after the receipt of the proposal, namely when the perpetrator of domestic violence is brought before the Principal Court.

(4) Emergency protection measures constitute the following:

a) removal of the perpetrator of violence from the apartment, house or other dwelling space;

b) prohibition on the perpetrator of violence approaching or contacting the victim of domestic violence.

Article 12

(Pronouncing emergency measures)

(1) Emergency protection measures shall be imposed for a term not exceeding 30 days.

(2) The emergency protection measures referred to in paragraph 1 of this Article shall be imposed by a judge of the Principal Court by means of a Decision, which can be appealed against within three days from the day of its imposition.

(3) An appeal against a Decision of the court pronouncing an emergency protection measure shall not delay its execution.

(4) The Court of Appeal of Brčko District of Bosnia and Herzegovina shall reach a decision on an appeal within 72 hours of receipt of the appeal.

(5) The perpetrator of domestic violence has the right to take his personal belongings necessary for daily life when leaving the apartment, home or other dwelling.

(6) The perpetrator of domestic violence shall be obliged to hand over the keys to the apartment, house or other dwelling.

(7) The Principal Court, which imposes the emergency protection measures referred to in paragraph 4 of Article 11 of this Law, shall submit its Decision on the imposition of a protection measure to the competent organisational unit of the police for its enforcement and will examine its enforcement and the justification of its duration during the period for which it is imposed.

(8) The manner of enforcement of emergency protection measures shall be regulated by the rulebook referred to in paragraph 3 of Article 22 of this Law.

Section C. Methods of Care for Victims of Domestic Violence

Article 13

(Accommodating a victim of domestic violence in a safe house)

(1) The Social Protection Subdivision, with the assistance of the police and the prior consent of the victim of domestic violence, can temporarily accommodate the victim of domestic violence in a safe house in order to ensure the physical protection and exercising of the rights and interests of the victim of domestic violence.

(2) The Head of the Department of Health and Other Services of Brčko District shall bring the Decision on accommodating the persons referred to in paragraph 1 of this Article in a safe house.

(3) Because of the violence, fear and anxiety suffered by a victim of domestic violence, the victim has the right to submit a request to the Social Protection Subdivision for the use of the special support measure of temporary accommodation in a safe house in order to ensure physical protection and the ability to exercise rights and interests as well as to prevent a recurrence of the violence.

(4) A safe house is a special support measure that ensures safe accommodation and assistance for victims of domestic violence and can be realised by a legal entity.

(5) In order to protect and secure victims of domestic violence, the police have the obligation to escort a victim to the house, apartment or other dwelling in order for the

victim to take personal belongings necessary for the satisfaction of the everyday needs as well as those belonging to other persons who left the area with the victim.

(6) The measure referred to in paragraph 1 of this Article is determined for the duration necessary to achieve the objective of the measure but cannot exceed six months.

(7) In justified cases, the duration of the measure referred to in paragraph 1 of this Article can be extended for another six months, i.e. until the completion of the procedure and the enforcement of the Decision imposing a protection measure on the perpetrator of violence.

Article 14

(Cost of accommodation)

Funds for the temporary accommodation and placement of victims of domestic violence in safe houses are provided for through the budget of Brčko District.

Article 15

(Formation of an expert team)

(1) The Government of Brčko District shall form an expert team comprised of representatives of the Social Protection Subdivision, the police and health professionals dealing with family issues and protection against domestic violence with the goal to establish individual plans for the protection of victims of domestic violence.

(2) The plan referred to in paragraph 1 of this Article, contains specific measures that must be taken in accordance with the law governing social, health and child protection.

(3) If a victim of domestic violence is a child then the plan referred to in paragraph 1 of this Article shall also contain measures for the protection of that child in accordance with the law governing family relations and the regulations governing the protection of the rights of children.

Article 16

(Disclosure of information)

Unless an adult victim of domestic violence expressly agrees, information about the victim or the perpetrator of domestic violence cannot be made publicly available. This is to prevent the victim of domestic violence or a family member of the victim of domestic violence from being identified through the release of such information.

CHAPTER III. SANCTIONS TO PROTECTION AGAINST DOMESTIC VIOLENCE

Article 17

(Sanctions for protection against domestic violence)

(1) The following sanctions can be imposed for the committed offense of domestic violence:

- a) fine;
- b) probation,
- c) reprimand,
- d) protection measures.

(2) Protection measures comprise the following:

- a) Removal of the perpetrator of domestic violence from the apartment, house or other dwelling;
- b) prohibition on the perpetrator of domestic violence from approaching the victim of domestic violence;
- c) prohibition on the perpetrator of harassment, stalking and following of a victim of domestic violence,
- d) mandatory psychosocial treatment for perpetrators of domestic violence;
- e) mandatory treatment for addiction for perpetrators of domestic violence.

(3) Misdemeanour sanctions shall be imposed by a court when misdemeanour proceedings are instituted and implemented in accordance with the provisions of the law prescribing misdemeanour offences.

(4) The purpose of protection measures is to ensure the necessary level of protection of the health and safety of persons exposed to domestic violence, to prevent domestic violence and to take effective measures to re-educate and treat violent persons.

(5) The purpose of the misdemeanour sanctions referred to in paragraph 1 of this Article is to influence the perpetrator of domestic violence to avoid repeating domestic violence in the future, to ensure the necessary protection and health of the victim of domestic violence and to eliminate the circumstances that favour or stimulate such acts.

Article 18

(Protection measures)

The protection measures referred to in paragraph 3 of Article 17 of this Law can be applied independently.

Article 19

(Treatment of a juvenile perpetrator of domestic violence)

Misdemeanour proceedings against a juvenile perpetrator of domestic violence and the imposition of correctional measures are carried out in accordance with the provisions of the law prescribing misdemeanour offences and the Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure of Brčko District of Bosnia and Herzegovina.

Article 20

(Removal from an apartment, house or other dwelling)

(1) The protection measure of removal from an apartment, house or other dwelling shall be imposed on the perpetrator of domestic violence if the perpetrator committed violence against a family member with whom he/she lives in an apartment, house or other dwelling space and if the court finds that there is a danger that without implementing this protection measure the perpetrator of domestic violence could repeat the violence.

(2) The person on whom the measure referred to in paragraph 1 of this Article is imposed shall leave the apartment, house or other dwelling space without delay and in the presence of the police.

(3) The measure referred to in paragraph 1 of this Article shall be determined for a duration that cannot be shorter than 30 days or longer than six months.

Article 21

(Restraining order)

(1) The protection measure restraining order prohibits the perpetrator of domestic violence from approaching the victim of domestic violence and shall be imposed on the perpetrator of domestic violence if there is a danger that he/she could repeat the violence or if the presence of the perpetrator of domestic violence near the victim would cause the victim of domestic violence a high degree of mental suffering and limit the victim's normal mental activities.

(2) In its Decision on imposing this protection measure, the Principal Court shall determine the places or areas and the minimum distance at which the perpetrator of domestic violence cannot approach the victim of domestic violence.

(3) The measure referred to in paragraph 1 of this Article shall be determined for a duration of not less than 30 days or not longer than one year.

Article 22

(Prohibition of the harassment, stalking and following of a victim of domestic violence)

(1) The protection measure prohibition on the harassment, stalking and following of a victim of domestic violence shall be imposed on the perpetrator who committed harassment, stalking and following of the victim and where there is a danger that he/she could repeat the harassment, stalking or following of the victim of domestic violence.

(2) The measure referred to in paragraph 1 of this Article shall be determined for a duration of not less than 30 days or longer than one year.

(3) The Chief of Police shall adopt the Rulebook on the Manner of implementation of Emergency and Protection Measures within the competency of the police as prescribed in articles 13, 20, 21 and 22 of this Law.

Article 23

(Mandatory psychosocial treatment)

(1) The protection measure of mandatory psychosocial treatment shall be imposed on the perpetrator of domestic violence in order to eliminate the causes of the violent behaviour and to re-educate the perpetrator of domestic violence and with the aim of reducing and eliminating the danger of repeated violence.

(2) The measure referred to in paragraph 1 of this Article can last until the reason for its imposition no longer exists but cannot last for longer than one year.

(3) The Head of the Department of Health and Other Services of Brčko District shall adopt the Rulebook on the Manner of implementing the Protection Measure Mandatory Psychosocial Treatment.

Article 24

(Mandatory treatment of addiction for perpetrators of domestic violence)

(1) The protection measure of the mandatory treatment of addiction for perpetrators of domestic violence shall be imposed on the perpetrator of domestic violence who committed the violence under the influence of alcohol, narcotic drugs or other psychotropic substance and where there is a danger that the addiction could cause the repetition of violence.

(2) The measure referred to in paragraph 1 of this Article shall be determined for the duration required for the treatment, based on the opinion of the specialist experts in charge of the treatment but cannot exceed one year.

(3) The Head of the Department of Health and Other Services Brčko District shall adopt the Rulebook on the Method of implementation of the Protection Measure Mandatory Treatment of Addiction.

Article 25

(Pronouncing protection measures)

(1) The Principal Court can impose one or more protection measures on a perpetrator of domestic violence when the conditions for their imposition are prescribed by this Law.

(2) The Principal Court can request that the Social Protection Subdivision conduct the following:

- a) assist it in obtaining the necessary evidence,
- b) give its opinion on the appropriateness of the sought protection measure.

(3) When imposing the protection measures prescribed through this Law, the purpose, severity and duration of the imposed measure and its effectiveness shall be considered.

(4) The bodies competent for the enforcement of protection measures shall monitor their enforcement, report to the Principal Court and propose the termination, extension or replacement of such a measure by other such measures.

(5) The body competent for enforcement of a protection measure shall submit a report on the enforcement of the protection measure to the Principal Court no later than six months from the date of the imposition of the protection measure or earlier if necessary.

Article 26

(Appeal against a Decision ordering a protection measure)

(1) An appeal can be submitted to the Court of Appeals against a Decision ordering a protection measure within three days from the day the Decision was delivered.

(2) The Court of Appeals shall decide upon an appeal within three days from the day of receipt of the appeal.

(3) An appeal shall not delay the enforcement of a Decision to impose a protection measure.

Article 27

(Notification obligation)

(1) A perpetrator of domestic violence shall act in accordance with the imposed protection measure.

(2) A participant in protection who learns within the scope of his work that the perpetrator of domestic violence does not act in accordance with the imposed protection measure has the obligation to inform the Principal Court and the Social Welfare Subdivision thereof.

Article 28

(Delivery of a Decision on the imposed protection measure)

(1) The Principal Court has the obligation to deliver a Decision on the imposed protection measure to the body or institution competent for its enforcement within three days from the day of adoption of the Decision.

(2) The Decision on the imposed protection measures referred to in article 20 through 22 of this Law shall be delivered to the police for enforcement.

(3) The Decision on the imposed protection measures referred to in articles 23 and 24 of this Law shall be submitted to the Social Protection Subdivision and to the body or institution that will enforce the protection measure in accordance with the law governing the treatment and rehabilitation of persons addicted to alcohol, narcotic drugs and other psychotropic substances.

CHAPTER IV. RECORDS AND TRAINING

Article 29

(Records)

(1) Participants in protection and other bodies authorised to act in accordance with this Law shall keep records on the actions taken and gather data on the number of initiated and completed procedures as well as other measures taken. This report shall be submitted to the Department of Health and Other Services of Brčko District.

(2) The Department of Health and Other Services Brčko District collects and processes and records data on domestic violence.

(3) The Head of the Department of Health and Other Services shall adopt the Rulebook on the Content of the Records and Reports on Domestic Violence referred to in paragraph 1 of this Article.

Article 30

(Professional training)

The Judicial Commission of Brčko District is responsible for acquiring specific knowledge and for continuous professional training and improvement of judges and prosecutors in the field of domestic violence.

CHAPTER V. SUPERVISION AND PENALTY PROVISIONS

Article 31

(Supervision)

The Department of Health and Other Services of Brčko District supervises the implementation of this Law.

Article 32

(Fines)

(1) A fine to the amount of between BAM 300 and BAM 900 shall be imposed on a perpetrator of domestic violence who commits the act of violence referred to in Article 5 of this Law.

(2) A fine to the amount of between BAM 1,000 and BAM 1,500 shall be imposed on a perpetrator of domestic violence who repeats the act of violence referred to in Article 5 of this Law.

(3) A fine of between BAM 500 and BAM 1,000 shall be imposed on an employee of an education, social or health institution who fails to report an occurrence of domestic violence referred to in Article 5 of this Law.

(4) A family member who fails to report domestic violence referred to in Article 5 of this Law when the victim is a child shall be fined the amount of between BAM 300 and BAM 900.

PART THREE
TRANSITIONAL AND FINAL PROVISIONS

Article 33

(Deadline for the adoption of bylaws)

(1) The Head of the Department of Health and Other Services of Brčko District shall adopt the following within six months from the day this Law enters into force:

- a) Rulebook on the Method and Place of implementation of the Protection Measure of Mandatory Psychosocial Treatment (paragraph 3 of Article 23 of this Law),
- b) Rulebook on the Manner and Place of implementation of the Protection Measure of Mandatory Treatment of Addiction for the Perpetrators of Domestic Violence (paragraph 3 of Article 24 of this Law),
- c) Rulebook on the Content of the Records and Reports on Domestic Violence (paragraph 3 of Article 29 of this Law).

(2) The Chief of Police shall adopt the Rulebook on the Manner of Enforcement of Emergency and Protection Measures (paragraph 3 of Article 22 of this Law) within six months from the day that this Law enters into force.

Article 34

(Entry into force)

This Law shall enter into force on the eighth day after its publication in the 'Official Gazette of the Brčko District of Bosnia and Herzegovina'.