



OPEN SOCIETY INSTITUTE
NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
B O S N I A A N D
H E R Z E G O V I N A ?

Country Monitoring Reports
and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

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⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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INTRODUCTION

Bosnia and Herzegovina was, and still is, a patriarchal, male-dominated traditional society where domestic violence is treated mainly as a private issue, beyond the scope of the law. It has been considered a family problem, to be resolved between husband and wife.

Currently, violence has become more and more visible in public and private life and is interwoven with discrimination against women and gender-based prejudices. The climate created by the war and post-war period has fed the culture of violence, and has been accompanied by increasing poverty, stress, unemployment and, at present, neo-conservative attitudes concerning the role of women in private and public spheres. The increase of violence towards those who are less powerful – mainly women and children – has become a part of everyday life. At the same time, there has not been a parallel increase in social or legal structures to address the breaches in these elementary human rights.

A lack of enforcement and implementation of existing laws to protect women and children from violence is evident throughout Bosnia and Herzegovina. While the needed reforms are now in process, they are progressing far too slowly. Unfortunately, there are no state institutions, apart from the Centers for Social Welfare, which are providing the necessary counseling and legal assistance for the victims of violence. This role has mainly been filled by NGOs supported by international donors and, in very rare cases, by central or local governments.

The Bosnia and Herzegovina public does not have a sufficient grasp of the fact that the country has signed three important United Nations documents. The Convention on Elimination of All Forms of Discrimination against Women⁵ (the well-known CEDAW Convention) adopted by the UN General Assembly in 1979, ratified by Bosnia and Herzegovina in 1995; the Nairobi Strategy document;⁶ and the Beijing

⁵ The International Convention on the Elimination of All Forms of Discrimination against Women was adopted and open for signing and ratification or accession by the UN General Assembly's resolution 34/180 of December 18, 1979. It went into effect on September 3, 1981 after the necessary number of Member states ratified it (Yugoslavia ratified it in 1981, see *Official Gazette of SFRY*, No. 11/1981). Bosnia and Herzegovina took this Convention over on September 1, 1993, and the CEDAW Optional Protocol on February 7, 2000.

⁶ At the Conference in Nairobi (1985) a "Strategy Document" was adopted. The "Strategy Document" urges members to advocate for their government's endorsement of CEDAW (if they have not already done so); to continue efforts to develop and disseminate social work knowledge about the status of women and girls; and to analyze local, national, and international policies and proposed policies for their effect on women. The "Strategy Document" also affirms, "In social work, there is special concern for the profession and the women social workers' service".

Declaration (1995)⁷ oblige the countries signing the agreement to take action to end violence against women. It is not an exaggeration to say that Bosnia and Herzegovina has made very little progress in pursuing its obligations. Any progress that has been made was accomplished almost entirely by the NGO sector.⁸

1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

The State of Bosnia and Herzegovina consists of the Federation of Bosnia and Herzegovina (hereinafter referred to as FBiH), the Republika Srpska (hereinafter referred to as RS), and Brčko District. Each of the entities has its own Constitution and respective laws, which comprise a general legal framework for the implementation of equal opportunities for women in the territory of the state of Bosnia and Herzegovina.

Gender equality structures in Bosnia and Herzegovina have been established at four levels of governance: (1) the state of Bosnia and Herzegovina; (2) the two entities of the Federation of Bosnia and Herzegovina and Republika Srpska; (3) the cantons; and (4) the local municipalities.

At the state level, the Parliamentary Assembly of Bosnia and Herzegovina and the Council of Ministers of Bosnia and Herzegovina have established parliamentary and government bodies that deal with issues of violence against women.

The Parliamentary Assembly of Bosnia and Herzegovina established the Commission for Gender Equality in Bosnia and Herzegovina in December 2002.⁹ Pursuant to its Rules of Procedure, the Committee should perform the following functions:

⁷ The Beijing Platform for Action was passed at the United Nations Fourth World Conference on Women (1995) and Bosnia and Herzegovina is one of the 189 countries that signed the Platform.

⁸ Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina, published in the *Official Gazette of FBiH*, No. 22/05, April 6, 2005.

⁹ Decision of 2002 of the Parliamentary Assembly of Bosnia and Herzegovina establishing the Commission for Gender Equality.

- discuss the issues of exercising equal opportunities for women and men in Bosnia and Herzegovina, particularly with regard to the improvement of the status of women;
- encourage institutional activities in Bosnia and Herzegovina to implement the Beijing Declaration and Platform for Action (The Fourth World Conference on Women, Beijing, 1995) in twelve critical areas described by the Platform;
- encourage and coordinate activities in the entity parliaments of Bosnia and Herzegovina to promote the status of women and implement the Platform for Action of the Beijing Declaration;
- discuss the proposed draft laws and other regulations from the point of view of gender equality and the prevention of discrimination against women;
- discuss draft documents and reports from prepared by various B&H institutions related to ensuring gender equality and implementing the Platform for Action of the Beijing Declaration as a whole, or its particular areas; and
- discuss preparations for the participation of the delegation of Bosnia and Herzegovina in the implementation of the Beijing Declaration (UN, Stability Pact, etc.).¹⁰

On February 19, 2004, a Decision of the Council of Ministers of Bosnia and Herzegovina established the Agency for Gender Equality in Bosnia and Herzegovina and located it in the Ministry for Human Rights and Refugees of Bosnia and Herzegovina. In addition to monitoring the implementation of the Law on Gender Equality in Bosnia and Herzegovina, the Agency is responsible for fulfilling the following tasks:

- periodically drafting a *State Action Plan* to promote equality of treatment for both sexes based on proposals from all state-level ministries, the plan of the Bosnia and Herzegovina Gender Center to be presented annually by the Ministry to the Council of Ministers of Bosnia and Herzegovina for adoption;
- monitoring the implementation and coordinate activities with all relevant entities in the process of implementation of the *State Action Plan*;
- drafting annual reports to the Council of Ministers of Bosnia and Herzegovina on the status of the sexes in Bosnia and Herzegovina based on the reports of the Gender Centers;

¹⁰ Excerpts from the Operational Procedure of the Parliamentary Assembly of Bosnia and Herzegovina, *Official Gazette of FBiH*, No. 20/2000.

- assessing the laws, acts and by-laws adopted by the Council of Ministers of Bosnia and Herzegovina to review their impact on equal treatment and equal gender representation;
- designing a methodology for assessing the impact of state policy and programs relating to equality of treatment for both sexes; and
- performing other tasks related to the promotion of equal treatment for both sexes and the implementation of the purposes of this law.

As these state-level bodies deal with gender equality issues in general, there are no budget lines earmarked specifically for tasks of combating violence against women.

At the entity level, there are parliamentary committees that work closely with the state-level Commission on Gender Equality: the committees of the House of Representatives at the Parliament of the Federation of Bosnia and Herzegovina and the House of Peoples at the Parliament of the Federation of Bosnia and Herzegovina; as well as the Committee on Equal Opportunities of the People's Assembly of the Republika Srpska. The scope of their work is almost identical to that of the Commission on Gender Equality at the state level: they monitor issues of gender equality and prepare reports to the Assembly on these issues; review draft legislation for compliance with the Law on Gender Equality; forward their opinions to the working bodies of the Assembly and to the Assembly itself; and propose concrete actions to address gender discrimination.

Besides these Commissions, Gender Centers were set up in affiliation with the governments of the Federation of Bosnia and Herzegovina and the Republika Srpska. The Gender Center in the Federation of Bosnia and Herzegovina was established at the end of 2000, and the Gender Center in Republika Srpska at the end of 2001. The mandates and authorities of each Gender Center have been clearly defined by the by-laws of respective entity governments. Both centers are mandated with:

- monitoring the status of women and the implementation of the rights guaranteed in both domestic and international legislation;
- coordinating with the Commission on Gender Equality in the Parliamentary Assembly of Bosnia and Herzegovina and cooperating with the Gender Center from the other entity;
- participating in the preparation of legislation and other regulations involved in the process of defining measures for the achievement of equal access of both men and women to the development process;
- advocating and promoting equal rights and opportunities for women and organizing debates and discussions on this topic;
- encouraging initiatives in relation to legislative amendments regarding gender;

- providing expert assistance in bilateral and multilateral relations with regard to gender policies;
- cooperating with domestic and international NGOs and coordinating the implementation of domestic and international programs; and
- coordinating the reporting process of authorities with the relevant international bodies.

The Gender Centers from both entities are responsible to their respective governments and prime ministers, and they submit their reports to them. However, they are not part of any particular ministry and they function as autonomous governmental agencies. As these bodies deal with gender equality issues in general, there are no budget lines earmarked specifically for tasks of combating violence against women.

Commissions on Gender Equality exist also at the cantonal level (there are ten cantons in the country); these are reporting to the cantonal assemblies. The cantonal governments have also established coordination boards that deal with gender equality issues. At the local, municipal level municipal councils or assemblies, as well as the mayoral offices also have their own gender equality commissions.

However, as all of these bodies are financed from the State Treasury, it is hard to talk about their independence.

Appropriate bodies, which would be responsible for providing direct support, protection, and representation of victims of gender-based discrimination, have not yet been established. The bodies described above, generally speaking, are not able to react to concrete violations of the Law on Gender Equality: they are not prepared for protecting women's rights efficiently. The role, authority, structure, and performance of these various bodies are not yet up to the demands of the struggle against sex-based discrimination, or, more precisely, discrimination against women; there are already serious objections from non-governmental organizations that these bodies are irrationally multiplied and bureaucratized, and that they are not *de facto* focused on discrimination against women in Bosnia and Herzegovina.

The non-governmental organizations operating in Bosnia and Herzegovina have expressed their dissatisfaction with the lack of cooperation between the mechanisms for gender equality. NGOs also criticize these bodies for non-transparency and for failing to share information with the NGO community.

Under the initiative of the Woman's Program of Open Society Foundation and the Woman and Society Center, and in cooperation with 28 NGOs, a Platform for Action for Women in Bosnia and Herzegovina¹¹ has been adopted as an NGO strategic

¹¹ The Platform for Women's NGO Action in Bosnia and Herzegovina.

document. The Platform speaks about building the mechanism for implementation of the Law and states that “NGOs will effect and exert pressure for institutionalization of a place for responsibility and enhancement of capacity for the Law implementation at all levels of power and through all sectors.”¹² One of the key areas defined by the Law is prohibition of violence against women. This Platform is the first document of its kind and clearly defines the viewpoint of women in Bosnia and Herzegovina: “Women of Bosnia and Herzegovina cannot wait any longer!”

1.2 National action plans and other policy documents

According to the provisions of the United Nations Declaration on the Elimination of Violence against Women (DEVAW, 1993) and Council of Europe Recommendation 1450(2000) on Violence against Women in Europe, Member States should adopt a special national action plan for combating violence against women. Bosnia and Herzegovina has so far failed to elaborate and implement such a national action plan. However, there is one precedent for this kind of comprehensive action.

The Law on Gender Equality in Bosnia and Herzegovina,¹³ adopted in 2003, established the Agency for Gender Equality as the state gender equality mechanism. The Agency drafted an *Action Plan for Gender Issues*, which was adopted by the Council of Ministers of Bosnia and Herzegovina in September 2006. One section of the *Action Plan* addresses violence against women and designates concrete tasks, the institutions responsible for carrying out those tasks, and the deadlines.¹⁴

In December 2001, the Council of Ministers adopted an *Action Plan to Prevent Trafficking in Human Beings in Bosnia and Herzegovina*. This action plan contains a comprehensive range of commitments from prevention and awareness-raising through the monitoring of legislation to meet human rights principles and standards to the establishment of various assistance services for trafficked persons. The *Action Plan* consists of four components: (1) adopting legislative measures; (2) strengthening the operational and expert capacities; (3) creating new capacities for victim protection, such as shelters; and (4) creating capacities for education and actions aimed at awareness-raising in the field of combating trafficking in human beings.

Although many observers commented that the *Action Plan* was only a general and declarative document, the Council of Ministers of Bosnia and Herzegovina issued in July 2003 a Decision on the Procedures and the Way of Coordinating Activities

¹² *Ibid.*, No. 3.

¹³ Published in *Official Gazette of Bosnia and Herzegovina*, No. 16/03, for the official text, see www.fgenderc.com.ba/txt/equality_law_in_bh.doc.

¹⁴ See: www.arsbih.gov.ba/?PID=7&RID=296.

Combating Trafficking in Human Beings and Illegal Migration in Bosnia and Herzegovina and on the Establishment of the Position of the State Coordinator for Bosnia and Herzegovina. The State Coordinator, fully operational since October 2003, has the primary responsibility for coordinating and furthering the implementation of the *Action Plan* and any other related anti-trafficking activities at all levels. It is to coordinate all activities with the relevant ministries, and prepare and propose measures for the implementation of the *Action Plan* to the Council of Ministers. The State Coordinator also represents Bosnia and Herzegovina in international bodies involved in the matter of trafficking.

The latest *State Action Plan* was developed for 2005–2007.¹⁵ It contains an overview of the current situation and enlists tasks in the fields of institutional and legal assistance, prevention, protection of victims and witnesses, prosecution, and international cooperation in criminal matters.

The State Coordinator cooperates with the RING Network, an alliance of NGOs working in the field of trafficking which was created by ten non-governmental organizations in 1999. The network provides shelters for victims of trafficking and various services: public advocacy, legal aid, medical assistance, prevention, and educational campaigns against trafficking in persons.

Besides the field of trafficking in persons, there are no other action plans for combating violence against women at the state level, nor there is any policy document outlining a plan to end violence against women. In the lack of state mechanisms working on preventing violence against women, there are no adequate reporting mechanisms to track the level of gender-based violence.

The government and its institutions have not yet published a report on ending all forms of discrimination against women in Bosnia and Herzegovina. There is only a proposal, but not yet an adopted version.¹⁶ The state still does not have a developed action plan and strategy for the implementation of the CEDAW Convention and, thus, the fight against violence.

The most attention given to this problem has been from NGOs, which have issued a background report on the implementation of CEDAW and women's human rights in Bosnia and Herzegovina.¹⁷

¹⁵ See: www.anti-trafficking.gov.ba/fajlovi/state_action_plan_2005-2007.doc-51.doc.

¹⁶ Available on-line: www.mhr.gov.ba/CEDAWA-BA.

¹⁷ See footnote 17.

1.3 State monitoring of existing legislation and policies

The state of Bosnia and Herzegovina has not yet elaborated a mechanism for the systematic monitoring of the existing legislation and policies concerning violence against women.

1.4 State budget earmarked for combating violence against women

There are no budget line-items at any level dedicated to fighting violence against women. There is no systematic state-determined financing system to support NGOs in their work on preventing violence against women. There is no yearly allotment of support for NGOs working in the field of violence against women.

1.5 State financing system to compensate victims

There is no state-determined financing system to compensate victims of violence against women. However, the Criminal Codes of the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District do address the compensation of victims, albeit in general terms. A victim may demand compensation during criminal procedures but several requirements outlined by each Code must be met.

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

The Constitution of Bosnia and Herzegovina¹⁸ was adopted by the highest Bosnia and Herzegovina representative body in the form of the Dayton Peace Agreement. The Constitution transferred all authority to the Entities of the State of Bosnia and Herzegovina established by Dayton Peace Agreement.¹⁹

This legal framework is a positive step towards possible *de facto* implementation of equal opportunities for women and men, but its impact is extremely limited in every

¹⁸ The Constitution of Bosnia and Herzegovina, published in the *Official Gazette of Bosnia and Herzegovina*, No. 1/94. In effect from 1994.

¹⁹ These Constitutions were established by the Dayton Peace Agreement. Article II/2 (Annex IV to the Dayton Agreement), which was initialled on November 21, 1995 and signed on December 14, 1995 in Paris, stipulates “The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms modified and amended by Protocols 3, 5, and 8 and amended by Protocol 2, and Protocols 1, 4, 6, 7, 9, and 11,” published in the *Official Gazette of FBiH, Special Issue: International Treaties*, No. 56/96.

day practices and reality. Although the government of Bosnia and Herzegovina has made significant efforts with regard to legislation providing for gender equality, there is a wide gap between *de jure* and *de facto* realities. Although most of the relevant laws have incorporated the principle of equal opportunities for women and men, in practice women usually cannot realize those opportunities either in the private or public sector. A truly gender-sensitive policy and practice has almost completely failed in the economic, employment, educational, social security and health care spheres, as well as in equal participation in decision-making bodies in public and political life.

The absence of political and socio-cultural forces which prioritize the issue of gender in this country is a crucial deficiency in ensuring equal opportunities for women and men, and in ensuring that non-discriminatory laws are implemented.

According to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Declaration, the state had the obligation to submit the reports on any action taken concerning the application of the Convention to the CEDAW Committee. Bosnia and Herzegovina has yet to send a comprehensive report on the implementation of CEDAW, although it was supposed to send reports in 1994, 1998, and 2002. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina has issued a report which was sent on November 1, 2004.²⁰ Parallel to this, NGOs also submitted a shadow report to the Committee.²¹

The CEDAW Committee has the following areas of concern pertaining violence against women:

- prosecution of crimes regarding the violation of women's rights during the war, with special emphasis on mass and systematic rape and forced pregnancies (upon which Bosnia and Herzegovina reported orally in 1994);
- rehabilitation measures available to women victims;
- lack of government efforts made to accelerate the implementation of legislation through a national action plan on the prevention of violence against women and the protection of victims;

²⁰ Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women *Combined initial, second and third periodic reports of States parties Bosnia and Herzegovina (2004)*. United Nations CEDAW/C/BIH/1-3. <http://daccessdds.un.org/doc/UNDOC/GEN/N05/315/63/PDF/N0531563.pdf?OpenElement>.

²¹ Global Rights, Partners for Justice (2004) *Shadow Report on the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina*, presented to CEDAW, January 2004 (Washington, DC: Global Rights).

- insufficiency of protective measures currently available to women victims of violence and obstacles faced by the governments for better protecting women against domestic violence; and
- inadequacy of measures to establish systematic data collection on violence against women, including incidences of violence, prosecution and punishment of perpetrators.

In her report, the Special Rapporteur of the Commission on HR²² expressed general concern about the widespread unwillingness among women to report cases of family violence, and about the society remaining traditionally patriarchal and viewing domestic violence as a part of life, not as a crime.

The CEDAW Committee has asked what measures governments have put in place to encourage reporting, to raise women's awareness of their rights, to provide them the access to legal aid, and to increase the capacity of public officials in various areas to provide gender-sensitive support to victims.²³

In her report on her mission to Bosnia and Herzegovina, the Special Rapporteur of the Commission on Human Rights on Trafficking expressed concern at some inconsistencies between FBiH laws and entity laws which, coupled with issues of jurisdiction, created barriers to enforcement and effective prosecution.²⁴

The main concerns stated in the report were the lack of implementation and enforcement of the Law on Gender Equality and the Law on Protection against Domestic Violence. According to the Report on the State of Women's Rights in Bosnia and Herzegovina for 2003, written by the Helsinki Committee for Human Rights in Bosnia and Herzegovina,²⁵ the delayed implementation of the Law on Gender Equality in Bosnia and Herzegovina further compounds the problems and reproduces the circumstances which repress women and marginalize their rights. This leads to increased violence and discrimination in the family and in society in general.

²² E CN.4 2003 75 ADD. 1 para 1921.

²³ List of issues and questions with regard to the consideration of initial and periodic reports, CEDAW, 10.02.2006, CEDAW C Bosnia and Herzegovina Q 3, page 3.

²⁴ E CN.4 2005 7 Add 1 para 8.

²⁵ United States Department of State (2003) *Bosnia and Herzegovina: Country Reports on Human Rights Practices, 2002*, Released by the Bureau of Democracy, Human Rights, and Labor, March 31, 2003 (Washington, DC: Department of State), available at www.state.gov/g/drl/rls/hrrpt/2002/18356.htm.

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

The state of Bosnia and Herzegovina has officially provided certain legal provisions for prevention and protection from violence but they have very limited effects in practice.

The Law on Protection from Domestic Violence was adopted in 2005.²⁶ According to Article 2 of the Law, “The general principles and rules set forth in this Law and other acts which regulate the area of domestic violence shall ensure the prevention and suppression of this kind of violence; shall ensure efficient measures to persuade the perpetrators of violence and others not to commit violence; and remove the consequences of the violence committed by prescribing protective measures”... “The relevant misdemeanor court shall deliver the decision on the given protective measure immediately or in no later than eight days.”

According to Article 3, the police, the agency in charge of custody, and the misdemeanor court should offer protection from violent behavior, and the bodies in charge of protection from domestic violence and the courts shall ensure urgent rulings in these types of cases. In Article 4, the Law also ensures the protection of a person exposed to violence in the following way: “a person who is exposed to violence and whose life is in jeopardy shall be granted the protective measure of ensuring the protection of the person exposed to violence, with the view of physical protection and ensuring that he/she may exercise his/her rights and interests without any fear and jeopardy to his/her own life. The protective measures (...) shall provide a person who is exposed to violence with: (1) temporary shelter in social centers or safe houses, with other families or other appropriate places; and (2) the right to temporary financial support from the alimony fund.”

All of the victims of violence, as well as a legal entity acting in their defense, are able to institute proceedings.

The law defines domestic violence in Article 6 as follows: “Domestic violence shall be any act of inflicting physical, psychological, sexual or economic harm or suffering, as well as threats as regards the aforementioned, and lack of due care and attention which may seriously impede family members from enjoying their rights and freedoms in all areas of public and private life which are based on equality.”

²⁶ Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina, published in the *Official Gazette of FBiH*, No. 22/05, April 6, 2005.

Acts of domestic violence, in terms of paragraph 1 above, shall include:

- a) the use of physical force or psychological coercion to the physical or psychological integrity of a family member;
- b) the behavior of a family member which may result in physical, psychological, or financial damage;
- c) intimidation, threats or the violation of the dignity of a family member by blackmail or another form of coercion;
- d) physical attack of a family member by another family member, irrespective of the fact of whether there was physical injury or not;
- e) verbal attack, insult, profanity, name calling and other violent harassment of one family member by another;
- f) sexual harassment and harassment of a family member as defined in the Law on Gender Equality of Bosnia and Herzegovina;
- g) stalking and other related forms of harassment of a family member;
- h) damaging and destroying joint property and possessions or attempts thereof; and
- i) lack of due care for a family member or failure to assist and protect a family member when bound to do so by law and morality and when such inaction may result in the physical, psychological or socioeconomic endangerment of that family member.²⁷

Article 6 prescribes the obligation of different bodies – including medical, social and educational institutions – to immediately report the acts of domestic violence.

The Act provides the following types of protective measures against the perpetrator in Article 9:

- removal from the apartment, house or other dwelling and being barred from returning to that apartment, house or other dwelling;
- a restraining order;
- the protection of the victim of domestic violence;
- prohibition from harassment and stalking;
- mandatory psycho-social treatment; and
- mandatory rehabilitation.

²⁷ *Ibid.*

The penalties provided by the Law are regulated in Article 20: “A person who commits an act of domestic violence shall be responsible to act in accordance with the prescribed protective measure. A person who fails to act in accordance with the prescribed protective measure shall be fined 2,000 to 10,000 markas (appr. 1,000 to 5,000 euros). An official person who fails to report to the police an act of domestic violence from Article 6(2) of this law shall be sentenced to a pecuniary fine in the amount of 1,000 to 5,000 markas (appr. 500 to 2,500 euros) or a prison term of no less than 50 days.”²⁸

However, this crucial law is not enforceable because of its conflict with Criminal Code, mainly because this law qualifies domestic violence as a misdemeanor.

The Law on Gender Equality in Bosnia and Herzegovina²⁹ regulates gender equality and provides protection from discrimination based on gender. The law creates the preconditions in order to improve the status of women in Bosnia and Herzegovina and to harmonize other national legislation with this Law. The Law on Gender Equality defines sexual discrimination in Article 4 as follows:

1. *Gender-based violence* is any act that causes physical, mental, sexual or economic harm or suffering, as well as threats of such acts that seriously impede a person’s ability to enjoy his or her rights and freedoms on the grounds of gender equality in both public and private life, including trafficking in human beings for the purposes of forced labor, and constrains on or the arbitrary deprivation of freedom.
2. *Harassment* is any situation in which inappropriate behavior related to gender arises which has the intent and effect of inflicting injury on the dignity of a person or giving rise to intimidation, hostility, or demanding, threatening or similar situations.
3. *Sexual harassment* is any behavior that in word, action or psychological effects of a sexual nature in intent or effects injury on the dignity of a person or gives rise to intimidation, hostility, or demeaning, threatening or similar situations and which is motivated by belonging to another sex or different sexual orientation and which, to the victim, represents inappropriate physical, verbal, suggestive or other behavior.

Article 17 of the same law determines that all forms of violence in private and public life on the grounds of gender are prohibited. It states that “the relevant authorities shall

²⁸ *Ibid.*

²⁹ Pursuant to the Article 4(4)(a) of the Constitution of Bosnia and Herzegovina, at a session of the House of Representatives held on 22 April 2003 and of the House of Peoples held on 21 May 2003, the Parliamentary Assembly of Bosnia and Herzegovina enacted the Law on Gender Equality. The Law was published in the *Official Gazette of FBiH*, No. 16/2003 on June, 2003 and it entered into force six months later.

undertake appropriate steps to eliminate and prevent violence on the grounds of gender in public and private life, and apply instruments for the provisions of protection, assistance and compensation to the victims of violence.” It also states that “the relevant authorities shall also undertake steps to prevent gender-based violence, particularly in the field of education, to eliminate prejudices, customs and all other practices based on the idea of the inferiority or superiority of either sex or on the stereotypical roles of men and women. This includes, but is not restricted to, education and awareness-raising among state officials, the general public, etc.”³⁰

The Law on Gender Equality provides for the judicial protection of all the rights set forth in this law. Article 13 of the Law on Gender Equality states that “everyone whose rights as set out in this law are violated may initiate appropriate proceedings in the competent court... A claim may be pursued by judicial process in the competent court before the termination of proceedings for redress from or without initiating such proceedings with an employer.”

The set of penalty provisions is defined in Articles 27 and 28 of the law, according to which gender-based violence, harassment and sexual harassment are criminal acts that can be punished by between six months to five years of imprisonment.

The prosecution shall be undertaken in the line of duty. Criminal proceedings as per provisions of this law shall be carried out by competent bodies responsible for the proceedings in the Entities and the Brčko District of Bosnia and Herzegovina, until the appropriate law of offenses in Bosnia and Herzegovina is brought. These proceedings should be timely and shall take priority in the work of the authorities. Article 28 provides penalties from 1,000 to 30,000 markas (appr. 5,000 to 15,000 euros) which shall be imposed for the following:

- failure to undertake appropriate steps and use effective protective mechanisms against discrimination on the grounds of gender, harassment and sexual harassment;
- failure to undertake appropriate steps to eliminate and prevent prohibited discrimination on the grounds of gender at work and in employment as defined by Article 7 and 8 of this Law;
- failure to introduce curricula and methodologies in educational institutions that will guarantee elimination of stereotypical contents that give rise to gender discrimination and gender inequality;
- failure to provide gender-disaggregated statistical data and information collected, recorded and processed;

³⁰ *Ibid.*

- failure to make available statistical data provided in accordance with this Law to the public; and
- public presentation of any person in an offensive, denigrating or demeaning manner with regard to gender.

A responsible person within a legal entity shall also be imposed a fine of from 100 to 1,000 markas (appr. 50 to 500 euros) for a breach of Article 28(1), as well as individuals who work independently in publicly-funded entities. Fines shall be paid to the government of Bosnia and Herzegovina.

The same Article provides that no provision in this Article can be interpreted as a limitation or reduction of the right to initiate criminal or civic proceedings, under conditions regulated by this Law.

2.2 Applicable provisions in criminal law

The new Criminal Law of FBiH,³¹ in Article 222, treats domestic violence as an offense optionally punishable (1) by imprisonment of one year if violence is committed by a family member, or (2) by a fine and/or imprisonment up to three months to three years if the violence has been committed against a person with whom the perpetrator is living in the same household.

Harsher punishments for domestic violence are prescribed within Article 222, under certain circumstances, such in cases of a serious bodily injury inflicted on the victim or of a death of the victim.³²

³¹ Criminal Code of the Federation of Bosnia and Herzegovina, enacted by the Parliament of the Federation of Bosnia and Herzegovina in the session of the House of Representatives held on July 8, 2003 and the session of the House of Peoples held on July 9, 2003. The Criminal Code was published in the *Official Gazette of FBiH*, No. 36/03 of July 29, 2003 and it entered into force on August 1, 2003.

³² “(3) If in the course of the perpetration of a criminal offense referred to in paragraphs 1 and 2 of this Article, a weapon, dangerous object or other instrument suitable to inflict grave bodily injury or impair health has been used; the perpetrator shall be punished by imprisonment for a term between three months and three years. (4) If, by the criminal offense referred to in paragraphs 1 through 3 of this Article, a serious bodily injury was inflicted on a family member or his health is severely impaired; or if the criminal offense referred to in paragraphs 1 through 3 of this Article is perpetrated against a child or juvenile, the perpetrator shall be punished by imprisonment for a term between one and five years. (5) If, by the criminal offense referred to in paragraphs 1 through 4 of this Article, a death of a family member is caused, the perpetrator shall be punished by imprisonment for a term between two and fifteen years. (6) Whoever deprives of a life a family member whom he has been previously abusing, shall be punished by imprisonment for a term of no less than ten years or by long-term imprisonment.” *Ibid.*

Under the 2003 Criminal Code of the Federation of Bosnia and Herzegovina, rape is defined as coercion of another by force or by threat of immediate attack upon his life or limb, or the life or limb of someone close to that person, to sexual intercourse or an equivalent sexual act (in Article 202) and is punishable by one to ten years' imprisonment. Individuals who threaten harm to someone's reputation or other harm to force another into sexual intercourse may be imprisoned between six months to five years. The Criminal Code also punishes "sexual intercourse with a helpless person" (in Article 204), "forced sexual intercourse (in Article 205), "sexual intercourse by abuse of position" (in Article 206) and "sexual intercourse with children" (in Article 207).

The Criminal Code of the Republika Srpska contains similar provisions on sexual assault.³³ According to Article 183, the use of force or threat of force to compel another person to engage in a sexual act is punishable by one to ten years of imprisonment. The Criminal Code also criminalizes "sexual intercourse with a helpless person" (in Article 184), "sexual intercourse with a juvenile" (in Article 185), and "sexual intercourse by abuse of position" (in Article 186).

The Law on the Basic Principles of Social Welfare, Welfare of Civilian Victims of War and Welfare of the Families with Children of the Federation Bosnia and Herzegovina,³⁴ established in 2006 a special category for women victims of war rape among the victims of civil war that can claim specific social and other rights.

Trafficking in women for purposes of sexual exploitation is another common method of violence against women. The trafficked women may be charged with prostitution or violation of immigration laws and may thereafter be deported.³⁵ The new Criminal Code of Bosnia and Herzegovina, as well as the Entity Criminal Codes contain specific new offenses under which traffickers can be prosecuted. Under the State Criminal Code³⁶ these include:

- Article 186 on "Trafficking in persons", which states that "Whoever takes part in the recruitment, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the

³³ Criminal Code of the Republika Srpska, *Official Gazette of RS*, No. 22, Banja Luka 2002, Article 198.

³⁴ Published in *Official Gazette of FBiH*, No. 39/06, July 27, 2006.

³⁵ Strong evidence shows that Bosnia and Herzegovina is a destination country for trafficked women and a country of origin and transit as well. Trafficked women are mainly from Moldova, Ukraine and Romania. The transit route is generally through Hungary, Serbia, Republika Srpska, and then to other areas of the country.

³⁶ Criminal Code of Bosnia and Herzegovina, Office of the High Representative for Bosnia and Herzegovina, available online: www.ohr.int.

giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation shall be punished by one to ten years' imprisonment”;

- Article 184 on “Abduction”;
- Article 185 on “Slavery and transport”;
- Article 187 on “International procuring in prostitution”; and
- Article 188 on “Unlawfully withholding identity papers.”

Trafficking in persons is not explicitly criminalized in the Criminal Code of the FBiH, but in Articles 167, 184, 185 and 187 it punishes enslavement, abduction, duress and unlawful deprivation of freedom, respectively.³⁷ Article 188 of the Criminal Code of the Republika Srpska³⁸ punishes trafficking in human beings: “Whoever, induces, incites or lures other persons into offering sexual services for profit, or in some other way enables a person’s transfer to another for the purpose of offering sexual services, or whoever takes part in any way in organizing or maintaining offering sexual services, shall be punished by imprisonment for a term ranging between six months and five years.”³⁹

2.3 Applicable provisions in civil and family law for cases of violence against women

According to the entity laws, victims have the right to compensation. A victim in the Federation of Bosnia and Herzegovina may demand compensation from confiscated criminal proceeds under Article 112 of the Code of Criminal Procedure of FBiH and victims in the Republika Srpska may seek compensation under Article 95 of the Code of Criminal Procedure of RS. Several procedural requirements outlined by each Code must be met in order to obtain the compensation.

The Family Code of the Federation of Bosnia and Herzegovina⁴⁰ does not have any provisions on domestic violence. It does not contain repression and protective measures, but defines violence as a form of harm to family relations, listing the forms of violence and acknowledging the term of violence prohibition inside a family. There are no provisions concerning domestic violence in the regulation of divorce, housing or custody/visitation rights.

³⁷ Criminal Code of the FBiH, *Official Gazette of FBiH*, No. 36/03 of July 29, 2003.

³⁸ Criminal Code of Republika Srpska, *ibid.*

³⁹ *Ibid.*

⁴⁰ The Family Code of the FBiH, published in the *Official Gazette of FBiH*, No. 35/05. In effect from June 2005.

The applicable measures prescribed in the Law on Protection from Domestic Violence were presented above. Although the legislative framework in Bosnia and Herzegovina creates the basis for the protection from violence against women, there is a huge discrepancy between the legislation and practice. The Law on Protection from Domestic Violence is not yet in effect.

2.4 Victim protection and protection of witnesses

N/A

2.5 Legal assistance and representation for the victims of violence against women

N/A

2.6 Providing information for victims about their rights, obligations, and the services available

N/A

2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning

There is no mention of violence against women or women's safety in the laws, regulations and guidelines of national, regional and urban planning.

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

There are no professions which have special laws, compulsory codes or guidelines to regulate cases of violence against women.

3.2 Legal regulations of inter-agency cooperation

No information is available on legal regulations on coordinated, multi-agency work.

3.3 Medium- and long-term coordinated action plans for the different professions

No information is available on the existence of medium- and long-term coordinated action plans for the different professions.

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

There is no forum for the active cooperation between NGOs working in the field and the state authorities. In general, NGOs are dissatisfied with the lack of cooperation with state authorities and state bodies. The NGO sector often criticizes the Gender Centers for their lack of transparency and for the lack of information-sharing with NGOs.

Article 24 of the Law on Gender Equality⁴¹ puts a clear obligation on both the Gender Center of FBiH and the Gender Center of RS to consult and cooperate with NGOs in the process of drafting the report on the implementation of the Law on Gender Equality to the Human Rights Ministry as well as “to ensure that balanced sexual equality policies are pursued at all levels of governance and shall in that regard cooperate with non-governmental organizations and trade unions”.⁴² However, it remains to be seen how this cooperation will develop in the future.

3.5 Leading NGOs working in the field of violence against women in the country

The main NGOs dealing with violence against women in FBiH:

- *Ambasada lokalne demokratije* (Local Democracy Agency), Sarajevo;
- *Centar za pravnu pomoć ženama* (Center for Legal Aid to Women), Zenica;

⁴¹ The Law on Gender Equality, adopted by the Parliamentary Assembly of Bosnia and Herzegovina on April 22, 2003 and in the session of the House of Peoples of 21 May 2003. The Law was published in the *Official Gazette of Bosnia and Herzegovina* June 16, 2003. The Law entered into force on the eighth day from the date of its publication in the *Official Gazette of Bosnia and Herzegovina*.

⁴² *Ibid.*

- *Centar žena i društvo* (Woman and Society Center), Sarajevo;
- *Medica*, Zenica;
- *Udružene žene* (United Women) Banja Luke;
- *Ženski Centar* (Women's Center), Trebinje;
- *Žene sa Une* (Women from Una), Bihać; and
- *Žene* (Women) FBiH, Mostar.

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

There are no special units in law enforcement agencies dealing with the cases of violence against women.

5. AVAILABLE SERVICES

5.1 Shelters

In Bosnia and Herzegovina, NGOs are the only organizations providing services by offering different kinds of help for victims of violence against women. Unfortunately, no shelters have been partially or fully organized or financed by the state.

There are five active shelters (safe houses) in Bosnia and Herzegovina for victims of violence (domestic violence and victims of trafficking). Two safe houses in Sarajevo and Mostar are for victims of domestic violence, one safe house in Mostar is for women victims of trafficking, and two other shelters in Zenica (*Medica*) and Bihać (*Kuća spasa*) are for women victims of violence. These shelters were opened by non-governmental organizations and financed mostly by local non-governmental and international donors. The shelter in Sarajevo is partially financed by the Center for Social Welfare of the Canton of Sarajevo.

The capacity of these shelters is approximately 100 places. Half of these places are occupied for a longer time by women and children victims of domestic violence and trafficking. The rest of the places are available, so there are no waiting lists. Placement of the victims is free of charge. Those entering the shelters are provided with psychological treatment as well as medical, social and legal support. Upon arriving to the safe houses they receive immediate help by a qualified professional staff of psychiatrists, psychologists, social workers, doctors, and lawyers. There are two ways of

entering the shelters: a social worker arranges the protection of the victim at the police, which in turn directs the victim to the safe house (the police personnel and social workers both receive special training to handle cases of violence) or in some cases the victims contact the shelters directly through their SOS line. The outreach of the safe houses is relatively even throughout the country and the whole geographical territory of Bosnia and Herzegovina is covered.

Shelters have programs to work with women and children victims; and some of them also have programs to work with perpetrators (according to the necessities in the shelter.) Each shelter has their own codes of conduct containing provisions about multi-agency work. Children are given the necessary psychological and moral support by trained staff. All of these programs are free of charge.

5.2 Hotlines

There are eight hotlines in the country offering assistance and counseling for victims of domestic violence, sexual harassment and abuse, and trafficking. The operators on the hotlines are mainly volunteers who have completed the relevant training programs held by social workers and personnel from the safe houses on prevention, counseling and assisting victims against violence. All people working on hotlines follow the codes of conduct established separately by each organization. The existence of this service enables victims of violence to feel less isolated and lonely, and to not consider themselves helpless when facing this problem. Hotlines provide all kind of necessary information regarding violence: information about shelters, centers for social work, legal aid, all kind of psychological help and support, etc.

The operating hours of the different hotlines vary from eight to 24 hours a day, and most of them are free of charge. The hotlines cover all the territory of Bosnia and Herzegovina (there are two hotlines in Sarajevo, one each in Mostar, Trebinje, Zenica, Bijeljina, Banja Luka, and one for the entity of Republika Srpska) and they are financed by local and international NGO donors.

The potential users of the hotlines are women, victims of all kind of violence (domestic violence, rape, trafficking, etc.) and discrimination. In many cases not the victim herself but a family member, friend, or colleague contacts the hotline.

5.3 Crisis intervention centers

N/A

5.4 Intervention programs for perpetrators

N/A

5.5 Other victim support services

The State Ministry of Security signed a Cooperation Protocol with eight NGOs, authorizing them to provide assistance (shelter, psychosocial support and legal assistance) to foreign women victims of trafficking.

As already mentioned above, a group of local NGOs established in 1999 the RING network for combating trafficking in persons. The network provides shelter places, public advocacy, legal aid, medical assistance, prevention and educational campaigns on trafficking in persons.

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs

The Law on Gender Equality of Bosnia and Herzegovina prescribes that the promotion of gender equality shall be an integral part of curricula at all educational levels. The law also stipulates that relevant authorities shall undertake steps to prevent gender-based violence, particularly in the field of education, to eliminate prejudices, customs and all other practices based on the idea of the inferiority or superiority of either sex or on the stereotypical roles of men and women. This includes education and awareness-raising among state officials.

Furthermore, Article 6 of the Law on Gender Equality states that the “the relevant authorities, educational institutions and other juristic persons shall ensure that their plans and methodology provide for the establishment of an educational system that will guarantee elimination of elements of the curriculum that contain stereotypical social roles for men and women and that result in gender discrimination and gender inequality.” Moreover, the law imposes fines for failure to introduce curricula and methodologies in educational institutions that will guarantee the above aim.

The Gender Centers of the Federation of Bosnia and Herzegovina and Republic of Srpska have developed strategies for introducing a gender component into the educational process at all levels (primary, secondary and university education). Until

now, however, there have been no special classes or topics regarding violence against women in the primary and secondary school curricula.

There are no sex education programs that would be a part of the secondary school curricula in the country. Campaigns on safe sex, reproductive rights and health have been organized by NGOs, but their duration was limited, and depended upon available funds.

6.2 Mandatory and other training programs for future professionals

There are no mandatory training programs for future or practicing professionals about violence against women and its different forms, prejudices, or the stereotyped roles of sexes. Some training courses on violence against women for teachers, police, and social workers have been organized and carried out by NGOs. The number of participants varied from 20 to 50 per training and the duration of the training was one or two days. The content of the training were mainly based on the handling of first contact situations and the subsequent treatment of victims of violence – but it often depended on the funds or other necessities of the donors what was the focus of the training.

6.3 Mandatory and other training programs for practicing professionals

See above.

6.4 Gender equality issues in higher education curricula and human rights programs

N/A

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the stereotypical portrayal of women

According to the Law on Gender Equality, the media is obliged to develop awareness on gender equality; public expression that presents any person in an offensive or derogatory manner in regard to gender is prohibited. However, there are no media law provisions regarding violence against women and the portrayal of women.

7.2 Guidelines and codes of conduct for media professionals

The Code of Conduct for the Print Media states in its Article 4 that “newspapers and periodicals must avoid prejudicial or insulting references to a person’s ethnic group, nationality, race, religion, gender or sexual orientation or to any physical or mental illness or disability.” The same article further states that “references to a person’s ethnic group, nationality, race, religion, gender, sexual orientation or physical or mental illness or disability shall be made only when directly relevant to the event being reported.”

However, neither this Code, nor the Code of Conduct for Producing Television and Radio Programs,⁴³ explicitly takes into account the issue of violence against women. Program schedules in broadcast and print media are still not prepared for gender-sensitive reporting and for reporting properly on violence against women.

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

The Communications Regulatory Agency, or RAK, is the media-watch organization in Bosnia and Herzegovina, which operates independently from the state.⁴⁴ This agency monitors the work of the media, and aims to ensure that the principles of legality, objectivity, transparency, and non-discrimination are respected in media programs and activities. Specific regulations about violence against women are not included, but the Gender Equality Law applies also to its work.

7.4 Training programs for media professionals on violence against women

There are no systematic training programs for media professionals on violence against women. Some NGOs have offered specific, two-three-day training seminars on a project-basis, which were financed primarily by foreign donors. However, there is no specific coordination or monitoring of such activities.

⁴³ Code of Conduct for Producing Television and Radio Programs, October 2001.

⁴⁴ RAK was established on March 2, 2001 by a Decision of the High Representative, combining the competencies of the Independent Media Commission (broadcasting) and the Telecommunications Regulatory Agency (telecommunications), which were, until that time, separately performing their respective functions. On October 21, 2002, the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on Communications finally defining the mandate and responsibilities of RAK (*Official Gazette of FBiH*, No. 31/03).

7.5 Media activity in raising the awareness of the general public of violence against women

Stereotypical portrayals of women and men are still prevalent in the media. There are no special programs or informational campaigns regarding violence against women in the media. Some organizations present information about their work through the media. The biggest campaigns targeting violence against women are done systematically by the Women's Program of OSF Bosnia and Herzegovina and work to define what violence is, who are the victims of violence, who is committing the violence, what can be done to protect victims from violence, how to prevent it and how to break the cycle of violence. A number of TV ads have been created with this goal, and several formats of posters with clear messages have been published (i.e. "STOP VIOLENCE AGAINST WOMEN") and all of these messages were intended to make the goal understandable to ordinary people. Radio ads were the next educational phase and were broadcast on Bosnian radio stations. Shortly after the initial ads were aired, a large number of women sought information on whom to talk to, where to go and how to obtain information about domestic violence.

Woman and Society Center organized a Forum for Media Treatment, on, among other issues, the issue of violence against women. The Center informed the public about the alarming situation of violence and trafficking in 2004, and about its critical analysis of the media treatment of victims of violence and trafficking.⁴⁵

7.6 Analyses on violence against women in the media

There is no systematic analysis conducted by the government on the presence and presentation of violence against women in the media. Some NGOs have been following the problem of violence against women in the media as a part of their project activities, which mainly depend on donor funding.

8. AWARENESS RAISING

N/A

⁴⁵ Forum and Press Conference organized by the Woman and Society Center, Media Center Sarajevo, April 12, 2004.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

No information is available on the issue of any systematic gender-related research or surveys made by state institutions at the state level.

9.2 Violence against women on the agenda of research centers dealing with equality issues

N/A

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

The Law on Gender Equality states in its Article 18 that “All statistical data and records collected, recorded and processed in state bodies at all levels, public services and institutions, state and private corporations and other entities must be gender-disaggregated.” Furthermore, the same article prescribes that this data “must be an integral part of statistical records and accessible to the public.” However, there is no unified state statistical system on violence against women or its different forms. Relevant statistical information is not maintained by state statistical agencies nor is it collected by the Ministries of the Interior.

According to estimates, more than 55 percent of women in Bosnia and Herzegovina suffer some kind of violence in the family. Yet, Bosnia and Herzegovina have not kept accurate records concerning domestic violence. The relevant statistical information has not been maintained in state statistical agencies, nor in the Ministry of Interior, and this information is almost impossible to find in the health institutions. In the health sector, only some rare examples of gender-specific data and data on violence against women can be found at the “Family Doctor” units in major cities. With the exception of the police departments, different professions do not produce national reports about their statistics on violence against women; even the reports produced by the police must be more accessible to the public.

The issue of what statistical research will be undertaken is decided by the Annual Program of Statistical Research, which is based upon the Law on Statistics of Bosnia and Herzegovina.⁴⁶ Article 1 of this law provides “the legislative framework for the organization, production and dissemination of statistics of Bosnia and Herzegovina.” Article 3(4) states that the “production of statistics of Bosnia and Herzegovina shall encompass all activities necessary for the preparation, collection, storage, processing, compilation, analysis and dissemination of statistical data for BiH.”

As different entities, the Federation of Bosnia and Herzegovina and the Republika Srpska have their own Laws on Statistical Research.⁴⁷ There is no unified state statistical system in Bosnia and Herzegovina about any kind of violence against women and there is no national report of the different professions about their statistics on cases of violence against women.

10.2 NGO statistics on violence against women

Despite the almost total lack of official statistics, violence against women is recognized by the NGO sector. NGOs have collected statistical data by and for themselves and these statistics are available to the general public through print and electronic publications.

According to a survey conducted among a sample of 540 women in 1999 by the NGO Medica in the Zenica municipality, 29 percent of those surveyed reported knowing a woman whose partner had threatened her with violence (and 73 percent of these reported knowing more than one women). Fifty-three percent knew a woman who was beaten by her partner (67 percent knew more than one) and 54 percent knew a woman who was repeatedly beaten by her partner (72 percent of these women knew more than one). Twenty percent of the women surveyed reported that they themselves were threatened with violence by their partners; 23 percent stated that they were beaten by their partners; and 24 percent were repeatedly beaten. In all three of these manifestations of violence, 60 percent of the women never called for help from any institutions (Centers for Social Work, police, the court, or the public prosecutor’s office).⁴⁸

⁴⁶ *Official Gazette of FBiH*, October, 2002.

⁴⁷ Law on Statistical Research in the Federation of Bosnia and Herzegovina, *Official Gazette of FBiH*, No. 6/95, November 8, 1995; Law on Statistical Research in the Republika Srpska, *Official Gazette of RS*, No. 21/96, September 23, 1996.

⁴⁸ NGO Report on Women Human Rights in Bosnia and Herzegovina, pp. 34–35. May 1999.

In the different NGO surveys, up to 60 percent of women have stated that they were victims of some form of domestic violence; almost 30 percent of women stated they were exposed to sexual harassment; and five percent of women stated they had been sexually assaulted. According to the pilot research of STAR,⁴⁹ 18.69 percent of those surveyed answered affirmatively to the question “have you ever been a victim of domestic violence?” However, there is a significant difference across the data depending on the town it came from: in Banja Luka 30.08 percent answered affirmatively, in Mostar 19.72 percent, and in Sarajevo only 9.20 percent. Given the fact that all previous research is closest to the results obtained in Banja Luka, i.e. that almost every third woman has been the victim of domestic violence; we can assume that the variation occurred due to a difference in survey methodologies.

11. CASE LAW ON VIOLENCE AGAINST WOMEN

N/A

12. RECOMMENDATIONS TO THE GOVERNMENT

- Harmonize the laws and by-laws related to law enforcement and the implementation of the Law on Protection from Family Violence (FBiH and RS) and the Criminal Code (State, RS, FBiH and Brčko District);
- Improve legislation on violence against women, particularly with regard to prosecutions for criminal acts, such as family violence, rape, incest and other forms of violence;
- Ensure a proper infrastructure for implementation of articles of the Law on Protection from Family and other Forms of Violence against Women and Children, including shelters for women and children who are victims of violence, counseling services for violators, centers for addressing addiction, etc;
- Provide operational and financial support for NGO-managed infrastructure that addresses protection from and prevention of violence against women;
- Ensure a consistent implementation of the Law on Gender Equality in all entities and sectors;
- Ensure the continuous education of professionals in institutions, including educators and others dealing with violence against women and children;

⁴⁹ Jasna Bakšić Muftić, Nada Ler Sofronić, et al. (2002) *Socio-Economic Status of Women in Bosnia and Herzegovina: Because We Are Women* (Sarajevo: STAR World Learning), p. 68.

- Provide systematic capacity development, through regular education for different professionals, regular curricula at schools and universities, including medical schools, pedagogy schools, police academies, law schools, and schools for social workers and psychologists;
- Integrate a gender component or awareness into professionals' work through regular education, practical lessons and experience in the field of violence against women;
- Establish coordination bodies and operating teams on the local, municipal, cantonal, regional, and other levels, composed of representatives of institutions and organizations, to ensure complete and adequate assistance to victims of violence;
- Ensure that these coordination bodies plan activities jointly on preventing and combating violence, as well as organize institutional and other support for healing;
- Open counseling services for violators to provide professional support for controlling their behavior;
- Open marriage, pre-marriage and family counseling services to provide assistance to indigent citizens without discrimination through Bosnia and Herzegovina, including small communities;
- Create alimentary funds for support to victims and survivors of violence; to create supportive pre-conditions for employment of victims/survivors and their reintegration (e.g. a tax-free policy for employers of victims of violence);
- Increase financial support for state, private and NGO institutions both locally and nationally that deal with violence prevention and healing;
- Change the unequal status of NGOs dealing with victims/survivors of violence, by providing adequate budgetary funds for services in violence protection area;
- Request gender commissions at all levels to include family and other forms of violence against women and children as one of the priorities in their strategies;
- Develop and implement measures to facilitate the reintegration of victims and survivors of violence into society, and make employment policies more supportive towards them (e.g., a tax-free policy for employers of victims of violence); and
- Support the NGOs dealing with victims and survivors of violence, by providing adequate budgetary funds for the services they provide.

ANNEXES

Annex A. List of laws and regulations screened

State laws

Constitution of Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina*, No. 1/94.
In effect from 1994.

Criminal Code of Bosnia and Herzegovina, Office of the High Representative for Bosnia and Herzegovina.

Law on Gender Equality, adopted by the Parliamentary Assembly of Bosnia and Herzegovina on April 22, 2003 and the House of Peoples on May 21, 2003, *Official Gazette of Bosnia and Herzegovina*, June 16, 2003.

Law on Statistics of Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina*, October, 2002.

Entity laws

Criminal Code of the Federation of Bosnia and Herzegovina, enacted by the Parliament of the Federation of Bosnia and Herzegovina in the session of the House of Representatives held on July 8, 2003 and the session of the House of Peoples held on July 9, 2003, published in the *Official Gazette of the Federation of FBiH*, No. 36/03 of July 29, 2003 and entered into force on August 1, 2003.

Criminal Code of the Republika Srpska, *Official Gazette of RS*, No. 22/02, 2002.

Family Code of the Federation of Bosnia and Herzegovina, *Official Gazette of FBiH*, No. 35/05.

Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina, *Official Gazette of FBiH*, No. 22/05, April 6, 2005.

Law on Statistical Research in the Federation of Bosnia and Herzegovina, *Official Gazette of FBiH*, No. 6/95, November 8, 1995.

Law on Statistical Research in the Republika Srpska, *Official Gazette of RS*, No. 21/96, September 23, 1996.

Codes of conduct

Code of Conduct for Printing Media.

Code for Producing Television and Radio Programs, October 2001.

International norms

The Universal Declaration of Human Rights adopted and promulgated by the UN General Assembly's resolution 217 A(III) of 10 December 1948 (fully incorporated in the constitutional and legal system of Bosnia and Herzegovina).

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, General Assembly Resolution A/RES/34/180) adopted at the 107th Plenary Meeting of the General Assembly on December 18, 1979.

United Nations Declaration on the Elimination of Violence against Women (DEVAW, General Assembly Resolution A/RES/48/104), adopted at the 85th Plenary Meeting of the General Assembly on December 20, 1993.

Council of Europe Parliamentary Assembly Recommendation 1450(2000) on Violence against Women in Europe.

Annex B. List of documents and books consulted

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women *Combined initial, second and third periodic reports of States parties. Bosnia and Herzegovina*. (2004). United Nations CEDAW/C/BIH/1-3

BiH Gender Assessment, USAID. Sarajevo. May 2005.

BiH Report, SEELINE. Sarajevo. January 2002.

Global Rights, Partners for Justice (2004) *Shadow Report on the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina*, presented to CEDAW, January 2004. Washington, DC: Global Rights.

Jasna Bakšić Muftić, Nada Ler Sofronić, et al. (2002) *Socio-Economic Status of Women in Bosnia and Herzegovina: Because We Are Women*. Sarajevo: STAR World Learning.

Report on the Status of Human Rights in Bosnia and Herzegovina. Helsinki Committee for Human Rights in Bosnia and Herzegovina. December 2004.

The Platform for Women's NGO Action in Bosnia and Herzegovina.

United States Department of State (2003) *Bosnia and Herzegovina: Country Reports on Human Rights Practices, 2002*. Released by the Bureau of Democracy, Human Rights, and Labor on March 31, 2003. Washington, DC: Department of State. Available at <http://www.state.gov/g/drl/rls/hrrpt/2002/18356.htm>

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