



**Bosnia and Herzegovina**  
**Stakeholder Report for the United Nations Universal Periodic Review**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status  
and  
**Ženski centar Trebinje,**  
a non-governmental organization

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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates has previously published multiple reports on violence against women as human rights issue, provides consultation and commentary on draft laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.

**Ženski centar Trebinje** was founded in 2002 by a group of 20 men and women to help children and women victims of domestic violence. It was established due to the need to speak out about violence against women and children which, until then, was considered a private problem of individual households, and not as a problem that affects the whole society. Deeply rooted stereotypes and patriarchal attitudes about the position and the role of women in society and family have created a certain “taboo” in terms of specific relationships between men and women. Guided by a desire to contribute to solving this global problem, especially in the context of its region, but also at the state level and beyond, the Ženski centar Trebinje has conducted its activities in various areas of everyday life and work in order to provide the most appropriate response to this challenge. Although its activities are focused on different areas (for example, social life, health services, social security, economy), and apply different methodologies, there is only one overall aim: improvement of status of women in society of the Republic of Srpska and Bosnia and Herzegovina, primarily through the development of partnerships between men and women in family and in society.

The Ženski centar Trebinje’s vision is to improve the status of women in society and family, and a life free of violence. Its mission is to fight for children's and women's rights in all segments, and the economic empowerment of women. Its work is based on needs assessment so that the results are the product of recognized needs and voluntary contributions to attend to those needs.

## **I. EXECUTIVE SUMMARY**

1. Domestic violence is a serious concern in Bosnia and Herzegovina (BiH). In a 2013 report published by the Gender Equality Agency of Bosnia and Herzegovina, 47.3% of women in Republika Srpska (RS) and 47.2% of women in the Federation of Bosnia and Herzegovina (FBiH) reported experiencing some type of violence after the age of 15.<sup>1</sup> Of the women that reported experiencing violence in RS, more than 57% reported that their intimate partner was at least one of the perpetrators of the violence, with almost 40% reporting their intimate partner as the sole perpetrator, with similar rates of violence in FBiH.<sup>2</sup>
2. BiH has established Gender Centres in FBiH and RS, as well as established the Agency for Gender Equality of Bosnia and Herzegovina. Further, both FBiH and RS have passed laws on domestic violence. However, domestic violence is still prevalent, and gaps remain in the existing legal structure and implementation.
3. Information for this report was gathered from firsthand information received directly from experts within the country, cantonal protocols, and secondary sources.

## **I. BACKGROUND AND FRAMEWORK**

4. BiH has ratified several human rights treaties, including the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on Economic, Social, and Cultural Rights, and the Convention on the Rights of the Child.
5. BiH ratified the Istanbul Convention on 7 November 2013. The Istanbul Convention entered into force in BiH on 1 August 2014.

### **A. 2014 Universal Periodic Review**

6. During the 2014 Universal Periodic Review, BiH originally noted all 167 recommendations, including the 7 recommendations concerning domestic violence.<sup>3</sup> BiH later accepted 3 recommendations on strengthening protections and resources for victims of domestic violence.<sup>4</sup> BiH partially accepted the remaining 4 recommendations relating to domestic violence.

### *Continued Protection of Victims and Investigation of Domestic Violence Cases*

#### **Status of Implementation: Accepted, Partially Implemented**

7. BiH accepted all three recommendations related to continued efforts to protect and provide assistance for victims of domestic violence, effectively investigate cases of domestic violence, and prosecute perpetrators.<sup>5</sup> Since the last UPR, BiH has furthered some protections for victims of domestic violence, such as enabling free legal aid for women in RS. However, victims of domestic violence continue to lack sufficient protections from police, prosecutors, judges, and social workers.

### *Adopt Strategy to Implement Istanbul Convention*

#### **Status of Implementation: Partially Accepted, Partially Implemented**

8. BiH partially accepted Hungary’s recommendation to increase efforts to adopt a strategy to implement the Istanbul Convention, acknowledging that while BiH was developing a framework strategy to implement the Istanbul Convention the RS government held the position that “it is necessary to adopt guidelines for the implementation of the Convention and each institution should define concrete measures.”<sup>6</sup> Though BiH has adopted the *Framework Strategy for the Implementation of the Convention on Preventing and Combating Violence Against Women and Domestic Violence in Bosnia and Herzegovina for the Period 2015–2018*, RS has withheld support for the framework.

*Steps to Monitor Implementation of Efforts to Address Domestic Violence*

**Status of Implementation: Partially Accepted, Partially Implemented**

9. BiH partially accepted two recommendations related to the monitoring of measure aim to combat domestic violence and protect victims, acknowledging that the existing monitoring structures needed to be strengthened and discussing activities to develop a framework strategy for monitoring.<sup>7</sup> In the *Framework Strategy*, BiH outlined steps to create and implement legislative monitoring, however domestic violence legislation monitoring is still lacking.

*Penalize Acts of Violence Against Women*

**Status of Implementation: Partially Accepted, Partially Implemented**

10. BiH partially accepted Sierra Leone’s recommendation to revise and harmonize legislation on sexual and domestic violence and penalizing all acts of violence against women, stating that BiH was “making efforts to harmonize” while RS “considers that the legal protection is afforded” through RS law, providing zero tolerance for violence against women.<sup>8</sup> While BiH has begun to harmonize legislation and both F BiH and RS have continued to revise entity laws, the law does not yet penalize all acts of violence against women.

**B. Domestic Legal Framework**

11. BiH has implemented legislation regarding domestic violence at the national and entity level. The *Law of Gender Equality in Bosnia and Herzegovina* prohibits gender-based violence,<sup>9</sup> specifically including gender-based violence occurring within the family or household.<sup>10</sup> Any person who violates the *Law of Gender Equality* faces a fine or imprisonment ranging from six months to five years.<sup>11</sup>
12. F BiH addresses domestic violence in both its criminal code and civil law. The civil *Law on Protection from Family Violence* defines any act committed by a family member that inflicts “physical, psychological or sexual pain or suffering and/or economic damage to another family member” as an act of domestic violence.<sup>12</sup> The law defines family members as marital and extramarital partners and their children, relatives, and guardianship of minors.<sup>13</sup> As well, the civil law outlines values, freedoms and obligations according to which family members are out to act towards each other.<sup>14</sup>
13. The civil law provides measures of protection, which include the removal of the perpetrator from the living space with a possible temporary deprivation of liberty, restraining order, prohibition of harassment, and mandatory psychological treatment and the treatment of addiction of the perpetrator.<sup>15</sup> The court is obligated to issue a decision

on emergency protective measures within 12 hours of the receipt of the request.<sup>16</sup> In the case that perpetrator violates the protective measures, the law mandates a monetary fine.<sup>17</sup> In cases where officials fail to obey by the procedures and requirements of the law a monetary fine will be imposed.<sup>18</sup>

14. The law mandates that the victim has “unimpeded” access to a court with no legal fees, basic living needs, and a temporary place in a safe house if required.<sup>19</sup>
15. FBiH’s *Criminal Code* defines domestic violence as “violence, insolent or arrogant behaviour [that] violates peace, physical integrity or mental health of a member of the family.”<sup>20</sup> This includes ex-spouses and in-laws to the second degree.<sup>21</sup> Violent behavior towards a family member is punishable with a fine of imprisonment of up to a year, and if the injuries are grave or result in a death of the victim, the fine increases to up to 10 years of imprisonment.<sup>22</sup> FBiH’s *Criminal Code* does not address rape in marriage or intimate partnership.
16. In RS, the *Law on Protection from Domestic Violence* defines domestic violence as “any act of violence of a member of family or family unit, which endangers tranquility, mental, physical, sexual or economic integrity of another member of family or family unit.”<sup>23</sup> Domestic violence is treated as a misdemeanor unless the victim has suffered physical injuries or death. In addition to family, the law is applicable in the cases of people inhabiting the same household regardless of their relationship and persons who have a child but who have never lived in a same household.<sup>24</sup>
17. Police or the victim can petition for emergency protective measures, which are required to be issued by the court within 24 hours of receiving the petition.<sup>25</sup> Emergency measures can include the removal of the perpetrator from the household, issuance of a restraining order, prohibition from harassment, mandatory psychological treatment and rehabilitation, and must be implemented within 30 days.<sup>26</sup> In the case that emergency protective measures are violated, the perpetrator will face additional punishment in accordance with the provisions of the law.<sup>27</sup> The Center for Social Work may place a victim in a safe house temporarily if necessary,<sup>28</sup> and a victim is entitled to social and medical care.<sup>29</sup>
18. The *Criminal Code of Republika Srpska* criminalizes domestic violence, penalizing physical or mental violence against a family member with a fine or up to three years imprisonment.<sup>30</sup> If a perpetrator attacks or threatens to attack a family member with a weapon or dangerous instrument, they may face imprisonment lasting between six months or five years. The potential prison terms increase in the instance of injury or death. Ex-spouses, ex-spouses’ children and ex-spouses’ parents are included into the definition of a family.<sup>31</sup> The *Criminal Code* does not address rape in marriage or intimate partnership.

## **II. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

### **A. Institutions and Policies**

#### **Harmonization of Legislation with Istanbul Convention**

19. BiH has adopted the *Framework Strategy for the Implementation of the Convention on Preventing and Combating Violence Against Women and Domestic Violence in Bosnia and Herzegovina for the Period 2015–2018*.<sup>32</sup> The *Framework Strategy* identifies three

key principles for implementation of the Istanbul Convention: “Due diligence and obligation of the State; [s]ubstantive gender equality and elimination of discrimination of women on any ground; [and] [i]ntegrated and gender sensitive prevention, protection and sanction policies.”<sup>33</sup> Additionally, the *Framework Strategy* outlines a number of steps to create and implement policies to monitor domestic violence legislation.<sup>34</sup> As of 2016, however, the government of RS has withheld support for the *Framework Strategy*.<sup>35</sup> In 2018, a European Parliament Commission Staff working document noted that a “harmonised system for monitoring and data collection on cases of violence against women is still lacking.”<sup>36</sup>

20. The *Criminal Procedure Code of the RS* does not utilize the term “victim.”<sup>37</sup> Rather, the law refers to the “aggrieved party,” who lacks a right to court and instead is represented by prosecutors who often do not fulfil their obligation in cases of domestic violence.<sup>38</sup>
21. Additionally, the *Criminal Procedure Code of the RS* has failed to properly define the risk assessments in terms of domestic violence.<sup>39</sup>
22. Further areas that lack harmonization are monitoring and collecting information about violence against women and girls, including domestic violence.<sup>40</sup>

## **B. Gender-based violence**

### **Victim Resources Have Improved But Are Insufficient**

#### **1) Multi-Sectoral Teams**

23. Laws in both FBiH and RS require multi-sectoral cooperation, engaging stakeholder such as law enforcement, prosecutors, judges, Centers for Social Work, healthcare providers, and educators.<sup>41</sup> In RS, domestic violence stakeholders must cooperate and share information in the manner prescribed by law.<sup>42</sup> The FBiH law establishes Cantonal Coordination Bodies and tasks local shareholders with signing protocols.<sup>43</sup>
24. Multidisciplinary approaches to domestic violence are lacking.<sup>44</sup> There are eight cantonal protocols that involve different forms of protection and assistance to the victims. 72% of municipalities have joined the cantonal protocols while the rest have their own local municipal protocols.<sup>45</sup> This leads to challenges in harmonizing consistent responses to domestic violence by different local teams.<sup>46</sup>
25. A review of protocols reveals inconsistencies across different levels of FBiH. In some locations, there are discrepancies between protocols on the cantonal and municipal levels. For example, the protocol for the municipality of Jajce does not provide for mandatory meetings of the coordination body,<sup>47</sup> while on the cantonal level such meetings are required.<sup>48</sup>
26. Meetings and communication among the teams at times are irregular, leading to challenges in collaboration.<sup>49</sup> As a result, responses to domestic violence cases may be subject to delays.<sup>50</sup>
27. In RS, multi-sectoral cooperation has had greater success. Ženski centar Trebinje has developed an example multi-sectoral cooperation program which has been implemented throughout the Eastern Herzegovina region. This program sets out best practice standards for multi-sectoral cooperation recognized on both the regional and international level.<sup>51</sup>

28. Additionally, in RS, almost all municipalities are covered by multi-sectoral protocols which govern cooperation between NGOs and local institutions.<sup>52</sup>

## **2) Safe Houses**

29. Victims face problems when trying to obtain short-term housing, as the number of beds in safe houses is insufficient. There are nine safe houses for women in BiH, three in RS and six in FBiH.<sup>53</sup> These nine safe houses have approximately 178 beds, although best practice standards require BiH have at least 352 beds.<sup>54</sup> The shortage of beds constrains the survivors' duration of stay in the safe houses.<sup>55</sup>

30. Psychological and economic support services are insufficient to meet the needs of victims. Not all shelters provide individual counseling or support groups. There is a greater need for economic empowerment opportunities as well, including financial education and planning services.<sup>56</sup>

31. Shelters face a chronic lack of funds. By law, the funding for safe houses in FBiH is split between the budgets of the canton (30%) and the budget of the FBiH entity (70%).<sup>57</sup> The government does not always follow these financing regulations, and NGOs and private donations must fund the safe houses instead.<sup>58</sup>

32. Some good practices regarding safe houses have emerged in RS. As early as 2008, RS required that the government financed 70% of safe houses and the remaining 30% was financed by the municipality of a victim.<sup>59</sup> Under the agreement, municipalities are tasked with providing funds for co-financing of safe houses, even though there are some which do not obey this regulation.<sup>60</sup> Nonetheless, the RS government and most municipalities abide by this agreement.<sup>61</sup>

## **Victims are Denied Necessary Support and Protection**

### **1) Police**

33. The number of reported cases is disproportionate to the number of cases that make their way to court, in part due to the response of police.<sup>62</sup> Police often treat domestic violence as a marriage conflict or disruption of public order, and at times seek to mediate and persuade the victim to not take action against her perpetrator.<sup>63</sup> As these cases are considered misdemeanors, perpetrators are sanctioned by monetary fines,<sup>64</sup> violating international standards and best practices to criminalize physical violence against another person.<sup>65</sup> Officers often do not take steps to determine if perpetrators possess weapons and, when they do discover firearms, fail to confiscate them.<sup>66</sup> Victims have reported delays in the police response. In one case, it took police six months to obtain a statement from a perpetrator.<sup>67</sup>

Victims report feeling unsupported by the police who engage in victim blaming, discouraging them from reaching out in the future.<sup>68</sup>

34. Police often fail to file requests for emergency protective measures. Instead, perpetrators are more often held in jail for 24 hours, after which they return home. Issuance of protective measures does not often comply with the legally required timeframe. When sanctions are handed down, enforcement is weak or nonexistent. One victim shared that her perpetrator violated protective measures but never faced consequences.<sup>69</sup> Another victim reported that her abuser was ordered to pay a fine, but never did.<sup>70</sup>

35. Despite these continued difficulties, advocates report that progress has been made regarding police behavior concerning victims and response to domestic violence.<sup>71</sup>

## **2) Judges and Prosecutors**

36. In RS and FBiH, victims of domestic violence are often not offered required protection.<sup>72</sup> Court monitors discovered only one instance where a victim testifying as a witness was provided professional assistance and support in RS, and no instances where victims were considered vulnerable witnesses.<sup>73</sup> Reports highlight cases in which women have been severely beaten by their partners and continuously threatened during legal proceedings, but were repeatedly denied protective measures or assistance.<sup>74</sup>

37. Victim recantation or refusal to cooperate in criminal prosecutions is not uncommon and even more exacerbated in a context lacking adequate protections. Within FBiH, however, reports indicate that prosecutors often rely heavily on victim testimony and subsequently fail to undertake other investigatory measures to locate other evidence, such as seeking expert testimony, collecting photographic evidence, and finding other witnesses.<sup>75</sup>

38. Similarly, in RS, prosecutors often fail to proceed with a criminal prosecution after a victim withdraws, regardless of the legal basis to continue with the prosecution.<sup>76</sup>

39. Concerns about legal costs deter victims from starting a criminal process.<sup>77</sup> However, there has been progress in ensuring free legal aid to victims. The RS government has enabled free legal aid to women who are victims of domestic violence.<sup>78</sup> Additionally, with the support of the national partners, the UNDP established a network of free legal aid providers, comprised of 12 governmental providers and 6 civil society organizations.<sup>79</sup>

## **3) Social Workers**

40. In RS, Centers for Social Work (CSW) are tasked with initiating extra-judicial procedures in domestic violence cases.<sup>80</sup> However, although CSWs in RS reported 18 cases from 2014 to 2016, they had not begun any extra-judicial procedure.<sup>81</sup>

41. CSWs in RS are also tasked with the denial of parental rights in cases where a parent has sexually abused his child.<sup>82</sup> Under *The Family Law of RS*, however, there is a possibility to retain parental rights if violent actions stop.<sup>83</sup>

42. Reports show that many women hold negative opinions toward the CSWs due to their responses or lack thereof.<sup>84</sup> One victim indicated that she gave up after reaching out to social workers numerous times.<sup>85</sup>

43. There are instances where social workers' practices re-traumatize or blame the victim. A mother of two girls, who were sexually assaulted by their father, was forced to recount their story in front of the perpetrator.<sup>86</sup> The social workers did not believe her story, sided with the perpetrator, and mocked and humiliated the mother.<sup>87</sup> They compromised the family's safety by insisting that the parents reunite and that the father be allowed to sleep in the same bed as one of the daughters every night.<sup>88</sup> The social workers met the children in front of their school and tried to convince them to go to their father.<sup>89</sup>

44. CSWs do not always inform the victims of the possibility to stay in the safe houses; they often fail to issue decisions allowing victims of domestic violence to stay in safe houses or only allow victims to stay for a few days.<sup>90</sup>

#### **4) Other Public Officials and Institutions**

45. Not all public officials working on domestic violence cases are educated about the issues of domestic violence, including doctors who lack knowledge about legal procedures.<sup>91</sup> Public officials are unaware of educational programs on working with perpetrators of domestic violence that are available.<sup>92</sup> The majority of the training programs are provided by NGOs, and there is a lack of initiative on the part of the government.<sup>93</sup> Training programs are provided unevenly across the cantons where 48.8% of the shelters saw an increase in the training and education of the staff, 23.3% no change in training, and 20.9% decrease in training.<sup>94</sup>
46. The institutions are understaffed which leads to an increased burden on the individual public officials.<sup>95</sup> The working conditions are poor due to the lack of funds, and staff are often exposed to threats, including death threats by the perpetrators of domestic violence, and psychological trauma.<sup>96</sup>

### **Administration of Justice & Fair Trial and Right to an Effective Remedy, Impunity**

#### **Victims are Denied Access to Justice**

47. In both FBiH and RS, reports indicate that perpetrators are granted greater opportunities to tell their stories than victims, leading to incomplete accounts of the offense.<sup>97</sup> In one case, the court never called the victim to testify and relied entirely on the perpetrator's testimony.<sup>98</sup> The perpetrator emphasized how guilty he felt and was ultimately sentenced to probation, a sentence that the victim viewed as insufficient.<sup>99</sup>
48. The judicial system does not provide adequate support to victims in securing damage compensation. In order to obtain this compensation, a victim needs to file a separate request. In one study, only 22% of the victims had been directed to file a damage compensation request.<sup>100</sup>
49. Court monitors in RS found that, in targeted courts, the most common criminal sanctions were suspended prison sentences, 1- to 3-year probationary periods, and fines between 300 and 800 BAM.<sup>101</sup> Monitors also found that courts were using suspended sentences to act as warnings in cases with qualified forms of violence, such as the use of a weapon or violence against or in the presence of a minor.<sup>102</sup> The most common penalties issued in minor offence procedures were protective measures prohibiting stalking and harassment for 6 months and fines between 300 and 1000 BAM.<sup>103</sup>
50. In FBiH, court monitoring of domestic violence cases revealed that judges regularly impose warnings rather than safety measures that would protect the victim or incarceration that would hold the offender accountable. Judges imposed a suspended sentence in more than 80% of cases, imposed fines or obligatory psychiatric treatment in less than 5% of cases, and sentenced convicted individuals to prison in 11% of cases.<sup>104</sup>

#### **1) Delays in prosecutions harm victims of domestic violence**

51. For the majority of the cases, prosecution takes approximately one year, which compromises the safety of the victim, discourages their belief in the judicial organs, and fails to send a message to society condemning domestic violence.<sup>105</sup> Crimes that are perceived as severe—such as murder and rape—generally end faster than domestic violence cases, indicating that domestic violence is viewed as a less serious offense.<sup>106</sup>



52. Due to delays in prosecutions and other protective measures, victims are placed at risk of continued and escalating violence. Victims often continue to live with their abusers, and advocates fear that the women will ultimately avoid seeking court assistance.<sup>107</sup> Advocates revealed in a recent report that “[w]omen are also often exposed to pressures to deny testimony against perpetrators, which can have decisive impact on the statements of women as witnesses during investigations and judicial processes.”<sup>108</sup>
53. While prosecutors have adopted practices to truncate criminal procedures throughout RS in order to create “short and economic proceedings,” the practice has been tied to suspended sentences, the use of fines, and fewer opportunities for victims to obtain compensation.<sup>109</sup>

## **2) Prosecutors and judges fail to recognize elements of claims and aggravating factors**

54. Judges neglect aggravating circumstances during the trials, which leads to shorter sentences.<sup>110</sup> The fact that perpetrators had previously been convicted of offences of a similar nature is an example of an aggravating circumstance; however, judges dismiss this issue by emphasizing that the accused committed a different crime.<sup>111</sup> The research reports other aggravating cases that judges neglect, such as crimes committed in the presence of a child, crimes accompanied by extreme levels of violence,<sup>112</sup> crimes committed repeatedly,<sup>113</sup> and crimes against a person made vulnerable by particular circumstances (in this case being a foreign citizen).<sup>114</sup>
55. Court monitors in RS identified a number of cases where prosecutors failed to adequately assess and identify elements of criminal domestic violence offenses which—had they been properly identified—would have introduced the possibility increased penalties.<sup>115</sup> Additionally, monitors only identified one instance in which the prosecution requested a security measure to protect the safety of the victim or her family.<sup>116</sup> While the changes in the laws addressing domestic violence are a critical component of protecting women in RS, the failure of prosecutors and judges to identify elements of domestic violence offenses limits the implementation of those laws.
56. In FBiH, court monitors found that judges were more likely to consider mitigating factors (68% of cases) than aggravating factors (31% of cases),<sup>117</sup> and that judges did not consider aggravating factors in some cases where those factors were present.<sup>118</sup> These mitigating factors included that the perpetrator exhibited “very proper conduct in the court, expressed sincere remorse...and [made a] strong promise that such behavior will not be repeated.”<sup>119</sup> The subsequent report stated that judges failed to explain why they considered circumstances to be relevant when deciding on mitigating or aggravating factors.<sup>120</sup>

## **III. RECOMMENDATIONS**

57. This stakeholder report suggests the following recommendations for the Government of Bosnia and Herzegovina:
- Create legislative frameworks for risk assessments with mechanisms for implementation.
  - Properly define “victim” in accordance with the Istanbul Convention.

- Dedicate efforts and funding for the safe houses to increase the number of spaces available.
- Expand and financially support services provided to victims in safe houses, including counseling services, support groups, and economic empowerment opportunities.
- Remove conditions that impede victims' swift and effective access to safe houses, including CSW referral requirements.
- Increase the number of safe house to ensure coverage across BiH.
- Support the creation and training of new multi-sectoral teams based on best practice standards.
- Bolster the capacity of existing multi-sectoral teams, incorporating best practice standards such as monitoring and evaluation and system change.
- Require regular meetings among institutions in order to harmonize action protocols, increase collaboration, and create continual communication.
- Draft and implement memorandums of understanding in all municipalities which outline obligations, processes, and objectives in order to increase efficiency of multi-sectoral teams.
- Standardize multi-sectoral teams based on best practice standards.
- Increase the number and the scope of programs that train police officers, judges, and social workers working with victims and perpetrators of domestic violence.
- Exclude sanction measures for perpetrators from the *Law on Protection against Violence of RS*—leaving protective measures—to maintain the integrity of the criminal offense of domestic violence.
- Create legislative frameworks for safe victim testimony with mechanisms for implementation.
- Strengthen the enforcement of protective measures as well as penalties for violating protective measures.
- Ensure access to free legal aid.
- Ensure judges receive training on aggravating circumstances to ensure that the judges issue appropriate sentences that are commensurate with the gravity of the crime. Simplify the procedure for victims to receive damages by incorporating the process into the criminal process, instructing courts to explain the procedure to victims, and ensuring victims have legal aid to promote their access to compensation.
- Take steps, including trainings and continued monitoring, to promote timely judicial processing of domestic violence cases with a view to enhancing victim safety.
- FBiH should introduce the Program of economic support to women victims of domestic violence for their employment and self-employment as it is a case in RS.

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<sup>1</sup> Gender Equality Agency of Bosnia and Herzegovina, *Prevalence and Characteristics of Violence Against Women in Bosnia and Herzegovina*, by Marija Babović, Olivera Pavlović, Katarina Ginić, and Nina Karadinović (Mostar: FRAM-ZIRAL d.o.o., 2013), 47.

<sup>2</sup> Gender Equality Agency of Bosnia and Herzegovina, *Prevalence and Characteristics of Violence Against Women in Bosnia and Herzegovina*, by Marija Babović, Olivera Pavlović, Katarina Ginić, and Nina Karadinović (Mostar: FRAM-ZIRAL d.o.o., 2013), 50.

<sup>3</sup> Human Rights Council, *Report of the Human Rights Council on its Twenty-Eighth Session*, (July 8, 2015), U.N. Doc. A/HRC/28/2, ¶ 931.

<sup>4</sup> Human Rights Council, *Note verbale dated 3 June 2015 from the Permanent Mission of Bosnia and Herzegovina to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights*, (June 18, 2015), U.N. Doc. A/HRC/29/G/4, 8.

<sup>5</sup> Human Rights Council, *Note verbale dated 3 June 2015 from the Permanent Mission of Bosnia and Herzegovina to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights*, (June 18, 2015), U.N. Doc. A/HRC/29/G/4, 8.

<sup>6</sup> Human Rights Council, *Note verbale dated 3 June 2015 from the Permanent Mission of Bosnia and Herzegovina to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights*, (June 18, 2015), U.N. Doc. A/HRC/29/G/4, 8.

<sup>7</sup> Human Rights Council, *Note verbale dated 3 June 2015 from the Permanent Mission of Bosnia and Herzegovina to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights*, (June 18, 2015), U.N. Doc. A/HRC/29/G/4, 8.

<sup>8</sup> Human Rights Council, *Note verbale dated 3 June 2015 from the Permanent Mission of Bosnia and Herzegovina to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights*, (June 18, 2015), U.N. Doc. A/HRC/29/G/4, 8.

<sup>9</sup> B&H Law on Gender Equality – revised version (Official Gazette of B&H Vol. 32/10) Art. 6(1)–(2) (Gender-based violence is defined as “every action that causes or may cause physical, mental, sexual or economic damage or suffering, as well as threat to such action which prevents this person or group of persons to enjoy their human rights and freedoms in public and private sphere of life.”).

<sup>10</sup> B&H Law on Gender Equality – revised version (Official Gazette of B&H Vol. 32/10) Art. 6(3)

<sup>11</sup> B&H Law on Gender Equality – revised version (Official Gazette of B&H Vol. 32/10) Art. 29

<sup>12</sup> Law On Protection From Family Violence, Article 7

<sup>13</sup> Law On Protection From Family Violence, Article 6 (including former partners and stepfather and stepmother, and blood relatives and full line relatives).

<sup>14</sup> Law On Protection From Family Violence, Article 6

<sup>15</sup> Law On Protection From Family Violence, Article 9

<sup>16</sup> Law On Protection From Family Violence, Article 18

<sup>17</sup> Law On Protection From Family Violence, Article 45

<sup>18</sup> Law On Protection From Family Violence, Article 44

<sup>19</sup> Law On Protection From Family Violence, Article 5, 31, 32

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- <sup>20</sup> Criminal Code of Federation of Bosnia and Herzegovina, Article 222
- <sup>21</sup> Criminal Code of Federation of Bosnia and Herzegovina, Article 2
- <sup>22</sup> Criminal Code of Federation of Bosnia and Herzegovina, Article 222
- <sup>23</sup> Law on Protection from Domestic Violence, Article 6
- <sup>24</sup> Law on Protection from Domestic Violence, Article 7
- <sup>25</sup> Law on Protection from Domestic Violence, Article 13
- <sup>26</sup> Law on Protection from Domestic Violence, Article 13
- <sup>27</sup> Law on Protection from Domestic Violence, Article 43
- <sup>28</sup> Law on Protection from Domestic Violence, Article 15
- <sup>29</sup> Law on Protection from Domestic Violence, Article 8
- <sup>30</sup> Republika Srpska Criminal Code, Article 6(1)–(2)
- <sup>31</sup> Republika Srpska Criminal Code, Article 208
- <sup>32</sup> Framework Strategy for the Implementation of the Convention on Preventing and Combating Violence Against Women and Domestic Violence in Bosnia and Herzegovina for the Period 2015–2018.
- <sup>33</sup> Framework Strategy for the Implementation of the Convention on Preventing and Combating Violence Against Women and Domestic Violence in Bosnia and Herzegovina for the Period 2015–2018, 7.
- <sup>34</sup> *Ibid.* 51–52.
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