

UN WOMEN ANALYSIS OF THE CAPACITIES
FOR THE IMPLEMENTATION OF COUNCIL OF
EUROPE CONVENTION OF PREVENTING AND
COMBATING DOMESTIC VIOLENCE AND
VIOLENCE AGAINST WOMEN IN POLICE AND
FREE LEGAL AID SECTOR IN
BOSNIA AND HERZEGOVINA



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Sarajevo, 2019



FOREWORD

UN Women Analysis of the capacities in police and free legal aid sector in Bosnia and Herzegovina is yet another contribution and support extended by this UN Agency to the activities of BiH institutions with a view of meeting the obligations that stem from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence - Istanbul Convention and ultimately providing support to victims of gender-based violence and domestic violence and processing of perpetrators.

In accordance with the Istanbul Convention, which Bosnia and Herzegovina ratified in 2013, various sectors of society, primarily state authorities and institutions, are obligated to undertake measures of prevention, adequate protection and support to victims and processing of perpetrators of gender-based violence and domestic violence.

To that regard, in 2018 the Agency for Gender Equality of the Ministry of Human Rights and Refugees in BiH has, in close co-operation with the UN Women, conducted a series of sectoral legal, institutional and organisational analyses in order to set priorities in this domain and to take specific steps to further implement the standards of the Istanbul Convention in the coming period. In addition to that, UN Women conducted similar analyses in the sectors that were not covered by the aforementioned analyses and thus helped in getting an overall perspective on current situation and identify the problems that need to be tackled in the forthcoming period.

Analysis of the capacities in police and free legal aid sector in Bosnia and Herzegovina provides clear guidelines and recommendations which will be used by the Gender Equality Agency of BiH of the Ministry of Human Rights and Refugees in BiH when implementing the programmes and projects in this domain.

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ACRONYMS

ARS BiH	Gender Equality Agency of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
CSO	Civil society organization(s)
EVAWG	Elimination of violence against women and girls
FBiH	Federation of Bosnia and Herzegovina
GBV	Gender based violence
GC	Gender center (of FBiH or RS)
IC	Istanbul Convention – Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
MUP	Ministry of Internal Affairs/ Ministry of Interior (of a canton or entity in BiH)
PS	Police station
PU	Police Administration/ Directorate (Policijska uprava)
RS	Republika Srpska
UNW in BiH	UN Women Office in Bosnia and Herzegovina
VAWG/DV	Violence against women and girls and domestic violence

METHODOLOGY

With this analysis UN Women seeks to support the efforts of the Agency for Gender Equality of Bosnia and Herzegovina in the establishment of minimum standards for service provision to survivors of gender-based violence, particularly domestic violence in Bosnia and Herzegovina. Agency for Gender Equality is currently leading the process of analysis of the harmonization of legislation, capacities and practices in service provision with the provisions of Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The areas analyzed are legal framework, data management, social protection, health and specialized services provided by women NGOs. With this analysis, UN Women would like to contribute to this process by developing a similar analysis in two additional sectors: police and free legal aid. Finally, minimum standards for service provision in all sectors will be proposed on the basis of respective analyses. The form of standards is not decided upon yet and the Agency for Gender Equality of BiH will initiate concrete measures and activities in accordance with its mandate and based on the outcomes of the respective analyses.

This analysis has two main objectives: a) to collect and analyze information about the capacities to implement the Istanbul Convention in Federation of Bosnia and Herzegovina in the sectors of police and free legal aid; b) to collect and analyze information about the capacities to implement the Istanbul Convention in Republika Srpska in the sectors of police and free legal aid, by extending the analysis of the capacities to implement the Istanbul Convention in two focused sectors in the RS done by Gender Center RS in 2017.

The methodology to conduct this analysis consists of desk review and field visits to selected locations. Desk review includes the review of relevant legislative and policy documents as well as current analytical reports and field studies in regard to implementation of the Istanbul Convention in BiH. The baseline for the analysis in Republika Srpska was the analysis of the capacities to implement the Istanbul Convention in two focused sectors in the RS conducted by Marija Babović on behalf of Gender Center RS in 2017.

The attached Annex I is a list of reviewed documents, studies, and reports. Besides the detailed analysis of legal, operational and institutional framework, the analysis explores capacities of responsible sectoral governmental institutions at the entity and cantonal level, and service providers at the local level, including relevant NGOs, in four locations identified by the consultant and approved by the UNW and ARS BiH: (1) Banja Luka, (2) Sarajevo, (3) Tuzla, and (4) Travnik. These locations were selected to cover the two entities of BiH, although only one selected location is in RS (Banja Luka). This is because the detailed analysis of the two respective sectors' capacities to implement the Istanbul Convention has already been conducted in RS (referring here to Babović, 2017), so the consultant has only revisited Banja Luka in order to collect and analyze new information that pertains to the recent changes in RS legislation, specifically the RS Criminal Code. Locations in FBiH were selected based on the information already known to the consultant that pertains to the level of progressiveness in capacities to implement the Istanbul Convention in the sectors of free legal aid and police. More specifically, Tuzla was selected since the Ministry of Interior of Tuzla Canton was the first to establish a specialized police department that deals with domestic violence (Ministry of Interior of the Una Sana Canton was the second and the latest Ministry to establish the same department based on the Tuzla Canton model), Sarajevo was selected since the Law on Free Legal Aid of Sarajevo Canton recognizes victims of domestic violence, gender based violence, and wartime sexual violence regardless of their financial status, which is not the case with other cantonal laws on (free) legal aid, and Travnik was selected since the Central Bosnia Canton is currently the only canton in FBiH that has not yet adopted the Law on Free Legal Aid, so it would be significant to see how women victims of violence access the free legal aid in this respective Canton, and what is the role of NGO sector in filling such legislative gaps.

In conducting this analysis, the consultant has collected information directly from sectoral governmental institutions and service providers at the local level. In that regard, the

consultant has spent one day to two days in each location since the proposed locations are administrative centers of their respective cantons/entities. Detailed information was collected from semi-structured interviews with open-ended questions that provide the opportunity for identifying new ways of seeing and understanding the topic at hand. All interviews were conducted following the interview guide that can be found in Annex II of this document. The interview guide consists of a list of questions and topics that were covered during conversations with representatives of institutions and service providers in police and free legal aid sectors in targeted locations. The consultant has conducted 12 interviews and spoke to 29 persons in total. The full list of interviewed stakeholders and service providers is in the attached Annex III.

ROLE OF THE POLICE SECTOR DERIVED FROM THE ISTANBUL CONVENTION

Several articles of the Istanbul Convention set out standards for police sectors role in response to cases of violence against women. These standards should be observed and interpreted in the light of the other standards from the Istanbul Convention including Article 5 related to a state obligations and due diligence in case of violence, as well as obligations from the Chapter II on integrated policies and data collection, Chapter III that sets out the prevention standards, Chapter IV that prescribes standards of protection and support, Chapter V relevant to substantive law, and Chapter VI dealing with issues of investigation, prosecution, procedural law and protective measures.

The state is obliged, among others, to establish mechanisms for prevention and combating different forms of violence against women where police sector as an important part of this response. Police have a role in all aspects of this response including prevention, investigation, punishment and reparation

for an act of violence. The state is obliged to exercise due diligence in relation to act of violence perpetrated by non-state actors and failure to do so will incur state responsibility. Appropriate financial and human resources for the implementation of policies, measures and programs for the prevention and combating violence should be allocated. Bodies for coordination, implementation, monitoring and evaluation of policies and measures should be established. Systematic and adequate data collection, availability of data and statistics to the public while ensuring privacy rights of persons affected should be ensured. The state should provide and strengthen training of professionals on the prevention and detection of various forms of violence, equality between men and women, the needs and rights of victims, prevention of secondary victimization, coordinated response to violence, etc. Police must be involved in the assessment and risk management, as well as in issuing, implementation and monitoring of emergency measures, restraining or protection orders¹.

1 Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Council of Europe Treaty Series - No. 210) Eksplanatorni izvještaj Konvencije Vijeća Evrope o sprečavanju i borbi protiv nasilja nad ženama i nasilja u porodici/Obrazloženje Konvencije

I POLICE SECTOR

BiH has a complex organizational police system due to a complex constitutional structure of the state. Accordingly, police forces are distributed on three levels of government with 16 police bodies in total. Police is one of the crucial institutions to implement laws on protection from domestic violence.² In FBiH, 10 cantonal ministries of interior (MUP) have a jurisdiction to implement these laws, while in RS that is the RS MUP on the entity level. Although the FBiH and RS police systems are organized differently, i.e. the FBiH police system is decentralized and the RS police system is centralized, their structures on the local level are very similar – both the RS MUP and cantonal MUPs in FBiH are comprised of police administrations (PU) established on territorial and functional principles, and each PU consists of police stations formed at the municipal level. The RS MUP has 10 police administrations, while the number of police administrations in cantonal MUPs depend on each canton's size and population. Police stations are the ones that receive reports of violence, and the case is led by the police stations or police administrations depending on qualification of the offence and internal organization of each MUP. Simplified schematic diagram of the police system in BiH is available in the attached Annex IV.

1.1 State Obligations and Due Diligence

When it comes to determining criminal responsibility of officials who act in cases of domestic violence, the FBiH Criminal Code and newly adopted RS Criminal Code contain criminal offences against official duty and against judiciary.³ Such criminal proceedings are initiated exclusively by a prosecutor, while victims can initiate administrative procedure, i.e. file a complaint to the institution whose official is accused of violation of official duty (Galić and Petrić, 2015).

2 Article 3 of FBiH Law on Protection from Domestic Violence, Article 9 of RS Law on Protection from Domestic Violence

3 Complete list of provisions available in Annex II.

When it comes to disciplinary procedures, entity laws on police officers envisage that criminal responsibility for criminal offence does not exclude disciplinary responsibility of police officers.⁴ For minor violations of official duty, the Law envisages written warnings and fines, and termination of employment and fines for serious violations.⁵ Internal disciplinary procedures are initiated based on citizens' complaints or ex officio based on another officer's request. Citizens can file their complaints at any organizational unit of the Ministry, by providing a statement as a part of the police report, at the Professional Standards Unit, or by phone, email, or fax (Babović, 2017).

1.2 Integrated Policies and Data Collection

BiH Gender Equality Law prescribes that the authorities must take measures to eliminate and prevent GBV and ensure protection, assistance and reparation mechanisms for the victims.⁶ Entity laws on protection from domestic violence prescribe obligations of all subjects of protection from domestic violence, and specifically list police as one of the institutions in charge of implementation of the entity law.⁷ Both laws prescribe the obligation of the subjects' joint and coordinated work on prevention and protection from domestic violence. Legally binding documents in the area of gender equality and protection from domestic violence define the roles and responsibilities of all institutions and subjects, and offer adequate legal framework for protection and support to victims of domestic violence (Galić and Petrić, 2015).

In that regard, different mechanisms have been established to enhance the cooperation and coordination of sectors in charge of dealing

4 Article 96 of RS Law on Police Officers, Article 105 of FBiH Law on Police Officers

5 Article 100 or RS Law on Police Officers, Article 112 of FBiH Law on Police Officers

6 Article 4 of the BiH Gender Equality Law

7 Article 3 of FBiH Law on Protection from Domestic Violence, Article 9 of RS Law on Protection from Domestic Violence

with cases of domestic violence, although they do not refer to all forms of VAWG. Relevant public policies are BiH Framework Strategy to Implement Istanbul Convention (2015-2018),⁸ RS Strategy to Combat Domestic Violence (2014-2019), and FBiH Strategy to Prevent and Combat Domestic Violence (2013-2017) whose implementation deadline has been extended to 2021. All three point to the police as one of the most important stakeholders for implementation, and they emphasize the importance of cooperation and coordination of all relevant subjects involved in cases of domestic violence. Based on the RS Strategy, the General Protocol on Actions in Cases of Domestic Violence in RS was signed in 2013.⁹ The FBiH protocol was never signed, but 72% of all municipalities in FBiH have signed eight cantonal protocols on cooperation of cantonal institutions in providing support to victims of violence, while some municipalities have developed and signed their own local protocols.¹⁰ Entity ministries of interior were active participants in development of all abovementioned documents, together with other relevant ministries and institutions, and police officers in all selected locations are aware of these protocols, they find them helpful and indicate their actions are always in accordance with them.

RS Law on Protection from Domestic Violence prescribes that the protection subjects must keep records of actions taken, collect data, and report to the RS Ministry of Family, Youth and Sports which manages a database on domestic violence,¹¹ and the FBiH Law on Protection

from Domestic Violence prescribes that the police administration should keep records on reported cases of domestic violence and on implementation of protection orders, while also prescribing what specific records should social work centers and courts keep, and that all protection subjects must submit their records to the FBiH Gender Center.¹² A Rulebook on Contents of Domestic Violence Records and Reports was adopted in RS and it contains all relevant information on cases of domestic violence.¹³

However, the respective articles of entity laws on protection from domestic violence do not envisage collection of data on other forms of VAWG other than domestic violence. In that regard, the RS MUP is collecting and processing data on criminal offences and misdemeanors in regard to GBV at the level of police stations and administrations, and Directorate for Analytics, Informatics and Communication (Galić and Petrić, 2015). According to the entity laws on criminal procedure, the police collects data on criminal offences and records them in each entity's criminal databases.¹⁴ Additionally, the RS Criminal Code prescribes a separate register of perpetrators who are convicted of criminal offences against sexual integrity of children.¹⁵ The general issue with the entity criminal databases is that the data is being collected according to the actual legal definitions of criminal offences and misdemeanors listed in entity criminal codes and laws on protection from domestic violence, which makes it hard to collect data on other forms of VAWG included in the Convention other than domestic violence cases.¹⁶ Other than criminal offences against

8 The RS Government does not recognize and accept the implementation of the BiH Framework Strategy to Implement Istanbul Convention (2015-2018), which was decided upon by the RS Government's Conclusion no. 04/012-2-1674/15 made on 3 August 2015.

9 It aims to ensure a coordinated, efficient, and encompassing work of the respective ministries in order to provide assistance, support and protection to victims of domestic violence, but also to prevent and combat domestic violence.

10 Cantonal protocols define the ways in which the authorized institutions, including police, will make contacts, inform one another on cases of violence, intervene in cases of violence, collaborate on providing support to victims of violence, exchange information and opinions in the process of victim's rehabilitation and in the process of implementation of protective measures, as well as in regard to protection of victims for the duration of protective measures. These steps and actions were elaborated in detail in the FBiH Gender Center publication on Actions in Cases of Domestic Violence, published in 2017.

11 Article 34 of RS Law on Protection from Domestic Violence

12 Article 40 of FBiH Law on Protection from Domestic Violence

13 In Article 7 of RS Rulebook on Contents of Domestic Violence Records and Reports

14 Article 95 of the RS Law on Criminal Procedure, also Article 92 of the RS Criminal Code, Article 198 of the FBiH Law on Criminal Procedure; FBiH Criminal Database contains personal information on perpetrators, imposed sentences, security measures, conditional sentences, judicial warnings, additional changes, served sentences and deletion of conviction entries, according to the Article 1 of FBiH Rulebook on Criminal Database. The RS Rulebook on Criminal Database was not available at the time of drafting of this document.

15 Article 92 of RS Criminal Code

16 According to the FBiH Criminal Code, the records are kept for the following criminal offences: murder in different forms (Article 166 to 168), forced abortions (Article 171), bodily injuries (Article 172 and 173), endangering safety (Article 183), sexual violence including rape (Article 203 to 213), domestic violence (Article 222), while the list of criminal offences has been broadened in RS in 2017

sexual integrity, freedoms and morals, most of these offences are gender blind, and only some are registered to include the motive and relationship between the victim and the perpetrator, which makes it much harder to systematically analyze cases of GBV. All research on root causes and effects of VAWG/DV, incidences and conviction rates, as well as the efficacy of measures taken to implement the Convention is conducted by ARS BiH, GC of the two entities, as well as the RS Ministry of Family, Youth and Sports.

One of the good examples of collecting data and analyzing trends is at the MUP TK i.e. their Department for sexual violence, juvenile delinquency and domestic violence. This Department does not deal with the first three paragraphs of the Article 222 of FBiH Criminal Code,¹⁷ as those are dealt with at the level of police stations and administrations which have police officers in charge of communication with the Department at the MUP level. The officers in charge prepare a monthly dispatch on protection orders and numbers of reported cases of domestic violence, and send them to the Department. The Department then collects the data from all police stations and administrations, analyses it, and shares it with other relevant institutions and organizations. That is how they follow trends and act accordingly. For example, it has been noticed that there are many reports of violence to one of the police stations, but no protection orders were ever issued, so the Department looked into it and reacted right away to change that practice. They also look into other criminal offences, such as cases of murder, to analyze the trends and draw connections to cases of domestic violence.

by adopting the new RS Criminal Code: murder in different forms (Article 124 to 126, and 128), forced abortions (Article 130), bodily injuries (Article 131 and 132), female genital mutilation (Article 133), forced sterilization (Article 134), stalking (Article 144), endangering safety (Article 150), sexual violence including rape and sexual harassment (Article 165 to 171), sexual abuse and exploitation of children (Article 172 to 180), and criminal offences against marriage and family, including forced marriage (Article 183), domestic partnership with a child (Article 184), and domestic violence (Article 190).

17 This Department directly deals only with cases that fit into paragraph 4 of the Article 222 of the FBiH Criminal Code, which pertains to the criminal offences of domestic violence that have caused severe bodily injuries to a family member or were committed against a child or a minor.

1.3 Prevention

In regard to prevention of VAWG and domestic violence, law enforcement sector does not deal much with prevention, since their role is to act after the offence has already been committed. However, according to the BiH Gender Equality Law, governments should take all necessary measures to eliminate prejudice, customs and all other practices that are based on the idea of inferiority or superiority of any gender, or stereotypical gender roles.¹⁸ In that regard, the police implements different activities, including community policing activities, public campaigns for awareness raising, delivering presentations and lectures in schools, informing citizens on their rights in public spaces, distribution of flyers, conducting surveys, etc.

This also refers to education and raising awareness among state officials, including education on prevention and protection from violence. Entity laws on protection from domestic violence have regulated this area to some extent, especially the FBiH Law which prescribes that the cantonal programs of measures for prevention, protection, and combat against domestic violence should include educational activities for police officers and other stakeholders.¹⁹ On the other hand, the RS Law prescribes education of judges and prosecutors solely, referring this responsibility to the RS Center for Education of Judges and Prosecutors.²⁰ Previously mentioned public policies in the area of domestic violence provide additional guidelines in regard to training of professionals.²¹

18 Article 6 of BiH Gender Equality Law

19 Article 137 of FBiH Law on Protection from Domestic Violence

20 Article 35 of RS Law on Protection from Domestic Violence

21 RS Strategy includes continuing gender sensitive training of professionals as one of the programs to achieve the aims of the Strategy, and it lists activities to be conducted within this program such as training of professionals on domestic violence from a gender perspective, importance of multi-sectoral collaboration, case studies on domestic violence, anti-discrimination and diversity, gender stereotypes and stereotypes on domestic violence, psychological profiles of victims and perpetrators, legal and social rights in this area, needs and rights of victims, prevention of secondary victimization, as well as building expertise of professionals so they can become instructors or trainers in this area. FBiH Strategy also addresses the need to conduct training for professionals, and contains a specific strategic direction entitled advancement of knowledge and skills for those who professionally deal with domestic violence. This strategic direction includes strategic programs to be con-

Some of the previous studies have shown that these educations are not subject to accreditation procedures, are only a part of professional development of those employed in subjects of protection from domestic violence, and that police academies have only periodical courses on gender based discrimination and domestic violence (Galić and Petrić, 2015). The recent capacities analysis conducted in RS has shown that police officers and police cadets in RS have regular training on Protection from Domestic Violence, but this training does not cover issues of secondary victimization although there is a demonstrated need for knowledge and skills in that regard as well (Babović, 2017). According to the FBiH Strategy, the Federal MUP has adopted the Curriculum and Training Program Prevention and Suppression of Domestic Violence in BiH as well as Manual for Conducting Training of Police Officers in FBiH.

However, not all police officers attend these trainings – in RS, those are usually community police officers, police station commanders and their deputies, as well as shift managers. Seminars are usually organized by police administrations or RS Gender Center twice a year, and invitations are usually sent to those police stations that have less trained officers. In FBiH, there is a permanent training of officers, and every police officer has to go through it once a year, but this training does not necessarily cover all relevant issues in the area of prevention and protection from violence. In addition, the Police Academy in FBiH has a module on domestic violence, thus all police cadets are trained before they start working. Other educational opportunities for police officers and other subjects of protection have been continuously offered by different NGOs, networks and international organizations.²²

The overall challenge in this regard is that police officers who get trained very often get transferred to other departments/

ducted, such as training of professionals, and training of judges and prosecutors.

²² For example, Women's Network of RS MUP has conducted training for police officers in CJB Banja Luka, supported by the U.S. Embassy to BiH (Babović, 2017), or the ones organized by OSCE Mission to BiH, ICITAP and TAIEX. Police officers have also participated in activities of raising awareness and educating public on domestic violence, including the RS MUP and their Women's Network (Babović, 2017), but also other cantonal MUPs, such as Tuzla Canton MUP whose one officer has singlehandedly delivered more than 300 lectures in Tuzla Canton primary and secondary schools, and has reached more than 13 thousand students, parents, and teachers in the last eight years (according to the note provided by the MUP TK).

administrations and they do not work on cases of violence any longer. However, this is specific for MUPs that do not have specialized departments or professionals. For example, none of the seven interviewed officers in Travnik went through any training on domestic violence, GBV, gender equality, or any other related issues. They indicate they had one colleague, a female police officer who usually worked on such cases and attended all the seminars, but she was transferred from the station. On the other hand, the specialized Department in TK MUP has enough expertise to educate their colleagues, and to illustrate this point, they indicate they have educated all their shift managers and police station commanders on the significance of qualifying domestic violence as a criminal offence. As a result, not one police officer is allowed to report there has been a violation of public order and peace in a family matter, even if it happened between the former spouses, which used to be a great challenge only a couple of years ago. On the same note, the level of sensibility and professionalism in that regard varies from one to another police station or administration. The overall assessment is that those police administrations that have established specialized departments have higher level of sensibility to cases of violence than the police administrations that do not have any specialized mechanism in place. Also, the latter often have very few female officers if any, and that additionally decreases the level of protection the police can offer. The same goes for education – specialized departments need less training, and their members are actually the ones delivering trainings on the subject matter, while police administrations that do not approach protection and support systematically recognize their need for additional training of their police officers.

1.4 Protection and Support

The role of police is clearly defined in the existing legal and policy framework – all forms of violence are immediately reported to the police, and everyone has a duty to report cases of domestic violence if they have any knowledge or suspect that the violence has occurred.²³

In FBiH, reports of violence can be filed at the

²³ Article 12 of RS Law on Protection from Domestic Violence, Article 8 of FBiH Law on Protection from Domestic Violence

competent police administration or police station, orally or in writing, in person or over the phone, and the police officer in charge has the duty to make a record of the report on a special form which is prescribed by the Rulebook on Implementation of Protective Measures for Perpetrators of Domestic Violence within the Jurisdiction of Police (FBiH GC, 2017). After receiving reports of violence, police station must send an officer on duty to the place where the reported violence occurred, and he/she has to take all necessary measures to suppress violence in order to protect the victim(s), determine factual state in regard to domestic violence, and make an official note.²⁴ In addition, police officer can arrest the perpetrator of domestic violence,²⁵ is obliged to inform the relevant center for social work as soon as possible, and submit official notes in regard to the case.²⁶ Police then hears the victim and submits a request for protection orders, which can be also done by the prosecutor when there is a valid reason.²⁷ The victim's consent is not necessary to make a request for protection order (FBiH GC, 2017).

In RS, after receiving reports of violence, police is obliged to inform the relevant center for social work and the public prosecutor, as well as to submit the collected evidence and information on the case to the prosecutor who then orders an investigation into the criminal offence or submits request to initiate misdemeanor procedure, or submits a request for an emergency protection order.²⁸ This procedure is explained in detail in the capacities analysis conducted by Babović (2017) which confirms the findings of previous studies (Galić and Petrić, 2015; Ivić 2016) that the actions of RS police are not always within standards prescribed by the Convention. To illustrate this finding, Babović (2017) and Ivić (2016) point out to the fact that only half of women who were victims of violence were informed on their rights by the police, while one third has received only contacts of other institutions and organizations

that provide services and support to victims of violence. The same studies show that the referral mechanisms are not always applied, being that in 60 out of 100 cases police failed to inform the relevant center for social work, and in 68 cases the prosecutor was not informed of the offence. The study on Prevalence and Characteristics of Violence against Women in BiH (2013) has also shown that victims of violence do not recognize different institutions that can provide them support, mostly due to lack of information, and if they contact police for support, that is usually in cases of physical violence. One of the findings in this study was that victims of violence rarely contact NGOs and specialist support services such as SOS telephone or shelters.

Police collaborates with shelters, providing protection or intervention in case its security is endangered, but this collaboration is not formal in RS (Galić and Petrić, 2015; in, Babović, 2017). However, this collaboration is obviously not universal to all police stations and administration, since this analysis has shown that the police will rather leave it to centers for social work to communicate and make arrangements with shelters. The same was indicated in some locations in FBiH, usually where there are no established specialized departments and where the police officers are less specialized and trained to deal with cases of violence. In FBiH, police and other subjects of protection closely collaborate with shelters where their collaboration and coordinated action is official through the signed protocols on actions in cases of domestic violence, thus it can be said that there is a systematic approach to improving protection services in most of the cantons in FBiH (FBiH GC, 2017).

According to Babović (2017), two major issues police officers in RS face in dealing with cases of domestic violence are that there is lack of female officers available to respond to reports of violence in the field, and inadequate facilities for informative conversations with victims of violence. That, however, depends on the police station and administration, since there are police stations in RS that indeed have plenty of female police. For example, the biggest police station in RS, PS Center Banja Luka, has more than 20 female police officers and the PS Deputy Commander is a woman. In FBiH, most of the police stations have female officers, but some do not (SBK). In KS and TK, they have female officers who were trained to work on cases of violence, and they are usually the ones who

24 Article 16 of FBiH Law on Protection from Domestic Violence

25 Article 16 of FBiH Law on Protection from Domestic Violence and Article 153 of FBiH Law on Criminal Procedure

26 Article 41 of FBiH Law on Protection from Domestic Violence

27 Article 17 of FBiH Law on Protection from Domestic Violence

28 Article 12 of RS Law on Protection from Domestic Violence

take statements from victims and witnesses. Based on information collected for this analysis, more urban police administrations with more specialized approach to cases of domestic violence have more female police officers that are trained to work on cases of violence. On the same note, these police administrations take all necessary measures to have a female police officer available to take statements in cases of VAWG/DV, or any other cases where women are involved. When it comes to having adequate facilities for informative conversations with victims of violence, the resources of police stations and administrations vary from location to location. The overall assessment is that less resourced police administrations that do not have specialized departments rarely have adequate facilities for this purpose, including facilities for informative conversations with minors.

1.5 Substantive Law

The legislation framework in BiH recognizes forms of violence defined in the IC to a significant extent. Both entity family laws prescribe reasons for annulment of marriage,²⁹ although there is a time limit to request annulment, which is one year in both entities.³⁰ Entity family laws also prescribe that persons under 18 cannot get married, except when the court decides otherwise for minors that have turned 16 and for justified reasons.³¹ Neither of the family laws address GBV or domestic violence in general, except when victims are children, but different forms of domestic violence are regulated by the entity laws on protection from domestic violence. These laws recognize psychological and economic violence among other forms,³² while rape and other forms of sexual violence are criminal offences according to the entity criminal codes.³³ However, both RS and FBiH Criminal Codes define rape as sexual

intercourse accomplished through force or physical violence (or the threat of such violence), or against a woman who is “defenseless” or “helpless”, and do not include nonconsensual sexual contact that is accomplished through a variety of other coercive and manipulative means.³⁴ Forced marriages and domestic partnerships with children younger than 16 are also included in both entities’ criminal codes,³⁵ as well as all forms of physical violence or bodily injuries.³⁶ Forced abortions are included in both entities’ criminal codes,³⁷ while forced sterilization is a criminal offence only in RS.³⁸ Only recently has RS Government further harmonized its Criminal Code with the Convention, and their efforts are articulated through three additional criminal offences: female genital mutilation, stalking, and sexual harassment,³⁹ which are the offences still not recognized in FBiH. Both entities’ criminal codes recognize domestic violence.⁴⁰ The police in RS is already implementing new regulations in accordance to the RS Criminal Code, but no official data was available at the time.

Aiding or abetting and attempt of these offences are punishable by law in RS only in cases of attempted forced abortion and abetting female genital mutilation,⁴¹ but the RS Criminal Code also recognizes attempt of criminal offence for offences that are punishable by at least five years of imprisonment, and for other offences only if it is specifically prescribed by a specific article (such as in the cases of forced abortion and female genital mutilation), meaning that attempts of some of the offences are not necessarily punishable by law.⁴² FBiH Criminal Code also recognizes attempt but for offences

29 These include marriage caused by fear or made under serious threat according to Articles 30 and 46 of RS Family Law, and Articles 16 and 34 of FBiH Family Law

30 Article 46 of RS Family Law, Article 40 of FBiH Family Law

31 Article 36 of RS Family Law, Article 15 of FBiH Family Law; In these cases, only the courts in RS have to obtain legal opinion from the guardianship body, which is an authorized center for social work (Article 36 of RS Family Law), while this is not required in FBiH.

32 Article 5 of RS Law, Article 7 of FBiH Law

33 Article 165 to 171 of RS Criminal Code, Article 203 to 213 of FBiH Criminal Code

34 Which is not in accordance with the Explanatory Report to the Istanbul Convention (Council of Europe Treaty Series - No. 210), sections 193 and 194.

35 Article 183 and 184 of RS Criminal Code, Articles 215 and 216 of FBiH Criminal Codes

36 Article 131 and 132 of RS Criminal Code, Articles 172 and 173 of FBiH Criminal Code

37 Article 130 of RS Criminal Code, Article 171 of FBiH Criminal Code

38 Article 134 of RS Criminal Code

39 Articles 133, 144, and 170 of RS Criminal Code

40 Article 190 of RS Criminal Code, Article 222 of FBiH Criminal Code

41 Articles 130 and 133 of RS Criminal Code

42 Attempted forced sterilization is not necessarily punishable by law, and neither are some cases of attempted rape, attempted sexual extortion, attempted sexual harassment, attempted sexual acts with children younger than 15, and attempted domestic violence.

that are punishable by at least three years of imprisonment or when it is specifically prescribed by a specific article,⁴³ meaning that some attempts of criminal offence may remain unpunishable.⁴⁴ Crimes committed in the name of “honor” are not recognized by either of the entities’ criminal codes.

Other than criminal offences against sexual integrity (in RS), i.e. sexual freedoms and morals (in FBiH), most of these offences are gender blind, and only some are registered to include the motive and relationship between the victim and the perpetrator, making it much harder to systematically analyze cases of GBV (Babović, 2017). For example, the crime of rape is gender blind in all cases except when the raped victim is pregnant as a consequence of rape, the only motive recognized in cases of rape is hate, and the relationship between the victim and the perpetrator is not addressed as a possible aggravating circumstance.⁴⁵ This relationship is only recognized as an aggravating circumstance in cases of murder of family members, in both RS and FBiH. Death as a consequence of a crime is often recognized as an aggravating circumstance in both entities’ criminal codes. Other aggravating circumstances are also mentioned throughout the two criminal codes.⁴⁶

Although the entities’ criminal codes have been significantly harmonized with the Convention, studies have shown that authorities predominantly recognize as violence only physical abuse with visible bodily injuries, while the other forms of VAWG are often neglected (Galić and Petrić, 2015; in, Babović, 2017). Babović (2017) shows that the RS MUP officers have confirmed they have a problem in recognizing and acting in cases of psychological violence, stalking, and sexual violence, mostly due to the lack of training. In addition, the analysis has shown that police

officers often qualify psychological domestic violence as misdemeanor in RS, as well as other forms of violence when there are no visible or serious injuries, which is then confirmed by the prosecutor, although those forms of violence are clearly defined as criminal offences in the first paragraph of the RS Criminal Code Article 190 which defines domestic violence. As a consequence, only the most serious forms of domestic violence (defined in paragraphs 3 and 4 of Article 190) are qualified as criminal offences, which was also confirmed by specialized NGOs which indicate that more and more cases of domestic violence are qualified as misdemeanors, mostly due to lack of training. However, this analysis has shown that the greatest responsibility to correctly qualify the offence is on the prosecutor – after the police proposes the qualification to the prosecutor, s/he makes a final decision and issues the orders accordingly, regardless of what the police presents as evidence. The police officers indicate as a problem that sometimes they send the report to the prosecutor and they return the report assessing there are no elements of criminal offence.

1.6 Investigation, Prosecution, Procedural Law, and Protection Orders

In accordance with entities’ laws on protection from domestic violence, entity ministries of interior have adopted Rulebook on Implementation of Protection Orders for Perpetrators of Domestic Violence within the Jurisdiction of Police in FBiH, and Rulebook on Implementation of Emergency Measures and Protection Orders for Perpetrators of Domestic Violence within the Jurisdiction of the Ministry of Interior in RS. In accordance with the RS Rulebook (according to Babović, 2017), after receiving decision on the issued protection order by the court, the competent police station designates a police officer responsible for preparation, planning, and implementation of the protection order, who is also responsible to check the safety of the victim and collect information on whether the perpetrator is acting in accordance with the issued protection order.⁴⁷ The responsible officer has to develop

43 Article 28 of FBiH Criminal Code

44 Such as cases of attempted rape, attempted sexual intercourse with a helpless person, attempted sexual intercourse by abusing official position, attempted sexual intercourse with a child, attempted incestuous acts, even against children, and some cases of attempted domestic violence.

45 Article 165 of RS Criminal Code, Article 203 of FBiH Criminal Code

46 Especially when the criminal offence was committed against a person made vulnerable by particular circumstances, against or in the presence of a child, by two or more people acting together, with the use or threat of a weapon, and when the offence has resulted in severe physical or psychological harm for the victim, including death.

47 The victim is to be invited to collaborate in order to successfully implement protection orders and to receive information on measures and means of self-protection (Babović, 2017).

an operational plan of actions when the victim is being directly threatened by the perpetrator, and this has to be done with the victim's consent, but also to assess the lethality risk, the seriousness of the situation, and the implementing plan for the protection orders, based on information collected from different sources, such as police database, victim's and witnesses' statements, their surroundings, weapons registry, etc. (Galić and Petrić, 2015; in, Babović, 2017).

The procedure is similar in FBiH, and the FBiH Rulebook refers directly to the Convention in its Article 4, stating that police officers in FBiH can act according to the Convention in cases that are regulated in this Rulebook. The same Article further elaborates the procedure of making criminal charges if there is a reasonable suspicion or reasons to believe that the perpetrator of violence has committed a criminal offence of domestic violence. In that case, criminal charges are made by the police officer to the competent prosecutor by submitting request to issue protection orders.⁴⁸ The FBiH Rulebook defines the steps to implement protection orders for domestic violence perpetrators and it defines the duties of police administrations and stations which are in charge of implementation of orders.⁴⁹ The competent police station then designates a police officer responsible for implementation of protection orders, who acts upon a court decision to impose protective measures.⁵⁰ Designated police officer is responsible to check the victim's safety, collect information on whether the perpetrator is acting in accordance with the issued protection orders, invite the victim to collaborate in order to successfully implement protection orders and to receive information on measures and means of self-protection.⁵¹ With the victim's consent, the designated police officer is to develop a plan on the course of action when the victim is being directly threatened by the

perpetrator,⁵² as well as to assess the lethality risk, the seriousness of the situation, and the implementing plan for the protection orders, based on information collected from different sources, such as police database, victim's and witnesses' statements, their life and work surroundings, other institutions, etc.⁵³ Centers for social work are consulted for development of plan to implement orders, but also about which protection orders should be requested.⁵⁴

In regard to the latter, there are some challenges as police officers indicate they are sometimes not sure which protection orders to request since there are no visible injuries, but the assessment is that this issue occurs only where police officers are not trained to act in cases of violence. This can also explain the reports referenced in Babović (2017) which state that emergency measures in RS are not used enough and neither is their significance recognized in terms of protection of victims of violence and prevention of repeated violence.⁵⁵ To resolve this and other similar issues, internal instructive dispatches have been created in both entities, and they explain necessary actions of police officers in police stations and administrations – to inform the prosecutor who will make a qualification of the offence, to take a statement from the person who reported the violence, and to request protection orders as soon as possible due to short deadlines.

The police officers in both entities agree that the most important thing is to ensure the issue and implementation of protection orders. Some argue that violence will be repeated over and over again until it is reported and sanctioned, after which it usually stops (in RS), while others indicate that the perpetrators are usually the one and the same in 90% of the cases, in which the situation "calms down" for 6 months, and then the violence is committed again (in KS). Anyhow, they all indicate that it is important to report the violence as soon as it happens, but

48 Article 4, Paragraph 2 of FBiH Rulebook on Implementation of Protective Measures for Perpetrators of Domestic Violence within the Jurisdiction of Police

49 Articles 10 to 12 of FBiH Rulebook on Implementation of Protective Measures for Perpetrators of Domestic Violence within the Jurisdiction of Police

50 Article 13 of FBiH Rulebook on Implementation of Protective Measures for Perpetrators of Domestic Violence within the Jurisdiction of Police

51 Article 14 of FBiH Rulebook on Implementation of Protective Measures for Perpetrators of Domestic Violence within the Jurisdiction of Police

52 Ibidem.

53 Article 15 of FBiH Rulebook on Implementation of Protective Measures for Perpetrators of Domestic Violence within the Jurisdiction of Police

54 Articles 17 and 19 of FBiH Rulebook on Implementation of Protective Measures for Perpetrators of Domestic Violence within the Jurisdiction of Police

55 According to the same report, in 2016, police officers have requested emergency measures in only 11 cases of domestic violence, out of which 5 emergency measures were restraining orders, which is a significant decrease in regard to the previous year when 23 emergency measures were implemented.

unfortunately that is often not the case. Other challenges in this regard are that victims of violence often change their minds, request for cancellation of protection orders, and violate protection orders together with perpetrator of violence. Additional challenges are to recognize the truth since victims sometimes do not tell the whole truth and very often get back together with the perpetrator, to look over victims due to lack of available police officers in smaller police administrations, and a lack of specialized police departments or officers that would work on cases of violence. In regard to the latter, police officers from other administrations recognize the MUP TK Department as a positive example of resolving this issue. So far, only one MUP in BiH has taken over such practice, and that is the USK MUP that has established a Department to combat sexual violence, juvenile delinquency and domestic violence in 2017. Finally, police see soft sentencing of perpetrators as a major challenge as well, because they are inadequate and affect their prevention efforts badly.

STANDARDS OF LEGAL AID DERIVED FROM THE ISTANBUL CONVENTION

Article 57 of the Istanbul Convention prescribes right to legal assistance and free legal aid for victims under the conditions provided by the Parties of the Convention⁵⁶. In addition to this provision, Parties must take account of Article 6 of the ECHR⁵⁷ and relevant case law of the European Court of Human Rights⁵⁸ that interpreting effective access to a court may necessitate free legal assistance in certain circumstances.

Judicial and administrative procedures are often highly complex and victims need the assistance of legal counsel to be able to assert their rights satisfactorily. In these cases, it might be difficult for victims to effectively access legal remedies

because of the high costs which can be involved in seeking justice⁵⁹. It must be ascertained whether appearance in court without the assistance of a lawyer would be effective in the sense of the complexity of procedures and the emotional nature of a situation⁶⁰.

The right to legal aid should be observed and interpreted in the light of the other standards from the Istanbul Convention primarily state obligations and due diligence (Article 5), integrated policies and data collection (Chapter II), prevention (Chapter III), protection and support (Chapter IV).

56 Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Council of Europe Treaty Series - No. 210)

57 European Convention on Human Rights and Fundamental Freedoms (1950) Council of Europe

58 Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Council of Europe Treaty Series - No. 210). Case law: Airey v. Ireland judgment, October 8, 1979 and Golder v. the United Kingdom judgment, February 21, 1975.

59 Ibid.

60 Ibid.

II FREE LEGAL AID

SECTOR

This analysis has confirmed findings of previous studies (such as UNDP, 2012) that free legal aid in BiH is only available in a limited number of jurisdictions and, when legislation is in place, offices for providing free legal aid are under-equipped, understaffed, and lack quality monitoring tools and professional training. The general public is usually not aware of their rights to free legal aid services, and the lack of legal aid most heavily impacts refugees, single mothers, the Roma population, people with disabilities, victims of domestic violence and GBV, victims of human trafficking and other vulnerable groups (UNDP, 2012). In addition to the lack of political will and support for the establishment of a comprehensive, integrated free legal aid system, insufficient funding also hinders the systematic approach to developing legal standards and the capacities of free legal aid providers (UNDP, 2012).

Legally defined system of free legal aid in BiH currently exists at the level of BiH, RS, Brčko District of BiH, and nine out of ten cantons.⁶¹ The forms of legal aid which are recognized and at disposal to the citizens of BiH, including victims of VAWG/DV is as follows: providing information on all rights and obligations, assistance in filling out forms and writing all sorts of submissions, legal representation in administrative proceedings, legal representation in judicial proceedings, writing and filing complaints, and legal aid in mediation, i.e. proceedings of peaceful resolution of disputes. If eligibility criteria for obtaining free legal aid are fulfilled, it is provided in the following proceedings:

criminal proceedings, civil litigations, extra judicial proceedings, executive proceedings, administrative proceedings, and in other cases, as prescribed by different laws.

Although the BiH Law on Free Legal Aid was adopted in 2016, the Office for Providing Free Legal Aid in regard to Institutions of BiH has not yet been established, meaning that preconditions for providing free legal aid prescribed in this Law are still not met.⁶² In addition, this Law has not prescribed general standards and the capacities of free legal aid providers in BiH, and it only refers to legal aid in regard to institutions of BiH at the state level, meaning that victims of violence have very little benefit of this Law. The Center for Free Legal Aid of RS was established soon after the RS Law on Free Legal Aid was adopted in 2008, it is an administrative organization within the RS Ministry of Justice, and is in charge of providing free legal aid on the territory of RS. The seat of the Center is in Banja Luka, and it has regional offices in the seats of District Courts in RS.⁶³ FBiH has a far more complex system of free legal aid, due to its decentralized government, each cantonal government in FBiH should adopt their own legislation on free legal aid, and nine out of ten cantons have done so. The one canton that has not adopted this law is Central-Bosnia Canton, and Canton 10 has not yet established their Bureau,⁶⁴ meaning that 338.813 citizens of BiH officially do not have access to free legal aid, out of which 169.204 are women.⁶⁵

In that regard, the role of NGOs that provide some forms of free legal aid is of utmost importance, both in territories where the system of free legal aid is nonexistent, and in

61 BiH (BiH Law on Free Legal Aid, adopted in 2016), RS (RS Law on Free Legal Aid, adopted in 2008), BD (BD Law on Legal Aid Offices, adopted in 2007), Zenica-Doboj Canton (ZDK Law on Providing Free Legal Aid, adopted in 2014); Western-Herzegovina Canton (ZHK Law on Providing Free Legal Aid, adopted in 2013); Tuzla Canton (TK Law on Providing Legal Aid, adopted in 2008); Posavina Canton (PK Law on Providing Legal Aid, adopted in 2010); Una-Sana Canton (USK Law on Providing Free Legal Aid, adopted in 2012); Sarajevo Canton (KS Law on Providing Free Legal Aid, adopted in 2012); Bosnia-Podrinje Canton (BPK Law on Providing Free Legal Aid, adopted in 2013); Hercegovina-Neretva Canton (HNK Law on Providing Free Legal Aid, adopted in 2013); Canton 10/HBŽ (HBŽ Law on Providing Free Legal Aid, adopted in 2016).

62 BiH Ministry of Justice is in charge of implementing this Law.

63 In Banja Luka, East Sarajevo, Trebinje, Bijeljina and Doboj.

64 In regard to Canton 10, the Office for Free Legal Aid has not yet been established, due to the still ongoing procedure for selection of the Office's Director.

65 According to the latest Census from 2013.

other locations where the services have been established. In 2012, a Free Legal Aid Network was established in BiH as a part of the UNDP project and based on the Understanding Agreement among governmental and nongovernmental free legal aid providers. Its main goal is to ensure efficient services of providing free legal aid to all citizens of BiH, especially to poor and marginalized categories. The Network includes 14 nongovernmental and governmental organizations that offer free legal aid across BiH.⁶⁶ Only two out of 14 of these organizations are specialized in providing services to victims of VAWG/DV. Governmental centers and bureaus for free legal aid indicate that support through this Network is immense, since the Network meetings are opportunity to discuss capacities, learn and exchange experience among service providers. However, this support very much depends on the availability of UNDP funds that have established the Network. The map of Free Legal Aid Network members is available in Annex IV of this document.

2.1 State Obligations and Due Diligence

The next higher instance authorized to supervise state established centers or bureaus for free legal aid are Ministry of Justice in RS, and cantonal ministries of judiciary and administration. These centers and bureaus as part of their competent ministries have established mechanisms for solving citizens' complaints in regard to actions of center's or bureau's officials that are in violation with any law of the country, which would also include forms of violence defined by entity laws on protection from domestic violence and criminal codes.⁶⁷ Citizens can file their

⁶⁶ Organizations that form the Free Legal Aid Network are as following: RS Center for Providing Free Legal Aid (with offices in Banja Luka, Doboje, Trebinje, East Sarajevo, and Bijeljina), Brcko District Office for Legal Aid, Cantonal Bureau for Providing Legal Aid Tuzla, Cantonal Bureau for Providing Legal Aid Zenica, Posavina Canton Bureau for Providing Legal Aid (offices in Odzak and Orasje), Cantonal Bureau for Providing Legal Aid Siroki Brijeg, Cantonal Bureau for Providing Free Legal Aid Sarajevo, Cantonal Bureau for Providing Free Legal Aid Bihac, Cantonal Bureau for Providing Free Legal Aid Gorazde, Foundation of Local Democracy Sarajevo, Center for Informative Legal Aid Zvornik, Center for Human Rights Mostar, Center of Women's Rights Zenica, and Association Vaša prava BiH (with its nine offices in Banja Luka, Bosanski Petrovac, Gorazde, Mostar, Prijedor, Sarajevo, Srebrenica, Trebinje, and Tuzla).

⁶⁷ Article 38 of TK Law on Providing Legal Aid, Arti-

cles 45 and 46 of KS Law on Providing Legal Aid

complaints to the director of the center or bureau, or to the competent ministry if director is the object of complaint. The laws regulate both disciplinary and criminal responsibility of the center's or bureau's officials, and refer to criminal legislation for establishing criminal responsibility, while disciplinary responsibility is regulated by the competent law on civil servants in FBiH, RS, or at the level of BiH. None of the governmental offices for providing free legal aid had any violation complaints, they all indicate that the quality of work is their main goal, and many claim that all of their cases had positive outcomes for their clients.

2.2 Integrated Policies and Data Collection

Existing protocols⁶⁸ and strategic framework⁶⁹ for implementation of the Convention emphasize the importance of cooperation and coordination of all relevant subjects involved in cases of domestic violence. Relevant ministries of justice or judiciary were usually active participants in development of all abovementioned policies. Other than that, many governmental bureaus and centers have informal agreements with specialized NGOs (such as in BL, with United Women).

Both governmental and NGO providers of free legal aid collaborate with competent centers for social work. However, they rate this collaboration differently, depending on the center and its capacities, and in regard to different services they all provide. Governmental centers and bureaus rate this collaboration very good, as it is a consequence of legal obligations to collaborate on specific cases of family legal matters, especially when the children are involved. NGOs on the other hand, rate this collaboration from excellent to very problematic. They indicate that major

cles 45 and 46 of KS Law on Providing Legal Aid

⁶⁸ Based on the RS Strategy, the General Protocol on Actions in Cases of Domestic Violence in RS was adopted in 2013, while the general protocol in FBiH was never signed, but according to the BiH Framework Strategy, 72% of all municipalities in FBiH have signed eight cantonal protocols on cooperation of cantonal institutions in providing support to victims of violence, while some municipalities have developed and signed their own local protocols.

⁶⁹ BiH Framework Strategy to Implement Istanbul Convention (2015-2018), RS Strategy to Combat Domestic Violence (2014-2019), and FBiH Strategy to Prevent and Combat Domestic Violence (2013-2017) whose implementation deadline has been extended to 2021

problems in collaboration with centers for social work are financial - they are not covering costs of expert evidence and expert witnesses when they should, they are sometimes avoiding to refer victims of violence to shelters in order to save the budget money, and also their overall understanding of issues of VAWG/DV is very low and their employees are not sensitive enough to work with victims of violence. In general, NGOs indicate that collaboration with other institutions and service providers is mostly good, although the approach should be more holistic. They further indicate that service providers should come to the victim in order to avoid secondary victimization, instead of referring them from institution to institution.

When it comes to financing services of free legal aid, governmental centers and bureaus are funded by the competent government, and only 10% of their funding is from donors (Ninkovic, 2016). NGOs, on the other hand, are financing their services mostly from donor funds, and then from approved grants funded by governments in BiH, affiliation fees, and provision of services (Ninkovic, 2016). NGOs report that they are facing significant challenges in finding donors who are willing to maintain and extend their activities on providing free legal aid, since majority of donors believes those activities should be funded by the government (Ninkovic, 2016). This analysis has also shown that donor funds for NGOs are very limited, professionals offering free legal aid are usually underpaid, and some activities to provide free legal aid (such as mobile teams) are very often not funded at all, so the personnel is covered from other projects and budget lines that are not related to providing services of free legal aid (e.g. from shelters' budget lines). In that regard, NGOs indicate their biggest issue is to provide continuous services, which is very often a challenge due to lack of funds.

Centers and bureaus for free legal aid collect data on cases in which they provided legal aid in accordance with competent laws. RS Center keeps the record on legal aid that has been provided to the victims of domestic violence, which are then integrated into monthly and annual reports that are submitted to the RS Government (Babović, 2017). Cantonal bureaus report annually to their competent governments and parliaments⁷⁰ or to their competent ministries of judiciary and

administration.⁷¹ In 2017, the RS Center has, for the first time, submitted a report⁷² on the number of victims of domestic violence, requested by the RS Ministry of Family, Youth and Sports (Babović, 2017). The Center also provides support in other cases in which can be discovered that domestic violence is a part of the problem, but these cases are not recorded as a consequence of violence, which significantly reduces the insight in the scope of protection that the RS Center provides in the area of domestic violence (Babović, 2017). Governmental bureaus indicate that 15% to 20% of their family legal matter cases include some elements of domestic violence. Free legal aid is usually provided in cases of domestic violence, physical and sexual violence, but NGO service providers indicate that combined violence is mostly the case, and that it usually includes stalking. Besides specialized NGOs that have years of experience and focus on prevention and ending VAWG/DV, other NGOs indicate that most of their cases of family legal matters do have elements of domestic violence in all forms.⁷³ Governmental centers, bureaus, and NGOs do not have specialized personnel that deals only with cases of VAWG/DV due to low budgets and lack of personnel in general. Only NGOs that provide specialized services for victims of violence have personnel working specifically on prevention and ending of VAWG/DV.

NGOs are evidently more dedicated to keeping records and analyzing data on provided free legal aid, they often have both hard copy and electronic databases, categorized by the type of services provided and by beneficiaries, and they share this data and analyses upon request, and through annual or periodical reports. One of the good examples is the practice of Center of Women's Rights which have two forms, one for the case and another for the client, where they keep track of all relevant information for each case. Based on that, they regularly conduct trend analyzes and react or advocate

70 As in case of Sarajevo Canton according to the Article 41 of KS Law on Free Legal Aid.

71 As in case of Tuzla Canton according to the Article 40 of TK Law on Legal Aid.

72 This report has shown that the RS Center has recorded 38 cases of violence in 2016, in which the victims of violence have requested some sort of legal aid. Data for 2017 show that 33 people has requested free legal aid in regard to domestic violence, and all of them received a legal advice. Out of those 33 requests, free legal aid was approved in 29 cases, where 28 referred to divorces and 1 to marital property division.

73 Committed by any family member such as spouses and former spouses, children, siblings, parents, grandparents, grandchildren, in laws, etc.

accordingly when they notice something out of the ordinary.

Both governmental and NGOs' centers inform their clients who are victims of violence about available legal remedies, including information on how to report violence and on the procedure that follows the report of violence (Babović, 2017; Vaša prava, 2015). They also publish and distribute brochures and flyers with information on free legal aid, including eligibility criteria, types of support available, and contact information (Babović, 2017; Free Legal Aid Network, n.d.). Informing of citizens was additionally supported by informative brochures published by international organizations and development agencies, such as UNDP (UNDP, 2013).

2.3 Prevention

Specialized NGOs that provide free legal aid for victims of violence usually provide other services as well, such as shelters and psychological counseling, and they are very active civil society members in terms of advocacy and awareness raising. Governmental center and bureaus do not offer any other services but free legal aid, and in terms of prevention of violence, they are invisible in the free legal aid system in BiH.

When it comes to training of professionals, none of the free legal aid providers have regular educations in providing services to victims of violence, or regular educations in general. Governmental centers and bureaus cannot attend trainings by different attorney chambers (advokatske komore) since they are not attorneys but governmental officials/employees, and governments have only established training programs for prosecutors and judges through entity centers for education of prosecutors and judges (CEST RS and CEST FBiH). Only formal training opportunities the centers and bureaus have are through agencies for civil service, but these are very rare.

Although there are no official programs of education and training of professionals who provide legal aid to victims of violence, there are some opportunities to learn and develop skills in the area of protection from VAWG and domestic violence. These opportunities are mainly made available by NGOs that implement different activities in this regard, but a complete and comprehensive list of such programs and

training opportunities is not available (Galić and Petrić, 2015). However, Galić and Petrić (2015) elaborate that these NGO activities include education for referral mechanisms at local level, and provide basic knowledge on the causes of GBV, gender equality principles, legal obligations of local government in regard to domestic violence, but also empowerment of partnerships between local governments, protection subjects, and organizations that provide specialist support services to women victims of violence. Training opportunities are also offered by different international organizations and development agencies (such as UNDP, UNICEF, OSCE), although sporadically. The RS Center rarely attends these trainings, while the bureaus in FBiH are more frequent participants. Specialized NGOs' professionals organize and attend trainings among themselves, and they often have years of experience in prevention and protection from VAVG/DV, enough to deliver some of these trainings themselves. Expertise is often transferred internally within the organization, by senior experts to less experienced ones. Significant problem with NGO trainings of professionals who are civil servants, attorneys, prosecutors, or judges, is that the expertise of NGO professionals is not valued enough.

On the same note, the UNDP has conducted an analysis (n.d.) on educational needs of free legal aid providers that has shown the need to improve and develop skills, techniques, and individual and team abilities of employees, with special emphasis on dealing with vulnerable categories, such as victims of war, domestic violence victims, minors etc. The respective categories were indicated as the usual beneficiaries of legal aid. Additionally, their findings have shown that there is a significant lack of funding that is being allocated into training of professionals who provide legal aid, and when trainings are organized, that is usually done by the NGOs and projects funded by foreign donors. There is no institutional system for improving capacities and knowledge in this area.

None of the free legal aid providers have regular access to professional support such as supervision and anti-stress programs, and when they do, it is usually external and depending on the project. Employees of NGOs that offer other specialized services such as psychological support to victims of violence, have access to the same support services.

In terms of challenges in prevention of VAWG/DV, governmental centers and bureaus indicate that institutions of marriage and family are taken too lightly, and that is what causes most of the family legal quarrels, including domestic violence. They also indicate that too many protection measures are imposed for verbal bickering and that destroys marriages. They believe the prevention of VAWG/DV lays in informing of future partners of their obligations and rights in marriage, and in strategic approach to preventing divorces by competent governmental institutions. The overall assessment is that the governmental centers and bureaus seem to fail to understand the gendered nature of VAWG/DV and its roots in patriarchal social systems. NGOs have a different perspective of challenges in prevention of VAWG/DV, and first and foremost they see them in the patriarchal society where VAWG/DV is still not perceived as a social problem but as a private issue, and where retraditionalization of women's gender roles is taking its toll. They see other challenges in lack of full coordination of all relevant institutions and lack of systematic approach, partial and superficial prevention activities, and the fact that many women are not informed on their rights. They all indicate the lack of funds for service provides as the main challenge, and consequently, lack of qualified professionals working for those service providers.

2.4 Protection and Support

There is a lack of holistic response to VAWG and domestic violence in BiH, mostly due to a fragmented and poorly developed free legal aid system, which includes issues in both institutional and legislation frameworks.

Both entity laws on protection from domestic violence guarantee to the victims of violence the unrestricted access to competent courts, and exemption from all expenses in regard to judicial procedures.⁷⁴ Although the laws on providing (free) legal aid in BiH are not identical and there are some significant differences, the provisions that can be related to the rights of victims of violence to legal aid are very similar. The scope of legal aid for the victims of violence includes general information on the rights and obligations (referring victims to competent

centers for social work, police, prosecutors, health care institution), providing legal advice and support,⁷⁵ as well as legal representation in court,⁷⁶ especially in cases of legal family matters. These forms of support are the main contribution of the free legal aid system to the protection of victims of violence, since domestic violence has legal features of criminal offence in FBiH, and criminal offence and misdemeanor in RS, meaning that victims of violence are not active parties in any of these proceedings and the state established centers and bureaus for free legal aid do not legally represent victims of violence in criminal and/or misdemeanor proceedings.

However, governmental free legal aid providers in FBiH can represent perpetrators of violence in criminal or misdemeanor proceedings, and they usually do to save the governmental budget funds that would otherwise be spent on lawyers from the list of ex officio lawyers authorized to legally represent perpetrators in one of the courts in FBiH. There are two issues with this practice; First, if the free legal aid center is representing i.e. defending the perpetrator of violence in court, then the victim of that specific case of violence cannot be legally advised by the same center due to possible conflict of interest, meaning the representation of perpetrators of violence can often be at the expense of protection of victims of violence. Although victims of violence are only witnesses in criminal proceedings in FBiH, i.e. they do not require legal representation since the state is prosecuting the perpetrator ex officio, the fact that the state is offering ex officio legal representation to perpetrators of violence through governmental free legal aid centers, while at the same time prosecuting them through public prosecutors' offices, can be very problematic in terms of protection and support that the state should provide in cases of VAWG/DV. Second, this practice takes a lot of time and resources from the very limited capacities the governmental offices for free legal aid have at their disposal. To illustrate this point, only in 2016 the TK Bureau for Providing Legal Aid of only three employees has saved

⁷⁴ Article 10 of RS Law on Protection from Domestic Violence, Article 5 of FBiH Law on Protection from Domestic Violence

⁷⁵ Up to legal representation in court, these services include general legal information, legal advice in specific cases, and legal support that includes various submissions, lawsuits, appeals, requests, filling out forms, non-procedural proposals, etc.

⁷⁶ This includes civil litigations, extra judicial proceedings, executive proceedings and administrative disputes such as divorce, sustenance or alimentation, determination and distribution of property, compensation of damages, termination of employment etc.

364.000 KM from the TK Cantonal budget by taking over ex officio representations of perpetrators of criminal and misdemeanor offences in court, which is overburdening the centers even more considering the scope of their work. This is only the case in FBiH, while in RS, the Center for Providing Free Legal Aid does not do any ex officio legal representations in criminal and misdemeanor procedures.

Another issue in providing free legal aid is eligibility criteria for receiving these services as a victim of violence, which are prescribed by multiple laws that are not harmonized. For example, according to the RS Law on Protection from Domestic Violence,⁷⁷ victims of domestic violence have the right to free legal aid in RS in all legal procedures for realization of their rights and protection in accordance with the competent law, but according to the RS Law on Free Legal Aid,⁷⁸ this right is limited to social services beneficiaries and others who are in unfavorable financial situation, such as unemployed persons, children without parental care, pensioners, and victims of violence who do not earn more than the lowest average wage in RS. Victims of violence here are provided free legal aid not based on their status of a victim of violence, but based on their financial status. FBiH Law on Protection from Domestic Violence does not envisage the right to free legal aid for victims of violence, only the right to legal aid that should be determined by the cantonal governments,⁷⁹ and the cantonal laws on legal aid differ in this regard.⁸⁰ NGOs that provide free legal aid, but rarely legal representation,⁸¹ offer free legal aid to victims of violence in form of general information and legal advice, regardless of their clients' financial

status.⁸² In that regard, the major difference between free legal aid services provided by NGOs and governmental centers and bureaus is legal representation in court, being that NGOs usually have little to no capacities to provide legal representation in court, while governmental centers do provide legal representation when needed but have very little time on their disposal due to their very broad scope of services and lack of qualified personnel. To illustrate the latter, KS Center had 3.689 clients in 2017 and only 5 employees, which is cca. 738 clients per employee annually.

According to Ninkovic (2016), the number of requests for free legal aid in BiH in the period of January to September 2015 was 40.631, out of which 25.192 requests were made to the NGOs that provide legal aid, and 15.439 to the institutions. Total number of resolved requests was 27.294, out of which NGOs have resolved 24.139 requests, and institutions 3.155 requests. Ninkovic (2016) notes that the complexity of resolved requests varies from providing general information and advice, to legal advice and legal representation.

Significant problem in providing support to victims of violence is also secondary victimization. If a victim of violence does actively seek to be recognized and treated as a victim, this will normally set in motion a range of other processes over which the victim has little or no control. These processes may or may not result in victim status being granted but, even where successful, they may inflict additional costs and further hardship on the victim, especially in terms of indirect costs of civil proceedings. Although victims of violence can be exempted from judicial taxes upon request, other costs such as costs of civil proceedings, expert evidence and expert witnesses are not covered by the state. Costs of civil proceedings are covered by the losing party, which can often be a victim of violence, and additional costs can emerge when claiming compensation from perpetrators of violence. In regard to the latter, although the victim of violence is asked in criminal proceeding whether she would like to claim compensation for damages from the perpetrator, the criminal court always refers the victim of violence to a civil proceeding to make that claim. Two issues emerge from this practice; First, by referring them to another proceeding on the same matter, victims of violence are exposed to secondary victimization and their

77 Article 10 of RS Law on Protection from Domestic Violence

78 Article 17 of RS Law on Free Legal Aid

79 Articles 31 and 32 of FBiH Law on Protection from Domestic Violence

80 For example, KS Law on Free Legal Aid recognizes victims of domestic violence, GBV, and wartime sexual violence regardless of their financial status (Article 11 of KS Law on Free Legal Aid), while the TK Law on Legal Aid recognizes only social services beneficiaries and others who are in unfavorable financial situation (Articles 14 and 15 of TK Law on Legal Aid). In order to approve the access to free legal aid in KS based on the status of a victim of violence, the KS Bureau for Free Legal Aid requires information on protection measures imposed by the court, and if such measures have not been imposed yet, the victim of violence is advised to report the violence.

81 Such as United Women Banja Luka, Center of Women's Rights Zenica, Vive žene Tuzla etc.

82 According to the websites of respective NGOs.

compensation claims may be prolonged, and second, in order to claim compensation from the perpetrator in civil proceeding, the victim needs to pay for the expenses of expert witnesses in order for the court to be able to determine the value of the damages caused. Since these expenses can reach as high as 600 KM, victims of violence very often give up on their compensation claims. Some NGOs that offer legal representation have project funds to cover these expenses or they request these funds from competent centers for social work, any very few of the governmental centers for providing free legal aid have funds allocated for this purpose, such as the TK Bureau. But since this issue is not systematically regulated, victims of violence most often remain deprived of their right to compensation. Only recently has the Court of BiH started addressing compensation claims in criminal proceedings for conflict related sexual violence, but this is exclusively up to each judge to decide. There are no adequate state compensations if the victim of violence sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or health and social provisions.

NGOs provide significant support and contribution to the free legal aid system in BiH, which is especially relevant in cases of cantons that have not established cantonal bureaus due to lack of legislation in this area. For example, all free legal aid services in Central-Bosnia Canton are provided by NGOs, and the most relevant organization in this regard is the Center of Women's Rights from Zenica that has established a mobile team to visit Travnik twice a month and provide legal aid to women, including victims of all forms of violence, and they publish annual reports on provided free legal aid.⁸³ Prior to that, this NGO had a mobile team covering seven SBK municipalities, which they are not able to cover any longer due to lack of funding. NGOs usually have mobile teams covering some remote locations, including locations that are not covered by legislation on providing free legal aid, but these activities entirely depend on the availability of donor funds. If they exist, these mobile teams usually work from premises

provided by local municipalities or centers for social work, which is something they underline as examples of good practice and positive collaboration with local governments, although they do not provide any other forms of support, such as financial. On the same note, the RS Center had to shut down its offices in locations that are seats of municipal courts due to budget cuts. They now have offices only in five locations across RS that are seats of district courts, while the seats of municipal courts are covered through office days once a month in each location. An annual plan of office days is developed each year. Due to low budgets and lack of personnel, free legal aid bureaus in FBiH are usually not able to provide office days in remote locations out of their headquarters in cantonal administrative capitals. Other options include free legal information or advice offered by some municipal governments, but very few of such offices have been established.

When it comes to referral system, service providers have established cooperation with other relevant service providers that offer free legal aid, and they refer their clients to other specialized institutions and organizations. According to Ninkovic (2016), 66% of free legal aid providers have established a referral mechanism, 15% of them have an ad hoc approach, i.e. they refer their clients occasionally and in specific cases, while 19% of them do not have a referral mechanism established and neither do they refer their clients to other specialized institutions and organizations. Victims of violence are referred to free legal aid providers by all institutions and service providers, but usually police, centers for social work, and (other) NGOs. Victims of violence will more often first contact NGO free legal aid providers than governmental centers. When they do contact any of the free legal aid providers first, they are informed on the procedure and encouraged to report the violence to the police, since victims of violence very often do not want to report the perpetrator. Cases of violence are rarely reported to the police without the victim's consent. All governmental centers indicate that the collaboration with NGOs has been very good so far, especially in terms of referral. For example, if governmental centers cannot provide free legal aid to a person that does not fulfil the criteria prescribed by the competent law or due to a conflict of interest as elaborated earlier in this chapter, but they recognize their need for such services, they will refer them to specialized NGOs, and vice versa, if an NGO that does not provide legal

83 These reports include the number of clients, who referred them, provided services in regard to the legal areas, statistics on victims of violence and the types of violence they were facing, as well as the most important activities in regard to improvement of services (Center of Women's Rights, 2016).

representation has a case of domestic violence in which the victim needs legal representation in court in order to realize her rights, the NGOs will refer such cases to governmental centers and bureaus. Some NGOs also refer persons from the general population if they do not fall into one of their priority categories.⁸⁴ Specialized NGOs indicate that although the collaboration with governmental bureaus and centers is excellent, it could be improved with higher level of cooperation and complementing each other more. Also, only NGOs that manage shelters assess the lethality risk and the risk of repeated violence in order to manage the risk and provide safety and support, while other NGOs and governmental centers do not make these assessments.

Both governmental and NGOs' centers inform their clients on available legal remedies, including information on how to report violence and on the procedure that follows the report of violence (Babović, 2017; Vaša prava, 2015). Legal advice is offered to anyone who request it, even if it means only informing them on available legal remedies, how to ensure evidence, and referring them to other protection services such as centers for social work, police, health care institutions etc. (Babović, 2017). Victims of violence are informed on legal remedies in person when they visit the free legal aid center, or via phone or email. If the simple general information is requested, then it can be provided over the phone, but for more complex cases, they are invited to visit the center in person. Only specialized NGOs are reachable by phone 24/7, especially the ones that offer shelters among other services or manage SOS hotlines. Other NGOs and governmental centers and bureaus are reachable during their working hours, which is usually from 8am to 4pm, and they do not necessarily collaborate with SOS hotlines directly. Services can only be provided in local languages and sometimes in English, and service providers do not have capacities to hire sign language interpreters. Most of the facilities where free legal aid is provided are not accessible for users of wheelchairs, and in those cases, they are usually assisted in entering the facilities/higher floors.

In order to inform the public on forms of legal aid available and how to access the right to free legal aid, service providers use various communication channels, mostly their websites,

but also radio and television services, social media, and they use billboards and brochures much less than in previous years (Ninkovic, 2016). Governmental centers and bureaus publish informative brochures on legal aid services, usually with the help of donors such as UNDP, but these publications are very rarely updated.⁸⁵ In addition to mentioned means of informing people, NGOs often organize powerful media campaigns, depending on availability of funds. Specialized NGOs indicate that their services are recognizable in public, and many clients were referred to them by their previous clients. Distribution of informative flyers and brochures is somewhat better with NGOs, and they can be found in facilities of all relevant institutions and service providers, such as centers for social work, ministries, courts, police, municipalities, etc. One of the good examples in this regard is the plan of the Center of Women's Rights to create smaller billboards that will be put in visible place in all relevant institutions, but this idea is currently pending availability of funds.

When it comes to some main challenges in regard to protection and support, governmental offices for providing free legal aid indicate that they are overburdened and NGOs indicate they are underpaid, therefore the general issue for the free legal aid system in BiH is evidently lack of funding. In addition, both governmental offices and NGOs providers of free legal aid indicate that their contribution to the judiciary system in BiH as well as their opinion in court proceedings are not valued enough, due to a strong lawyer lobby in BiH. They also recognize that relevant laws should be harmonized and eligibility criteria for providing free legal aid should be amended to include other categories of citizens, regardless of their financial status, such as victims of VAWG/DV. All service providers indicate that the capacities of free legal aid providers should be strengthened, especially in terms of professionals and attorneys with bar exams who can represent in court, but also in terms of standardization of services, certification of service providers, and licensing of lawyers and attorneys who provide services. Another challenge is in regard to lack of coordination, commitment, and systematical approach that would have long term results. Everyone seems to be actively involved while there is donor

84 For example, at the Association Vasa prava, refugees and internally displaced persons have a priority over other persons.

85 For example, the RS Center has published their latest brochure 8-9 years ago. These brochures can be found in courts or in municipalities where the RS Center for example has regular office days.

funding, but as soon as the donor funded project ends, joint activities stop. In regard to the judicial procedures, the main challenges lay in the length of procedures, failure to recognize and react to cases of violence in a timely matter, but also in the fact that many victims of violence decide to quit criminal prosecution, often leaving prosecutors without enough evidence to continue investigation. In addition, unemployment of the perpetrator and the fact that he is financially supporting his family are very often taken as mitigating circumstances in criminal procedures, and on the same note, criminal offenders are often acquitted or they receive conditional sentences.

III RECOMMENDATIONS

Based on the above findings, the following recommendations are made in order to improve service provision to victims of violence in the sectors of police and free legal aid in the two entities of Bosnia and Herzegovina:

3.1 Specific Recommendations addressed to Federation of Bosnia and Herzegovina

Police Sector

1. Cantonal ministries of interior in FBiH should establish specialized police departments for combating VAWG/DV, as such departments have higher level of sensibility to cases of violence and are more prepared to act in the most complex cases of violence. Such departments are and could be a valuable resource for training other police officers, due to their focused expertise. A model example of a specialized department is the Department for sexual violence, juvenile delinquency and domestic violence of the Tuzla Canton Ministry of Interior.
2. The implementation of the Istanbul Convention must include measures for increasing training on VAVG/DV at all professional levels in the police system. Training opportunities should be focused on detecting and recognizing all forms of VAWG/DV and its characteristics, means of avoiding secondary victimization, issuing protection orders, dealing with people with disabilities, referral mechanisms, conducting risk assessments, and awareness of the structures sustaining violence. Resources and systematic, long-term training where the expertise of NGOs is noticed, acknowledged and utilized are needed.

Free Legal Aid Sector

3. The one canton in FBiH that has not adopted the Law on Free Legal Aid is Central-Bosnia Canton, and Canton 10 has not yet established the free legal aid bureau. These cantonal governments should address this as soon as possible, and adopt the required

Law, i.e. establish required bureaus.

4. Support services provided by specialized NGOs have to be acknowledged and funding for NGOs should be reserved by combining the revenue of local and cantonal/entity governments. These resources from public budgets should be allocated especially to NGOs in FBiH that can provide both the preventive work and support services in the same place, especially for their outreach work and mobile teams, since many particularly vulnerable women might not have access to services.
5. Sufficient financial and staff resources must be given to the implementation of the provisions of the Istanbul Convention in the governmental sector of free legal aid, i.e. cantonal legal aid bureaus. Research funding is also required to carry out regular monitoring and data collection.
6. Resources and systematic, long-term training where the expertise of NGOs is noticed, acknowledged and utilized are needed. The implementation of the Istanbul Convention must include measures for increasing training on VAWG/DV at all professional levels in the free legal aid system. The training of professionals requires sufficient resources, for the professionals to be able to detect VAWG/DV and its characteristics, ask the client about violence, acknowledge possible reporting duties, and refer the client to other support services.
7. Specialized NGOs play an active role in the implementation of not only the Istanbul Convention, but in the protection of survivors of violence as well, and should be acknowledged in future strategic, operational and financial planning. The special role of NGOs as experts of the phenomena covered by the scope of the Convention and as service providers must be recognized, and services must be developed together with NGOs, as the Convention requires.
8. Relevant cantonal laws on free legal aid should be harmonized and eligibility criteria for providing free legal aid should be amended to include other categories of citizens, regardless of their financial status, such as victims of VAWG/DV.
9. Free legal aid for the victims of violence

must be accessible to all groups immediately. These services must be accessible without making an appointment or having identification documents, money or knowledge of the BCS languages.

10. The free legal aid network in FBiH must be organized in a way that it takes the gender specificity of the service and the diversity of women into account and secures the availability and accessibility of the services for vulnerable groups, such as elderly women, women with disabilities, gender and sexual minorities, homeless women, paperless women, and immigrant women.
11. Significant problem in providing support to victims of violence is secondary victimization. Victims of violence should be exempted from paying additional costs such as costs of civil proceedings, expert evidence and expert witnesses.

3.2 Specific Recommendations addressed to Republika Srpska

Police Sector

1. RS Ministry of Interior should establish a specialized police department for combating VAWG/DV, as such departments have higher level of sensibility to cases of violence and are more prepared to act in the most complex cases of violence. Such departments are and could be a valuable resource for training other police officers, due to their focused expertise. A model example of a specialized department is the Department for sexual violence, juvenile delinquency and domestic violence of the Tuzla Canton Ministry of Interior.
2. The implementation of the Istanbul Convention must include measures for increasing training on VAVG/DV at all professional levels in the police system. Training opportunities should be focused on detecting and recognizing all forms of VAWG/DV and its characteristics, means of avoiding secondary victimization, issuing protection orders, dealing with people with disabilities, differences in qualifying the offence as criminal or misdemeanor, referral mechanisms, conducting risk assessments, and awareness of the structures sustaining violence. Important emphasis in training police professionals should be on the recently criminalized

offences such as female genital mutilation, stalking, and sexual harassment. Resources and systematic, long-term training where the expertise of NGOs is noticed, acknowledged and utilized are needed.

3. Police officers should be trained to recognize the need and significance of emergency measures as well as encouraged to request these measures, since emergency measures in RS are not used enough and neither is their significance recognized in terms of protection of victims of violence and prevention of repeated violence.

Free Legal Aid Sector

1. Support services provided by specialized NGOs have to be acknowledged and funding for NGOs should be reserved by combining the revenue of local and RS governments. These resources from public budgets should be allocated especially to NGOs in RS that can provide both the preventive work and support services in the same place, especially for their outreach work and mobile teams, since many particularly vulnerable women might not have access to services.
2. Sufficient financial and staff resources must be given to the implementation of the provisions of the Istanbul Convention in the governmental sector of free legal aid, i.e. the RS Free Legal Aid Center. Research funding is also required to carry out regular monitoring and data collection.
3. Resources and systematic, long-term training where the expertise of NGOs is noticed, acknowledged and utilized are needed. The implementation of the Istanbul Convention must include measures for increasing training on VAWG/DV at all professional levels in the RS free legal aid system. The training of professionals requires sufficient resources, for the professionals to be able to detect VAWG/DV and its characteristics, ask the client about violence, acknowledge possible reporting duties, and refer the client to other support services.
4. Specialized NGOs play an active role in the implementation of not only the Istanbul Convention, but in the protection of survivors of violence as well, and should be acknowledged in future strategic, operational and financial planning. The special role of NGOs as experts of the phenomena covered by the scope of the Convention and as service providers

must be recognized, and services must be developed together with NGOs, as the Convention requires.

5. Relevant laws should be harmonized and eligibility criteria for providing free legal aid should be amended to include other categories of citizens, regardless of their financial status, such as victims of VAWG/DV.
6. Free legal aid for the victims of violence must be accessible to all groups immediately. These services must be accessible without making an appointment or having identification documents, money or knowledge of the BCS languages.
7. The free legal aid network in RS must be organized in a way that it takes the gender specificity of the service and the diversity of women into account and secures the availability and accessibility of the services for vulnerable groups, such as elderly women, women with disabilities, gender and sexual minorities, homeless women, paperless women, and immigrant women.
8. Significant problem in providing support to victims of violence is secondary victimization. Victims of violence should be exempted from paying additional costs such as costs of civil proceedings, expert evidence and expert witnesses.

ANNEX I

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ANNEX II

INTERVIEW GUIDE

Questions for representatives of free legal aid sector

Basic information

1. First name and family name
2. Function/position
3. Organisation/institution

Type of organisation/institution

4. Contact details (telephone, e-mail, address)

Services rendered:

5. **(BiH)** Is there a Free Legal Aid Office established at the level of bodies and institutions of BiH in line with the Law? If yes, what is the location of that office, who is the chief executive, who renders the services of free legal aid, how is the office financed? Are there offices established at the lower authority levels under a direct supervision of the Ministry of Justice?
6. **(FBiH)** Are there free legal aid services rendered outside cantonal administrative centres, and, if yes, how (if the Free Legal Aid Centres are established, or if a Free Legal Aid Bureau exists)?
7. **(FBiH)** Who is empowered to supervise Free Legal Aid Centres in cantons?
8. **(BiH and FBiH)** Are there free legal aid services rendered in cantons which have not adopted the Law on Free Legal Aid or established the Free Legal Aid Centres, and if yes, how?
9. **(RS)** Are there free legal aid services rendered in other regions or with basic courts in RS? Are there regional offices' mobile teams working with basic courts in RS? In what manner, at what time schedule and how often are free legal aid services rendered in seats of basic courts which do not have Free Legal Aid offices?
10. Do you render services in the domain of prevention and combat against violence against women and girls and domestic violence? If yes, what kind of services (specify)? **(NGO)**
11. What is the scope in which your work or the work of your institution/organisation is connected with prevention and combat against violence against women and girls and domestic violence? (in percentage) **(NGO)**
12. What is the scope in which your institution is focused on the said forms of violence against women and girls and domestic violence: (percentage) domestic violence, rape/sexual violence, sexual abuse of children, stalking, crimes committed in the name of "honour", female genital mutilation, forced marriage, sexual harassment, human trafficking, forced abortion and sterilisation, other forms of violence against women and girls and domestic violence.
13. Does your institution/organisation have an officer (pursuant to the job classification) who is in charge of tasks related to prevention and combat against violence against women and girls and domestic violence? If yes, how many officers are employed with your institution/organisation? What is the status of those officers (for example, are they on a temporary contract, on a permanent contract, on a full-time or part-time job and the like)? If these officers do not work on cases of violence against women and domestic violence only, what are the other cases they deal with? **(NGO)**
14. **(NGO)** What are the sources of finances for the work related to rendering of free legal aid services? Does the state provide funds or some funds to support your service?

Prevention, raising awareness and expert training:

15. Do you organise or take part in the activities aimed at preventing and eliminating violence against women and girls and domestic violence? If yes, what are those activities? **(NGO)**
16. Does your institution/organisation publicly promote and support initiatives aimed at eliminating violence against women and girls and domestic violence, and enhancing gender equality? If yes, what are the initiatives and how do you extend your support? **(NGO)**
17. Do you co-operate with NGO/civil society organisations (for NGO – with institutions) that render services to victims of violence, especially free legal aid services, in the territory of your local community/ at the cantonal/Entity level? If yes, which organisations/institutions do you co-operate with and how; more precisely, is your co-operation official or unofficial? If it is official, how was the co-operation established (under a Protocol or otherwise)? **(NGO)**
18. Do you co-operate with safe houses and

social work centres? Which safe houses and social work centres do you cooperate with and how would you evaluate that co-operation? **(NGO)**

19. How would you evaluate in general your co-operation with other institutions and organisations which render services of support to victims of violence? How would you enhance that co-operation? **(NGO)**
20. Have you attended relevant trainings for competent experts dealing with victims and perpetrators of violence, trainings on prevention and identification of violence, gender equality, needs and rights of victims, and prevention of secondary victimisation? If yes, how many of your staff members participated in such trainings, who was the organiser of trainings, what was the duration of trainings and were the trainings mandatory? Were the officers from your institution encouraged to attend these trainings?
- 20a **(NGO)** Have you attended relevant trainings for working with victims and perpetrators of violence, prevention and elimination of violence, gender equality, needs and rights of victims, and prevention of secondary victimisation? If yes, how many of your staff members participated in those trainings, who organised them and what was their duration?
21. How often do you receive invitations to attend the aforementioned trainings? Do you attend these trainings on a regular basis? **(NGO)**
22. Does your staff have access to any form of help in their work on cases of violence against women and girls and domestic violence? If yes, what kind of help, is it provided by way of supervision, anti-stress programme, flexible working hours or something else? **(NGO)**
23. Do you have an on-duty telephone so that victims of violence can contact you for a legal advice or aid? Do you co-operate with the existing services/SOS telephone lines for victims of violence? **(NGO)**
24. Do you keep the records on cases of violence against women and girls and domestic violence, or the records on services of legal aid rendered to victims of violence? If yes, do you analyse those data for the purpose of identifying the trends? Do you submit those data and analyses to other institutions/organisations at the same or higher/lower level of authority? Do you categorise the collected data per gender? **(NGO)**
25. What are the greatest challenges you face

in terms of prevention of violence against women and girls and domestic violence? (focus on institutional and social challenges) **(NGO)**

Protection and support:

26. Where can one get the information on free legal aid? Have you made certain leaflets or brochures for the purpose of public information? **(NGO)**
 27. How do victims of violence reach you? Who refers them and at what point? **(NGO)**
 28. Did you have any instances when a victim of violence first addressed you for a legal aid (before addressing the police, health care institutions, social work centres)? If yes, are you obligated to ex officio report the case of violence to the police or encourage the victim to do it on her own? Do you consult with the victim of violence with regard to ex officio reporting on the case of violence to the police?
 - 28a. **(NGO)** Did you have any instances when a victim of violence first addressed you for a legal aid (before addressing the police, health care institutions, social work centres)? If yes, what do you do in terms of reporting the case of violence to the police? Do you report the violence in every case and do you encourage the victim to do it herself? Do you consult with the victim of violence with regard to ex officio reporting on the case of violence to the police?
 29. Do you inform the victims about available legal remedies, and how? **(NGO)**
 30. Which of the following services do you render free of charge to the victims of violence: **(NGO)**
 - a. Legal information (general information that might be used for future cases)
 - b. Legal advice (in a specific case)
 - c. Legal support (direct work on the case)
 - d. Legal representation (at courts)
- What does it include (submissions, complaints in lawsuits, appeals, motions, pleas, motions in non-contentious proceedings, etc.)? **(NGO)**
31. Do you represent victims of violence in different proceedings? If yes, which proceedings? **(NGO)**
 32. In which cases of violence is the support most often provided? **(NGO)**
 33. Who has the access to your services? Are different services available to different groups (state which services are available to which groups)? **(NGO)**
 34. Are your services available to persons that

are particularly vulnerable or belong to socially excluded groups? (Pregnant women/ women with small children, disabled persons, persons from rural/distant areas, addicts, women in prostitution, ethnic minorities, Roma, migrants – unregistered and refugees, asylum seekers, internally displaced women, LGBT persons, HIV positive persons, homeless, children, elderly persons) **(NGO)**

35. Are there any other criteria that persons must meet in order to have access to your services? If yes, what are those criteria? **(NGO)**
36. Are victims of domestic violence entitled to your services free of charge, regardless of their financial status? **(NGO)**
37. **(RS)** How do you work considering the inconsistency of laws (Law on Free Legal Aid sets a financial criterion while the Law on Prohibition of Domestic Violence prescribes that all victims of violence are entitled to free legal aid)?
38. Are all of your services free of charge? If not, who has to pay for the services and what are the prices of services? **(NGO)**
39. In cases when you represent someone free of charge, who pays for the court expenses and fees? If a victim of violence is relieved of the said costs, is that done based on a poor financial status or based on the victim's status of an aggrieved party in the proceedings?
40. Do you render services in more than one language? If yes, which languages are used and for what services? **(NGO)**
41. Are your services available to disabled persons? Does your institution/organisation have access for users of a wheelchair, do you have sign language interpreters? **(NGO)**
42. Are there time limits in your work with individual beneficiaries of your services? If yes, what are those limits? **(NGO)**
43. Does your institution have services of carrier or security? How would you assess the security level on the premises where you render free legal aid services? Did you have any security-related incidents on the premises of your centre and if yes, how did you handle such situations? **(NGO)**
44. How many officers of your institution/organisation get in touch with a victim before the victim receives a legal aid? (secondary victimisation) **(NGO)**
45. Do you give enough time and a separate safe room to victims so that they account for their experiences and keep the record of what is said with a view of diminishing

the possibility of secondary victimisation? **(NGO)**

46. Are the officers who render free legal aid services trained to work with victims of violence without any condemnation? Did you have any incidents in that regard and how did you handle them? **(NGO)**
47. Does your service have trained employees to work on the cases of violence against women and domestic violence? When you deal directly with women and girls survivors of violence and domestic violence, do you ask them if they prefer to talk to a female officer? **(NGO)**
48. Does your service have employees trained to work on the psycho-social support to violence survivors? If not, do you refer a violence survivor to the centre of mental health or an NGO which provides relevant services? Where do you refer the victims of violence most frequently? **(NGO)**
49. What are the greatest challenges that you face in terms of protection and support to victims of violence against women and domestic violence? **(NGO)**

Substantive criminal law:

50. In the court proceedings, do you provide the court with all relevant information including the psycho-social context of violence and expert witness testimony? **(NGO)**
51. Do you undertake measures to make sure that the court takes into consideration the background of domestic violence so that a victim's actions are not taken as detrimental? For example, if the victim of violence fled home to escape violence, do you make sure that such fact does not have any negative impact on the victim in the procedure of deciding the guardianship of children? **(NGO)**
52. When you represent an underage victim of violence, do you take necessary and statutory measures for representation of underage persons? **(NGO)**
53. Do you have an experience in dealing with forced marriage? If yes, do you make sure that marriages concluded under duress can be annulled or divorced without any financial or administrative burden on a victim? **(NGO)**
54. Do you provide support, counselling or representation in cases of claimed damages in cases of violence? If yes, how? **(NGO)**
55. If the damages are not covered by a perpetrator of violence, insurance or

health and social security allowance, do you advise or represent the victim to claim the damages from the state when the victim suffered severe bodily injuries which impaired her health condition? **(NGO)**

56. How do you address the damage incurred on the victim of violence in the court proceedings due to long court proceedings and untimely termination of proceedings, which might cause the victim's inability to go to work, emotional or psychological impairment, travel costs related to court attendance and the like? **(NGO)**
57. Is there any measure that provides the victims with adequate civil legal remedies against state bodies which failed to execute their duties and did not undertake necessary preventive and protective measures within the scope of their competences? **(NGO)**

Investigation and court proceedings:

58. Do victims of violence have a priority over other cases? How long does it take for a victim to get legal aid from the point the aid is requested? **(NGO)**
59. Does your centre conduct special investigations with regard to the cases of violence? If yes, how? Does your centre employ investigators to conduct such investigations? **(NGO)**
60. Do you collect relevant legal or procedural information from other institutions/organisations in order to render the most comprehensive legal support to your client? If yes, how? **(NGO)**
61. Do you make assessments of the death risk, gravity of the situation and risk of repeated violence for the purpose of risk management; or do you have access to the risk assessments made by other relevant institutions? **(NGO)**
62. How many cases of violence did you register in which victims of violence addressed you for legal aid? **(NGO)**
63. Are the cases of violence registered when they are a segment of another case (such as divorce lawsuits, guardianship disputes, division of property and the like)? What does the record contain in cases of violence or cases which, among other things, include violence? **(NGO)**
64. Does your centre offer legal advice in criminal and misdemeanour proceedings? Do you co-operate with prosecutor's offices/courts in criminal and misdemeanour proceedings that pertain to violence against your client? **(NGO)**
65. What are the cases for which you offer services of legal representation before courts? Are these services free of charge as well? Do you represent victims of violence in divorce lawsuits? **(NGO)**
66. When you render legal aid services in the family law cases, do you examine the occurrences of domestic violence as a cause or a consequence of the case (for example, divorce lawsuit and guardianship procedure following the instance of violence)? **(NGO)**
67. How do you handle the cases in which a suspect is a victim of violence? In such cases, do you examine the background of domestic violence? **(NGO)**
68. Can you claim that all of your employees are competent to represent victims of violence before courts in an ethical, objective and professional manner? How do you provide for and control competence, ethics, objectivity and professionalism of your employees in court proceedings? **(NGO)**
69. How do you provide for a full participation of the victim of violence in the representation process? **(NGO)**
70. Do you offer the services of mediation and reconciliation to victims and perpetrators of violence? In which cases and how? Do the mediation and reconciliation fall in obligatory alternative ways of dispute solution, that is, do you consult with the victim of violence and get a full consent and willing participation of the victim? Do you provide for the security of victims of violence in that process? Do you request the perpetrator to take responsibility as a requirement to go into the mediation process? Do you have qualified mediators to conduct the process? Do you make risk assessments in such cases prior to the mediation process in order to be assured that the victim of violence is not at risk of repeated violence? **(NGO)**
71. Do you refer your clients to non-governmental organisations which render legal aid and when do you do that? Do the NGOs refer their clients to you for the services of free legal aid and in what cases?
- 71a. **(NVO)** Do you refer your clients to the established legal aid centres and when do you do that? Do the centres refer their clients to you for the services of free legal aid and in what cases?
72. What are the greatest challenges that you face in the investigation process and court proceedings when it comes to cases of violence? **(NGO)**

Questions for representatives of police sector

Basic information

1. First name and family name
2. Function/position
3. Organisation/institution

Type of organisation/institution

4. Contact details (telephone, e-mail, address)

Services rendered:

5. Do you render services in the domain of prevention and combat against violence against women and girls and domestic violence? If yes, what are those services (list)?
6. What is the scope in which your work or the work of your institution is connected with prevention and combat against violence against women and girls and domestic violence? (in percentage) e How many reports of violence do you receive on a weekly basis?
7. What is the scope in which your institution is focused on the said forms of violence against women and girls and domestic violence: (percentage) domestic violence, rape/sexual violence, sexual abuse of children, stalking, crimes committed in the name of "honour", female genital mutilation, forced marriage, sexual harassment, human trafficking, forces abortion and sterilisation, other forms of violence against women and girls and domestic violence.
8. Does your institution have an officer (pursuant to the job classification) who is in charge of tasks related to prevention and combat against violence against women and girls and domestic violence? If yes, how many officers are employed with your institution? What is the rank of those officers (police, inspector)? If these officers do not work on cases of violence against women and domestic violence only, what are the other cases and within which sector?

Prevention, raising awareness and expert training:

9. Do you organise or take part in the activities aimed at preventing and eliminating violence against women and girls and domestic violence? If yes, what are those

activities?

10. Does your institution advocate a zero tolerance to violence, how (by way of a policy or as an unspoken rule), does it pertain to police officials as well, are there still disciplinary sanctions that are imposed in case the policy is violated?
11. Does your institution/organisation publicly promote and support initiatives aimed at eliminating violence against women and girls and domestic violence, and enhancing gender equality? If yes, what are the initiatives and how do you extend your support?
12. Do you co-operate with NGO/civil society organisations that render services to victims of violence in the territory of your local community/ at the cantonal/Entity level? If yes, which organisations do you co-operate with and how; that is, is your co-operation official or unofficial? If it is official, how was the co-operation established (under a Protocol or otherwise)?
13. Do you co-operate with safe houses and social work centres? Which safe houses and social work centres do you co-operate and how would you evaluate that co-operation?
14. How would you evaluate in general your co-operation with other institutions and organisations which render services of support to victims of violence? How would you enhance that co-operation?
15. Have you attended relevant trainings for competent experts dealing with victims, and with perpetrators of violence, trainings on prevention and identification of violence, gender equity, needs and rights of victims, and prevention of secondary victimisation? If yes, how many of your staff members participated in such trainings, who was the organiser of trainings, what was the duration of trainings and were the trainings mandatory? Were the officers from your institution encouraged to attend these trainings?
16. How often do you receive invitations to attend the aforementioned trainings? Do you attend these trainings on a regular basis?
17. Does your staff have access to any form of help in their work on cases of violence against women and girls and domestic violence? If yes, what kind of help, is it done by way of supervision, anti-stress programme, flexible working hours or something else?
18. Does your institution provide an around the clock availability to victims of violence

- who want to report violence to the police?
19. Do you keep the records on cases of violence against women and girls and domestic violence, and are the records (in aggregate) available to the public? If yes, do you analyse those data in order to identify the trends? Do you use those data and analyses to prevent further violence through early interventions, faster response to violence and faster protection to victims of violence, apprehension and removal of perpetrators of violence from the scene?
 20. Do you submit those data and analyses to other institutions/organisations at the same or higher/lower level of authority? Do you categorise the collected data per gender?
 21. What are the greatest challenges you face in terms of prevention of violence against women and girls and domestic violence? (focus on institutional and social challenges)

Protection and support:

22. Have you made certain leaflets or brochures in order to inform citizens about their rights in case they are victims of violence? Where can one get such information?
23. Do you inform the victims of violence about their rights, further misdemeanour or criminal proceedings and available legal remedies?
24. Do you have an ex officio obligation to institute misdemeanour or criminal proceedings in cases of violence? If yes, what are those cases? Do you consult with the victims of violence with regard to ex officio instituting of the proceedings?
25. What are the most frequent cases where you render support?
26. How do you make your services available to persons that are particularly vulnerable or belong to socially excluded groups? (Pregnant women/women with small children, disabled persons, persons from rural/distant areas, addicts, women in prostitution, ethnic minorities, Roma, migrants – unregistered and refugees, asylum seekers, internally displaced women, LGBT persons, HIV positive persons, homeless, children, elderly persons)
27. Do you render services in more than one language? If yes, which languages are used and for what services?
28. Are your services available to disabled persons? Does your institution/organisation have an access for users of a wheelchair; do you have sign language interpreters?
29. Are there time limits in your work with individual beneficiaries of your services? If yes, what are those limits?
30. What are the ways of reporting a case of violence (coming to the station, by phone, email, through social networks etc.)? What is the most frequently used way in which cases of violence are reported?
31. Does your institution have a safe room for women victims of domestic violence and children?
32. How many of your officers does the victim of violence need to communicate until she gets an adequate aid? (secondary victimisation)
33. Do you give enough time and a separate safe room to victims so that they account for their experiences and to keep the record of what is said with a view of diminishing the possibility of secondary victimisation?
34. Are the officers who render free legal aid services trained to work with victims of violence without any condemnation? Did you have any incidents in that regard and how did you handle them?
35. Does your service have trained employees to work on the cases of violence against women and domestic violence? When you deal directly with women and girls survivors of violence and domestic violence, do you ask them if they prefer to talk to a female police officer?
36. Do you undertake all necessary measures to inform and refer a victim of violence to other institutions for the purpose of timely collection of all pieces of evidence needed to institute a misdemeanour or criminal proceeding? If yes, to which institutions/organisations do you refer victims? Do you inform them about how important it is to obtain medical documentation related to physical and psychological consequences of violence? Do you make sure that other evidentiary materials are collected for the purpose of processing the case of violence?
37. Are you familiar with the provisions of the Law on Prohibition of Domestic Violence that prescribe the protective measures (and urgent protective measures in RS)? What are your obligations under that Law?
38. Has your institution created protocols/instructions/decrees relative to the implementation of the Law, more specifically the measures prescribes under the Law?
39. What are the greatest challenges you face in terms of protection and support to victims of violence against women and

domestic violence? What are the greatest challenges that you face in terms of the implementation of protective measures?

Substantive criminal law:

40. In the court proceedings, do you provide the court with all relevant information including the psycho-social context of violence and expert witness testimony?
41. Do you undertake measures to make sure that the court takes into consideration the background of domestic violence so that a victim's actions are not taken as detrimental? For example, if the victim of violence fled home to escape violence, do you make sure that such fact does not have any negative impact on the victim in the procedure of deciding the guardianship of children?
42. When you represent an underage victim of violence, do you take necessary and statutory measures for representation of underage persons?
43. Do you have experience in dealing with cases of forced marriages?
44. Do you inform victims about the right to claim damages in cases of violence? If yes, how do you do that and where do you refer them?

Investigation and court proceedings:

45. Which laws/decrees/rulebooks do you abide by when you have cases of violence against women and girls and domestic violence?
46. Which steps do you take from the point a case of violence is reported?
47. How do you secure the scene of violence? Can you describe that process? During that time where is the victim of violence and where is the perpetrator of violence?
48. How and in which order do you take statements from victims of violence, perpetrators of violence, children, and witnesses? Can you describe that process, do you take statements of all the aforementioned persons separately or together? Where is the perpetrator of violence located during the statement taking from the victim of violence, is the perpetrator deprived of liberty?
49. How do you compile a report of the case of violence against women or domestic violence? Does your institution/station/ministry have official instructions related to compiling of the report on violence? What

is your statutory obligation and what is most often done in practice? If the victim of violence does not want to file a report do you still proceed with the ex officio? Is it done always or just in some cases? In what cases?

50. Do the victims of violence have a priority over other cases? How long does it take for a victim to get adequate aid from the point the aid is requested?
51. Do you collect relevant legal or procedural information from other institutions so that you can provide the most comprehensive support to a victim? If yes, how?
52. Have you ever been in a situation when a perpetrator is extremely aggressive or dangerous? Which criteria do you apply to determine a direct and imminent life threat?
53. Do you make assessments of the death risk, gravity of the situation and risk of repeated violence for the purpose of risk management; or do you have access to the risk assessments made by other relevant institutions?
54. How many cases of violence did you register in which victims of violence addressed you for aid? How many cases of violence have been reported by a third party?
55. Are the cases of violence registered when they are a segment of another case? What does the record contain in cases of violence or cases which, among other things, include violence?
56. Do you co-operate with prosecutor's offices/courts in criminal and misdemeanour proceedings that pertain to violence? How would you evaluate that co-operation?
57. How do you handle the cases in which a suspect is a victim of violence? In such cases, do you examine the background of domestic violence?
58. Can you claim that all of your employees are competent and sensible to work with victims of violence? How do you provide for and control competence, ethics, objectivity and professionalism of your employees in work with victims of violence?
59. How do you provide for a full and informed participation of a victim of violence in an investigative procedure?
60. Do you provide for a confidentiality of all data in relation to reported cases of violence? If yes, how?
61. In your institution, who is in charge of cases of violence against women and domestic violence (officer's rank)?
62. Do you undertake all necessary actions

and measures to provide the prosecutor's office with a strong case corroborated with evidence? If yes, can you briefly describe those actions? What are the challenges you most often face when collecting evidence and corroborating the reports of violence?

63. What are the greatest challenges you face in the process of investigation and/or filing of indictment when it comes to cases of violence?

ANNEX III MAPS AND DIAGRAMS



Map no. 1
Members of the Free Legal Aid Network

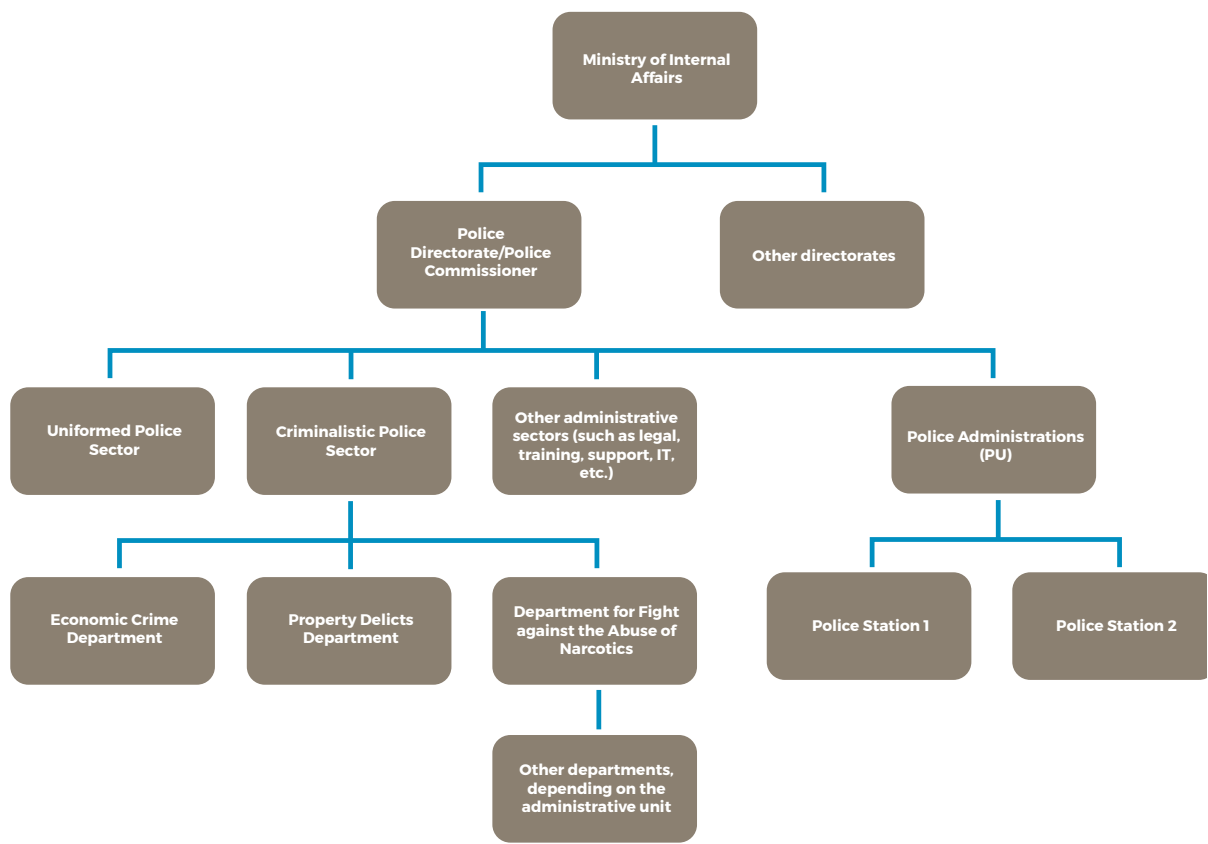


Diagram no. 1
Simplified police system scheme on a ministry of interior level

**UN WOMEN IS THE UN ORGANIZATION
DEDICATED TO GENDER EQUALITY AND
THE EMPOWERMENT OF WOMEN. A
GLOBAL CHAMPION FOR WOMEN AND
GIRLS, UN WOMEN WAS ESTABLISHED
TO ACCELERATE PROGRESS ON MEETING
THEIR NEEDS WORLDWIDE.**

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to implement these standards. It stands behind women's equal participation in all aspects of life, focusing on five priority areas: increasing women's leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women's economic empowerment; and making gender equality central to national development planning and budgeting. UN Women also coordinates and promotes the UN system's work in advancing gender equality.



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