



LEGAL AND POLICY FRAMEWORK

Bosnia-Herzegovina ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in September 1993 and its Optional Protocol in September 2002. In March 2013 Bosnia-Herzegovina signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention CETS N° 210) and ratified it in November 2013, being the sixth member state of the Council of Europe to ratify, despite its complex constitutional structure and decision-making process.

The ratification of the Istanbul Convention by Bosnia-Herzegovina refocused the development of the domestic legislative framework and the establishment of the corresponding mechanisms to address gender equality and women's rights. Bosnia-Herzegovina was among the first in Europe to adopt the Law on Gender Equality in 2003¹ and other relevant documents include the Law on the Prohibition of Discrimination, the Gender Action Plan, the "Framework Strategy" on the Implementation of the Istanbul Convention and the Criminal Code (CC) of the country. The Gender Equality law defines, among other aspects, the responsibilities of the relevant institutions, (Agency for Gender Equality of Bosnia and Herzegovina, Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Equality Centre of the Republika Srpska), in charge of implementing the "Framework Strategy" stipulating that it covers all forms of violence against women and girls (VAWG) that fall under the Istanbul Convention. However, it does not identify specific offences. In 2018 the "Framework Strategy" expired, and no subsequent state-wide, comprehensive, and co-ordinated policy was adopted, ensuring an all-encompassing and harmonised response to VAWG.²

Although Bosnia and Herzegovina's legislative framework generally complies with the Istanbul Convention, there is a lack of adequate implementation. Bosnia-Herzegovina is a society infiltrated by deeply patriarchal attitudes and gender stereotypes shaping the responses to VAWG, often considered as minor offences compared to other crimes or tolerated as acceptable behaviour.

The ratification of the Istanbul Convention has led to increased recognition of VAWG as a problem, however, there is still resistance towards changing long-held views.

The biggest issue is the implementation of most, if not almost all legal documents and acts that regulate the topics of gender equality and prevention of gender-based violence, due to the complicated structure of the state and the 13 distinct levels of government (state level, two entities, Brčko District and 10 cantons). At the state level, there is no database on the number of cases and victims of gender-based violence (GBV) and femicide, well as funds intended for the prevention and fight against GBV. There are programs and laws at the entity level that are applied to a certain extent. For example, there are SOS telephone numbers for the Federation of Bosnia and Herzegovina and for the Republic of Srpska, however funding is mostly donor based.

The government of the Republic of Srpska financed 70% of three Safe Houses (in Banja Luka, Modriča and Bijeljina) expecting the remaining 30% to be financed by municipalities from which the women who stay in the Safe House come. In the period from January to September 2022, about 3,000 calls were made to the SOS lines, and most calls were made by women aged 19 to 60.

The entity Federation of Bosnia and Herzegovina is in the process of adopting the Draft Law on Protection from Domestic Violence, which was proposed by the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina in July 2022. The law has not yet been adopted. In the proposed law, all five Safe Houses in the Federation (in Sarajevo, Zenica, Bihać, Tuzla, Mostar) should receive 40% of funds from the federal budget, and 40% from the cantonal budget (canton where the Safe House is located). The municipalities in whose territory the victim/woman who settles in Safe House has a registered residence should participate in the financing with 20% of the funds.³

In August 2022, the Agency for Gender Equality published a public call for the submission of offers for consulting services for the preparation of situational analyses with the aim of creating the Gender Action Plan of Bosnia and Herzegovina 2023-2027, for the state level and Brčko District. The Gender Action Plan is still in development with no information about its planned publication.

FACTS

The issue of violence against women is a widespread concern in Bosnia and Herzegovina. According to a OSCE survey in 2019 two-thirds of women (67%) think that violence against women is common and over a quarter (27%) think that it is very common. Moreover, 48% of women have experienced some form of abuse, including intimate partner violence, non-partner violence, stalking and sexual harassment, since the age of 15. Findings indicate that approximately four in ten (38%) have experienced psychological, physical, or sexual violence since the age of 15 at the hands of a partner or non-partner.⁴

According to the findings from the Gender Equality Agency of Bosnia and Herzegovina perpetrators of violence against women are in 71,5% of the cases former or current partners. In general, there is a much higher risk of violence against women in intimate partner and domestic relationships than in the wider community. Young women are more subjected to violence than older women (the prevalence rate of violence among women aged 18-24 is 56.38% and 44.2% in the case of women over 65 years). The prevalence of domestic violence is higher in rural than in urban areas (49.2% vs. 44.3%). Material deprivation pronounced patriarchal attitudes, the culture of "tolerance towards violent conflict resolution" as well as alcoholism and the presence of seriously sick or immobile family members are all factors that increase the risk of violence against women.⁵

In 2019, 4202 people called the SOS helpline for victims of domestic violence (4103 women (98%) and 99 men (2%)), in 2020 5011 people called (4910 women (98%) and 101 men (2%)). Almost all the callers are women and in 2020, during the COVID-19 pandemic, there were 800 more calls registered than in 2019. In the first seven months of 2019, in the safe houses across Bosnia and Herzegovina there were 347 victims of violence against women and domestic violence victims, while for the same period in 2020 that number increased to 519 victims, and they were not accepting new victims during the state of emergency.⁶



The Safe Network has existed since 2001 (as an informal network) and consists of 32 non-governmental organizations and government institutions, which deal with the problem of violence, from the entire territory of Bosnia and Herzegovina (Federation of BiH and Republic of Srpska). For faster and more efficient action, the Advisory Committee of the Safe Network was established in February 2002, consisting of 12 organizations representing 12 different regions.

Unfortunately, the Network is not highly active. Government institutions as well as CSOs have the legal base and adopted numerous documents that enable the fight against GBV, but the problem is the implementation of those documents and the lack of visibility in the public (e.g. cases of femicide, which is not legally regulated, are spoken of in law practice and the media as cases of ordinary murders) and overall the lack of funds for the women's CSOs that deal with this issue.

¹ Retrieved March 28, 2023, from <https://arsbih.gov.ba/english/law-on-gender-equality-in-b-h/>

² Retrieved March 27, 2023, from <https://rm.coe.int/grevioinf-2020-12/pdfa/16809eed4a>

³ GREVIO Baseline Evaluation Report Bosnia and Herzegovina (2022). Retrieved March 28, 2023 from <https://www.coe.int/en/web/istanbul-convention/-/grevio-publishes-its-report-on-bosnia-and-herzegovina>

⁴ OSCE Survey on violence against women (2019). Well-being and safety of women. Bosnia and Herzegovina Results Report. Retrieved March 27, 2023 from https://www.osce.org/files/f/ documents/3/5/423470_1.pdf

⁵ Gender Equality Agency of BiH (2013) Prevalence and characteristics of violence against women in Bosnia-Herzegovina. Retrieved March 27, 2023 from <https://www.gcfbih.gov.ba/project/study-of-prevalence-of-violence-against-women-in-bosnia-and-herzegovina/>

⁶ Agency for Statistics of Bosnia and Herzegovina (2022). Women and men in Bosnia Herzegovina. Retrieved March 28, 2023 from <https://www.transmonee.org/media/551/file/Women%20and%20Men%20in%20Bosnia%20and%20Herzegovina.pdf>

WOMEN'S CSOs LANDSCAPE - Challenges and Needs

In Bosnia and Herzegovina, numerous women's organizations, and associations deal with GBV prevention and direct support to women and children survivors of GBV (safe houses, free legal aid, economic empowerment, etc). The problem is that almost all of them depend on donor funds because the state, through its programs, regardless of the planned funds, also allegedly depends on donor funds.

With all the problems that arose due to the COVID 19 pandemic women's CSO in Bosnia and Herzegovina were key in supporting women during the lock downs. They raised money between them to be able to travel to visit women in remote places and just check in with them. Many organizations were unable to keep up with their work as many did not have access to a laptop or an electronic device to communicate online.

NEEDS identified in the area of Direct Victim Support Activities:

Bosnia and Herzegovina have 8 shelters for women victims of GBV, however there are no Government funds to support and maintain these shelters which are run by women's CSOs. 8 shelters in a country with 145 smaller and bigger cities. Women's CSO are working hard to get money to maintain the shelters advocating for state and international donor support. This situation affects **the accessibility of shelters** as well as the security and support for women using these shelters. Opening more shelters and providing secure financing for existing shelters is a key need identified by women's CSO's in the country.

This need is directly related to **the need for legal aid and psychological and medical support**. Legal aid only exist for social cases and many women are economically dependent on their spouses and are unable to afford the legal costs of a divorce or a GBV related court case. Women coming to the shelters even must go back and live with the abuser in one house as they do not have resources to afford their own space and living costs.

Bosnia and Herzegovina have a well-established legal framework, but the reality is that there is no budget implemented and hence no practical application of these laws. Therefore, women's CSO are covering the lacking responsibility of the State to provide the population with the corresponding psychological, medical, and legal services. They accompany women, monitor and advocate for the provision of services.

For example, free medical services for women without financial resources.

A key role of women's CSOs is **to empower women economically** as financial independency is key to be able to leave an abusive environment. Women's CSOs support women survivors and women at risk with training, capacity building and setting up their own small businesses (cleaning services, handicrafts, make jewellery, etc.).

NEEDS identified in the area of indirect Victim Support Activities:

In Bosnia and Herzegovina, the work of women's CSOs is key in **activities that monitor and promote the**

implementation of adopted laws in preventing GBV. They highly monitor the practical implementation of existing laws, make them visible and voice the realities women face and their legal rights which are not put into practice. In hospitals and emergency attendance for example the women's movement is raising awareness for the need of statistics about GBV cases, professional training of medical staff to recognize signs of survivors/ victims of violence even if it is not voiced by the patient, the need for medical reports that serve as proof in court cases that women have suffered GBV, etc. There is a pressing need for resources to ensure and sustain wide reaching monitoring and advocacy work.

There is also a huge need **for GBV preventative work in schools and many professional aeras.** Cyber violence and peer violence between adolescents is increasing and there is a need to work with the younger generation on the meaning and understanding of violence, security aspects, where to get help, how to say 'no' what are your rights, etc.



Women's CSOs **advocate to influence policy and decision-making processes**, pushing for the implementation of new laws, with recent work on getting the new law about violence in family relationships approved. In 2006 they achieved the recognition for women survivors of sexualized violence during war as 'war invalids', which includes a small monthly pension payment, among other things. However, this law only applies in one part of Bosnia and Herzegovina and resources are needed to extend it to all regions of the country. They are also active in watchdog and monitoring activities on international and EU Conventions, pushing for the correct implementation of the Istanbul Convention and elaborating CEDAW shadow reports. All done with minimum resources.

NEEDS identified in the area of Community Building and Outreach Activities:

Women's networks are strong in making campaigns to raise awareness and bring out to the public the realities of GBV in the country through presenting statistics, GBV cases, etc.

There is a huge need for broad national activities. Women's CSOs achieved at local level to collaborate with the police, to get talks and awareness raising, but it needs to be brought to the State's responsibility. Multiple stakeholder collaboration is urgently needed for State institutions to assume responsibility for the provision of services which currently are solely supported by women's CSOs, taking care of the most vulnerable groups in society (supporting people with disabilities to access services, Roma women and the problem of early/forced marriages, etc.)

Relatively young associations struggle in the light of existing hierarchies that favours better-known, more popular associations and organizations with more established histories. Smaller associations and organizations may be seen as less relevant or impactful, lessening the recognition they receive for their achievements and roles in local communities. Hence cooperation and support are needed to strengthen smaller women's associations and maintain their influence and status in society.

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NEEDS identified in the area of CSO Competency Building:

The first priority for women's CSOs in Bosnia and Herzegovina is to get trained on **fundraising**. The second priority is training and building capacities on how to provide adequate **services for and taking care of women victims/survivors of violence**. However, a major problem for all women's CSOs is the lack of structural funds. Most organizations have one or two people employed and the workload is extreme, and many tasks cannot be fulfilled.

Training is urgently needed in how to write project proposals, apply for funds and specifically web and

internet related work. Accessing bigger donors, etc. There is also a resistance from local governments to give economic support to feminist and women's associations. There is little understanding of the importance of how women's rights and gender equality contribute to healthy family relationships.

Advocacy, lobbying and public speaking skills are quite developed and leaders of women's CSOs go into other countries and share their experiences.

Improving the skills on monitoring, evaluation and reporting are also needed for project and program purposes, but specifically how to monitor the implementation of laws and how to implement that in your local community and how these transfer into activities.

ABOUT THE STUDY

This study analyses the women's CSO landscape in Albania, Bosnia-Herzegovina, Croatia, Cyprus, France, Greece, Italy, Kosovo, Montenegro, Serbia and Spain. It identifies the challenges women's CSOs face and their needs to prevent and combat GBV. The study was carried out by INDERA SL at the request of **Calala Women's Fund** jointly with the **Mediterranean Women's Fund (MedWF)** and **Ecumenical Women's Initiative (EWI)**.

Methodology:

Based on a review of the current initiatives at grass-roots level in the 11 countries and the project portfolio of EU supported initiatives, a model of activities was created comprising the following four areas: 1) Direct Victim Support Activities: services and activities which are provided directly to the victims of GBV; 2) Indirect Victim Support Activities: monitoring, advocacy, and watch dog activities regarding the adoption and implementation of laws and policies to combat and prevent GBV as well as research, awareness raising and preventative activities. 3) Community and Outreach: activities to strengthen stakeholders' collaboration, networking and community building; 4) CSO Competency Building: activities to strengthen women's CSOs structural, technical, financial and operational capacities.

Stakeholder interviews with women's CSOs and experts from the 11 countries, together with desk research provided information and data about legal and policy frameworks, actors, tools and methods in the area of GBV and VAWG to identify needs to support actions with potential in prevention, protection, prosecution, service provisions, partnership building and prevalence.

The data provided in this study was collected in March 2023. More information at: www.calala.org

