

**Bosnia and Herzegovina: Mapping of the Services of Support
and Assistance to Women Survivors of Violence**

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1. Context of the Area of Social Protection in the Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) is a country with fragmented jurisdiction, non-harmonized legislation and a widespread lack of recognition of violence against women as a form of human rights violation. *The divided political system implies three (3) key levels of governance responsible of adopting and implementing legislation related to prevention and combating violence against women - the state level of BiH, the entity level, including Republika Srpska and Federation of BiH, and the Brčko District of BiH.* The authority for adopting laws and policies in the area of social protection and assistance is divided between entities and the Brčko District of BiH. The system of social protection is organized on the level of cantons in the Federation BiH and municipalities in the Republika Srpska. The area of social protection in the Bosnia and Herzegovina is regulated by 20 laws on entity and cantonal level, and entity laws have non-harmonized approach in this area. Especially complicated and non-functional is the system in the Federation of BiH, with visible overlap and frequent avoidance of the authorities between ten (10) cantons and the entity level. In the Federation of BiH, the system of social protection includes over thirty (30) ministries and institutions.¹ In the Republika Srpska, the authority to regulate social protection and assistance is centralized within entity institutions, while cities and municipalities (units of local self-governance) have the authority to adopt regulations and implement decisions on extended rights from the social protection. Brčko District of BiH has its own laws and authorities within the social protection.

2. Focus of the Mapping

The mapping of services of assistance and support focuses on the regulations and services in the Republika Srpska and the Brčko District of BiH, and includes the overview of the most important regulations in this area at the state level of BiH that are relevant for the protection and support for women survivors of violence.

3. International Obligations based on the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence (Istanbul Convention)

As the part of the Bosnia and Herzegovina, the Republika Srpska and the Brčko District of BiH are obliged to respect several international and regional documents in the area of human rights protection, including the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence – Istanbul Convention². This Convention unifies standards and establishes guidelines for a range of services of assistance and support for women victims of various forms of gender based violence, and specifies their responsibilities. The Istanbul Convention defines violence against women as human rights violation and a form of discrimination of women (Article 3), and demands from the support services to undertake measures based on gendered understanding of violence

¹ The Guide for Exercising Rights from the Social Protection, Rights for All Sarajevo, ICVA, March 2011, available at: http://www.rightsforall.ba/publikacije-bs/docs-bs/vodic_socijalna_zastita.pdf

² Text of the Istanbul Convention has been published in the „Official Gazette of the Bosnia and Herzegovina – International Contracts“, no. 19/13

against women and domestic violence, and focus on human rights and safety of the victim (Article 18, Paragraph 3). The Convention especially emphasizes that the provision of services shall not depend on the willingness of a victim to press charges or testify against any perpetrator (Article 18, Paragraph 4).

The Istanbul Convention represents comprehensive and detailed international agreement. In the same time, it represents human rights agreement, and agreement on the criminal law, as well as the gender equality instrument. With the eighty one articles, out of which sixty five articles of material nature, with detailed and unprecedented provisions, the Convention brings measures that should be undertaken by the member states in order to prevent violence against women and domestic violence, protect victims, and punish perpetrators of violence.³

The Istanbul Convention makes distinction between **general support services** (Article 20) and **specialized support services** (Article 22), and further explains that *general support services are related to assistance provided by public authorities, such are services of social protection, services of health protection, and employment services that are not intended solely for victims, but for all citizens. Contrary to that, specialized support services are those services specialized to provide assistance and support that is adjusted to, very often, urgent needs of victims of specific forms of violence against women or domestic violence, and are not available to general population*⁴. While „general services“ are provided or financed by the state, majority of specialized services are provided by nongovernmental organizations.

In the Article 20, Paragraph 1, the Istanbul Convention determines that state services of social protection, such are **housing, employment or unemployment services, state services of education and training, state psychological and legal counseling, but also the services of financial support**, should respond, where needed, on specific needs of victims of all forms of violence covered by the Convention. Although many victims are already beneficiaries of these services, this does not mean that these services are meeting or systemically and sufficiently considering their difficult situation and trauma. Member states of the Convention thus have the obligation to ensure access to such services for victims of violence, supportive treatment, and proper response to their needs⁵.

Services of health and social protection are often those that have the first contact with the victims. Article 20, Paragraph 2 of the Convention determines the obligation of member states to undertake necessary legislative or other measures to ensure that victims have access to *health care and social services*, and that *services are adequately resourced and professionals are trained to assist victims and refer them to appropriate services*.

Immediately upon violence, victims are often insufficiently informed and empowered to make decisions, and many of them miss support in their environment. Due to that, the Istanbul Convention demands that victims receive *adequate and timely information* on available support services and legal measures in the language they understand (Article 19). Explanation of the Convention refers that this article places special emphasis on the need

³ Mapping of the Support Services for Victims of Violence against Women in Kosovo, *The Council of Europe Project: „Strengthening the Fight against Violence against Women and Domestic Violence in Kosovo*“, Author: Paula Krol, local consultants: Ardita Ramizi Balja and Emine Kabashi, 10 June 2017, Page 12.

⁴ Explanatory Report of the Istanbul Convention, Point 125.

⁵ Explanatory Report of the Istanbul Convention, Point 126.

that victims receive information on various types of available services of support and legislative measures: appropriate information where they can get assistance and support and what types of services are available, if needed on the language that is not official language as well as timely, meaning at a time when it is beneficial to the victims. The term „appropriate information“ relates to information that are meeting the needs of a victim for information. This might include, for example, not only providing a name of the organization that provides services of assistance and support, but also providing a leaflet with address and telephone number, working hours, and precise information about services provided by the organization⁶.

In order to respond to **special needs of women victims of gender based violence**, the Istanbul Convention requests establishment of **safe houses, SOS helplines, rape crisis centers or referral centers for victims of sexual violence**.

Safe houses are providing safe shelter and proactive support to victims of violence, especially women and their children (Article 23). In the practice, in majority of the countries members of the Council of Europe, shelters have the central role in specialized response on violence against women, especially in relation to domestic violence and trafficking of people. The Istanbul Convention requires for shelters to be available in sufficient number and easily accessible, and recommendation to the member states is to have one family place available for services related to domestic violence per each 10.000 inhabitants⁷.

SOS helplines should be available non-stop (24/7), to provide advices, to be available across the country and free for all callers, with due regard to their anonymity, in relation to all forms of violence covered by the scope of this Convention.

The Istanbul Convention also requires establishing appropriate and easily accessible **rape crisis centers or sexual violence referral centers for victims**, in sufficient numbers to provide medical and forensic examination, trauma support, and counseling for victims (Article 25). It is recommended for one such center to be available per each 200.000 inhabitants⁸, and geographically distributed to be available for victims of violence in both urban and rural areas.

All support services for women victims of violence **should pay attention on rights and needs of children witnesses of violence against women**.

The Istanbul Convention recognizes that specialized support services, such are the safe house or rape crisis center are best provided by **women's organizations** that have experienced staff with fundamental understanding of gender based violence and possibility for solving multiple and specific needs of women victims of gender based violence. Work of NGOs that are providing specialized services **should be recognized, and more importantly, to receive support**⁹. Member states should provide **appropriate financial means for work** conducted by nongovernmental organizations and civil society organizations in implementing those measures related to prevention and combating violence against women covered by the Istanbul Convention (Article 8).

⁶ Explanatory Report of the Istanbul Convention, Point 124.

⁷ Explanatory Report of the Istanbul Convention, Point 135.

⁸ Explanatory Report of the Istanbul Convention, Point 142

⁹ Explanatory Report of the Istanbul Convention, Points 66-69

Women victims of gender based violence are especially vulnerable during investigations or criminal proceedings, when they may be in a situation of having to face perpetrators indoors. The Istanbul Convention requires providing of measures of support for victims of gender based violence during judicial proceedings. The Article 55, Paragraph 2 regulates possibilities for governmental and nongovernmental organizations, as well as councilors for domestic violence to provide **support to the victims, on their request, during investigations and judicial proceedings**. Moreover, member states should provide appropriate support services to the victims, in order for their rights and interests to be properly represented and taken into consideration (Article 56, Paragraph 1(e)). In some member states of the Council of Europe, such support services are provided by independent councilor for domestic violence.

4. BiH State Level Key Legislation and Framework Policies Relevant for Social Protection of Women Survivors of Violence

The Gender Action Plan of Bosnia and Herzegovina for 2018-2022¹⁰ includes specific priority area: „prevention and combating gender based violence, including domestic violence and trafficking of people“. General aim of the planned measures is prevention and combating violence against women and men in public and private sphere, as well as all forms of trafficking of people, through establishing efficient system of protection and prevention. The Gender Action Plan is establishing framework measures for gender equality institutions and other authorized governmental institutions for adoption, implementation, and monitoring public policies aimed for prevention and combating all forms of violence against women, including domestic violence, as follows:

- Introducing and implementation of the international and domestic standards for gender equality, as obligations that are directly or indirectly regulating prevention and combating gender based violence, including domestic violence, and trafficking of people;
- Regular systemic collecting, analyzing, and publishing data on types and scope of gender based violence, including domestic violence, and trafficking of people;
- Establishing efficient system of protection and prevention of gender based violence, as well as prevention and sanctioning of the trafficking of people, especially women and children, including protection of potential and real victims, their rehabilitation, and judicial persecution of perpetrators;
- Implementing activities of state and entity strategies and action plans for prevention and combating gender based violence, including domestic violence, as well as for prevention and combating trafficking of people;
- Implementing and support to the researches on scope and aspects of gender based violence, including domestic violence, and trafficking of people;
- Implementing educational programs for professionals, service providers, including special trainings for prevention and combating gender based violence and trafficking of people, including identifying and assisting victims, and protection of their human rights;
- Supporting programs of psychosocial treatment of perpetrators or those who are prone to violence in a family or in other surroundings, as well as programs for reintegration of victims

¹⁰ The Gender Action Plan of the Bosnia and Herzegovina for 2018-2022, available at: <https://arsbih.gov.ba/project/gender-akcioni-plan-bih-za-period-2018-2022-godine/>

of trafficking of people into society, including reintegration in education system and labor market;

- Implementing promotional activities, informative campaigns for raising awareness on violence against women as human rights violation, including concrete messages directed to boys and men about their responsibility in terms of prevention and diminishing violence against women and domestic violence;
- Implementing promotional activities, information campaigns, and awareness rising campaigns on the issue of trafficking of people that target women and girls as especially vulnerable categories;
- Monitoring and reporting on manifestation forms of gender based violence, including trafficking of women and girls, and measures taken for combating these forms of violence.

The Law on Gender Equality of the Bosnia and Herzegovina¹¹ (Article 6) prohibits gender based violence. Based on this Law, gender based violence shall be considered every action that causes or may cause physical, psychological, sexual or economic harm or suffering, as well as threats with such actions that prevent a person or a group of persons to enjoy their human rights and freedoms in public and private sphere of life. Gender based violence shall include but shall not be limited to: violence in a family or family community; violence occurring in wider community; violence committed or tolerated by authorities or other authorized bodies and individuals; gender based violence in case of armed conflict. Competent authorities are obliged to take appropriate measures to eliminate and prevent gender based violence in public and private sphere of life, and ensure instruments of protection, assistance, and compensation to victims. Additionally, competent authorities are obliged to take appropriate measures, including but not limiting to the area of education in order to eliminate prejudices, customs, and all other practices based on idea of inferiority or superiority of any gender, as well as on stereotypical roles of male and female sex. This shall include but shall not be limited to education and awareness rising among civil servants in the public, and using other ways. Also, the Article 5, Paragraph 2 of the Law on Gender Equality of Bosnia and Herzegovina prohibits sexual harassment that is recognized as any unwanted form of verbal, non-verbal or physical behavior of sexual nature that aims to harm dignity of a person or group of persons, or has such effect, especially when this behavior creates intimidating, hostile, degrading, humiliating or offensive treatment. Article 29 of the Law on Gender Equality of Bosnia and Herzegovina regulates that a person who, on the grounds of sex commits violence, harassment or sexual harassment that endangers serenity, mental health or bodily integrity shall be punished with a fine or imprisonment for a term of six month up to five years.

The first research on prevalence and forms of violence against women in BiH was conducted in 2012¹², and during 2018, OSCE Mission in the Bosnia and Herzegovina coordinated the research on wellbeing and security of women. Additional research relevant for this area is „the Analysis of Costs of Domestic Violence in the Bosnia and

¹¹ The Law on Gender Equality of the Bosnia and Herzegovina („Official Gazette of BiH”, consolidated text, No. 32/10)

¹² Prevalence and Characteristics of Violence Against Women, the Agency for Gender Equality of the Bosnia and Herzegovina, June 2013, available at: https://arsbih.gov.ba/wp-content/uploads/2014/01/studija_prevalenca.pdf

Herzegovina: Estimating Costs of Multi-sectoral Response at the Local Level in the Bosnia and Herzegovina"¹³.

5. The Framework of Laws and Public Policies for Support and Assistance to Victims of Violence in the Republika Srpska

Normative legal framework significantly improved since the first law that incriminated domestic violence in the Republika Srpska (the Criminal Code adopted in 2000), to the adoption of special, second Law on Protection from Domestic Violence.

The Criminal Code of the Republika Srpska¹⁴, which entered into force on 18 July 2017, regulates criminal offence of Domestic Violence (Article 190), and introduces new criminal offences in line with the Istanbul Convention and other international standards, as follows: Female Genital Mutilation (Article 133), Forced Sterilization (Article 134), Stalking (Article 144), Sexual Blackmail (Article 166), Sexual Harassment (Article 170), Fornication Acts (Article 171), Forced Marriage (Article 183).

The key objective of **the Law on Protection from Domestic Violence**¹⁵ is protection of victims of domestic violence through prevention and combating domestic violence that violates human rights and fundamental freedoms guaranteed by the Constitution and laws¹⁶. The Law has been changed and amended three times, the first time in 2013, the second time in 2015, and the third time in 2019. The third changes and amendments have been adopted on 27 September, 2019¹⁷. The most important change is related to abolishing minor offence punishment for domestic violence, and prescribing criminal offence punishment, as regulated by the Criminal Code of the Republika Srpska that recognizes domestic violence as the criminal offence (Article 190). This additionally harmonized normative legal framework of the Republika Srpska aimed for prevention and combating domestic violence with the standards covered by the Istanbul Convention, all with the objective of improving protection of victims and more efficient and stronger response of the society against perpetrators of violence. This innovative law *separates assistance, support, and protection of victims of domestic violence regulated by the Law on Protection from Domestic Violence, and sanctioning of the perpetrators that is regulated by the Criminal Code of the Republika Srpska*. Additionally, changes are related to improvement and harmonization of provisions of this Law with the Istanbul Convention in relation to protection measures aimed for more efficient protection of victims; obligatory cooperation of all subjects of protection in the best interests of a victim, including obligatory risk assessment of repetition of violence; introducing obligation of informing a victim, in a way she can understand, about her rights regulated by this Law and other laws of the Republika Srpska, and services that are obliged to provide her assistance, support, and protection;

¹³Analysis of the Cost of Domestic Violence: Estimating the Cost of Multi-sectoral Response at the Local Level in Bosnia and Herzegovina Authors/editor(s): Halilović Majda at all, available at: <https://eca.unwomen.org/en/digital-library/publications/2019/05/analysis-of-the-cost-of-domestic-violence-bosnia-herzegovina>

¹⁴ The Criminal Code of the Republika Srpska („Official Gazette of the Republika Srpska”, No. 64/17)

¹⁵The Law on Protection from Domestic Violence („Official Gazette of the Republika Srpska”, No. 102/2012, 108/2013, 82/2015, and 84/19)

¹⁶ Article 2

¹⁷ The Law on Changes and Amendments of the Law on Protection from Domestic Violence has been published in the „Official Gazette of the Republika Srpska”, No. 84/19, and enters into force on 1 May, 2020

regulating possibility of a victim of domestic violence to select a person of trust that will accompany her during one or several procedures related to protection from domestic violence; and increased sanctions for citizens, members of a family, subjects of protection, and professionals in cases of failure to report violence they are aware of.

Following bylaws have been adopted with objective of efficient implementation of the Law on Protection from Domestic Violence¹⁸:

- The Bylaw on Standards for Realization of the Safe House¹⁹,
- The Bylaw on Content and Methodology of Keeping Register of the Safe Houses²⁰,
- The Bylaw on a Way of Providing Financial Support to the Safe Houses²¹,
- The Bylaw on Content of the Records and Reports on Domestic Violence²²,
- The Bylaw on a Way and Place of Implementing Protection Order of Mandatory Treatment of Alcohol and Drug Abuse²³,
- The Bylaw on a Way of Implementing Urgent Protection Orders and Protection Orders within the authority of the Ministry of Interior Affairs²⁴, and
- The Bylaw on a Way and Place of Implementing Protection Order of Obligatory Psychosocial Treatment²⁵.

In accordance with the Law on Protection from Domestic Violence, authorities adopted **the Strategy for Combating Domestic Violence of the Republika Srpska (2014-2019)**²⁶. The Strategy determines mission and vision, time-framework, and strategic directions, objectives, and program measures. Implementation of the strategic directions, objectives and program measures is contributing to prevention and combating of domestic violence, and strengthening capacities of subjects of protection to act upon the law in the best interests of a victim. The Strategy is focusing on four (4) strategic directions, as follows:

1. Prevention of domestic violence,
2. Support and assistance to the victims of domestic violence,
3. Protection of victims from domestic violence, and

¹⁸ The Law on Protection from Domestic Violence („Official Gazette of the Republika Srpska“, No. 102/2012, 108/2013, 82/2015, and 84/19)

¹⁹The Bylaw on Standards for Realization of a Safe House („Official Gazette of the Republika Srpska“, No. 25/13)

²⁰ The Bylaw on Content and Methodology of Keeping Register of the Safe Houses („Official Gazette of the Republika Srpska“, No. 25/13)

²¹ The Bylaw on a Way of Providing Financial Support to the Safe Houses („Official Gazette of the Republika Srpska“, No. 62/13 and 11/17)

²² The Bylaw on Content of the Records and Report on Domestic Violence („Official Gazette of the Republika Srpska“, No. 71/13 and 93/14)

²³ The Bylaw on a Way and Place of Implementing Protection Order of Mandatory Treatment of Alcohol and Drug Abuse („Official Gazette of the Republika Srpska“, No. 5/15)

²⁴ The Bylaw on a Way of Implementing Urgent Protection Orders and Protection Orders within the authority of the Ministry of Interior Affairs („Official Gazette of the Republika Srpska“, No. 73/14)

²⁵ The Bylaw on a Way an Place of Implementing Protection Order of Mandatory Psychosocial Treatment („Official Gazette of the Republika Srpska“, No. 111/14)

²⁶ The Strategy for Combating Domestic Violence in the Republika Srpska (2014-2019), („Official Gazette of the Republika Srpska“, No. 63/14), available at: <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpos/oPorodica/Pages/Splash.aspx#collapsible1>

4. Monitoring implementation of laws, policies, and measures against domestic violence.

Integral part of the Strategy is **the Framework Action Plan**, based on which **the action plans for prevention and combating domestic violence** are adopted every year²⁷.

The General Protocol on Action in Cases of Domestic Violence in the Republika Srpska has been agreed upon with the objective of improving and strengthening mutual cooperation in protection, assistance, and support to the victims of domestic violence, as well as the coordinated response on combating and prevention of repetition of domestic violence,²⁸. The signatories of this Protocol are the Ministry of Justice, the Ministry of Interior Affairs, the Ministry of Health and Social Protection, the Ministry of Education and Culture, and the Ministry of Family, Youth, and Sport. The Protocol regulates general standards of action, and units of local self-governance (municipalities and cities) are adopting their local protocols, in line with the General Protocol.

The Council for Combating Domestic Violence has been established based on the Law on Protection from Domestic Violence, with the objective of improving coordinated and efficient action in the area of domestic violence, and monitoring an assessment of implementation of policies and measures for prevention and combating domestic violence.²⁹. Within its authorities, the Council is conducting following tasks:

- Monitoring implementation and assessment of policies and measures for prevention and combating domestic violence, and in relation to that, adopting recommendations and opinions,
- Giving recommendations and opinions to the Ministry in the procedure of proposing and adopting legislation related to domestic violence,
- Developing and participating in implementation of scientific, researching and other projects in the area of domestic violence,
- Participating in the activities of social partners in work on prevention and combating domestic violence, and
- Considering other issues of importance for prevention and combating domestic violence.

The Council is composed of nine (9) members. Mandate of the members of the Council is four (4) years, with the possibility of re-election for the second term. Members of the Council are women and men representatives of authorized ministries and other institutions of the Government of Republika Srpska, representatives of academia, judiciary, and nongovernmental organizations. Since its establishment, work of the Council is contributing

²⁷ The Action Plan for Combating and Prevention of Domestic Violence for 2019, available at: <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpos/oPorodica/Pages/Splash.aspx#collapsible1>

The Action plan for 2020 has not been adopted, because the period of the Strategy as the basis for adoption of the Action Plan has expired (Note: the Working Group for preparation of the Strategy for upcoming five-year period has been appointed, and includes women representatives of the Foundation "United Women" and the Citizen's Association "Budućnost" Modriča)

²⁸ The General Protocol on Action in Cases of Domestic Violence in the Republika Srpska („Official Gazette of the Republika Srpska“, No. 104/13)

²⁹ Decision on Establishing of the Council for Combating Domestic Violence („Official Gazette of the Republika Srpska“, No. 7/13)

to harmonization of normative-legal framework with the Istanbul Convention, as well as in the promotional and educational activities.

The Ministry of Family, Youth, and Sport is authorized to **collect and process data on domestic violence** from the subjects of protection (police, centers for social work/services of social protection, authorized courts, health institutions, and educational institutions) in relation to acts of domestic violence recognized as minor offence, in line with the Law on Protection from Domestic Violence. The data are collected based on spreadsheet forms that are especially adjusted for individual subjects of protection from domestic violence that are regulated by the Bylaw on Content of Data Bases and Reports on Domestic Violence. The Ministry of Family, Youth, and Sport of the Republika Srpska is collecting reports on domestic violence from the subjects of protection in regular time intervals, two times per year, for the period January-June and the period July-December. Reports of the subjects of protection are submitted in printed and electronic form, and upon processing these data are available to the public through the web page of the Ministry of Family, Youth, and Sport³⁰. Besides publishing the data, the Ministry is submitting annual information on implementation of the General Protocol on Action in Cases of Domestic Violence as well as annual reports on implementation of the Strategy for Combating Domestic Violence in the Republika Srpska to the Government and Parliament. Among other data, these information and reports are analyzed and collected data published in the context of implementation of current legislation and strategic measures for combating violence.

With the objective of comprehensive action on prevention and combating violence against women, the Government of the Republika Srpska has adopted **the Action Plan for Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in the Republika Srpska for the period 2019-2020**³¹. General aim of this Action Plan is to reach efficient level of prevention and combating gender based violence, in line with the Convention. Specific objectives are, as follows:

- Established comprehensive and coordinated public policies that include legislative and other measures for prevention and combating all forms of gender based violence, in line with the Convention,
- Established efficient system of prevention and combating gender based violence, and
- Improved monitoring of frequency and prevalence of all forms of gender based violence, and efficiency of the institutional response on violence, in line with the Convention.

The Action Plan includes activities within program of measures 2.4 that are related to assistance and protection of victims of gender based violence:

- Training of police officers – sector leaders, with the objective of further monitoring of family circumstances in families where domestic violence occurred,

³⁰ All data and reports are available at the web page of the Ministry at the web portal of the Government of Republika Srpska, in the section Reports and Data: <http://www.vladars.net/sr-SP-Cyri/Vlada/Ministarstva/mpos/oPorodica/Pages/Splash.aspx#collapsible0>

³¹ The Action Plan on Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in the Republika Srpska for the period 2019-2020, adopted by the conclusion of the Government of Republika Srpska, No. 04/1-012-2-283/19, on 31 January, 2019.

- Providing specialized assistance and support to victims of domestic violence – safe houses,
- Providing specialized assistance and support to the victims of domestic violence,
- Ensuring work of free SOS helpline for victims of domestic violence,
- Providing oral and written legal advices to the victims of domestic violence,
- Representing victims of domestic violence in litigation procedures.

Legal assistance in the Republika Srpska is provided based on **the Law on Free Legal Assistance**³², and includes following rights:

- Representation at the court in litigation, extrajudicial procedure, and executive procedure, as well as administrative dispute,
- Providing legal advices (oral and written),
- General information on rights and obligations,
- Legal assistance in filling out the forms,
- Legal assistance in preparing all types of submissions, preparing petitions,
- Legal assistance in procedures of peaceful settling of a dispute (mediation).

The right on legal advices (oral and written), general information on rights and obligations and assistance in filling out the forms is available to all persons regardless of their financial situation.

Free legal assistance in a form of representation at the court is provided to beneficiaries of free legal aid in which their rights are acquired and protected, as follows: litigation, extrajudicial procedure, executive procedure, administrative dispute, preparing petitions, and in procedures of peaceful settling of dispute (mediation).

Beneficiary of free legal assistance is every person that receives free legal aid in line with the criteria determined by the Law on Free Legal Aid, and it relates to the citizens of the Republika Srpska and all other persons that reside or find themselves at the territory of the Republika Srpska, as well as all other persons that are identified as vulnerable categories and persons that reside at the territory of the Republika Srpska under international protection in line with the international standards, refugees, persons under temporary admission, victims of trafficking of people, stateless persons, which are not able to cover the costs of the procedure.

Legal assistance for women victims of domestic violence is available on the whole territory of the Republika Srpska, all persons that live in the area of the Republika Srpska, as well as persons that find themselves on the territory of the Republika Srpska, regardless of their sex, nationality, or ethnicity, as well as to the stateless persons and persons with asylum. Free legal aid is available to all victims of domestic violence, including women victims of violence, regardless of financial criteria, and is available in a form of oral or written legal advices, general information about rights and obligations and assistance in filling out forms, and free legal assistance – representation at the court in litigations (marital and family law procedures) when meeting the conditions for representation (financial criteria).

The Draft Law on Acquiring Free Legal Assistance has been developed with the objective of implementing the Council of Europe Convention on Preventing and Combating Violence

³²The Law on Free Legal Assistance („Official Gazette of the Republika Srpska“, No. 120/08, 89/13 and 63/14)

against Women and Domestic Violence (Istanbul Convention) in the Republika Srpska, and based on previous experiences in work of the Center for Providing Free Legal Aid of the Republika Srpska Government with women victims of domestic violence. The Article 35, Paragraph 1, Point G of this Law regulates that victims of domestic violence have the right on free legal aid regardless of financial criteria, and they have priority in approval of the free legal aid in relation to the other applicant in marital and family law procedures³³.

Legislation of the Republika Srpska in the area of labor, employment, health, and social protection is emphasizing prohibition of discrimination based on sex.

The Labor Law³⁴ prohibits sexual harassment and all forms of gender based discrimination in employment and at work, and regulate legal protection from violence, discrimination, harassment, sexual harassment, and mobbing. In accordance to this Law, sexual harassment represents any unwanted behavior intended to violate dignity of a person seeking employment, as well as the worker, which provokes humiliating or degrading environment. Sexual harassment includes any verbal or physical behavior which intends or represents violation of dignity of a person seeking employment, as well as the worker, in the area of sexual life, which provokes fear or creates humiliating or degrading environment. The Labor Law of Republika Srpska defines violence based on sex as any act that causes physical, psychological, sexual or economic harm or suffering, as well as threats with such acts that seriously prevent persons to enjoy their rights and freedoms based on the principle of gender equality, in work and/or in relation to work, while mobbing is defined as specific form of behavior at workplace though which one or more persons, over longer period, physically abuse or humiliate other person with the objective of violating its reputation, honor, human dignity, and integrity³⁵.

The Law on Employment and Rights during Unemployment Period³⁶ prohibits gender based discrimination in employment, and explicitly states that all persons are equal based on sex in the process of employment.

The Law on Social Protection³⁷ regulates system of social protection, bearers, beneficiaries and rights of beneficiaries of the social protection, procedure and conditions for acquiring rights, activities of institutions of social protection, independent work in the area of social protection, financing, supervision, and other issues of importance for functioning and acquiring social protection of citizens (Article 1). Based on this Law, beneficiaries of rights and services are persons, family members, or family as a whole, which have residence in the Republika Srpska, and are in a situation of a social need, and cannot meet their needs based on their work, property income, or using other sources (Article 16, Paragraph 1). Beneficiary of the social protection is a person in a situation of a social need, among others, also a child victim of violence, as well as adult person victim of domestic violence (Article 17, Point a) Sub-point 4. And Point b) Sub-point 6).

³³ Mentioned Draft Law has been adopted at the eight regular session of the Parliament of Republika Srpska. Proposal of this Law is still not considered (as of February 2020).

³⁴ The Labor Law of Republika Srpska („Official Gazette of the Republika Srpska“, No. 1/16 and 66/18)

³⁵ Article 24, Paragraphs 1 - 5

³⁶ The Law on Employment and Rights during Unemployment Period („Official Gazette of the Republika Srpska“, No. 30/10, 102/12 and 94/19)

³⁷ The Law on Social Protection („Official Gazette of the Republika Srpska“, No. 37/12, 90/16 and 94/19)

The Law on Social Housing³⁸ regulates the system of social housing, bearers of realization of social housing, beneficiaries of rights on social housing, general and specific conditions, procedure and method of allocation, as well as governing, management, maintaining, property and disposition with housing units, lease and payment obligations, sources of financing, construction, and ensuring housing units for social housing, supervision and other issues of importance for social housing in the Republika Srpska (Article 1). In terms of this Law, social housing represents housing of a certain standard, which by support of the public sector is provided to persons that due to different circumstances, and primarily economic, social and health reasons, are not in possibility to independently solve their housing needs on the market (Article 2, Paragraph 1), In terms of the Article 2, Paragraph 1 of this Law, social housing is ensured through allotment of a housing unit to a non-profit fix-term lease, with guaranteed use for the duration of needs for social housing, and with meeting general and specific conditions regulated by this Law (Article 3, Paragraph 1). If persons that are entitled to social housing have equal number of awarded points, priority in the allocation of housing units, inter alia, goes to victims of domestic violence, based on predetermined in the order established by the law (Article 12, Paragraph 1, Point 4).

Besides mentioned strategies and plans that are specifically related to domestic violence and violence against women, **other strategic and planning documents of the Republika Srpska** include measures and activities directed to prevention and combating discrimination and gender based violence.

The Strategy of Employment of the Republika Srpska (2016-2020)³⁹ includes one of the strategic and operative objectives and active measures directed on increase of employment and economic activity of the most vulnerable groups of unemployed persons that also include women victims of violence. The Action Plan for Employment in 2018 included the “Program of Employment and Self-employment of the Targeted Persons in the Economy“, women victims of violence are recognized as the target group for economic empowerment. The Action Plans for Employment in the Republika Srpska that are implemented on annual basis are including women from rural areas and women victims of violence as special target groups⁴⁰.

The Strategy for Improving Social Protection of Children without Parental Care in the Republika Srpska for 2015-2020⁴¹ is, inter alia, based on the principle of prohibition of discrimination and all forms of violence.

The Strategy for Improving Social Position of Persons with Disabilities in the Republika Srpska for 2017-2026⁴² is, inter alia, based on the principles of non-discrimination, equal possibilities based on equal rights and equality of women and men. One of the objectives of

³⁸ The Law on Social Housing („Official Gazette of the Republika Srpska“, No. 54/19)

³⁹ The Strategy of Employment in the Republika Srpska (2016-2020), („Official Gazette of the Republika Srpska“, No. 90/16), available at: <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpb/PPP/Pages/Strategija-zaposljavanja.aspx>

⁴⁰ The Report on Progress in Implementation of the Beijing Declaration and Platform for Action with the Beijing +25 process, April 2019, Page 27, available at: https://arsbih.gov.ba/wp-content/uploads/2019/05/Izvjestaj-o-napretku-Peking25_Bosna-i-Hercegovina.pdf

⁴¹ The Strategy for Improving Social Protection of Children without Parental Care in the Republika Srpska 2015-2020, „Official Gazette of the Republika Srpska“, No. 93/15, available at: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Pages/Socijalna_zastita.aspx

⁴² The Strategy of Improving Social Position of Persons with Disabilities in the Republika Srpska for 2017-2026, „Official Gazette of the Republika Srpska“, No. 44/17, available at: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Pages/Socijalna_zastita.aspx

this Strategy is directed to improving measures of protection from neglect and abuse in family of a person with disabilities.

The Strategy for Improving Position of Elderly Persons in the Republika Srpska for the Period 2019 - 2028⁴³ especially focuses on the situation analysis related to violence, neglect, and abuse. Among strategic objectives of this document is also the prevention of violence against elderly persons. This objective represents a set of activities aimed to contribute to informing elderly persons on procedure and protection from violence in their environment or domestic violence. Special emphasis is directed toward reporting violence and rehabilitation of elderly persons that are victims of violence. Planned measures for implementation of this strategic objective are, as follows:

- Organizing informative-educational campaign on prevention of domestic violence, with emphasis on forms of violence, importance of reporting violence, and importance of rehabilitation of elderly persons victims of violence;
- Finding legislative solutions for successful rehabilitation of perpetrators of violence, and
- Strengthening professional capacities of the centers for mental health and police stations to work with victims of violence.

The Strategy for Improving Sexual and Reproductive Health in the Republika Srpska (2019–2029)⁴⁴ contains special objective: improved clinical management in cases of violence, with special emphasis on cases of rape, including emergency situations, which include planned measures, as follows:

- Developing and adopting common protocols in the health system for treatment and assistance for victims of violence,
- Conducting additional educations of health workers for recognizing violence, and providing assistance to the victims of violence, and
- Strengthening multi-sectoral approach for recognizing violence, and providing assistance to the victims of violence.

The Strategy of the Mental Health Development in the Republika Srpska for the period 2019 –2029 is based, inter alia, on the principles of human rights protection, de-stigmatization and gender sensitivity, availability, solidarity, and equality of using health services. This Strategy ⁴⁵ defines, inter alia, also the need for developing and evaluating programs in different contexts (women and children victims of domestic violence, psychological support to lesbian, gay, bisexual, and transgender persons - LGBT), and to identify factors that are influencing their application and implementation.

⁴³ The Strategy for Improving Position of Elderly Persons in the Republika Srpska for 2019 – 2028 („Official Gazette of the Republika Srpska“, No. 88/19), available at: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Pages/Socijalna_zastita.aspx

⁴⁴ The Strategy for Improving Sexual and Reproductive Health in the Republika Srpska (2019–2029), („official Gazette of the Republika Srpska“, No. 95/19)

⁴⁵ The Strategy for Mental Health Development of the Republika Srpska for 2019 –2029, adopted at the seventh regular session of the Parliament of Republika Srpska in a draft form, available in the materials from the session at: <https://www.narodnaskupstinars.net/? 3>

6. Mapping of the General and Specialized Services of Support in the Republika Srpska

The Report of the Republika Srpska on implementation of the Istanbul Convention for period 2017-2018⁴⁶ indicates that the Republika Srpska regulated urgent protection orders and protection orders aimed for prevention and combating domestic violence and other forms of violence against women, and is implementing these mechanisms in the practice. The protocols for action and multi-sectoral cooperation have been established, sheltering victims of violence and financing of the safe houses are ensured, work of SOS helpline is supported, and special protection of vulnerable groups (children, persons with disabilities, elderly persons, etc.) is ensured. Besides these general and specialized services of support, *there is still large number of measures and services that are missing. This especially relates to insufficient economic empowerment of women, insufficient psychological support, and absence of support for victims of sexual violence, and similar services*⁴⁷.

The results of previously implemented researches in this area also point at the fact that, although there is some progress in protection of victims, both in terms of legislative framework for protection, and in terms of developing some mechanisms of protection, it is necessary to strengthen further action of governmental institutions and nongovernmental organizations toward improving implementation of existing legislation, harmonization of existing legislation with standards of protection for victims of gender based violence, preparation and implementation of programs that would improve position of victims, especially in the area of employment, child care, housing, and access to justice, in order to reach adequate level of social and economic empowerment of victims of gender based violence⁴⁸.

Bearers of the social, family, and child protection in the Republika Srpska are responsible entity level governmental institutions of the Republika Srpska, and units of local self-governance. In accordance with the Law on Social Protection⁴⁹, bearers of social protection have the obligation to encourage development of the social protection, work in an organized manner on implementing its objectives, and ensure exercising rights that are regulated by this Law, including also financing of these rights. Furthermore, bearers of social protection are obliged to establish additional rights, ensure financial means, and establish institutions to enable exercising these rights in the practice.

Management of the system of social protection is conducted by the Ministry of Health and Social Protection. Within the organizational structure of the Ministry, there is the

⁴⁶ Report of the Republika Srpska on Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence for 2017-2018, December 2019

⁴⁷ Report of the Republika Srpska on Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence for 2017-2018, December 2019, Page 4

⁴⁸ The Analysis of Policies of Social Inclusion of Women Victims of Domestic Violence / Fedra Idžaković, Arijana Čatović, Radmila Žigić, Mirjana Vlaho, Mirjana Brajković, Aleksandra Petrić, Banja Luka: United Women, 2012, available at: http://www.rightsforall.ba/publikacije-bs/docs-bs/Analiza_politika_socijalnog_ukljucivanja_zena_zrtava_nasilja_u_porodici.pdf

⁴⁹ The Law on Social Protection („Official Gazette of the Republika Srpska“, No. 37/12, 90/16, and 94/19)

Department with legislative and expert authority in relation to activities aimed to ensure functioning of the system of social, family, and child protection.

The center for social work is the central institution of the system of social protection. It has the public authorities in exercising rights from the Law on Social Protection, the Law on Child Protection, and the Family Law, and provides services of the social work in the procedure of deciding on rights; makes payments in relation to rights on financial support; monitors and studies social needs of citizens and proposes measures aimed for meeting these needs, and organizes and implements appropriate forms of social and child protection and social work; plans and develops programs aimed for applying new methods in work and improving social services in a community; initiates activities in community aimed for supporting organization of citizens, their association, and solving social issues; coordinated activities of actors in the system of social protection in local communities, with the objective of planning and implementing efficient and comprehensive measures and programs⁵⁰.

The centers for social work are the basic institutions of social protection, and they are being established by the municipalities. *In 2018, there were forty-nine (49) centers for social work and thirteen (13) services of social and child protection, which are organized within municipality administrative service, and in majority of cases under authority of the Department for Social Affairs*⁵¹. The Law on Social Protection recognizes beneficiary of the social protection as any person in a situation of social need that meets conditions regulated by the Law. The Law recognizes two (2) basic groups of beneficiaries – children without parental care, children with developmental difficulties whose development is disturbed by family circumstances, *victims of violence*, victims of child trafficking, children with socially unacceptable behavior, children exposed to socially risk behaviors, and children in need for social protection due to special circumstances; and adults: with no financial income and incapable to work, persons with disabilities, elderly persons without family care, persons with socially negative behavior, victims of abuse of psychoactive substances, *victims of domestic violence*, victims of trafficking of people, and persons that are in need for social protection due to special circumstances.

Coordinated actions of all responsible institutions are especially important with the objective of immediate assistance, support, and protection of women victims of violence and domestic violence, and combating and prevention of repetition of violence. The Republika Srpska authorities adopted the General Protocol on Actions in Cases of Domestic Violence⁵² with the objective of improving and strengthening mutual cooperation in protection, support, and assistance for victims of domestic violence, and coordinated response on combating and prevention of repetition of violence. The Ministry of Health and Social Protection is also one of the signatories of the General Protocol, and it consists of agreed way of actions of the subjects of protection, including centers of social work that are providing protection, support, and assistance to the victims of domestic violence, in line with the provisions of the Law on Protection from Domestic Violence. This Law regulates

⁵⁰ Situation and Perspectives of Development of the System of Social Protection in the Republika Srpska, Page 12, available at the web page of the Ministry of Health and Social Protection of the Republika Srpska: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Pages/Socijalna_zastita.aspx

⁵¹ Bulletin of the Social Protection, 2018, Page 7, available at the web page of the Ministry of Health and Social Protection of the Republika Srpska: https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Pages/Socijalna_zastita.aspx

⁵² The General Protocol on Action in Cases of Domestic Violence in the Republika Srpska („Official Gazette of the Republika Srpska“, No. 104/13)

that the center for social work represents one of the institutions with mandate to provide protection, assistance, and support to a victim of domestic violence, together with the prosecutor's office, police, authorized court, health institutions, and educational institutions (Article 9, Paragraph 1).

When it comes to the activities of the centers for social work in cases of domestic violence in the Republika Srpska, the General Protocol differentiates the procedures in situations in which children are victims, and the procedures in cases of domestic violence when victims are adults, as follows:

Procedures of the centers for social work/services of social protection in relation to children victims of domestic violence:

- Upon reporting or alerting on the case of domestic violence against a child, the center for social work/service of social protection is obliged to adjust its procedure with provisions of the Family Law, the Law on Social Protection, and the Law on Protection from Domestic Violence,
- During activities of the centers for social work/services of social protection in cases of violence against children, the center is obliged to cooperate with all relevant individuals and institutions in protection of the rights and interests of a child, and ensuring his/hers adequate psychological and physical development,
- Upon knowing or receiving the report on violence against a child, an expert worker is informing the police if he/she assesses that there are reasonable doubts that a child is a victim of violence,
- Upon report of violence, it is necessary to conduct a field visit, and interview parents or guardians in order to get insights about family and other situation of a child, find out if a child has been subjected to any form of violence,
- Upon assessment of an expert worker or a team of expert (depending from the capacities of the center for social work/service of social protection), if violence occurred, it is necessary to impose appropriate measures of social protection and support as soon as possible,
- To inform parents, or a person that committed violence against a child, about the authorities of the center for social work within protection of rights and interests of a child, as well as the measures to be taken,
- On the request of the public prosecutor or police, the center for social work is obliged to submit all documentation of importance for identifying and evidencing violence (for example, the report of a social worker, the report of a team on conducting supervision, the finding and expert opinion of a psychologist, as well as the report on actions taken),
- To monitor implementation of imposed measures on regular basis,
- To keep appropriate gender disaggregated data on each finding or alert about violence against children and actions taken.

Procedures of the centers for social work/services of social protection in relation to adult victims of domestic violence:

- Upon reporting or alerting on the case of domestic violence against an adult person, expert service for work on cases of domestic violence in the center for social work or an authorized person is obliged to act upon the Law on Social Protection and the Law on Protection from Domestic Violence,
- Upon reporting or alerting on the case of domestic violence, to inform the police, and share with them all the data available to the center for social work/services of social protection,
- To prepare official note on information acquired through report or alert,
- To inform a victim with his/hers legal rights, protection measures, and existing sanctions related to violent behavior,
- Upon conversation with a victim, based on the assessment of an expert worker, as well as based on the opinion of a victim, to discuss undertaking adequate measures of protection,
- To inform a victim about possibilities of using free legal aid,
- To provide psychosocial support to a victim of violence, in line with the Law on Social Protection,
- On the request of the public prosecutor or the police, the center for social work/service of social protection is obliged to submit all documentation of importance for identifying and evidencing violence,
- To keep appropriate gender disaggregated data on each finding or alert about violence against an adult person.

The Law on Protection from Domestic Violence⁵³ defines authorities and procedures of all governmental bodies and institutions in prevention and combating domestic violence, and provisions of the Article 8, Paragraph 1 regulate that a victim of domestic ***violence has the right on psychosocial assistance, social, and medical protection, in line with the laws from the area of health and social protection.***

The Article 9 regulates that representatives of the Ministry of Interior Affairs (police), prosecutor's offices, *centers for social work/services of social protection*, health institutions, and educational institutions (subjects of protection) are obliged to provide protection, assistance, and support to the victims of domestic violence. ***The subjects of protection are obliged to follow procedures in line with this Law, and provide protection, support, and assistance to the victims of domestic violence, and prevent repetition of violence*** regardless of whether criminal or minor offence proceeding has been initiated against a perpetrator of violence.

⁵³The Law on Protection from Domestic Violence („Official Gazette of the Republika Srpska", No. 102/2012, 108/2013, 82/2015 and 84/19)

The Article 10 regulates that, on the one side, **victims of violence have the right to access all subjects of protection, and they are exempt from covering all costs related to proceedings**, while on the other side, subjects of protection (including the centers for social work) are *obliged, when having the first contact with a victim, to inform him/her, in an understandable way, about all rights he/she has in accordance to this Law and other regulations, and about institutions, bodies, legal entities, and organizations that are providing protection, support, and assistance.*

The Article 11 determines that subjects of protection, including the centers for social work, are obliged, without delay to **ensure urgent resolution** of the cases of domestic violence, taking into consideration that interests and wellbeing of a victim are priority in these proceedings, and especially if a victim is a child, an elderly person, a person with disabilities, or a person under guardianship. In the process of protection, support, and assistance to victims of domestic violence, subjects of protection *are cooperating in the best interests of a victim.*

The Article 12 determines obligation of reporting the domestic violence, as follows: members of a family, **subjects of protection**, as well as employees in the institutions of education, *social protection/care*, and health care, as well as any other citizen, are obliged to report to the police immediately upon finding out that domestic violence occurred, or that there is a reasonable doubt that domestic violence occurred. Upon receiving the report of domestic violence, an authorized police officer is obliged immediately to **inform the center for social work that will, immediately and directly provide social protection and psychosocial assistance to a victim, and undertake other measures from its authority, and prepare official report on actions undertaken.** The health centers will *enable* free medical examination to a victim, in order to determine existence of injuries related to physical or psychological integrity. An authorized police officer is also immediately informing an authorized public prosecutor about committed violence, and submits collected evidence and risk assessment together with the official report. Upon completion of the investigation, an authorized public prosecutor is informing an authorized police officer on indictment or suspension of investigation, as well as the reasons for the suspension. *An authorized police officer is submitting information and risk assessment to an authorized public prosecutor as well as to the center for social work.*

The Article 12a regulates that the **risk assessment** is to be conducted upon each report of domestic violence. When conducting the risk assessment, an authorized police officer will, inter alia, collect reports from the authorized center for social work *if there is conflict around custody over child or in relation to managing personal contacts of a child and a parent that committed domestic violence.*

The Article 15 determines that *the center for social work/service of social protection* with assistance of the police can, with consent of a victim of domestic violence, and with purpose of ensuring physical protection and exercising rights and interests of a victim, **adopt decision on temporary sheltering of a victim in the safe house.** Based on the suffered violence, due to a fear and anxiety, and with objective of ensuring physical protection and exercising rights and interests, as well as prevention of repetition of violence, **a victim of domestic violence has the right to submit request for using special support measure – temporary sheltering in the safe house - to an authorized center for social work/service of social protection.**

The Article 21 determines the coordination role of the center for social work: this article specifies that the *center for social work is establishing the team of experts* from this institution, as well as bodies and services of local self-governance, police, nongovernmental organizations and experts working on the issues of a family and domestic violence, ***with the objective of determining a plan of assistance to the victim and coordination of activities in the process of assistance to the victim***, in accordance with his/her needs and choice. The plan of assistance to a victim especially includes measures that should be taken in accordance with the laws regulating social, health, and child protection. If a victim of violence is a child, the plan of assistance also contains the measures for protection of a child, in accordance with the laws regulating family relations and protection of children's rights.

The Article 21a regulates on the one side, the right of a victim to be accompanied by a person of trust during one or more procedures and actions related to protection from domestic violence, which, on the other side indicates obligation for ***all authorized institutions and bodies, including the centers for social work, to enable presence of a person of trust in all procedures and actions in which a victim is involved, in accordance with the laws within their authority.***

The Article 29 regulates that an authorized court, within the procedure of imposing protection orders, can request ***from the center for social work to provide assistance to the court in acquiring necessary evidence, and to submit its opinion about purposefulness of the requested protection order.***

The Article 31 determines that the subject of protection that, within scope of its work, finds out that the perpetrator of domestic violence does not act in accordance with the imposed protection order, is obliged to inform about it an authorized court and *the center for social work*.

The Article 34 regulates obligation of all subjects of protection and other bodies authorized to act upon this Law, ***including the centers for social work to keep data base on actions taken*** in accordance with this Law, and ***collect data*** on number of initiated and completed procedures and other measures taken, and to *submit reports* to the Ministry of Family, Youth, and Sport.

The Article 42 imposes a fine in range from 1.000 BAM to 3.000 BAM against an employee of educational institution, *institution of social care*, or health institution which does not report domestic violence, as well as a fine from 3.000 BAM to 5.000 BAM against subjects of protection and other bodies authorized for action in accordance with this Law that do not act in accordance with the Article 34, Paragraph 1 of this Law, and do not keep data base, do not collect data, or fail to submit reports to the authorized Ministry.

The methodology for keeping data base, collecting data, and submitting reports is specified further with the Bylaw on Content of Data Base and Reports on Domestic Violence⁵⁴ which, inter alia, regulates that keeping data base and reporting is ensuring data for monitoring situation in the area of domestic violence, for planning and programming of the measures of protection, support, and assistance to the victims of domestic violence and improving their

⁵⁴ The Bylaw on Content of the Data Base and Reports on Domestic Violence („Official Gazette of the Republika Srpska“, No. 71/13 and 93/14)

position, statistical and other researches (Article 3), and that all data that are collected, processed, and stored are of confidential nature, if there is direct or indirect possibility to reveal information about the victims and perpetrators of domestic violence from these data (Article 4). The Article 8 regulates that, beside data that are common for all subjects of protection, the data bases kept by the centers for social work also include the following data: a) number of received reports on domestic violence, b) number of reports of domestic violence submitted by the center for social work to the police, v) number of interventions that involved officers of the center for social work in cooperation with the police, g) number of recorded cases of domestic violence disaggregated by sex of a victim, type and duration of domestic violence, age of a victim, relation of a victim and perpetrator, and social and economic data of a victim, d) recorded cases of domestic violence based on sex, age, and social and economic data of a perpetrator of violence, đ) received court decisions on imposed protection measures, e) decisions on temporary shelter of a victim in the safe house, and ž) social and economic data on underage victims of domestic violence. The database spreadsheet for the center for social work is integrated in the Bylaw.

The role and importance of the center for social work has been also recognized in the Decision, with which the Government of the Republika Srpska established the Council for Combating Domestic Violence⁵⁵, as the expert advisory body of the Government, with the objective of improving coordinated and efficient work in the area of domestic violence, and monitoring and assessment of implementation of policies and measures for prevention and combating domestic violence. The Council has nine (9) members appointed by the Government, and one (1) member is the representative of authorized Ministry for the area of social work⁵⁶. Within the scope of its work, the Council has authorities, as follows: monitoring of the implementation and assessment of policies and measures for prevention and combating domestic violence, and providing recommendations and opinions, providing recommendations and opinions to the Ministry in the procedure of proposing and adopting legislation related to domestic violence, developing and participating in implementation of scientific, expert, research, and other projects in the area of domestic violence, participating in activities of social partners in work on prevention and combating domestic violence, and considers other issues of importance for prevention and combating domestic violence. The Council is submitting annual reports to the Government.

The Law on Social Protection⁵⁷ determines that persons in a situation of social needs are, inter alia, a child victim of violence, as well as an adult person victim of domestic violence⁵⁸, beneficiaries of rights and services regulated by this Law, specifically the rights, as follows: financial assistance, allowance for assistance and care of other person, support in equalization of possibilities of children and youth with developmental difficulties, accommodation in an institution, care in a foster family, assistance and care at home, daycare, one-time financial assistance and counseling (so called basic rights from the social protection).

⁵⁵ The Decision on Establishing of the Council for Combating Domestic Violence („Official Gazette of the Republika Srpska“, No. 07/13)

⁵⁶ The Decision on Appointing the Members of the Council for Combating Domestic Violence („Official Gazette of the Republika Srpska“, No. 53/17)

⁵⁷ The Law on Social Protection („Official Gazette of the Republika Srpska“, No. 37/12, 90/16 and 94/19)

⁵⁸ The Article 17, Point a), Sub-point 4, and Point b), Sub-point 6.

Besides the above listed basic rights from the social protection, the Article 11, Paragraph 1 of the Law on Social Protection determines that a unit of local self-governance (city/municipality) with its decision, in accordance with the needs of population, can also determine other rights and services, and regulate conditions and criteria for accessing these rights and services. The decision on extended rights from the social protection determines rights from the area of social protection that are not regulated by the Law on Social Protection of the Republika Srpska, and which are exercised by individuals and families in the units of local self-governance, including type, amount, conditions, and a way of exercising these rights (extended rights). The Article 18 of the Law on Local Self-Governance⁵⁹ determines, inter alia, that the unit of local self-governance conducts specific activities in the area of social protection, while the Article 24 of the Law regulates, inter alia, that the unit of local self-governance monitors social needs of citizens, families, specific vulnerable groups, and according to that defines the policy of extended social protection in its territory. The budget of the unit of local self-governance is ensuring financial resources for following purposes: co-financing of the right on financial assistance up to 50%; co-financing of the health insurance of the beneficiary; financing of the right on accommodation in institutions; financing of the right on care in foster families; financing of the right on daycare; financing of the right on assistance and care at home; financing of the right on one-time financial assistance; financing of the extended rights in the social protection; financing of the centers for social work and other institutions of social protection whose founders are units of local self-governance. The basis for determining the amount of rights from the Law on Social Protection is average net salary earned in the previous year in the Republika Srpska⁶⁰.

6.1 Extended Rights from the Social Protection Determined by the Decision of the Municipal/City Councils

For the need of mapping of the general and special services available to women and women victims of domestic violence, the Foundation “United Women” analyzed available data related to extended rights from the social protection, through mapping of available decisions adopted by the councils of the some municipalities/cities as units of local self-governance⁶¹ in the Republika Srpska, as well as the special reports that were available in the period of preparing this Report. The common point of all consulted reports is their finding about small number of municipalities/cities that adopted mid-term and annual programs of social protection, although they are obliged by the law⁶², and slightly more than half of the municipalities/cities have introduced extended rights from the area of social protection⁶³. What is also the common for all analyzed municipalities/cities that majority of

⁵⁹ The Law on Local Self-Governance („Official Gazette of the Republika Srpska“, No. 97/16)

⁶⁰ The Bulletin of the Social, Child, and Family Protection 2016, Page 17, <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Documents/BILTEN%20SOCIJALNE%20PORODICNE%20I%20DJECIJE%20ZASTITE%202016.pdf>

⁶¹ The Foundation “United Women” decided to collect and analyze decisions of those cities and municipalities from which area women and children victims of violence come to the Safe House Banja Luka.

⁶² The Article 14, Paragraph 3 of the Law on Social Protection regulates adoption of the annual and mid-term program of social protection, adoption of decision on extended rights, ensuring financial resources for activities of the social protection, financial resources for implementation of the rights, as well as other activities aimed for reaching the objectives of social protection.

⁶³ Impact Audit Report on the Care of Children without Parental Care, the Main Public Sector Audit Service of the Republika Srpska, April 2019, available at: http://www.gsr-rs.org/static/uploads/report_attachments/2019/04/30/RU005-17_Cyr.pdf

	<p>the public care system,</p> <p>3. Assistance for schooling of children in a form of assistance in covering transport costs for children with developmental disabilities that are travelling to the primary school located in the centers for education of children and youth with developmental disabilities, and for children whose families happen to be in a situation of social need due to special circumstances,</p> <p>4. Assistance in costs of a funeral,</p> <p>5. Assistance in furnishing housing,</p> <p>6. Financial assistance to single parents with children up to three years of age, which are socially vulnerable and without assistance of the relatives, and</p> <p>7. Support for rehabilitation of children with developmental disabilities in the Institution of Social Protection – the Center for Specialist Social Services „For a Mother and a Child“.</p>	
Gradiška ⁶⁸	<p>1. Co-financing of the families in costs of sustaining beneficiary in the situation of social need,</p> <p>2. Contribution for health insurance of persons in a situation of social need who have not exercise the basic right,</p> <p>3. Travel costs for pupils under guardianship,</p> <p>4. Intervention packages, assistance for schooling children from socially vulnerable families,</p> <p>5. Co-financing of the Safe House.</p>	Yes, victims of domestic violence – accommodation in the Safe House , classified as other costs
Banja Luka ⁶⁹	<p>There is no unified decision on extended rights.</p> <p>City Council of Banja Luka adopted following decisions:</p> <p>1. On services of personal assistance;</p> <p>2. On exercising right on reimbursement of costs of transport for children and assistants of children with developmental disabilities;</p> <p>3. On exercising right on accommodation in a family for persons entitled to the right on accommodation to the institution;</p> <p>4. On the operation of the Shelter for children and youth caught in the vagrancy;</p>	Yes, victims of domestic violence – accommodation in the Safe House ⁷⁰

⁶⁸The Program of Social Protection for 2020, The Municipality of Gradiška, November 2019, available at: <http://www.gradgradiska.com/wp-content/uploads/2019/11/14.-NACRT-Programa-soc.zastite-za-2020-god.pdf>

⁶⁹ The Strategy for Development of the City of Banja Luka in the Period 2018–2027, Page 134, available at: http://www.banjaluka.rs.ba/wp-content/uploads/2018/03/situaciona_analiza.pdf

⁷⁰ The web page of the City Administration of Banja Luka includes following information on the social protection policy: „Development of a specialist approach has opened up the possibility of closer cooperation with the nongovernmental organizations, the associations of beneficiaries, and private sector, which resulted with opening of several extended services in the local community, and development of a large number of services of extra-institutional care for beneficiaries. Some of the extended services are, as follows: daily centers for elderly persons, daily center for persons with mental health problems, daily center for persons in a situation of mental retardation, services of personal assistance for persons with disabilities, *accommodation of victims of violence in the Safe House*, shelter for a children found in vagrancy, and many other extended services that are focusing on specific needs of population of our local community“, available at: http://www.banjaluka.rs.ba/gradjani/socijalna-politika/?sr_pismo=lat , as well as in the Program of Development of Social Protection for the Period 2018-2020, City Administration of Banja Luka, Page 26, available at: <http://www.banjaluka.rs.ba/wp-content/uploads/2018/06/37.-Programa-razvoja-soc.-zastite-2018-2020.pdf>

	<p>5. On the operation of the Shelter for adults and elderly persons caught in the vagrancy, and in the situation of a social need;</p> <p>6. On prevention program for protection of elderly persons „Daily Center for Elderly Persons“;</p> <p>7. On the service of public kitchen;</p> <p>8. On health insurance for adults that cannot exercise health insurance on any other basis, and find themselves in the situation of a need for urgent hospitalization;</p> <p>9. On exercising right on reimbursement of costs of a funeral.</p>	
Kneževo ⁷¹	<p>1. One-time financial assistance is granted to individuals and families that are in a need of current social vulnerability, which they are unable to overcome without the assistance, and especially in the cases, as follows:</p> <ul style="list-style-type: none"> - Medical treatment of severely ill person or a member of a close family, and especially when it is necessary to perform a surgery of vital organs; - Medical treatment of persons with disabilities in psychophysical development; - Meeting the basic life needs; - Eliminating the consequences of natural disasters, in a situation of damage to residential facility (floods, fires, earthquakes, landslides, and similar); - Assistance due to discharge from the institution (termination of accommodation, and similar); - Death of one or more family members from the family of socially vulnerable categories; - Support to families in extremely difficult cases that are in need for furniture (stove, bed, or similar); - Participation in costs of the basic communal services (water supply, electricity, and other); - Co-financing of the costs of rehabilitation of devastated housing; - Assistance during schooling of children from the socially vulnerable families, which are not receiving municipality stipend, and in other especially justified cases. <p>In exceptional cases, based on the application of the beneficiary of social assistance, one-time financial assistance can be allocated in a form of food or hygienic package, and similar.</p>	No
Kotor Varoš ⁷²	<p>The right on financial assistance is available to the citizens of Kotor Varoš municipality when they find themselves in the difficult situation of social need, and</p>	No

⁷¹The Bylaw for Allocation of the One-time Financial Assistance, Official Gazette of the Municipality of Kneževo, No. 1/19, available at: <http://opstinaknezevo.org/2019-2/>,

⁷² The Bylaw on Allocation of One-time Financial Assistance, Official Gazette of the Municipality of Kotor Varoš, No. 1/18, available at: <https://cutt.ly/PtpTg0p>

	<p>due to that they need assistance:</p> <p>a) For medical treatment of severely ill person or a member of a close family, and especially when surgery is necessary;</p> <p>b) For medical treatment or recovery of persons with psychophysical disabilities;</p> <p>c) In case of death of persons from socially vulnerable categories;</p> <p>d) To persons or families in need for assistance due to exceptional circumstances (flood, fire, earthquake, landslide, etc.);</p> <p>e) To persons without health protection through regular health care, with serious need for this type of assistance;</p> <p>f) For schooling of students;</p> <p>g) For assistance to families of fallen or missing soldiers and war veterans of the Republika Srpska;</p> <p>h) In other especially justified cases.</p>	
Mrkonjić Grad ⁷³	<p>Through individual decisions (related to specific beneficiaries) adopted by the municipality major and the local council, approvals are granted for financial assistance for medical treatment, housing, exemption from payment of daycare for children. These individual decisions are available in the Official Gazette of the Municipality of Mrkonjić Grad.</p> <p>Beside this, the latest publicly available data on type of extended services for the Municipality of Mrkonjić Grad includes following services:</p> <ol style="list-style-type: none"> 1. One-time occasional financial assistance, 2. Assistance for purchasing groceries, 3. Assistance for solving housing issues, 4. Assistance for costs of funeral, 5. Assistance for acquiring medicines⁷⁴. 	No, it was not possible to precisely determine it through analysis of individual decisions
Novi Grad ⁷⁵	<p>Extended rights determined by the Decision on Extended Rights from the Social Protection of the Municipality of Novi Grad are, as follows:</p> <ol style="list-style-type: none"> 1. One-time assistance in kind, 2. Costs of funeral for beneficiary of the right on social protection, 3. Subsidizing costs of transport for pupils from the category of socially vulnerable families, 4. The right on free meal. 	No
Prijedor ⁷⁶	The Bylaw on Conditions, Way, and Procedure of	Yes the Bylaw on

⁷³The Official Gazette of the Municipality of Mrkonjić Grad, available at: <https://www.mrkonjic-grad.rs/108/mrkonjic-grad/Sluzbeni-glasnici->

⁷⁴ Internet presentation of the Municipal Administration of Mrkonjić Grad, <https://cutt.ly/4tpKzk7>

⁷⁵ The Decision on Extended Rights from the Social Protection in the Municipality of Novi Grad, Official Gazette of the Municipality of Novi Grad, No. 2/18, available at: <https://www.opstina-novigrad.com/index.php/send/26-2018/356-sluzbeni-glasnik-broj-02-2018>

⁷⁶ The Bylaw on Conditions, Way, and Procedure of Allocation of One-time Financial Assistance to Socially Vulnerable Families from the Resources Planned in the Municipal Budget of Prijedor, Official Gazette of the Municipality of Prijedor, No.

	<p>Allocation of One-time Financial Assistance to Socially Vulnerable Families from the Resources Planed in the Municipal Budget of Prijedor (one-time financial assistance is allocated in case of situation of temporary social vulnerability, and when all other possibilities for this type of support by other institutions authorized to provide assistance are exhausted, and upon completed procedure)</p> <p>Priority for exercising this right is given to beneficiaries from the Article 22 of the Law on Social Protection that find themselves in extremely difficult temporary life circumstances, and include situation of a social need, meeting the basic life needs, an accident in a family, significant harm in a family household due to accident or natural disaster, illness (leukemia, malignant diseases, autism...), and other unforeseen circumstances.</p> <p>Moreover, the Municipality of Prijedor adopted the Bylaw on Procedure of Allocation of Housing Units of Social Housing.</p>	<p>Procedure of Allocation of Housing Units of Social Housing, the Article 6, Paragraph 1, Point 3, and Sub-point 1 includes victims of domestic violence</p>
<p>Teslić⁷⁷</p>	<p>The forms of extended rights and services from the social protection in terms of the Decision on Extended Social Protection are, as follows:</p> <ol style="list-style-type: none"> 1. Assistance for purchasing textbooks and school supplies, 2. Assistance for reimbursement of transport costs for pupils, 3. Assistance for nutrition of pupils, 4. Assistance for equipping for summer vacations for children and youth from poor families, and children and youth with disabilities within the project of the Public Fund for Protection of a Child of the Republika Srpska, 5. One-time financial assistance for families that find themselves in a situation of social needs due to exceptional circumstances (natural disasters, long-term and severe illnesses, deaths of breadwinners, fire, long-term unemployment, and other similar circumstances), 6. Assistance for acquiring firewood, 7. Subsidizing rent, electricity, water supply and other utilities, 8. Assistance for equipment of the beneficiary in the procedure of accommodation in the institution of social protection or other family, 9. Health insurance of a person with mental disabilities, 10. Temporary health insurance in emergency situations, 	<p>Yes, victims of domestic violence are recognized as beneficiaries of extended rights in the Article 6 of the Decision</p>

9/18, and the Bylaw on Procedure of Allocation of Housing Units of Social Housing, Official Gazette of the Municipality of Prijedor, No. 1/20 <https://www.prijedorgrad.org/sr-BA/gradonacelnik-akti.html>

⁷⁷ The Decision on Extended Social Protection, Official Gazette of the Municipality of Teslić, No. 7/13, https://www.opstinaleslic.com/wp-content/uploads/2017/05/sluzbeni-glasnik-7_13.pdf

	<p>11. Assistance for medical treatment of serious illness, 12. Purchasing medicines, 13. Temporary –necessary accommodation of the beneficiary, 14. Assistance for construction, adaptation of housing facility – housing of poor families, 15. Assistance to single, socially vulnerable parent - family, 16. Assistance in kind (food, children’s food, hygiene), 17. Costs for funeral of the beneficiary, 18. Assistance in accommodating adult persons upon leaving institutions of social protection or foster families, 19. Assistance in upbringing and education of children and youth with developmental disabilities, 20. Service of personal assistance for persons with disabilities, 21. Services of SOS helpline, 22. Services of public kitchen, 23. Financing of programs and projects from the area of social protection.</p>	
Čelinac ⁷⁸	<p>1. Reimbursement of part of the costs for funeral, 2. Health insurance for persons that are not able to exercise this right on another basis, 3. One-time in kind assistance – this right is available to persons in need for social protection due to special circumstances.</p>	No
Šipovo ⁷⁹	<p>1.Assistance for schooling of children from socially vulnerable families, 2.One-time assistance in kind, 3. Costs of medical treatment, 4. Costs of funeral (minimal costs), including costs of funeral equipment, 5. Other basis in accordance with the Article 2 of this Decision.</p> <p>Rights related to this decision are to be exercised through financial assistance, in kind, services, and other means provided to the persons, family members, or entire family, with the objective of meeting social needs, and preventing and suppressing causes of social needs (Article 2).</p> <p>One-time financial assistance is to be allocated to persons, family members, or entire family in a situation of current social vulnerability, which they cannot</p>	No

⁷⁸ Decision on Extended Rights from the Social Protection in the Municipality of Čelinac „Official Gazette of the Municipality of Čelinac“, No. 1/13

⁷⁹ Decision on Extended Rights from the Social Protection in the Municipality of Šipovo, („Official Gazette of the Municipality of Šipovo“, No. 13/18 and the Bylaw on Material Assistance to Socially Vulnerable Persons in the Area of Municipality of Šipovo („Official Gazette of the Municipality of Šipovo“, No. 1/19

	<p>overcome individually, especially in relation to following:</p> <ol style="list-style-type: none"> 1) Assistance for schooling of children from socially vulnerable families, 2) One-time assistance in kind, 3) Costs of medical treatment, 4) Costs of funeral (minimum costs), and costs of funeral equipment, 5) Other basis in accordance with the Article 2 of the Decision on Extended Material Assistance for Socially Vulnerable Persons in the area of Municipality of Šipovo, including: <ol style="list-style-type: none"> a) Removing consequences of natural disasters where the damage of housing object occurred (flood, fire, earthquake, landslide, etc.); b) Families that require acquiring furniture due to extremely difficult circumstances (stove, bed, etc.); v) Co-financing of the costs of rehabilitation of unfit housing object, and g) Other, especially justified circumstances. 	
Ribnik ⁸⁰	<p>Extended rights from the social protection in terms of this Decision on Extended Rights from the Social Protection in the Municipality of Ribnik are, as follows:</p> <ol style="list-style-type: none"> 1. One-time, occasional financial assistance; 2. Participation in the costs of utilities, purchasing firewood, and transport costs outside of the municipality; 3. Participation in costs of collecting medical documentation and acquiring medicine; 4. Participation in costs of acquiring food and hygiene packages; 5. Participation in costs of funeral for beneficiaries of the rights from the Law on Social Protection; 6. Participation in transport costs for pupils; 7. Assistance in housing; 8. One-time financial assistance for persons suffering from malignant diseases. 	No
Jezero ⁸¹	<ol style="list-style-type: none"> 1. Assistance to socially vulnerable persons, 2. In kind assistance to the citizens –packages and firewood, and 	No

⁸⁰ The Decision on Extended Rights from the Social Protection in the Municipality of Ribnik, Official Gazette of the Municipality of Ribnik, No. 4/19, available at: <https://www.opstinaribnik.org/sr/dokumentacija/sluzbeni-glasnik>

⁸¹ It was not possible to access the Official Gazette of the Municipality of Jezero, the data are collected from the available reports, such are, for example the Report on Implemented Financial Audit of the Municipality of Jezero for 2018, available at: http://www.gsr-rs.org/static/uploads/report_attachments/2019/08/30/RI047-19_Lat.pdf and the Report of the Major of Municipality of Jezero, and the Administrative Service of the Municipality of Jezero for 2017 [https://opstinajezero.org/public/data/images/news/%D0%98%D0%97%D0%92%D0%88%D0%95%D0%A8%D0%A2%D0%90%D0%88%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%BD%D0%B0%D1%87%D0%B5%D0%BB%D0%BD%D0%B8%D0%BA%D0%B0%20%D0%BE%D0%BF%D1%88%D1%82%D0%B8%D0%BD%D0%B5%20%D0%88%D0%B5%D0%B7%D0%B5%D1%80%D0%BE%20%D0%B7%D0%B0%202017.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D0%B5%20\(1\).pdf](https://opstinajezero.org/public/data/images/news/%D0%98%D0%97%D0%92%D0%88%D0%95%D0%A8%D0%A2%D0%90%D0%88%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%BD%D0%B0%D1%87%D0%B5%D0%BB%D0%BD%D0%B8%D0%BA%D0%B0%20%D0%BE%D0%BF%D1%88%D1%82%D0%B8%D0%BD%D0%B5%20%D0%88%D0%B5%D0%B7%D0%B5%D1%80%D0%BE%20%D0%B7%D0%B0%202017.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D0%B5%20(1).pdf)

7. Framework of Laws and Public Policies for Assistance and Support to Women Victims of Violence in the Brčko District of Bosnia and Herzegovina

The Statute of the Brčko District of Bosnia and Herzegovina – the Article 13 determines that everyone has the right to enjoy all rights and freedoms guaranteed by the Constitution and laws of the Bosnia and Herzegovina, this Statute and laws of the District, without discrimination on any basis, including discrimination based on sex, race, sexual identity, color of the skin, language, religion, national or social origin, political or other opinion, belonging to a national minority, property status, birth, or other status. The Article 16 determines that any person that has been subjected to the criminal proceeding has the right to defend himself/herself personally or to receive free legal assistance if he/she does not have sufficient means to hire legal representative, and that in civil litigations, in accordance with the law, free or subsidized legal assistance is available to the citizens of the District that do not have enough means to cover total or partial costs of the legal assistance.

The Criminal Code of the Brčko District of the Bosnia and Herzegovina („Official Gazette of the Brčko District of BiH“, No. 33/13, 26/16, 13/17 and 50/18). The Law determines several criminal offences that may also have elements of violence against women, including, for example: Rape – Article 200, Sexual Intercourse with Abuse of Position – Article 202, Coercion to Sexual Intercourse – Article 203, Instigating Prostitution – Article 207, Domestic Violence – Article 218, etc. the Law determines possibility for a victim to submit property legal claim and acquire compensation of (material and non-material) damage that occurred with criminal offence, within the criminal proceeding for specific criminal offence.

The Law on Protection from Domestic Violence in the Brčko District of BiH („Official Gazette of the Brčko District of BiH“, No. 7/18). This Law regulates protection from domestic violence, persons that are, in terms of this Law, considered as members of a family or family community, subjects of protection and procedure of protection of victims of domestic violence, minor offence sanctions imposed against perpetrators of domestic violence, and other issues of importance for protection from domestic violence in the Brčko District of Bosnia and Herzegovina. Based on the authorities determined by this Law, four (4) bylaws are adopted, as follows: **The Bylaw on Way of Implementation of Urgent and Protection Orders**, adopted by the Head of Police of the District, **the Bylaw on Content of Data Base and Reports on Domestic Violence**, adopted by the Head of Department for Health and Other Services of the District, **the Bylaw on Way of Implementation of the Protection Order – Mandatory Psychosocial Treatment**, and **the Bylaw on Way of Implementation of the Protection Order – Mandatory Treatment of Addiction**, adopted by the Head of Department for Health and Other Services.

Authorities of the Brčko District of BiH did not adopt the Strategy or Action Plan for Combating Domestic Violence⁸².

⁸² An authorized Sub-Department of the Brčko District BiH Government responded to the request of the Foundation “United Women” for information, and stated that there was no plan for adoption of these policy documents.

The Law on Social Protection of the Brčko District of BiH („Official Gazette of the Brčko District BiH“, no. 1/03, 2/08, 4/04, 19/07, 2/08, 21/18 and 32/19). The Law regulates principles of protection of elderly, sick or other persons in a situation of a social need, the minimum framework of rights on specific forms of social protection and conditions for acquiring these rights, the basis of the organization in the area of social protection, and financing of this area, as well as other issues of importance for acquiring social protection of the citizens of the District. In accordance to this Law, the social protection is organized activity directed on combating and removal of the causes and consequences of situation of a social need in all areas of social life, and work and providing assistance to the citizens and their families when they find themselves in such situation. The social need is considered as situation in which a citizen or family needs assistance with objective of overcoming social difficulties and meeting the basic life needs (Article 2). In accordance with the provisions of the Article 27 of this Law, beneficiaries of the social protection are persons in a situation of social need, among which also ***abused children and abused adults***. Abused children are minors that survived physical and psychological harm or damage, which caused endangering health, physical and psychological integrity of a person or prevented normal development of a person (Article 16). Abused person is adult individual that has been subjected to intentional act aimed to cause pain, physical or psychological damage, which caused endangering health, physical or psychological integrity of a person (Article 22).

The Family Law of the Brčko District of the Bosnia and Herzegovina („Official Gazette of the Brčko District BiH“, No. 23/07). The Law regulates family-legal relations between marital partners, parents and children, adoptive parents and adoptee, guardian and a person under guardianship, and relations between relatives in marital, extramarital or adoptive family, as well as the procedures of authorized institutions in relation to family-legal relations and guardianship. The Article 3 of the Law determines that violent behavior of marital partners or any other family members is prohibited. Violent behavior presupposes any behavior with characteristics of criminal offence of domestic violence, regulated by the Criminal Code of the Brčko District BiH.

The Law on the Office for Legal Assistance of the Brčko District of BiH („Official Gazette of the Brčko District BiH“, No. 19/07 and 23/19) determines, inter alia, that legal assistance would be provided to persons based on the international conventions that are mandatory for the Bosnia and Herzegovina (Article 16). The Office for Legal Assistance of the Brčko District of BiH is independent institution of the Brčko District of BiH, which provides legal assistance to poor citizens on the territory of the District, in accordance with the Constitution of BiH, the Statute of the District, and laws of the Bosnia and Herzegovina and the District. Legal assistance is a form of acquiring rights of the citizens of the District on equal access to justice and the right on fair trial. The Office for Legal Assistance is responsible for providing legal advices and legal representation of citizens of the District in poor financial status, and undertakes all actions in front of the Basic Court of the Brčko District BiH, the Court of Appeal of the Brčko District of BiH, and the Prosecutor's Office of the Brčko District BiH. As a person of „poor financial status“ the Law considers a person that does not have enough property, has no possibility for obtaining loan, or has no other means to pay legal representation/attorney and all other necessary costs of representation, not to deprive himself/herself or dependent persons from food, clothing, or housing, as well as a person that he/she had not disposed of the possession of any property upon committed

criminal offence with intention or purpose of meeting conditions for acquiring legal assistance.⁸³

The Labor Law of Brčko District of BiH („Official Gazette of the Brčko District BiH“, no. 34/19). This Law regulates the rights, obligations, and responsibilities from employment, and other relations based on labor in the Brčko District of Bosnia and Herzegovina, if another special law does not regulate otherwise. The Article 10, Paragraphs 1-5 of this Law regulates following: Employer and other persons employees of the employer are prohibited from harassment or sexual harassment, as well as mobbing at work or in relation to the work of employees or other persons seeking employment by employer. Harassment is any unwanted behavior caused by any of the grounds referred to in the Article 7 of this Law, which aims to or violates dignity of employees or persons seeking employment, and creates a frightening, hostile, degrading or abusive environment. Sexual harassment referred to in the Paragraph 1 of this Article is any behavior which uses words or actions of a sexual nature aimed at, or violating dignity of an employee or person seeking employment, which causes fear or creates humiliating or degrading environment. Mobbing is specific form of non-physical harassment at the workplace that involves repetition of actions by which one or more persons are psychologically abused and humiliated by another person, the purpose or consequence of which is to compromise his/her reputation, honor, dignity, integrity, degradation of working conditions or professional status. Employer is obliged to undertake timely and effective measures with objective of prevention of all forms of discrimination at work or in relation to work, and sustain from undertaking measures against a worker that complains on discrimination.

The Law on Health Protection of the Brčko District of Bosnia and Herzegovina („Official Gazette of the Brčko District BiH“, No. 52/18 – consolidated text, and 34/19). The Law regulates health insurance, principles of health protection, rights and obligations of citizens and patients in acquiring health protection, levels of health protection, founding, acts, inception, cessation, and financing of the work and bodies of health institutions, organizing work of the health institution, specifics related to work of health professionals and health associates, certification and accreditation of health institutions, private practice, determination of death and autopsy, expert bodies, chambers, supervision, and other issues of importance for organization and implementation of health protection in the Brčko District of Bosnia and Herzegovina. An authorized health professional is obliged to immediately inform the Police of the District if he/she determines that death occurred as consequence of violence (Article 152, Paragraph 3).

The Law on Health Insurance of the Brčko District of Bosnia and Herzegovina („Official Gazette of the Brčko District BiH“, no. 1/02, 7/02, 19/07, 2/08, 34/08 and 34/19). As the part of social insurance of the citizens, health insurance represents common system within which citizens are investing resources based on the principles of mutuality and solidarity in the Brčko District of Bosnia and Herzegovina, and ensuring realization of the right on health protection and other rights derived from the health insurance on the way regulated by this Law and accompanying bylaws, under condition that prescribed contributions are paid. The Law determines that insured person, inter alia, are also persons with residence in the District, with recognized status of military, peacetime, or civil person with disability related to war, or beneficiary of family disability allowance, in accordance with the current laws, if

⁸³ <http://www.kppbd.ba/>

they do not have insurance on other basis, persons that are beneficiaries of the social assistance. Family members of insured persons that are beneficiaries of the right from mandatory health insurance are marital partner and children. Children have the rights from the obligatory health insurance up to 15 years of age if they are enrolled in regular schooling system, up to the end of education, or 27 years of age. Children of insured persons that terminated regular education due to injury or sickness have the right on health insurance during medical treatment of injury or sickness. Children of insured persons that become permanently or temporary disabled for work – before 15 years of age or during the period of their regular schooling have the right on health insurance during their disability, in accordance with special regulations.

The Law on Protection of Witnesses during Criminal Offence Proceedings of the Brčko District of BiH („Official Gazette of the Brčko District BiH”, no. 10/03, 8/07 and 19/07). The Law regulates providing of psychological, social, and professional assistance. The Article 6 determines that the public prosecutor during investigation and the court upon rising indictment, are informing institution for social care on involvement of the endangered witness in the procedure, and enabling providing assistance and support of that institution, as well as psychological support to a witness, including presence of adequate professionals during interrogation or hearing.

The Law on Protection and Procedure with Children and Minors in the Criminal Offence Proceedings of the Brčko District BiH („Official Gazette of the Brčko District BiH”, No. 44/11). This Law regulates special rules for procedures for children that are law offenders, younger adult persons, and children that are victims of witnesses, which are mandatory for courts, prosecutor’s offices, including authorized officials, guardianship authorities, families, schools, institutions at all community levels, as well as other participants in the criminal offence proceedings. The Article 186 of the Law regulates procedure for child victim, hearings of a child with assistance of a pedagogue, a psychologist, or other professional, way of interrogation of a child witness. Additionally, the Law on Protection of Witnesses in Criminal Offence proceedings is also applicable for protection of children.

The Law on Employment and Rights during Period of Unemployment of the Brčko District BiH („Official Gazette of the Brčko District BiH”, no. 33/04, 19/07 and 25/08). This Law regulates activities related to employment, insurance in situation of unemployment, rights in situation of unemployment, and conditions for acquiring these rights, founding and financing of the Employment Bureau, keeping data bases, supervision, and other issues of importance for organized employment in the Brčko District of Bosnia and Herzegovina. In accordance to this Law, employment activities are, as follows: 1) mediation in employment, 2)informing about possibilities and conditions for employment, 3) professional orientation and counseling on professional orientation, 4) organizing professional education, training, and preparation for employment, 5) conducting programs and measures of active employment policy, 6) performing organizational, professional, administrative, and other activities in relation to acquiring rights of unemployed persons in accordance with this Law. The Article 20 of the Law determines that laws and bylaws of the District may regulate benefits and incentives for employers that are opening new jobs and are hiring large number of unemployed persons of specific categories – persons seeking the first employment, persons that are waiting for employment for a longer period, persons older than 50 years of age, people with disabilities and persons with limited working abilities,

unemployed persons with deficient profession, and other similar categories of unemployed persons.

The Brčko District BiH has no safe house, no special SOS telephone helpline for women victims of violence, and there is only one (1) women's nongovernmental organization that, inter alia, has prevention activities of increasing public awareness on the issue of violence against women in a form of campaigns, street actions, and round tables, mostly in relation to the International Campaign of 16 Days of Activism against Violence against Women.

In April 2018, **the Office for Work with Victims of Domestic Violence** has been opened as a part of the Sub-Department for Social Protection – Department for Health⁸⁴, and **the Protocol on Action and Procedures in Cases of Violence against Women and Domestic Violence in the Brčko District BiH** has been agreed upon and signed, which, in accordance with the Law on Protection from Domestic Violence, precisely describes procedures of all subjects of protection, including the Sub-Department for Social Protection – the Center for Social Work.

According to **the Law on Protection from Domestic Violence of the Brčko District BiH**⁸⁵ the Center for Social Work – Sub-Department for Social Protection has specific obligations, and this Law determines the rights of victims of violence that presuppose active work of this Sub-Department:

The Article 7 determines that subjects of protection are obliged to provide protection, support, and assistance to victims of domestic violence, as follows: a) The Police of the Brčko District of BiH, b) The Prosecutor's Office of the Brčko District of BiH, c) The Office for Legal Assistance of the Brčko District of BiH, d) *The Department for Health and Other Services, Sub-Department for Social Protection*, e) health institutions, and f) other specialized organizations (such are associations for protection of women, gender equality, etc.). Subjects of protection are obliged to act in accordance with provisions of this Law, and provide protection, support, and assistance to the victims of domestic violence, and prevent repetition of violence regardless if criminal offence or minor offence procedures have been initiated against the perpetrator of violence.

The Article 6 determines that a victim of domestic violence has the right *on psychosocial assistance, and social and medical care and protection*, in accordance with the laws from the area of health and social protection.

The Article 9 regulates that, inter alia, subjects of protection are obliged, without delay, to ensure urgent solving of cases of domestic violence, taking into consideration that interests and wellbeing of a victim are priority in these procedures, as well as that they are obliged to have mutual cooperation and exchange of necessary data and information.

The Article 10 determines that all subjects of protection, as well as employees of, inter alia, *the institutions of social protection*, are obliged to report to the police immediately upon having knowledge about acts of domestic violence or that there is reasonable doubt that

⁸⁴ <http://radiobrcko.ba/potpisan-protokol-o-zrtvama-nasilja-u-porodici-u-brcko-distriktu/>

⁸⁵ The Official Gazette of the Brčko District BiH", No. 7/2018

domestic violence occurred. Upon receiving reports on a case of domestic violence, the police officers are obliged immediately to inform about it *the Sub-Department for Social Protection, which will immediately and directly provide measures of social protection to the victim, and undertake other measures from its authorities, and prepare official report in relation to the specific case.*

The Article 13 regulates that *the Sub-Department for Social Protection*, with assistance of the police, and with the previous consent of a victim of domestic violence, can temporarily shelter a victim in the Safe House, with objective of ensuring physical protection and exercising rights and interests of a victim of domestic violence. Head of Department for Health and Other Services adopts the decision on sheltering victim to the Safe House. A victim of domestic violence has the right to submit request to *the Sub-Department for Social Protection* for sheltering in the Safe House because of the violence, fear, and anxiety that she suffered, and with objective of ensuring her physical protection and exercising rights and interests, as well as prevention of repetition of violence.

The Article 15 determines that the Government of Brčko District of Bosnia and Herzegovina forms an expert team from the representatives of *the Sub-Department for Social Protection*, police, and health professionals that are working on the issues related to family and protection from domestic violence, for developing an individual plan of protection for a victim of domestic violence. The plan especially includes *measures* that should be taken in accordance with the laws regulating *social*, health and child protection.

The Article 29 regulates obligation for all subjects of protection and other bodies authorized for action in accordance with this Law, to keep data base on actions undertaken and data on number of initiated and completed procedures and other measures, and to send reports about these actions and measures to the Department for Health and Other Services (within which is the Sub-Department for Social Services – the Center for Social Work). The Department for Health and Other Services is collecting, processing, and recording data on domestic violence.

The Article 31 regulates that the Department for Health and Other Services is conducting supervision over implementation of this Law.

The Protocol on Cooperation and Procedures in Cases of Violence against Women and Domestic Violence in the Brčko District BiH⁸⁶: signatories of the Protocol are, as follows: the Prosecutor's Office of Brčko District BiH, the Police of Brčko District BiH, the Department for Health and Other Services of the Government of Brčko District BiH, the Department for Education of the Government of Brčko District BiH, the Public Health Institution „Health Center Brčko“ of Brčko District BiH, the Association of Active Women „GENDER“ Brčko District BiH, and the Association BiH Journalists, Club of Journalists of Bosanska Posavina in Brčko District BiH. The Protocol has been signed at the end of April 2018.

In relation to the *activities and procedures of the Sub-Department for Social Protection (the Center for Social Work)*, as the service of the Brčko District BiH conducts activities of child protection, social protection, and psychosocial protection, based on the Law on Social

⁸⁶ <http://radiobrcko.ba/potpisan-protokol-o-zrtvama-nasilja-u-porodici-u-brcko-distriktu/>

Protection, the Law on Protection of a Child, the Family Law, the Law on Procedures with Minors in the Criminal Offence Procedure, the Law on Protection from Domestic Violence, and provides assistance in accessing social, child, and family rights to the citizens of Brčko District BiH⁸⁷. The Protocol emphasizes that the professional of the Sub-Department for Social Protection of Brčko District BiH is obliged without delay to report to the police, any suspicion or information on domestic violence acquired through his/her activities, and will conduct following activities with the objective of protection of a victim of domestic violence:

- To establish contact with a victim of domestic violence immediately and without delay (when information about domestic violence is acquired from other institutions);
- To prepare official note about findings related to domestic violence and specific case of violence. The official note should include information, as follows: the data about a victim of violence, existence of earlier possible reports, the manner in which violence was committed, and all available data and reports on cases and perpetrator of violence. It is necessary to prepare official note, report, or minutes about each activity undertaken in the case of domestic violence;
- To create file case urgently;
- To inform a victim of domestic violence about all the rights he/she has, and procedures to exercise these rights;
- To pay specific attention on cases of domestic violence in which a child has been identified as a victim;
- In cases of domestic violence against children, the principle of protecting best interests of a child should be applied, and considered carefully if rights and interests of a child are fully protected, and if not, to appoint special guardian for the needs of procedure;
- To pay special attention to enable to the victim to tell all the facts related to family situation and violence (duration and forms of violence, etc.);
- To establish and manage contacts with educational institutions in cases of violence against children;
- To establish contacts with health institutions in cases of domestic violence;
- In case of the need, upon call of the police, to visit a family, and provide necessary assistance to the victim of domestic violence;
- To prepare risk assessment, as well as the individual safety plan for protection of the victim, and monitor implementation of the plan;
- If the victim is requesting accommodation outside of a family, to establish cooperation with a shelter-safe house, or nongovernmental organization that provides accommodation for the victims;
- To change and adjust individual safety plans for victims of domestic violence, if needed;
- To prepare the victim of domestic violence for the court and testifying;
- To prepare special plans for children (safety, schools, doctors, etc.);
- To provide insight and all documentation related to findings of domestic violence to the police and prosecutor's office;
- To participate in judicial proceedings based on invitation of the court;
- To make contacts with a family at time intervals;
- If available resources allow it, to appoint one person for managing the case with which the victim of violence will have continuous communication (case manager);

⁸⁷ <http://zou.bdcentral.net/Content/Read/sluzba%20-za%20boracko>

- The case manager will report about all findings about the case, and undertake and monitor dynamic of the proceeding;
- To develop support plan for the child victim of violence, in coordination with the services of social protection and educational institutions;
- To provide support to the child victim of violence based on support plan, in cooperation with the services of health protection and educational institutions, and
- To undertake all other necessary activities, in accordance with the laws and other regulations applicable for the work of the Sub-Department for Social Protection.

The Article 5, Paragraph 1 of the **Law on Social Protection of the Brčko District BiH**⁸⁸ regulates that bearers of the social protection are encouraging development of social protection, working in organized manner on accomplishing its objectives, ensuing exercising right on social protection regulated by this Law, including financing of these rights. Beside obligations from the Paragraph 1 of this Article, *bearers of social protection can establish other forms and rights, and regulate conditions for accessing it in the practice, with condition to ensure necessary financial resources*. According to the Article 27 of this Law, beneficiaries of the social protection are persons in a situation of social need; inter alia, children victims of abuse, and adult victims of abuse. As the bear of social protection, the Government of Brčko District BiH can extend circle of beneficiaries of the social protection, in accordance to the plans for development of social protection.

The rights in social protection, in accordance with this Law, are regulated in the Article 28 of this Law, and are, as follows: 1. Services of social and other professional work; 2. Financial assistance; 3. Training for life and work of children and adults with disabilities; 4. Accommodation in the institution of social protection or other family; 5. House care and assistance at home. These rights may be exercised only by those persons who have resided in the territory of Brčko District BiH for more than two years continuously until the date of application. Specific articles of the Law provide more details about the conditions that should be met by the persons in a situation of social need in order to exercise rights in the social protection.

8. General and Specialized Services of Support in the Brčko District BiH

The data available at the official web presentation of the Government of Brčko District BiH, as the bearer of social protection in the Brčko District BiH does not provide information if, in line to the Article 5, Paragraph 2 of the Law on Social Protection, other forms and rights in the social protection and conditions for exercising have been established⁸⁹.

⁸⁸ „Official Gazette of the Brčko District BiH“, No. 1/03, 2/08, 4/04, 19/07, 2/08, 21/18 and 32/19

⁸⁹The Foundation “United Women” sent questions to the Head of Department for Social Protection, as follows: Does the Brčko District BiH have the Plan of Development of Social Protection; Are there other forms and rights established based on the Article 5, Paragraph 2 of the Law on Social Protection of Brčko District, and if yes, which forms and rights are established and are conditions for their exercising in the practice regulated; Did the Government of Brčko District BiH, as a bearer of social protection, previously expanded the circle of beneficiaries of the social protection, in accordance with the Plan of Development of Social Protection – if yes, is this determined by the general decisions, which documents are regulating this area; Are women victims of violence and domestic violence in the Brčko District BiH recognized as beneficiaries of special rights (apart from the general provision „abused persons“ and general – basic rights that are

9. Recommendations

- It is necessary for laws on social protection, as well as all other laws that are basis for realization of rights, in particular, but not limited to the rights on employment, housing, child care, and access to justice, to recognize women victims of violence and domestic violence as beneficiaries of the rights to meet all identified needs;
- Women victims of violence and domestic violence have to be adequately recognized as beneficiaries and subjects of the rights in the policies of social protection that are created and adopted at the level of municipalities and cities (units of local self-governance), in order to enable women in need to exercise benefits in relation to, inter alia, employment, housing, child care, and access to justice;
- The Government of Republika Srpska and the Government of Brčko District BiH should allocate appropriate financial resources for general services of support and assistance to victims of violence, and to ensure adequate financing for specialized services of support, including support to the existing safe houses, as well as to ensure that these services meet the standards from the Istanbul Convention;
- The Government of Republika Srpska and the Government of Brčko District BiH should adjust laws on protection from domestic violence with the standards from the Istanbul Convention on the way to integrate specialized telephone helplines (SOS telephones) that would be available 24/7 to the victims of domestic violence, and to plan financial resources for work of these services;
- Authorized ministries and institutions of the Republika Srpska and the Brčko District BiH, in cooperation with the civil society organizations, should provide specialized services of support for victims of sexual violence;
- Free legal assistance have to be accessible to the women victims of violence, and providers of free legal assistance have to be trained to provide assistance to women victims, especially in exercising rights that are regulated by the family laws and the laws on social protection (for example, in the procedures of partition of property and determining obligation and payment of child support);
- Units of local self-governance, city and municipal councils in the Republika Srpska and the Assembly of Brčko District BiH should integrate in their policies other forms and rights of social assistance (extended rights and services) that would respond on specific needs of women victims of violence and domestic violence – to conduct assessment of financial needs of a woman in all cases of domestic violence, and based on this assessment to conduct program of social support.

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⁹⁰ The order in which they appear in the text

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- The Law on Protection and Procedures with Children and Minors in the Criminal Proceedings of Brčko District BiH („Official Gazette of the Brčko District BiH“, no. 44/11)

- The Law on Employment and Rights during Unemployment of Brčko District BiH („Official Gazette of Brčko District BiH“, no. 33/04, 19/07 and 25/08)
- The Protocol on Cooperation and Procedures in Cases of Violence against Women and Domestic violence in Brčko District BiH