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UDRUŽENJE GRAĐANA
"BUDUĆNOST" MODRIČA

PROTECTION OF WOMEN AND CHILDREN – VICTIMS OF DOMESTIC VIOLENCE ON THE LOCAL LEVEL – FROM LAW TO THE ACTUAL IMPLEMENTATION

Summary in English

Banja Luka, 2014.



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Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) came into force on August 1st 2014 in Bosnia and Herzegovina. This document is considered as a way of revolution in protecting victims of domestic violence because of the universality of protection it provides and obligations it demands from the state and its institutions.

Collected and analyzed information in this publication represent a result of research about putting laws and politics that regulate protection of women and children as victims of domestic violence into effect on the local level in Bosnia and Herzegovina (in Banjaluka, Bijeljina, Modriča, Mostar, Canton of Sarajevo and in Zenica) in 2013. The research was conducted by six non-government organizations – Budućnost Modriča, Lara Bijeljina, Medica Zenica, Prava za sve Sarajevo, Žena BiH – coordinated by United Women from Banjaluka.

The research was conducted through three questionnaires, one of which was directed to police in local communities above mentioned, whereas one of them was directed to centers for social work. In the last questionnaire total of 91 victims of domestic violence were questioned. Beside primary information, secondary information from annual reports of centers for social work were gathered as well. Finally, all six non-government organizations have identified problems in appliance of procedures and laws that victims of domestic violence came across. Data were gathered and processed in period from April to August 2014.

Key problems

1. Insensibility of subjects of protection:

- Women who are victims of domestic violence are not seen as victims but are being blamed for violence. They are not taken seriously until violence is repeated. Priority is to save the family, not to protect women.
- Centers for social work are not willing to put women in safe houses and when they do, it is for a short period of time which is not enough for their recovery. Centers for social work also refused to give rescripts for accommodating women into safe houses because they didn't see it as necessary.

- Victims of domestic violence are not informed about safe houses.
- Other ways of accommodation are preferred – at cousins, family, without consideration for victim's needs.
- Safe houses are still seen only as accommodation, without a possibility of psychosocial support to the victim.
- There are few demands for imposition of measures of protection.
- Police officers often interpret domestic violence as a marital dispute and they initiate complaints against both spouses.

2. Access to justice

- There are no bylaws issued by the Laws of protection of victims of domestic violence.
- Criminal proceedings are not easily initiated and a financially depending victim often quits the testimony.
- The burden of proving domestic violence is often on the victim.
- There is also a problem of access and gaining rights for free legal aid. Significant number of women are deprived of the right on free legal aid because of their financial status. Women of poorer financial status have problems with representatives of the Centre for free legal aid not coming to smaller local communities and expenses for getting to the regional offices.
- In Bosnia and Herzegovina there are no systematically organized centers for legal aid.
- Victims of domestic violence are not well informed about rights and services they are entitled to. Also, subjects of protection don't direct them to institutions and organizations that can help them or they analyse their social conditions and possibilities for access to justice poorly.
- There is no emergency in handling victims of domestic violence.
- In Bosnia and Herzegovina, cases of domestic violence are often registered as endangering safety or disturbing the public order and therefore are not treated as offense according to the Law of protection of victims of domestic violence
- In a case of a woman attacked by her father-in-law medical report says that the injury was acquired in a fight and not during domestic violence.

3. Records of violence

- Records of violence are not consistent.
- In Bosnia and Herzegovina there are no bylaws for records of evidence.

Recommendations for solutions of problems:

Insensibility of subjects of protection:

1. Work on sensibility of subjects of protection and their familiarizing with the Convention

- a. Work on reducing stereotypes through educating subjects of protection to avoid their behaving according to patriarchal matrix.
- b. Provide access to safe houses for victims.
- c. Increase number of measures of protection.
- d. Stimulate police officers to act according to Istanbul Convention.

Access to justice

2. Apply Istanbul Convention

- a. Create bylaws of the Law of protection of victims of domestic violence in Bosnia and Herzegovina;
- b. Promote information about rights via public services so that victims would have access to justice;
- c. Provide free legal aid for victims;
- d. Respect emergency in protecting victims;
- e. Treat domestic violence as offense in accordance with the Convention

Records of violence

- 3. Coordinate records of domestic violence from local to the level of federation**
 - a. Register children as victims of violence in any case of domestic violence;
 - b. Equalize statistics amongst different subjects of protection.