



Committee of the Parties

Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Bosnia and Herzegovina

IC-CP/Inf(2022)7

Adopted on 6 December 2022

Published on 12 December 2022

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Bosnia and Herzegovina on 07 November 2013;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Bosnia and Herzegovina adopted by GREVIO at its 27th meeting (20-24 June 2022);

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency cooperation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and nongovernmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the authorities of Bosnia and Herzegovina in implementing the Convention and noting in particular:

- several initiatives taken at the policy level to secure gender equality, including the introduction of gender-sensitive budgeting in ministries at the state and entities level and the establishment of contact persons for gender equality in state and entity institutions;
- steps taken by the authorities to set up multi-agency co-operation mechanisms and protocols at the entity, cantonal and municipality levels in respect of cases of domestic violence so as to ensure productive co-operation between all relevant stakeholders;
- significant legislative changes at the entity level in the area of criminal law to incorporate the criminal offences provided under the Convention into the legal framework;
- the provision of specialist victim support for victims in domestic violence proceedings, through the “person of trust”, whose aim is to assist the victim and attend all meetings and hearings before public institutions, including the police and courts;
- the new legal obligations introduced at entity level to ensure that data is collected on domestic violence and is made available through dedicated public reports;
- efforts made to carry out training on multisectoral co-operation and to ensure a co-ordinated response to violence against women and on the standards of the Istanbul Convention for different categories of professionals.

- officially recognised victims of conflict-related sexual violence benefit from a monthly pension and welfare rights.
- A. Recommends in light of the considerations indicated in the preamble above, that the Government of Bosnia and Herzegovina take the following measures identified in GREVIO's baseline evaluation report¹ for immediate action to:
1. enhance the implementation of the Istanbul Convention in relation to all forms of violence against women, beyond domestic violence, which are currently less addressed by policies, programmes and support services, with due regard to their gendered nature (paragraph 12); ensure that legislation and policies acknowledge that violence against women is a form of discrimination against women (paragraph 13); and align more closely to the Istanbul Convention the definitions of domestic violence and gender-based violence while, at the same time, harmonising the legal definitions of domestic violence across all areas of law (paragraph 14);
 2. ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, including on the basis of place of residence or residence status, particularly when it comes to ensuring access to specialised support services, while at the same time integrating the perspectives and needs of women who are or may be exposed to or at risk of intersectional discrimination into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women and promote research and ensure the collection of data on violence against women affecting such groups (paragraph 22);
 3. conduct a comparative analysis to identify promising practices, harmonise policies in the area of violence against women and identify any existing overlap between the latter and, at the same time, develop and adequately fund long-term and co-ordinated policies on all forms of violence covered by the Istanbul Convention on the basis of the principles and definitions set out in the Istanbul Convention and covering all parts of the state territory (paragraphs 35 and 42);
 4. ensure sustainable and sufficient funding for the work of women's organisations that run specialist support services for victims of violence against women, in all parts of the territory, through transparent and accountable public procedures and establish at all levels of government consultative dialogue with the latter so that their opinions and experience can be integrated in policies aimed at combating violence against women (paragraphs 43 and 47);
 5. ensure the coordination and implementation of policies on all forms of violence against women on the one hand, and, on the other, their independent monitoring and evaluation to ensure objectivity (paragraph 55); and streamline the number of existing co-ordination bodies, while at the same time, strengthening the principal ones, providing them with sufficient and stable human and financial resources and ensuring information exchange between them (paragraph 56);
 6. ensure the collection of systematic and comparable data on all forms of violence against women, from all relevant administrative sources, disaggregated by all relevant categories, while ensuring in particular that such co-ordinated and comparable data be collected by all criminal justice actors to allow cases to be traced along the criminal justice chain and that training is provided to staff working in these administrations on the importance of submitting such data to those responsible for collecting it and analysing it (paragraph 67); and taking measures to collect data on protection orders issued under civil and criminal legislation and

¹ The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

- any breach or sanctions imposed as a result; data on decisions on custody/visitation/residence of children that have expressly taken into account reports of domestic violence; and the number of victims of war-related sexual violence who have requested, been granted or been denied the status of civil victims of war (paragraph 68);
7. promote on a regular basis long-term awareness-raising campaigns on the different manifestations of all forms of violence against women, beyond domestic violence, in co-operation with women's rights organisations and in all parts of the territory, while ensuring that such efforts address patriarchal and stereotypical attitudes towards women, portray a gendered understanding of violence against women and provide women who are subject to intersectional discrimination with information on their rights and the support service available to them (paragraph 88);
 8. introduce systematic and mandatory initial and in-service training supported by protocols, on all forms of violence against women for professionals who deal with victims or perpetrators, focused on overcoming entrenched stereotypes and a patriarchal culture, and ensure the continuity and sustainability of such training (paragraph 105);
 9. take steps to establish treatment programmes for sex offenders, in line with the Istanbul Convention, taking due account of best practices developed internationally and guaranteeing a human rights-based approach (paragraph 113);
 10. provide adequate human and financial resources to Centres for Social Work and provide training for its staff on the gendered nature of violence against women, including domestic violence and appoint specialised social workers to work in this area; remove the system of mandatory referrals from Centres for Social Work to domestic violence shelters, including by offering women victims of domestic violence the possibility to self-refer (paragraph 137);
 11. set up rape crisis or sexual violence referral centres in sufficient numbers in the country that provide immediate medical care, trauma support, forensic examinations and psychological counselling for victims; and, in the interim, establish a clear pathway for victims of sexual violence/rape, ensure that forensic examinations are carried out swiftly, without the need for a court order, and provide victims with trauma care, psychological counselling and legal assistance by trained and specialised staff (paragraph 165);
 12. take a number of priority actions in the area of custody and visitation rights to ensure, inter alia, that in the determination of custody and visitation rights of children incidents of violence covered by the scope of the Istanbul Convention are taken into account; training and guidelines are provided to all relevant staff so that that in the exercise of any visitation or custody rights, the rights and safety of the victim and her children are safeguarded; in law and in practice children are not removed from the non-abusive parent and placed in foster care (paragraph 195);
 13. amend the sexual offences provided under the national, entity-level and Brčko District criminal codes to fully incorporate the notion of lack of freely given consent and to specify the type of non-consensual sexual acts that are criminalised, while ensuring that any offence of sexual violence applies between former or current spouses or partners; provide and apply proportionate and dissuasive sanctions for all sexual acts without the consent of the victim, irrespective of personal characteristics (paragraph 223);
 14. ensure through legislative measures and training of members of the judiciary and prosecution services that sentences and measures imposed for domestic violence and other forms of violence against women are effective, proportionate and dissuasive (paragraph 247);
 15. take legislative or other measures to prohibit mandatory alternative dispute resolution processes in connection with any legal proceedings of relevance to women victims of the forms of violence against women covered by the Istanbul Convention, including in divorce

and separation proceedings and labour disputes that concern sexual harassment (paragraph 255);

16. provide initial and in-service training and guidelines for police officers, prosecutors and judges on violence against women, in line with the relevant GREVIO finding, with a view to reducing secondary victimisation and resolving the underreporting of cases of violence against women and stemming the use of plea bargaining, suspended sentences and the imposition of sentences that are not proportionate or dissuasive; and set up adequately staffed dedicated units to receive, investigate and prosecute cases of violence against women and domestic violence (paragraphs 275-276 and 278);
 17. take legislative and other measures to ensure that risk assessment and management are systematically carried out in relation to all forms of violence against women, including with respect to the victims' children, using standardised risk-assessment tools, involving all relevant stakeholders; and that risk assessments are repeated at all the relevant stages of proceedings and lead to the development of a safety plan for victims (paragraph 285);
 18. take legislative and or other measures to bring the legal framework and practice of Bosnia and Herzegovina in line with Articles 52 and 53 of the Istanbul Convention with due regard to the relevant GREVIO finding by, among others, ensuring that: emergency barring orders can be issued quickly, in situations of immediate danger and that they are extended to children in need of protection; there is no gap in the protection of the victim between the expiry of an emergency barring order and the imposition of a protection order; restraining orders are available to the victim under civil law, independently from other legal proceedings; and emergency barring orders are issued, monitored and enforced and sanctions for breaches are effectively applied in practice (paragraph 296);
 19. undertake a formal review of the Law on Aliens so as to afford migrant women an autonomous residence permit in the event of particularly difficult circumstances, including being a victim of the forms of violence covered by the scope of the Istanbul Convention; ensure that migrant women victims of gender-based violence have the right to be granted an autonomous residence permit in the event of expulsion of the abusive spouse or partner; ensure that women and girls who lose their residence status as a result of being forced into marriage abroad may regain their residence status (paragraph 325).
- B. Requests the Government of Bosnia and Herzegovina to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 4 December 2025.
- C. Recommends that the Government of Bosnia and Herzegovina take measures to implement the further conclusions of GREVIO's baseline evaluation report.