

ANNEX

Legal provisions in Bosnia and Herzegovina relevant to Implementing Article 11 of the Istanbul Convention

Law on Gender Equality of BiH¹

Article 5

(1) **Harassment** shall be considered as any unwanted behaviour based on gender that aims to harm the dignity of a person, group of persons and create intimidating, hostile, degrading, humiliating or insulting environment or achieves such effect.

(2) **Sexual harassment** shall be considered every unwanted form of verbal, non- verbal or physical behaviour of sexual nature that aims to harm dignity of a person or group of persons, or has such effect, especially when this behaviour creates intimidating, hostile, degrading, humiliating or offensive environment.

(3) Incitement to discriminate based on gender, if committed intentionally, shall be equalised with discrimination in terms of Article 3 of this Law.

Article 6

(1) Violence on grounds of gender shall be prohibited.

(2) Violence on grounds of gender shall be considered every action that causes or may cause physical, mental, sexual or economic damage or suffering, as well as threat to such action which prevents this person or group of persons to enjoy their human rights and freedoms in public and private sphere of life.

(3) Violence on grounds of sex shall include but shall not be limited to:

- a) Violence occurring in family or household;
- b) Violence occurring in wider community;
- c) Violence committed or tolerated by authorities and other authorised bodies and individuals;
- d) Violence on grounds of gender in case of armed conflicts.

(4) Competent authorities shall be obliged to take appropriate measures to eliminate and prevent gender based violence in public and private sphere of life, and ensure instruments to provide protection, assistance and compensation to victims.

(5) Competent authorities shall take appropriate measures, including, but not limiting to area of

¹ Law on Gender Equality of BiH – Consolidated version, Official Gazette of BiH No. 32/10

education in order to eliminate prejudices, customs and all other practices based on idea of inferiority or superiority of any gender, as well on stereotypical roles of male and female sex.

This shall include, but shall not be limited to education and raising awareness among civil servants, in public and other ways.

PART XI - STATISTICAL RECORDS

Article 22

(1) All statistical data and records collected, recorded and processed in state bodies at all levels, public services and institutions, state and private corporations and other entities must be gender disaggregated.

(2) Statistical data and information collected, recorded and processed pursuant to para. 1 of this Article must be an integral part of statistical records and accessible to the public.

Criminal Code of the Federation of Bosnia and Herzegovina²

Provisions relevant to the Istanbul Convention

Article 2

Meaning of Terms Used in This Code

(23) *Family members* in terms of this Code are: spouse or cohabitee, ex-spouse or ex-cohabitee, lineal relative, relative in a collateral line to the third degree and in-law to the second degree.

Article 166

Murder

(1) Whosoever deprives another person of his life shall be punished by imprisonment for a minimum term of five years.

(2) The liability to imprisonment for a minimum term of ten years or to life imprisonment shall be imposed on any person who:

- a) cruelly or insidiously deprives another person of his life;
- b) violently deprives another person of his life;
- c) deprives another person of his life on racial, national or religious grounds *out of hatred*;
- d) deprives another person of his life through greed, revenge, to commit or conceal another criminal offence, or for any other base motive;

² OG FBiH 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14 and 46/16
Unofficial translation

Article 171

Illegal Abortion

(1) Whosoever, in contravention of abortion regulations, performs an abortion on a pregnant women with her consent, commences performing an abortion, or assists her in procuring her own miscarriage, shall be punished by imprisonment for a term of between three months and three years.

(2) Whosoever performs or commences performing an abortion on a pregnant woman without her consent, shall be punished by imprisonment for a term of between one and eight years.

Article 172

Grievous Bodily Harm

(1) Whosoever inflicts grievous bodily harm upon another person or gravely impairs his health, shall be punished by imprisonment for a term of six months to five years.

(2) Whosoever commits an offence under paragraph 1 above against his spouse, co-habiting partner, or against the parent of his child with whom he does not cohabit, shall be punished by imprisonment for a term of between one and five years.

(3) Whosoever inflicts bodily harm upon another or impairs his health in such a serious manner that the life of the injured person is endangered, if an important part or organ of his body is destroyed or permanently weakened, if the injured person's earning ability has been impaired permanently or if permanent and serious damage to his health or disfigurement takes place, shall be punished by imprisonment for a term of between one and ten years.

(4) Whosoever commits an act under paragraph 1 above on racial, national or religious grounds out of hatred, shall be punished pursuant to paragraph 3 above.

(5) Should the injured person die as a result of any offence committed under paragraphs 1 to 4 above, the offender shall be punished by imprisonment for a term of between one and twelve years.

(6) Whosoever negligently commits any offence under paragraphs 1 to 3 above, shall be punished by imprisonment for a maximum term of three years.

(7) Whosoever commits any offence under paragraphs 1 to 3 above in the heat of passion, having been innocently provoked into a state of extreme anger or terror by the victim's physical or serious verbal attack, shall be punished by imprisonment for a term of between three months and three years.

(8) Whosoever commits any offence under paragraph 4 above in the heat of passion, having been innocently provoked into a state of extreme anger or terror by the victim's physical or serious verbal attack, shall be punished by imprisonment for a term of between six months and five years.

Article 173

Minor Bodily Harm

- (1) Whosoever inflicts minor bodily harm upon another or impairs his health in a minor way, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) Whosoever commits any offence under paragraph 1 above upon his spouse, co-habiting partner or non-co-habiting parent of his child, shall be punished by imprisonment for a maximum term of one year.
- (3) The court may administer a judicial admonishment to the offender under paragraph 1 above if the offender was provoked by the rude or indecent behaviour of the injured person.

Article 203

Rape

- (1) Whosoever compels another person to have sexual intercourse with him by force or threat of immediate physical attack upon that person or upon someone close to that person, shall be punished by imprisonment for a term of between one and ten years.
- (2) Whosoever commits an offence under paragraph 1 above in an aggravated, cruel or degrading manner, or if at the same time more instances of sexual intercourse or sex acts tantamount to sexual intercourse are performed by more offenders, shall be punished by imprisonment for a term of between three and fifteen years.
- (3) If any offence under paragraph 1 above results in grievous bodily injury, a serious effect on health, the death of the victim or pregnancy of the female victim, the offender shall be punished by imprisonment for a minimum term of three years.
- (4) The liability to sentence under paragraph 2 above shall apply to whomsoever commits the offence under paragraph 1 above on the grounds of national or ethnic origin, race, religion, sex or language out of hatred.
- (5) Whosoever commits the offence under paragraph 1 above against a juvenile, shall be punished by imprisonment for a minimum term of three years.
- (6) Whosoever commits any offence under paragraphs 2 to 4 above against a juvenile, shall be punished by imprisonment for a minimum term of five years.
- (7) If the offence under paragraph 2 above results in the consequences set out under paragraph 3 above, the offender shall be punished by imprisonment for a minimum term of five years.

Article 183

Threatening Security

(1) Whosoever threatens the security of another by way of a serious physical attack, or, in so doing, causes serious concern to others around him, shall be punished by imprisonment for a maximum term of six months.

(2) Whosoever threatens the security of a group of persons by way of a serious physical attack, or, in so doing, causes serious concern to others around him, shall be punished by imprisonment for a term of between three months and five years.

(3) Whosoever, by stalking, frequent following, disturbing or otherwise, threatens the safety of his spouse, co-habiting partner, parent of his child or any other person with whom he has, or has had in the past, a close relationship, shall be punished by a fine or imprisonment for a maximum term of one year.

Article 205

Sexual Intercourse by Abuse of Position

(1) Whosoever induces into sexual intercourse, or sex acts tantamount to sexual intercourse, a person who is in a dependent position in relation to him, due to that person's financial, family, social, health or other circumstances, shall be punished by imprisonment for a term of between three months and three years.

(2) Any instructor, educator, guardian, adoptive parent, step-parent or any other person who, by abuse of his status, has sexual intercourse with a juvenile, shall be punished by imprisonment for a term of between six months and five years.

Article 206

Forced Sexual Intercourse

Whosoever coerces another person into sexual intercourse, or sex acts tantamount to sexual intercourse, by use of serious threat to cause harm, shall be punished by imprisonment for a term of between six months and five years.

Article 208

Lechery (Lewd Behaviour)

(1) Whosoever, in the offences under Articles 203 (Rape), 204 (Sexual Intercourse With a Helpless Person), 205 (Sexual Intercourse by Abuse of Position) and 206 (Forced Sexual Intercourse) of this Code, does not commit a full offence, but only a lecherous act, shall be punished by imprisonment for a term of between three months and three years.

(2) Whosoever, in the offences under Article 207 (Sexual Intercourse With a Child) of this Code, commits no full offence, but only a lecherous act, or who commits an offence under paragraph 1 above against a child or juvenile, shall be punished by imprisonment for a term of between six months and five years.

Article 222

Domestic Violence

(1) Whosoever, by use of violence, threatening behavior or mental cruelty violates the peace, life, physical or mental health of any member of his family, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whosoever commits an offence under paragraph 1 above against a member of his household, shall be punished by a fine or imprisonment for a maximum term of three years.

(3) If during the commission of any offence under paragraphs 1 and 2 above, any weapons, dangerous implements or other instruments capable of inflicting grave bodily injury or harm are used, the offender shall be punished by imprisonment for a term of between three months and three years.

(4) If the commission of any offence under paragraphs 1 to 3 above results in grievous bodily harm to, or impairment of health of any member of his family, or if any offence under paragraphs 1 to 3 above is committed against a child or juvenile, the offender shall be punished by imprisonment for a term of between one and five years.

(5) If the commission of any offence under paragraphs 1 to 4 above results in the death of any member of his family, the offender shall be punished by imprisonment for a term of between two and fifteen years.

(6) Whosoever causes the death of any member of his family whom he has previously mistreated shall be punished by imprisonment for a minimum term of ten years or to long-term imprisonment.

Criminal Code of the Republika Srpska (2017), Special Part

Provisions relevant to the Istanbul Convention

CHAPTER TWELVE

CRIMES AGAINST LIFE AND BODY

Murder

Article 124

(1) Whoever deprives another person of his life shall be punished by imprisonment for a minimum term of five years.

(2) If the criminal offence under the paragraph 1 of this article has been committed under particularly mitigating circumstances, the offender shall be punished by imprisonment for a term of between one and eight years.

Murder

(First Degree Murder)

Article 125

(1) The punishment of imprisonment for a minimum term of ten years or long term imprisonment shall be imposed on a person who:

- 1) cruelly or insidiously deprives another person of his life;
- 2) deprives another person of his life through greed, to commit or cover up another criminal offense, for revenge, hatred or for any other base motive;
- 3) deprives of life another member of his family whom he previously abused
- 4) deprives another person of his life while acting ruthlessly and violently;
- 5) deprives another person of his life and in doing so intentionally endangers the lives of other persons;
- 6) commits premeditated killing of two or more human beings, which is not voluntary manslaughter, infanticide or killing under particularly mitigating circumstances (article 148, paragraph 2);
- 7) who kills a child, a minor or a pregnant woman knowing that she is pregnant,
- 8) who kills a judge or prosecutor in relation to their function or an official or a military person in the exercise of their duties of security, while keeping peace and order or apprehending an offender or guarding any person deprived of freedom.
- 9) deprives another person of his life during execution of the criminal offense of robbery or robbery theft

(2) The punishment under paragraph 1 of this article shall also be imposed upon offenders when a murder is committed by an organized group or has been ordered.

Illegal Abortion

Article 130

(1) Whoever, in contravention of abortion regulations, performs an abortion on a pregnant woman with her consent, commences performing abortion, or assists her in procuring her own miscarriage, shall be punished by pecuniary punishment or imprisonment for a maximum term of three years.

(2) Whoever engages in the practice of the offense referred to in paragraph 1 of this Article shall be punished by imprisonment for two to five years.

(3) Whoever performs or commences performing an abortion on a pregnant woman without her consent, or, where a pregnant woman is less than 16 years old, whoever performs or commences performing an abortion on her without consent of her parent, adoptive parent or guardian shall be punished by imprisonment for a term of between three and eight years.

(4) If grievous bodily harm, serious illness or the death of any pregnant woman occurs as a result of any offence under paragraphs 1 and 3 of this article, the offender shall be punished for an offence under paragraph 1 by imprisonment for a term of between one and five years, and for an offence under paragraph 3 by imprisonment for a term of between three and twelve years.

(5) The attempt of the offense referred to in paragraph 1 of this Article is punishable.

Bodily Harm

Article 131

(1) Whoever inflicts bodily injury upon another person or impairs his health, shall be punished by a fine or imprisonment for up to one year.

(2) If injury referred to in paragraph 1 of this Article was inflicted by a weapon, dangerous tools or other means suitable for inflicting serious injuries or seriously impairs health, the offender shall be punished by fine or imprisonment for a maximum term of three years.

(4) Prosecution of the offence from paragraph 1 of this Article shall be initiated upon filed motion.

Grievous Bodily Injury

Article 132

(1) Whoever inflicts grievous bodily injury upon another person or gravely impairs his health, shall be punished by imprisonment for a term of between one and five years.

(2) Whoever inflicts bodily injury upon another person or impairs his health in such a serious manner that the injured person is endangered, if an important part or organ of his body is destroyed or permanently weakened to a substantial degree, if the injured person's earning ability has been impaired permanently or if permanent and serious damage to his health or disfigurement takes place or if the offence was perpetrated out of hatred, shall be punished by imprisonment for a term of between two year and eight years.

(3) If an offence under paragraphs 1 and 2 of this Article brings about the death of the victim, the offender shall be punished by imprisonment for a term of between three and twelve years.

(4) Whoever commits an offence under paragraphs 1 and 2 of this Article through negligence, shall be punished by imprisonment for a term of between six months and three years.

(5) Whoever commits the acts referred to in Paragraphs 1 through 3 of this Article in a fit of passion after having been provoked without his own fault into the state of intense irritation by the victim's attack, serious abuse or serious insult, shall be punished for the criminal offence referred to in paragraphs 1 and 2 by imprisonment for a term not exceeding three years, and for the criminal offence referred to in paragraph 3 by imprisonment for a term of between six months and five years.

Female Genital Mutilation

Article 133

(1) Whoever completely or partially removes or permanently modifies the external parts of genitalia to a female person shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever induces a female person to be subjected to the actions referred to in paragraph 1 of this Article shall be punished by imprisonment for a term not exceeding three years.

(3) If the offense referred to in paragraph 1 of this Article is committed out of hatred, against child or has caused permanent damage to the health of a woman, the perpetrator shall be punished by imprisonment for a term of between one and eight years.

(4) If the offense referred to in paragraph 1 of this Article resulted in the death of a female person, the perpetrator shall be punished by imprisonment for a term of between two and twelve years.

(5) If the offense referred to in paragraph 1 of this Article is committed under particularly mitigating circumstances, the perpetrator shall be punished by imprisonment for a term not exceeding one year.

Forced Sterilization

Article 134

(1) Whoever performs an operation on another person for the purpose of disabling natural reproduction without the consent of that person shall be punished by imprisonment for a term of between one and eight years.

(2) If the offense referred to in paragraph 1 is committed against a child, the perpetrator shall be punished by the imprisonment for a term of between two and ten years.

CHAPTER THIRTEEN

CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF CITIZENS

Coercion

Article 141

(1) Whoever by force or threat of immediate use of force coerces a person into doing or not doing some act or suffering, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by a threat of death, grievous bodily harm or abduction or who commits the said offence as a member of a group or joint criminal organization, shall be punished by fine or imprisonment for a maximum term of three years.

Stalking

Article 144

(1) Whoever persistently and for a long time follows or spies on another person, or attempts to establish or establishes an unwanted contact with another person directly or through third person, or otherwise causes to that person an alteration of life habits, anxiety or fear for their own safety and safety of persons closed to them, shall be punished by fine or imprisonment of not exceeding two years.

(2) If the offense referred to in paragraph 1 of this Article has been committed in relation to the present or former spouse or extramarital partner, the person that the perpetrator was in intimate relationship with or to a child, the perpetrator shall be punished by imprisonment for a term of between six months and three years.

Abuse, torture and other inhuman and degrading treatment

Article 149

(1) Whoever abuses another person or treats him in a manner that degrades human dignity shall be punished by fine or imprisonment for a term not exceeding two years.

(2) Whoever by applying force, threat or other illicit manner inflicts on another person serious pain or serious suffering for such purposes as to obtain from him or a third person a confession, statement or information or to have him or a third person intimidated or illegally punished, or does that for any other reason based on any form of discrimination, shall be punished by imprisonment for a term between six months and five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is perpetrated by and official in exercise of duty, he shall be punished for the criminal offence referred to in paragraph 1 of this Article by imprisonment for a term between six months and five years, and for the criminal offence referred to in paragraph 2 of this Article by imprisonment for a term between one year and ten years.

CHAPTER FOURTEEN

CRIMINAL OFFENCES AGAINST SEXUAL INTEGRITY

Rape

Article 165

(1) Whoever compels another person to sexual intercourse or any other equivalent sexual act by force or threat of immediate attack upon that person's life or body or upon someone close to that person, shall be punished by imprisonment for a term of between three to ten years.

(2) If the criminal offence under paragraph 1 of this Article is committed against a child older than fifteen years of age or in a particularly cruel or degrading manner or by more perpetrators or out of hatred or if the criminal offence results in grievous bodily harm or seriously impairs of health or pregnancy of the female victim, the offender shall be punished by imprisonment for a term of between five and fifteen years

(3) If any criminal offence under paragraphs 1 and 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment term of minimum ten years

Sexual extortion

Article 166

Whoever coerces another person to sexual intercourse or any other equivalent sexual act by threat of disclosing some information that would harm victim's honor and reputation or honor or reputation of someone close to the victim, or by threat of any other serious harm, shall be punished by imprisonment for a term of between one and eight years.

Sexual Intercourse by Abuse of Position

Article 168

(1) Whoever by abuse of position induces into sexual intercourse or any other equivalent sexual act a person who is in a subordinate or dependent position in relation to the perpetrator, shall be punished by imprisonment for a term of between two and five years.

Sexual harassment

Article 170

(1) Whoever is sexually harassing another person who is in subordinate or dependent relationship to him/her, or who is particularly vulnerable because of age, illness, dependency, pregnancy, serious bodily or mental disability, shall be punished by imprisonment for a term not exceeding two years.

(2) Sexual harassment is any verbal, non-verbal or physical unwanted behavior of sexual nature that aims to violate the dignity of a person in the sphere of sexual life, which provokes fear or creates enemy, humiliating or offensive environment.

(3) The prosecution for the offense referred to in paragraph 1 of this Article shall be initiated upon the motion.

Lewd Acts

Article 171

Whoever under conditions of Art. 165, 166, 167 and 168 of this Code commits some other sexual act, shall be punished by imprisonment for a term not exceeding three years.

CHAPTER SIXTEEN CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY

Forced Marriage

Article 183

(1) Whoever by use or threat of force coerces another person to enter the marriage shall be punished by fine or imprisonment not exceeding three years.

(2) Whoever, for the purpose of the commission of the offense referred to in paragraph 1 of this Article, takes another person to a foreign country or persuades him/her to go abroad for the same purpose, shall be punished by fine or imprisonment not exceeding two years.

Domestic Violence

Article 190

(1) Whoever by violence, threat of attack on life and body, insolent or arrogant behaviour violates peace, bodily integrity or mental health of a member of his family or family household, and with that causes violation of physical or psychological integrity of that person, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the perpetrator during the commission of the violence, threat of attack on life and body, insolent or arrogant behavior uses weapon, dangerous tools or other means suitable for inflicting serious injuries or seriously impairs health, he/she shall be punished by imprisonment for a term between six months and five years.

(3) If the commission of the criminal offence referred to in paragraphs 1 and 2 of this Article has resulted in grievous bodily injury or impaired health or if the criminal offence referred to in paragraphs 1 and 2 of this Article has been committed against a child or in presence of a child, the perpetrator shall be punished by imprisonment for a term between two and ten years.

(4) If the commission of the criminal offence referred to in paragraphs 1, 2 and 3 of this Article has resulted in the death of the family member, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(5) Whoever violates the protective measures or emergency measures of protection against the domestic violence ordered by the court on the basis of the law shall be punished by fine and imprisonment for a term between three months and three years.

(6) For the purpose of this Criminal Offense, family members or members of household shall be understood to mean spouses or ex-spouses, their children and children of each of them, unwed partners or former unwed partners, their children and children of each of them, in-laws up to the second degree of kinship regardless of the fact that the marriage union has ended, parents of current and former wed or unwed partners, relatives from full adoption in direct line without limitation, and in indirect line up to the fourth degree of kinship, as well as the relatives from partial adoption, persons linked by relation of guardianship, persons who live or lived in the same family household regardless of kinship, and persons who together have a child or have conceived a child, even though they had never lived in the same household.

LAW ON PROTECTION FROM DOMESTIC VIOLENCE IN PORODS

Official Gazette of the Federation of BiH, No. 20/13 (March 13, 2013)

I. BASIC PROVISIONS

Article 1.

The subject of the law

This law regulates the protection of domestic violence, the concept of family and domestic violence, the type and purpose of protective measures imposed against persons committing acts of domestic violence, the manner and procedure of imposing protective measures, protection of victims from domestic violence, the interconnection of all subjects in the function of protection against domestic violence and other issues of importance for protection from domestic violence.

Article 2

Meaning of Expression

A violent person within the meaning of this Law is a member of a family who commits acts of violence referred to in Article 7 of this Law.

A victim of violence within the meaning of this Law is every member of the family who is exposed to acts of domestic violence referred to in Article 7 of this Law.

A child within the meaning of this Law is any member of the family who has not reached the age of 18. Grammatical expressions used in this law to designate a male or female gender include both sexes.

Article 3

General principles of protection and exemption from law enforcement

The principles of protection against domestic violence regulated by this law and other regulations, as well as international standards adopted by Bosnia and Herzegovina that regulate the field of domestic violence, shall apply in all cases to ensure the most effective protection for victims of domestic violence.

Application and implementation of this law in accordance with its competencies shall be provided by the municipal court - misdemeanor court division (hereinafter: competent court), police, guardianship authority and other institutions responsible for social protection and health care, with the obligation of joint and coordinated action.

The institutions referred to in paragraph 2 of this Article shall ensure that the treatment of victims of violence and violent persons is carried out by staff trained to work with those persons.

The provisions of Art. 9 through 30 of this Law shall not apply to the child referred to in paragraph 3 of Article 2 of this Law, who performs the activities referred to in Article 7 of this Law .

The protection of victims of domestic violence can also be provided by non-governmental organizations registered to provide these services.

Article 4

The urgency of resolution

For cases of domestic violence, the competent entities referred to in Article 3, paragraph 2 of this Law are obliged to ensure urgency in the resolution.

Article 5

Access to the competent court

This law provides unimpeded access to the competent court, without any costs for victims of domestic violence.

II THE CONCEPT OF FAMILY AND DOMESTIC VIOLENCE

Article 7

Concept of domestic violence

For the purpose of this law, there will be considered to be domestic violence if there are grounds for suspicion that actions involving a member of the family are causing physical, psychological or sexual pain or suffering and / or economic harm as well as threats to the fear of physical, psychological or sexual violence and / or economic damage to another family member.

The acts of domestic violence or the threat of such acts, within the meaning of paragraph 1 of this Article, are:

- 1) Any use of physical force against the physical or psychological integrity of a family member,
- 2) any treatment of a member of the family that may cause or threaten to cause physical or mental pain or suffering
- 3) Causing fear or personal threat or violation of the dignity of a family member by blackmail or other coercion
- 4) the physical attack of a member of the family against another member of the family, regardless of whether a physical injury occurred or not,
- 5) verbal attack, insult, intimidation, naming of bad names, and other forms of harsh harassment of family members by another family member,
- 6) sexual harassment,
- 7) Stalking and all other similar forms of harassment of another member of the family,
- 8) Damage or destruction of joint property or property in possession,
- 9) use of physical violence or the causation of fear with the aim of forfeiture of the right to economic independence by prohibition of work or by holding a family member in relation of dependence or subordination,
- 10) use of physical and psychological violence against children and neglect in their upbringing,
- 11) Physical and psychological violence against old, disabled persons and neglect in their nurturing and treatment,
- 12) Violent isolation or limitation of the freedom of movement of a family member
- 13) Lack of due attention and lack of assistance and protection of the family member for which there is such obligation under the law.

Article 8

Reporting of Domestic Violence

Health and social workers, teachers, educators, medical, educational and other institutions and bodies, as well as non-governmental organizations who, in the performance of their duties, become aware of the acts of the domestic violence referred to in Article 7, Paragraph 2 of this Law, shall report immediately such acts of domestic violence to the competent police administration.

The report referred to in paragraph 1 of this Article shall also be submitted by family members, as well as by any citizen who becomes aware of the acts of domestic violence, to the competent police administration.

The victim of domestic violence may also file a report himself/herself.

The report from paragraph 1 of this Article shall also be submitted by family members as well as by any citizen who becomes aware of the acts of domestic violence referred to in Article 7 paragraph 2 of this law, especially if the victim is a child.

A person who fails to comply with the obligation to report acts of domestic violence referred to in Article 7, paragraph 2 of this law, makes a minor offense except in cases of domestic violence victims.

III. TYPES AND PURPOSE OF PROTECTIVE MEASURES

Article 9.

Types of Protective Measures

The following protective measures shall be imposed to the perpetrators of domestic violence:

- 1) Removal from an apartment, house or any other dwelling area
- 2) Prohibition of approaching a victim of domestic violence
- 3) Prohibition of harassment and stalking of a person exposed to violence
- 4) Mandatory psychosocial treatment
- 5) Mandatory addiction treatment
- 6) temporary detention

Article 11

Removal from an apartment, house or any other dwelling area

The protective measure of removal from an apartment, house or other dwelling area and the prohibition to return to an apartment, house or other dwelling area may be imposed on a person who has committed violence against a member of the family with which he/she lives in the apartment, house or other dwelling area, if the competent court finds that there is a danger that a violent person could resume acts of violence if this measure is not imposed.

The person against whom the measure referred to in paragraph 1 of this Article is pronounced shall immediately leave the apartment, house or other dwelling area, as appropriate, in the presence of a police officer.

The measure referred to in paragraph 1 of this Article shall be for a period not to be shorter than one month or longer than two years.

A regulation on the manner of implementation of the measure referred to in paragraph 1 of this Article shall be adopted by the Federal Minister of Interior Affairs.

Article 12

Prohibition of approaching a victim of domestic violence

The protective measure of the prohibition of approaching a victim of domestic violence may be imposed on a person who committed domestic violence.

In a ruling by which a court imposes a measure prohibiting the approaching a victim of domestic violence, the competent court shall determine the places or areas and the distance below which a violent person shall not approach a victim of domestic violence.

The measure referred to in paragraph 1 of this Article shall be for a period not to be shorter than one month or longer than two years, unless the court decides that a longer period of time is in the interest of the victim of violence.

A regulation on the manner of implementation of the measure referred to in paragraph 1 of this Article shall be adopted by the Federal Minister of the Interior.

Article 13

Prohibition of harassment and stalking of a person exposed to violence

A protective measure of harassment and stalking may be imposed on a person who harasses or stalks a member of the family, and there is a danger that such conduct may be repeated.

The measure referred to in paragraph 1 of this Article shall be for a period not to be shorter than one month or longer than two years, unless the court decides that a longer period of time is in the interest of the victim of violence.

The Federal Minister of the Interior shall issue a regulation on the manner of implementing the measure referred to in paragraph 1 of this Article

Article 14

Mandatory psychosocial treatment

The protective measure of compulsory psychosocial treatment may be imposed on a violent person to eliminate the cause of his/her violent behavior or if there is a danger that this person will repeat violence.

The measure referred to in paragraph 1 of this Article shall be determined for a period of not shorter than six months in continuity or longer than two years.

A regulation on the manner and place of implementation of the measure referred to in paragraph 1 of this Article shall be adopted by the Federal Minister of Labor and Social Policy, with the consent of the Federal Minister of Health.

Article 15

Mandatory addiction treatment

The competent court shall impose a protective measure of the mandatory addiction treatment on a violent person who committed violence under addictive influence of alcohol, narcotics or other psychoactive substances if there is a risk that acts of violence may re-occur.

The measure referred to in paragraph 1 of this Article shall be for a period not to be shorter than one month or longer than two years.

A regulation on the manner and place of implementation of the measure referred to in paragraph 1 of this Article shall be adopted by the Federal Minister of Health.

Article 16

Detention

For each case of domestic violence reported, the police administration shall come to the site immediately upon receipt of the report.

The Police Administration shall detain any person for which there are the grounds for suspicion of having committed domestic violence, if the conditions of Article 153 of the Criminal Procedure Code of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation BiH", No. 35 / 03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09 and 12/10) are met.

IV. IMPOSITION OF PROTECTION MEASURES

Article 17

Submission of requests for imposition of protective measures

The request for the imposition of protective measures shall be submitted to the competent court by the police administration.

Exceptionally, the request referred to in paragraph 1 of this Article may also be filed by the Prosecution when there are justified reasons for this.

Article 18

The deadlines for submitting requests and mandatory elements of the request for the imposition of protective measures

The Police Administration shall file a motion for protective measure with the competent court for each reported case of domestic violence and within 12 hours of from the time they learn about the acts of violence referred to in Article 7 of this Law.

Along with the request referred to in paragraph 1 of this Article, the collected evidence shall be submitted. The excerpt from the official records shall be attached if this person was reported for cases of domestic violence.

An application for the imposition of protective measures shall be submitted to the competent court according to the place where the victim has a permanent or temporary place of residence.

Obligatory elements of the request for protective measure shall be as follows:

the full name of the requesting body; protocol number; place and date; the name of the court to which the request is made; the legal basis upon which the application is made; basic data on a violent person against whom an imposition of protective measure is required; the name(s) of the protective measure(s) requested to be imposed by the court; acts of violence referred to in Article 7 for which there are the basis for suspicion that a violent person has committed them; victim's name and surname and kinship with a violent person; explanation; signature of the authorized official and attachments to the request.

Article 19

Time deadline for the imposition of protective measures, the manner of pronouncement and remedies

The competent court shall, within 12 hours of receiving the request for the imposition of a protective measure referred to in Article 9, 1), 2) and 3) of this Law, act on the request and issue a ruling.

The competent court shall, within seven days from the receipt of the request for the imposition of protective measures referred to in Article 9, 4) and 5) of this Law to secure expert opinion, if necessary, and act upon the request and issue a ruling.

If the competent court requires the perpetrator to be brought before a court, the court may call that person through the competent police administration.

When imposing protective measures, the competent court shall not be limited by special formal evidence rules to determine the facts about the execution of acts of violence referred to in Article 7 of this Law as well as by the consequences that have arisen.

A ruling on the imposition of a protective measure shall determine the duration of the protective measure imposed on the violent person commencing from the date of the ruling.

Article 22a.

The authorities responsible for the enforcement of the imposed protective measure that is stated in the ruling on the imposition of the protection the measures shall regularly monitor the enforcement of the measure, compile and submit to the competent court a report on to enforcement of the measures, propose an suspension or replacement of the measure when they deem it necessary. The body competent for the enforcement of a protective measure shall notify the competent court if/when it becomes is aware of non-enforcement or breach of the imposed measures.

V. OTHER FORMS OF PROTECTION OF VICTIMS OF VIOLENCE

VI. MULTIDISCIPLINARY APPROACH IN PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE AND ENFORCEMENT OF IMPOSED PROTECTION MEASURES

Article 39

Protocol on cooperation

The competent institutions referred to in Article 8, paragraph 1 of this Law, as well as the competent judicial bodies, shall sign a protocol on co-operation for the area of one or more municipalities. The protocol shall establish mutual rights and obligations in the procedure of reporting cases of domestic violence, providing protection to victims of domestic violence , as well as in dealing with violent persons.

Article 40

Record keeping

The Police Administration is obliged to keep records of reported cases of domestic violence and the enforcement of the protective measures stipulated in Art. 11, 12 and 13 of this Law.

The regulation on the manner of implementation of the measures referred to in Art. 11, 12 and 13 of this Law shall contain the necessary records and form for records keeping referred to in paragraph 1 of this Article.

The competent court shall keep a record of the applications for protection measures and about the imposed protective measures.

The content and format of keeping the records referred to in paragraph 3 of this Article shall be prescribed by the Federal Minister of Justice within 60 days from the date of entry into force of this Law.

The guardianship authority is obliged to keep records of the imposed protective measures to persons who are protected by the protective measure and to the violent persons who have been imposed protective measures.

The content and format of the records referred to in paragraph 5 of this Article shall be prescribed by the Federal Minister of Labor and Social Affairs within 60 days of the date of adoption of this law.

The regulation on the manner of implementation of the measure referred to in Article 15 of this Law shall also contain the necessary records about the imposed measures and the form for keeping such records.

All records referred to in this Article shall be conducted in accordance with Article 18 of the Law on Gender Equality in Bosnia and Herzegovina ("Official Gazette of BiH", No. 16/03 and 102/09).

Records from this Article shall be submitted to the Gender Center of the Federation of Bosnia and Herzegovina no later than January 10 for the previous year.

Article 41

Obligations of the Police Administration

The police administration shall immediately notify the guardianship authority about the case of domestic violence, as well as provide official records of cases of domestic violence for registration and prevention.

Upon becoming aware of the non-enforcement of a sanction on the person to whom the protective measure has been imposed, the Police Administration shall without delay inform the competent court with a proposal for the imposition of fines in accordance with Article 45 of this Law.

VII. MONITORING OF THE IMPLEMENTATION OF THIS LAW

Article 43

Monitoring of implementation

Monitoring of the implementation of this law shall be done by the Federal Ministry of Justice.

The Government of the Federation shall once a year submit a regular annual report on implementation of the Law on Protection against Domestic Violence to the Parliament of the Federation of Bosnia and Herzegovina.

VIII. PENALTY PROVISIONS

Article 44

Misdemeanor sanctions

A fine in the amount of 500.00 KM to 1.500,00 KM shall be imposed for a misdemeanor by a person who is not acting in accordance with Article 8, paragraph 1 of this Law.

A fine in the amount of 100.00 KM to 500.00 KM shall be imposed for a misdemeanor by a person who is not acting in accordance with Article 8, paragraph 2 of this law.

A fine in the amount of 500.00 KM to 3.000,00 KM shall be imposed for a misdemeanor by an official who fails to comply with Article 8, paragraph 1 of this Law, if the child is a victim of acts of domestic violence in Article 7 paragraph 2 of this Law.

A fine in the amount of 100,00 KM to 3,000.00 KM shall be imposed for a misdemeanor by a person who is not acting in accordance with Article 8, paragraph 2 of this law, if the child is a victim of acts of domestic violence referred to in Article 7, paragraph 2. of this law.

Article 45

Non-compliance with imposed protective measures

A fine in the amount of 1.000,00 KM up to 1.500,00 KM shall be imposed for a misdemeanor by a person who does not comply with the imposed protective measure.

THE LAW ON PROTECTION FROM DOMESTIC VIOLENCE

Republika Srpska (November 2012)

Article 1

This Law regulates protection from the violence in a family or family unit (hereinafter: domestic violence), individuals who are considered as members of family or family unit in terms of this Law, subjects of protection, and procedure for protection of victims of domestic violence, establishing the Council for fighting against domestic violence, and misdemeanour sanctions against perpetrators of violent actions.

II- ACTS OF DOMESTIC VIOLENCE, VICTIMS OF DOMESTIC VIOLENCE, AND SUBJECTS OF PROTECTION

Article 6

(1) In terms of this Law, domestic violence shall represent any act of violence of a member of family or family unit, which endangers tranquility, mental, physical, sexual or economic integrity of another member of family or family unit.

(2) In terms of paragraph 1 of this Article, any act of violence which does not contain elements of a criminal offence is a minor offence, and especially the following actions:

- a) a threat of bodily harm to a family member or person close to him,
- b) a threat of taking children or throwing a family member out of apartment,
- c) exhaustion with labour, starvation, deprivation of sleep or rest necessary to a family member,
- d) upbringing children by treating them in a degrading manner,
- e) cutting of funds necessary for the existence of a family member,
- f) denial of the right to economic independence by prohibiting work or by keeping a family member in the subordinate position, or by threatening them or not providing them with, or by other forms of economic domination,
- g) verbal attack, profanity, calling names, or insulting a family member in other way,
- h) limiting the freedom of communication of a family member with his family members or third persons,
- i) damage, destruction or selling of joint property or property in the possession, as well as damaging or destroying of property owned by another family member, i.e. attempts thereof,
- j) stalking a family member,
- k) causing fear, humiliation, and feeling of inferiority, as well as other actions that do not contain the elements of criminal offence of violence in family or family unit.

(3) It is considered that the minor offence is committed if the offensive act is performed one time or more, and the action is defined by a continuous verb form.

Article 7

In terms of this Law, a family member or member of unit is defined as:

- a) married or former spouses and their children (mutual and from previous units),
- b) common-law and former common-law spouses and their children (mutual and from other previous units),
- c) in-laws up to the second degree of kinship, regardless of the fact that the marriage ceased to exist,
- d) parents of current and former spouses and common-law partners,
- e) relatives joined by full adoption in direct kinship (*linea recta*), regardless of the degree of kinship, and in the *linea colateralis* up to fourth degree of kinship, as well as relatives by incomplete adoption,
- f) persons linked by the same relation of guardians,
- g) persons who live or have lived in the same household, regardless of their relationship,

h) persons who have a child or whose child is conceived, but who have never lived in the same household.

Article 8

(1) A victim of domestic violence is entitled to psychosocial support, and social and medical care, in accordance with the laws relating to health and social care.

(2) In accordance with the law, the special aid and protection shall be provided to victim who is:

- a) a child,
- b) elderly person,
- c) disabled person,
- d) a person under guardianship.

(3) A child is a victim if he was present during a violent act against another family member, although the violent act itself was not committed against him.

Article 9

(1) Members of the Ministry of Interior (hereinafter: police), prosecution, centers for social work, i.e. service for social protection, medical and educational institution, and competent court (hereinafter: subject of protection), shall provide protection, aid and support to the victims of domestic violence.

(2) Subjects of protection shall comply with the provisions of this law and provide protection, support and aid to the victims of domestic violence and prevent repeating of crimes, regardless of whether there is a criminal or minor offence procedure against the perpetrator.

Article 10

(1) Victims of domestic violence are entitled to access to all subjects of protection and are exempt from all costs of the procedures.

(2) Victims are entitled to free legal aid in the proceedings of exercising their rights and protection, in accordance with the regulations governing the field of free legal aid.

III –THE PROCESS OF ACHIEVING THE PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE

Article 11

(1) Subjects of protection shall promptly provide immediate solving of issue of domestic violence, taking into account that interest and welfare of victims are priority in these proceedings, especially if the victim is a child, elderly person, disabled person or a person under guardianship.

(2) In cases of domestic violence, subjects of protection shall cooperate and share necessary data and information.

Article 12

(1) The members of the family, subjects of protection, employees in educational, social and health institutions, as well as any other citizens, who learn of occurrences of domestic violence or have reasons to suspect that domestic violence was committed shall have a responsibility to immediately report these incidents to the police.

(2) Upon receipt of a report on the occurrences of domestic violence, the police shall immediately inform the centre for social work, which shall immediately provide direct social protection and psychosocial help to victims, take other measure within its jurisdiction, and make an official report.

(3) The medical institution shall provide the victim with a free medical examination to determine the existence of violations of physical or psychological integrity.

(4) The police shall immediately inform the competent prosecutor about committed domestic violence and, along with the report, submit the collected evidence and information about it.

(5) If the competent prosecutor finds that there are no elements of criminal case in the act of domestic violence, the case shall be returned to the submitter of the report from paragraph 4 of this Law for further proceedings, in accordance with the law which defines the rule of criminal procedure.

(6) A request for initiating of misdemeanour proceedings for acts of domestic violence regulated by this Law may be submitted by:

- a) the police,
- b) other authorized bodies in accordance with the law which defines the minor offence, and,
- c) the injured party.

1. Emergency protective measures

Article 13

(1) Before starting the procedure or during the proceedings, emergency protective measures may be imposed on the perpetrator of domestic violence in order to avoid imminent danger to physical and mental integrity, to prevent recurrence of violence, and to guarantee the safety of victim.

(2) A misdemeanour department of the competent municipal court shall impose emergency protective measures.

(3) The police, authorized body, or injured party shall submit a proposal for imposing emergency protective measures, and these shall be imposed no later than 24 hours from the receipt of the proposal, i.e. from bringing the perpetrator of domestic violence to trial.

(4) Emergency protective measures shall be:

(a) Removal of perpetrator of domestic violence from the apartment, house or other residential dwellings and/or

(b) Issuing a restraining order and prohibiting the perpetrator from contacting the victim of domestic violence.

Article 14

(1) Emergency protective measures shall be imposed within a period that shall not be longer than 30 days.

(2) The judge of the Misdemeanour Department of the competent municipal court shall impose emergency protective measures from paragraph 1 of this Article by decision that may be appealed within three days from imposition.

(3) An appeal against the court decision on imposed emergency protective measure shall not delay its implementation.

(4) The council of the competent municipal court that issued decision shall decide about an appeal within 48 hours from the receipt of appeal.

(5) When leaving the apartment, house or other residential dwelling, the perpetrator of domestic violence shall have rights to take his belongings necessary for everyday life and shall hand over the keys to the apartment, house or other residential dwellings.

(6) The court that imposed the measure shall submit the decision for its imposing to the competent organizational unit of the Ministry of Interior on implementation and shall examine its implementation and justification within the period for which it is imposed.

(7) The way of implementation of emergency protective measure shall be defined by the Rulebook from Article 26, paragraph 3 of this Law.

2. Ensuring protection for victims of domestic violence

Article 15

(1) For ensuring physical protection and exercising rights and interests of a victim, the centre for social work or social care service, with assistance from the police, may issue a decision on temporary shelter of the victim in a safe house.

(2) Due to suffering violence, fear and anxiety, and in order to ensure physical protection and exercise of his rights, as well as to prevent recurrence of violence, a victim of domestic violence shall have rights to submit a request for using a special support measure-temporary shelter in a safe house to the competent social work centre or social care service.

(3) The safe house is a special support measure which provides safe accommodation and help to victims of domestic violence, which may be realized by legal entity.

(4) For the protection and safety of the victim, the police shall escort the victim into the house, apartment or other dwellings to take his personal belongings and belongings of other persons who left the living space with him, and which are necessary for satisfying daily needs.

(5) The measure referred to in paragraph 1 of this Article may be ordered for a period which is necessary to achieve the objective of the measure, but it may not last longer than six months.

(6) In justified cases, the duration of measure from paragraph 1 of this Article may be extended for another six months, i.e. until the termination and execution of the decision by which security measures are imposed on the perpetrator.

IV-SANCTIONS

Article 23

(1) Misdemeanour sanctions for protection from domestic violence are: a) penalties, b) measures of warning, c) protective measures and d) educational measures.

(2) Misdemeanour penalties are prison sentence and a fine.

(3) The warning measures are a reprimand and a warning probation.

(4) Protective measures are:

- a) removal from the apartment, house or other residential dwellings,
- b) a restraining order prohibiting contact with the victim of violence in family or family unit (hereinafter: restraining order prohibiting contact),
- c) prohibition from harassment or stalking victims of violence in a family or family unit (hereinafter: the prohibition from harassment or stalking victims)
- d) mandatory psychosocial treatment and
- e) mandatory rehabilitation.

(5) Corrective measures are judicial admonition and corrective measures of intensified supervision.

(6) The court shall impose sanctions in misdemeanour procedure which is initiated and implemented in accordance with the provisions of the law that prescribes minor offences.

(7) The purpose of misdemeanour sanctions from paragraph 1 of this Article shall be to influence the perpetrator and others that they do not commit the offence of domestic violence, to ensure the necessary protection of the health and safety of victims, and to eliminate the circumstances that favour and encourage acts of domestic violence.

Article 23a

Protective measures from Article 23, paragraph 4 of this Law may be imposed independently and without any penalties or other sanctions, and they shall be subject of direct enforcement of bodies which are authorized for their implementation, in accordance with the provisions of this Law.

Article 23b

The misdemeanour proceeding against juvenile perpetrators of domestic violence and imposition of corrective measure shall be implemented in accordance with the provisions of the law that prescribes minor offences.

Article 24

(1) Removal from the apartment, house or other dwellings as a protective measure shall be imposed on the perpetrator of domestic violence if he committed violence against a family member with whom he lives in an apartment, house or other dwelling, and if the competent court finds that there is a possibility that without the implementation of this measure the perpetrator may again commit violence.

(2) Without delay, the person to whom the measure from paragraph 1 of this Article was imposed shall leave the apartment, house or other dwelling in the presence of a police officer.

(3) The measure from paragraph 1 of this Article shall be prescribed for a period of time that may not be less than 30 days and not longer than six months.

Article 25

(1) Restraining order, as a protective measure, shall be imposed on the perpetrator of domestic violence if there is a risk that he might repeat the violence, or if the presence of the perpetrator of domestic violence near the victim may create a high degree of emotional suffering of the victim which prevents his normal mental activity.

(2) In its decision of imposing the protective measure-restraining order, the court shall define places and areas and the distances of at least 200 meters in which the perpetrator of domestic violence may not approach the victim.

(3)The measure from paragraph 1 of this Article shall be prescribed for a period of time that may not be less than 30 days and not longer than six months.

Article 26

(1) The protective measure-prohibition of harassment or stalking victims may be imposed on the perpetrator of domestic violence if the violence is committed by harassing or stalking, and there is a risk that he might repeat harassment or stalking victims.

(2)The measure from paragraph 1 of this Article shall be imposed for a period of time that may not be less than 30 days and not longer than six months.

(3)The Minister of the Interior shall issue regulation on the implementation of emergency protective measures that are the competence of the Ministry of the Interior and that are regulated in Articles 13, 24, 25, and 26 of this Law.

Article 27

(1) Mandatory psychosocial treatment, as a protective measure, shall be imposed on the perpetrator of domestic violence in order to remove abusive behavior, i.e. to reduce and remove danger of repeating violence.

(2) The measure from paragraph 1 of this Article may last until there no longer exists a reason for which it was assigned in the first place, but it shall not be longer than one year.

(3) The Minister of Health and Social Welfare shall issue a regulation on the manner for the implementation of the protective measure - mandatory psychosocial treatment

Article 28

(1) The mandatory rehabilitation, as a protective measure, shall be imposed on the perpetrator who has committed an act of domestic violence under the influence of alcohol or drugs or other psychotropic substances, if there is a risk that the perpetrator might repeat the act of violence.

(2) The measure from paragraph 1 of this Article shall be imposed for a period which is necessary for treatment, based on the opinion of competent specialized experts for treatment, but it may not last longer than a year.

(3) The Minister of Health and Social Welfare shall issue regulation on implementation of the mandatory rehabilitation from addiction as a protective measure.

Article 29

(1) The competent court may impose on the perpetrator one or more protective measure when there are conditions for their imposing by this Law.

(2) The competent court may ask the centre for social work:

- a) to provide assistance in obtaining the necessary evidence, and
- b) to deliver its opinion on purpose of the requested protective measure.

Article 34

(1) Subjects of protection and other bodies authorized to act under this Law shall keep records of actions taken under this Law and data on the number of initiated and completed procedures and other undertaken measures, and submit to the Ministry reports about it.

(2) The Ministry shall gather, process, and record the information on domestic violence.

(3) The Minister shall regulate the content of the records and reports of domestic violence from paragraph 1 of this Article.