



SARAJEVO OPEN CENTRE'S REVIEW OF THE REPORT OF BOSNIA AND HERZEGOVINA TO THE COMMITTEE OF THE PARTIES
TO THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND
DOMESTIC VIOLENCE (ISTANBUL CONVENTION)

I. Fundamental rights, equality, and non-discrimination (Article 4)			
1.	Have your authorities taken measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any grounds listed in Article 4, paragraph 3, of the convention, including in terms of the availability of services and the protection by law enforcement agencies?	Yes ☐	No ☒
1.1.	If yes, please specify:		
1.2.	[Optional question: if not, please specify the reasons]: While the state report lists a number of legislative guarantees of equality and non-discrimination, recent legislative developments raise concerns regarding the effective implementation of Article 4(3) of the Istanbul Convention. Despite the steps taken to harmonise the legal framework on violence against women and domestic violence with the Istanbul Convention, actions taken by the authorities of the Federation of BiH threaten to undermine the fundamental principles enshrined in the Istanbul Convention. The House of Representatives of the Parliament of Federation of BiH adopted the Proposal of the Law on Amendments to the Criminal Code in May 2025. The adopted Proposal introduced significant improvements of the Law, including comprehensive definitions of a family. These changes were aimed to bring the prevention and protection of the victims of violence closer to the mandatory standards of the Istanbul Convention. The Proposal of the Law has been developed by a working group that included law experts, but not civil society. Women's CSOs provided written inputs that were partially accepted by a working group and integrated in the Proposal of the Law. In June 2025, House of Peoples of Parliament of FBiH discussed the Proposal of the Law. One of the representatives, who is also member of conservative party in BiH and Head of the Legislative and Legal Committee of House of Peoples, objected the definition of "life partner" which was defined as an "individual who cohabits with another person in a relationship of a lasting or enduring nature". He called this definition an "attempt to legally recognise same-sex partnerships under the guise of protecting women from domestic violence and combating femicide". He therefore proposed amendment which would define "life partner" as "an individual who cohabits with another person of the opposite sex in a relationship of a lasting or enduring nature". Amendment was adopted by the House of Peoples; the Government promptly accepted the amendment and new Criminal Code came into force on the 9th of August 2025. Shortly after, a case illustrating the potential protection gaps for same-sex partners occurred in practice. A female police officers threatened to kill her former female partner and the partner's current partner. The authorities did not qualify the incident as domestic violence, but instead treated it as the lesser criminal offence of endangering security.		

This amendment raises serious concerns as it introduces a restrictive definition that excludes same-sex partners from protection, contradicting the spirit of international conventions such as the Istanbul Convention and human rights standards enshrined in the Constitution of Bosnia and Herzegovina. The purpose of the amendments to the Criminal Code of FBiH was to provide more effective, broader, and inclusive protection for victims of violence, regardless of their family or partnership status, in line with international standards that Bosnia and Herzegovina has committed to. The term “life partner” in this context must not be conditioned by the sexual orientation or gender of the partner. Protection from violence is one of the few issues on which most citizens in Bosnia and Herzegovina express clear support for LGBTI persons. This broad social consensus shows that violence is not, and must never be, a legitimate means of expressing disagreement or prejudice, and that all citizens deserve equal legal protection. Data from our research shows that one in five LGBTI persons who have experienced violence reported that the perpetrator was their partner. Same-sex couples exist and live in Bosnia and Herzegovina, although the law still does not recognise same-sex partnerships. As such, they have an undeniable right to protection from violence. The Criminal Code must acknowledge social reality - not for ideological reasons, but because one of its main purposes is the effective protection of people from violence. Claims that the definition of “life partner” in the Criminal Code introduces same-sex partnerships are both false and malicious. Criminal law does not regulate family or life partnerships, nor does it have the capacity to do so. Criminal law, among other things, protects people from violence, while family law recognises their partnerships. Both are essential for full equality of citizens. A law that protects victims of violence is not, and must not be, a platform for political battles at the expense of LGBTI persons. These issues signify a failure to effectively implement the provisions of the Istanbul Convention and uphold its principles of non-discrimination and protection of all individuals from violence.

It is particularly concerning given the activities in the Republic of Srpska that started in October 2023. The National Assembly of Republika Srpska unanimously adopted the Draft of the Law on Protection from Domestic Violence and Violence against Women in October 2023. The Proposal of the Law was under development, soon to enter the parliamentary procedure for the final adoption. The adopted Draft proposed significant improvements of the Law, aimed to, among other things, introduce comprehensive definitions of a family, femicide, violence against women, to improve procedure of issuing emergency protection orders by the police, enable free access to the safe houses for victims of violence without conditioning it with the decisions of the centres for social work, improve financing of the safe houses from the entity public budget, introduce mandatory individual support plans for victims of violence by the centres for social work, and introduce public budget support for the SOS helplines for victims of violence. These and other important changes were aimed to bring the prevention and protection of the victims of violence closer to the mandatory standards of the Istanbul Convention. The Draft of the Law was developed by a working group that included a representative of the women’s civil society organizations in the Republika Srpska that are providing specialised support and assistance to women and children victims of violence. Women’s CSOs also provided written inputs that were partially accepted by a working group and integrated in the Draft of the Law.

There were lobbying actions and ongoing public pressure of more than 20 (so called) “patriarchal” anti-gender organisations to withdraw this Law from the further procedure arguing that it threatens traditional families and introduces “LGBTI and gender ideology” into the legal system. Their arguments were publicly supported by the Republika Srpska President and the Prime minister, as well as the political parties that hold majority in the Republika Srpska Parliament.

At the session of the National Assembly of Republika Srpska, a group of political parties that hold a majority submitted the initiative for changes of the Criminal Code of Republika Srpska, aimed to remove terms “gender” and “gender identity” from the Code. This initiative was voted positively and integrated in the National Assembly Work Program for the 2nd quarter of 2024. During the ongoing round tables aimed to discuss the Republika Srpska Proposal of the Law on Domestic Violence and Violence against Women, government officials publicly announced intentions to go through all laws and policies in the Republika Srpska and remove references to “gender” and “gender identity”. Eventually, Criminal Code of RS was amended, and gender identity was removed as protected characteristic. The Protocol on the Protection of Children from Violence, Abuse and Neglect of RS was also amended by removing gender identity and sexual orientation as protected characteristics, after which Helsinki Citizen’s Assembly Banja Luka (NGO) filed an appeal to the Constitutional Court of RS. The Constitutional Court of RS decided that these amendments were unconstitutional, but only because the Protocol did not contain open list of protected characteristics. Also, the Constitutional Court of RS issued a decision finding that the wording “persons who have been or are still in an emotional or intimate relationship with each other, regardless of whether the perpetrator shares or has shared a household with the victim” in Article 190(6) of the Criminal Code, which regulates the criminal offence of domestic violence, is not in conformity with Article 5, indent 4 of the Constitution of Republika Srpska, which enshrines the principle of the rule of law. These actions are aimed to seriously undermine and weaken protection from violence prescribed by the Istanbul Convention for vulnerable groups and directly support discrimination against LGBTI persons. Arguments used by the patriarchal anti-gender organisations also refer that the Istanbul Convention is not mandatory for BiH, and these are publicly echoed by the parliamentarians. Furthermore, there are indications of inadequate prosecution of hate crimes and hate speech against LGBTI persons, as highlighted in the Analytical Report by the European Commission. These issues signify a failure to effectively implement the provisions of the Istanbul Convention and uphold its principles of non-discrimination and protection of all individuals from violence.

These developments have direct consequences for the availability and accessibility of protection services for LGBTI victims of domestic violence. In 2024, the Krila nade Foundation established the first safe house for LGBTI victims of domestic violence in Bosnia and Herzegovina with the support of the Council of Europe. However, despite the existence of this specialised service, LGBTI victims continue to face significant barriers in accessing shelter and protection. In practice, victims are generally required to report violence, at least to Centres for Social Work, in order for accommodation in a safe house to be financed from public funds. Due to frequent experiences

	of secondary victimisation and discrimination within institutions involved in the protection chain, many LGBTI victims lack trust in these institutions and are reluctant to report violence. As a result, access to safe accommodation remains limited in practice for this group.		
2.	Have your authorities taken measures contributing to prevent and combat violence against women who are or might be exposed to intersectional discrimination?	Yes ☐	No ☒
2.1.	If yes, please specify:		
2.2.	If not, please specify the reasons: While the state report refers to certain measures addressing the needs of vulnerable groups such as women with disabilities or Roma women, it does not sufficiently address the situation of LGBTI persons who may face intersecting forms of discrimination in the context of domestic violence. LGBTI persons experiencing domestic violence often face additional barriers in accessing protection mechanisms due to stigma, discrimination and a lack of trust in institutions involved in the protection chain. Reports from civil society organisations indicate that victims frequently avoid reporting violence to institutions due to fear of secondary victimisation. The establishment of the first safe house for LGBTI victims of domestic violence in Bosnia and Herzegovina by the Wings of Hope Foundation in 2024 represents an important step towards addressing these gaps. However, the sustainability of this service remains uncertain and structural barriers within the protection system continue to limit access to safe accommodation for LGBTI victims.		
II. Comprehensive and co-ordinated policies implemented under the responsibility of an adequately mandated and resourced coordinating body (Articles 7 and 10)			
5.	Which forms of violence against women covered by the Istanbul Convention are addressed by the plan/strategy? Please offer a brief description specifically indicating the forms of violence not previously addressed in plans or strategies at national level. The effectiveness of the legal framework aimed at preventing and combating violence against women depends not only on the existence of criminal offences, but also on how these offences are defined and applied in practice. In Bosnia and Herzegovina, despite certain normative improvements, a few shortcomings remain in the criminal legislation which limit the full alignment with the standards of the Istanbul Convention. While certain normative improvements have been introduced in the criminal legislation of BiH, several important gaps remain which limit the full alignment of criminal law with the standards of the Istanbul Convention. First, the Criminal Code of RS does not define rape based on the absence of freely given consent, as required by Article 36 of the Istanbul Convention. Although the Code prohibits the mitigation of punishment for this offence, the absence of consent-based definition remains a significant shortcoming. Second, the Criminal Code of Federation of BiH provides for a more lenient punishment where the perpetrator acted under an avoidable mistake regarding the existence of consent. This provision creates space for interpretations of victim's behaviour as implying consent and may contribute to the relativisation of the criminal offence of rape. Furthermore, the CC of FBiH explicitly provides that culture, customs,		

	religion, tradition or so-called honour cannot be considered as mitigating circumstances when determining the sentence for offences against life and bodily integrity, human trafficking, sexual offences, sexual abuse and exploitation of a child, and offences against marriage, family and youth. However, despite proposals from civil society organisations, the relationship between the perpetrator and the victim was not included among the circumstances that cannot be treated as mitigating factors. Finally, proposals from CSOs to introduce criminal offence of public incitement to violence and hatred, covering a broader range of protected characteristics including sex, sexual orientation or gender identity, were not accepted. According to the Ministry of Justice of FBiH, such amendments were not considered necessary in the context of the harmonisation of the CC with the Istanbul Convention. This position raises concerns regarding the recognition of hate speech and incitement to violence as forms of gender-based violence affecting women and LGBTI persons.		
III. Financial resources (Article 8)			
12.	Have your authorities allocated specific funds at the	Yes ☐	No ☒
	- national - and/or regional - and/or local		
	levels of government for activities to prevent and combat all forms of violence against women covered by the Istanbul Convention?		
12.1.	If yes, what is the annual amount of these funds? If possible, please specify the percentage of the total national state budget that the amount represents.		
12.2.	If not, please specify the reasons: While the State report refers to public funding allocated for shelter and support services for victims of domestic violence, the only specialised safe house for LGBTI victims of domestic violence in BiH does not receive funding from public budgets. In 2024, the Wings of Hope Foundation established the first safe house for LGBTI victims of domestic violence in BiH with the support of the Council of Europe. The shelter was initially funded through a one-year project, after which its sustainability became uncertain. Structural barriers within the existing protection system contribute to this situation. In practice, the financing of accommodation in safe houses generally requires victims to report violence, at least to centres of social work, in order for their accommodation to be covered by public funds. Due to frequent experiences of secondary victimisation and discrimination within institutions involved in the protection chain, many LGBTI victims lack trust in these institutions and are reluctant to report violence. An additional challenge stems from the territorial organisation of the shelter system. Safe houses are primarily funded and managed at the cantonal level and are generally intended to accommodate victims from the canton in which they operate. Accommodation of victims from other cantons requires cooperation agreements between		

	cantonal ministries of social policy and centres for social work. As this is currently the only safe house for LGBTI persons in the country and it receives beneficiaries from across BiH, the absence of such cooperation agreements, partly due to persistent stigma against LGBTI persons, significantly limits access to safe accommodation, particularly for victims outside Sarajevo Canton, who constitute the majority of the shelter's beneficiaries. While LGBTI victims of domestic violence may in principle seek accommodation in existing shelters for women victims of violence, these facilities are not always able to provide an environment that adequately responds to the specific needs of LGBTI persons. Survivors may face concerns related to stigma, discrimination or lack of understanding of their sexual orientation or gender identity, both from other residents and from staff who may not have received specialised training to support LGBTI victims of violence. For this reason, specialised services that are able to provide safe, confidential and inclusive support remain an essential component of an effective protection system for all victims of domestic violence. Authorities should ensure sustainable public funding and institutional support for specialised services supporting LGBTI victims of domestic violence, including shelters accessible from across BiH, in line with Article 8 and 23 of the Istanbul Convention. In addition, significant gaps remain in the availability of specialised support services for survivors of sexual violence. A recent development is the adoption of a Protocol on the handling of rape cases in Sarajevo Canton, which foresees the establishment of a specialised centre for supporting survivors of rape through a dedicated unit within the General Hospital "Prim. dr. Abdulah Nakaš". However, at the time of writing, this centre has not yet become operational. As a result, survivors of sexual violence in Bosnia and Herzegovina still lack access to fully functioning rape crisis centres providing integrated medical, psychological and forensic support, as required by Article 25 of the Istanbul Convention.		
IV. Non-governmental organisations and civil society (Article 9)			
16.	Have your authorities taken measures contributing to further recognise, encourage and support the work of relevant non-governmental organisations and of civil society active in combating all forms of violence against women covered by the Istanbul Convention, including in terms of funding and co-operation?	Yes ☐	No ☒
If yes, please specify:			
If not, please specify the reasons:			
Recent developments raise concerns regarding the broader environment for the work of non-governmental organisations in BiH. Civil society organisations play a crucial role in providing specialised services to victims of gender-based violence, including shelters, counselling services and other forms of support that complement the work of public institutions. In 2023 and 2024, authorities in RS initiated legislative efforts to introduce a law on so-called "foreign agents", which would have imposed additional reporting obligations and restrictive labelling requirements on organisations receiving international funding. Civil society organisations, including those			

working on women's rights and protection from violence, warned that such legislation could significantly restrict their work and stigmatise organisations providing essential services to victims of violence. These developments occurred in broader context of increasing pressure from so-called anti-gender organisations, which have actively campaigned against legislation aimed at strengthening protection from gender-based violence. Sustained public pressure from such groups contributed to the withdrawal of the Draft Law on Protection from Domestic Violence and Violence against Women in Republika Srpska. The draft law had been developed in cooperation with women's civil society organisations and aimed to strengthen protection mechanisms in line with the standards of the Istanbul Convention. However, anti-gender organisations publicly claimed that the law was intended to introduce "LGBTI ideology" into the legal system and argued that the Istanbul Convention is not binding for BiH.

Although the proposed law was ultimately withdrawn from legislative procedure, these developments created uncertainty and pressure for civil society organisations and may have a chilling effect on organisations providing specialised support services for victims of gender-based violence.