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Legal regulation for treatment of victims of domestic violence in the Republic of Srpska

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Distribution and prevalence of violence on women

It is obvious that violence on women increases every year. Official statistics are being kept only sporadically and relevant data are being obtained mainly from non-governmental organizations.

The research of distribution and prevalence of violence on women in BH on a representative sample showed that 47.3% of female respondents in the Republic of Srpska were exposed to some form of violence and in the majority of cases the perpetrators are their current or former partners. According to available data from the police of the Republic of Srpska for 2012, the total number of submitted reports on criminal offences concerning domestic violence or violence in family community in accordance with art. 208 of the RS Criminal Act is 253 while the number of reports/requests for initiation of misdemeanour proceedings for domestic violence or violence in family community in accordance with art. 6 of the Law on Protection from Domestic Violence is much higher, i.e. 1360. Despite all efforts to prevent in a systematic way domestic violence and violence on women, and to monitor the growing or falling trend of these cases through official records and data for purposes of undertaking appropriate and efficient measures for prevention and protection of victims, the information from the Ministry of Internal Affairs for the period 2000 – 2012 is very worrying because there were 123 murders within families out of which 68 are murdered women victims of violence. Apart from the fact that women victims of violence represent more than half of murdered persons when considering murder cases within families, women victims of domestic violence also represent more than one third of the total number of murdered persons in the Republic of Srpska.

Information in non-governmental organizations confirm the fact that domestic violence, i.e. the number of reported cases of domestic violence is increasing every year. In 2012, there were 96 women and 119 children placed in safe houses. In the period 2007 – 2012, there were 716 women and 887 children placed in safe houses in the Republic of Srpska while the number of calls on SOS help line for victims of domestic violence increased from 1264 in 2005 to 25.476 calls until end of 2012 (4.303 in 2012) out of which 98% of victims were females¹.

Despite all attempts of responsible institutions, in the region of Herzegovina there has been recently an increased number of domestic violence cases where victims are usually wives. In Eastern Herzegovina there were 45 reported cases of this form of violence, which is four times higher in comparison to ten years ago. According to statistical indicators, men from Trebinje are most violent to their wives and they are charged with 24 of these crimes. There were 10 reported domestic violence cases in

¹ Report on implementation of the Strategy to Combat Domestic Violence in the Republic of Srpska for 2012, Gender centre – Centre for Gender Equality of the Government of the Republic of Srpska, available at:

<http://www.vladars.net/sr-SP-Cyrl/Vlada/centri/gendercentarrs/media/vijesti/Documents/Izvjestaj%20o%20sprovodjenju%20Strategije%20za%20borbu%20protiv%20nasilja%20u%20porodici%20u%20Republici%20Srpskoj%20za%202012%20fv%2004%2003%2020.pdf>

Gacko, six in Nevesinje and five in Bileća. Domestic violence has not been reported in municipalities Berkovići, Ljubinje and Mostar-East².

According to information from the Ministry of Internal Affairs of the Republic of Srpska for the period 2006 – 2011, there were 2093 crimes of domestic violence registered in accordance with art. 208 of the Criminal Code of the Republic of Srpska and in the period 2008 – 2012 there were 4054 misdemeanours registered in accordance with art. 6 of the Law on Protection from Domestic Violence³. (Data from the Gender Centre from a presentation held in Derventa in October, 2012)

The recording and collecting of data on domestic violence in BH generally and in the Republic of Srpska represents a serious issue that indicates that the adoption of the first Law on Protection from Domestic Violence has not been followed by a determined and comprehensive political readiness to implement the law and consider its effects. This Law did not prescribe the obligation to record and collect statistics on domestic violence. This has been prescribed only in the new Law on Protection from Domestic Violence, which came into force in November, 2012 (art. 34). Article 34 prescribes the obligation to keep records on all activities undertaken in accordance with this Law for all subjects of protection and other bodies authorized to proceed, the competence of the Ministry of Family, Youth and Sports to collect, process and record data on domestic violence, as well as the adoption of a Rulebook on the content of records and reports on domestic violence. The Rulebook on the content of records and reports on domestic violence has been adopted in mid of 2013.

There are no systematized data of subjects of protection for victims of domestic violence – except police statistics – for the period in which the research has been conducted, which has been observed by the United Nations Committee on elimination of all forms of discrimination on women in its concluding commentaries about the last considered report from Bosnia and Herzegovina:

The Committee expresses its concern due to lack of statistical data on cases of domestic violence on women as well as due to the fact that such acts remain unreported and are still being considered a private matter. [...] In addition, the Committee encourages the Member State to collect data on domestic violence cases, to continue to elaborate sustainable strategies to combat these forms of human rights violation⁴.

² <http://www.klix.ba/vijesti/crna-hronika/nevesinjac-pretukao-suprugu/131128026>

Herzegovinians are increasingly beating their wives

<http://www.oslobodjenje.ba/crna-hronika/hercegovci-sve-cesce-tuku-supruge>

Herzegovinians are increasingly maltreating their wives

<http://bilecatraconlajn.blogspot.com/2013/11/hercegovci-sve-cesce-maltretiraju-svoje.html#more>

³ According to Criminal Code, one case per day, bearing in mind that the misdemeanour data relate for the period from 2008 and the average is, therefore, 3 cases per day in the period of 4 years (Tijana Arambašić Živanović, Gender Centre of the Government of the Republic of Srpska, presentation in Derventa in October, 2012).

⁴ Committee for elimination of all forms of discrimination of women, (2006). Concluding commentaries Bosnia and Herzegovina, CEDAW/C/BIH/CO/3,

Unfortunately, recommendations of the CEDAW Committee did not influence the resolution of this issue in the period until the submission of the next report, which has been considered this year. Gender centers on entity levels bridged this space partially by collecting data from the police and centers for social welfare and, later, from NGOs and that improved the manner in which domestic violence cases are being recorded in centers for social welfare and the police.

Since 2000, when domestic violence has been incriminated, the RS Ministry of Internal Affairs did not keep separate records on domestic violence but rather classified this crime under “other criminal offences”. In addition, during the first several years, the submission of misdemeanor charges for domestic violence has not been separated from other forms of misdemeanors.

The biggest issue is court statistic and it is almost impossible to obtain the number of pronounced verdicts for domestic violence, except that requests for provision of information are being sent to all primary courts. It is the same case with protective measures pronounced in accordance with the Law on Protection from Domestic Violence.

This is the evaluation from the already stated report of the Gender Centre of the RS Government.

A further issue is that recording and keeping of these data – in comparison to the standards of the Council of Europe – is still being kept on the first level, which includes basic data on victims and perpetrators, information on crime committed, number of reported and processed cases, as well as pronounced and implemented measures. This means that we still do not have data from the second and third level (course and duration of procedure for processed cases, results of pronounced sanctions and implemented measures and effects on reduction of violence, positive and negative effects of implemented measures on persons who were exposed to violence as well as effects of application of a higher level of standards by protective subject institutions) and that in certain sectors (health and social care and, partially, judiciary sector) a comprehensive and systematic monitoring of these cases has not been established.

Risk factors

Risk factors on the side of the perpetrator include a violent model for conflict resolution in general and particularly intensive physical abuse of the partner and verbal aggressiveness, murder threats towards the victim, mental disorders such as alcoholism, alcoholophilia, paranoid or schizophrenic psychosis, depression or specific personality traits (psychopathic structure, passively dependant personalities), unemployment or a weak financial situation, low level of education, possessiveness or jealousy towards his partner. The most important risk factor on the side of the partner is the attempt to escape the control of the male partner, i.e. abandoning the relationship.

Analysis of reports in print media on domestic violence

The analysis of three daily papers “Fokus”, “Glas Srpske” and “Nezavisne novine” from the Republic of Srpska encompasses a period from January 10, 2011 to June 30, 2011, thus altogether 171 day. During that period, there were 610 domestic violence cases reported to the police in the Republic of Srpska, out of which 15 in Trebinje. The analysis of listed print media, which is considered as the most respectable in RS, showed that only 27 articles have been published in that period and the public has been informed about 28 cases of domestic violence.

From this number, only one case is from Trebinje.

From this number, three articles are from the court – thus, information on the process and/or verdict for a committed crime of domestic violence, including a murder case of a sister in law and injuring of a brother, a cruel murder of a mother committed by her son and a step father who committed promiscuous acts over his two minor step daughters.

From that number, only one case has been followed in its entirety from the murder to the verdict, and that is the case of the murder of a sister in law and injuring of a brother. Only the case of a step father who committed promiscuous acts over his step daughters has been published on the front page of one of the papers under the title “Eleven years for the promiscuous step father”. All of the papers provided much more attention to this case – large text with full name of the perpetrator, appropriate text for the benefit of victims and no picture of the perpetrator.

Otherwise, only in the case where a son murdered his mother in a cruel way by beating her to death, a photograph of the perpetrator has been published. A photograph of the perpetrator has been shown in another case as well as a publication on the front page. This is the case where a father murdered his son but it is a case that involves a famous personality, i.e. the victim is the father of a globally known sportsman and the perpetrator is his grandfather, so the case has been treated as exclusive news following this sportsman and his reaction rather than the case itself. This was the only case about which papers reported for two days.

Otherwise, other cases reported on domestic violence with an epilogue – seven cases with 9 murders out of which two ended in suicide, one person missing in the moment of acute violence with suspicion of suicide/murder, rape, three cases that include gunfire, one case of wounding, one case where the victim has been stabbed several times with a knife, 8 cases with mild forms of bodily injuries, two cases that include serious death threats followed by confiscation of arsenal of weapons – in one case guns, bombs, pistols and in the other case only bombs, destruction of property in two cases and only in one case information on reported domestic violence due to insulting - this news has been published only by one press agency as a very short information with initials.

From the total number of 11 murdered persons, in three cases the victim was the wife, in two cases the father, in two cases the mother, in one case the son and in one case the step son with his child and father as revenge to the wife who abandoned him.

In these cases, the perpetrators were:

- Husband – in 13 cases;
- Son – in 10 cases;
- Brother – in 5 cases;

- Father – in one case;
- Step father – in one case

In these cases, victims were:

- Wife – in 13 cases (current, former or unmarried wives);
- Mother – in 4 cases;
- Daughter – in 2 cases;
- Two step daughters – in one case;
- Step mother – in one case;
- Father – in 5 cases;
- Brother – in 5 cases;
- Son – in 3 cases.

It is obvious that the majority of the articles barely comment domestic violence, the above listed risks are never being asserted by the media. Reports in the media on domestic violence are usually a side information with a note that this is a domestic violence case and include only scarce information on the victim but in cases where the husband murdered his wife they usually comment that he was otherwise “a good man”, “no one expected this because he used to be a very calm and good man”. On the other side, in the case where a whole arsenal of weapons has been confiscated, only one newspaper mention that this is a case of domestic violence and that he threatened to kill his wife; a second newspaper shortly states that he was reported for threatening his wife; and the third newspaper does not mention at all the wife or violence but solely illegal weapons. Of course, this case includes only the perpetrator’s initials.

In the second case, where the police confiscated a hand grenade, the information that has been published in two of the three press agencies states only the perpetrator’s initials and the information that he verbally attacked and threatened his wife; there is also the information that the police determined that he was drunk and they will submit a report for illegal making and dealing with weapons or explosive devices.

In almost 70% of cases the text was very short, in 20% of cases it was a small article and only in 10% of cases the text extended over 50% of a page. It is interesting that these larger or smaller articles are designated to cases where the victim is not the wife but usually a second male person or mother while in one case victims were step daughters.

The manner of reporting usually does not benefit the victim, particularly if the victim is a woman, e.g.:

- In the case where a father denounced his son for domestic violence, they state the full name of the father and initials of his son as if the father should be punished for this rather than his son

- In the case where the husband has been violent towards his wife, sending her and her family death threats, the text is very short while in the same newspaper issue the text is much larger about brothers who had a fight with each other while being drunk and then they attacked police officers who came to reconcile them

- In the case of a missing wife, only one short text says that the young wife has been abused several times by her husband, that she run away several times to her parents and that her parents accuse the husband for her disappearance. All papers published that she attempted to leave her husband due to violence together with her two small children, that her husband caught her and took the children from her and after that she returns to

her husband (that is what she said to her parents where she came) and she disappears after that. All papers also published a statement of the perpetrator's brother who claims that the victim has never been abused by his brother and that he is not a violent person. The text includes a photograph of the victim.

- In the case where a step mother has been raped by her step son, one newspapers state in the title that he is a suspect, the other state that he raped her and the third newspaper do not have any information about it. Even those papers that have a correct title and text because it was a case of rape that has been determined immediately and with visible injuries, there is a rather discriminating photograph that instigates promiscuity rather than violence. Of course, the text includes only perpetrator's initials despite the fact that the act has been immediately documented.

- In case of murder of unmarried wife, there is only short information

Only in one case of violence against wife from a total number of 13, the entire text is correct and benefits the victim. The full name and surname of the perpetrators is given, what crime he committed and what procedures have been initiated against him, including the description of his previous exertion of domestic violence over her. In most of the cases of violence against women, it is stated that this is a returnee (a person for whom this is not the first case of violence against that woman) but without listing previously undertaken measures, except in the mentioned case.

Texts that report in a correct way about the victim with a level of disapproval of violence are texts about violence on brothers or fathers committed by another brother or son. Usually, in these cases, the names of the perpetrators are also being published.

It has been informed about a court epilogue only in three cases of domestic violence and none of them is a case of violence against a wife. In the majority of articles – around 80% - there is no mentioning of undertaken measures against the perpetrator in terms of processing or according to which legal grounds they have been undertaken or the epilogue of court verdicts! This leads to the conclusion that media still do not report appropriately about domestic violence, particularly violence on women, except if the victim is a mother. In order to learn about court practice, it is not possible to use media reports because it is obvious that domestic violence is not interesting for reporting and monitoring, which indicates the level of interest of citizens or readers for this subject. However, this attitude of the media reflects the attitude of the society towards this subject and they can be used as quantitative if not qualitative indicators.

Selection of recent cases presented in the media according to the criterion of representation for specific forms of domestic violence in the Republic of Srpska

Cases in 2013 with fatal outcome

The most common causes of violence on women, as explained in the media, include poverty and alcoholism but these are stereotypes and explanations that neglect the social "admissibility" of male violence contributing that violence is being presented as an incident rather than part of traditional gender roles and widely accepted social relations between women and men. In this context, alcohol and poverty may only intensify the existing relations based on the domination of men and subordination of women. It is

important to emphasize the non-existence of the fact that any of the media articles researched deeper into the problems and indicated the lack of reaction, inappropriate reactions in an untimely manner by various institutions, thus giving in this way "green" light to a long-term, continuous violence.

April

Admir Biberović (28) from Gračanica has been arrested on April 26, 2013 under the suspicion that he murdered with a pistol his mother in law Vahida Kosovac (53) and severely wounded his wife Emina Biberović (33). Biberović run away after he committed the crime. The police found him quickly, made contact with him and suggested that he should surrender in the nearest police station. Biberović surrendered around two hours after the crime; he handed out the pistol that is probably being used while committing this crime. The family tragedy happened in the home of the murdered Vahida Kosovac. Allegedly, Biberović came to pick up his wife Emina, who left him six days earlier together with their daughter and went to her mother. Neighbors said that Emina left her husband because he abused her physically. They said that they have heard that Vahida was arguing with her son in law saying that her daughter will not come back because he is constantly beating and abusing her. "I heard when he said that something will happen if Emina does not go back with him. I saw him putting his training shoes on in front of the house and calling his wife. When his mother in law confirmed that Emina will not go with him, he took a pistol, murdered Vahida and wounded Emina." said one the neighbors. Emina and Admir have a six-year old daughter while Emina has a 15-year old son from her first marriage who lived with his grandmother Vahida⁵. Mina Biberović was brought to the Clinical Centre in Banja Luka with a shooting wound in her wrist and on her head as well as a bullet in her neck. She has been transferred to the Clinic for Traumatology and, so far, her life is not endangered. Admir's parents, father Ćazim and mother Behija built a large house and the Biberović family had a reputation of a hardworking and decent family. This was not sufficient to their daughter in law Mina, and she left her husband seven days ago saying that she will marry again in May to someone in Tuzla. Allegedly, she started her new relationship via Facebook. "We loved to work, we had a good life. We gave one floor in the house to our son and daughter in law. He was hardworking, didn't even drink a beer, wasn't able to kill even a chicken. She made him a killer because he was not able to accept that she left him. He loved her and he used to say that he will kill himself if she does not come back", says Admir's mother Behija. A day earlier, Admir said that after his wife Mina left him, life does not exist for him anymore. He used to say that she is spending day and night in front of the computer surfing on the Internet. "Facebook is the reason for the tragedy, she found someone there", says Admir's neighbor⁶.

⁵ http://www.glassrpske.com/hronika/crna_hronika/Vukosavlje-Ubio-punicu-ranio-suprugu/lat/117071.html

⁶ <http://www.avaz.ba/vijesti/crna-hronika/ljubomorni-muz-ubio-punicu-i-ranio-suprugu>

August

Dalibor Mitrović (37) from Kneževo has been arrested because he attempted on March 8, 2013⁷ to murder his pregnant wife with whom he already has seven children. He wounded her in their home in the settlement Bokani near Kneževo. He fired one gunshot in his pregnant wife from a military gun for which he does not have a permission. The gunshot hit his wife in her wrist. The tragedy could have been much worse because the gunshot broke the window and pieces of glass injured their 17-year old son. At first, it has been reported to the police that the pregnant woman injured herself but the investigation showed the opposite. The inhabitants of Bokani and acquaintances of Mitrović said today that the suspect is known for his violent behaviour and that his family lives in unseen poverty and misery. They live together with his parents in an old house. Nearly all of them sleep in one room. "The man does not work, and makes children, nearly one each year. No one knows what this woman has done to him that he is shooting at her", says one of Mitrović's acquaintances who wants to remain anonymous⁸. He adds that Dalibor is known as a ruffian but no one thought that he might direct his gun towards the woman who gave birth to his seven children and soon will give to their eighth child.

October

Femicide followed by a suicide of a women's killer

On October 14, 2013, Žarko Radovanović (54) from Bijeljina killed his wife Stana (52) by shooting her with a pistol and after that he committed suicide by firing a shot in his head. This family tragedy happened in their family home in the village Glavičorka near Bijeljina and according to unofficial data, Žarko has been treated previously for its mental illness. Stating the initials of both Radovanović spouses, the Centre for Public Safety Bijeljina informed that Žarko burned down his two vehicles "Golf 5" and "Vento" before he killed himself. Žarko also attempted to burn down his neighbour's family house, after which he committed suicide in the yard of his cousin. A source close to the investigation confirmed that Žarko shot his wife Stana in the kitchen in a condition of complete mental breakdown. He was treated in the past for his mental issues in a hospital in Austria. It is assumed that his mental health deteriorated and this was the reason for this crime⁹. The team of the Emergency Service from the Health centre Bijeljina arrived at the scene and transferred Žarko to the Medical Centre where he died, most likely as a result of the injuries that he caused himself by shooting into his head from fire weapon, a pistol. The prosecutor on duty ordered an investigation and conduction of all other measures and actions necessary to clarify this incidence. Members of the fire brigade in Bijeljina localized the fire that was caused by Žarko when attempting to burn down his neighbour's house. At first, the police did not even know that Radovanović killed his wife in a frenzy attack that shocked all inhabitants. In other words, the police have been informed through the duty telephone line that Radovanović

⁷ http://www.glassrpske.com/hronika/crna_hronika/Knezevo-Pokusao-ubiti-trudnu-supругu-i-povrijedio-sina/lat/129702.html

⁸ <http://www.nezavisne.com/novosti/hronika/Dalibor-Mitrovic-ranio-trudnu-supругu-i-sina-204204.html>

⁹ http://www.glassrpske.com/hronika/crna_hronika/Bijeljina-Ubio-supругu-pa-sebe/lat/136333.html

burned down his two luxury vehicles, attempted to burn down his neighbour's house and committed suicide in his cousin's yard. Only when the policemen entered the Radovanović home, they found Stana in the kitchen lying in a pool of blood. The investigation showed that Radovanović killed his wife in the kitchen of their family home by firing a shot from his pistol into the head of the poor woman. What was the reason for committing this crime will be shown in further investigation, said a source close to the investigation¹⁰.

November

Vaskrsija Milaković (78) has been arrested on Sunday, October 11, 2013 under the suspicion that he killed his wife Slavka (75) with a cutting board in their family home in the settlement Milaković, in Potkozarje near Banja Luka. Allegedly, after the murder Vaskrsija went to his cousin who lives nearby and said "that he made a mess, killed his wife". The County Prosecution informed that Vaskrsija is suspected to have murdered his wife with a wooden item on Sunday around 2 p.m. After the hearing in the prosecution, a detention has been ordered for Vaskrsije Milaković. A relative of the Milaković family said that Vaskrsije murdered Slavka with a broken cutting board while she was lying on the couch and that he said that he does not know why he did this. The cutting board, which is the murder weapon, has been found. Other relatives and friends of the Milaković family said that Vaskrsija and Slavka lived together for 50 years and that they had no arguments, so no one knows why he did this. It is not possible to assume why he did this. It can be only suspected that he did this due to dementia and grief for his daughter who died in a traffic accident several years ago. The death of his daughter was difficult for Vaskrsije, he never came over it. Villagers say that Vaskrsija was ill several months ago and he recovered only slowly. They said that he seemed mentally "lost" and that he did not know what he is talking about or where he was¹¹.

Domestic violence cases in the Republic of Srpska in 2013, physical violence, attempted murder

January

The police in Teslić arrested a man, M.K. after he physically attacked his wife and minor children on Christmas and threw them out of the house. This has been announced from the Centre for Public Safety Doboj. Taking into account that this is a person who has already been treated, M.K. has been transferred to the neuropsychiatric unit of the hospital in Doboj. After the documenting, a request will be submitted for initiation of misdemeanour proceedings against this person in the Primary Court in Doboj for violation of the Law on Protection from Domestic Violence¹².

¹⁰ <http://www.nezavisne.com/novosti/hronika/U-pomahnitalom-pohodu-ubio-suprugu-zapalio-auta-pa-se-ubio-213580.html>

¹¹ http://www.glassrpske.com/hronika/crna_hronika/Suprugu-usmrtio-daskom-zameso/lat/138946.html
<http://www.klix.ba/vijesti/crna-hronika/banja-luka-ubio-suprugu-tvrdim-drvenim-predmetom/131111030>

¹² <http://www.avaz.ba/vijesti/iz-minute-u-minutu/napao-suprugu-i-maloljetnu-djecu-a->

A male person with initials T.K. physically attacked his unmarried wife G.T. on January 10, 2013 in Cvrtkovci – municipality Doboj and after that she crashed her father's vehicle. After the documenting of this domestic violence case and damage of foreign property, the police will undertake against T.K. legally prescribed measures and actions, says in the announcement¹³.

Male person, with initials A.Š. from Pale has been arrested because he fired on January 11, 2013 several shots from firearms and threatened to kill his wife and their minor son. The incident has been reported to the Police station Pale by his wife D.Š. Immediately after the report, policemen arrived at the scene and arrested A.Š. While searching the family house, police found a certain amount of ammunition of various calibres.

A male person with initials P.S. from Trebinje has been arrested on January 24, 2013 because he is suspected that he attacked his wife and their minor child. This has been announced from the Centre for Public Safety /CJB/ Trebinje. It is also said that the police found one hand grenade in the house of P.S. The documenting of the crime domestic violence or violence in family community is currently ongoing and the crime of unauthorized making and dealing with weapons or explosive items. The Centre for Public Safety Trebinje confirmed to Srna that this is the third case of domestic violence since the beginning of the year out of which two were committed in Trebinje and one in Gacko¹⁴.

June

The Primary Court in Banja Luka ordered on June 6, 2013 a one-month detention for Borislav Jakovljević (67) from Radosavska near Banja Luka after he has been suspected for attacking and abusing his mother Dragica (91) and his wife Spasenija Jakovljević. He is suspected to have threatened his wife and mother early in the morning on June, 3 in a drunken condition (he pushed his wife on the ground, put the hay-fork on her chest and threatened to kill her) and, thus, committed a crime domestic violence or violence in family community. Spasenija Jakovljević said that she is exposed to beating and threats by her husband for more than 20 years. Her husband was even convicted for six months in prison. In addition, he is abusing his mother who is disabled for more than six years and Spasenija takes care of her. Some three or four years ago, he has beaten her with a hot shovel that he used for making of fire. "At that time, I barely survived and he was arrested by the police. Later, he was convicted to six months in prison. When he went to prison he promised that he will change and that he will never drink alcohol again. I visited him regularly, provided him with clothing and food while in prison, because I was hoping that he will be a different man when he comes back", says Mrs. Jakovljević. The first day after his imprisonment, he came home drunk and beat her. He continued to beat her. They have three sons who live in Munich, Germany and they said that they are not coming home again because they cannot stand this. Whenever they come, he attacks

onda-ih-istjerao-iz-kuce

¹³ <http://www.nezavisne.com/novosti/hronika/Fizicki-napao-nevjencanu-supругu-tastu-polupao-automobil-174851.html>

¹⁴ <http://vijesti.in.rs/vijesti/trebinjenapao-supругu-i-dijete>

them, chases them around the house, wants to beat them, he said that he will kill them and his five grandchildren. She said that she would go to their sons in Munich if there wasn't his mother, but she cannot leave her with him because she is afraid that he may kill her if she leaves. He was saying in the village that he needs someone to dig a grave and that he will put his mother into a bag and bury her alive. She emphasized that she tried in any possible way to take him to medical treatment but he never stayed for long in the hospital. Doctors sent him twenty times to the psychiatry and various other treatments, but he run away and continued to maltreat his mother and myself. At one occasion, doctors said that they should not bring him again to the hospital because they do not know what to do with him. Employees from the Centre for Social Welfare also came and tried to help me, but he kept saying that he is stronger than all the others and no one can do him any harm. The neighbours of Borislav Jakovljević's family said that people in Radosavska are aware that he is maltreating his wife and mother but they or the police could not stop him. When he is sober, he is a very good man and always willing to help, but when he was drunk he would immediately become problematic and ready to fight and argue – was confirmed by neighbours¹⁵.

Police in Doboj is searching for a man who physically attacked his ex-wife on June 26, 2013 and took with him their six-year old child with whom she had previously left their illegitimate relationship. The Centre for Public Safety Doboj announced that the suspect B.Z. arrived in a drunken condition in the flat that his ex-wife uses as a tenant and after a short argument he smashed the furniture, injured his wife by beating her with his arms all over her body and took their six-year old child with him¹⁶. The injured woman has been taken to the Health Centre Doboj for medical treatment. The prosecutor on duty in the County Prosecution Doboj and the Centre for Social Welfare were informed about the incidence. Currently, they are working on finding the perpetrator of this crime, domestic violence or violence in family community¹⁷.

November

A male with initials M.D. from Trebinje has been arrested on November 19, 2013 after he has been reported for physically attacking his wife and causing her bodily injuries – this is announced from the Centre for Public Safety (CJB) Trebinje. It is also announced that the documenting of a crime domestic violence or violence in family community is ongoing. According to unofficial information, this is the first time that M.D. has been reported for domestic violence. In the Centre for Public Safety Trebinje it has been said that this is the 23rd case of domestic violence on the territory of Trebinje this year and the 42nd case in Eastern Herzegovina. In most of the cases, it is about violence of husbands against their wives. In only one case in Trebinje, the wife caused bodily injuries to her husband. In municipalities Ljubinje, Berkovići and Mostar-East there were no domestic

¹⁵http://www.glassrpske.com/hronika/crna_hronika/Banjaluka-Vilama-prijetio-da-ce-ubiti-suprugu/lat/121568.html

¹⁶http://www.glassrpske.com/hronika/crna_hronika/Doboj-Pretukao-bivsu-suprugu-i-odveo-dijete/lat/124135.html

¹⁷http://www.glassrpske.com/hronika/crna_hronika/Doboj-Pretukao-bivsu-suprugu-i-odveo-dijete/lat/124135.html

violence cases during this year¹⁸.

A man, with initials M.M. from Nevesinje has been arrested on November 28, 2013 because he physically attacked and injured his wife – this has been announced from the Centre for Public Safety Trebinje. The police in Nevesinje is working on the documentation of the crime domestic violence or violence in family community.

December

The County Prosecution in Banja Luka proposed on December 11, 2013 to the Primary Court in Prnjavor to order a detention for Dragan Živković (33) from Prnjavor who is suspected for domestic violence or violence in family community. On Monday, December 9, 2013 around 7 p.m. the suspect has exercised violence over his parents in their family home. After the interrogation, the prosecutor proposed a detention order for Živković due to a high level of probability that the suspect may repeat his crime – has been announced from the County Prosecution. The judge from the Primary Court in Prnjavor, competent for the previous proceeding, will decide on the detention order. Unofficially, Srna has found out that Živković has been convicted twice for domestic violence or violence in family relationship and the Primary Court in Prnjavor confirmed two indictments for the same crimes¹⁹.

On December 20, 2013 the police arrested a man from Trebinje with initials M.S. for physical attacking of his wife and a man from Nevesinje with initials D.N. for violence on his brother - has been announced from the Centre for Public Safety Trebinje. The documenting of crime domestic violence or violence in family community is ongoing. There have been 52 cases of domestic violence registered in Eastern Herzegovina this year out of which 27 in Trebinje, 12 in Gacko, 7 in Nevesinje and 6 in Bileća²⁰.

Eastern Sarajevo – A woman with initials S.Ž. reported on December 24, 2013 to the police in Foča that her husband R.Ž. threatened, after a verbal argument, to kill her and their son. The police deprived R.Ž. from a pistol of type Perfect - has been announced from the Centre for Public Safety in Eastern Sarajevo. Bearing in mind that the victim said that she must not live with her husband, a proposal for pronouncement of an emergency restraining order has been submitted to the Primary Court in Foča²¹.

¹⁸ <http://www.avaz.ba/vijesti/crna-hronika/fizicki-napao-suprugu-i-nanio-joj-povrede>

¹⁹ http://www.glassrpske.com/hronika/iz_sudnice/Predlozen-pritvor-za-Dragana-Zivkovic-iz-Prnjavora/141382.html

²⁰ http://www.glassrpske.com/hronika/crna_hronika/U-Trebinju-napad-na-suprugu-u-Nevesinju-na-brata/142179.html

²¹ http://www.glassrpske.com/hronika/crna_hronika/Prijetio-da-ce-ubiti-suprugu-i-sina/142489.html

Cases of domestic violence on mothers by their sons in the Republic of Srpska in 2013, murders and physical violence

June

Wounds on the hands of Nevenka Drobac (75) indicate that she was trying to defend herself from her son Miroslav Drobac who slaughtered her. Nevenka died as a result of bleeding out from a deep cutting wound on her neck. The wound on her neck is deep and massive and the cut reaches up to the vertebral column. Nevenka had also a number of cutting wounds on her hands that could have been the result of her attempt to defend herself – has been stated on the trial on June 20, 2013. Miroslav Drobac is being accused in the indictment that he killed his mother on January, 22 this year in their flat in the Akademika Jovana Raškovića street in Prijedor. First, he had an argument with his mother and after that he caught her and began, in a wayward condition, to strangle her. After that, he took a kitchen knife with a blade length of 13 cm and slaughtered her. Then he left the flat with a bloody knife and blood all over him and went to the café bar "Metropolis" in the Miloš Obrenović street. He behaved in an aggressive way in the café bar, so the owner called the police that arrested him and transferred to the psychiatric unit of the General Hospital in Prijedor. At that time, it was not known that he killed his mother. He confessed it to the medical staff in the hospital. After the arresting, he said to the police that he did this following an order from "Jesus Christ and the Egyptians". He never showed aggressiveness outside the flat, but occasionally it was possible to hear loud noises. I knew that Miroslav is a mentally ill person. Allegedly, he was treated in Vrapče, Croatia. Miroslav lived alone and his mother visited and supported him financially²².

A.O. physically attacked his mother in Doboj on March 26, 2013²³, causing her visible injuries all over her body. Supported by the police, the medical staff from the Emergency Service of the Health Centre Doboj transferred the woman to the psychiatric ward in the hospital in Doboj, where she has been retained for treatment. A report on committed crime domestic violence or violence in family community will be submitted to the Public Prosecution in Doboj.

In Obudovac near Bosanski Šamac, M.M. (43) has beaten his mother I.M. with his hands and legs in a drunken condition. This has happened on May 9, 2013 and he caused her severe bodily injuries – has been declared by the doctors from the Health Centre in Bosanski Šamac. After criminal processing, the police will submit to the Public Prosecution Doboj a report on committed crime domestic violence against both perpetrators G.S. and M.M.²⁴.

The police in Derventa arrested on April 15, 2013 a man who yesterday physically attacked his mother with whom he lives in the same household. The police determined

²² http://www.glassrpske.com/hronika/iz_sudnice/Drobac-prije-ubistva-majku-isjekao-po-rukama/lat/123255.html

²³ <http://www.avaz.ba/vijesti/crna-hronika/dobojlija-tesko-pretukao-svoju-majku>

²⁴ <http://www.avaz.ba/vijesti/crna-hronika/nasilnik-u-obudovcu-pretukao-vlastitu-majku>

that the son, Lj.S. has beaten his mother all over her body with his hands and legs. After that D.S. has been transferred with an official vehicle to the Health Centre where she received medical treatment²⁵.

A man from Banja Luka, whose name has not been published, is suspected for hitting his mother and grandmother on January 8, 2013 several times with his fist - has been confirmed to newspapers "Nezavisne" by the police. The perpetrator was hitting these poor women on their heads and after that the police established that he was in a drunken condition. However, there were no further details published by the police on this incident²⁶.

The police in Trebinje arrested on January 8, 2013 a man with initials V.S. suspected for physical attack on his mother and causing of severe injuries – has been announced by agencies. This woman, with initials V.S., reported that she has been harassed and maltreated for a longer period by her son V.S. and husband V.N. – has been announced by the Centre for Public Safety Trebinje. The documenting of the crime domestic violence or family community is ongoing²⁷.

The twenty-one-year old D.M. from Trebinje has been reported to the police on February 19, 2013 for physical and mental maltreating of his mother for a longer period – has been published by agencies. The announcement from the Centre for Public Safety Trebinje says that the documenting of the crime domestic violence or violence in the family community is ongoing. This is the eighth case of domestic violence registered from the beginning of the year on the territory covered by the Centre for Public Safety Trebinje. In most of the cases these are criminal acts. Victims are in most of the cases wives, but recently there have also been cases of violence against parents²⁸.

Domestic violence cases in the Republic of Srpska in 2014

January

Femicide, including suicide committed by the murderer

Mladen Danilović (30) from Đumezlije near Jezero mistakenly murdered on January 24, 2014 Biljana Paić (40) from Vrbas, Serbia in the wedding saloon "Apolon" in Prisoj on Friday around 3 a.m. After that, he committed suicide by firing a gunshot in his head. The murdered Biljana Paić was the Deputy President of the municipality Vrbas in Serbia and she was visiting municipalities in the southwestern part of the Republic of Srpska together with two other officials from this municipality. The delegation from Vrbas was

²⁵ <http://www.avaz.ba/vijesti/crna-hronika/muskarac-iz-dervente-tukao-majku-nogama-i-rukama>

²⁶ <http://vijesti.in.rs/vijesti/banjaluka-napio-se-pa-pretukao-majku-i-baku>

²⁷ http://www.glassrpske.com/hronika/crna_hronika/Trebinje-Sin-uhapsen-jer-je-tukao-majku/lat/129707.html

<http://www.avaz.ba/vijesti/crna-hronika/maltretirali-suprugu-i-majku>

²⁸ http://www.glassrpske.com/hronika/crna_hronika/Trebinje-Prijavljen-da-zlostavlja-majku/lat/110093.html

placed in this building and they were sleeping on the same floor. Ms. Paić mistakenly used the room that is normally being used by the personnel employed in the café bar - said a source close to the investigation. He added that waitresses, when discovered that their room is locked, went to sleep in a different room. Most likely Danilović, after an argument with the waitress Bojana with whom he was in a relationship, went home, took a gun and returned angry with the intention to kill her; he broke the door of the room where he thought his girlfriend was asleep. As soon as he entered the room, he fired a shot towards Ms. Paić, who was asleep, from his hunting gun and because it was dark in the room he did not notice that it was not his girlfriend. When he discovered that he murdered the wrong woman, he went out to the corridor and fired a shot in his head. Ms. Paić has three minor children. "I am shocked with the tragedy. I knew Danilović, he was a good guy and I would never think that he would be able to do such a thing. He never caused problems or had any difficulties with the police. What was his motive for the crime will remain a mystery", says Živko Đukić, a citizen of Jezero²⁹.

On January 21, 2014, there was a new case of domestic violence in Trebinje, second in this year. As it has been announced from the Centre for Public Safety Trebinje, L.M. physically attacked his wife and caused her bodily injuries. The perpetrator has been arrested and the documenting of the crime domestic violence or violence in family community is ongoing. As a reminder, the previous case of domestic violence on the territory that is covered by the Centre for Public Safety Trebinje has been registered on January, 6 in Trebinje. During the past year, there have been 52 cases of domestic violence registered on the jurisdiction area of this Centre out of which the highest number in Trebinje³⁰.

February

In the home of the family Sprečo, located in Sarajevska Street no. 37 in Mravići, municipality Doboj-South, there was a real family drama on February 6, 2014. As we found out, Mustafa Sprečo (born in 1945) attacked, after an argument, at around 4 a.m. his wife Sadeta (born in 1947), hit her with a hammer causing her severe bodily injuries on her head and body. After that, he attempted to burn the house down and finally he cut his veins and amputated his reproductive organ with a knife. After admission to the Emergency ward, Mustafa has been diagnosed with visible head injuries, cuttings on both lower legs and amputated penis. After provided support, plastic surgery treatment, neurological and urological treatment, he has been sent to the psychiatric ward. His wife has been diagnosed with head injuries, including a broken skull bone, caused with a dull object, cuttings on the right lower leg and left wrist, and injuries caused through hitting on the left shoulder and chest. She has been retained in the Service for neuropsychiatry. According to Ismet Krlićević from Mravići, a friend of Mustafa and Sadeta Sprečo, the scene in the basement of the family house was dreadful. As he said, there were pools of blood everywhere³¹.

²⁹ http://www.glassrpske.com/hronika/crna_hronika/Jezero-Ubio-pogresnu-zenu-pa-pucaao-sebi-u-glavu-FOTO/145012.html

³⁰ <http://www.avaz.ba/vijesti/crna-hronika/fizicki-napao-suprugu-nanijevsi-joj-tjelesne-povrede>

³¹ <http://vijesti.in.rs/vijesti/drama-u-mravi%C4%87ima-izudaraao-suprugu->

Introduction

This report analyzes the court practice in processing crimes *Domestic violence or violence in a family relationship* and related crimes in five primary courts in the Republic of Srpska - Bijeljina, Trebinje, Banja Luka, Dobož and Sokolac. Taking into account that courts in the Republic of Srpska have the jurisdiction over several municipalities, perpetrators and victims that were included in the analyzed court practice originate from a much larger area than the territories of these five towns.

The analysis has been conducted by using passive monitoring methodology based on the contents of enforceable court verdicts that have been submitted by listed primary courts following the request of the analysts. While preparing the report, the analysts did not have access to other court documentation that preceded these verdicts nor did they participate in court proceedings. All courts submitted their verdicts on a voluntary basis following a written request and in accordance with the Law on Free Access to Information.

There were altogether 30 enforceable verdicts for crimes that have been analysed. Out of this number, 27 verdicts relate to criminal act Domestic violence or violence in family relationship according to art. 208 of the Criminal Act of the Republic of Srpska (KZ RS). Three verdicts have been pronounced for related crimes from the chapter of crimes against marriage and family and these relate to violation of family obligations (art. 209 of the KZ RS) and avoiding to pay alimony (art. 210 of the KZ RS). All verdicts have been pronounced in the period 2009 – 2012.

Verdicts have not been selected according to a specific criterion, however, from 50-ish available verdicts, those were selected that imply typical court practice (in applying material right, process law and type of sanctions) and indicate prevalent forms of domestic violence as well as the structure of victims and perpetrators. The selection of verdicts provided a result that does not match entirely the real structure of perpetrators of violence; convicted persons in all cases that these verdicts refer to are men though available statistical data indicate that perpetrators of violence who have been convicted are also women. However, according to available information, their participation in criminal processing for committing this type of crime is minor and it would require additional effort to search for verdicts where women have been sentenced for domestic violence.³²

[%C4%8Dek%C4%87em-potom-sam-sebi-amputirao-polni-organ](#)

³² All researches and analyses on criminal processing for domestic violence conducted so far do not pay specific attention to women as perpetrators of this crime. Within the report on results of monitoring of court processes for the crime domestic violence entitled „*Criminal responsibility and sanctioning of perpetrators of domestic violence*“ of the OSCE Mission to BH, the issue of women as perpetrators of domestic violence has not been separated and analysed. (http://www.oscebih.org/documents/osce_bih_doc_2012022017152706bos.pdf). Throughout a 10-month monitoring of court processes for domestic violence, the observers from two women's NGOs in RS – Udružene žene Banjaluka and organization of women “Lara” from Bijeljina did not have the opportunity to monitor at least one case of domestic violence where the perpetrator was a woman. See: *Monitoring and analysis of criminal processes*

The focus of analysis of verdicts was on:

- Qualification of the criminal act, i.e. appliance of material right;
- Duration of the process;
- Appliance of process right;
- Type of pronounced sanctions;
- Indemnification of victims.

While preparing the analysis, following data have been selected from verdicts in accordance with a standardized form:

- Factual description and qualification of the criminal act in the indictment,
- Duration of the process,
- Basic data on the perpetrator,
- Type of relation/relationship between the accused and the victim,
- Manner of process conduction (full criminal process, summary criminal process, negotiation on guilt and sanctions),
- Type of pronounced sanction,
- Explanation of the verdict/aggravating and facilitating circumstances,
- Treatment of the victim/indemnification of the victim,
- Involvement of other services/institutions in the process.

While analysing the selected data, the provisions of valid criminal and process law on qualification of the act have been taken into account as well as provisions on pronouncement of sanctions and on conducting criminal process and international standards that oblige all states to proceed with necessary care in all cases of domestic violence and treat it as a violation of human rights, which were ratified by Bosnia and Herzegovina. Results of this analysis have been partially compared to results from similar researches and reports on monitoring of criminal processes for domestic violence in Bosnia and Herzegovina.

II Criminal and legal framework relevant for sanctioning of domestic violence

The Criminal Code of the Republic of Srpska introduced in 2000 for the first time the criminal offense “domestic violence”³³ for which there was prescribed maximum imprisonment up to one year. The incrimination of domestic violence has been changed and amended in 2003 with more rigorous punishments.

Article 208 of the Criminal Code of the Republic of Srpska³⁴ that defines the criminal offense “Domestic violence or violence in family community” is as follows:

and court practice in the field of sexual and gender based violence in the Republic of Srpska http://www.unitedwomenbl.org/images/stories/docs/pracenje_krivicnih11.pdf

³³ Art. 198, paragraph 1 of KZ RS from 2000 prescribes that „Whoever by use of force, brazen and rude behavior endangers peace, bodily integrity or mental health of a member of his family or family community, shall be fined or punished by imprisonment term up to 1 (one) year.”

³⁴ Criminal Code of the Republic of Srpska (“Official Gazette of RS”, no. 49/03, 70/06, 73/10)

(1) Whoever by use of force, brazen and rude behavior endangers peace, bodily integrity or mental health of a member of his family or family community, shall be fined or punished by imprisonment term not exceeding two years.

(2) If a weapon, dangerous tools or other means appropriate for inflicting grievous bodily harm or infringement of health in commission of the offense described under paragraph 1. of this article the perpetrator shall be punished by imprisonment term ranging between three months and three years.

(3) If in the consequence of the offenses described under paragraphs 1 and 2 of this article a grievous bodily injury occurs, or serious infringement of health, or the offense had been committed against a juvenile, the perpetrator shall be punished by imprisonment term ranging between one and five years.

(4) If the offense described under previous paragraphs of this article has caused death of a family member or a member of family community, the perpetrator shall be punished by imprisonment term ranging between two and twelve years.

(5) Whoever kills a family member or a member of family community whom he had previously abused, shall be punished by imprisonment term exceeding ten years.

(6) For the purposes of this article, the term "family or family community" also includes former spouse, children of former spouse, as well as parents of former spouse.

As it can be seen in the description of the criminal offense, the legislator prescribed, in addition to the “basic”, also several “qualified” forms of this criminal offense for which more rigorous sanctions are being specified.

A family or family community in terms of the Criminal Code also includes former spouse, children of former spouse, as well as parents of former spouse. This definition of family excludes partnership violence in intimate relationships that do not involve cohabitation and it is narrower than the definition of family contained in the Law on Protection from Domestic Violence³⁵, while the Family Act of the Republic of Srpska³⁶ does not provide any specific definition of family except in articles 1 and 2 where it says that a family in terms of this Act is a life community of parents and children. Article 2 of the Family Act – that defines the purpose of the Law – states the family relations that are being regulated within the Law, which implies the list of persons that constitute a family. Family Act of the Republic of Srpska regulates family and legal relations that refer to marriage, personal rights and obligations of spouses, failure of marriage, relations among parents and children and other relatives, adoption, guardianship, alimony, ownership relations among spouses, partners living in common law marriage and other relatives and specific forms of legal family protection.

The Family Act does not prescribe any protective measures related to domestic violence, except for violence on children. Article 97 prescribes the prohibition of maltreating children in any form, including inhumane punishment, neglect and other forms. In addition, the Law prescribes the obligation to report any form of maltreating and violence on children for every physical or official person. In court and other

³⁵ Law on protection from Domestic Violence („Official Gazette of the Republic of Srpska“ no: 118/05, 17/08)

³⁶ Family Act of the Republic of Srpska („Official Gazette of the Republic of Srpska“ no; 56/02)

procedures that relate to marriage disputes and which are being processed in accordance with the Family Law, the public is excluded.

Article 69, paragraph 2 of this Law prescribes that the court is obliged throughout the divorce process to attempt to ensure a reconciliation of married spouses. The Law does not mention in any form domestic violence as a cause of a divorce procedure nor does it foresee any legal actions that could be applied to situations of violence among married partners or violence of one partner against the other. To what extent does article 69 of the Family Act – that reflects the views of the legislator and the community on the priority of family preservation – influence the court processes relating to domestic violence was not possible to determine in an argued way in this analysis based on available resources (criminal verdicts)³⁷, but certainly the prescribed obligation for the court is contrary to international standards for protection of women from violence where mediation or reconciliation is explicitly prohibited³⁸.

Law on Protection from Domestic Violence of the Republic of Srpska that came into force in 2006³⁹ and has been replaced with a newly adopted Law in October, 2012 prescribes the possibility to punish domestic violence in a misdemeanour procedure and provides a definition of domestic violence or violence in family community in a more detailed way than the Criminal Code.

Article 5 of the Law on Protection from Domestic Violence defines the family as a life community between parents and children and its other members. In terms of this Law, a family shall be:

- married and common-law spouses,
- their children (mutual or from the previous communities),
- former marital or common-law spouses and their children,
- adopter or adopted child,
- guardian and protégé, as well as other persons who are living or had lived in the family community;
- parents of the present and former spouses,
- step-father and step-mother.

The legislator prescribes that relationships between family members shall be based on humane principles which include mutual respect, support, and devotion, while developing and demonstrating their best traits with particular emphasis on child protection, gender equality and voluntary entry into marriage or common-law marriage.

³⁷ In one of the analysed verdicts from the Primary Court in Bijeljina, the explanation why the Court believed the statement of the victim-witness, it says that „she did not plan to get a divorce from the accused and she never reported him in the past for violence and requested no help from the police“ (80 0 K 009162 09 K2). In debates regarding sanctioning of the criminal offense domestic violence on various conferences and meetings of public service employees and representatives from non-governmental organizations, a number of judges emphasized that, when deciding on the verdict, they take into account the future survival of the family etc...

³⁸ Article 48 of the Convention of the Council of Europe on prevention and combating violence against women and domestic violence

³⁹ Law on Protection from Domestic Violence „Official Gazette of the Republic of Srpska“, no. 118/05, 17/08)

The legislator prescribes that relation among family members shall be based on the Law on changes and amendments of the Law of Protection from Domestic Violence from 2008; article 6 prescribes what represents an offense act of domestic violence or violence in family community. The Law explicitly prohibits any form of domestic violence. Domestic violence shall be any act of inflicting physical, psychological and sexual harm, suffering or economic damage, as well as threats as regards the aforementioned, and lack of due care and attention which may seriously impede family members from enjoying their rights and freedoms in all areas of public and private life which are based on gender equality.

In the definition, the legislator determines the population that is most commonly exposed to domestic violence, listing in particular women and children and defines this act as a severe violation of women and children's human rights.

According to the Law on Protection from Domestic Violence that has been in force at the time when the pronounced verdicts have been analysed and that partially influenced the criminal processing of this criminal offence, domestic violence includes:

1. Physical attack of a family member by another family member, irrespective of the fact of whether there was physical injury or not,
2. Any use of physical force which does not result with direct attack or use of physical coercion on integrity of the family member,
3. Intimidation, threats or the violation of the dignity by blackmail, verbal threat or another form of coercion,
4. Serious verbal attacks, insult, profanity, calling with insulting names and other violent harassment of one family member,
5. Spying and other related forms of harassment of other family member,
6. Damaging or destroying joint property and possessions or attempts thereof,
7. Lack of due care and supervision or failure to assist and protect when bound to do so by law and customs and when such inaction may result in the physical, psychological or socioeconomic endangerment,
8. Isolation and limitation in freedom of movement and communication with third persons,
9. Sexual harassment,
10. Taking away the right on economic independence by prohibiting work or keeping a family member in a dependant or subordinate position by threat or non-provision of means for life or by other forms of economic domination of a family member by another family member,
11. Upbringing of children by using physical punishment and other forms of humiliating behaviour,
12. Other forms of domestic violence.

Conclusion

The legal framework of the Republic of Srpska that was relevant for prevention of domestic violence and punishment for perpetrators of violence at the time when the

analysed verdicts have been pronounced⁴⁰ is not entirely linked together in all its segments and the provisions of one law do not refer to the provisions of the other law. A specific problem is that the Family Act and Law on Protection from Domestic Violence do not have a prescribed link when deciding, which in practice leaves space for public services, particularly centres for social welfare, to prioritize one law over the other.

Legal solutions in the Republic of Srpska are harmonized on a minimal level with requirements defined in most important international documents for protection of women from violence.

Key deficiencies and legal gaps in legislative solutions relevant for prevention and sanctioning of domestic violence include:

Possibility to sanction domestic violence in a misdemeanour procedure without clear demarcation which institutions for implementation of laws and based on what criteria decide when an act of violence should be treated as a misdemeanour and when as a criminal offence;

Lack of legal solutions for persecution;

There are differences in the definition of family within the Criminal Code, the Family Act and the Law on Protection from Domestic Violence;

Intimate partners sharing a household are not considered as family members;

In cases of domestic violence there is no request for urgent processing in a criminal procedure.

III Analysis of verdicts

1. Basic data on perpetrators of crimes and victims/injured parties

1.1. Perpetrators of violence/crimes

Verdicts provide certain data on the social structure of perpetrators of violence while there is no data about the age, work status and educational level of victims.

The total number of persons that have been accused and processed for a criminal offence domestic violence and related crimes in 30 analysed verdicts is 26. The same

⁴⁰ End of 2012 the new Law on Protection from Domestic Violence has been adopted in the Republic of Srpska where, despite the resistance of one part of the public – women’s non-governmental organizations in particular – the punishment of perpetrators of violence has been retained in an misdemeanour procedure with an open possibility for the police and prosecution to decide which violent acts represent a criminal offence and which represent a misdemeanour. In mid 2013 a Law on changes and amendments of the Criminal Code of the Republic of Srpska has been adopted that enhanced the definition of the criminal offence domestic violence or violence in family community and prescribed a punishment for non-respecting the decision of the court, which created a legal instrument for sanctioning the non-respecting of protective measures by the perpetrator. So far, the Criminal Code of RS did not have the incrimination of non-respecting the decision of the court, which enabled perpetrators to disrespect the pronounced protective measures in a massive number.

perpetrator occurs in one case in three verdicts and in two cases in two verdicts. All processed persons are male.

Gender	Men	Women
	26	0
Total	26	0

The average age of perpetrators of violence is 42.9 years, 8 are younger than 40, the oldest has 67 and the youngest 23 years. The majority of them are in the age structure between 40 and 50. The age structure of perpetrators of violence confirms earlier knowledge that violence has nothing to do with the age but it is rather caused by social context and inherited forms of behaviour. This is confirmed through a high percentage of young men in the sample bearing in mind that the sanctioning of domestic violence as a public delict started in the Republic of Srpska 13 years ago. This change has either not been integrated in their education and development of values or it has not been relevant to them.

Educational structure	Percentage
Primary education (complete or incomplete)	23%
Completed secondary education	52%
Faculty level education	25%

Among the perpetrators, the highest number has a completed secondary education and the lowest number has eight-year primary education, i.e. a lower level of education. Only one perpetrator has incomplete primary education (4 classes). One fourth has a faculty level education, which includes a graduated lawyer, a professor, an academic painter, a retired police officer with faculty level education and others. Thus, the educational structure does not reflect the stereotypes present in one part of the public that domestic violence is committed by men with a low educational status who are socially jeopardized. In terms of education, men processed for domestic violence belong mainly to a middle social class. Half of the men convicted for domestic violence is employed or retired, thus these are men who are situated. In three verdicts, there is no data on employment, one is defined as a farmer and only one third are unemployed and their violence could be conditionally explained with a difficult economic position. Among the processed, there is one entrepreneur with a good financial standing who is a returnee in terms of violence and according to an unclear explanation of the verdict, his former wife has also been convicted for violence and she has also a good financial position.

In one fourth of the processed cases, perpetrators are returnees in terms of committing violence; some of them have been processed in a criminal offence procedure and some of them have been convicted in a misdemeanor procedure according to the Law on Protection from Domestic Violence. In addition, if we add to this that among the verdicts there were three verdicts against the same person for violence committed against one and the same person, where the verdict does not mention that he is a returnee in committing

violence, than this percentage increases. The continuity in committing violence has been indicated in some verdicts, which – in addition to a high percentage of recidivism in committing violence – makes the problem of inappropriate response of the society to domestic violence against women an urgent problem.

Around 30% of men who were in a process have been also convicted for other crimes, mostly with fines or suspended sentence. One perpetrator of violence has 10 final verdicts for crimes including violent behavior, falsification and other forms of unlawful behavior in the field of public peace and order, endangerment of public transport and similar.

1.2. Victims

Verdicts provide certain data on the social structure of the perpetrators of violence while there are no information about the age, employment status and educational level of victims. The only available data on the victims are the gender structure and the nature of family relationship with the perpetrator.

In the verdicts that have been analyzed there were altogether 37 persons exposed to violence – 7 victims were males and 30 females.

In the structure of male victims, in 3 cases fathers were exposed to violence, in 3 cases sons were victims of violence and in one case the victim was a brother.

Among female victims, 3 were sisters, 6 mothers and 2 (two) daughters. Other women were victims of violence in a partnership exercised by their husbands, former husbands, common-law spouse or husband from whom they are getting divorced.

Women victims of violence

Type of marital/family relationship	Number
Sister	3
Mother	6
Daughter	2
Wife	8
Former wife (divorced)	4
Common-law wife	4
Wife – divorce ongoing	3

A high percentage of violence has been exercised against former wives or those who instituted a divorce procedure, which confirms that, even when divorced, they are not protected from violence from their former spouses. In addition, it seems that the divorce procedure or abandoning of marital community is a real trigger for violent behaviour of men, because in 25% of verdicts for violence with elements of spying, victims are women who institute a divorce procedure or they left their marital/common-law spouse. They have been attacked at their work place, in the house of their parents or relatives where they have found a shelter or in the flat where they live after they separated from their violent partner.

A woman, who started a divorce procedure, has been attacked in the premises of a health institution (it has not been explained in the verdict whether she has been employed there or whether she came to seek health support). Her violent husband hit her several

times in the head. Before this attack, the same perpetrator harassed his wife by sending her text messages from a cell phone threatening to kill her, to “give her 7 bullets in her forehead” etc. The woman has not even been protected from violence in her brother’s house where the perpetrator came to threaten her and then even drove in a vehicle towards her and hit her in her knee.

A trial has been conducted in three separate procedures and this case clearly shows lack of appropriate incrimination of all forms of violent behaviour towards women, particularly the criminal offence of spying that does not exist as such in connection with the criminal offence domestic violence or violence in family community.

The period in which the victims have been exposed to violence has not been particularly taken into account. In most cases, the court processed the act of violence that has been directly reported and was the matter of the indictment. However, in cases that include a main inquest and several verdicts, it is visible that victims were exposed to long-term violence. In the verdict of the Primary Court in Bijeljina it has been emphasized that violence lasted 14 years and in one verdict from the Primary Court in Banjaluka even 46 years, i.e. from the beginning of the marriage.

2. Duration of a court processing

A right to a fair trial within a reasonable time is one of the basic human rights as contained in art. 6 of the European Convention on Protection of Human Rights and Fundamental Freedoms⁴¹ (further in text referred to as European Convention). The European Convention prescribes that in the determination of civil rights and obligations or in case of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Too long duration of a trial may lead to violation of that right and parties involved in the process may refer for protection to the European Court for Human Rights in case of this violation.

The indemnifying parties in a criminal process may not refer to a guarantee of a fair trial from article 6 of the European Convention since rights on this ground are guaranteed solely to those who are immediately accused. An exception is if the outcome of the trial is crucially linked with an associated action for damages in case the indemnifying parties submitted such a request⁴². Based on the analysis of court practice of the European Court for Human Rights, the acceptable duration for less complicated procedures has been 3 years and 6 months⁴³.

International standards for protection of women from violence recommend that criminal offences of domestic violence should be resolved as priority issues in a criminal and legal

⁴¹ Bosnia and Herzegovina signed the European Convention on Protection of Human Rights and Fundamental Freedoms in 1995 as an integral part of the Dayton Peace Agreement and ratified it on July 12, 2002.

⁴² Right to a trial in a reasonable time, collection of verdicts of the European Court for Human Rights in cases against BH, Croatia, Serbia, Macedonia and Slovenia, Centre for Human Rights, Sarajevo 2009, page 27, available at:

<http://www.hrc.unsa.ba/zbirkapresuda/PDFS/zbirkapresuda.pdf>

⁴³ The same, page 56

system. In addition, national activists for protection of women's human rights indicate the importance of a quicker resolution of criminal offences for domestic violence. The Law on Criminal Proceedings of the Republic of Srpska does not define the urgency in proceeding in cases of domestic violence.

Based on the analysis of verdicts, it is difficult to make a grounded conclusion whether domestic courts are determined to process criminal offences of domestic violence as priority cases without taking into account the practice of the agreement on confession of guilt or the criminal order as a processing possibility for a summary procedure that will be separately analyzed in this report.

If it is to take as the beginning of the procedure the date when the crime has been reported and the investigation opened and as the end the date of the final judgement, the court practice varies on the basis of analyzed verdicts with a tendency for quicker resolution of cases in 2010, 2011 and 2012. In the last years, it can be observed that indictments are being issued within one or two months and the trial has been completed within the next 5 months, which is an improvement in comparison to cases that started in 2008 or 2009 and were completed only end of 2011.

In terms of violation of the right to a trial in a reasonable time for the convicts, domestic courts are, according to analyzed criminal verdicts for domestic violence, far away from violating human rights of the convict.

In the analyzed verdicts, the longest trial for domestic violence lasted 30 months (2.5 years). However, some proceedings ended in a record time. For example, in one case in the Primary Court in Trebinje the indictment has been issued on the same day when violence was reported and the final judgement has been made within 15 days after the agreement on confession of guilt. The same prosecution (County prosecution in Trebinje) issued two indictments in the same day for criminal offence domestic violence or family community for the same perpetrator and the crime was committed against the same person, but these cases were not consolidated, which is acceptable in accordance with the Law on Criminal Proceedings⁴⁴. This case could imply that the prosecution "chose" a party in the proceeding and it benefited the convict in order to be able to obtain suspended sentence but, at the same time, it reacted very quickly to protect the victim. It will, therefore, be presented and considered in more detail in other aspects of the analysis. Domestic violence is a criminal offence with a high recidivism risk, particularly in countries where the system for protection of victims is not sufficiently developed or the awareness of the phenomenon of violence against women. In such a context, the duration of a trial is extremely important for protection of victims and individual and general prevention of violence. In one of the analyzed verdicts, in a case of repeated violence, the previous convictions for domestic violence have not been taken as an

⁴⁴ The court may decide to conduct a unified proceeding and make one verdict if there are separated proceeding against the same person in the same court or against several persons for the same criminal offence. Art. 30, paragraph 7 of the Law on Criminal Proceedings with changes and amendments („Official Gazette of the Republic of Srpska“, no. 100/09)

<http://ot-bijeljina.pravosudje.ba/vstv/faces/vijesti.jsp?id=29834>

aggravating circumstance for the perpetrator because the first verdict has not been final though more than six months passed from the first instance decision. The trial for the first reported act of violence against this perpetrator lasted for more than a year and the victim has been exposed to repeated violence during that period.

In a case of severe and long-term violence that lasted at least 14 years, there has been a time span of 20 months from the issuing of the indictment to the verdict. Bearing in mind that the victim returned into her violent marriage after staying in the safe house, a quick criminal processing was of vital importance for further protection of the victim.

If observed through a prism of rights on a fair trial, the duration of the proceeding in analyzed verdicts does not represent a violation of human rights for the defendant or the victim. However, victims do not receive appropriate protection in a criminal proceeding nor does the criminal processing and sanctioning of the perpetrator sufficiently protect them from repeated violence.

3. Factual description of crime and qualification

Around 70% of criminal offenses of domestic violence from analyzed verdicts have been qualified as the basic form of domestic violence, 10% were qualified in accordance with art. 208, paragraph 2 and only 15% were qualified as it is defined in paragraph 3, art. 208 of the KZ RS (paragraph 2 - If a weapon, dangerous tools or other means appropriate for inflicting grievous bodily harm or infringement of health in commission of the offense described under previous paragraph of this article or paragraph 3 - If in the consequence of the offenses described under paragraphs 1 and 2 of this article a grievous bodily injury occurs, or serious infringement of health, or the offense had been committed against a juvenile).

By comparing the factual description and the qualification of the criminal offense in indictments and verdicts, there are three typical ways of inappropriate appliance of the material right in processing the criminal offense Domestic violence or violence in family community. These include:

- Mild qualification of the act;
- Lack of readiness to qualify the violence in connection with other crimes;
- Interpretation of a criminal offense domestic violence as an act that must have a continuity or repetition.
- Verdicts indicate the presence of gender based stereotypes and lack of understanding for the gender based dimension of domestic violence as an act that strikes women in a disproportional manner – in the first place in formulations when describing criminal offence and occasionally in explanations provided by the court.

In a process that has been conducted in the Primary Court in Bijeljina, the qualification of the crime as domestic violence in combination with a crime mild bodily injury has been prequalified in the verdict into mild bodily injury while the indictment for domestic violence has been dismissed because it is an “individual incident” rather than continuous violence, which is a specific problem in the practice of sanctioning of domestic violence in the Republic of Srpska. One segment of judiciary structures in this entity accepts domestic violence as a criminal offence only if there is evidence that it occurs in continuity or that it happened or has been reported several times, i.e. it is not an

“isolated incident”. In practice, when the victim reports violence for the first time, it is usually being resolved in a misdemeanour procedure without investigating whether there are evidence that violence occurred in continuity or if it is an “isolated incident”. Only after the second or third report of violence, the prosecution starts an investigation. This is unofficially explained as a general instruction and interpretation of the criminal offense domestic violence due to the usage of a continuous verb in its definition (Who by applying violence, bold and brassy behaviour *endangers* the serenity, bodily integrity or mental health of a member of his family or family community...). A comment for this interpretation has not been found in writings of the professional public but the mentioned verdict where the judge explains the dismissal of qualification of the act as domestic violence as well as other analyzed verdicts where it is visible that the perpetrator has been convicted previously for domestic violence in a misdemeanour proceeding in accordance with the Law on Protection from Domestic Violence confirms that there was⁴⁵ practice to accept domestic violence as a criminal offense only if it has been repeated several times⁴⁶.

In the explanation of the mentioned verdict, the judge states: *“The court concludes here that, after a mutual bold verbal dialogue among the defendant and the indemnified party, the defendant crossed the verbal line and decided to stop this verbal dialogue by causing injuries to the indemnified party and, since her sister came between him and the indemnified party and indisposed by the dispute with his wife, he caused her bodily injuries as well. Thus, the court estimates that this was an isolated behavior of the defendant and that it was not preceded by permanent behavior of the defendant that could be described as domestic violence, particularly if taking into account that the defendant then and later fulfilled his parental obligation towards their child and the indemnified party also stated that everything was all right since the birth of their child until then.*

As estimated by the court, domestic violence needs to have its genesis and should be of more permanent nature and not to be reflected instantly in form of causing bodily injuries to a family member. Thus, in the opinion of this court not every injuring of a family member is an act of domestic violence, i.e. a criminal offence domestic violence or

⁴⁵ In August, 2013 a Law on changes and amendments of the Criminal Code of the Republic of Srpska has been adopted, which defines in a more qualitative manner the criminal offense Domestic violence or violence in family community. In this way, the existing court practice should be eradicated.

⁴⁶ This claim is being confirmed by statistical data from the Ministry of Internal Affairs of the Republic of Srpska where it is visible that many more cases of domestic violence have been processed as a misdemeanour rather than criminal offence. According to information from the Ministry of Internal Affairs of the Republic of Srpska for the period 2006 – 2011, there were 2093 criminal offences of domestic violence registered in accordance with art. 208 of the Criminal Code of the Republic of Srpska and in the period 2008 – 2012 there were 4054 misdemeanours registered in accordance with art. 6 of the Law on Protection from Domestic Violence (Tijana Arambašić Živanović, Gender Centre of the Government of the Republic of Srpska, presentation held in Derventa in October, 2012)

violence in family community. The court decided to prequalify the causing of injuries to indemnified parties to a mild bodily injury.”

This is not the only verdict where the duration of violence has been stressed as an important element of criminal offense. In the explanation of the verdict in the Court in Banjaluka it says, among other things: *“Bearing in mind that the condition of intolerance between the defendant and the indemnified party lasts for a longer period and that the defendant has been convicted in the past in a misdemeanor proceeding for an act that is prescribed in the Law on Protection from Domestic Violence, the Court concludes that this behavior of the defendant has all attributes of a permanent behavior and its behavior has all characteristics of a criminal offense domestic violence or violence in family community.”*

In one verdict, three situations of violence have been listed in the description of the criminal offense that preceded the issuing of an indictment. (*“In a longer time span during 2009 and beginning of 2010 in the family home where he lives with his wife due to previously disturbed relations and unhappy because she submitted a request for divorce procedure ..., he physically attacked her holding with his hands her head and hair, hitting her head on the wall; on July, 16 when his wife returned from a visit, he caught her right arm with his hand and her neck with the other hand accusing her that she was with someone else; on October 29, 2009 after he received the invitation from the court related to divorce procedure, he has been spitting and he broke the door requesting that she should dismiss her request for divorce...”*). This case also shows that domestic violence is usually treated as criminal offense when there is knowledge that violence happens for a longer period or happens repeatedly. The aforementioned verdict does not clearly show whether the victim reported violence several times before any actions have been undertaken against the perpetrator. However, the listing of dates indicates that she did. If this assumption is taken as correct, it can be concluded that victims are usually left to the free assessment of a police officer or prosecutor to decide whether the violence they survived should be punished at all.

However, there are completely opposite examples. In one verdict from the Primary Court in Banjaluka while explaining significant elements of criminal offense Domestic violence or violence in family community, the court does not emphasize the importance of duration of violence for qualification of the act. Instead, it says: *“ The provision of art. 208, paragraph 1 of the Criminal Code of RS it is prescribed that who by applying violence, bold and brassy behaviour endangers the serenity, bodily integrity or mental health of a member of his family or family community commits a criminal offense.*

Thus, according to this provision, the form of violence is not relevant but it is important that this form of violence endangered the serenity, bodily integrity or mental health. In order to clarify all relevant circumstances in the concrete case, it is necessary to determine whether the defendant undertook actions that could have endangered the serenity, bodily integrity and the facts whether these actions of the defendant resulted in the endangerment of the indemnified party. In addition, it is necessary to determine whether the defendant is a family member or member of family community of the defendant, which constitutes an important element of this criminal offense and it is necessary to determine this fact simply because this criminal offense is possible only towards a family member or member of family community as a passive subject...”

Thus, the judge in this case does not consider that repetition of violence is a significant element of the criminal offense domestic violence though this was not questionable in the verdict since the defendant committed domestic violence at the time when he already had a final suspended sentence for the same offence against the same person. It would be, therefore, important for the future to ensure a more qualitative interpretation of the criminal offense Domestic violence or violence in family community taking into account international standards that prescribe that any act of violence against women shall be sanctioned.

In the description of violence in verdicts it is possible to find elements that indicate that the offense could have been qualified in combination with other criminal offenses; however, the less rigorous qualification has been accepted. For example, in the case where a brother hit his sister in her nose and caused a bodily injury nose contusion, the offense has been qualified as a basic form whereby the prosecution or the court did not decide upon the level of injury.

It is similar in the verdict where it says that the perpetrator inflicted a head injury to his wife

“in the area of the left cheek bone in form of a contusion, in the area of the left eye lid in form of abrasion and in the area of the left side of nose root in form of abrasion...”. In the case where the perpetrator “stabbed his father with a fork in the head area behind his left ear”, the usage of a fork has not been treated as usage of dangerous tools that could inflict the body and the offense has been qualified as the “basic” form of domestic violence, article 208, paragraph 1.

In a case that has been processed in the Primary Court in Banjaluka, the defendant hit his wife with a shovel, which resulted in a brain concussion. However, the case has qualified according to paragraph 1, though it had all elements to be qualified as a more serious offense, even in combination with other criminal offenses.

In a case that ended with an agreement on confession of guilt, the verdict describes that the perpetrator “during the period from 1993 to May, 2009 in a family community with his wife and two minor children, has often beaten his wife with his hands and legs, inflicting her bodily injuries on various parts of body, pulling her on her hair and hitting her head on the wall, throwing her out of the house, maltreated and humiliated her when coming home in a drunken condition and demonstrated this aggressiveness even stronger and did the same towards his minor children, daughter D... and son D..., which influenced their mental development as minors”. He has been charged with criminal offense domestic violence (paragraph 3) but in the punishment and explanation of the verdict the level of violence and violence against children has been entirely neglected.

In a case where the prosecution issued an indictment for a qualified form of criminal offense domestic violence (paragraph 3) in combination with criminal offense severe bodily injury, the court changed the qualification during the main hearing into severe bodily injury because the defence was able to show that the relationship among the defendant and victim does not have a status of a common-law community (the defendant was already married, which has been documented with a marriage certificate).

Mild qualification of a criminal offence is noticeable in the practice of the Primary Court in Doboj. In a factual description of the act that has been qualified in accordance with article 208, paragraph 1, it says that “*after he had a number of*

arguments with his wife in the last several months in relation to upbringing of their minor children, he hit his wife twice with his fist in her face in June, on ... in front of the Centre for Social Welfare; when his wife took their youngest child with her, he came after her, pushed her on the fence and hit her on her head with his fists as a result of which she has fallen down on her knees, he inflicted her a mild bodily injury in form of contusion on her nape and contusion of her left groin area; the minor J.A. also had a mild bodily injury in form of contusion of nape...". In this case, violence against a child was not a ground for a more severe qualification of the criminal offence domestic violence despite the fact that it is explicitly prescribed by the Law.

A mild qualification and lack of readiness to process domestic violence in combination with other criminal offences as one of the key issues in court practice of processing criminal offence domestic violence is also being emphasized by the OSCE Mission in their report entitled "Criminal Liability and Sanctioning of Perpetrators of Domestic Violence"⁴⁷. Analysts from OSCE stressed that a high number of domestic violence cases is being processed as the basic form of this criminal offence, even if there are elements of qualified criminal offence (usage of weapons, injuries and similar). A particularly alarming problem – as stressed in the OSCE Mission report – is child abuse that is not processed as a qualified but rather as a basic form of domestic violence in the majority of cases.

A "mild" qualification could indicate that there is a deep lack of understanding on the institutional level for the nature and forms in which domestic violence could occur. A "mild" qualification indicates lack of gender sensibility, sensibility for domestic violence and issues concerning the wellbeing of children, which can have a deep impact on the experiences of victims of domestic violence in a criminal proceeding. In addition, such a punishment practice reduces the scope of norm, that is aimed at re-education of perpetrators of violence because it does not face the defendant with the nature, severity and consequences of its actions – has been stated by analysts of the OSCE Mission in their report⁴⁸.

The practice in the primary Court Bijeljina in providing a factual description of the criminal offence domestic violence is that, when describing the act of violence, it states in almost 90% of analyzed verdicts of this Court the formulation "due to disturbed family relations in the past", as in the example: *"On October 31, 2010 around 11:30 in the flat of his former wife and after a short argument and due to disturbed marital relations in the past, he hit her once with his open fist in her face as a result of which the woman fell down and he continued to hit her with his hands on the hirsute part of her head..."*

Or in the case when the perpetrator *"... and due to disturbed marital relations in the past, while working in the field, unsatisfied because his common-law wife does not control the tractor well and when not able to switch the gearbox, he hit her with an open fist in the area of her left leg as a result of which the woman released the clutch, the tractor moved forward and he began to shout "Are you normal, f...ng incapable bitch,*

⁴⁷ „Criminal Liability and Sanctioning of Perpetrators of Domestic Violence", OSCE Mission to BH, Sarajevo 2011, page 25
(http://www.oscebih.org/documents/osce_bih_doc_2012022017152706bos.pdf).

⁴⁸ The same, page 26

why do you release the clutch” and he hit her with his open fist in the area of her nape, vertex and left ear, caught her on her left arm and pulled her down from the tractor, pulling her over the metal bumper...”

The frequency of this formulation is indicative and it deserves to be noticed if not to be analyzed. The analysts think that this formulation indicates the definition of the cause of committed criminal offence, even the “distribution” of guilt on the defendant and the victim and reduces the guilt of the defendant/convict because violence has been committed in a state of “disturbed family relations”. The formulation is, at least, a stereotype and redundant because the court could determine the reasons and causes for violence during the main hearing, if relevant at all for the delivering of judgement. In explanations of verdicts, the court rarely uses the definition “disturbed family relations” as relevant. However, its usage during the court proceeding may create on all participants the impression of a shared guilt and not the explicit responsibility of the perpetrator and, of course, if something is “disturbed” it should be “corrected” as a priority action rather than sanctioned. Frequent usage of this and similar formulations in a court proceeding may divert attention from the real nature of domestic violence as a gender based that strikes women disproportionately.

4. Violence committed on/in front of children

Though the definition of domestic violence treats violence against minor children as a qualified form of this criminal offence, there are very few data in verdicts on the consequences for children, their witnessing of violence or exercising direct violence against children. In three verdicts it has been explicitly stated that violence has been committed against children; however, in the explanation of the sanction, violence against children or in the presence of children has been taken as an aggravating circumstance. In two verdicts, according to the factual description of the criminal offence, it is clear that violence occurred in front of minor children, but this fact did not have any impact on the further course of the verdict. There are no children appearing as witnesses in any of the verdicts nor are perpetrators in the pronouncement of sanctions accused for committing violence against or in front of children.

An exception is the verdict of the Primary Court in Bijeljina where the proceeding was against a father who sexually abused his children. The prosecutor decided to qualify it as a domestic violence act or violence in family community qualified with a more severe consequence (art. 208, paragraph 3 in connection with paragraph 1 of the KZRS). In the indictment (that has been confirmed in November, 2009) it is stated that the defendant maltreated mentally and physically members of his family for a longer period (since 2003) in his house, he did not care for the children, he was beating his wife, maltreated her, left home, came back in a drunken condition and hit his wife in her face, hit head against tiles, hit his daughter in the area of her head and pulled her on her hair. After his wife died (in January, 2009), he maltreated his two minor daughters and one day (in April, 2009), early in the morning, he laid down next to one of them, put his arm around her, touched her breast and sexual organs and, after she got up and began to cry, he told her that it is better if she sleeps with him and he gives the money to her than to another woman. In addition, he told her that she may not get pregnant when she marries if she does not sleep with him. When his daughter went to school, the defendant laid down

next the other daughter, took off his underwear, showed his sexual organ to her, showed her how to do “that”, touched her buttock while the girl was covering herself with a blanket to avoid watching and after that she had very high fever⁴⁹.

Judging from the actions of defendant, in the way as these were described in the indictment, this act could have been qualified as sexual violence against a child (from art. 195 of the KZRS) and for the basic form of this act more rigorous punishment are foreseen. Inappropriate qualification of this act as domestic violence and violence in family community leads to the conclusion that judicial institutions privilege perpetrators of these forms of violence and prevents the pronouncement of more rigorous punishment that would have an increased preventative significance.

5. Application of process right

5.1. Legal framework in the Republic of Srpska

*The Law on Criminal Proceeding of the Republic of Srpska*⁵⁰ contains detailed provisions in relation to protection of the victim in the evidence process and the criminal process. The victim of sexual and gender based violence may be interrogated as a witness during the process with the annotation that the law explicitly states that minor persons cannot be interrogated as witnesses who, bearing in mind their age and mental state, are not able to understand the significance of their right that they do not have appear as witnesses (art. 147, paragraph 1, item g). Witnessing can be declined by the marital or common-law spouse, parent or child, adopter or adoptee of the suspect or the defendant. The court or any other body that conducts the process is obliged to inform these persons before their interrogation or as soon as it learns about their relationship with the suspect or defendant that they do not have to witness (art. 148). Following the decision of the court, the witness will be supported during the hearing by a counselling lawyer, if it becomes obvious that he/she is not able to make use of his/her rights during the hearing and if his/her interests cannot be protected in any other way (art. 149, page 5).

During the hearing and conducting of a criminal proceeding, the judge or the president of the council is obliged to protect the witness from insult, threats and attacks (art. 282, paragraph 1). The protection of the indemnified party or the victim that appears as witness during the proceeding can be additionally ensured through the possibility to pronounce prohibiting measures (art. 185) that could be pronounced by the court in case the circumstances indicate that such a measure is necessary. Restrictions in terms of pronouncement of prohibiting measures during the criminal proceeding do not relate to family members or close relatives of the suspect or defendant in case they were harmed by committing this criminal offence and it does not relate to the defendant’s lawyer (art. 188).

The indemnified party has the right to submit an associated action for damages and the court will decide about it in a criminal proceeding provided that this does not cause a prolongation of the proceeding (art. 103, paragraph 1). The indemnified party may submit this proposal to the prosecutor or the court at latest until the end of the main

⁴⁹ 80 0 K 017391 09 K, Primary Court Bijeljina

⁵⁰ Official Gazette of the Republic of Srpska, no.:100/09

hearing or the end of the hearing for pronouncement of sanctions and the court must inform him/her about this right (art. 105). The court decides on this request of the indemnified party within the court verdict and can instruct her/him to request his/her rights in a civil procedure (art. 108).

The Law on Protection of Witnesses in Criminal Proceedings of the Republic of Srpska prescribes measures for protection of witnesses who have been threatened and jeopardized witnesses, such as psychological, social and professional support (art. 6), possibility to be interrogated as soon as possible (art. 7), possibility to give evidence through technical equipment for transfer of picture and sound (art. 8), possibility to give evidence without the presence of the defendant while protecting his/her rights (art. 10) and other rights provided in this law. The definition of witnesses under threat and protected witnesses given in this Law (art. 3) indicates that victims of sexual and gender based violence can be categorized in this group of witnesses as well as victims of domestic violence and, thus, they can realize additional rights and protection in a criminal proceeding.

The Law on proceeding with children and minors in a criminal proceeding of the republic of Srpska prescribes specific rules in cases where a witness in a criminal proceeding is a child or a minor who is severely physically or mentally traumatized due to circumstances under which the crime has been committed or suffers from severe mental consequences that make him/her particularly vulnerable. In such cases, it is prohibited to confront him/her with the suspect or the defendant (art. 187). In case the recognition of the suspect or the defendant is being done by a minor who is the injured party of this criminal offence or if the minor has witnessed the criminal offence, such recognition is being done at all stages of the procedure in a way that entirely prevents the suspect or the defendant from seeing the minor person (art. 188).

Criminal Procedure Code enables the issuing of a criminal order (art. 357) that could be applied to a criminal offence with a prescribed imprisonment up to five years or a fine aimed at faster conduction of a criminal procedure. When sufficient evidence has been collected that provide a basis for the claim that the suspect committed a criminal offence, the prosecutor may request in the indictment from the court to issue a criminal order where a criminal and legal sanction or a measure is being pronounced to the defendant without the conduction of the main hearing.

The court may accept or dismiss the request for issuing of a criminal order if it considers that the data in the indictment do not provide sufficient ground for issuing of a criminal order or that the pronouncement of a different sanction or measure may be expected according to these data rather than the one that is requested by the prosecutor.

Criminal Procedure Code allows the prosecutor to negotiate with the suspect or the defendant about his guilt (article 246). The law prescribes that in case of signing an agreement on confessing guilt, a punishment may be pronounced that is lower than the lowest legally prescribed punishment foreseen for the criminal offence with which the defendant is being charged. The victim/injured person⁵¹ are not parties in the negotiation on the guilt. The court is obliged to verify that the injured person has the possibility to

⁵¹ Criminal Procedure Code of the Republic of Srpska does not have a definition of the victim of the criminal offence nor is this term used in practice.

make statement about the associate action for damages and to inform the injured party about the outcome of negotiation on the guilt.

5.2. Results of analysis

5.2.1. Agreement on confession and summary procedure

The analysis of verdicts showed, similar to other researches, that a number of criminal proceedings for domestic violence are being solved in a summary procedure, through an agreement on confession of guilt or through a criminal order. In 33.33% of analyzed verdicts (one third) the prosecution made an agreement with the defendant on confession of guilt and in 8% of cases the court issued a criminal order or conducted a summary procedure because the defendant confessed the guilt.

The majority of agreements envisaged a suspended sentence and it is not visible from the text of the verdict whether the victims knew about the negotiation on confession of guilt and agreeing of punishment that has been conducted by the prosecution. The view of the victim is not indicated and the court does not state whether the victims/injured parties have been informed about the outcomes of the negotiation on guilt. In some verdicts there is no indication of the date when the prosecution made an agreement on confession of guilt, which can be taken as omission of the judge while writing the verdict but in one case it is directly implied that the judiciary is supporting the defendant. This is again about the already mentioned case from the practice of the Primary Court in Trebinje where there were three verdicts for domestic violence against the same perpetrator committed against the same person in a time span of 12 days⁵². The case is also listed in the section of the analysis about victims for reasons of appliance or misuse of process right – detailed presentation is kept for this part of the analysis.

The first report for violence has been submitted on October 22, 2010 when the victim requested police protection because she received during one day 4 threatening messages from the mobile phone of her husband from whom she is getting divorce with following content *“we are counting the days slowly, you and me, I will come out from the prison one day but you will never come back from the grave, remember this is the only way how I could forget you, it is all your fault, whatever happens, I am not afraid of anyone and if you think I have something to lose, I don’t but you have, but I will not let you have something ... I will kill you with 7 bullets in your forehead...”* The indictment for this act of violence has been issued on March 4, 2011.

The second act of violence was committed on December 28, 2010 when the violent husband came to the house where the victim was staying and that belongs to her brother. *The defendant threatened the victim saying that he will kill her, slaughter her. After that, she called the police from your cell phone and asked for protection but the perpetrator started his vehicle, moved towards the woman and hit her in her knee with the front of his car. The woman fell on the street and while falling she injured in the area around her right knee.* The indictment for this act of violence has been issued on

⁵² Verdicts; 95 0 K 014057 11, 95 0 K 013648 11, 95 0 K 011711 11, Primary Court Trebinje

February 3, 2011, thus at a time when the prosecution must have had the report on the previous act of violence.

The woman has been attacked for the third time early in the morning (8:15) on March 4, 2011 and has been beaten in the premises of a health care institution. The indictment has been issued on the same day and an indictment has been issued on the same day for the first reported case of violence of this perpetrator.

The verdicts have been pronounced on April 7, April 18 and April 19, 2011 by the same judge. The defendant has been convicted in the order as the indictment has been listed as follows – 1000.00 BAM fine, suspended sentence for 4 months with a review term of one year and 700.00 BAM fine.

All verdicts have been made in accordance with the agreement on confession of guilt for which a date has not been indicated (in other verdicts, judges usually stated the date when the agreement has been made) and verdicts became final on the date when they were pronounced because the defendant has abdicated in the agreement his right to appeal against the verdict. The verdicts from April, 18 and April, 19 do not state that the defendant has been already convicted for domestic violence and in one of these two verdicts it even states that it is a facilitating circumstance that the defendant has not been convicted in the past.

In verdicts that have been pronounced on the ground of the main inquest there are many more data on the course of the procedure, witnesses, evidence of the prosecution and defence and involvement of other institution in the procedure. The main inquest has been conducted when the defendant stated during the hearing that he is not guilty. In cases when the defendant confessed his guilt or showed remorse for the crime committed (in two verdicts), during the main inquest only the evidence of the prosecution would be presented in order to enable the court to determine whether the guilt of the defendant has been proved without reasonable doubt.

5.2.2. Participation of victims, material evidence and witnesses

In all analyzed verdicts where a main inquest has been conducted, victims of violence appear as witnesses and they all confirmed their earlier statements given in the prosecution.

Witnesses on the prosecution side are most often medical experts, occasionally police officers who arrived first at the scene, family members or persons who witnessed violence or have knowledge that violence occurred. Only in one case, witness on the prosecution side was an employee of the centre for social welfare. It was the case where the victim was an older woman, the defendant's wife. Children appear as witnesses only in the case where the defendant attempted to sexually misuse his daughters⁵³. In this process, the court entirely respected the provisions of the Law on Protection and Proceeding with Children and Minors in a Criminal Proceeding⁵⁴. During the main

⁵³ Case 80 0 K 017391 09 K, Primary Court Bijeljina

⁵⁴ Law on Protection and Proceeding with Children and Minors in a Criminal Proceeding of the Republic of Srpska, came into force on January 1, 2011, <http://www.vladars.net/sr-sp->

inquest that was closed for the public, the court interrogated two minor injured parties as witnesses in the presence of representative from the centre for social welfare and psychologist and made an audio record of it. On the following hearing, the judge informed the defendant and his attorney with the conduction of the interrogation proceeding for minor witnesses and enabled them insight into the audio record inviting them to ask questions indirectly, which the defendant and his attorney used. The court informed the defendant and other participants on the hearing during the main inquest where the audio record has been heard that their questions will submitted to the witnesses on the next hearing of the main inquest, which will be closed for the public while the audio record with their answers will be presented to the defendant and his attorney on the following hearing of the main inquest.

In other analyzed cases, there are no minor children who appear as witnesses and it is, therefore, not possible to determine whether all courts respect all process actions for protection of minor witnesses. In one case, a son made use of his right not to witness. Though his age is not being stated, based on the age of the defendant and duration of the marital community, it is possible to determine that this was a full age person.

Most often, the prosecution enclosed as evidence medical results and medical reports, police records made during investigation on the scene and excerpt from criminal and misdemeanour records. There are no data in none of the verdicts that victims were provided with additional support and help while only one of them had a legal representative and it could be, therefore, concluded that they had to carry the burden of witnessing, facing with teh perpetrator and possible secondary victimization by the defendant who denied partially or entirely the criminal offence.

In their defence, several defendants claimed until the end of the inquest that they did not commit the violence while some of them insinuated that the victims injured themselves or the event is the product of their imagination. The defendant, who hit his wife with a shovel as a result of what she had a concussion, denied the violence entirely, claimed that she hit him with a wooden object, that she is an alcoholic and has been cheating on him in the last 50 years. Though the court did not accept his witnessing as being trustworthy in any segment – demonstrated even the contrary through evidence – the witnessing without support must have been an additional trauma for this woman bearing in mind the severity of the violence she has been exposed to.

A youngish, educated man, charged with a criminal offence domestic violence in combination with a mild bodily injury who has beaten his former wife and her sister, invited as an expert witness a kick boxer who describes what injuries would have occurred if the defendant, also a kick boxer, has truly his injured women. This defendant also invited as witnesses a medical expert for the field of orthopaedics and traumatology and a policeman who made the investigation on the sport following the call of the injured parties.

When deciding on this case, the court accepted the statements of both beaten women as trustworthy, sincere and precise while dismissing the witnessing of the kick boxer as non-relevant. In addition, the court judged that the defence witnesses did not

endanger the trustworthiness of material evidence and witnessing of the injured parties. It is interesting that the police officers, who witnessed as defence witnesses in this case, indicated that they cannot remember the injuries though they described the concrete event in their note as a criminal and legal act. The court medical expert, as a defence witness, believed that the examination of injured should have been more thorough but she accepted that these were mild bodily injuries.

Apart from one of the analyzed verdicts where the indictment has been dismissed and acquittal has been decided, courts accepted the witnessing of victims as trustworthy, even in cases without supporting medical documentation, which could be considered as an attitude of understanding and protection of the victim's rights, regardless of the fact that the defendant denies his guilt. In the verdicts, it has not been noticed that the victims were treated differently if they lived in common-law communities and there was no doubt in terms of the trustworthiness of their witnessing. In one verdict, the qualification of the act as domestic violence has been dismissed because the defendant was married to another woman and the relationship or community that they has cannot be considered a common-law community, according to the judgment of the court. The court found a ground for this decision in the excerpt from the book of marriages for the defendant and the prosecution did not question this document. However, the act of violence has been accepted as a criminal offence in terms of qualification as a severe bodily injury and the perpetrator has been convicted.

In one case, prosecutor dismissed the indictment because the injured party said that she is not requesting criminal persecution.

In a court proceeding that has been conducted for domestic violence where the defendant is former husband and a wealthy man and entrepreneur, a witness on the side of the prosecution was a man with whom the victim had a relationship and who was present at the time when violence occurred. Two females employed in the company of the defendant witnessed in his benefit and they were also present when the violence occurred, as described in the indictment. Witnesses have completely opposite versions of events, as it was the case with the defendant and the injured party. The perpetrator described his former wife as being violent towards their children. He enclosed documentation about an earlier verdict against his former wife for violence committed against him. The court believed the witnesses of the defence and dismissed the allegations of the prosecution and pronounced an acquittal. Witnesses on both sides were persons who have good reasons for taking one side or the other. The court did not consider the statements of the defendant that his former wife abuses their children, children were not interrogated and the witnessing of employees from the centre for social welfare has not been requested.

Though an appropriate attitude of the court towards victims cannot be questioned – except for the last described case – a very deficient assessment of the course of the main inquest indicates that in all cases a huge burden has been transferred to the victims who have to defend on their own the trustworthiness of the indictment.

6. Sanctions

Number	Type of punishment	Number of pronounced punishments	Percentage
1.	Imprisonment	5	
2.	Suspended sentence	15	50%
3.	Fine	7	
4.	Acquittal	2	
5.	Recall of suspended sentence	1	
6	Protective measures, including fine	1 (including fine)	

As it can be seen in the table and based on the analyzed sample, the most common punishment for the criminal offence domestic violence is suspended sentence in almost 50% of analyzed cases. Fine has been pronounced in 7 verdicts. The scope of the punishment varies from 3000 BAM to 500 BAM. The 3000 BAM fine has been pronounced for a severe bodily injury in a verdict where the qualification from the indictment for a criminal offence domestic violence, qualified form (paragraph 3) has been changed into criminal offence severe bodily injury because it has been determined during the main inquest that the relationship between the defendant and the injured party cannot be considered a common-law community.

The pronounced imprisonments vary from 45 days to 2 years. The most rigorous punishment of two years has been pronounced to a father for attempted sexual abuse of his minor daughter in the case that has already been presented. In addition to this punishment, following the decision of the centre for social welfare, the defendant has been deprived of his parental right while the girls are under the custody of the centre for social welfare and they have been placed in a foster family.

An older man (67), returnee in terms of domestic violence, has been convicted to 6 (six) months imprisonment because he injured his wife with a shovel with whom he is married for 46 years. Other imprisonments are 2 (two) and 4 (four) months respectively. A 2-month imprisonment has been pronounced for a defendant who abused his parents and his brother, including a mandatory addiction treatment as long as the reason for pronouncing this measure expires and at longest until the expiry of the imprisonment. The treatment has been prescribed due to determined drug addiction and addiction to other psychotropic substances.

Two cases have been closed with a acquittal – one is the already mentioned where the court trusted defence witnesses and determined that it has not been confirmed without reasonable doubt that the criminal offence took place. In the second case the victim withdrew the criminal proceeding and the prosecution withdrew the indictment.

In two verdicts, the same person has been charged with the criminal offence Avoiding of alimony payment (article 210). In both cases a main inquest has been conducted because the defendant stated that he is not guilty for the long-term avoiding of payment of alimony for a minor child. This payment was determined through a court decision. The initial suspended sentence with a review term of two years has been

dismissed and changed into imprisonment in the second court proceeding after the defendant did not follow the order of the court. These two verdicts are separated and it is justified to consider them because the total duration of non-payment of alimony for the child was nearly 10 years. In three court processes the obligation to pay alimony has been determined and the amount to be paid, after 5 years there was a process for avoiding of payment and two years later a repeated process for the same criminal offence. The case clearly indicates non-efficiency of the system to protect the rights of a child to alimony, where legal norms are being led to absurdity and entirely devaluated. The defendant of these cases still did not pay alimony at the moment when the imprisonment has been pronounced and he stated that he does not feel obliged to pay the alimony.

Half of the convicted received a punishment that is below the legal minimum prescribed for the criminal offence domestic violence, partly because of usage of the negotiation on guilt (less than half of them) but mainly because the court was convinced that even these forms of punishment will achieve the purpose of punishments.

According to provisions of the Criminal Code, the court can prescribe to the perpetrator a punishment that is below the limit prescribed by the law (art. 38) or apply a milder type of sentence when the law foresees that the perpetrator can be punished with a milder sentence and when it determines that there are particularly facilitating circumstances that indicate that even a lower punishment will achieve its purpose (paragraph 2).

A suspended sentence is a form of warning sanction (art. 45) as well as the court admonition. Warning sanctions are being pronounced for the perpetrator only in cases when - bearing in mind the nature and severity of the criminal offence, the circumstances of the criminal offence and the perpetrator's personality – it is not necessary to apply a punishment and when the purpose of punishment can be achieved by a warning with a threat of punishment (suspended sentence) or only warning (court admonition).

By suspended sentence (art. 46) the court determines a punishment for the perpetrator of the criminal offence and, at the same time, it determines that it will not be executed if the convict does not commit a new criminal offence during a time period determined by the court, which cannot be less than one and not more than five years (review period).

Considering the provisions of the law on suspended sentence, it is difficult to estimate how the court could have pronounced suspended sentences for violence that lasted at least one year or even 14 years or for returnees in committing violence, which has been observed in analyzed verdicts.

The issue of pronouncing suspended sentences for a criminal offence domestic violence has been stressed in the above cited report of the OSCE Mission to BH where in 77.2% of monitored cases this type of sanction has been pronounced⁵⁵.

Though the Law prescribes that the review period for a suspended sentence can be up to 5 years, in 15 analyzed verdicts the review period was 1 (one) or 2 (two) years.

In addition, courts pronounced in only one case a protective measure in addition to the basic punishment, though, in several cases, it has been stated during main inquests that violence has been committed under influence of alcohol.

⁵⁵The same, page 15.

Before making conclusion on the appropriateness of sanctions for the criminal offence domestic violence in analyzed verdicts, it is important to consider the explanations of sanctions or mitigating and aggravating circumstances that were taken into account by judges when determining the type and level of sanction.

General rules on determining the sanction (art. 37 of KZRS) prescribe that the court will determine a sanction for the perpetrator of the criminal offence within the limits that are legally prescribed for that offence taking into account the purpose of punishment and all other circumstances that may influence the reduction or increase of the sanction (mitigating and aggravating circumstances) and particularly: level of criminal responsibility, motives for which the offence has been committed, level of endangerment or injury of protected goods, circumstances under which the offence has been committed, perpetrator's past life, his personal circumstances and his attitude after the committed offence as well as other circumstances that relate to the perpetrator's personality.

When the court determines the sanction for a repeated criminal offence, it will particularly take into account whether the previous offence is of the same type and the new offence, whether both offences have been committed for same motives and how much time passed from the earlier conviction, i.e. from the servitude or remission (paragraph 2).

6.1. Explanation of sanctions

While considering mitigating circumstances when determining the sanction, most often courts indicated the confession of guilt (in 14 cases that involve verdicts pronounced on the ground of agreement on confession of guilt, criminal order and 2 more cases where the defendant stated that he is guilty). Other, often used mitigating circumstances include previous non-conviction and family situation (married, father). After that comes a weak financial situation, age (whether he is young or an older person), whether the injured party requested the sanctioning of the defendant, health condition, whether he is a model sportsman and worker, whether his actions left significant consequences on the injured party, whether the criminal offence is a result of disturbed relations to which the injured party also contributed according to records, whether he was under influence of alcohol and similar.

Judges found aggravating circumstances only in case where the defendant has been previously convicted for this or other criminal offences. In verdicts where perpetrators were not convicted, the judges did not find any aggravating circumstances.

Victims' age or their health condition (if victims were older persons or persons with disturbed health, which was not visible in the verdict), elements of intimidation, frequency and repetition of violence and possible consequences for the victim, violence committed in front of children and other elements of the criminal offence were not taken as aggravating circumstances. Courts do not consider possible consequences for victims at all.

Criminal and legal sanctions represent social disapproval of the committed criminal offence. Reflect in this way, the practice of pronouncing sanctions bellow the limit prescribed by the law sends a clear signal that domestic violence is not considered a serious criminal offence and it does not deserve to be punished with an equally rigorous

sentence. Pronouncing sanctions that are on the limit or below the limit prescribed by the law has an effect of a serious warning or admonition and it devaluates the purpose of the lowest legally prescribed sanction as well as the purpose of the sanction itself. This sends a worrying message of social and institutional inertness, particularly to victims who risk their personal safety when reporting abuse and violence.

Sanctioning of the limit or below the limit prescribed by the law is, in a certain way, conditioned with the possibility to apply summary procedures. Hence, appliance of criminal order and negotiation on guilt is an issue, particularly in criminal cases of domestic violence considering that its appliance ensures pronouncement of non-imprisonment sanctions, which is visible in the analysis of sanctions and process proceedings.

The main inquest is not conducted in these proceedings, which could diminish the full effect of processing the defendant and it will, therefore, not have the effect of prevention from repeating the criminal offence. In addition, it is important to emphasize that the lack of the main inquest significantly reduces the possibility for victims to participate in the process or recognize that justice has been served in the court. In addition, the institution of negotiating guilt provides the possibility to pronounce a sentence that is below the legally prescribed minimum, even if there are no “specific mitigating circumstances”.

Though the prosecutor may decide to propose these institutions based on available evidence and his assessment of expected behaviour of the witness during process, their appliance in domestic violence cases may indicate too much relying of prosecutor and judges on simplified processing of acts that are considered as serious, complex and socially sensible and represent violation of human rights.

6.2. Indemnification

In 30 analyzed verdicts, none of the victims received compensation for damages during a criminal proceeding. Only in one verdict it is stated that the victim submitted a request for compensation but since she did not state the amount of compensation, the court did not decide about it but instructed the victim to submit an associated action for damages and realize her rights in a civil procedure.

All other injured parties in analyzed verdicts have been instructed to realize their associated action for damages in a civil procedure, except in two cases with an acquittal.

Determination of facts needed for deciding on associated actions for damages is one of the obligations of the prosecutor, according to the Law on Criminal Proceeding (art. 43, item ž). The prosecutor is obliged to collect evidence for the associated action for damages relating to the criminal offence (art. 107 of the Law on Criminal Proceeding).

The court decides on the associated action for damages (art. 108 of the Law on Criminal Proceeding). The court may suggest the injured party and the defendant, i.e. the lawyer to conduct a mediation process through a mediator in accordance with the law if it estimates that the associated action for damages is such that it is relevant to refer it to mediation. A proposal for referral to mediation may be given by the injured party and the defendant, i.e. the lawyer before the end of the main inquest. In the verdict, if the defendant is pronounced guilty, the court may entirely or partially decide on the associated action for damages or compensation for the victim and, if it assesses that the

decision on the associated action for damages may significantly influence the duration of the criminal proceeding, it may decide that the victim should resolve this request in a civil procedure (art. 103 of the Law on Criminal Proceeding).

Though the verdicts are a limited source of data, reduction of victim's rights on indemnification in a criminal proceeding to a formality, i.e. fulfilment of legal obligations of the court and prosecution in this part of the process to a minimum, reduces the victims' chances to ever resolve their associated action for damages. A civil procedure is too expensive for most of them, including collection of evidence, fees for lawyers, payment of court taxes and repeated victimization. In a criminal proceeding, the prosecutor is obliged to collect evidence for the associated action for damages, which usually does not happen. With minimum sanctions being pronounced for perpetrators, without support and being left on their own to realize their material justice, victims of violence receive a small satisfaction in a criminal procedure for the violence they have been exposed to.

Final considerations

The possibility to sanction domestic violence as a criminal offence and as a misdemeanour without precise limitations as to which institutions for law enforcement and based on which criteria determine when violence is being processed as a misdemeanour and when as a criminal offence leaves space for subjective assessments in proceedings and leads to a high number of cases where violence is sanctioned in a misdemeanour proceeding.

The Criminal Code also does not have an appropriate incrimination of all forms of violence and abuse that victims of domestic violence are exposed to, primarily women and children and, thus, many types of violence against women remain unsanctioned.

In appliance of material right, the milder form of qualification of the criminal offence is being applied and, thus, milder forms of sanctioning. Violence against children is usually not sanctioned and is not being taken into account as an aggravating circumstance when pronouncing the verdict.

There are different interpretations of the criminal offence in processing of criminal offence domestic violence or violence in family community, particularly in insisting on the continuity of violence. Based on observed issues, it can be concluded that there the judiciary does not have sufficient sensibility for the consequences of domestic violence.

In addition, based on descriptions of violence situations and explanations of findings and conclusions of courts, a number of judges and prosecutors consider domestic violence as a part of process of "family relations" that have their dynamics, could become "disturbed" or escalate into violence rather than from the perspective of violation of human rights and consequences for victims.

In cases where a main inquest has been conducted, the argumentation of committed violence depended mainly from the witnessing of victims/survivors. This practice puts women who survived violence in a risk of secondary victimization because they are facing the perpetrator again and defend the truth of the indictment almost on their own.

Pronunciation of suspended sentences, fines and sanctions on the limit or bellow the limit prescribed by the law has the effect of a serious warning or admonition, devaluates legal norms and does not provide individual or general prevention. This type

of sanctioning policy does not protect victims at all, which is confirmed through a number of repeated violence cases visible in verdicts.

Prosecutions and courts reduce the rights of victims to indemnification in a criminal proceeding to a formality referring them to realize their indemnification in a civil procedure, but the victims usually do not have legal aid or funds to initiate a civil procedure.

Recommendations

1. To classify all forms of domestic violence as criminal offence, abolish misdemeanour sanctioning of perpetrators and reduce the sanctioning policy of pronouncing suspended sentences and fines to a minimum;
2. To harmonize the Law on Protection from Domestic Violence with the Convention of the Council of Europe on prevention and combating violence against women and domestic violence (2011) that has been ratified by BH;
3. To recognize domestic violence as gender based violence;
4. To pronounce in a criminal proceeding mandatory psychosocial treatment and mandatory treatment for addiction illnesses;
5. To improve the quality of investigation of criminal offence domestic violence so that the burden of proving violence does not depend on the witnessing of the victim;
6. To ensure support and counselling for the victim during criminal proceeding;
7. To ensure compensation for victims during a criminal proceeding;
8. To conduct regular education for judges and prosecutors on domestic violence as a gender based violation of women's human rights.

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1. About the Law on Protection from Domestic Violence
2. Protective measures in the Republic of Srpska
3. Subordinate regulations for implementation of protective measures
4. Protective measures in the competence of the RS Ministry of Health and Social Welfare
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About the Law on Protection from Domestic Violence

The Law has been adopted in 2005 (Official Gazette of Republic of Srpska 118/05), changes and amendments adopted in 2008 (Official Gazette of Republic of Srpska, no. 17/08).

The Law defines the notion of domestic violence, persons that are being considered family members, ways of their protection and types and purpose of misdemeanour norms. In addition, the need for urgency of these measures is being abstracted throughout the text in order to ensure appropriate protection of victim in a timely manner and without delays.

The Law prescribes that the procedure for protection from domestic violence shall be realized in a misdemeanour proceeding by applying provision from the Law on Misdemeanours of the republic of Srpska/Official Gazette of RS, no. 101/05) (art. 2, para. 2).

In addition, the conduction of a misdemeanour proceeding does not exclude the possibility to conduct a criminal proceeding if the legal preconditions are fulfilled.

There is a dual model, i.e. two forms of legal protection of victims of violence exist and, though the legislator attempted to quicken the process for protection of victims of violence by adopting a separate law on protection from domestic violence, this did not happen. In the process of definition of the Law on Protection from Domestic Violence, members of task force and representatives from non-governmental organizations pointed out this issue in the beginning and that a dual model for protection of victims of domestic violence will always be unbeneficial for victims and that, after the adoption of the Law on Protection from Domestic Violence, domestic violence will always be a misdemeanour and never a criminal offence. These predicaments of NGO representatives became true soon after the beginning of implementation of the Law.

Soon after the beginning of implementation of the Law, a number of deficiencies were observed and one of the most aggravating factors was the unsynchronized operating of subjects of protection, i.e. institutions that constitute a chain of support for victims of domestic violence (police, centres for social welfare, health institutions, prosecutions and courts). In addition, the Law did not define the operating of safe houses or urgent measures for protection of victims in the moment of acute violence.

A specific Law on Protection from Domestic Violence is being applied in the Republic of Srpska since January 1, 2006. The main motive for definition of such law is a

comprehensive and systematic regulation of domestic violence that will ensure quicker reaction of subjects of protection and more efficient protection of victims.

Subjects of protection, including police, prosecution, custody organ, court and health care institutions are obliged to ensure protection from violent behaviour. These subjects are obliged to ensure urgent resolution of such cases. The police is obliged to submit a report to the competent prosecution and centre for social welfare within 24 hours from the moment when violence has been reported while the prosecution is obliged to undertake necessary measures immediately and inform the competent court.

The law indicates the urgency of proceedings and it states that the court shall deliver immediately a decision on the pronounced protective measure but not later than 3 days (art. 3 of this Law). It is important to emphasize that, by adopting the Law, the legislator indicated the obligation to report violence by a number of subjects (general prevention), including the injured family member, police, prosecution, custody organ. Court or any other person who has knowledge about violence (e.g. employees from educative institutions, employees in health care institutions) and citizens who have knowledge that violence has been committed or have a suspicion that violence may have been committed. Citizens are obliged to report to the police and custody organ, family members of the injured party in particular if they have knowledge that violence has been committed against minors or in presence of children. An official person who fails to report to the police an act of domestic violence from art. 6, para 2 of this Law commits a misdemeanour and shall be sentenced to a fine ranging from 800 to 1800 BAM (art. 20, para 6 of this Law).

Novelty in the definition of this Law, which can be considered as the most important, is prescription of PROTECTIVE MEASURES that could be pronounced to the perpetrator.

The provision of art. 8 of this Law foresees that a misdemeanour sanction for protection from domestic violence is a PROTECTIVE MEASURE.

The purpose of stipulating, pronouncing and enforcing of misdemeanour sanctions is efficient protection of the family, ensuring harmonious life for all family members and compliance with the national legal system.

The purpose of protective measures is to prevent through their appliance further domestic violence (prevention), to ensure safety and protection of health for each family member who has been exposed to violence and to eliminate circumstances that favour new acts of domestic violence (art. 10 of the Law).

The legislator made a severe mistake, which has been emphasized by non-governmental organizations, when it provided two-sided treatment of domestic violence in two laws. In the Criminal Code of the Republic of Srpska (Official Gazette of RS, no. 49/03), art. 208, domestic violence is a criminal offence while in the Law on Protection from Domestic Violence as *Lex specialis* (according to surveyed policemen, this is the Law that they apply) domestic violence is a misdemeanour, which, according to policemen who arrive at the scene where violence has been committed, creates confusion and there is no clear distinction as to when violence shall be reported as criminal offence and when as misdemeanour.

In addition, all respondents said that is it necessary to provide additional education for official employees from all subjects of protection in terms of appliance of the law, though Rulebooks have been defined for each of the possible protective

measures (except for measure from art. 9 – work for the benefit of a humanitarian organization or local community). An additional difficulty is that protective measures are being taken as a punishment for the perpetrators rather than a measure for protection of the victim due to the fact that the pronouncement of measures is given to the jurisdiction of misdemeanour departments within primary courts. Namely, the same Law sanctions the perpetrator and pronounces a protective measure for the victim, which creates confusion in the field.

A trend has been observed that judges apply the Law in practice in such a way that they pronounce fines for misdemeanour domestic violence while protective measures are being pronounced rarely and even if so, these are not pronounced in an urgent procedure and they are not applied in the field and their appliance is not being monitored in any of the ways prescribed in rulebooks.

The goal of defining the law, as stated by the legislator in the explanation of the need to adopt the law, is primarily protection of victims and available protective measures, such as removal from the house, flat or other dwelling, restraining order towards the victim and prohibition of harassment or spying. Pronunciation of these measures may lead to prevention of further violence but in practice it became obvious that these measures are being pronounced only rarely.

The majority of surveyed policemen in numerous researches said that they do not have sufficiently educated staff and that they are too busy with detecting other criminal offences (as they said “more important offences than domestic violence”) to monitor the implementation of possible protective measures. (The most common reply was: we cannot watch in front of each house and wait when the perpetrator will come.).

In the existing legal frame of the Republic of Srpska, the qualification of domestic violence is, as already stated, both criminal offence and misdemeanour. The processing of misdemeanours does not include the participation of the prosecutor, which means that police submits a misdemeanour charge directly to the judge for misdemeanours in the misdemeanour department within the primary court. Misdemeanour sanctions include fine, admonition, suspended sentence and protective measures while imprisonment cannot be pronounced. Misdemeanours or sanctions are not being considered as serious and the processing of domestic violence as a misdemeanour devaluates and minimizes the severity of violence against women as understood in international legal frameworks.

When discussing the situation or the report for Bosnia and Herzegovina in 2006, the CEDAW Committee explicitly stated that it is not acceptable to treat domestic violence as both a misdemeanour and criminal offence.

Observations indicate that the Law on Protection from Domestic Violence of the Republic of Srpska is being used to ensure a milder sanctioning of perpetrators rather than to provide protection for victims. Judges who were interviewed said that they acted in accordance with the Law on Protection from Domestic Violence; fines were pronounced in accordance with art. 20 of the Law and that there were usually no requests for pronouncement of protective measures.

Official data from the Gender Centre of the Republic of Srpska (information on activities to combat domestic violence in the Republic of Srpska, May, 2008, page 21) indicate that the most commonly applied sanction was a fine.

As stated earlier, according to numerous experiences from other European countries, fines do not have the effect to prevent the perpetrator to commit further acts of

violence. These sanctions influence solely the reduction of family budget, which means that the victim is being punished indirectly rather than the perpetrator.

When considering the determination as whether a domestic violence case will be treated as a criminal offence (Criminal Code of RS – Official Gazette of RS, no. 49/03) or as a misdemeanour, policemen, prosecutors and judges often do not share the same opinion. Most of them agree that in cases of severe injuries or repetition of violence it should be processed as a criminal offence while verbal threats, insults and mild bodily injuries should be processed as misdemeanour. However, there is no clear separation in laws or rulebooks for acting of subjects of protection when violence should be reported as misdemeanour and when as a criminal offence.

When interviewing policemen, some of them said that prosecutors do not always share the same opinion on the legal qualification of the act but they also said that there are no criteria or internal rules for the police how to proceed in specific cases.

Protective measures in teh Republic of Srpska

Law on protection from Domestic Violence of the Republic of Srpska (Official Gazette of RS, no. 118/05) foresees following protective measures:

1. Removal from apartment, house or other dwelling,
2. Restraining order towards victim of violence,
3. Ensuring protection for the victims of violence,
4. Prohibition of harassment or spying on the victim of violence,
5. Mandatory psychosocial treatment,
6. Mandatory medical treatment due to addiction,
7. Work for the benefit of a humanitarian organization or local community.

Article 10 of the Law stipulates the purpose of protective measures, which is that their appliance shall prevent further domestic violence, ensure the necessary protection of health and victim's safety and eliminate circumstances that favour or encourage further acts of domestic violence.

The Law clearly defines conditions under which protective pleasures could be pronounced, particularly because it foresees at the same time sanctions for non-respecting pronounced protective measures. E.g. protective measure removal from flat, house or other dwelling and prohibition to return to the flat, house or other dwelling could be pronounced for those who committed violence against a family member with whom he shares a flat, house or other dwelling if the court assesses that there is a real danger that the perpetrator may repeat act of violence in case this measure is not being implemented. The person to whom the measure from art. 9, para 1 of this Law has been pronounced is obliged to leave the flat, house or other dwelling without any delay and in the presence of a policeman.

The measure set forth in paragraph 1 of this article shall be prescribed for a period of time of no less than 30 days and not longer than 6 months. Responsibility for implementation of this measure has the Ministry of Internal Affairs of the Republic of Srpska, which is obliged to define regulations that regulate this are (Rulebook on ways of implementation of protective measures that are in the area of responsibility of the

Ministry of Internal Affairs, Official Gazette of RS, no. 26 from March 27, 2006) (art. 11 of the Law).

A person who has committed an act of domestic violence may be put under a restraining order if there is a risk that he/she might repeat the abuse. In its ruling on the restraining order, the court shall define places and areas and the distance, as of 200 m, which an abusive person must not cross and approach the victim of violence. This measure set forth in art. 9, paragraph 2 of this Law shall be prescribed for a period of time of no less than 30 days and not longer than one year in duration. Ministry of Internal Affairs of the Republic of Srpska is responsible for the implementation of this measure (art. 12).

The protective measure of protection of the victim of violence may be granted to the victim of violence regarding his/her physical protection and ensuring that he/she may exercise his/her rights and interests without any fear and jeopardy to his/her own life. This protective measure shall provide a victim of the violence with:

- 1) Temporary accommodation in institutions of social care or with other families or in other appropriate places (safe house);
- 2) The right to financial support from the alimony fund.

At the time this measure is prescribed, the court shall issue an order to a relevant institution or center for social welfare to accommodate temporarily a victim of violence for shelter and care until the enforcement of the measure from the article 11 of this Law.

Regulation on conditions for opening and work of the Safe House, as well as conditions for establishment, financing and operation of the alimony fund shall be enacted by Ministry of Health and Social Protection of RS and Ministry of Finance within 60 days from the date of entry into force of this Law (art. 13 of the Law).

The prohibition of harassment and spying as a protective measure shall be placed upon a person who committed violence by harassing or spying another person, if there is risk that he/she might repeatedly harass or spy a person from article 5 of this Law. This measure shall be prescribed for a period of time of no less than 30 days and not longer than one year in duration. Ministry of Internal Affairs of the Republic of Srpska is responsible for the implementation of this measure (art. 14 of the Law).

Mandatory psychosocial treatment, as a protective measure, may be granted to an abusive person in order to remove his/her violent behavior and if there is risk that he/she might repeat the violence. This measure shall be prescribed for the duration of time until a reason for which it was assigned no longer exists in the first place, but it shall not exceed two years (art. 15 of the Law).

Mandatory rehabilitation for an addiction, as a protective measure may be pronounced to an abusive person who has committed an act of domestic violence under the influence of alcohol or drugs or other psychotropic substances, if there is risk that the abusive person might repeat that act of violence. This measure shall be prescribed for a period of time of no less than 30 days and not longer than two years in duration (art. 16 of the Law).

Regulations on ways to implement measures from articles 15 and 16 of the Law on Protection from Domestic Violence will be defined by the Ministry of Health and Social Welfare.

Measure work for the benefit of a humanitarian organization or local community. The Law did not elaborate in any of the articles or paragraphs the pronouncement of this

measure nor did it determine the jurisdiction of any ministry or organ for definition of regulations in this field.

Protective measures can be pronounced following the request of the person who was exposed to violence or his/her legal representative, on the request of the police, prosecution, centre for social welfare, governmental and non-governmental organizations or ordered ex officio.

Protective measure from article 12 of this Law shall be ordered ex officio (art. 18 of the Law).

The perpetrator against whom a protective measure has been pronounced is obliged to act in accordance with the pronounced protective measure and in case he/she does not respect the pronounced measure, he/she will be sanctioned for misdemeanor with a fine ranging from 300 to 500 BAM (art. 22 of the Law).

When pronouncing protective measures, the court must take into account the purpose of the pronounced measure and the severity of pronounced measure and its efficiency.

The court is obliged to submit the decision on pronounced protective measure to the custody authority on whose territory the family member who was exposed to violence has his/her residence and the custody authority on whose territory the person against whom the measure has been determined has its residence.

The Welfare Authority, subjects of the protection referred to in the article 3 of this Law are responsible in accordance with the Law on Gender Equality of BH, to keep records on pronounced protective measures for persons against whom violence has been committed and for persons for whom protective measure has been ordered, to monitor their enforcement, to inform the court of the enforcement of the measure, and put forth proposals to stop or to extend the measure or replace it with another measure.

If it is the opinion of the court that the victim of domestic violence needs immediate and urgent protection, the court shall order a protective measure as an independent misdemeanor sanction after the hearing of the perpetrator, without waiting for the outcome of the criminal proceedings.

Decision on pronouncing of protective measure shall determine the duration of the protective measure which has been pronounced to the perpetrator. Duration of the measure shall commence from the date of the decision become final. If urgent measure was imposed, this time period shall be taken into account in the duration of a measure (art. 19 of the Law).

In addition to protective measures, the legislator also defined fines of a committed misdemeanor domestic violence.

A perpetrator who commits an act of domestic violence referred to in the article 6, para 2 of this Law shall be sentenced to a fine ranging between BAM 100 to 300 BAM.

A perpetrator who repeats an act of domestic violence referred to in the Article 6 of this Law will be sentenced to a fine ranging between BAM 300 to 1.500 BAM.

An adult family member who commits an act of domestic violence referred to in para 1 of this article, in the presence of a child or minor shall be sentenced to a fine ranging between BAM 300 to 1.500 BAM. An adult family member who repeats an act of domestic violence in the presence of a child or minor shall be sentenced to a fine ranging between BAM 500 to 1.500 BAM.

A perpetrator who commits an act of domestic violence to the injury of a child or minor referred to in the para 1, article 5 of this Law shall be sentenced to a fine at least in the amount of BAM 600 up to 1.500 BAM.

Subordinate regulations for implementation of protective measures

The implementation of protective measures is determined in subordinate regulations.

Protective measures that are in the scope of responsibility of the Ministry of Internal Affairs of the Republic of Srpska are regulated in the Rulebook on implementation protective measures that are the responsibility of the Ministry of Internal Affairs of RS (Official Gazette of RS, no. 26 from March 27, 2006).

This Rulebook defines the implementation of protective measures: removal from flat, house or any other dwelling and prohibition to return to the flat, house or any other dwelling, restraining order towards victims of domestic violence and prohibition of harassment or spying on a person that has been exposed to violence.

The Rulebook defines that the responsibility for submission of a request for pronouncement of a protective measure and implementation of protective measure has the police station on whose territory the victim of violence has his/her temporary or permanent place of residence.

Provisions on preparation and planning of implementation of protective measures from the scope of responsibility of the Ministry of Internal Affairs of RS define the following: assignment of an authorized official person from the competent police station that will be responsible in a specific case, ways of cooperation with the victim of violence, elaboration of a plan and acting in case of victim's endangerment, ways for provision of support to the victim by relatives or other persons who want to provide support (friends, NGO representatives providing support to victims of violence) and all other activities that are aimed at protection of victim and provision of support, creating an assessment of endangerment for the victim and plan for implementation of protective measure.

Implementation of the protective measure removal from flat, house or other dwelling and prohibition to return to the flat, house or other dwelling is regulated in article 13 of this Rulebook.

Protective measure restraining order towards victims of domestic violence – Article 14 of the Rulebook foresees that, in case the perpetrator is being found in the area that has been listed as a prohibited area in the plan for implementation of the measure, an authorized official person will order the perpetrator to leave the area and warn him/her to possible punishment in case of non-respecting the order.

If the victim or any other person reports that the protective measure has been violated by the perpetrator, the authorized official person will immediately go to the scene and order the perpetrator to leave the area, even if the contact occurred accidentally.

If the perpetrator violates this protective measure or refuses to follow the order of an official person, he/she will be put into custody and a request for initiation of a misdemeanour procedure will be submitted to the competent court for further processing.

Implementation of protective measure prohibition of harassment or spying of the victim of violence is regulated in article 15 of this Rulebook.

In case of finding the perpetrator in the vicinity of the victim or in case of receipt of report, official authorized person will determine the circumstances and reasons why the perpetrator is being in the vicinity of the victim or if the perpetrator's behaviour indicates a grounded suspicion that the perpetrator violates the measure in any way, he/she will collect all evidences that prove that the perpetrator is behaving opposite to the pronounced measure or harasses and spies the victim through a second person. The official person will put the perpetrator into custody with the request to initiate a misdemeanour procedure and will hand him/her over to the competent court.

If the perpetrator uses ICT technologies (information and communication technologies – cell phone, Internet) to harass the victim, the official person will instruct the victim to request from the mobile provider data on the identity of numbers and addresses that the perpetrator used at the moment of harassment and to submit these to the responsible person. If there is a grounded suspicion that, by using ICT technologies, the perpetrator violated the pronounced protective measure, he/she will be put into custody with the request to initiate a misdemeanour procedure and handed over to the competent court. If the perpetrators uses technical or other equipment, these will taken from him/her (with a confirmation) and submitted for further processing to the competent court.

Police is obliged to submit a report on implementation of protective measures from its jurisdiction to the competent centre for social welfare in accordance with the temporary or permanent residence of the victim of domestic violence.

Protective measures in the competence of the RS Ministry of Health and Social Welfare

Protective measures that are in the competence of the Ministry of health and Social Welfare of the Republic of Srpska are regulated in the Rulebook on ways and places of implementation of protective measure protection for victims of domestic violence (Official Gazette, no. 97 from October 6, 2006), the Rulebook on ways and places of implementation of protective measure mandatory treatment from addiction from alcohol and drugs (Official Gazette RS, no. 97 from October 6, 2006) and the Rulebook on ways and places of implementation of protective measure mandatory psychosocial treatment (Official Gazette RS from October 6, 2006).

The Rulebook on ways and places of implementation of protective measure protection for victims of domestic violence (Official Gazette RS, no. 97 from October 6, 2006) regulates place and manner in which this measure will be implemented to ensure physical protection and safety for victims with the aim to fulfil their rights without fear of endangerment of victims' life.

This protective measure is being implemented in social care institutions, centres for social welfare, within other families or in safe houses as specific locations for placement of victims of domestic violence whose operating and standards are prescribed in this Rulebook.

The purpose of this measure is to ensure physical and mental integrity of the victim, his/her mental health and to prevent further domestic violence. According to this

Rulebook, a safe house includes a secure space where this measure will be implemented and staff trained to work with victims of domestic violence. The stay in a safe house may not exceed 3 months.

If it is necessary to provide urgent protection for the victim of domestic violence, the court may pronounce this protective measure as an urgent procedure and as a separate sanction upon hearing the perpetrator and without waiting for the completion of the proceeding.

The Rulebook on implementation of this protective measure determines the conditions that a safe house must meet in terms of secrecy of the locality, space, equipment, employed staff and security of the building.

It is important to particularly emphasize articles 11 and 12 of the Rulebook, which define the profile of professionals and ways of their employment in a safe house as well as the mandatory 24/7 physical protection of the building.

The Rulebook on ways for implementation of protective measure mandatory treatment due to alcohol and drug abuse prescribes the ways in which this measure will be implemented, it defines health and other institutions where this measure is being implemented, lists non-governmental organizations and associations that work in the field of this type of treatment and where this measure could be implemented. These include centres for mental health, psychiatric clinics or psychiatric wards in general hospitals, specialized wards in psychiatric clinics for treatment of addiction illnesses, other institutions that have the permission of the Ministry of Health and Social Care.

The Rulebook on ways for implementation of protective measure mandatory psychosocial treatment regulates the purpose, goal and manner of implementation of this measure. One of the goals of this measure is establishment of control of the perpetrator over his own behaviour, which includes work of professionals with the perpetrator and learning social skills that will influence the perpetrator not to repeat violence.

This protective measure is being implemented in institutions of primary health care or in hospitals if the health condition of the perpetrator requires hospitalization. From the experience of the Mobile team for support and help to women victims of domestic violence, which has been founded in Banjaluka on May 1, 2005 and operated until May 1, 2011 and whose members included representatives of the NGO “Udruzenje zene”, representatives of the centre for Social Welfare Banjaluka and policemen on duty, when we insisted from policemen in the field to submit a proposal for pronouncement of protective measures, the police rarely made use of this possibility. The pronouncement of these measures has been requested only in cases of alcoholism (in cases of drug addicts it has been rarely used under the excuse that this measure is not possible to implement because there is no successful treatment of drug addict without his/her consent and they did not know any institution where this measure could have been implemented since the clinic in Banjaluka did not have a department for treatment of drug addicts) but even in these cases, it did not accomplish its purpose because of lack of synchronized work of all institutions. Even if the measure has been pronounced, it has been implemented in the department for alcoholism of the Psychiatric clinic in Banjaluka, which is an open type ward and, thus, nobody controlled the implementation of the measure. Persons to whom this measure has been pronounced could have walked away in any moment and nobody would ask them where they are going.

In addition, all measures encompassed in the Rulebook on ways of implementation of protective measures that are in the competence of the Ministry of Internal Affairs of RS (Official Gazette RS, no. 26 from March 27, 2006, items 1, 2 and 4 of art. 9 of the Law on protection from Domestic Violence) are being requested only in a small number of cases. In discussions with policemen in the field, members of the Mobile team obtained various responses to the question why they do not request pronouncement of protective measures, ranging from that they do not have sufficient manpower in the field to monitor pronounced measures to that victims often manipulate institutions and that there is no real danger for the victim, that without determining a marital or common-law community they do not have the right to remove anyone from his/her flat.

The new Law on Protection from Domestic Violence

The new law has been adopted in 2012 with the idea to eliminate deficiencies that have been observed in the previous Law. There are opposite opinions on the new law and while some praise it, others think that the problems continue, particularly those caused by the fact of insufficient demarcation of the criminal offence domestic violence from the misdemeanour incrimination of such behaviour.

According to opinion of persons interviewed as part of this project, this Law is very important to increase social responsibility for domestic violence. The Law made a visible progress in comparison to the previous. It is particularly important that this Law prescribes protective measures and foresees many more situations that could be categorized as violence, thus, many more harmful behaviours may be sanctioned that disturb an harmonious family life. The Law need to be amended in the future. And the state needs to create conditions for a comprehensive implementation of the Law so that it could ensure desired effects.

However, some people think that this law is just an act of political will, which does not resolve the essence of the problem of violence; that the same happened to this law as with many other laws that are often adopted without completing the process with additional regulations and other conditions that could lead to results, e.g. the criminal sanction work for general benefit. In the same context of scepticism towards the new law, there is the following question: who is afraid of sanctions of the minor offence court? Sanctions that can be pronounced in a misdemeanour procedure are inappropriate; it is not defined for nothing in most European countries as a criminal offence.

There are also people who remind that the law on misdemeanours and a misdemeanour procedure are something that protect the public order, public peace and not a person. Person is protected in a criminal offence procedure and this is the reason why sanctioning domestic violence in a misdemeanour procedure does not ensure protection of victims or appropriate sanctioning of the perpetrator. Domestic violence cannot be resolved in a misdemeanour procedure; it is being reduced to an act of less importance when it is processed as a misdemeanour.

One of the best characteristics of the new law is because it widens the circle of persons that are being considered members of family or family community:

1. Spouses or former spouses and their children (mutual or from previous relationships);

2. Common-law spouses and former common-law spouses, their children (mutual or from previous relationships);
3. Relatives up to second degree regardless of the fact that the marital community has stopped;
4. Parents of current and forms marital and common-law spouses;
5. Relatives from a complete adoption in the straight line without limitations and in the side line up to the fourth degree and relatives from incomplete adoption;
6. Persons that are linked through a custody relation;
7. Persons who have a mutual child or the child is beget though they have never lived in a joint household.

Newly adopted subordinate regulations

The new Law is accompanied with new subordinate regulations, though not all are adopted that should have been. For example, the Minister of family, youth and sports defined subordinate regulations that are foreseen in transitory and final provisions of the new Law on Protection from Domestic Violence of republic of Srpska – Rulebook on standards for realization of safe house, art. 16, para 7; Rulebook on the contents and keeping of a Register of safe houses, art. 17, para 2; Rulebook on allocation of funds for safe houses, art 19, para 5; and Rulebook on contents of records and reports on domestic violence, art. 34, para 3⁵⁶.

Rulebook on standards for realization of safe house, number 20.05/020-229/13. From March 6, 2013, Minister Nada Tešanović. Available at the website of RS Government, adopted in scheduled time, 6.3.2013.

Rulebook on the contents and keeping of a Register of safe houses, number: 20.05/020-255/13. from March 6, 2013, Minister Nada Tešanović, available at the website of RS Government, adopted in scheduled time, 6.3.2013.

Rulebook on allocation of funds for safe houses, number: 20.05/401-652/13. Minister Nada Tešanović, available at the website of RS Government, not adopted in a 6 months period, but adopted on June 28, 2013.

Rulebook on contents of records and reports on domestic violence, number: 20.05/012-4-16/13. Minister Nada Tešanović, available at the website of RS Government, not adopted in a 6 months period, but adopted on July 29, 2013.

Apart from the Ministry of Family, Youth and Sports that adopted two rulebooks in time and two at a later point, other ministries did not fulfil their obligations.

General protocol on proceeding in cases of domestic violence in the Republic of Srpska with the goal to improve and strengthen mutual cooperation in protection, support and help to victims of domestic violence, prevent repetition of violence, momentary support has been signed on November 25, 2013 in the premises of the Press centre of the RS Government on the International Day to Combat Violence against Women. In this way, the Government of the Republic of Srpska joined the campaign entitled “16 Days of Activism to Combat Violence against Women”, which is being marked throughout the

⁵⁶ All rulebooks are available at the website of the Government of Republic of Srpska.
<http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpos/oPorodica/Pages/Akti.aspx>

world.⁵⁷ The protocol has been signed by the Minister of Justice in the RS Government, Mrs. Gorana Zlatković, the Minister of Family, Youth and Sports, Mrs. Nada Tešanović, the Minister of Internal Affairs, Mr. Radislav Jovičić, the Minister of Health and Social Welfare, Mr. Dragan Bogdanić and the Minister of Education and Culture, Mr. Goran Mutabdzija.

The appliance of these rulebooks cannot be considered due to a short period of their validity and because that period is not within the period defined in the project. However, it is important to emphasize their adoption, which is doubtless a great progress in that area.

Functioning of specific institutes

1. Safe Houses
2. Domestic violence between misdemeanour and criminal and legal sanctioning
3. Protective measure – mandatory socially useful work for the benefit of the local community
4. Advice for prevention of domestic violence and violence in family relationship
5. Free legal aid

Safe Houses

At this stage, it is important to list the provisions of art. 23 of Istanbul Convention, which orders that all members States will undertake necessary legislative and other measures to enable opening of appropriate, easily accessible safe houses in a sufficient number for a safe placement and proactive support to victims of violence, particularly women and their children. The situation for placement of women victims of acute violence in the Republic of Srpska is far from this recommended situation. In addition, there are serious issues concerning the discrediting of importance of safe houses, even to initiatives that these should be abolished.

Average stay in a safe house is around 3 months, but according to the new Law the stay may be extended while attempting to find a more permanent solution and respecting the interests of children in the first place, because it is attempted to avoid any form of placement in institutions. The information from centre for social welfare is notorious where they refuse to accommodate a victim in a safe house when violence happened only on the mental but not on physical level, which means for them that there is no reason to worry!

Safe houses are not social care institutions and from end of 2011 there is a hidden state campaign against safe houses, which is still ongoing. It has now become systematic, because the manner of their financing is defined in such a way that it threatens all three safe houses in RS to be closed.

⁵⁷ Available at: http://www.vladars.net/sr-SP/Cyrl/Vlada/Ministarstva/mpr/media/vijesti/Pages/Potpisan_Opsti_protokol_o_postupanju_u_slucajevima_nasilja_u_porodici_u_Republici_Srpskoj_.aspx

In the Republic of Srpska and other countries of the region, there is a tendency to deny the need for their existence. One of the loudest voices in this campaign (but not the only one) is professor Ljubinko Mitrović, who often publicly ridicules the concept of safe houses attempting to convince the public with quasi theoretical reasons that the questioning of the existence of safe houses is justified. He asks the following: Do we make another act of violence by placing or accommodating victims in a safe house? Is it not more logical, natural, normal and purposeful to accommodate the perpetrator in a safe house or any other form of placement? Is it not new violence against the victim to exclude her/him from her/his previous environment where she/he used to live, separate her/him from friends and neighbours or the work place for a couple of months or if the victim of violence is a student, separate him/her from the school and friends? According to the Law, payment for temporary placement of victims of domestic violence in a safe house and payment of funds for placement of victims of domestic violence in a safe house is being provided from the budget of the Republic of Srpska, i.e. local self-administration units. The author claims that it should have been foreseen that these funds are being paid by the perpetrator of domestic violence provided that he/she has sufficient funds (particularly if it is known that a high number of perpetrators has these funds and belongs to the category of wealthy citizens). Another dilemma regarding safe houses, according to the author, is the issue of supervision over the operating of safe houses, because the competent Ministry has the sole competence to keep the Register of safe houses.⁵⁸

It is necessary to prevent with this study and its recommendations as well as all public advocacy activities the dilution of the concept of safe houses. The concept of placement of victims of domestic violence in a safe house is, seemingly “beneficially” being criticized by asking whether it would be more logical to remove the perpetrator from his/her usual environment. When asking this seemingly beneficial question, it is completely overlooked that it is necessary to provide a number of conditions that do not exist in the Republic of Srpska or the region, including EU member states.

It is necessary to oppose publicly in an argumented way such criticisms because safe houses are often the only rescue from a momentary danger of inflicting severe bodily injuries, even endangerment of life. In a number of cases, safe places are literally a matter of most elementary existence, a measure that stands literally between life and death. When advocating for the necessity of existence of safe houses, it is important to determine what women in the region have already determined, which is that countries in the region are not ready to treat violence against women in the same way as any other social problem, so that it could be considered that there is an elaborated system of other measures for more appropriate reaction in cases of domestic violence. To eliminate the need for their existence, it is necessary to ensure a well developed system of institutions and there is no such a system on the Balkans. If everyone would do their job as it should be, women would be protected from violence even without safe houses, but the essence of the problem lies in inappropriate treatment and lack of support provided by

⁵⁸ Lj Mitrović, Domestic violence according to the Law on Protection from Domestic Violence of the Republic of Srpska from 2012, Criminality, State reaction and harmonization with European standards, Institute from criminological and sociological research, page 243

institutions. In addition, not all countries are politically willing or financially capable to ensure efficient protection for women from violence and only those countries who meet these conditions may start to think about possible reductions of capacities in safe houses but never about their complete closing. In all other countries, these capacities have to be increased by extending existing capacities and opening new safe houses in new places as well as the extension of maximum duration of placement of women in these facilities.

A woman exposed to violence has the right to be protected by state institutions, this is part of democratic authority, it is crucial and shelters are so far an unavoidable element of institutional state protection. It is necessary to point out that, according to experiences from the region and wider, these should be gender based; without this, it does not entirely fulfil its function to protect women who are exposed to violence. According to experiences from European countries and countries from the region, gender neutral shelters do not fulfil this function. When it is said that there are no funds for shelters, women around the world ask the question why there is sufficient money for armies that cost a lot of money and so this question is relevant in our country as well. In terms of supporting gender character of safe houses, it is necessary to consider the question whether it is necessary to supervise the work of safe house and if so, representatives from women's NGOs must have an equal participation in that process.

There is sufficient material in statements provided by victims to argument this view, all those who were placed in a safe house gave the highest possible grades. In a research of support proved to victims of trafficking, BH citizens, that has been conducted by the network Ring in 2011, on a sample of 10 victims who have been interviewed, it has also been clearly shown that only those women/girls who spend a longer period in a safe house were able to reintegrate into the society (Her life after, experiences of helping victims of trafficking in BH). The situation with victims is complex because the entire system – allegedly gender blind – is actually gender discriminating. In practice, women rarely or never realize their right to a proportional part of marital property, there is no efficient collection of alimony, and when adopting the Law on Social Welfare, there were no additional funds planned in budgets for women and children victims of domestic violence, there are no social flats or a law on social housing and many more things that would be necessary. In victims' responses, it becomes clear that, after leaving violent marital community, they enter into a deep poverty risk. Safe houses cannot resolve this issue, which is often a justification for centres for social welfare not to send victims into safe houses, but rather attempting to ensure quick reconciliation and return to the family. In this way, they do not create new social care obligations and reduce the obligation for individual work with victims.

NGO activists constantly point out the importance of placement of victims in safe houses. According to the new RS Law on protection from domestic violence and following the proposal and lobbying of Zenski centar, the possibility for stay 3+3 has been extended to 6+6 months, though activists are requesting 12+12 months. Taking into account that centres for social welfare have the authorization to channel municipal funds for placement in safe houses and decide on the number of days, there is a general impression that short time periods are being purposely approved in order to make savings of funds for the harm of victims. One of the purposes of safe houses is that these should enable sufficient time to victims to overcome their trauma with the support of a team of experts and to organize their life after leaving safe house, which certainly cannot be

achieved within 15 days, which is the common period spent in a safe house. This can be seen in reports of organizations who manage a safe house - what was the number of victims they provided accommodation for during that particular year and then divided with number of places.

Statements given by victims who were placed in safe houses.

Victim 2 The safe house was my rescue, if I haven't been in the safe house; I would have been under the earth by today. I have been sent back to my home from the safe house with the police and commission from the safe house⁵⁹.

Victim 5 I never spoke to anyone about it, except his aunt who was great support to me as well as the team from the safe house. I had my mental peace in the safe house, I did not have to listen as to in what mood he is. I had the feeling that they believed me.

Victim 6 My stay in the safe house helped me a lot. Though I was separated from my 2 sons, I felt calm, finally as a family.

Victim 7 I stayed in the safe house until I received a temporary measure custody for children. My parents brought me things and food to the safe house – I'm not saying that this was necessary but this is how it happened. When I left the safe house there was a level of fear, what if he comes back. Fortunately, he did not come back and there was no more physical violence but mental violence continued in the court.

Victim 9 When I came to the safe house, I was mentally destroyed. I couldn't use a phone or move around the house.

Victim 15 I never asked for any support until the last case when I contacted NGO Lara and they placed me in the safe house. They told me that I could stay there as long as I want but I left the safe house after a month because my aunt needed 24/7 care and I moved to live with her.

Domestic violence between misdemeanour and criminal and legal sanctioning

The provision that each act of violence that does not contain features of a criminal offence is a misdemeanour leads in practice and according to NGO based experiences, to non-recognition of the limits among processing domestic violence as a criminal offence and as a misdemeanour. Practice shows that police, prosecutors and courts have the view that domestic violence with severe consequences, such as bodily injuries or repeated act of violence should be considered criminal offences while less serious acts or verbal violence should be considered a misdemeanour. This separation does not have a base in existing laws and represents solely the views of practitioners. Attempts to sanction violence solely in a criminal proceeding and not to pronounce protective measures were not successful.

There is a growing trend in the Republic of Srpska to process domestic violence in a misdemeanour procedure including pronouncement of fines to perpetrators, regardless of clear indicators in practice that such a type of sanctioning does not fulfil its purpose to prevent the perpetrator from repeating violence and fines are more difficult for victims

⁵⁹ This woman has not been literally returned from the safe house; the first she returned on her own decision and the second time when she received the final verdict on sharing of property.

than for perpetrators. Fines additionally jeopardize the existence of the family and the victim of violence.

It is, therefore, necessary to present to the public the positive and negative features of misdemeanour sanctioning of domestic violence. The main goal of the Law on Protection from Domestic Violence from 2012 is protection of victims of domestic violence by preventing and eliminating violence that violates basic human rights and freedoms, which are guaranteed in the Constitution and legislation. Experiences from the region indicate that 70-80% of perpetrators have been processed solely in a misdemeanour proceeding (e.g. Croatia), which is not bad except if it is being seen as a way of avoiding more appropriate sanctioning of domestic violence. It is necessary to view this from a crucial perspective and see whether the purpose has been fulfilled or has it been noticed that there is a tendency towards mild sanctioning of perpetrators?

Pronunciation of urgent measures by misdemeanour court and misdemeanour judges is a legislative incorrectness because such courts have been abolished in the Republic of Srpska and BH through the misdemeanour reform from 2008. Misdemeanour cases have been since then in the competence of misdemeanour departments of primary courts in the first instance and district courts in the second instance. However, this inconsistent terminology did not cause problems in practice but it will be eliminated by the Law on changes and amendments of the Law on Protection from Domestic Violence, which is currently ongoing. Nevertheless, there were no issues with this in practice and, when the first law has been adopted, misdemeanour courts still existed and by integrating them into primary courts, their jurisdictions have been transferred as well.

According to NGO activists, domestic violence has often been tolerated and pardoned, most often minimized in the public due to inappropriate and untimely reaction of responsible institutions and mild treatment of domestic violence as a misdemeanour. Thus, there is no individual and general prevention.

Domestic violence has been pardoned and tolerated, particularly in the first year after the adoption of the Law on Protection from Domestic Violence. Later, it has been sanctioned, but quite often only as disturbance of public peace and order and according to the Law on Misdemeanours. This attitude is present currently, but not in such an extent. It is visible in verdicts – and known from statements of beneficiaries of legal aid – that quite often policemen arrived every time when a woman reported violence against her, but they did not undertake any legal steps but rather gave certain verbal warnings. These arrivals on the spot/interventions of the police are recorded in the book of duties and only the analysis of these data – which are not available to the public – could ensure a real picture on the number of reported cases of violence. The problem of domestic violence is being demarginalized, but the process is very slow. Today, around 30% of municipalities/towns in RS analyze the report on domestic violence once a year, which is a significant change in comparison to 5 or 7 years ago. Inappropriate sanctions are the cause and the consequence of this situation. Institutions react to physical violence and initiate some form of process while other forms of violence, particularly psychological violence, is rarely being recognized or sanctioned. We have information from a centre for social welfare where they refuse to place a victim in the safe house because the violence was of psychological nature and not of physical and there is not ground for placement in a safe house! It is important to have in mind that psychological violence includes threats of violence and murder threats to the victim, mutual children, parents and other close

persons, insulting, intimidation, humiliation in public and private life, prevention of usage of joint property or part of it, preventing from employment and independent decision making etc.

The Law on protection from Domestic Violence fairly degraded the achieved result that domestic violence is a criminal offence for which sanctions are foreseen within the Criminal Code of RS. In practice, criminal procedures are being initiated only in case of severe bodily injuries and misdemeanor proceeding for all other cases (a misdemeanor is being deleted while a criminal charge remains permanently in the file of an individual). There are also official persons who possess their official weapon but are perpetrators of violence. They are treated according to misdemeanor procedure and no one is taking the weapons from them nor is this an obstacle for being employed in such services.

A social unobtrusiveness/invisibility of families with violence has been observed. These families often function very well in the wider social community, which is all beneficial for the perpetrator who is hiding behind such discretion. Social customs and tradition requires the woman to protect the family reputation by keeping quiet, which contributes to lack of readiness of institutions to reach in an appropriate and timely manner to cases of domestic violence. In practice, most commonly there is a combination of both reasons.

It is important to have in mind that domestic violence has been incriminated for the first time in 2000, thus, before the adoption of the Law on Gender Equality (2003). Until then, domestic violence was a family matter and the Family Act only recognized violence, neglect and misuse of children. In addition, Republic of Srpska is a post-war society where completely different topics dominate the public dialogue since 1996. Only after the adoption of the Law on Protection from Domestic Violence (that came into force on January 1, 2006) an extensive campaign begins on the issue of domestic violence. This Law – though far from being perfect, did not prescribe the recording of domestic violence cases, did not have defined supervision, monitoring and had many other deficiencies – was a milestone in animating a wider circle of stakeholders and it was an instrument for NGOs to organize campaigns and programs for education of women. There are many unreported cases of violence as a result of patriarchal inheritance, inappropriate institutional response, poverty of women and “preserving of family values”. There is a high level of probability that many cases of violence will remain hidden and unpunished but it is important to create an ambiance in the society where violence is being condemned and where women upon reporting violence will receive institutional support and protection.

Domestic violence is defined as a criminal offence including foreseen sanctions in the Criminal Code of RS in 2000 or 2001, but is weakened by definition of separate laws that automatically have much less significance. Due to lack of organization within the chain of support (police, centres for social welfare, NGOs) and economic dependence on the perpetrator, many victims still do not talk about violence. Private entrepreneurs are not sufficiently stimulated to employ them and, in reality, due to possible violence on the work place and absence because of children, many employers are avoiding the employment of this category. On the other side, almost all properties are registered on men and victims do not have the possibility to dispose of mutual property that they invested in all their life; they do not have access to favourable credit lines to start their own business and, thus, they are often forced to return to violent communities, even after

a stay in a safe house. In addition, there is a possibility in the RS Family Act to pronounce a temporary custody measure for minor children until the end of the court proceeding but centres for social welfare (in some areas even NGOs and municipal free legal aid) often do not inform about it women victims of domestic violence. Bearing in mind that in cases of domestic violence, perpetrators often use children to blackmail the victim to return to the violent community or to punish her for leaving (these children are often exposed to mental and physical tortures to be loyal to the perpetrator and to refuse to live with their mother), it becomes clear what is the consequence of this act for the woman but also for children victims of domestic violence. The perpetrator often extends divorce procedures and, as there is no such measure, he/she has the same rights as the mother. This is one of the most common reasons for returning or non-abandoning by the victim.

It has been observed that perpetrators have a good knowledge of legal provisions on domestic violence and they manipulate and report that they are victims of violence. Every scratch that victims inflicted them in self-defence is treated as violence and it is being punished while media give the same value to this. In this way, there are women reported as perpetrators and this number could indicate that perpetrators “learned” how to use law while institutions do not recognize that in most of the cases these are self-defence situations.

Protective measure – mandatory socially useful work for the benefit of the local community

Interviewed persons from public prosecutions consider the protective measure of mandatory socially work for the benefit of the local community as justified if it is possible to implement it, but in practice it does not exist due to lack of legal regulations (there are no defined supporting acts). Most of them claim that such work would be appropriate and more than desirable. Instead of sending someone, particularly younger people, to jail to spend time being useless and creating costs for the State, there are so many things in towns that could be done, e.g. cleaning river shores, wild dams, parks, sports fields or school yards. In addition, it would be good if citizens could see them and think that he has beaten his wife and he is punished for that to clean the park or channel, which would have a strong general preventative impact in addition to individual prevention. It would be, therefore, good if a system for its implementation would be established. If the local community could provide conditions for that, it could also make some income as a result of it. So far, there is no such a system on the level of RS because the competent minister (of justice) did not define a rulebook for its implementation. Some courts tried to make an agreement with the local community to create conditions for implementation of this protective measure, but the local government refused this. This is the reason why this measure is not applicable, because there are no conditions for its implementation; a system for implementation of sanctions should be established. In short, protective measure of socially useful work for the benefit of the local community is, according to persons interviewed in institutions, a justified measure but it has not been applied. All interviewed persons thought that it was justified and they regretted because it has not been pronounced. Subordinate regulations should have regulated it, but they did

not. In general, it has been assessed as an excellent measure but only if it had been implemented.

Social workers consider that the protective measure of socially useful work for the benefit of the local community is theoretically justified but in practice it cannot be applied and it is, therefore, good that it is no longer available. There was a general view that it would have had its purpose and justification if it would have been applied and that this provision should have been transferred to the new Law. The problem is that this provision is undefined and, therefore, it cannot be implemented; this provision exists for minors as well but it is not being implemented, it is not verified.

Interviewed persons in centres for social welfare consider the protective measure removal of perpetrator of domestic violence from the family as entirely justified and necessary.

Social workers think that the protective measure of mandatory psychosocial treatment for perpetrators of domestic violence is entirely justified, which has been shown in practice and that everything else would not have any sense without this. The treatment of perpetrator is important but in domestic conditions it is difficult to apply it.

Council to combat domestic violence and violence in family community

An important novelty in the Law on Protection from Domestic Violence in the Republic of Srpska is that the Government is establishing a Council to combat domestic violence and violence in family community to monitor and assess the implementation of policies and measures for prevention and combating domestic violence and improvement of coordinates and efficient work in the field of domestic violence. This is a counselling body of the Government of the Republic of Srpska. The Council has been founded and NGO representatives have been involved. It would be desirable for NGO members to be active and visible in the work of this body and to make it publicly visible.

Free legal assistance

It is recommended to respect the provisions of the Istanbul Convention, article 57 – Member States will provide the right to legal advice and free legal assistance for victims under the conditions prescribed within their national legislation.

The Law on Free Legal Assistance has been adopted in the Republic of Srpska and there are five regional centres for free legal assistance. Initially, this Law did not recognize victims of domestic violence as beneficiaries but this has changed mid of this year, i.e. this category is included in the law.

According to the RS Law on Free Legal Assistance in RS⁶⁰ following categories have the right to free legal assistance: “a) nationals of the Republic of Srpska and citizens of the Republic of Srpska and other natural persons on the territory of the Republic of Srpska who are identified as jeopardized categories and b) natural persons on the territory of the Republic of Srpska who are under international protection in accordance with international standards, particularly refugees, persons under temporary admission, victims of trafficking in persons who are not able to cover the costs of legal assistance” (art. 14).

⁶⁰ Law on Free Legal Assistance in RS, „Official Gazette of RS, no. 1120/08“

According to the financial criterion, jeopardized categories include a) beneficiaries of social assistance, b) unemployed persons, without other regular income or salaries, c) persons with a weak financial position, d) beneficiaries of retirement pension and pension for disabled, e) persons whose work ability has been taken away and mentally ill persons placed in health care institutions, f) children without parental care and g) persons whose right to free legal assistance has been recently established in a different case (art. 17). Victims of violence have been included as a separate category of beneficiaries only this year but it is clear that they belong to some of the others above listed groups, i.e. jeopardized categories. Types of legal assistance include general information of rights and responsibilities, legal counselling and assistance in filling various forms, legal assistance in preparing any type of written correspondence, representation in court, preparation of appellations and legal assistance in proceedings for a peaceful resolution of disputes (mediation).

Apart from national centres for provision of free legal assistance, NGOs also provide legal assistance. All three NGOs in RS who manage a safe house also provide legal and psychological counselling, preparation of written correspondence, actions for divorce, and requests for exempting from payment of court taxes. In exceptional cases, our organization (Lara) provides free representation of victims in court proceedings (divorce, property distribution) but we have only limited resources for this form of support; I would say that our legal advisor does it on a voluntary basis according to her own judgement.

The organization Zenski centar Trebinje provides free legal aid and representation in court for victims of domestic violence – this has been initiated through a project supported by OAK Foundation in duration of 6 months but it continued for a while on a voluntary basis because it became obvious that existing municipal services for free legal assistance do this on the superficial level, which reflects on the quality of protection of victims and the fulfilment of their rights. Practice showed that the quality of protection provided by the NGO sector is much more qualitative than support provided by municipal services. It is very important to keep this support on a continuous and stable level, which requires additional financial support.

It is difficult to assess to what extent national centres provide access to justice for victims because these beneficiaries are relatively new to them. For the period analyzed in this research, victims of violence were not recognized in the legislation but it is positive that the Law on Free Legal Assistance has been harmonized with the Law on protection from Domestic Violence.

As for the centres for social welfare, most of them do not have officers on duty, except maybe Banjaluka, Bijeljina and some others. There is no doubt that the police inform the centre as soon as possible and on work days this is usually within 24 hours. Weekends are problematic probably in all centres, except for Banjaluka. In Trebinje, there is no social worker available after 3 p.m. on work days and there is no duty service during weekends.

Interviews in courts, public prosecutions, police, centres for social welfare conducted in 2013

Understanding of violence by judges

Understanding of violence by persons interviewed in the public prosecution

Understanding of violence by persons interviewed in the police

Understanding of violence by persons interviewed in centres for social welfare

Understanding of laws by judges

Understanding of laws by persons interviewed in the public prosecution

Understanding of laws by persons interviewed in the police

Understanding of laws by persons interviewed in centres for social welfare

Understanding of protective measures by judges

Persons interviewed in public prosecutions about protective measures

Persons interviewed in the police about protective measures

Persons interviewed in centres for social welfare about protective measures

Understanding of procedural issues by judges

Persons interviewed in public prosecutions about procedural issues

Persons interviewed in the police about procedures

Persons interviewed in centres for social welfare about procedures

Understanding of institutions by judges

Understanding of institutions by persons interviewed in the public prosecution

Understanding of institutions by persons interviewed in the police

Understanding of institutions by persons interviewed in centres for social welfare

Understanding of non-governmental organizations by judges

Understanding of non-governmental organizations by persons interviewed in the public prosecution

Understanding of non-governmental organizations by persons interviewed in the police

Understanding of non-governmental organizations by persons interviewed in centres for social welfare

Understanding of educations regarding domestic violence by judges

Understanding of educations by persons interviewed in the public prosecution

Understanding of educations regarding domestic violence by persons interviewed in the police

Understanding of educations regarding domestic violence by persons interviewed in centres for social welfare

Interview conclusions

1. Prevention

2. Criminal prosecution and sanctioning of perpetrators

3. Protection of victims

4. Integrated policies (coordinated multi-sectored problem approach)

Sets of questions (eleven questions for interviewed judges, nine for prosecutors, fifteen for social workers and five for police) have been asked in order to obtain a picture on prevailing opinions on domestic violence among the respondents, to what extent are they in favour of patriarchal, traditional understanding of female/male relations and gender based violence, how much they understand specific forms of domestic violence, the issue of perpetrator's responsibility, reaction by institutions etc.

Understanding of violence by judges

1. Is the preservation of family community more important than protection of women victims of domestic violence?
2. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim's right to be protected from violence?
3. Do you support the idea of removal of the perpetrator of domestic violence from the family?
4. Is there a tendency to blame the victims of domestic violence for "dissipation" of the family?
5. Is there a view that domestic violence cases are of less importance?
6. Is domestic violence the result of alcohol and drug misuse?
7. Is there a tendency to diminish psychological violence as being less important or more difficult to be proved?
8. Are cases of sexual abuse in the family treated in the same way as cases of physical abuse?
9. Is the alleged provocation by the victim acceptable as justification for the perpetrator?
10. Do you believe that false reporting of domestic violence is often being used as an easy and quick way to become divorced or obtain property?

On the question whether it is more important to protect the victim of violence or preserve the unity of the family, judges are not unanimous and clear regarding the priority protection from violence. They rather restrict it to the type and severity of violence, consider that it is difficult to give a response to this question, that the assessment of the centre for social welfare is important, that this is a question that legislation cannot answer, they carefully favour preservation of family but not at any cost. Nevertheless, most of them give priority to protection of victims, while family preservation should be considered later but not at any cost. "Personally, I would absolutely give priority to protection of victims, the perpetrator should be appropriately sanctioned and family preservation should be a matter that will be dealt later by competent services". In extreme situations, it is necessary to apply legal mechanisms to protect the victim and remove the perpetrator to prevent a tragic outcome. A family cannot fulfil its purpose if it exists in an environment where a woman is exposed to physical and mental violence. This reflects on her and children and it is, therefore, necessary to prevent domestic violence but, in cases where it was not prevented, it should not be tolerated to maintain this family in a formal way. There are many dilemmas and it is being said that in court practice a milder sanction

is being pronounced in order to preserve the family, even that victims requested this themselves. Certainly, it is more important to protect the victim, particularly in cases of severe type of violence. Some replied that they must not do it, that there are less and less marital disputes being categorized as domestic violence, that there is actually no clear definition as to what is domestic violence because legal provisions are too broad. Some had the experience that in 80% of cases, the victim and perpetrator reconcile and some judges ask the question what is the purpose of sanctioning. However, no one ever asked what types of “reconciliation” these are, does it happen under the pressure of the perpetrator, environment, due to economic problems and the victim’s inability to organize her/his life outside the relationship with the perpetrator and how and why does it come that even victims advocate for mild sanctions? It is encouraging that most judges share the idea that young people should be educated to change the way of upbringing or future generations and to eliminate conservative habits of a patriarchal family where it was required to listen without objections and accept any form of consequences. It is also obvious that the behaviour of the father provides a good example to the son how he should behave when he grows up towards his own family.

The contradiction of ownership rights and interests is also for some judges in collision with the victim’s right to be protected from violence. Only one opinion denies the existence of such collision because it is about premeditation and committed criminal offence, which is a temporary measure that is not permanent deprivation of property. However, according to most of them, there is a collision, because the perpetrator has the right to a home, but when it comes to violence, he/she has to be removed and they cannot live under the same roof. He has to be charged for its actions but the property cannot be taken away from him/her. Formally and legally, legal regulations that define ownership are in contradiction with victim’s rights. It has to be taken into account whether the property belongs to him/her, is the property gained together during the relationship. Then, it is considered that these rights do not contradict but there is no procedure or process to determine this. Though it is more important to save life, the ownership issue is not appropriately regulated. If a measure removal from house/flat is being pronounced, it will not be accepted by the second instance court and this is being explained by the fact that judges are not protected, they are competent for their verdicts and the quality of work of judges is being measured by the norm and number of confirmed verdicts. This is the reason why verdicts are not being pronounced because higher level courts will abolish them and judges try to keep their job in this way. All protective measures should be pronounced in a criminal offence because there is an appropriately process part that a protective can be pronounced and maintained. Law on Protection from Domestic Violence must refer to criminal offence proceeding and protective measures could be pronounced by the prosecutor and, in some cases, by the police.

However, some judges do not support removal of the perpetrator from the home considering that this depends on the type of violence and its intensity. According to them violence occurs under the influence of alcohol and drugs and it would be of primary importance to help the perpetrator to free himself from addiction and the family could continue to exist. Behind any act of violence, according to them, is some other problem, pathologic jealousy, alcohol and drug addiction – basically, there is always one of these problems. It is sometimes hidden but sometimes it can be seen in their statements that the problem is of different nature. However, some judges support removal of the perpetrator

stating that this is a necessary measure and it should be applied, it is good as a temporary solution for the most severe types of violence (e.g. in cases of returnees) and it should be pronounced as much as possible. It is important to mention the view that this is a good measure that is not appropriately positioned in the legal system for which a court proceeding should be pronounced.

Judges noticed in the practice of courts and the wider social community the blaming of the victims for the violence she is exposed to. They mentioned experiences of hearing several times during process things like “she got what she deserved” or “if she hadn’t deserved she wouldn’t have been beaten”. Though there are such views that could be heard even during court procedure, most judges said that this is not the view and policy of the court or their own.

As regards the view that domestic violence cases are less significant offences, most of the judges do not agree with that. According to them, this view existed earlier but the introduction of a criminal offence in the field of domestic violence and adoption of the Law on Protection from Domestic Violence as well as the processing of these acts contributed that these views no longer exist. A number of these cases have been processed, this is increasingly being taken as a criminal offence and it has the same significance for judges as criminal offences of severe bodily injury. However, it has been said that these views still exist in the wider public because there are still people who do not understand the consequences of domestic violence.

Expressing the view on the causal link between alcoholism and domestic violence, most judges state that some sort of addiction is the cause of this violence, including the economic situation in the country in general. Most of them agree about this, but there are also some of them who think that alcohol is not the cause or at least not the only cause.

According to most of the judges, there is no tendency to diminish the significance of mental violence while the minority recognizes the existence of this problem in practice. It is being said that, at the moment, it is very difficult to issue an indictment for mental violence though, if there would be psychiatric expertise and traumas for the victim, it should be taken into account. The problem is that there is no sufficient practice in processing mental violence, but it is important to start develop it.

Sexual violence within family is treated in the same way as physical violence - according to the prevailing opinion of judges – while the minority is being cautious with that claim because they did not such cases in practice.

According to the majority of respondents, the justification of violence through provocation by the victim is not acceptable, according to some, even absolutely unacceptable. However, one opinion is that its presence could influence the level of sanctions.

Most judges consider that among victims there are no persons who invent violence and if so, these are only few persons, a small percentage, almost negligible.

Misuse in terms of reporting violence in order to get divorced in an easier way is possible. According to some judges, there are rare, individual cases but these circumstances are being determined through evidence, the factual situation is being determined and possible misuse. Nevertheless, most respondents reject such possibility either because they did not have such examples in practice or because they think that the

situation is opposite – the environment is such that women have difficulties to decide to report domestic violence and that there is much more violence than it is reported.

Understanding of violence by persons interviewed in the public prosecution

1. Is the preservation of family community more important than protection of women victims of domestic violence?
2. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim's right to be protected from violence?
3. Do you support the idea of removal of the perpetrator of domestic violence from the family?
4. Is there a tendency to blame the victims of domestic violence for “dissipation” of the family?
5. Do public prosecutors sometimes have suspicion that reported cases of domestic violence truly occurred?
6. Is domestic violence the result of alcohol and drug misuse?
7. Are there mentally ill persons among victims of domestic violence who invent violence?
8. Do you believe that false reporting of domestic violence is often being used as an easy and quick way to become divorced or obtain property?

Persons interviewed in public prosecutions consider that family is very important but also that no one should suffer from violence, particularly women. On the question whether the preservation of family community is priority in relation to protection of victim, public prosecutors have no dilemma and think that preservation of relationship is not priority. Family is the pillar of every society, but only if it functions correctly. However, if there is any form of violence within a family, then this is not a family in the appropriate sense and, in these cases, it is more important to protect women from domestic violence. But, respondents also said that everything should be done to protect the family if possible and it is possible in some cases. Thus, the victim is most important because it is a life matter. Protection of victim's safety comes first but it should be also tried as much as possible to preserve the family.

On the question relating to possible conflict of protected values, ownership rights of the perpetrator and victim's right to be protected from violence, interviewed prosecutors give priority to victim's protection. They refer to the Constitution of BH and Constitution of RS that puts in the catalogue of rights on the first position protection of personality, i.e. the right of people not to be subject to inhuman or degrading treatment and only then comes the ownership right. Thus, the ownership right of the perpetrator cannot be more important than the victim's right to be protected. It is also stated that ownership rights are subject to other court proceedings and that the victim should not live in the same house or flat with the perpetrator. If this could be resolved in a different manner it would be good, but when violence happens, ownership rights of the perpetrator cannot be protected.

Public prosecutors mostly support the idea to remove the perpetrator from the family. Some of them support the idea in any case, others only in case of “real perpetrators”, which is according to them often the case. There is also an awareness that

this protective measure does not achieve the desired effect and in some cases it is possible to achieve the opposite effect.

According to prosecutors, the patriarchal view that a woman who complains about domestic violence is to blame for the destruction of the family is possible, but only in more primitive communities. Nevertheless, it does exist even among prosecutors and some of them have a questioning view if the wife is truly always the victims, e.g. what if she has been more under influence of alcohol. However, if there is violence, it must be sanctioned regardless of the fact how someone will “treat” it. But, there is a clear view that there is no such tendency and no one should be exposed to violence at any cost.

Persons interviewed in public prosecutions observe very often that domestic violence is being explained through alcohol and drug addiction. But, some are reserved and it does not have to be always the case. Namely, there are sober perpetrators but in a lot of cases there is a certain connection. According to one view, drug and alcohol are two different things and violence is being seen primarily as a result of alcohol abuse and almost never as a result of drug abuse. There is also a negation view and causes of domestic violence are poverty and the perpetrator’s nature.

On the question whether there are possible suspicions on the side of public prosecution in terms of existence of domestic violence, a number of them said that they did not have such cases while others say that there were similar situations but not too often. It is also being emphasized that in sometimes there is a doubt but only whether it is a misdemeanour or a criminal offence and that domestic violence must be treated by a prosecutor as any other type of violence, thus there are no suspicions. Its existence is being proved by injuries, witnesses and when there is material evidence, then it is not important if a victim decides to withdraw from the process. Prosecutors reject the suspicion that there are persons who could invent domestic violence – some of them never had such a case, other would not say that this is possible and some cautiously allow the possibility that such situations may exist. Persons interviewed in prosecutions reject the possibility that false statements on domestic violence could have been used as an easy way to get divorced and obtain property. Some of them did not have such cases in their practice and others explain that divorce and property sharing are being realized in other court processes.

Understanding of violence by persons interviewed in the police

1. Is the preservation of family community more important than protection of women victims of domestic violence?
2. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim’s right to be protected from violence?
3. Do you support the idea of removal of the perpetrator of domestic violence from the family?
4. Is there a tendency to blame the victims of domestic violence for “dissipation” of the family?
5. Are you aware of any cases where a “victim” invented the whole story?

There is no doubt for persons interviewed in the police as whether the victim's safety is more important than preservation of family community because the task of the police is to ensure safety and everything else goes in individual cases to the centre for social welfare that is authorized to work on that. The police cannot be used as a social service and, though the victim's safety is of primary importance for the police, they sometimes try and help in the preservation of family.

On the question whether protection of property and public order are more important to the police than the safety of victims of domestic violence, respondents said that initially it was more important to protect properties and public order but this is changing slowly. Police does not separate this, they do not see a difference, everything is the same, both have the same importance and everything is regulated within appropriate laws. However, human life is always priority; thus, every violence and care for the victim is priority.

According to respondents in the police, ownership rights of the perpetrator of domestic violence (e.g. to live in his/her family house) contradict/are opposed to the victim's right to be protected from violence, which is the main problem because in most cases owners of fixed assets are perpetrators or their parents and court give priority to the ownership right. Considered from the human perspective, it should be the other way round and it is easier to isolate the perpetrator but, most often, the victim is the one who leaves the house and not the perpetrator. Theoretically, there is nothing disputable to remove the perpetrator irrespective of the fact whose house it is but in a concrete situation everything depends on circumstances. If the perpetrator came to the house, it is easier to remove him/her; if not and if it is shared property, it is much more complicated, not to speak if the house belongs to him/her. Economic and social circumstances complicate the situation. The police must remove the perpetrator – this is a great idea – but the question is how to do that and where should he/she be removed. This should be regulated in the law.

Respondents in the police support the idea of removing the perpetrator of domestic violence from the family but restricted themselves by stating that this measure has still not become practice and the future will show what will be the effect of this provision – will it be beneficial or harmful. Everything depends on individual situations. It is complicated; one act should not be used to make another one. There are no preconditions to implement something like that in the existing economic situation within the society. It all depends on the severity of the act. The main question remains unresolved – what to do next and where to put the perpetrator? The court makes the decision where to put him etc.

On the question whether there is a tendency to blame the victim of domestic violence who reports violence for “destruction of family”, respondents in the police said that these are solely some subjective views, which are irrelevant to the police, i.e. the importance of these views is being negated. There is no more blaming of the victim, this happens if only one case is reported while in cases of long-term violence this view no longer exists, there is understanding for the victim. In reality, the victim is being blamed only in cases of misuse of reporting. However, these views exist in the society and this is the reason why there is a high dark number of unreported cases. Currently, there is a tendency that the number of reported domestic violence cases is being reduced as a result of this prejudice.

On the question whether they are aware of any cases where the “victim” invented the whole story, respondents in the police said that they do not know about such cases but allow that might happen, though very rarely.

Understanding of violence by persons interviewed in centres for social welfare

1. Is the preservation of family community more important than protection of women victims of domestic violence?
2. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim’s right to be protected from violence?
3. Do you support the idea of removal of the perpetrator of domestic violence from the family?
4. Is there a tendency to blame the victims of domestic violence for “dissipation” of the family?
5. Do you agree with the idea that victims of domestic violence do not need psychological treatment but primarily a job and protection from repeated violence?
6. Is there a view that domestic violence is not a severe offence?
7. Is domestic violence the result of alcohol and drug misuse?
8. Are children also victims of domestic violence, despite the fact that the perpetrator does not abuse them but solely their mother?
9. Are you aware of any cases where the “victim” invented the whole story?
10. Are there mentally ill persons among victims of domestic violence who invent violence?
11. Is there a tendency to diminish psychological violence as being less important or more difficult to be proved?
12. Are only cases with visible bodily injuries accepted as real cases of violence?
13. Are cases of sexual abuse in the family treated in the same way as cases of physical abuse?
14. Is the alleged provocation by the victim acceptable as justification for the perpetrator?
15. Have you ever heard about a case of false reporting of domestic violence?

Generally speaking, social workers state that in the social profile of victims of domestic violence there are more unemployed women living in poverty but this is not a rule. It is more difficult for employed women who do not want to destroy their reputation reporting violence and they report violence rarely. However, there are others who do not think in this way stating that the general unemployment profile in the region Banjaluka/Bijeljina/Eastern Herzegovina is 25 to 30% and the same or slightly more is the profile among victims of domestic violence. In general, there are no rules. Information on (un)employment do not have a relevant role. There are employed and unemployed persons among victims. Educational level and social status do not influence significantly domestic violence.

According to respondents in centres for social welfare, for some institutions it is more important to preserve the family community than to protect the victim, which is sometimes being preferred by perpetrators and even victims themselves. Preservation of

family at any cost is not more important but protection of women victims of domestic violence but in the domestic cultural context, this is not the case. There are views that it is not possible to separate this. What sort of family is a family that is violent towards a woman, accepting at any cost to preserve such family and the woman should suffer – that is not acceptable? Family safety means safety for each of its members. Sceptics, on the other side, think that none of this is important because both is being neglected, not sufficient attention is being paid to either of these things, the family or the victims' safety.

On the question whether the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim's right to be protected from violence, social workers state that the interests of both categories are disturbed. In reality, these interests have to be opposed. Safety and the right to live in the same home have been violated by violence. Ownership rights are and are not opposed but the removal of the perpetrator from the house certainly does not take away his/her property. The most important thing is to protect the victim. The primary right would be the right of the victim to have a safe life. From the victim's point of view, it is necessary to remove the perpetrator during the first acute stage but it is also true that many consider this as violation of his/her right. There has been a view that the ownership right of the perpetrator is not opposed to victim's protection because this should be a sanction and a sanction is always violation of someone's right.

All persons interviewed in centres for social welfare support the idea to remove the perpetrator of domestic violence from the family – some of them absolutely, always and mandatory. They think that this is the only priority and that removal of the perpetrator is the appropriate measure. One respondent support the removal but notes cautiously that such removal did not happen in their practice.

Regarding the tendency that victims of domestic violence are being blamed for "dissipation" of family, respondents in centres for social welfare state that there is such a view in the society, e.g. in form of seemingly "rational" presentation that "both sides are to be blamed". This is not the view of professionals working on domestic violence issues, but it indicates that there are cases where victims themselves have that impression. Some say that this is not their personal view, but indicate that there are such prejudices in the society in general and that this is the reason why there is no clear support after reporting of violence. After reporting violence, the victim usually does not have any means for life, which pushed her back to the family. These women do not have a place to go, it is very difficult to estimate whether the reporting of violence will help them improve their situation. However, these prejudices are slowly being abandoned, though their impact is still fairly strong.

In terms of the need of victims of domestic violence to have either psychological treatment or job and protection from repeated violence, social workers think that victims need both. What is more, psychosocial treatment should be mandatory. Apart from economic support, it is necessary to provide support by professionals. After leaving such a family, these women are fairly unstable and they need help. There are views that both sides – perpetrator and victim – need psychosocial support and help but separately and different forms of treatment. This is a huge stress and it is difficult to cope with it, almost impossible to face it on her own.

There is no opinion in centres for social welfare that domestic violence is not a severe offence; there is no tolerance for violence and they approach the problem maximally professionally because they consider it a severe offence, one of the most severe acts that they work within their practice. They also said that, in general, citizens convict violence. There are also views that reduction of significance of domestic violence still exists, but it is being reduced and slowly this prejudice disappears.

On the question whether domestic violence is the result of alcohol or drug abuse, social workers state that most often it is the case of alcohol abuse but not drug abuse. There were views that alcohol and/or drugs are triggers but never causes and that perpetrators use this to justify their violence. While examining causes of domestic violence, they arrived to the result that drugs are quite often the cause of violence. But, that is not always the case. Their initial analyzes indicated 60% of connection but in cases where adult children are perpetrators the causes are always drugs or alcoholism.

Social workers consider that children are also victims of domestic violence, though the perpetrator does not abuse them but solely their mother. This is mostly the case when children witness violence. So it is in the law and social workers think that they are based on their experience. If there is violence in the family, children are victims regardless of the fact whether they are present during the act of violence. They always include children as indirect victims, though in most cases violence is not been committed on children but because they witness it, this is considered to be mental violence.

On the question whether they are aware of a case where a “victim” invented the whole story, respondents in centres for social welfare state that their approach is to trust victims, even if she/he lies and the court should prove it. They can observe manipulations, but, in general, they trust the victim. It is possible that victims “blow up” the story a bit in order to realize certain rights but, in general, they trust the victim. Invention does not happen, the story might be slightly “blown up”.

On the question whether there are mentally ill persons among victims who invent stories, respondents in centres for social welfare think that in these cases it is necessary to be cautious because life in such a family is not easy. Usually, there is violence in such families but they are not sure how to treat it. There are statements that they did not have such cases so far and that there are mentally ill persons but not so much among victims because perpetrators are much more sick.

Social workers responded affirmatively on the question whether there is tendency to diminish mental violence as being less important or more difficult to prove and they are certain that it is difficult to prove it.

Interviewed social workers mainly confirm that only cases with visible bodily injuries are being accepted as real cases of violence, saying that it is true that it is being reacted mainly in cases of physical violence. There are certain limitations, i.e. that they do not proceed in this way in centres for social welfare but in the court they do.

Cases of sexual domestic violence are not treated in the same way as cases of physical violence because, according to social workers, different form of support is being provided for victims. The form of support differs due to the form of trauma that the victim was exposed to. The procedure is the same but it is a more severe of violence and it needs to be handled in a more serious and stronger way.

Respondents in centres for social welfare do not think that the objection that a victim provoked violence could be accepted as possible justification for the perpetrator

but they said that the court takes this into account as a circumstance but not as justification.

Cases of false reporting of domestic violence are definitively not known to interviewed social workers and they never heard about such cases.

Understanding of laws by judges

1. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
2. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
3. Is the Law on Protection from Domestic Violence applicable in practice?
4. Do certain legal provisions aggravate the situation of victims of domestic violence and/or do they increase the risk of violence?
5. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?
6. What should be changed in provisions of the Law on protection from Domestic Violence in order to make it more efficient?
7. What are the positive elements in the practical application of the Law on protection from Domestic Violence?
8. What are the negative elements in the practical application of the Law on protection from Domestic Violence?
9. What needs to be changed in the practical application of the Law on protection from Domestic Violence?

According to judges, the criminal Code contains sufficient provisions and ensures appropriate protection for victims of violence but it could be improved by introduction of pronouncement of specific protective measures. Legal provisions are appropriate, sanctions have been increased but to what extent are women protected remains a separate question and the law cannot resolve this. What needs to be done in cases when the woman is unemployed and economically dependent on her violence husband - what can the state do if it cannot ensure permanent appropriate support? This is a long-term problem in a patriarchal environment where women need time to decide to report violence against them due to their economic dependence. Thus, the Criminal Code ensures sufficient protection, particularly after changes and amendments and introduction of protective measures that should be extended so that all protective measures that are being applied in a misdemeanour procedure could be pronounced in a criminal offence proceeding. There are some objections, e.g. that not all forms of violence that appear in practice are encompassed in the definition of criminal offence. Life situations of people exposed to this criminal offence require a more comprehensive, precise and qualitative definition of domestic violence. In general, there are failures in the definition of this type of criminal offence. In some situations, the usage of terminology is not appropriate, e.g. criminal

offence – sexual violence against a child is, in its essence, raping of a minor. In the criminal offence endangerment of safety it is necessary to point out persecution as a separate criminal offence and women are usually exposed to this form of criminal offence. There are unclear issues as to what exactly constitutes domestic violence. The current court practice is such that the continuity is not important, i.e. the duration or repetition of violence but the Supreme Court has the view that domestic violence should be processed as a criminal offence when there was physical contact or physical violence among the victim and perpetrator. Other forms of violence should be treated as misdemeanours but there is a level of insecurity in assessing whether this is entirely correct with expectations that time and practice will solve any dilemma. There are also comments that prosecutions are not being sufficiently involved during domestic violence investigation. There is also the question when the same person reports in a longer period verbal violence, could that be treated as a criminal offence?

The opinions of judges regarding the Law for Protection from Domestic Violence differ and those who assess it positively state that it provides appropriate protection and that the law as such can protect sufficiently. A very powerful view is that this Law was very important in terms of increase of social responsibility for domestic violence. There is visible improvement in the Law in comparison to the previous. It is particularly important that this Law prescribes protective measures and that there are many more situations that can be categorized as domestic violence, thus, it is possible to sanction many more types of harmful behaviours that disturb harmonious family life. There is more work needed on the Law and the state must create conditions for its comprehensive implementation so that it could provide the desired effects. If there are deficiencies, this is primarily due to lack of funds and conditions for its implementation. However, a question must be asked as to what happens when the sanction is over and their relations are disturbed – how does this reflect on the woman and children? The Law cannot protect her. It is a complex issue; there are no straight forward answers. Those who have a negative view think that protective measures are not appropriately defined, there is no procedure for determination of justification for pronounced protective measures, there are victims that cannot be trusted and there must be a procedure that will determine its justification, which is not possible in a misdemeanour proceeding. In case of pronouncement of protective measures, the district court can annul them for formal reasons and nothing has been done. It is debatable as to how this Law protects the victim – a victim cannot be protected solely by placing her for two or three months in a safe house. There is no specific program for protection of victims and there are no funds allocated for this purpose. Centres for social welfare, as key subjects of protection according to this Law, do not have sufficient funds or conditions to provide protection for victims. The sanctioning that is foreseen in this Law is not appropriate; at least, it was so far because imprisonment could not have been pronounced in a misdemeanour procedure. Changes in the law on misdemeanours, imprisonment is being introduced again and, thus, domestic violence could be also sanctioned by imprisonment in a misdemeanour proceeding if there are new changes to be made in the Law on Protection from Domestic Violence.

In relation to negative views, it has been stated that law on misdemeanours and misdemeanour procedure protect public order and peace and not the personality. Personality is protected in a criminal offence proceeding and sanctioning of domestic violence in a misdemeanour procedure does not provide protection of victims or an

appropriate sanction for the perpetrator. Domestic violence issue is not being resolved in a misdemeanour proceeding, it is rather being diminished if processed as a misdemeanour and categorized as an act of less importance. In addition, it has been considered as absurd that currently there are more rigorous protective measures in a misdemeanour than in a criminal offence procedure. According to one opinion, it is generally not good to sanction domestic violence as a misdemeanour. It should be explicitly a criminal offence and it should be sanctioned in a criminal proceeding. It would be better to have a separate law, such as the Law on proceeding with minors in a criminal proceeding but again linked solely to criminal persecution. We should ask ourselves is there anyone who is afraid of sanctions on the court for misdemeanours. Sanctions that could be pronounced in a misdemeanour procedure are inappropriate and domestic violence is not defined for nothing as a criminal offence in most European countries.

In relation to applicability of this Law, they say that it is entirely applicable, even that it is being applied but that this is the case only with certain provisions. It is also being said that the Law is applicable but it does not solve the problem. It is more an act of political will that does not resolve the essence of the problem of violence and it does not have a preventative impact. It is said that it is applicable but the problem is that there are insufficient institutions to monitor the outcome and there is also no will in institutions to monitor the outcome of a case. Often, laws are being adopted but the process is not completed by adoption of additional regulations and creation of conditions that could lead to results, such as was the case with the criminal sanction work for the general benefit. It would be great if it was applied but no one implemented it in practice. In addition, law on protection from domestic violence or protection for minors is being adopted but there are no institutions to implement it in practice.

It is important that most judges think that provisions of that Law do not aggravate the situation for victims and that possible problems of this kind could occur as a result of revenge of the person being reported and that ownership rights and laws aggravate the implementation of protective measures.

A general view is that everything is legally applicable, but for some provisions there are no other conditions that need to be established. Judges noted that the pronouncement of protective measure work for general benefit is not applicable in practice, because there are no appropriate rulebooks that prescribe the execution of the measure. It is also noted that this Law on Protection from Domestic Violence prescribes the obligation of the prosecutor to initiate a misdemeanour procedure and that is not applicable in practice because prosecution or some prosecutions, including the prosecution in Bijeljina, refuse to act in a misdemeanour procedure. Many cases of violence in the last year were not processed for this reason and almost a year none of domestic violence cases have been processed. The prosecution started a procedure in the RS Supreme Court against this provision in the Law and the Law has been changed. Many cases of domestic violence from the last year could be subject to statute of limitations or remain unpunished.

According to public prosecutors, in order to make the Law on Protection from Domestic Violence more efficient, it would be necessary to prescribe provisions that foresee the responsibility of authorized persons for non-implementation of the law. There are views that the Law as such should not be changed, but the problem is how victims

should report violence in a vicious circle of economic dependence. It is also emphasized that there insufficient court practice to observe the necessity for changes.

As positive sides in practical appliance of the Law on Protection from Domestic Violence, respondents in public prosecutions list general protection of victims of violence, raising awareness of citizens through verdicts that show that certain behaviours in family represent an act of violence. It is positive that it has been shown to victims that the state is sanctioning violence, wants to protect them and made clear to perpetrators that if they continue to behave in this way, they will be punished with a more rigorous sanction, which shows the victims who did not report violence that the society aims to protect them. All that represents demarginalization of domestic violence because the Law made this problem socially important and, thus, created an important preventative function.

As weaknesses in the practical application of the Law on protection from Domestic Violence, respondents in courts said that there is no procedure for determination of facts for pronouncement of urgent measures and a violation of the defendant's rights to defence is possible. A negative thing is also that there is no regulation after the end of the proceeding, there is no possibility to provide conditions for the victim that would be needed for the continuation of normal life, protected from violence and not being economically dependent from the perpetrator. One of the issues is what respondents define as reduction of significance of the act through misdemeanour sanctioning and that this Law has not defined and sufficiently developed a system for protection of victims.

On the question what should be changed in the practical application of the Law on Protection from Domestic Violence, respondents in courts state that the criminal and misdemeanour proceedings should be linked together through the law, particularly in cases where the criminal proceeding is already ongoing and where pronouncement of an urgent measure is required. Such measures should be introduced by provisions in the criminal proceeding that has already started or at the stage when an investigation has already started. In most cases, perpetrators are sons against fathers or husbands against their wives and consequences are usually mild bodily injuries. A problem is also that these acts happen in patriarchal environments and victims keep quiet; it is a shame to talk about that. Everything should end in a legal way and the victim can return home to her husband.

Understanding of laws by persons interviewed in the public prosecution

1. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
2. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
3. Is the Law on Protection from Domestic Violence applicable in practice?

4. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?
5. What should be changed in provisions of the Law on protection from Domestic Violence in order to make it more efficient?
6. What are the positive elements in the practical application of the Law on protection from Domestic Violence?
7. What are the negative elements in the practical application of the Law on protection from Domestic Violence?
8. What needs to be changed in the practical application of the Law on protection from Domestic Violence?

On the question whether domestic violence is precisely define to ensure efficient sanctioning of perpetrators, respondents in public prosecutions responded that the Criminal Code of the Republic of Srpska regulates clearly and precisely in art. 208 the issue of domestic violence or violence in family community. On the sub-question whether this ensures sufficient protection for victims of domestic violence, some respondents gave absolutely affirmative answer because the Criminal Code, in art. 208, incriminates in detail the act of domestic violence or violence in family community and this is sufficient for sanctioning of this and other acts. Some respondents think that despite these detailed provisions, the victim is not sufficiently protected.

According to respondents in public prosecutions, the Law on Protection from Domestic Violence contains sufficient provisions for sanctioning of perpetrators of violence against women but there are also certain limitations. Namely, the Law, as any other law, contains sufficient provisions for appropriate sanctioning of perpetrators from the theoretical point of view, but the problem lies in practice and possibilities for application of this Law. There is also a view that the Law is sufficient if it is to be applied, which implies that the problem does not lie in the Law but rather in lack of its application. There is one opinion that this Law is not sufficient.

On the question to what extent is the Law applicable in practice, opinions of public prosecutors vary from confirmation of its applicability to the view that this is not the case in its entirety, that not everything can be applied, that there are and will be certain difficulties in the application of this Law, but time and practice will show its functionality and that social preconditions for its application need to be created in the future.

The applicability of this Law depends on a specific case – sometimes it really seems that it is a truly innocent matter and sometimes it is clear from the report and the case that the victim is continuously exposed to violence for a longer period of time, which is not at all innocent and naive. There is a dilemma related to subjects of protection who need to react – should prosecutors now submit a proposal for initiation of a misdemeanour procedure and represent it in a misdemeanour proceeding. There is an opinion that the Law is not entirely applicable, because the preconditions are not fulfilled, i.e. it is good solely as an idea. The provisions that relate, for example, to serious cases are not applied because they did not have these so far.

On the question relating to weaknesses of teh Law, there is an opinion that there are no weaknesses but that is not good that domestic violence is being sanctioned as

misdemeanour and not as a criminal offence. It is said that, in general, every law has its strengths and weaknesses and that it would be good if the regulations would be applied as they are foreseen and if everyone would respect them.

Persons interviewed in public prosecutions emphasize, as positive sides of the Law, urgent measures that could be immediately pronounced to perpetrators, to remove him from the environment, not to approach the victim any more, that victims are urgently protected because sometimes it needs a long time period until the criminal offence proceeding is over and this protection is really needed in this period.

On the question what should be changed in the Law on Protection from Domestic Violence, respondents in public prosecutions think that, at the moment, nothing needs to be changed because it is still too early and it only needs to be applied. They explained that the Law regulates everything and nothing needs to be changed. The Law needs to be rigorously applied. There are opinions that it should be more elaborated and adapted to domestic conditions. Respondents would also not change anything in the practical application of the Law. But there is an opinion that something could always be improved, e.g. that sanctions should be turned into guilt and, particularly, introduction of the measure of socially beneficial work.

Understanding of laws by persons interviewed in the police

1. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
2. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
3. Does the police have sufficient and appropriate legally defined authorizations to react in cases of domestic violence?
4. Is there a standardized police intervention in cases of domestic violence?
5. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?

Respondents in the police have analytical and critical views on the Criminal Code. The article in the Criminal Code that sanctions domestic violence is too broad. If it was to be analyzed, everything could be domestic violence and this is what puts off police officers and it is difficult to prove, e.g. economic or mental violence. It is too general and sometimes it is being mocked about. The Law is not bad but there should be amendments of the Law. In particular, there is a thin line of limitation between criminal offence and misdemeanor. According to some views, legal provisions are in certain segments too broad, even that much that the police could not follow it because it is impossible to respect this in practice. There is also a view that the sanctioning of domestic violence is appropriately regulated while the victim's protection is not and that the Law does not follow the real conditions. There is also the view that the provisions of art. 208 are excellent, that there are no doubts about it and that nothing needs to be added. The

duration of the proceeding is another issue but, for the police, this Law is sufficient and good.

The Law on Protection from Domestic Violence is considered as good in terms of sanctions but only if we neglect how many times a sanction is being pronounced and executed in practice. As for protection of victims, it is debatable to what extent is police able to implement these provisions due to specific police conditions. Fines are also a problem, because, in the end, the victim needs to pay as well. There is a view that introduction of urgent measures is appropriate but during the court process the police is no longer there but the prosecutor, which is considered a huge mistake in the police. This is why in this concrete case the old law had better regulated this issue since the new law created a situation where he prosecutor will not have time to work on a misdemeanor but only on a criminal offence. As for our society, a family is one of the healthiest parts of the society but if there is violence, this is no longer a healthy family. And police is at least competent for the family. The Law on Protection from Domestic Violence has sufficient provisions but their implementation is problematic due to lack of conditions and it very questionable to what extent it truly protects victims.

The views of respondents in the police vary around the question whether the police has sufficient and appropriate legally defined authorizations to react in cases of domestic violence – some think that there are sufficient authorizations, others that there are not. There are extremely good laws but there are no conditions for their appropriate implementation. Provisions from art. 208 of the Criminal Code are sufficient for the police to react in this criminal offence.

In relation to existence of a standardized police intervention in cases of domestic violence, respondents in the police state that there is a rulebook for protective measures and interventions but that there is no protocol for action in a concrete case. However, each intervention is standardized but it needs to be adapted to a concrete situation. There is a protocol that is not strict but it is known what needs to be done, everything is precisely defined. The problem is that the centre for social welfare does not have a duty person during the night and police needs to wait the following day but it is good that they know each other and have a memorandum on cooperation with the centre for social welfare.

In practice, the biggest problem for the police is the removal of the perpetrator, which could lead to additional problems. It is difficult to implement these measures and it would be too costly for the police to purchase, for example, electronic bracelets to monitor the movements of the perpetrator. Almost all measures are applicable, except for protective measures, which are difficult to apply. The main reason for non-appliance for protective measure is the awareness of people; protective measure treatment for alcohol abuse is on a voluntary basis and, practically, not applicable and this needs to be changed. It is not possible hat someone is being monitored and protected for 24/7. The police cannot implement certain things or only partially and there are views that police does not apply any of the measures. Everything that exists in the law is applied by the police. When the prosecutor says that there are no elements of criminal offence, it is always possible to apply the Law on Protection from Domestic Violence, thus, when there is no offence, there is misdemeanour and this is good.

Understanding of laws by persons interviewed in centres for social welfare

1. Are legal provisions that regulate domestic violence opposed to the philosophy of the legal system of the Republic of Srpska?
2. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
3. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
4. Is the Law on Protection from Domestic Violence applicable in practice?
5. Is there any State/Government document, such as strategy, action plan, declaration against violence on women that indicates that state authorities accepted the documents of the Council of Europe against violence on women?
6. Are there any preventative measures as form of protection against domestic violence?
7. Are there any educative measures for women, girls and boys as a protection from domestic violence?
8. Do certain legal provisions aggravate the situation of victims of domestic violence and/or do they increase the risk of violence?
9. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?
10. In your opinion, is a fine an appropriate sanction for perpetrators of domestic violence?
11. Are there any statistical data on appliance of the Law on Protection from Domestic Violence, is it possible to find out how many perpetrators have been convicted, what sanctions have been pronounced, how many victims of domestic violence are there, do once convicted perpetrators appear again as perpetrators of violent acts two years after the pronouncement of the verdict, is divorce an option after sanctions for domestic violence and if so, in how many cases, does the victim of domestic violence becomes again a victim of violence committed by the same perpetrator or members of his family, etc.?
12. Is there a safe house, what is its capacity, what are the rules for placement of victims and how long do victims stay in a safe house in general?
13. What is the most often used amount of alimony?
14. What are the mechanisms for prevention of payment of alimony by former husbands?

According to persons interviewed in centres for social welfare, legal provisions that regulate domestic violence contradict the philosophy of the legal system of Republic of Srpska, because the reform of the judiciary system in RS is made inappropriately, the concept is Anglo-Saxon and its application on the local mental context is debatable. There are also views that they do not contradict because during drafting of laws, there is no particular vision. Nevertheless, there is no reason for contradiction since the

philosophy of the legal system is maximum respect for human rights, the right on life and safety, the right to a family and these are all respected rights, thus, protection from violence.

According to interviewed social workers, the Criminal Code does not contain sufficient provisions for appropriate sanctioning of domestic violence on women because domestic violence needs to be part of criminal persecution and, thus, the law need to be changed in that segment and perpetrators should be persecuted for criminal offences. On the question whether the Criminal Code contains provisions that provide sufficient protection for victims, some respondents said that they have no objections but it is not good that there are no urgent measures for protection of victims or they do not have objections to the law but say that it not being done in practice in that way and that the Criminal Code is good but it needs to be applied consistently in practice. It now includes sufficient provisions but it did not include provisions that relate to removal of perpetrator, which was a deficiency. The Law, therefore, needed to be strengthened. The situation has been improved and this Law is now complete.

On the question whether the Criminal Code contains sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and whether this Law contains provisions that ensure appropriate protection for victims, interviewed social workers objected that this protection should be criminal and legal. The application of this law is particularly problematic, because it foresees only fines. It is questionable what happens when the perpetrator does not respect protective measures. It is absurd that it is not possible to pronounce imprisonment as possible measure. There are views that the old and new law were good, but the problem is in practice, e.g. deadlines prescribed in the law are not protected and these are, unfortunately, not applied. The law sounds good but in reality it is not applied appropriately, domestic violence should be treated only as a criminal offence and not misdemeanour because this enabled a situation that violence is mainly qualified as a misdemeanour. It is also said that the recent changes are good because earlier practices referred mainly to the victim and her placement and care while the accent is now on the perpetrator and he should feel the consequences of his acts.

Interviewed social workers assess the applicability of the Law on Protection from Domestic Violence as possible, saying that it would be possible if there was sufficient readiness and if there were appropriate rulebooks on procedure that are planned. The Law is applicable but it hits traditional and cultural views that need to be changed and domestic violence needs to be sanctioned. Other see only a partial applicability, namely, it is applicable but it is not being applied entirely. Social work does its part of the job according to the law but the prosecution usually rejects that part of their work.

Interviewed social workers confirm that there are documents showing that state authorities accepted recommendations of the Council of Europe against violence on women in form of protocols that were well developed, particularly on the local level with involvement of institutions. Currently, the Convention of the Council of Europe adopted in Istanbul is being recognized.

Interviewed social workers mostly negate the existence of preventative measures as protection from domestic violence. They said that there were certain educations; mostly in schools and that their initiator is usually the NGO sector. It has been said that social work is not working on that prevention but rather NGO sector. According to

others, these preventative measures exist but not an everyday systematic work. Namely, very time when work is being done with a family, prevention from violence is also included. However, there are no specific programs for this issue.

According to social workers, educative measures for women, girls and boys, as prevention from domestic violence, do not exist in a systematic way though the NGO sector works on that while centres for social welfare work on that only indirectly in partnership with NGOs and the police. NGOs organize in schools projects for prevention from violence but this is also sporadic rather than systematic.

Social workers confirm that certain legal provisions aggravate the position of victims of domestic violence and/or contribute to additional risk of increased violence, such as e.g. too mild sanctions. This can happen because there are no defined rulebooks on the ways of acting but they did not have experience with that and do not know how people would react.

Protective measure of psychosocial treatment is assessed by most interviewed social workers as a legal provision that is not applicable in practice of their institution or they are not applicable in the practice of other institutions. Protective measures are not being applied; it is only questionable who will say it first. The cause of non-appliance, it is said, is fear from a new provision and how this will develop in the future. Alternative methods are being applied, which are milder. This is always the problem with new things, because it seems to be a problem. There is also the issue of lack of harmonization of legal regulations and that social work does everything that is part of their competence. However, it is difficult to achieve systematic work. All that is being done is short-term, it is mostly only one intervention.

According to interviewed social workers, a fine is not an appropriate sanction for perpetrators of domestic violence. On the contrary, they are not happy with fines, only money does not solve the problem. It happens often that the woman returns to the family when the fine is being paid, which causes even greater violence. It all depends on the financial position of the perpetrator. If it is a wealthy person, then this does not happen. If not, then it happens. Social workers would never pronounce this sanction.

On the question whether there are any statistical data on appliance of the Law on Protection from Domestic Violence, is it possible to find out how many perpetrators have been convicted, what sanctions have been pronounced, how many victims of domestic violence are there, do once convicted perpetrators appear again as perpetrators of violent acts two years after the pronouncement of the verdict, is divorce an option after sanctions for domestic violence and if so, in how many cases, does the victim of domestic violence becomes again a victim of violence committed by the same perpetrator or members of his family, etc., social workers provided contradictory answers. According to some opinions, this sort of statistics is not kept and it does not exist. According to others, statistical data exist and there are obtained based on reported cases of violence and records in centres for social welfare that are harmonized with gender directives on proceeding in cases of violence. There are no clear procedures and obligations for proceeding relating to conduction of process and pronouncement of protective and misdemeanour measures. In this way, they do not have a true insight in the court policy of proceeding with perpetrators of domestic violence and, thus, no influence while violence continues. Centers keep their own records on the number of cases. In terms of number of pronounced sanctions, the court should submit such type of report but there is a problem.

Judges sometimes send these data to centers with a delay up to three years or centers often do not know anything about it but they inform them in cases of repeated violence that the perpetrator has been convicted in the past. An exception is when the court informs centers on pronouncement of measures for medical treatment and this only because they think that centers for social welfare are competent for implementation of these measures, that centers should motivate the perpetrator etc. while they do not inform them on any other measures. In some towns, such as Bijeljina, they collect data on violence each year; however, that is not real statistics and they hope that some sort of regular monitoring of this phenomenon will be introduced. They said that if there are any statistical data, it is only on the local level so far. All data are being forwarded to the Gender Center. However, in terms of courts, they do not send their verdicts to centers and that is a problem. There are views that everything that has been processed must be recorded but there are no joint records. It is also indicated that statistics are not being kept in centers and that every institution keeps its data resulting in non-conformance of records.

Interviewed social workers from various localities confirm the existence of safe houses. The capacity is for 25 beneficiaries, there is a rulebook that regulates the actions and the cooperation is very good. Centre for Social Welfare makes the decision on placement. As for the duration of stay in safe houses, it is usually around 3 months but according to the new law the stay can be prolonged. However, they try to find a more permanent solution bearing in mind primarily the interests of children because they want to avoid any form of institutionalization. There is a safe house in the organization NGO LARA; I think the capacity is for 20 people, the centre has a signed protocol with them. Victims stay mostly up to 30 days in the safe house. It is also indicated that there are no safe houses in the Herzegovina region.

Interviewed social workers do not know or have no access to information what is most common amount of alimony, some say between 100 and 150 BAM. They also listed percentages, e.g. 30% from the salary of the alimony payer and they said that the court has its own rules; percentage from salary, in case of unemployment 50% of the minimum salary.

On the question what are the mechanisms for prevention of payment of alimony by former husbands, social workers state that this is not in the field of domestic violence and that there is no prevention. It is said that it is possible to put an administrative order on the personal income of the payer of alimony but that there are no real mechanisms because, even if there is a round for such a thing, the employer does not want an administrative order.

Understanding of protective measures by judges

1. Is the protective measure of removal of the perpetrator of domestic violence justified?
2. Is the protective measure restraining order justified?
3. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
4. Is the protective measure of mandatory psychosocial treatment for perpetrator of domestic violence justified?

5. Is the protective measure of mandatory treatment for perpetrator of domestic violence justified?
6. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?

The protective measure of removal of the perpetrator of domestic violence from the family is, according to all respondents in courts, justified but there are also views that it is justified solely as a temporary solution for the most severe forms of violence (e.g. in case of returnees).

The protective measure restraining order is justified when the partners are separated and in combination with the protective measure removal of the perpetrator from the flat. It can be considered as appropriate to begin the prevention of violence but its duration is limited. There is also clear support for this measure that is being considered as justified and it is said that this measure is often being pronounced as one of most important and best measures. But, the question remains how to implement it when the perpetrator and the victim share the same household. There are views that it is justified but something is missing in the way how it is being implemented. The system of measures for protection of victims must be arranged in a better way. A victim might have an ID card, something that will enable her to ask for support wherever she is and that everyone, including private individuals, are obliged to help the victim. For example, if she is in a café and the perpetrator comes in, a telephone should be given to her to call the police etc.

Protective measure prohibition of harassment and/or spying on the victim of domestic violence is justified when the partners are separated and in combination with the protective measure removal from the perpetrator from the flat. While some consider it one of the most important and best measures that is entirely justified and whose existence is supported, there are still doubts that it might be misused by victims, i.e. that the victim is purposefully exaggerating.

Protective measure of mandatory psychosocial treatment for the perpetrator of domestic violence is justified for mild cases (less severe forms of misdemeanour), according to the view of respondents in courts and it is being considered as necessary. Psychosocial support is needed for both, the victim and the perpetrator though in various forms. There is a view that this measure should be moved to the criminal proceeding because when it is pronounced in a misdemeanour proceeding, it is not being respected due to the clause relating to voluntary participation.

Protective measure of mandatory medical treatment for perpetrators of domestic violence is justified, according to respondents in courts but it should be additionally elaborated because of difficulties in its implementation since it is implemented as open type treatment. It is also said that it is not easy to implement it due to the clause of voluntary participation, simply because it is not possible to force perpetrators to respect this measure. Nevertheless, there are opinions that all those who had this measure pronounced as part of their verdict respected it, according to reports received from health institutions. It is possible that this measure would be taken more seriously if it was to be pronounced as part of a sanction within a criminal proceeding.

Protective measure of mandatory socially useful work for the benefit of the local community is, according to respondents in public prosecutions, justified if it is applicable

but it does not exist in practice due to lack of legal regulation (there are no complementary legal acts). The majority says that such work would be appropriate and desirable. Instead of sending someone, particularly younger people, to prison to spend time useless on the expense of the State, there are so many things around the town that could be done, e.g. cleaning of river shores, wild trash dumps, parks. It would be good if fellow citizens could see them and think that he has beaten his wife and has been punished to clean the park or a channel as a consequence. In addition to individual, this would also have a powerful general preventative impact. It would be, therefore, good if there was system for its application. If the local community would provide conditions, then it could achieve income in this way. So far, there is no system on the RS level because the competent minister (of justice) did not define a rulebook for its implementation. Some courts tried to make an agreement with the local community to create conditions for implementation of this measure but the local government refused it. This is the reason why this measure is not applicable because there are no precondition for its appliance; a system needs to be created for implementation of sanctions.

Persons interviewed in public prosecutions about protective measures

1. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?
2. Is the protective measure of removal of the perpetrator of domestic violence from the family home/flat justified?
3. Is the protective measure restraining order justified?
4. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
5. Is the protective measure of mandatory psychosocial treatment for perpetrator of domestic violence justified?
6. Is the protective measure of mandatory medical treatment for perpetrator of domestic violence justified?

Protective measure of socially useful work for the benefit of the local community is, according to respondents in public prosecutions, justified but not applied.

Removal of the perpetrator of domestic violence from the family home/flat is justified but not always. Respondents also said that they did not have the application of this measure so far, but they assess it as good with an opinion that non-application is the result of long-term violence that women exposed to and they keep quiet until it is too late.

The protective measure restraining order is considered as justified by public prosecutors but also difficult to be implemented in practice.

The views of respondents in public prosecutions on the protective measure harassment and/or spying on the victim of domestic violence is that this measure is justified but they also say that it is difficult to be implemented because everything depends on the perpetrator – will he respect the measure or no? The most important thing is to start to implement measures because any violation pushes deeper into illegality and each measure has, therefore, its sense.

Respondents in public prosecutions consider the protective measure of mandatory psychosocial treatment for perpetrators of domestic violence as justified and

commendable because it solves the cause of issues in a family. There are views that it is not being entirely applied and that they did not apply it because they did not have severe cases but they think that it is a good measure.

Protective measure of mandatory medical treatment for perpetrators of domestic violence is justified because these are sick people and this is a good measure that should be applied. It is justified, particularly in cases of addicts. Where it is pronounced, it is being applied but there are no such acts where it is pronounced because this is only about assessment of perpetrator's health and the medical expert informs about that. It is not often being used, one case from the territory of Foca has been mentioned from two years ago and one perpetrator who has been placed in a closed type institution because he was violent towards his brother's children.

All respondents think that the protective measure of mandatory socially useful work for the benefit of the local community is justified and they regret that it has not been pronounced, which is a pity. Subordinate legal regulations should have regulated this, but they did not.

Persons interviewed in the police about protective measures

1. Is the protective measure of removal of the perpetrator of domestic violence justified?
2. Is the protective measure restraining order justified?
3. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
4. Is the protective measure of mandatory medical treatment for perpetrator of domestic violence justified?
5. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?

Protective measure removal of perpetrator of domestic violence from the family is, according to respondents in the police, justified but it all depends from the case and concrete applicability. The legislator adopted the only possible solution but there is a question what would be the alternative to that solution, what would be a better solution? There is not such solution. But the question remains to what extent this can be applied in practice.

Protective measure restraining order is, according to respondents in the police, entirely justified; the court decides on it, the police does not apply it often.

Protective measure prohibition of harassment or spying on the victim of domestic violence is, according to respondents in the police, entirely justified. All protective measures are good and have their sense, they enable the victim to free herself from violence, they enable the perpetrator to correct and change its behaviour and they enable the police to proceed. If the perpetrator does not respect the measure, then he goes deeper into illegality, he commits new criminal offences, which include new measures.

Protective measure medical treatment due to addiction is, according to respondents in the police, justified in case of justified reasons. Drugs and alcohol influence the stability of the family. To treat an addict, means to save the family. Alcohol is the cause. This measure has a triple effect – immediate protection of the victim, support

to the perpetrator to cure him and preservation of family. These effects might not be visible immediately.

Protective socially useful work for the benefit of the local community is considered by all respondents in the police as entirely justified and they think that it should have been in the new law. It has been assessed as an excellent measure if it was to be applied. It is considered as good, but it is a pity that it is not included in the new law. Articles 27 and 28 are something that the police was missing and the police is very pleased with that. “Mandatory” and “with his consent” are two different things. That measure has a much better impact than imprisonment. It is a pity that there is no socially useful work. Such a measure would be great, it has much stronger impact, that is the true purpose of a protective measure. Protective measure of useful work, fire fighting, cleaning of snow.

Persons interviewed in centres for social welfare about protective measures

1. Is the number of pronounced protective measures growing?
2. Is the protective measure restraining order justified?
3. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
4. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?
5. Is the protective measure removal of the perpetrator of domestic violence from the family justified?
6. Is the protective measure of mandatory psychosocial treatment for perpetrator of domestic violence justified?
7. Is the protective measure of mandatory medical treatment for perpetrator of domestic violence justified?

Respondents in centers for social welfare negate that the number of pronounced protective measures is growing or they say that they do not have these data.

Interviewed social workers consider the restraining order as absolutely justified, what is more, it should be the priority measure and above all other measures.

Interviewed social workers consider the protective measure prohibition of harassment or spying on the victim of domestic violence as absolutely justified. However, they are not aware that this measure has been ever pronounced, but they do think that it is needed and good.

Social workers think that the protective measure socially useful work for the benefit of the local community is theoretically justified, but it is inapplicable and it is, therefore, good that has been deleted. There were also views that it would have its purpose and justification if it was to be applied and that this provision should have been transferred to the new law. The problem is that this provision was not defined sufficiently and, therefore, inapplicable. It exists for minors as well but it is not being implemented, it is not verified.

Respondents in centers for social work consider the protective measure removal of the perpetrator of domestic violence from the family is entirely justified and necessary.

Social workers think that the protective measure mandatory psychosocial treatment of perpetrators of domestic violence is extremely justified, which has been

shown in practice and that everything else has no sense without this. Treatment of perpetrators is important but it is difficult to apply it in local conditions. There are no competent institutions that are specialized for this type of work. All that is being done is inappropriate and insufficient, particularly in small communities. Thus, the problem is that there is no place where to implement it.

Respondents in centers for social welfare consider the protective measure mandatory medical treatment for perpetrators of domestic violence as justified because, according to them, there is always some form of illness in the background of violence and if it was to be treated there would be less violence. This measure is necessary, particularly in case of alcohol and drug addiction. However, its reality is questionable. The center for mental health is well developed and most municipalities have them, but they do not work on these issues. There was more of it before the war. It is necessary to have systematic activities in health centers for alcohol addicts and in the centre for social welfare systematic measures, e.g. social worker to work solely on these issues. The problem is that the geographic position significantly contributed to increased level of drug abuse and to alcoholism while the health sector is working only on physical health rather than on mental.

Understanding of procedural issues by judges

1. How many cases of domestic violence does the primary court receive?
2. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
3. Does the procedure in domestic violence cases lasts too long, do victims have to repeat their statements several times, are there many delays caused by administrative problems or deficiencies?
4. Is a badly prepared report on domestic violence being refused and not taken into account as invalid and non-existent?
5. If the victim does not understand legal terminology, what are her rights, is there a legal obligation that she must receive support as an unskilled person or does the victim need to have a lawyer for that purpose?
6. What evidence is needed to be presented to prove domestic violence?
7. Is a doctor's assessment a necessary evidence to prove domestic violence?

In relation to the number of domestic violence cases received in the primary court, some respondents think that there are more than 200 cases on the annual level. One respondent said that he has 2 to 3 cases of domestic violence on a monthly level or around 30 cases on the annual level, which means that the 5 judges in the criminal offence department work on around 150 cases on the annual level.

In case when the perpetrator of domestic violence does not want to leave the mutual household or does not want to accept any other protective measure, judges say that there is a procedure defined in laws and rulebooks. When the perpetrator refuses the execution of a measure, he commits a new misdemeanour that will be sanctioned and this procedure is defined in rulebooks. There is an option to force the application of the law, but it is the victim's decision whether she will report him for violence since in practice, no one else reports this. Thus, there are legal options for sanctioning. Police will carry out the

measure but available sanctions are not appropriate to ensure the implementation of this measure in a way that would ensure real protection for the victim. If the perpetrator does not respect this measure, the safety risk for the victim is huge.

Respondents in courts allow the possibility that the procedure in cases of domestic violence lasts too long, but that is not the result of prolongation but rather of legal procedures that are clearly defined and too long duration of the process occurs for administrative reasons. Sometimes the procedure lasts longer because the defendant uses all available defence possibilities. There are also optimistic views where it is attempted to solve these cases as soon as possible and processes last in average 3 months. In a misdemeanour proceeding, this happens quickly and this is more used in the criminal offence procedure as well. The victim must repeat her statement though she provided it in the police and prosecution, but that is the legal procedure.

On the question whether a badly prepared report on domestic violence is being refused and not taken into account as invalid and non-existent, one of the respondents from a court said that this should not be done because additional data need to be collected anyway in order to refuse it. It is also said that police should do their job better and sometimes there are not well prepared reports so that the prosecutor cannot prepare the indictment but this is not a good reason for a case not to be processed. Any report is sufficient for the prosecutor to begin a procedure; an additional investigation can be also initiated. But there are also views that bearing in mind that the Law did not make a difference and favoured criminal proceedings in the field of domestic violence, so does he need to meet the norm prescribed in the law.

If the victim is not familiar with legal terminology, the court is obliged to help this person in accordance with art. 13 of the Criminal Code. These people are usually unskilled in this sense. And they always receive support. Every judge is obliged to instruct the parties about their rights. Victim has the right to request free legal aid, but this procedure is fairly complicated. Judges respect the legal obligations from the Law on Criminal Proceeding, but police and prosecution can do a lot to ensure legal protection of victims. Victims are in particular need of support in relation to associated action for damages and the legal norm needs to be upgraded in that segment and to increase prosecutor's obligations in initiation of associated action for damages, i.e. indemnification for victim.

According to respondents in courts, the evidence that is needed to be presented in order to prove domestic violence depends on the case but it is common to use witnesses, material evidence, medical certificate etc. However, most commonly are use the victim's statement and medical certificate, if there are injuries or witnesses' statements as well as minutes from the police. This importance of victim's statement is being emphasized that needs to be clear and unambiguous as well as the inspection on the spot – the sooner this has been done, the more convincing it is. It is also important to perform an expertise by a medical expert on the severity and type of injury. Subjective evidence, that is witnesses are also important.

The necessity of a medical examination as evidence to prove domestic violence has been important in cases with bodily injuries. It is considered as one of strong evidence, though there are other evidences, e.g. it is not necessary if there is a witness. It is much more needed for a criminal offence proceeding. The importance of witnessing of a court expert from the medical field is important to keep the indictment, the examination

is not sufficient. In short, medical examination is not necessary but since the Supreme Court has the view that to prove the existence of an act it is necessary to prove that there was physical contact or physical abuse, then the medical certificate becomes very important. It is also important to have evidence on continuity of violence.

Persons interviewed in public prosecutions about procedural issues

1. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
2. Does the procedure in domestic violence cases lasts too long, do victims have to repeat their statements several times, are there many delays caused by administrative problems or deficiencies?
3. Is a badly prepared report on domestic violence being refused and not taken into account as invalid and non-existent?
4. What evidence is needed to be presented to prove domestic violence?
5. Is a doctor's assessment a necessary evidence to prove domestic violence?
6. Is there a tendency to reduce mental violence as less important or more difficult to prove?
7. Are cases of sexual violence in a family treated in the same way as cases of physical violence?
8. Is the alleged provocation by victims being accepted as justification for perpetrators?
9. Do public prosecutors have the legal possibility to react urgently in cases of domestic violence?

In case when the perpetrator of domestic violence does not want to leave the mutual household or does not want to respect any other protective measure, there will be more rigorous sanctions against him for non-respecting of protective measures. However, they think that judges are more competent to respond to this question. Prosecutors usually did not have such cases but these perpetrators should be treated as returnees and more rigorous sanctions should be pronounced.

According to respondents in public prosecutions, whether proceeding in cases of domestic violence last too long, they responded that there is no prolongation but the victim must repeat her statement in the court and describe truthfully the order of events. According to the law, the victim must repeat her statement several times. If a statement has been given in the police in accordance with the Law on Criminal Proceeding, the victim does not have to repeat it, but most often this does happen twice or three times. The thing that they are facing in the court is that the victim changes her statement in the court or refuses to testify.

On the question whether a badly prepared report on domestic violence is being refused and not taken into account as invalid and non-existent, all respondents negate that possibility and claim that all reports are being taken into account, that each report, including reports on domestic violence are treated in the same way, the prosecutions checks these reports, addendums could be requested as well as additional information or taking of statements.

As for mandatory evidence that needs to be submitted to prove cases of domestic violence, respondents in public prosecutions say that this is primarily a truthful statement of the victim, medical certificates in case of physical contact. Particularly in cases of bodily injuries, it is necessary to provide a medical assessment. It is also necessary to provide statements of witnesses that will support the statement of the requester and all other evidence that could be used to prove the act of violence. Thus, the statement of the victim is the key evidence, particularly if there are some other material evidences. Apart from victim's statement, there is also the statement of the witness in the process as well as material evidence, medical documentation, expert witnessing on the injuries and how the victim obtained these injuries.

On the concrete question whether a medical certificate is a mandatory evidence when proving domestic violence, the view of public prosecutors is that this is not a mandatory evidence but it is also important for the qualification either as mild or severe form of domestic violence and that it is desirable but not necessary in certain cases. There are also views that it is necessary if there were any forms of injury.

The tendency to reduce the significance of mental violence as less important or more difficult to prove does not exist but it is more difficult to prove this form of violence. In addition to physical violence, the victim is exposed to mental violence, which is equally important for proving and sanctioning of the perpetrator.

In terms of treatment of sexual violence in families, the views of respondents in public prosecutions are divided – some think that it is treated in the same way, other say that it depends because every case can be observed in different ways. A more severe criminal offence could be introduced to protect the victim. There are various ways that are used to prove sexual violence – the same as with rape outside the family – and there are various ways to prove whether an assault has been committed, various methods of proving are used but this does not mean that they are treated in the same way.

The existence of alleged provocation by the victim is, according to some respondents, not acceptable as justification for perpetrators while others think that it is all a matter of proving and investigation that needs to establish what exactly happened in a specific case and assess possible provocation in accordance with that. Finally, it is all a matter of court – how they will assess it, whose statement will be accepted, who will be trusted to, as in any other case.

Public prosecutors have the possibility to react urgently in cases of domestic violence as it is foreseen in this law and, in particular, the new law.

Persons interviewed in the police about procedures

1. How many victims of domestic violence contact the police?
2. Is the protection of public peace and order more important to the police than the safety of victims of domestic violence?
3. Is there any type of information on the official police website to instruct how and to whom domestic violence could be reported?
4. When intervening in cases of domestic violence, do the police speak with the victim and the perpetrator together or separately?
5. Does the telephone system enable automatic identification of the locality where the call is coming from in cases of domestic violence?

6. Is it enabled for victims of domestic violence to report violence to the police on their own or is it better for them engage a lawyer for this purpose?
7. Does the victim of domestic violence has the right to look at her official file in the police, is it possible for her to get the number of her file under which the case is officially registered, is this number changing when new evidence is collected?
8. When the court pronounces to the perpetrator of domestic violence a protective measure foreseen for domestic violence, is the police ready to apply it without delay or additional obstacles?
9. Are there any standardized procedures in terms of regulation of police interventions?
10. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
11. Does the police have any doubts what exactly needs to be done when intervening in cases of domestic violence – to arrest the perpetrator, to calm down both spouses, to mediate in the dispute, how to proceed with children, if involved?
12. Is the police treating cases of domestic violence as less important?
13. Are there cases of refusal of support to victims of domestic violence if they are not married to the perpetrator?
14. Does the police refuse to help victims of domestic violence who are badly dresses or poor?
15. Is there a continuation of violence threats and violence on victims/witnesses while they are waiting for the continuation of the procedure in official premises of courts, police stations, centres for social welfare etc.?
16. Is it possible to make an urgent intervention in cases of domestic violence, what are the problems in terms of that?
17. Are third persons authorized to report domestic violence cases?
18. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?

The assessment of number of victims of domestic violence who contact the police varies from 3 cases per day to no cases in a couple of days. However, it has been observed that violence increases in the period of autumn and spring. It could happen that there are no cases in 2 months and sometimes there are 2 cases in one day. However, there were more cases in the past; recently it has been significantly reduced. In a certain period there are lots of cases, now it is falling. It has been expected that there will be an increase of all forms of violence as a result of economic crisis, but currently this number is falling. Sometimes, there is nothing during a whole month.

On the question whether there is any type of information on the official police website that would instruct how and to whom report domestic violence, it has been said that for now it is the number 122, though there were discussions that teams will be established who will work on domestic violence issues, but so far it is only an idea. Thus, there are no such information on the website but police numbers are publicly presented. NGO posters are also always put up on visible places. They were involved in campaigns, e.g. “See, hear, call 122” – it was a campaign to motivate people to contact the police for

all types of crime, including domestic violence. There are leaflets for most common criminal offences – such as robbery, burglary and domestic violence.

When police intervenes in domestic violence cases, they usually talk separately with the victim and the perpetrator but all depends on a particular case. In general, the rule in crime investigations is to separate witnesses to have powerful statements.

The telephone system enables to locate a town or smaller environment but not the exact locality from where a call is coming in cases of domestic violence. The number can be identified, not the locality, there is no number identifier.

On the question whether it is enabled for victims of domestic violence to report violence to the police on their own or is it better for them engage a lawyer for this purpose, respondents in the police say that this is their own choice, which does not influence the police work. Most often they report on their own because there are usually urgent cases and they do not have time for a lawyer and it is said that a lawyer did not appear in the last 13 years. However, there are views that in that situation – taking into account the conditions for providing statement – it is better for the victim to have a lawyer to have a feeling of safety and to give a qualitative statement. Reports on violence usually come from victims but also from health centers, witnesses or non-governmental organizations.

Victim of domestic violence has the right to see the official file of her case in the police station, the victim has the right to see the case file. I do not know how it is in other centres but in Banjaluca it was rule that those police officers who do not give the victim her case file for insight are being sanctioned with disciplinary measures. The victim has the right to see her case file on her personal request but she has not the right to view the perpetrator's statement. Victims have the right to see their case file but they rarely ask for this information. Victims, as any other party in the process, have the right to see their case files. There are also views that victims have the right to see the perpetrator's statement. Most victims cooperate with the police through NGOs. The victim has the right to know the file number under which the case is officially registered, there is no changing of the number, it is always the same except in cases of extended indictment but even then, it is possible to follow it based on the first number. Victims have the right to know the case file number, but they can see the file only in agreement with the prosecutor. During the case, the police assesses how many information could be given to the victim and upon the submission of criminal charge, the victim must make an agreement with the prosecutor.

On the question when the court pronounces to the perpetrator of domestic violence a protective measure foreseen for domestic violence, is the police ready to apply it without delay or additional obstacles, all respondents in the police responded affirmatively because a court order is obligatory to them. Most often, they apply the restraining order staying away from the victim on 200 meters.

In terms of existence of standardized procedure in relation to regulation of police intervention, respondents in police said that there is a rulebook on procedure and the commander is competent for these protective measures. They have a standardized procedure and the crime tactics has regulated everything in detail. However, even if anything is regulated in the law and various rules, when the court makes a verdict there is still a problem when implementing protective measures. It is also said that protective measure are rarely pronounced and even so, they remain just a letter on a piece of paper.

In case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure, respondents in the police said that the protective measure is being implemented by the court, police or court police. There is a procedure but no specific general rulebook; in general, the police should treat this as any other act. There are views that these cases should be treated as investigation on the spot. The police then writes a letter to the court, the court usually proposes a different measure, then comes the court order; the police cannot decide what to do, this is in the competence of the court. When the court makes a decision, police proceed accordingly. The police proceeds following the call on number 122, the perpetrator will be brought to the police and then sent to the court police for further proceeding. Thus, arresting with informing the perpetrator that this is non-respecting of protective measure, that he might be imprisoned and resistance, both active and passive. The problem is that the policeman who came on the scene decides on his own whether to characterize it as a misdemeanor or criminal offence and prosecutors use the policeman's statement because he is trying to avoid a criminal charge and misdemeanors and criminal offences are difficult to differ and, therefore, it is usually processed as a misdemeanor. There are legal options but they are not applied.

Respondents in police negate the existence of any dilemmas in terms of what exactly needs to be done when intervening in cases of domestic violence – to arrest the perpetrator, to calm down both spouses, to mediate in the dispute, how to proceed if children are involved. There are no doubts when a crime has been committed; the police follows rules and law, arrests the perpetrator. Sometimes the perpetrator could only be invited to come. The centre for social welfare is being involved to undertake measures relating to children and other circumstances. Police is obliged to protect victims of violence and they do it. Everything else depends on the centres for social welfare and prosecution, the police does not mediate. Reports are being followed, it is not important how many repeated, they always follow the procedure, which is always the same, they need to be careful because perpetrators are sometimes drunk, mad, armed. All depends on specific situations. Only one problem has been observed that policemen who come on the scene do not make any records about presence of children. It depends on the policemen what he considers needs to be done. Specific explanation is now provided that this needs to be done and a number of younger policemen do this in a correct way. When arriving at the scene, the police first attempts to protect minors. If the perpetrator continues to be violent, he is being arrested. These are well built systems, there are institutions, procedures, laws relating to violence, they can arrest the perpetrator, the police always involves centres for social welfare and NGOs. The problem lies in further proceeding because sanctions are too mild, everything ends without sanctions and the victim returns to the perpetrator.

On the question whether the police treats domestic violence cases different than other cases, most respondents in the police said that there is no difference. Any report is being followed and any intervention is important. Domestic violence cases are very complicated and the police is aware of that. The first intervention on the scene is always dangerous, e.g. there is weapon from the war. Regardless of the possible sanctions, there is always a threat that lives may be lost. However, there are sporadic views that the police is treating this as less important acts.

On the question whether there are cases of refusal of support to victims of domestic violence if they are not married to the perpetrator, respondents in the police said that these are sporadic cases. Police organizes testing of knowledge on regulations on the annual level and most of them know what constitutes a family. Domestic violence or violence in family community is a criminal offence. That article states what is meant by family, even if they are not married. Common-law communities are treated as a married community and there is no difference in proceeding. A young woman and young man may be in a relationship where violence can and does happen.

Police never rejects to help victims who are not well dressed or live in poverty. This is about fundamental human rights, status is not important, the police is not interested in that.

On the question whether there is a continuation of violence threats and violence on victims/witnesses while they are waiting for the continuation of the procedure in official premises of courts, police stations, centres for social welfare etc., respondents in the police said that this is certainly not the case in police since there is no contact between the victim and perpetrator in a police station. They never in the police, they have several premises and try to keep them separated. They do not allow them to be in same premises, it is impossible and they are on a distance of at least 50 meters and the visual protection is complete. Violence is the fact that the victim looks at the perpetrator, which may happen in stations or cases due to lack of appropriate premises. Police considers that it is more stressful to the victim in court premises because they give statements at the same time and on the same place while this is not the case in the police.

According to respondents in the police, it is possible to intervene urgently in domestic violence cases. Yes, the reaction is immediate. However, from the report, it is not clear whether the specific violence is extreme, long-term or is it just a momentary situation or does it last for 10 or more years. Problems may arise as a result of insufficient human and other resources. There is a problem of distance. Police sometimes need one hour to get there; it is difficult to organize it. There is also the problem of networking of institutions, e.g. centre for social work is not working in evenings and the police does and the police needs to organize them because of needed urgent reaction. The victim should not enter the police station, the police should not take their statements because it is not trained for that work, it is trained to work with perpetrators, not with victims. This is new stress for the victim, new maltreating. It is a bad solution.

Third parties are authorized to report domestic violence cases, in general, anyone could report a criminal offence, anyone could report violence. Legal entities are obliged to do so while citizens have the right to do it. However, it rarely happens that domestic violence is reported by others.

On the question what is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure, respondents in the police said that such cases are foreseen in the rulebook and then they are removed by using force. If the perpetrator resists and does not want to leave the house, that a new criminal offence – preventing the police officer from executing his duty or even assault of a police officer. He commits a new criminal offence – endangerment of safety. If he continues, he pushes himself deeper into problems, new reports are being prepared, addendums, violent behavior, causing of general danger, illegal possession of weapons, attack on an official person, mild or severe bodily injuries.

However, first the police contacts the court, the court pronounces a new protective measure, police follows the court order and if he does not respect it, a fine is pronounced, then arresting for 24 hours and then the perpetrator is sent to the prosecution.

Persons interviewed in centres for social welfare about procedures

1. What is the social profile of victims of domestic violence, how many are unemployed when compared to the general unemployment rate in regions Banjaluka/Bijeljina/Eastern Herzegovina?
2. Is there any type of information on the official website of your institution to instruct how and to whom domestic violence could be reported?
3. Are third persons authorized to report domestic violence cases?
4. Are there any additional attempts to support self-supporting mothers, victims of domestic violence to find a way out of that complicated family situation?
5. If the victim does not understand legal terminology, what are her rights, is there a legal obligation that she must receive support as an unskilled person or does the victim need to have a lawyer for that purpose?
6. What evidence is requested from institutions in cases of domestic violence?
7. Is a doctor's assessment a necessary evidence to prove domestic violence?
8. Is the victim's fear accepted as argument for institutions when deciding what measure shall be applied?
9. Is there a continuation of violence threats and violence on victims/witnesses while they are waiting for the continuation of the procedure in official premises of courts, police stations, centres for social welfare etc.?

Respondents in centres for social welfare said that there are information on the official website of the centre that instruct how and to whom report domestic violence. The role of the urgent intervention team and the mobile team is explained. In some towns, there is no such information on the website, but they have posters, SOS help line and short number of NGO Lara. In Trebinje there is no information on the website of the Centre for Social Welfare or the Ministry of Internal Affairs. Recently, there were some announcements that information on specific cases will be published on websites, which is not acceptable.

Social workers confirm that third parties are authorized to report cases of domestic violence – each individual, each citizen.

In terms of any additional attempts to support self-supporting mothers, victims of domestic violence to find a way out of that complicated family situation, respondents in centres for social welfare said that they all together, multidisciplinary, engage themselves and that there is always a way to help victims, no one stays on the street. However, there is nothing regulated in a systematic way, but they always try to find certain methods and ways to help them. They always try to help the, often by using their personal connections. It is usually difficult to help the victim and her family but they always try, even on the personal plan. There are lots of such examples, that they get a job as priority cases. There are also views that all victims are the same, a self-supporting mother is only the one without husband and they are all the same.

If the victim does not understand legal terminology and what her rights are, social workers confirm that there is a legal obligation to help her as an unskilled party. Not only

legal obligation but there is also legal service and institutions in the local community that provide support. They have good cooperation with the Centre for free legal assistance, which is a state institution and they also send parties to NGO “Lara”, so there is no need to help in relation to that. One of the rules in social work is to adapt the language to the beneficiary to understand it and they try to simplify and bring closer these things.

According to interviewed social workers and relating to evidence needed by institutions in cases of domestic violence, they listed report, statement, medical assessment and all other evidence that could be collected (telephone call etc.). Centres usually do not require evidence on injuries or medical assessment; this is solely for the court proceeding. They do not require any certificates but solely statements by involved parties – victim, perpetrator and environment.

According to interviewed social workers, a medical assessment is not necessary for centres for social welfare to prove domestic violence but it is desirable. It is material evidence on the court. If it is a case of physical violence, it is always better to have a medical assessment. It should not be necessary. But it is the most convincing evidence that there was physical violence, i.e. injuries.

According to interviewed social workers, victim’s fear is accepted as argument for institutions when deciding what measure they will apply, the sensibility is greater and measure of support more intense in cases where fear is present. According to others, fear should not be accepted, because it should be attempted in any case to choose the best option for the victim.

The views of social workers vary in relation to a continuation of violent threats and violence on victims/witnesses while they are waiting for the continuation of the procedure in official premises of courts, police stations, centres for social welfare etc. Some negate the possibility of this while others say that this could happen. Institutions try to protect the victim and to avoid such cases in official premises. Though there is no violence, when it comes to direct facing of parties, during verbal discussions there is sometimes inappropriate behavior, insulting, mutual cursing but measures are being undertaken against that. There is insulting, humiliations and even threats.

Understanding of institutions by judges

1. Do you think that urgent institutional reaction in domestic violence cases is necessary to protect the victim and appropriate to prevent expansion of this type of violence?
2. Are there any dilemmas which institutions should react in a concrete case of domestic violence?
3. Is it possible in practice that the court pronounces a certain protective measure and what are the issues?
4. Does the public prosecution sometimes has doubts whether reported domestic violence cases truly happened?
5. Are there cases of rejection of institutional proceeding if the victim did not report violence immediately when it happened?
6. Are there any legal possibilities for public prosecutors to react urgently in domestic violence cases?

An urgent institutional reaction in cases of domestic violence has sense in cases when the victim needs to be protected and such reaction of the community has a preventative

impact for that type of violence. It is truly needed but it is legally not well regulated and it should be regulated in the Law on Criminal Proceeding – imprisonment could be applied to stop violence in urgent cases, to remove the perpetrator. Misdemeanour court cannot decide on imprisonment, but the prosecution can. In a misdemeanour proceeding, the perpetrator is after 15 minutes free and can repeat the violence or not respect protective measures. If the police arrests him again, he is again in the same situation. No one is protected in this way. An urgent reaction is necessary, but not all conditions are created for its implementation.

In terms of any dilemmas as to which institutions should intervene in concrete cases of domestic violence, respondents in courts do not think that there should be any dilemmas, bearing in mind that the procedure is prescribed in the law and elaborated in rulebooks. A judge receives the indictment, request to determine a barrister and there is no conflict that might exist between the police and the centre. It is prescribed what each institution needs to do and if there are any problems in practice, it is because some people do not know their job.

On the question whether it is possible in practice that the court pronounces urgently a protective measure and what are possible problems, respondents in courts said that problems are possible when pronouncing protective measures in accordance with the new Law on Protection from Domestic Violence bearing in mind that there is no procedure to determine important facts for determination of the need to pronounce one of the two measures. Implementation of measures is also a problem. A problem is also how urgent is the reaction of the police because the chain of action depends on that and how urgent will be the reaction of other institutions. It is, therefore, necessary to determine legally time limits for the police, prosecution and courts since without this there is no urgency and all that is left to the good will is never urgent enough. Thus, it is possible but there is no prescribed procedure that would ensure the sustainability of the verdict and it is necessary to have the possibility to pronounce urgent protective measures.

According to respondents in courts, it is possible that public prosecution has its doubts whether reported domestic violence cases truly happened but the County Prosecution proceeds in accordance with enclosed evidence and determines the grounds for any suspicion that the violence really happened. Victim's statement must be supported by some other evidence. Everything is being assessed as part of evidence. The perpetrator cannot be convicted solely on the ground of victim's statement. There are situation when suspicion arises, but not often.

On the question whether there are cases of rejection of institutional proceeding if the victim did not report violence immediately when it happened, respondents in courts said that something like that has not been recorded in the court practice, but this fact could create difficulties in proving the violence bearing in mind the relatively longish time period since the violence occurred. There may be obstacles if violence is not reported immediately due to lack of evidence because it is more difficult to lead an investigation but the initiation of an investigation should not be rejected.

Public prosecutors have legal possibilities for urgent reaction in cases of domestic violence, particularly after the adoption of the new Law on Protection from Domestic Violence in republic of Srpska, where they are the only authorized to begin the proceeding. Of course, they have this option also in a criminal offence proceeding.

Understanding of institutions by persons interviewed in the public prosecution

1. Are there any dilemmas which institutions should react in a concrete case of domestic violence?
2. Is it possible in practice that the court pronounces a certain protective measure and what are the issues?
3. Is there a view that domestic violence cases are less important?
4. Are there cases of rejection of institutional proceeding if the victim did not report violence immediately when it happened?
5. How many cases of domestic violence does the public prosecution receives on a weekly level?

In relation to possible dilemmas as to which institutions should intervene in domestic violence cases, respondents in public prosecutions think that their cooperation with the police is very correct. It is further said that the institutional competence is regulated in the new law where the prosecutor can act also in a misdemeanour proceeding, which might slightly contradict other legal provisions where the prosecutor should not act in a misdemeanour proceeding but in this can it can be done. There are views that in practice there are certain dilemmas because if there is violence and if there is evidence of that, then the court should decide on it in a proceeding that is the regulated in the law on criminal Proceeding. The sharing of competence is seen by some respondents in such a way that the centre for social welfare is on the first place and then come police, prosecution and court.

On the question whether the court may pronounce in practice an urgent protective measure and what issues are there, respondents said that it can be done in a misdemeanour procedure and there are no significant difficulties; it can be done urgently or the day after. It all depends on the employees, everyone should do their job, it is the same as in the case of traffic delict. A certain limitation is that this law foresees urgent measures and prescribed how and under which conditions these can be prescribed but only time will show real problems in terms of its implementation.

On the question whether there is a view that domestic violence cases are less important, the answers are mostly negative (e.g. this is a criminal offence as any other illegitimate act) but this also depend on a specific case. No one thinks that this is a bargain, it is often being changed from misdemeanour to level of criminal offence. But, there is also a view that it needs to be permanent, thus that it happened several times, not only once. According to others, it all depends on a specific case and it depends on a specific case. Namely, sometimes it seems to be a truly innocent thing and sometimes it is obvious from the report and case that the victim has been exposed to violence during a longer time period, which is not naive at all or innocent.

Most respondents is public prosecution think that there are no cases of rejection of institutional proceeding if the victim did not report violence immediately when it happened. The victim has the right and possibility to always report violence and the prosecution is obliged to proceed. However, it is all a matter of evidence and if the prosecutor assesses that the period between the act of violence and reporting is too long, he/she will proceed accordingly but time cannot be the reason for not reacting and it is rather being considered in context with all other facts.

On the question about the number of domestic violence cases, it is being said that there are around ten cases on the annual level and that it seems that the number is reducing as a result of rigorous sanctioning policy. However, reports on domestic violence arrive at a regular basis.

Understanding of institutions by persons interviewed in the police

1. Do the police, public prosecution and courts sometimes have doubts whether reported domestic violence cases truly happened, is there any suspicion in relation to victim's statement?
2. Are there any dilemmas which institutions should react in a concrete case of domestic violence?
3. Is it possible in practice that the court pronounces a certain protective measure?

On the question whether the police, public prosecution and courts sometimes have doubts whether reported domestic violence cases truly happened, is there any suspicion in relation to victim's statement, respondents in the police mostly gave an affirmative answer. Police gathers additional evidence regardless of the victim's statement, particularly if they think that it is not a "straight forward case". However, the prosecutor decides whether it is a criminal offence or misdemeanour. It is a difficult area of work and victims usually report violence in the evening and return to the perpetrator the next morning. There are misuses, very rarely, it does not happen in practice, one or two cases in ten years. If there are concrete reasons for suspicion, they are being checked.

On the question whether there are any dilemmas as to which institutions should react in a concrete case of domestic violence, respondents in the police said that there is no dilemma who needs to become involved. The circle is defined, the police begins, followed by centre for social welfare, health centre that is important to document the violence, police directs the victim towards prosecution and court. It is a closed circle, it starts with the police and goes back to police if the perpetrator continues to be violent. Thus, there are no dilemmas; it is only a matter to what extent is each institution implementing its competences. Confusion may arise only when the law is not respected, because the law defines and regulates it clearly. There are also cases when other institutions rely too much on the police.

Respondents in the police think that it is possible that the court determines an urgent protective measure but this is still not routine. There was only one removal. According to the law, it is possible to pronounce urgent protective measure. It is all depending on the court. The court should be involved as much as possible, they should be changed. In reality, pronouncement of urgent measure is often impossible.

Understanding of institutions by persons interviewed in centres for social welfare

1. Is the protection of property and public order more important to the police than safety of victims of domestic violence?
2. Do you think that urgent institutional reaction in cases of domestic violence is necessary to protect victims and appropriate to prevent expansion of this type of violence?

3. Are urgent institutional reactions possible in practice for domestic violence cases and what are the problems?
4. Are there preventative programs for domestic violence in ministries of health, social welfare etc.?
5. When the police intervenes, do they talk together or separately with the victim and the perpetrator?
6. Is the police cooperating with non-governmental organizations on concrete cases of domestic violence?
7. Does the telephone system enable automatic identification of the locality where the call is coming from in cases of domestic violence?
8. Are there any dilemmas which institutions should react in a concrete case of domestic violence?
9. Is it possible that the court pronounces an urgent protective measure?
10. Is there a problem when delivering court verdict to perpetrators of domestic violence?
11. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
12. Is the police legally authorized to proceed in domestic violence cases?
13. Do perpetrators of domestic violence hide to prevent application of law?
14. What is officially possible when the perpetrator of domestic violence continues to threaten with violence despite protective measures?
15. Do the police, public prosecution and courts sometimes have doubts whether reported domestic violence cases truly happened, is there any suspicion in relation to victim's statement?
16. Does the police sometimes treat domestic violence cases as less important?
17. Are there cases of refusal of support to victims of domestic violence if they are not married to the perpetrator?
18. Does the police refuse to help victims of domestic violence who are badly dressed or poor?
19. Does the procedure in domestic violence cases lasts too long, do victims have to repeat their statements several times, are there many delays caused by administrative problems or deficiencies?
20. Is a badly prepared report on domestic violence being refused and not taken into account as invalid and non-existent?
21. Are there any cases of refusal of institutional proceeding if a victim does not report the case as soon as violence happened?

According to social workers, protection of property and public order is still important to the police than the safety of victims of domestic violence, which can be in sanctions. There are also views that the police proceeds equally, without making differences, they assess without discrimination any case.

Respondents in centres for social welfare think that urgent institutional reaction in cases of domestic violence is necessary to protect victims and appropriate to prevent expansion of this type of violence. However, there is a level of scepticism that institutions who have to react urgently never did so in the past; they even say that there was no such

case. The problem arises when things that are urgent for the centre for social welfare are not urgent for public prosecutors and misdemeanour judges.

On the question whether urgent institutional reactions possible in practice for domestic violence cases and what are the problems, interviewed social workers said that they are possible and do not cost anything, that it is possible absolutely for all involved, particularly the police. In centres for social welfare they have that priority. The problem is in courts because they do not value it like, for example, economic crime, there are some steps forward but this is still insufficient. There is a view that everything needs to be turned back into criminal offence proceeding and to incorporate the Law on Protection from Domestic Violence into the system of criminal sanctions where an urgent measure would be pronounced in the preparation process. It has to be admitted that there is some progress, but it is still insufficient. In a misdemeanour procedure this still lasts for one or one and a half years while the reaction is somewhat quicker in a criminal offence process. It might difficult to organize this in practice due to overload but in the centre they always assess the urgency and most centres somehow manage. It is necessary to react urgently and centres for social welfare, therefore, accomplish this through on duty workers and so far they are succeeding in that. On one side, it is necessary to react urgently but on the other side there are problems in terms of various approaches of institutions. Thus, police and centre react but the judiciary not so much. Educational institutions inform the centre when a child is exposed to violence but not urgently enough.

In relation to existence of preventative programs for domestic violence in ministries of health, social welfare etc., social workers responded negatively, i.e. there are no accredited programs; they used to work on that but this year they did not because another ministry has taken this responsibility.

All social workers state that the police – when intervening in domestic violence cases – talks separately to the victim and the perpetrator and that is a rule.

Respondents in centres for social welfare state that the telephone system does not enable automatic identification of the locality where the call is coming from in cases of domestic violence; a number can be identified but not the locality.

On the question whether there are any dilemmas which institution should intervene in domestic violence cases, social workers said that there are no dilemmas in terms of proceeding, except that there differences in terms of reaction from institution to institution. They have issues only in case when violence is committed by a mentally ill person because it is not clear who should arrive at the scene – police or ambulance. Social workers always arrive when the police calls them and always in case of children. Dilemmas do not exist, everyone does its part of the job, and each institution knows its competences and proceeds accordingly. It is possible only in cases of mentally ill persons that there are difficulties as to who is responsible – who executes and does not.

On the question whether it is possible that the court pronounces an urgent protective measure, social workers said that it is possible but it is not practice, the court does it rarely, actually it never happened.

Social workers negate any problems when delivering court verdict to perpetrators of domestic violence. They say that they do not know, they do not have information, but it is probable that perpetrators try to avoid receiving the verdict. The law regulates this clearly and, according to them, there are no problems.

On the question what is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure, respondents from centres for social welfare said that a new report is being written or new sanction is being pronounced but they do not have precise information about it. A problem may arise, there was one case, it often happens but centres do not have any pronounced court measure. The law regulates the procedure in these cases.

Social workers confirm that the police is legally authorized to proceed in domestic violence cases.

On the question whether perpetrators of domestic violence hide to prevent application of law, social workers respond that even if they do, they are being found. They regularly occur in the court. However, it happens once that he escaped but, in general, they respect the sanctions. A huge problem is that there are cases when violence never leaves the house but when cases are known, there is no such problem.

On the question what is officially possible when the perpetrator of domestic violence continues to threaten with violence despite protective measures, social workers said that they cooperate with institutions, warn that a protective measure has been violated and request a more rigorous sanction. If the perpetrator continues to be violence, police can order 24 hour custody or the prosecutor can order longer custody, in cases of extreme violence. Centre advises women victims to report violence any time and facilitate the application of law because repeated reporting means pronouncement of a more rigorous sanction. Centre informs the police on every case, warns that there are threats and danger of escalation of violence, request additional precaution measures from the police.

On the question whether the police, public prosecution and courts sometimes have doubts whether reported domestic violence cases truly happened, is there any suspicion in relation to victim's statement, social workers respond that they are sceptical sometimes, because some members of these institutions are aggressive in their families and cannot always have solidarity with the victim. However, this is slowly disappearing, they are careful in their statements; this is more obvious in informal discussions. Nevertheless, these are institutions that need to determine the truthfulness of victim's statement. In the centre, they try to determine the objective situation and do not accept a priori whether it is or is not, they always check the first assessment. Namely, social workers could first question whether was violence or not, because they first receive indicators of disturbed family relations, e.g. poverty, alcoholism, they always have a level of carefulness.

Social workers negate that police treats domestic violence cases as less important and they say that the new law even frightened them in such an extent that they constantly call centres for social welfare. This is being reduced and the police always acts appropriately in cases of real domestic violence cases and the problem is that there are many reports that do not match the description of domestic violence.

Social workers entirely negate cases of refusal of support to victims of domestic violence if they are not married to the perpetrator.

On the question whether the police refuse to help victims of domestic violence who are badly dresses or poor, social workers say that it is the opposite situation, that they know that these people are most in need of help, they are certain that there no such

examples. Support must be provided to everyone who is need of help and they have great cooperation with the police and this does not happen.

Social workers confirm that the procedure in domestic violence cases lasts too long, that victims have to repeat their statements several times, that there are many delays caused by administrative problems or deficiencies. They say that it happens often that due to the length of the proceeding, violence repeats for several times. It really lasts too long, except in cases of children. Children are being interviewed only in centres for social welfare and after that a psychologist speaks on their behalf. It is being considered that only the first statement given by the child is trustworthy, because a child may be influenced by various parties in the later time period. They had only one case where a girl has been interviewed for a couple of times but, in general, children provide their statement only once. Thus, the opinions vary on the length of the procedure because each institution must undergo a specific procedure.

Social workers confirm that a badly prepared report on domestic may be unacceptable for the court. They say that judges often explain that they did not pronounce something because the police did not propose it.

Social workers completely deny that there are cases of refusal of institutional proceeding if a victim does not report the case as soon as violence happened. This does not happen in centres, whenever a victim comes they react appropriately.

Understanding of non-governmental organizations by judges

1. What is the role of non-governmental organizations in domestic violence cases?
2. Do you cooperate with non-governmental organization in your local community?

On the question what is the role of non-governmental organizations in domestic violence cases, respondents in courts said that NGO has the role to monitor domestic violence as a phenomenon in the society, to initiate social actions relating to domestic violence and to educate and animate the public, to cooperate with institutions, to adjudge publicly this phenomenon and provide support to victims of violence. NGOs were the first to recognize the issue of violence and their role is important in a number of areas, including advocacy for adoption of laws, work on protection of victims, prevention, provision of help and support to victims, monitoring of court proceeding in certain cases, e.g. organization of women Lara. There is an interesting view that NGOs have more possibilities than the court because they lead the investigation that has been previously done by courts, they cooperate with the police and have better possibilities to react quickly.

Respondents in courts confirm that they cooperate with non-governmental organizations from their local community, e.g. though signed protocols with involvement of non-governmental organizations, through exchange of experience and provision of statistical and other data requested by NGOs in relation to this field. It is known that they manage safe houses. When they organize something, they always invite apart from specific cases. Judges have a norm to participate and be present on round tables and they go if there is something specifically linked to their job. Time is a huge problem for judges and in order to allocate a specific time, they need to know that they may contribute to something specific from the area of their work. There are interesting events, but if these

are not linked to the concrete work of judges, they cannot attend. There are some who did not cooperate with them because they did not have concrete cases.

Understanding of non-governmental organizations by persons interviewed in the public prosecution

1. What is the role of non-governmental organizations in domestic violence cases?
2. Do you cooperate with non-governmental organization in your local community?

Respondents in public prosecutions think that non-governmental organizations have an important role in domestic violence cases, particularly in form of education and recognition of violence and protection of victims. It is assumed that a victim will decide to report violence to a NGO that provides support to victims of domestic violence before initiating any proceeding in other institutions. It is also said that non-governmental organizations could do more, but their financial situation is often the problem.

In terms of cooperation with non-governmental organizations from the local community, the cooperation is good and regular where these organizations exist. Regular cooperation is emphasized with Zenski centar from Trebinje and NGO "Lara" from Bijeljina. A problem for more intensive cooperation is lack of time to respond to invitations every time and to participate in all educations and public events.

Understanding of non-governmental organizations by persons interviewed in the police

1. What is the role of non-governmental organizations in domestic violence cases?
2. Does police refer victims of domestic violence to services that they can receive from non-governmental organizations?
3. Does the police cooperate with non-governmental organizations in relation to specific cases of domestic violence?

Respondents in the police positively assess the role of non-governmental organizations in domestic violence cases. It is said that this role is necessary and initial for improvement of laws and their appliance and their role should be further strengthened. NGOs have a huge role since victims first contact them, the police shares information and experience with them and they helped in establishment of the safe house. They are helpful, which is good for the police. There is a safe house. A victim could be placed immediately, they sometimes go with the police on the place of violence as a form of partner support. There are views that the role of NGOs is primarily in providing educations for police officers, prevention, placement of victims, awareness raising and raising of victims' confidence through SOS help line and participation in creation of laws. Those who decided to list the primary roles of NGOs said that their role is primarily of educative character while others think that this role is primarily reporting of violence and others think that it support in placement of victims or children after violence occurred. Some think that their primary role is in helping to start a new life. Some say that they are not clear about the role of NGOs, but they admit that NGOs provided funds and created certain preconditions for easier implementation of the law.

On the question whether police refer victims of domestic violence to services that they can receive from non-governmental organizations, respondents in the police mainly answered affirmatively. There are views that this is new practice, i.e. those who know refer them but those who are new do not know and do not refer. However, there are views that this does not happen at all.

Police cooperates with non-governmental organizations in relation to specific cases of domestic violence and according to respondents in the police, this cooperation is successful in terms of exchange of information, organization of educations etc. A number of reports come from NGOs because the victim first contacts them. In places where there is no safe house, police sends the victim to the NGO as it was the case when a woman called at 3 o'clock in the morning saying that she will commit suicide because she cannot take it anymore and they have send her to Zenski centar in Trebinje.

Understanding of non-governmental organizations by persons interviewed in centres for social welfare

1. Are there any media campaigns relating to protection and prevention of domestic violence that provide basic information on the rights of victims, where and to whom they could refer to etc.?
2. Do victims of domestic violence should have support from non-governmental organizations in practice?

Social workers say that police cooperates with non-governmental organizations in relation to specific cases of domestic violence, though it is not mandatory; thus, not according to mandatory procedure but rather on their own initiative.

Interviewed persons in centres for social welfare confirm that there are media campaigns relating to protection and prevention of domestic violence that provide basic information on the rights of victims, where and to whom they could refer to etc, but they said that is not continuous. There are campaigns, because media are interested in these issues and NGOs and the Gender Centre are active in this field.

On the question whether victims of domestic violence should have support from non-governmental organizations in practice, interviewed social workers confirm this is an option. Namely, it does not have to happen, it can but not necessarily. Victims need psychological support, counselling, safe house. They think that it is good to network all institutions and provide support from various places. However, there are cases in some communities where social workers do not cooperate with NGOs because they consider them as unprofessional.

Statements from those who survived domestic violence confirm these views of respondents in institutions.

Victim 10 As for the NGO, I had there all the support I needed while there was no support from the police.

Victim 11 I received support from the NGO, they placed me in the Safe House.

Victim 12 I received support and understanding from social work and NGO Lara.

Victim 13 I had the impression that everyone was supporting and believing me.

Victim 14 NGO Lara was the only to provide real support and help. As for all other institutions, I am very disappointed.

Victim 17 With their support (NGO Lara), I forced myself to inscribe into the school of German language.

Victim 19 So far, I did not contact anyone except the NGO because I want to inform myself and leave a written record on everything that is happening to me. In case if something happens, there will be a trace on violence against me. I had full support and understanding from the organization.

Understanding of educations regarding domestic violence by judges

1. Have you attended any education/training relating to application of the Law on Protection from Domestic Violence?
2. Does the university education for lawyers include a chapter on domestic violence as part of family law, criminal law, criminal and process law, misdemeanour law or is it being taught as part of another subject on faculties of law?
3. Do judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence?

On the question whether they attended any education/training relating to application of the Law on Protection from Domestic Violence, respondents in courts said that judges and prosecutors have mandatory education during the year while centres for education of judges and prosecutors are competent to include domestic violence in this education. However, while some claim to have continuous education on domestic violence, others say that they did not have such education. The closest was protection from domestic violence relating to the Law on Protection of Minors as part of the training according to the programme for education of judges and prosecutors in Republic of Srpska within the criminal legislation.

On the question whether judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence, respondents in courts mostly answered affirmatively and state that the police should establish specific departments that would work on these cases. All those who make criminal reports should attend regular annual educations according to the plan of the centre; judges chose themselves educations that are of interest to them and take care that these are not repeated every year.

Respondents in courts do not know for sure whether the university education for lawyers includes a chapter on domestic violence as part of family law, criminal law, criminal and process law, misdemeanour law or is it being taught as part of another subject on faculties of law. Some think that it is being taught as part of the criminal law – separate part while others think that there is no such chapter.

Understanding of educations by persons interviewed in the public prosecution

1. Have you attended any education/training relating to application of the Law on Protection from Domestic Violence?
2. Does the university education for lawyers include a chapter on domestic violence as part of family law, criminal law, criminal and process law, misdemeanour law or is it being taught as part of another subject on faculties of law?
3. Do judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence?

Respondents in public prosecutions say that they attended several educations, lectures and meetings with various organizations on the topic of domestic violence or violence in family community and that within their annual educations, there is always a seminar covering this topic. Some participated sporadically and it is good that there is always something being organized and Ženski centar is very active in its community.

The question about existence of topics on domestic violence on the level of university education of lawyers, e.g. in form of a chapter on domestic violence as part of family law, criminal law, criminal and process law, misdemeanour law is usually confusing. At the time when current prosecutors were studying, this was not the case but they do not have information on existing situation. However, it is thought that it should exist, e.g. it should certainly exist in the criminal right.

On the question whether judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence, the answer is mainly affirmative; all of them attended, particularly when this has been introduced as criminal offence in the Criminal Code. The prosecution specifically confirmed that they attend educations regularly, particularly in the recent period.

Understanding of educations regarding domestic violence by persons interviewed in the police

1. Have you attended any education/training relating to application of the Law on Protection from Domestic Violence?
2. Do judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence?

Persons interviewed in the police mostly say that they had some educations in terms of application of the Law on Protection from Domestic Violence. Some say that they had several lectures and others say that there were many seminars that they attended, which were organized by Lara, Ženski centar, Modriča Budućnost, Udružene žene. But, there were no trainings in the last 2 to 3 years, many new people are employed, these trainings should be renewed, employees want to know, they want to participate in these seminars. There are also people who did not attend such training, e.g. it is said that everyone who has police education has a very good basis for work but there was no specific training for it.

On the question whether judges, public prosecutors and people employed in the police attend together educations/trainings on domestic violence, respondents in the police said that they all attended these trainings but the last was two years ago. They were trained on domestic violence, its forms, proceeding of centres for social welfare, hospitals, police, judiciary and victims and they attended similar trainings in schools. They emphasize that the problem is that for domestic violence there are no mandatory seminars; however, the police still attends them while they do not know whether this is the case for judges and prosecutors.

Understanding of educations regarding domestic violence by persons interviewed in centres for social welfare

1. Are there any educative programs for employees in institutions authorized for domestic violence cases?
2. Have you attended any education/training for application of the Law on Protection from Domestic Violence?

On the question whether there are any educative programs for employees in institutions authorized for domestic violence cases, respondents in centres for social work say that there seminars about this but not in form of continuous training. Subjects of protection should have 30 hours of training to obtain a certificate for work. They attend all seminars, no matter who organizes them – Ngo or Government. There are no professional standards of service in social care, they are not obliged to conduct these programs of education. However, they do organize them. There are various programs but on the Republic level these are organized by the competent Ministry, ombudsman and gender centre. It is also organized through international supported projects and educations for family therapy.

All interviewed social workers confirm that they attended various educations/trainings for application of the Law on Protection from Domestic Violence.

Interview conclusions⁶¹

1. Prevention

A number of respondents from all institutions still have their doubts around priorities; is it always the protection of victim's safety or some other values, e.g. ownership rights, family community, respecting traditional patriarchal relations. There is a seemingly "rational", "neutral" view of domestic violence according to which "both sides are guilty". However, most think that the family safety is the safety of each family member and the perpetrator is guilty for violence.

Respondents in all institutions expressed their non-understanding of the alleged "reconciliation" of the victim and the perpetrator that is considered to be the end of violence. It is not recognized that this was under the pressure of the perpetrator, environment, economic issues and victim's inability to organize her life outside the relationship with the perpetrator. It is not understandable why and how it comes that even victims advocate for a mild sanctioning. However, most recognize that, after reporting violence, victims usually do not have funds for their life, which pushes them back into the family.

Lack of understanding of essence of violence can be seen in the belief that domestic violence is only a reflection of other problems, e.g. pathologic jealousy but its roots in the social relations of domination of men over women is overseen. As causes of domestic violence have been listed poverty and perpetrators' natures but these are triggers or initiators and not causes and this is used by perpetrators as justification in proceedings that are being conducted against them.

Respondents in all institutions emphasized the problem that domestic violence in many cases does never leave the house or is never being reported. It is encouraging that most respondents said that a provocation by the victim cannot be a justification for the violence and the perpetrator.

2. Criminal prosecution and sanctioning of perpetrators

Most respondents in all institutions emphasized the need for better demarcation of misdemeanour and criminal offence domestic violence. Law on Protection from Domestic Violence must be linked to criminal offence and protective measures could be pronounced by the prosecutor and, in some cases, the police.

⁶¹ The structure of Interview conclusions conducted in courts, public prosecutions, police and centres for social welfare is based on requirements of the Convention of the Council of Europe on prevention of violence against women and domestic violence, which is the first international legally binding act in the field of protection of women from violence. It imposes requirements and obligations on member States that they must respect in the field of prevention, victim's protection and protection of their rights, persecution and sanctioning of perpetrators and creating a coordinated, multi-sectored approach towards the issue.

The current court practice is that the continuity of violence is not important, i.e. the duration or repetition of domestic violence but the Supreme Court has the view that domestic violence is being processed as criminal offence only when there was physical contact between the victim and the perpetrator, i.e. if there was physical violence. Other forms of violence should be treated as misdemeanour but there is a level of insecurity in the assessment whether it is absolutely correct and this is followed by expectations that time and practice will solve all problems. Supreme Court has the view that for a criminal offence it is necessary to prove that there was physical contact or physical violence and this is the reason why a medical assessment is of huge importance in the process. In practice, it is still important to have evidence on the continuity of violence.

Experience of respondents in judiciary institutions is the basis for their belief that laws solely need to be applied. While explaining that laws regulate everything in a good way, they also believe that nothing should be changed; it is sufficient to strictly respect the law.

There is the view of a relatively high number of respondents that domestic violence should remain solely a criminal offence and not a misdemeanour at all because this has led that domestic violence is mostly being qualified as a misdemeanour.

Most respondents said that a fine is not an appropriate sanction for perpetrators of domestic violence, on the contrary. It happens often that the woman returns to her family before the payment of the fine, which causes additional violence. The efficiency of this sanction depends on the material status of the perpetrator.

It is also indicated that some members of the police and judiciary are violent in their families and are not always in the position to understand victim's position and consequences of violence.

The victim needs to repeat her statement several times, though she provided it in the police and prosecution, but that is the legal procedure. According to the law, the victim must tell the order of events several times. However, if the statement has been taken in the police in accordance with the Law on Criminal Proceeding, it does not have to be repeated. It often happens that violence repeats for several times due to the length of the proceeding. The proceeding lasts too long because the prescribed procedure needs to be conducted in each institution. The length of the criminal offence proceeding has been also emphasized because the defendant is using all legal possible for his defence.

3. Protection of victims

There is no information on the official website of the police that would provide instructions how and to whom domestic violence could be reported. Currently, there is the standard number 122, publicly presented as well as posters from NGOs that are put up on visible places. For example, the campaign "See, hear, call 122" was a campaign to animate people to call the police for any type of crime, including domestic violence. There are also police informative leaflets for most common crime offence, including robbery, burglary and domestic violence. The telephone system enables to determine the

town or some other smaller environment, e.g. part of the town but not the exact address from where the call comes in cases of domestic violence; only the number is visible, not the address, there is no number identifier.

Social workers say that there is information of official websites of some centres that provide instructions how and to whom domestic violence could be reported. The role of the team for urgent interventions and the mobile team is explained. However, in many towns there is no such internet information but they have informative posters and a SOS help line.

All respondents agree that the most important thing is to protect the victim from acute violence. The right of the victim to live safely should be the absolute and primary right of the victim.

Domestic violence is mostly reported by victims themselves but also by the health centre, a witness and non-governmental organizations. The police always reacts following the report of domestic violence, regardless of how many times it has been repeated, the procedure is always the same, they are very careful because there are cases when the perpetrator is drunk, unpredictable or armed. Domestic violence cases are very complicated and the police is aware of that. The first arrival on the scene is always dangerous, e.g. there are lots of weapons from the war. Regardless of the possible sanction, there is always a danger that lives may be lost. However, there are sporadic views that the police treats it as less significant acts. It has been observed that the police always tries to avoid a criminal offence report and criminal offences and misdemeanours are difficult to differ and it is, therefore, mainly treated as a misdemeanour.

There is a problem in terms of linkage of institutions, e.g. the centre for social welfare does not work in the evening but the police does and needs to organize them because without them a quick reaction is not possible. The victim should not go to the police, police should not take their statements because it is not trained for this type of work, police is trained to work with perpetrators, not with victims. This is new stress for victims, new maltreatment.

Circle of institutions competent to proceed in domestic violence cases is defined – police begins, centres for social welfare continues, health centre is important to document violence, police directs the victim to the prosecution and court. It is a closed circle, begins in the police and returns to the police if the perpetrator continues to be violent. Thus, there are no dilemmas as to which institution is competent. The only question is to what extent each institution implements its competences.

All interviewed social workers and respondents in other institutions confirm that there is a legal obligation to support those victims who do not know legal regulations, terminology, their rights and how to realize these. None of the institutions, including the police, which is often the first who contacts the victim of domestic violence, refuses to provide help if the victim is not well dressed or poor.

Respondents emphasize that a verbal dispute is possible when parties are being confronted. It comes to possible verbal discussion, e.g. inappropriate behaviour, insulting, cursing and institutional measures are being undertaken against that. There are insults, humiliations and threats.

Only an urgent institutional reaction in cases of domestic violence makes sense in cases when the victim needs to be protected and such reaction of the community has a preventative impact on domestic violence. It is more than needed but it is not well regulated by the law and needs to be regulated through the Law on criminal Proceeding – imprisonment could be applied for urgent prevention of violence, to remove the perpetrator. Misdemeanour court cannot order detention but the prosecution can. In a misdemeanor proceeding, the perpetrator is free only after 15 minutes and could repeat violence or not respect a protective measure.

Public prosecutors have legal possibilities to react urgently in domestic violence cases, particularly after the adoption of the new Law on Protection from Domestic Violence in the republic of Srpska where they are the only authorized to initiate a proceeding. Of course, they have the right in a criminal offence proceeding.

Protective measures are not appropriately defined; the procedure for determination of justification for pronouncement of protective measures has not been prescribed. Removal of the perpetrator from the home is a good measure that is not appropriately positioned in a legal system and a court procedure should be prescribed for this measure. The main question remains open – what next and what to do with the perpetrator? It should be regulated in the law. If the perpetrator does not respect this measure, a safety risk for the victim is extreme.

Removal of the perpetrator is considered as a good solution by a number of respondents, particularly in situation of acute violence with tendency to continue but there are no other possibilities to provide conditions for the victim that would be necessary for continuation of normal life, protected from violence and independent from the perpetrator. A problem is also that these violent acts happen in patriarchal environments, it is a shame to talk about it. Where will she go – everything should end in the most legal way but she must return to her husband.

It is difficult to apply protective measures. The main reason for non-appliance of the protective measure is the awareness of people; protective measure treatment for alcoholism is on a voluntary basis and it is practically impossible to implement it, which should change. It is not possible to provide monitoring and someone to watch 24/7. Protective measures are not being applied and that is a problem with new things that seem to be terrifying. There is also an issue concerning lack of harmonization of legal regulations.

If the perpetrator resists and does not want to leave the house, that is a new criminal offence, prevention of the police officer in doing his job or even assault on a police officer. This is a new criminal offence, endangerment of safety. As he continues, he

pushes himself deeper into problems – new reports are being prepared, addendums, violent behaviour, general danger, illegal possession of weapons, and assault on an official person, mild or severe bodily injuries.

Legal regulations are good, sanctions have been increased but to what extent is the woman protected remains another question.

4. Integrated policies (coordinated multi-sectored problem approach)

The philosophy of the legal system of Republic of Srpska is to maximally respect human rights, the right to life and safety, the right to family and these are all respected rights representing a good basis for protection from violence.

Educational measures for women, girls and boys as a form of protection from domestic violence, do not exist in a systematic way according to respondents though it has been observed that NGOs work on these issues while centres for social welfare only indirectly in partnership with NGOs and police.

There are no joint records but it is said that centres do not keep any specific statistics on domestic violence cases and that each institution has its own data and keeps them in their own way and, as a result, their records do not match.

On the question what are the mechanisms for prevention of avoiding regular payment of alimony by former husbands, social workers said that is not in the domain of domestic violence and that there is no such prevention.

Protective measure of mandatory medical treatment of the perpetrator of domestic violence is, according to respondents in courts, justified but it should additionally elaborated due to difficulties in its implementation because it is being implemented as treatment of open type. It is also said that it is difficult to implement it due to the clause of voluntary participation.

Respondents in all institutions said that they trusted the NGO sector a lot, saying that NGOs have a role in monitoring domestic violence as a social phenomenon, initiate social actions relating to domestic violence and animate and educate the public, cooperate with institutions, public conviction of the phenomenon and provision of support to victims. What is more, NGOs first recognized the problem of violence and their role is important in many segments, including advocating for adoption of laws, protection of victims, prevention, provision of support and help to victims, monitoring of court proceeding in some cases, organization of various educations to recognize violence and education of protection of victims. Respondents also said that a victim will more easily decide to report violence to a NGO that works in this field than to contact institutions immediately.

Respondents in all institutions assessed positively the role of non-governmental organizations saying that victims first contact them, police exchanges information and experience with them and they helped in the opening of the Safe House. It is also

emphasized that the role of NGOs is primarily education of police officers, prevention, provision of care for the victim, awareness raising and raising women's confidence through SOS help line but also participation in creation of laws.

According to one group of respondents, the primary role of NGOs is education and exchange of information. According to a number of respondents their primary role is to report violence and according to a third group it is support in provision of placement for victim or children after violence and support in starting a new life. There are also respondents who say that they are not clear about the role of NGOs. However, they acknowledge that NGOs provided funds and created some preconditions for easier implementation of legal regulations.

Most respondents said that domestic violence should be covered on the level of university curricula, e.g. it certainly should be covered in the criminal and family law.

Respondents said that there were many seminars that they attended, which were organized by women's NGOs. However, there were no seminars in the last 2 to 3 years. In the meantime, there are many new employees, it would be necessary to repeat these trainings, employees ask about it, they would like to participate in these seminars because there are always new people who did not attend such a seminar.

Most respondents think that young people should be educated in order to change the manner of upbringing new generations and eliminate conservative views of a patriarchal family where women had to obey without objection and suffer regardless of the consequences.

In terms of existence of preventative programs against domestic violence in ministries of health, social care etc., respondents answered negatively, i.e. that there are no such accredited programs.

Research of the domestic violence phenomenon⁶²

Introduction

Confusion in terms of criteria for violence as perceived by victims of violence

Growing up in a family with violence

Gender specific upbringing

System of mechanisms of psychological violence to which the victim is exposed by the perpetrator

Reactions of the immediate environment

Inappropriate and unprofessional reactions of helpers in institutions of the system

Conclusion

Introduction

Domestic violence is a complex and multidimensional social problem. We are witnessing the increase of violence on an everyday basis. Globally, violent behaviour between close people is growing, including domestic violence. Causes may be different – problems, poverty, frustrations, personal immaturity – and, therefore, solutions differ for possible prevention and stopping. Successful prevention of domestic violence requires an active role of the society as a whole and primarily coordinated and networked operations of state entities that are legally determined as subjects (police, centres for social welfare, health institutions and judiciary), i.e. multidisciplinary and multi-sectored institutional approach and interventions of experts of various profiles.

However, successful intervention and work of professionals from various profiles significantly depends on the nature of psychological wounds that exposure to violence leaves on a person – victim. We think that it is important that helpers from various professions working on cases of violence are aware of psychological and sociological facts connected with violence because they could make clear some contradicting and confusing domains of their work and facilitate decision making in their field of work.

Finally, we will present our suggestions and recommendations that could improve the work and effects of work on cases of violence in practice.

Confusion in terms of criteria for violence as perceived by victims of violence

While living in a violent partnership, the victims receives from the perpetrator and often from its social environment a number of confusing messages that deepen the confusion in terms of personal victimization and keep her in a state of hesitation to help herself and children that grow up in such an environment. As life in a violent community continues, the victim falls into deeper confusion in relation to criteria on her own victimization – what happened to her.

⁶² Zenica – Zagreb, September, 2013.

If we accept as a fact **victim's objective fear from perpetrator's reaction and uncertainty in terms of possibilities to enable economically to herself and her children a life outside violent relationship**, we will analyse closer other sources of confusion that the victim expresses when communicating with helpers within institutions within the system that work on domestic violence cases.

The confusion on the criteria on their own victimization and their causes are of interest for helpers of various professions, bearing in mind that this confusion:

- Creates many misunderstandings among the victim and perpetrator in the process of helping victims of violence to free themselves of the violence relationship;
- Often (but unjustified) breaks the motivation of helpers to sustain in provision of support whenever the victim succeeds in leaving the traps of this complex and almost ever present phenomenon.

Victim's confusion in terms of criteria of their own victimization may originate from various sources. We will list only some of them:

- Growing up in a family where violence happened, where victim's criteria what constitutes violence are disturbed;
- Gender specific upbringing, particularly of daughters, in our and other patriarchal societies;
- System of mechanisms of psychological violence to which the perpetrator exposes the victim within the usual dynamics of a violent partner relationship sending contradictory messages to the victim that only deepen her confusion around her own victimization;
- Reactions of immediate environment that is, similarly to the victim, under the influence of gender specific patriarchal norms, which are unfavourable for the victim, particularly if the victim is a woman;
- Inappropriate and unprofessional reactions of helpers in institutions of the system that provide support in cases of violence

Growing up in a family with violence

If a person grew up in a family with violence, her/his criteria as to what constitutes violence are usually very disturbed: this person reacts only on massive forms of violence that "hit the eye" or forms of violence with traumatic scale (that carry inside a life threat). Anything under this criterion is not worth mentioning "because it is the usual way of life in all families; it was like this in our family...- so what is the problem?"

- If a victim has been witnessing continuous violence of one parent over the other or was a victim of violence as a child, then this person has disturbed views on violence from her/his childhood;
- This is more visible if the parent who was exposed to violence did not request support due to a number of obstacles or requested it but the reaction of the environment and services has been inappropriate

The problem is that in such circumstances the victim does not see, recognize or take into account **psychological violence**, which is in its form hidden in a terrible way and the perpetrator usually introduces it slowly into the relationship. In this way, the victim misses the chance to react on mechanisms of violence that create a ground for

introduction of more “massive” forms of violence: physical, sexual and economic. Even when reporting violence, victims miss the chance to mention spontaneously mechanisms of psychological violence that are present in his/her violent relationship. If the helper taking the statements does not actively ask questions about it, he/she misses many valuable data that provide a comprehensive picture on what happens in this relationship and which is defined in the law and should be sanctioned.

Apart from that, the victim that has disturbed criteria on violence misses to observe that she/he is exposed to a **system of psychological and physical violence**. When the victim decides to report domestic violence, this violence as seen **as an isolated incident**: “...because he was drunk”, “...because he lost his job”, “...because he had problems with his friend, boss...”. Later, when the immediate danger is over, the victim somehow finds an excuse for the perpetrator and the “incident” and (considering all other available options, which is not negligible!) easier gives up the processing of already reported violence and withdraws her/his statement.

Research shows that better awareness of women of forms of violence and better recognition of mechanisms of violence would be an important segment in combating violence. Some statements of respondents in this research, such as “When he is sober, he is less aggressive.” or “He did not beat me.” indicate that we are still lacking information to recognize and admit that “bruises on our soul” are equally painful as “bruises on our skin”.

Gender specific upbringing

Gender specific upbringing is in our, as in all patriarchal societies, particularly unfavourable for daughters or female children. This becomes a more fatal form in cases when women are exposed to violence, though it must not be forgotten that systems of values that are being taught through such form of upbringing steadily pushes them into the role of a victim.

- Messages during the upbringing process if female children emotions are being eliminated and “extinguished” as undesirable, including anger, enjoyment, advocacy for herself... while emotions directed towards the benefit of others are being encouraged, including devotion, friendliness or those that order care for others on their own account such as modesty, being non-demanding...
- In all patriarchal societies, female children are brought up for roles such as “family carer”, “those who care for children, husband and their wellbeing” and which ones of them are more appreciated for caring and for giving up to fulfil previously listed roles...

These specificities form female children in such a way that they are more submissive to violence and react later to violence, usually when it has already expanded and the victim already has children, which represents additional obstacle for provision of appropriate care for herself and her wellbeing.

We are still hostages of prejudices that need to be broken through educations and awareness raising, which is confirmed through victims’ statements in this research, e.g. “Once, I went to my parents but I returned because I didn’t want my child to accuse me that I separated him from his father.” or “I only waited that the girls grow up.”

System of mechanisms of psychological violence to which perpetrator exposes the victim

As part of usual dynamics of violent partnership, the perpetrator sends to the victim a message that deepens her confusion around her own victimization:

- **Humiliation** mechanism: Messages that she is worthless as a woman, mother, person, everything she does is wrong, others (neighbours, friends...) are better in everything and more successful... messages that convince her and keep her in the belief that **it is her own fault for everything that is happening to her**;
- Mechanism of **non-acceptance of own responsibility for violence he commits and blaming the victim for the violence to which she is exposed**: She provokes his violent reactions (e.g. “If only you didn’t ... it wouldn’t cross my mind to hit you...”);
- **Isolation** mechanism: Distancing the victim from all those who might reduce with their views and comments the effects and correct above listed messages.

Under the influence of these mechanisms of psychological violence, together with other “logistically supporting” mechanisms that strengthen their effects, exposure to long-term repeating violence – such as violence in a relationship usually is – brings the victim into a dilemma:

- Is she a victim at all?
- Would everything be different “if she could be better and improve her behaviour”?
- Does she have the right to ask for support from institutions?

This usually results, together with other unfavourable factors, in long-term suffering and exposure to violence before she decides to contact institutions and ask for support.

Reactions of the immediate environment

The immediate environment is also established under the influence of gender specific patriarchal systems of values as in case of the victim and perpetrator and shares the views that are not favourable for the victim, particularly if the victim is a woman.

- The environment also convinces the victim that she is responsible for the violence she is exposed to, it is expected that she sacrifices herself for the family and deepens her confusion in terms of her own victimization;
- She is subject to norms that put on the first place the opinion of the environment (“what will people say”) and push the victim, even if she decides to help herself, back to the violent partnership.

This is the reason why there are statements by respondents in this research that when they decided after the first incidents in the relationship to leave the violent relationship, their families made pressure on them to go back fearing the reactions of the environment and “shame”, such as “The first time when I left him was when he hit me after the birth of my son. I even started a divorce proceeding. However, I returned after my parents

convinced me because they were afraid what will happen in my future and what will neighbours say.”

Inappropriate and unprofessional reactions of helpers in institutions of the system

Helpers working in institutions of the system that provide support in cases of violence adopted from the community where they were brought up certain views (**and prejudices!**) on the world around them, including those concerning violence. Some of these professionals did not have a personal motive to question these views in their adult, professional age, such as:

- If they are men, that are influenced less by unfavourable views;
- If they are women, but had a good starting position in their life (occupation, chance to become independent, met or chose better people for friends or partners...);
- If they are women who grew up in families that moved their criteria on violence and victims that grew up in violent families (see above “Growing up in a family with violence”).

If these views (**and prejudices!**) on violence, that became part “of them” at an age where they were not able to question them self-critically, were not targeted and systematically “abraded” throughout their regular education for the occupation that they chose, it happens that the views (and prejudices!) from the environment where they were brought up are **transferred to their professional work**, without even noticing it. All those who were educated for their current work before the 90-ties know that violence was not a subject in the society or a teaching segment in secondary and faculty programs for any profession that is by its nature today working on issues of violence. Thus, during regular education, their views (**and prejudices!**) that they adopted at home during their growing up process were not targeted or systematically “abraded”.

Educations and trainings about domestic violence that have been organized from the 90-ties onward were for **many helpers informal and not mandatory** while **these educations were often not systematical and there was still room for views (and prejudices!) from the childhood**.

For victims, it is sufficiently painful when these views (**and prejudices!**) on violence are expressed by private individuals (see above Reaction of the immediate environment). Nevertheless, when such views (**and prejudices!**) become part of a **professional opinion and work of professionals**, this has severe, practical life and **often unfavorable consequences for victims of violence and their children** in form of:

- Failure to provide help;
- Untimely reaction;
- Unprofessional relation and reaction of institutions and services competent for prevention of violence.

Though institutions are networked to combat violence, respondents emphasize failures and show their discontent because undertaken measures are often undertaken in an untimely manner lacking professionalism, e.g. “Even today, I am not free to move, he comes to my house and I am scared to go out.”, “Police arrives, does their job, whatever they can, but the court did not do its part of the job.” Statements provided by respondents

show their discontent with the work of judiciary: most of them state that violence had to be reported two or more times and only then the prosecutor would initiate a procedure.

After reporting violence to subjects of protection (social work, police, health workers, safe houses), due to inappropriate and untimely reaction and inappropriate reaction of victim's social environment (family, environment, at work, in media) and after violence that her partner exercised over her, she is exposed **to secondary (repeated) victimization through negative experiences** with institutional representatives and the environment. Negative experiences may have various forms, such as:

- Conviction of victim – according to all known prejudices on violence – e.g. “she is destroying her family”, “if she was good (knew to keep quiet), this would not have happened” etc.
- Curiosity, sensation, non-respecting principles of confidentiality...
- Exposing the victim to the situation where she needs to describe the crime several times;
- Unprofessional work during taking of statement from the victim-witness, e.g. questions about earlier sexual life, way of dressing herself, her contribution to the fact that the perpetrator attacked her etc.
- When professionals in social services, e.g. convince the victim that the situation needs to be calmed down and she must resolve issues with her husband suggesting her that she should return to the violent relationship with the feeling that it was her fault for being exposed to violence;
- Reduction of victim's experience of violence by the prosecution – tendency to initiate misdemeanor rather than criminal proceedings in cases of violence;
- Reduction of victim's experience of violence expressed through:
 - Pronunciation of milder sanctions for the perpetrator (near the bottom line prescribed by the law);
 - Pronunciation of unfavorable and inefficient sanctions that do not protect the victim sufficiently (e.g. fine or suspended sentence);
 - Qualifying protective measures as “impossible to implement”;
 - Non-application of all possibilities enabled by the law (regardless of lack of perfection of the law);
- Lack of linkage between institutions and non-existence of joint records of cases of violence where **everyone would contribute to equally** and this is the reason why there are some absurd verdicts such as pronouncement of a suspended sentences following a previously pronounced suspended sentence (!);
- Manner how the victim is examined in health institutions – without sensibility for her need to know why certain steps need to be followed, to leave her the option to control the examination process;
- During stay in a safe house: due to “privately established” views on violence (see above), limited stay and when circumstances of the case do not allow to provide necessary help in the prescribed timeline...

Most beneficiaries stay in a safe house between one and three months. Sometimes, this is not sufficient, particularly if the woman decides to break up mutual life permanently. Longer period is needed in order to find a job and become independent.

We want to remind that women were always in a subordinated position, discriminated, which includes the provision of time span to recover in the safe house.

Bearing in mind the economic situation in our country and high level of unemployment, problems for a woman to become economically independent are even more complex. If we add to this discrimination, stay in safe houses should not be strictly limited but rather determined according to a specific case. A stay that is limited to a short time period pushes the woman to go back to the violent relationship that she wanted to leave behind her rather than it contributes to her recovery.

When a woman is exposed to violence, safe houses are the only place where they could hide from the physical and mental pain but also from the judgment of the environment that often pushes the woman victim of violence back to the violent community. Women are being placed in a safe house together with their minor children and are repeatedly exposed to discrimination because it happens that while they are in a safe house, perpetrators continue to live in their mutual households. Perpetrator often remains in the house even if this is her personal property, if she brought it into the marriage. If a woman requests divorce and custody for children while she is in the safe house – because children are already with her – the perpetrator often denies this right but not because it is important to him to get custody. Often, it becomes clear that he does not want to have the custodian role, but this denying enables him to control the woman with the fear that he might take the children during a divorce process. This is how perpetrators protect themselves from divorce, they keep the woman in an unequal position and children are often brought in the situation of “conflict of loyalty” making pressure on them to choose one or the other parent. In addition, women victims of violence are discriminated by the fact that in order to organize their life with their children after they leave the safe house, they must find some source of income, which is very difficult. As a rule, her existence was based on mutual life with a basis in income that has been provided by the perpetrator. During their mutual life, it often happens that he insists that she does not work because “she must care for the children” or “due to immoral”,... which is a specific form of manipulation – a way to separate the woman from the environment, prevent her from meeting other people and, at the same, preventing her from work deprives her from any chance to be independent and makes her dependant on him. This is the reason why persons who come to the safe house have often never been employed, many even without completed secondary school. They have disturbed confidence because she has been convinced throughout their mutual life that he is supporting her and that “she is not capable of anything”. Many of them therefore, ask themselves whether they are capable to live independently at all, particularly with children that need support. These are often in their 40ies or 50ies who should start working for the first time in their life in this age.

In general, it is more difficult for women in our country:

- To find employment than men, which is a severe form of discrimination;
- They lose their job more easily, which is also discrimination;
- Women are discriminated in the employment process due to (possible) pregnancy;
- It is more difficult for them to find a well paid job.

If they find a job, it involves new opportunities to be discriminated:

- They often start to work illegally in a privately owned company;
- If the employer knows that she came from the safe house, he often mentions his own safety because the perpetrator might “come to maltreat her” and this “rejects his customers” (e.g. in a bakery);

- The employer may dictate exploiting conditions of work (e.g. to require them to work 12 hours) being aware that they will accept this because there are not many other options.

Thus, secondary victimization originates from negative experiences that the victim of violence goes through by individuals and institutions of the society. Secondary victimization happens in situation when intervention of social services leads that the victim feels ashamed (which can be found in statements of respondents) and begins to doubt or continues to believe that it is her own fault because such statements of professionals are close or sometimes identical to those things that the perpetrator tries to make her believe (e.g. “If only you/if you had made it on time ... I wouldn’t think of hitting you”, “If you would just know when to keep your mouth shut.: etc.).

One of the basic **principles** of successful fight against violence on women – **“focus on victim” is not a common feature of the approach** in all pieces of a chain that work on domestic violence cases on the institutional and non-institutional level.

Focus of interventions is on **stopping of violence** while **attempts to improve or break the relationship among partners** does not belong to the scope of work of these professionals. Each intervention that goes in that direction represents the abandoning of professional approach in work and submission to prejudices that have their roots in patriarchal system of values.

Nevertheless, instead of the **wrong idea that their mission is “family salvation”** it is necessary to strengthen their mission to help the victims in the first place and protect them from violence and enable them to chose their way on their own.

Despite positive legislation, violence against women is still often treated as a **private matter** because it happens on “private field” and not as a **public problem of huge social significance**. Accordingly, positive legal regulations that concern protection from domestic violence, abuse and discrimination are dramatically rarely applied.

From all listed, it can be seen that the reasons why victims remain in violent partner relationships lie in the **social and psychological features of the victim and obstinate remains of patriarchal mentality** but also in failures within teh system and institutions due to insufficient education of professionals, despite good systematic solutions in terms of their networking.

Therapeutic potential of interventions and work of judiciary bodies and social responsibility that accompanies this.

In addition to its basic role – **protection of victims from violence and prevention of repeated violence**, all actions of helpers from any profession, including reaction of those subjects in the chain whose role is to legally qualify a violent act, has an **important psychological effect on the victim, which carries important therapeutic potential**.

Reaction and police work when violence has been reported, decision on issuing of indictment against the perpetrator and qualifying of survived violence as well as the way how the court will qualify and sanction a violent act **sends a message to the victim** how the **society**, through its institutions, **officially treats violence and injustice that she has been exposed to**.

Appropriate reaction of these services sends **victims a message how the state and community whose members they are recognizes and confirms that someone has put into the role of a victim and that injustice has been done**. Therapeutic potential of this recognition and confirmation for psychological recovery of the victim receives its full

significance if we have in mind previously presented reasons why victims suffer from confusing criteria on survived violence. However, if a mistake is being made in the approach, this therapeutic potential of interventions has a completely opposite effect: additionally or repeatedly hurts the victim in form of secondary victimization.

As psychological support to the victim and her recovery are not the primary role of professional work of police officers, prosecutors and judges in cases of violence, this aspect often remains hidden and unaware. On the other side, the potential that contains their work to produce wellbeing and support the recovery of the victim after violence implies the **responsibility that these actions should be professionally articulated as much as possible.**

Additional potential of appropriate reaction of judiciary bodies and, thus, additional responsibility for correct articulation of its acting lies in the potential of their interventions and acting to:

- Produce favourable effects on the **recovery and future of children** that appear as witnesses in cases of violence of one parent over the other or even as direct victims of violence of one and sometimes both parents
- Produce the final and often long-term impact on the perpetrator of violence because he will receive a decisive and unambiguous reaction and message how the society qualifies his violent behaviour.
- Both these effects of interventions and acting of judiciary bodies have far reaching trans-generational effects on prevention of violence as a social phenomenon.

Each intervention sends a message to the **victim and her children** as how the society officially qualifies violence. This message has its long-term trans-generational role in spreading and multiplication of violence.

On one side, witnessing to violence in their families of origin has the potential to form children from these relationships (as a model) into potential perpetrators or future victims. Reaction of professionals has the power to send a message to these children that violence is unacceptable, that the society sanctions it, that it is unacceptable to make injustice to others, and finally that it is punishable and that it can be done differently. Message sent by interventions and acting of judiciary bodies to children growing up in an atmosphere of violent relations among parents has the power to influence their future behaviour – will it be formed as:

- Violent behaviour defined as “misuse of power”,
- Non-violent behaviour defined as “responsible relation towards power”

Appropriate reaction of all services and judiciary bodies may prevent that the violence between parents marks these children for their entire life and:

- Provoke a renewal of violence in their future relationship,
- That could make of their children from their future families, according to the same principle, new future generations of perpetrators and victims, i.e. to transfer it into their generation and the lives of their unborn children.

In terms of **therapeutic potential of interventions and acting of judiciary bodies on the perpetrator**, their (pre)educational function is often being forgotten and, thus, according to patriarchal model there is a form of withdrawal to sanction the perpetrator (usually a man) with prescribed measures, “not to make an injustice or exaggerate”, “not to make two out of one act of violence” etc. It is being forgotten that a timely, clear,

decisive and unambiguous reaction to violence that he committed has the power to show the perpetrator how the society legally qualifies his behaviour. If the reaction is timely and unambiguous, it provides structure and predictability, but leaves the perpetrator **freedom of choice (!)** will he repeat the violence at the cost of accepting the prescribed sanction or not. Mild, untimely, unclear and simple reaction – at the first look absurdly – creates a confusion for the perpetrator, makes him dependant on the current mercy of the person who intervenes on behalf of the institution (as opposed to freedom of choice!). It encourages the perpetrator to repeat violence (“I might get out of it next time as well”) while a clear and unambiguous intervention, together with respecting his human rights, helps him to engage himself, accept treatment and change his life.

In this way, the effects of interventions and acting of judiciary bodies fulfil their role to influence the current and trans-generational spreading and multiplication of violence in the society.

Conclusion

Based on what has been said, we make following recommendations from this research.

Police

- As a rule, for cases of violence reported to the competent court and in accordance with the Law on Protection from Domestic Violence, it is necessary to submit a request for pronouncement of protective measures that will be explained and that will include all collected evidence (report from the scene, photo documentation, medical assessment, statements from the police etc.),
- Submit a report on committed criminal offence for all forms of domestic violence to the prosecution,
- When intervening in cases of reported domestic violence, act in accordance with regulations that define this area of work,
- Following a report of domestic violence, a specially trained team for these interventions should go on the scene,
- Synchronized with other institutions (centres for social welfare, specialized health institutions and specialized NGOs) accesses protection of victims of domestic violence and implementation of pronounced protective measures,
- Participates in continuous educations in the field of gender based violence.

Prosecution

- Immediately after learning that there are suspicions that a criminal offence domestic violence has been committed undertakes all necessary measures to collect statements and other evidence,
- Immediately after learning that there are suspicions that a criminal offence domestic violence has been committed and that there is a danger for the bodily integrity of the victim, that is that there is a danger that violent behaviour might continue and if the police missed out to submit this report, submits a request for pronouncement of protective measure to the competent court in accordance with the Law on Protection from Domestic Violence. The prosecution will submit, together with the request, all evidence that has been collected up to that moment, it conducts a detailed investigation and collects all relevant evidence related to

domestic violence so that a possible indictment is not based solely on the victim's statement,

- Wherever possible, it collects evidence on associated action for damages related to the criminal offence domestic violence aimed at making of decision by the court in a criminal offence proceeding,
- Monitors cases of recidivism and tries not to issue indictments with a criminal order in these cases,
- Monitors sanctioning policy of courts in this field and, if necessary, i.e. if they are not satisfied with the first instance verdict (e.g. suspended sentence), points out by submits an appeal to the first instance verdict,
- Participate in continuous educations in the field of gender based violence.

Courts

- When receiving, it should monitor implementation of pronounced protective measures in such a way that it obliges competent institutions to inform the court on a regular basis so that the court could take care on the purpose and severity of pronounce measure, its efficiency and, when needed, to replace this measure with another protective measure,
- The court should proceed as urgent as possible in a criminal offence proceeding in relation to criminal offence domestic violence, that a service for protection of victims and witnesses (where possible) should be involved in the criminal offence proceeding, so that the victim and other witnesses could prepare appropriately for witnessing, which significantly facilitates the proving of this act,
- Participate in continuous educations in the field of gender based violence,
- To legally prohibit to husbands-perpetrators to inscribe their property on members of their families (father, brother) so that the woman remains without anything after the divorce (this is often the case and many divorced women are literally on the street, though they contributed to the property for years and this should be prevented through appropriate legal solutions).

Centres for social welfare

- Establish cooperation among centres for social welfare and centres for mental health. Centres for social work should make regular assessments on the need for continuation of pronounced protective measures
- Ensure funds for education of employees in centres for social welfare who work directly with victims of violence
- Define precise details for cooperation with police in this field

Measures in the wider social community

- Education of staff employed in schools (violence has increased in schools)
- Education of members of boards of directors in local units (mainly rural), often conflicts of inter-neighbour violence
- Open marriage counselling places (young and inexperienced young people get married and soon experience difficulties)

- Priority in employment matters should be given to beneficiaries of safe houses (women often stay in violent marriages due to their economic dependence on the perpetrators)

Measures at the state level

In order to enable a comprehensive support to women, victims of domestic violence who try to leave their violent relationship, it is necessary to introduce certain systematic solutions, such as:

- Provision of funds for fostering
- Ensure longer stay in safe houses because three months is a relatively short period for a woman to succeed and organize her life and learn to cope with all problems that she will face when leaving violent community. Longer stay in a safe house is necessary so that the victim could become mentally strong and able to lead independent life after leaving the safe house.

Recommendations of the Project "Legal Regulations for the Treatment of Victims of Domestic Violence in Republika Srpska (the Bosnian Serb Republic)"

All proposed recommendations have four general goals:

1. Empowerment of women survivors of domestic violence,
2. Improving the institutional practices in dealing with cases of domestic violence,
3. Improving the legal regulations applied in practice, and
4. Gradual but inevitable changes in the traditional social patterns, so that the macro and micro-political social environments could begin to recognize domestic violence as a wrong behavior that deserves condemnation.

The structure of the recommendation is based on the requirements of the Council of Europe for preventing and combating cruelty against women and domestic violence (Istanbul Convention), which is the first international legally-binding document in the sphere of protection of women against violence. Placed before member states were the demands and obligations that must be respected, which are in the spheres of:

1. Prevention
2. Protection of victims and their rights
3. Prosecution and punishment of perpetrators of violence and
4. Development of a coordinated, multi-sectoral approach to the problem

1. Prevention

It is necessary to conduct training courses on domestic violence for courts, public prosecutor's offices, centers for social work and the police, which include the separately covered topics of the causes of, responsibility for and the role of patriarchal social relations in which women are subordinate to men, followed by the need to report violence and certainly by the timely processing and analysis of other forms of violence, especially psychological, economic and sexual violence, within the context of domestic violence.

The Istanbul Convention requires dealing with the risk assessment of lethal and repeated (severe) violence, which the competent bodies have to deal with through a coordinated and cross-sectoral approach to the problem, which is also one of the requirements of the Convention.

It is necessary to post on the official websites of all the institutions, such as of the police, the centers for social work, the public prosecutor's offices and the courts of law, the basic information on the procedures to be applied in cases of domestic and family violence, as well as the information on the responsibilities of the individual institutions, on the forms, the methods of reporting violence, the timing, the methods of obtaining free legal assistance, the victims' rights etc. It is also necessary that regular materials, such as posters, leaflets, information booklets and the like, remain visible and accesible in all these institutions, as not all victims have an easy access to the information of the Internet.

It is also necessary to plan for the introduction of telephone number identifiers for the purpose of finding out from which addresses the victim's call comes.

It is necessary to conduct separate campaigns for encouraging reporting on cases of domestic violence, while this element should be included in the general campaign for encouraging citizens to report crimes.

2. Protection of victims

Although there is a temporary measure of awarding custody to one of the parents until completion of the trial and although the said measure is urgent – which is governed by the Family Act of Republika Srpska - the centers for social work, in practice, fail to familiarize the battered mothers with it, so that they don't require it. To better protect women victims of domestic violence, it is necessary to apply the emergency relocation of children from the violent family environment by imposing interim measures of children joining their battered mothers during divorce proceedings. This prevents children from being trapped by bullies, abused to blackmail the ill-treated women, as well as the indoctrination against the mother, interruption of the educational process of children, the process of their medical or other necessary treatments.

Special measures are needed in a period of 3 to 6 months after the victim had left a violent community, since, according to all research, an escalated violence with the potentially fatal outcome occurs in that period. Women who left their violent partners are at the greatest risk of being victimized by killing, which is conducive to the fact that women need increased protection from their violent partners, especially after the termination of partner relationships (marriage, extramarital relationship or even the relationship that didn't turn into marriage or an extramarital relationship).

We must seek to increase the capacity of safe houses by expanding the existing ones, and set up new safe houses in new areas, as well as extend the maximum duration of stay of the women accommodated in them. It is also necessary to publicly emphasize the value and importance of safe houses, to promote their existence and to be against opposite opinions.

Most of the centers for social work have no duty social workers, with the only exceptions of those in Banja Luka, Bijeljina and several other places. Weekends are a problem, probably in all the centers except the one in Banja Luka. Providing assistance to the victim implies a 24 - hour duty of the employees of centers for social work, which should be paid separately.

3. Prosecution and punishment of perpetrators of violence

All data related to the legally adjudicated criminal or misdemeanor cases of domestic violence must be available to the public, for instance on the official websites of judicial

institutions and the police, so that one doesn't have to submit any official letters to anyone for requesting the obtaining of such information.

Criminal-legal and misdemeanor-legal sanctions

We should have in our practice a clearer, more consistent and more applicable separation of violations from criminal offenses.

When it comes to the criminal offence of domestic violence, it is necessary to criticize the judicial practice, which requires continuity, duration and repetition.

It is necessary to criticize as inadequate the imposition of fines for a large number of cases of domestic violence.

In terms of differences in the definition of a family member in the Criminal Law, Family Law and the Law on Protection from Domestic Violence, it is necessary to publicly indicate the solutions that are most suitable for the protection of victims of domestic violence and for sanctioning bullying. It is necessary to provide support to a better regulation of other shortcomings and gaps, too, such as no requirements for the immediate criminal proceedings for domestic violence cases and lobbying for the adoption of these changes.

In Chapter V of the Istanbul Convention, attention is drawn to the requirements relating to the need for the introduction of new or review of the existing incriminations that are important for the protection of women against violence. Highlighted in the Convention are certain forms of violence that should be criminalized, out of which the requirement for criminalizing stalking and sexual harassment is the closest to the conditions in Republika Srpska.

The Istanbul Convention further emphasizes the importance of certain circumstances, which, unless they have the elements of a criminal offense, must be taken into account as aggravating. They include the following:

1. The fact that the crime injured the former or current spouse/partner, family member or person living with the perpetrator (closeness between the offender and the victim is essential) or that the crime was committed by the person who abused his position or authority. This circumstance is an element of the essence of the criminal offense of domestic violence, but the problem is that it is rarely taken as an aggravating circumstance.
2. The fact that the offense (the same or similar one) was repeated. Research shows that the existence of previous violence and its duration are often not taken as aggravating circumstances by the courts. The starting point is the argument that domestic violence is the act involving a number of perpetrators of violence and that different acts of violence, which are repeated, form a single act of violence.
3. The fact that the offense was committed against a "vulnerable" person (who is in a difficult situation, helpless, in some other serious situation or who is weak). This

- could be a pregnant woman, a person with disabilities, a person suffering from poor health, a person living in difficult conditions, or it might be a young person, who is immature and gullible. On the other hand, the offender should be aware of those circumstances.
4. The fact that the offense was committed to the detriment of the child or in the child's presence.
 5. The fact that the offense was committed by several persons, or that the perpetrator was supported by others (for instance, by his parents, brothers, etc.).
 6. The fact that the offense was committed with the use of weapons or the threat of using weapons.
 7. The fact that the offender was previously convicted of the same or similar offense.

Procedure

In terms of the legal proceedings, it is necessary to try to speed up all the procedures that are launched for the acts of domestic and family violence. It is necessary to change the practice whereby the victim has to repeat her testimony several times and to introduce the practice of taking the first statement of the victim, which is in accordance with the rules prescribed in the Criminal Procedure Code, for the trial of the victim and to later use this in all further stages of the procedure.

It is necessary to have a faster and shorter duration of the criminal proceedings due to the predictable recurrence and exposure of victims to domestic violence throughout the duration of the procedure, and also for the purpose of achieving individual and general prevention of violence.

It is necessary to publicly point out the problem of failure of the institutions in terms of reported cases of domestic violence, since it was noticed that in smaller cities⁶³ with several thousand inhabitants, only one or no cases of domestic violence were reported. The victims probably report the cases but the police doesn't launch any procedures, so that everything remains in the „police files“.

It is necessary for the institutions to establish more efficient cooperation procedures in various entities for the cases of domestic violence.

Measures

Protective measures are insufficiently pronounced, while the partial data suggest that in addition to their regular pronouncement in Trebinje, the courts in smaller towns rarely or never pronounce them, while the court in Bijeljina does pronounce them, as well as the court in Banja Luka. The most frequently pronounced protective measure is the measure of compulsory medical treatment of drug addiction. It is necessary to implement these measures more effectively, so that that alcohol and drug addiction could be adequately treated by the institutions.

⁶³The largest number of reported cases of domestic violence is recorded in Bijeljina, Banja Luka, Trebinje and other larger cities, where criminal or misdemeanor proceedings were launched

Protective measures of compulsory labor for the community should be re-established and regulated by the law and provisions of the by-laws in an appropriate manner.

In the opinion of all the people surveyed in the institutions relevant for taking measures in cases of domestic violence, not a single protective measure has yet been well-regulated legally, nor well-positioned and accompanied by the adequate laws, while the institutions are somewhat fearful about implementing them and are in a dilemmas about the priorities, etc. Therefore, it is necessary to lobby for better legal regulations for sentencing and for their subsequent implementation in practice, in order to develop a proper legal environment in which the protective measures would be pronounced without hesitation and far more frequently.

It is necessary to publicly point out the problem of non-application of urgent measures in cases of domestic violence. There are more pronounced temporary measures in Trebinje than in the entire Republika Srpska. This is so thanks to having a good relationship with the lawyer engaged by the NGO, and to the fact that one of the judges, while he was an intern, had undergone the NGO's training, so that he, now, has an extremely sensitized attitude to the issue.

Given that most of the protective measures aren't respected, it is necessary to point that fact out publicly and to advocate and lobby for the respect and implementation of changes. Specifically, as there was no mechanism to punish the bullies in cases when they failed to respect the protective measures, contempt of the court's decision was incriminated in amendments to the Criminal Code, in the very definition of the criminal offence of domestic violence. This amendment came into force in the second half of 2013. The new Law on Protection from Domestic Violence also prescribes sanctions for non-compliance with the protective measures.

4. Integrated policies (coordinated, multi-sectoral approach to the problem)

A better cooperation between the institutions is necessary. For the time being, everyone is doing their job for themselves, due to which insufficient efficiency is achieved. Networking of the institutions authorized to prosecute acts of domestic violence is a practice in many European countries, while pilot projects exist in Serbia, too (for instance, in Zrenjanin, Kragujevac, etc.). It is necessary to organize public events to promote institutional networking. Networked institutions are much more efficient in terms of protection of victims of severe violence, as well as in terms of speeding up all the procedures.

It is necessary to advocate for the improvement of recording the perpetrators who committed acts of domestic violence, as well as of the cases of domestic violence, and to keep records of the criminal acts and offenses of domestic and family violence. The rule-book on the content of the records of and reports on domestic violence was adopted in mid-2013. It is necessary to examine how it is used in practice.

Media editors and reporters need training on the gender-based violence, since the reporting on domestic violence, especially on violence committed against women, is still unsatisfactory. The typical way of reporting isn't generally beneficial to the victim, especially when it comes to women victims, unless the victim is the mother. Texts that report correctly on the victim, with a touch of condemnation of violence, are the texts on violence against brother or father by another brother or son, and only then are they longer. In 70% of the cases, the text was very short, while its content contained very brief comments on domestic violence, which were usually information of minor importance. There is an obvious lack of media interest for the topic of domestic violence.

Cooperation with the Council for Combating Domestic and Family Violence in order to monitor and evaluate the implementation of policies and measures for preventing and combating domestic violence and improving the coordinated and effective activities in the field of domestic violence.

The issue of payment of child support to divorced women and to victims of violence should be better and more effectively regulated. The centers for social work don't even realize the connection between domestic violence and the problem of non-payment of child support, so that this subject matter certainly needs to be included in the training programs for social workers.

It is necessary to advocate and lobby for the effective functioning of free legal assistance to the victims of domestic violence in criminal and misdemeanor proceedings.

With regard to safe houses, we recommend the holding of public meetings where the benefits of this service, which is literally necessary to preserve the lives of women in the situations of acute and escalating violence, will be presented. It is necessary to support the operation of save houses, including the public denunciation of campaigning for their closure. It is necessary to have a better institutionalization of safe houses, for the pupose of achieving their better functioning and certainly not their closure, the proposals of which are often heard in public of Republika Srpska.

It is necessary to make an effort to develop the practice of giving preference in employment to those who have experienced domestic violence.

It is recommended to respect the provisions of the Istanbul Convention, which provides in Article 8 that member states shall provide the adequate financial and human resources for the proper implementation of the integrated policies, measures and programs to prevent and combat all forms of violence covered by this Convention, including those implemented by non-governmental organizations and civil society.

It is recommended to respect the provisions of the Istanbul Convention, which provides in Article 9 that member states shall recognize, encourage and support, at all levels, non-governmental organizations and civil society in their fight against violence committed against women and establish effective cooperation with these organizations.

It is necessary to organize training on the issues of domestic violence for youth, secondary school girls and boys and university-age persons during their regular education process, so that they could acquire the knowledge necessary for the prevention of domestic and other forms of gender-based violence.

Topics related to domestic violence and other forms of gender-based violence should be, in any possible way, included in the university curricula of the faculties where lawyers, social workers, psychologists and sociologists are educated.

It's necessary to carry out a technical and professional review of the existing university curricula and textbooks in terms of the adequate representation of the problem of domestic violence at the faculties where lawyers, psychologists, sociologists, social workers etc are educated.

ANNEX 1

QUESTIONNAIRES FOR COURTS, PUBLIC PROSECUTIONS, POLICE AND CENTRES FOR SOCIAL WELFARE

QUESTIONNAIRES FOR COURTS

Questions on violence for judges

11. Is the preservation of family community more important than protection of women victims of domestic violence?
12. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim's right to be protected from violence?
13. Do you support the idea of removal of the perpetrator of domestic violence from the family?
14. Is there a tendency to blame the victims of domestic violence for "dissipation" of the family?
15. Is there a view that domestic violence cases are of less importance?
16. Is domestic violence the result of alcohol and drug misuse?
17. Is domestic violence the result of alcohol and drug misuse?
18. Is there a tendency to diminish psychological violence as being less important or more difficult to be proved?
19. Are cases of sexual abuse in the family treated in the same way as cases of physical abuse?
20. Is the alleged provocation by the victim acceptable as justification for the perpetrator?
21. Do you believe that false reporting of domestic violence is often being used as an easy and quick way to become divorced or obtain property?

Questions on laws for judges

10. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
11. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
12. Is the Law on Protection from Domestic Violence applicable in practice?
13. Do certain legal provisions aggravate the situation of victims of domestic violence and/or do they increase the risk of violence?
14. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?
15. What should be changed in provisions of the Law on protection from Domestic Violence in order to make it more efficient?
16. What are the positive elements in the practical application of the Law on protection from Domestic Violence?

17. What are the negative elements in the practical application of the Law on protection from Domestic Violence?
18. What needs to be changed in the practical application of the Law on protection from Domestic Violence?

Questions on protective measures for judges

7. Is the protective measure of removal of the perpetrator of domestic violence justified?
8. Is the protective measure restraining order justified?
9. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
10. Is the protective measure of mandatory psychosocial treatment for perpetrator of domestic violence justified?
11. Is the protective measure of mandatory treatment for perpetrator of domestic violence justified?
12. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?

Questions on procedural issues for judges

8. How many cases of domestic violence does the primary court receive?
9. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
10. Does the procedure in domestic violence cases lasts too long, do victims have to repeat their statements several times, are there many delays caused by administrative problems or deficiencies?
11. Is a badly prepared report on domestic violence being refused and not taken into account as invalid and non-existent?
12. If the victim does not understand legal terminology, what are her rights, is there a legal obligation that she must receive support as an unskilled person or does the victim need to have a lawyer for that purpose?
13. What evidence is needed to be presented to prove domestic violence?
14. Is a doctor's assessment a necessary evidence to prove domestic violence?

Questions on institutions for judges

7. Do you think that urgent institutional reaction in domestic violence cases is necessary to protect the victim and appropriate to prevent expansion of this type of violence?
8. Are there any dilemmas which institutions should react in a concrete case of domestic violence?
9. Is it possible in practice that the court pronounces a certain protective measure and what are the issues?
10. Does the public prosecution sometimes has doubts whether reported domestic violence cases truly happened?
11. Are there cases of rejection of institutional proceeding if the victim did not report violence immediately when it happened?
12. Are there any legal possibilities for public prosecutors to react urgently in domestic violence cases?

Questions on non-governmental organizations for judges

3. What is the role of non-governmental organizations in domestic violence cases?
4. Do you cooperate with non-governmental organization in your local community?

Questions on educations relatings to domestic violence for judges

4. Have you attended any education/training relating to application of the Law on Protection from Domestic Violence?
5. Does the university education for lawyers includes a chapter on domestic violence as part of family law, criminal law, criminal and process law, misdemeanour law or is it being taught as part of another subject on faculties of law?
6. Do judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence?

QUESTIONNAIRES FOR PROSECUTIONS**Questions on violence for public prosecutions**

9. Is the preservation of family community more important than protection of women victims of domestic violence?
10. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim's right to be protected from violence?
11. Do you support the idea of removal of the perpetrator of domestic violence from the family?
12. Is there a tendency to blame the victims of domestic violence for "dissipation" of the family?
13. Do public prosecutors sometimes have suspicion that reported cases of domestic violence truly occurred?
14. Is domestic violence the result of alcohol and drug misuse?
15. Is domestic violence the result of alcohol and drug misuse?
16. Are there mentally ill persons among victims of domestic violence who invent violence?
17. Do you believe that false reporting of domestic violence is often being used as an easy and quick way to become divorced or obtain property?

Questions on laws for public prosecutions

9. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
10. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
11. Is the Law on Protection from Domestic Violence applicable in practice?
12. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?

13. What should be changed in provisions of the Law on protection from Domestic Violence in order to make it more efficient?
14. What are the positive elements in the practical application of the Law on protection from Domestic Violence?
15. What are the negative elements in the practical application of the Law on protection from Domestic Violence?
16. What needs to be changed in the practical application of the Law on protection from Domestic Violence?

Questions on protective measures for public prosecutions

7. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?
8. Is the protective measure of removal of the perpetrator of domestic violence from the family home/flat justified?
9. Is the protective measure restraining order justified?
10. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
11. Is the protective measure of mandatory psychosocial treatment for perpetrator of domestic violence justified?
12. Is the protective measure of mandatory medical treatment for perpetrator of domestic violence justified?
13. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?

Questions on procedural issues for public prosecutions

10. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
11. Does the procedure in domestic violence cases lasts too long, do victims have to repeat their statements several times, are there many delays caused by administrative problems or deficiencies?
12. Is a badly prepared report on domestic violence being refused and not taken into account as invalid and non-existent?
13. What evidence is needed to be presented to prove domestic violence?
14. Is a doctor's assessment a necessary evidence to prove domestic violence?
15. Is there a tendency to reduce mental violence as less important or more difficult to prove?
16. Are cases of sexual violence in a family treated in the same way as cases of physical violence?
17. Is the alleged provocation by victims being accepted as justification for perpetrators?
18. Do public prosecutors have the legal possibility to react urgently in cases of domestic violence?

Questions on institutions for public prosecutions

6. Are there any dilemmas which institutions should react in a concrete case of domestic violence?

7. Is it possible in practice that the court pronounces a certain protective measure and what are the issues?
8. Is there a view that domestic violence cases are less important?
9. Are there cases of rejection of institutional proceeding if the victim did not report violence immediately when it happened?
10. How many cases of domestic violence does the public prosecution receives on a weekly level?

Questions on non-governmental organizations for public prosecutions

3. What is the role of non-governmental organizations in domestic violence cases?
4. Do you cooperate with non-governmental organization in your local community?

Questions on educations for public prosecutions

4. Have you attended any education/training relating to application of the Law on Protection from Domestic Violence?
5. Does the university education for lawyers includes a chapter on domestic violence as part of family law, criminal law, criminal and process law, misdemeanour law or is it being taught as part of another subject on faculties of law?
6. Do judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence?

QUESTIONNAIRES FOR POLICE

Questions for the police on violence

1. Is the preservation of family community more important than protection of women victims of domestic violence?
2. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim's right to be protected from violence?
3. Do you support the idea of removal of the perpetrator of domestic violence from the family?
4. Is there a tendency to blame the victims of domestic violence for "dissipation" of the family?
5. Are you aware of any cases where a "victim" invented the whole story?

Question on laws for the police

6. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
7. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
8. Does the police have sufficient and appropriate legally defined authorizations to react in cases of domestic violence?
9. Is there a standardized police intervention in cases of domestic violence?

10. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?

Questions on protective measures for the police

6. Is the protective measure of removal of the perpetrator of domestic violence justified?
7. Is the protective measure restraining order justified?
8. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
9. Is the protective measure of mandatory medical treatment for perpetrator of domestic violence justified?
10. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?

Questions on procedural issues for the police

19. How many victims of domestic violence contact the police?
20. Is the protection of public peace and order more important to the police than the safety of victims of domestic violence?
21. Is there any type of information on the official police website to instruct how and to whom domestic violence could be reported?
22. When intervening in cases of domestic violence, do the police speak with the victim and the perpetrator together or separately?
23. Does the telephone system enable automatic identification of the locality where the call is coming from in cases of domestic violence?
24. Is it enabled for victims of domestic violence to report violence to the police on their own or is it better for them engage a lawyer for this purpose?
25. Does the victim of domestic violence has the right to look at her official file in the police, is it possible for her to get the number of her file under which the case is officially registered, is this number changing when new evidence is collected?
26. When the court pronounces to the perpetrator of domestic violence a protective measure foreseen for domestic violence, is the police ready to apply it without delay or additional obstacles?
27. Are there any standardized procedures in terms of regulation of police interventions?
28. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
29. Does the police have any doubts what exactly needs to be done when intervening in cases of domestic violence – to arrest the perpetrator, to calm down both spouses, to mediate in the dispute, how to proceed with children, if involved?
30. Is the police treating cases of domestic violence as less important?
31. Are there cases of refusal of support to victims of domestic violence if they are not married to the perpetrator?
32. Does the police refuse to help victims of domestic violence who are badly dresses or poor?

33. Is there a continuation of violence threats and violence on victims/witnesses while they are waiting for the continuation of the procedure in official premises of courts, police stations, centres for social welfare etc.?
34. Is it possible to make an urgent intervention in cases of domestic violence, what are the problems in terms of that?
35. Are third persons authorized to report domestic violence cases?
36. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?

Questions on institutions for the police

4. Do the police, public prosecution and courts sometimes have doubts whether reported domestic violence cases truly happened, is there any suspicion in relation to victim's statement?
5. Are there any dilemmas which institutions should react in a concrete case of domestic violence?
6. Is it possible in practice that the court pronounces a certain protective measure?

Questions on non-governmental organizations for the police

4. What is the role of non-governmental organizations in domestic violence cases?
5. Does police refer victims of domestic violence to services that they can receive from non-governmental organizations?
6. Does the police cooperate with non-governmental organizations in relation to specific cases of domestic violence?

Questions on educations relating to domestic violence for the police

3. Have you attended any education/training relating to application of the Law on Protection from Domestic Violence?
4. Do judges, public prosecutors and people employed in the police regularly attend educations/trainings on domestic violence?

QUESTIONNAIRES FOR SOCIAL WORK

Questions on violence for centres for social welfare

16. Is the preservation of family community more important than protection of women victims of domestic violence?
17. According to your opinion, do the ownership rights of the perpetrator of domestic violence (e.g. to live in his/her own house) contradict/are opposed to the victim's right to be protected from violence?
18. Do you support the idea of removal of the perpetrator of domestic violence from the family?
19. Is there a tendency to blame the victims of domestic violence for "dissipation" of the family?
20. Do you agree with the idea that victims of domestic violence do not need psychological treatment but primarily a job and protection from repeated violence?

21. Is there a view that domestic violence is not a severe offence?
22. Is domestic violence the result of alcohol and drug misuse?
23. Are children also victims of domestic violence, despite the fact that the perpetrator does not abuse them but solely their mother?
24. Are you aware of any cases where the “victim” invented the whole story?
25. Are there mentally ill persons among victims of domestic violence who invent violence?
26. Is there a tendency to diminish psychological violence as being less important or more difficult to be proved?
27. Are only cases with visible bodily injuries accepted as real cases of violence?
28. Are cases of sexual abuse in the family treated in the same way as cases of physical abuse?
29. Is the alleged provocation by the victim acceptable as justification for the perpetrator?
30. Have you ever heard about a case of false reporting of domestic violence?

Questions on laws for centres for social welfare

15. Are legal provisions that regulate domestic violence opposed to the philosophy of the legal system of the Republic of Srpska?
16. According to your opinion, does the Criminal Code contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
17. According to your opinion, does the Law on Protection from Domestic Violence contain sufficient provisions for appropriate sanctioning of perpetrator of domestic violence against women and does this Law contain provisions that ensure appropriate protection for victims?
18. Is the Law on Protection from Domestic Violence applicable in practice?
19. Is there any State/Government document, such as strategy, action plan, declaration against violence on women that indicates that state authorities accepted the documents of the Council of Europe against violence on women?
20. Are there any preventative measures as form of protection against domestic violence?
21. Are there any educative measures for women, girls and boys as a protection from domestic violence?
22. Do certain legal provisions aggravate the situation of victims of domestic violence and/or do they increase the risk of violence?
23. Which legal provisions relating to domestic violence are not applicable in your institution's practice or are not applicable in practice of other institutions and which are the reasons for their non-appliance?
24. In your opinion, is a fine an appropriate sanction for perpetrators of domestic violence?
25. Are there any statistical data on appliance of the Law on Protection from Domestic Violence, is it possible to find out how many perpetrators have been convicted, what sanctions have been pronounced, how many victims of domestic violence are there, do once convicted perpetrators appear again as perpetrators of violent acts two years after the pronouncement of the verdict, is divorce an option after sanctions for domestic violence and if so, in how many cases, does the victim of domestic violence becomes again a victim of violence committed by the same perpetrator or members of his family, etc.?

26. Is there a safe house, what is its capacity, what are the rules for placement of victims and how long do victims stay in a safe house in general?
27. What is the most often used amount of alimony?
28. What are the mechanisms for prevention of payment of alimony by former husbands?

Questions on protective measures for centres for social welfare

8. Is the number of pronounced protective measures growing?
9. Is the protective measure restraining order justified?
10. Is the protective measure prohibition of harassment and/or spying on the victim of domestic violence justified?
11. Is the protective measure of mandatory socially useful work for the benefit of the local community justified?
12. Is the protective measure removal of the perpetrator of domestic violence from the family justified?
13. Is the protective measure of mandatory psychosocial treatment for perpetrator of domestic violence justified?
14. Is the protective measure of mandatory medical treatment for perpetrator of domestic violence justified?

Questions on procedural issues for centres for social welfare

10. What is the social profile of victims of domestic violence, how many are unemployed when compared to the general unemployment rate in regions Banjaluka/Bijeljina/Eastern Herzegovina?
11. Is there any type of information on the official website of your institution to instruct how and to whom domestic violence could be reported?
12. Are third persons authorized to report domestic violence cases?
13. Are there any additional attempts to support self-supporting mothers, victims of domestic violence to find a way out of that complicated family situation?
14. If the victim does not understand legal terminology, what are her rights, is there a legal obligation that she must receive support as an unskilled person or does the victim need to have a lawyer for that purpose?
15. What evidence is requested from institutions in cases of domestic violence?
16. Is a doctor's assessment a necessary evidence to prove domestic violence?
17. Is the victim's fear accepted as argument for institutions when deciding what measure shall be applied?
18. Is there a continuation of violence threats and violence on victims/witnesses while they are waiting for the continuation of the procedure in official premises of courts, police stations, centres for social welfare etc.?

Questions on institutions for centres for social welfare

22. Is the protection of property and public order more important to the police than safety of victims of domestic violence?
23. Do you think that urgent institutional reaction in cases of domestic violence is necessary to protect victims and appropriate to prevent expansion of this type of violence?
24. Are urgent institutional reactions possible in practice for domestic violence cases and what are the problems?

25. Are there preventative programs for domestic violence in ministries of health, social welfare etc.?
26. When the police intervenes, do they talk together or separately with the victim and the perpetrator?
27. Is the police cooperating with non-governmental organizations on concrete cases of domestic violence?
28. Does the telephone system enable automatic identification of the locality where the call is coming from in cases of domestic violence?
29. Are there any dilemmas which institutions should react in a concrete case of domestic violence?
30. Is it possible that the court pronounces an urgent protective measure?
31. Is there a problem when delivering court verdict to perpetrators of domestic violence?
32. What is the procedure, if any, in case when the perpetrator of domestic violence does not want to leave the mutual household or does not accept any other protective measure?
33. Is the police legally authorized to proceed in domestic violence cases?
34. Do perpetrators of domestic violence hide to prevent application of law?
35. What is officially possible when the perpetrator of domestic violence continues to threaten with violence despite protective measures?
36. Do the police, public prosecution and courts sometimes have doubts whether reported domestic violence cases truly happened, is there any suspicion in relation to victim's statement?
37. Does the police sometimes treat domestic violence cases as less important?
38. Are there cases of refusal of support to victims of domestic violence if they are not married to the perpetrator?
39. Does the police refuse to help victims of domestic violence who are badly dressed or poor?
40. Does the procedure in domestic violence cases lasts too long, do victims have to repeat their statements several times, are there many delays caused by administrative problems or deficiencies?
41. Is a badly prepared report on domestic violence being refused and not taken into account as invalid and non-existent?
42. Are there any cases of refusal of institutional proceeding if a victim does not report the case as soon as violence happened?

Questions on non-governmental organizations for centres for social welfare

3. Are there any media campaigns relating to protection and prevention of domestic violence that provide basic information on the rights of victims, where and to whom they could refer to etc.?
4. Do victims of domestic violence should have support from non-governmental organizations in practice?

Questions on educations relating to domestic violence for centres for social welfare

3. Are there any educative programs for employees in institutions authorized for domestic violence cases?

4. Have you attended any education/training for application of the Law on Protection from Domestic Violence?

ANNEX 2

STORIES OF THOSE WHO SURVIVED DOMESTIC VIOLENCE

BASIC DATA ON RESPONDENTS

Victim* 1 – Modriča (1976, secondary school education, occupation – cook, works illegally, divorce is ongoing)

Victim 2 – Modriča (1953, secondary school education, occupation – housewife, works illegally)

Victim 3 – Modriča (1949, incomplete primary school, housewife, unemployed)

Victim 4 – Banjaluka (1967, primary school, housewife)

Victim 5 – Banjaluka (1973, high school, economist, employed)

Victim 6 – Banjaluka (1962, incomplete primary school, housewife, farmer, unemployed)

Victim 7 – Banjaluka (1971, high school, engineer of work and management, employed)

Victim 8 – Banjaluka (1971, primary school, occupation – housewife, employed)

Victim 9 – Banjaluka (1964, primary school, housewife, unemployed)

Victim 10 – Banjaluka (1975, secondary school, unemployed)

Victim 11 – Banjaluka (1967, secondary school, occupation – administrative legal technician, unemployed)

Victim 12 – Bijeljina (1962, primary school, occupation – shoemaker, unemployed)

Victim 13 – Bijeljina/Ugljevik (1962, secondary school, mining technician, unemployed)

Victim 14 – Bijeljina (1957, secondary school, pharmaceutical technician, unemployed)

Victim 15 – Bijeljina (1958, faculty level education, graduated journalist, works occasionally illegally)

Victim 16 – Bijeljina (1959, primary school, housewife, works occasionally illegally)

Victim 17 – Bijeljina (1981, secondary school, waitress, works illegally)

Victim 18 – Gacko/Herzegovina (1965, secondary school, ecological technician, work engagement – farmer)

Victim 19 – Trebinje (1961, high school, medical technician, employed)

Victim 20 – Bileća/Herzegovina (1967, secondary school, saleswoman, employed – works illegally)

Victim 21 – Ljubinje/Herzegovina (1970, faculty level education, economist, employed)

Victim 22 – Trebinje (1958, primary school, housewife, unemployed)

Victim 23 – Trebinje (1963, secondary school, employed, occupation – waitress)

Notes

*Names in questionnaires from Bijeljina are the real names of interviewed persons and these are, therefore, not listed.

EXPERIENCE OF VIOLENCE

Tell us about your experience of violence (when did it start, how long did it last, what happened during that period, what happened after violent scenes, did someone protect and support you, have children been exposed to violence, were they present)?

1- I was married for 15 years, now I am getting divorced. I have two daughters, born in 1999 and 2003. Violence began 4 or 5 months after we got married and became stronger in time. It was physical and mental violence. My husband was a manipulator; he was extremely jealous and methodical. There were periods when we had a nice life; that was after his mother died after 14 years but that changed as well. Other people have a picture on him as a good man, but it's me who is with him among our four walls. First, he would insult me and then beat me; after the violence he would be sorry, cried and apologized. I was not exposed to physical violence that much, but mental violence was part of my everyday life. He was making a person of me that he wanted; whenever I did something that was not in accordance with that, there was immediately pressure and insulting. I never knew when I will be disciplined and for what; if I do something he wants me to do, it is not good enough. His family members knew this and they supported me, but my family did not know. Children were not exposed to violence. It is our joint property, we bought the land and the house together but we are now thrown out of the house. My husband lives currently in the house and we are on the street. There was also economic violence. If he asked for money to gamble, I would say that I had no money and there was immediately a problem. He threatened my older daughter to murder her because both said that they will go with me if I leave the house. He, then, told them that they will not leave the house alive. He isolated me from my friends; he was correct towards my relatives and did not limit me in contacts with my relatives. Once, I left him and went to my family, but I returned because I did not want my children to accuse me for separating them from their father. It is interesting, but he did not destroy my confidence and with every attack I became stronger. There were no severe physical injuries; he would usually hit me with his hands on my face and head. I had four hits and I lost twice my consciousness.

2- I was married for 19 years and I am still married because the divorce process is still not finished after 4 years. I became a victim of violence in the last 9 months of my marriage; he began to drink, maltreat and hit me. He used to beat me, throw me out of the house, insulted me. I didn't tell it to anyone because I thought that it will stop. But, he continued to insult me, hit me, he was jealous. I went to the Safe House, stayed there three months and after that I returned home. When I came back home there was no violence in the beginning, but after several months, violence continued. One evening he was drunk, I lost my consciousness as a result of a hit and he was standing above me with a knife and wanted to slaughter me. After that, I went again to the Safe House. After that, in 2009, he went with another woman and lived with her for a couple of months in a

common-law relationship. He tried to throw me out of our house so that he could move in with his new wife. I didn't want to leave the house. After that, one night, he came to me and threatened to kill me. I called the police and run away. He used to hit his new wife as well; I know that once she went to a neighbour to stay overnight. I submitted a statement of claim for property sharing. Police told him to stop behave in such a way and advised me to leave the house because he is drunk. The following day, they accompanied me to take my documents and placed me into the Safe House. After that, I ended up in the hospital as a result of stress and violence. I received a final verdict on property sharing in 2011. I have been exposed to physical, mental and economic violence. He found a new woman and violence began because he wanted to throw me out and get a divorce. He attempted to make a projection of his betrayal by looking for a guilty person in me, that I am a whore who brings in different men and tried to make me guilty in this way. He still continues to insult and threaten me. Mostly, he used to hit me with his fists, but he also attacked me with hay-fork. He used to threaten me, saying that I will be no longer alive, that he will kill me. Safe House saved me; if I haven't been in the Safe House, I would be under the earth today. Twice, I have been sent back from the Safe House to my house with the police and commission from the Safe House.

3- I was married for 35 years and I left him in 2004. I have 2 sons born in 1970 and 1978. My husband was a drunkard and a violent man. Violence started from the beginning; he was violent to everyone. I am not peaceful even today; though I do not require anything from him, he still continues. I live with the support from my son and an NGO. I have been exposed to mental and physical violence. He did not beat me that much, but he used to throw me out of the house, even attempted to kill me. He confessed in the court that he attempted to kill me but he has been sanctioned with a one-year suspended sentence. Nobody protected me. He did not beat the children but they were present when he was beating me. When he is sober, he is less aggressive. Once, when our son returned from the army, he began to take medications and was calm for a while, but did not last long. He used to hit me with his fists, and had a hunting gun that has been taken away from him by the police. Today, I am not free to move around; he comes to my house and I am frightened to go out. The police comes, does their part of the job, but the court did not do its job properly.

4 – I was married for 24 years and I am still not divorced. Violence began as soon as I got married, after I gave birth to our daughter. In the beginning, I thought that will go away, but the situation only worsened; violence lasted for 20 years. After the beating, he would always apologize. However, later the war began, difficult life, poverty, I gave birth to 2 daughters. All the time I was hoping that things will get better, but that did not happen. I didn't have anyone, except him and the children. We lived with his family, his mother and brother. He even beat me when I was pregnant with the second child. It was always my fault, for example if I don't bring a bucket of water, he would curse and hit me. He used to throw me out of the house, hit me and maltreated in front of the children. When he wanted to hit me, he did this always on my head and hair, so that it is not visible. During the war, he used to urge me to leave him because we have different nationalities, but I didn't want to leave him and the children. I never told anything to my family, but they somehow learned about it and advised me to leave him. He was mentally and

physically violent to me; there was no economic violence because we lived with the support from my family. My mother used to leave their fridge empty and send everything to us; he would come home from the battlefield and eat everything and when children began to cry and complain, he would threaten me, curse and beat me. Now, I am sorry for not leaving him earlier; it might have been better for me and the children. I think that I didn't cause this violence with anything, the family was the centre of everything, I cannot understand that a man can be so evil. I didn't want to leave my children because it would have been difficult to take my children with me and I know how important a mother is to a child. I wasn't lucky when choosing my husband; if I had chosen someone else, my life might have been much better. He and the family were the focus of my life. During the war, he had enough cigarettes, washing powder, while others were dying from hunger. Now, I feel sorry that my family helped us that much. I left him in 2011 after another beating when even my daughter became involved and prevented further violence. He doesn't care who is in the house, when he wants to hit me, he does it. What he says is law, if I don't do it I will be beaten. One of my daughters – who prevented further violence – lives with me while the other stayed with my husband. I only waited to become financially independent and that the girls grow up because I didn't want to accept this violence anymore. He did not hit the children, but he executed mental violence on them.

5- I am married for 16 years, I have three children, 2 daughters and a son. Violence was not of physical nature but rather mental and economic violence; my husband is an alcoholic. Last year an incident happened that forced me to go to a Safe House. He exercised mental violence on the children as well; he works in the military. He brought them up as soldiers – when he called them, they had to stand still in front of him. Economic violence began from the beginning of our marriage – everything that I earned is family money, everything that he earns is his money. However, this marriage was not what I thought it will be – he behaved like a free man and I was expected completely the opposite. In the last 3 years, he began to maltreat the children intensively; he used to hit them for nothing. That motivated us to go earlier to bed so that when he comes home from work no one is awake. I still cannot forget how he has beaten my son only because he did not wipe himself quickly enough after a shower. After that, I reported him to the police and went with the children into the Safe House. We had a fight twice, but I don't see this as violence because there was a dispute and then he hit me and I hit him, but in general he did not beat me. I stayed in the Safe House 15 days, I wanted to get divorced. I returned home after 15 days but only under the condition that if I come back he must leave the house. I told him this in the Centre for Social Welfare and he spent 4 months at his cousin's house. I was determined to get divorced from him; he returned home after four months and we stayed together because he begged me to stay together and he began to get treatment for alcoholism. I stayed with him because of the children but I don't love him anymore, I hate him and I hope that he will find another woman and leave us. Neither his nor my family were very functional but I recognized what should not happen in a normal family while he continued to behave like his parents. I never spoke to anyone about it except his aunt who was a great support to me as well as the team in the Safe House. I was mentally peaceful in the Safe House because I did not have to listen in what mood he is coming home. He is very jealous and possessive and, therefore, extremely

dangerous for me because in case I left him, I am sure that he would be capable to kill me. He even once told me that children don't mean anything to him, I am his everything. My older daughter has some ticks as a result of this way of life; she had to see the psychologist. He used to beat the children until they would pee in their underwear and he did this very consciously. After returning with the children, they began to withdraw; while he is away they are running around the house but as soon as he comes back, they run away and go into their room, simply withdraw. I am only waiting that something similar happens again, I am simply living in a constant cramp and the children and myself only wait when a new situation will happen and I am afraid that when it happens again, it will be something much worse than last time

6- I have been married for 30 years, I left my marital community in December, 2007, I have 4 children out of which 2 died. Violence began when the second son was born and lasted until the end of the marriage. I left my husband many times and went to my parents, but I always came back; I left him more than 15 times. In the beginning, I was exposed solely to mental violence but during the marriage I have been exposed to all forms of violence. My husband is alcoholic, he would hit me without any reason; whether I was quiet or whether I responded to his cursing, he used to hit me. I couldn't leave him because I didn't want to leave my children and he abused the kids as well. Even the son who was disabled after the war. When I went to the Safe House, they were not able to take the two adult children, only the two minors. He continued to maltreat the adult children, which finally led that the son who was disabled after the war hanged himself up. He was aggressive to anyone, even his family and friends. In 2005, I came from the hospital 3 days after a gall surgery and the doctor told me not to do any heavy work but when I arrived home, he threw me out from the house because I wasn't able to do any work. I then found an apartment in Kotor Varos and later, he threw the children out of the house. After a year, I returned home, but he continued with his old behavior. One day, I went with him and the children to the weekend house to do some work. While we were having a cup of coffee, he began to swear at my father. I told him that he should not do that since my father is dead and it wouldn't be nice if I did the same with his mother who is also dead. He then caught me and began to hit me with a stick, I was able to escape and go home. My daughter wanted to go home and help me, but he did not allow it. I decided to leave him forever, because I didn't want to take this anymore. When they came home, he told me to make some lunch. I told him that I will not do it and that I am going to leave him. I have hidden all my injuries because I was ashamed. He used to insult me in front of neighbors though I begged him not to do it at least in their presence so that they don't laugh at us. We did not have good income but, regardless of that, he did not care particularly for the children. When I went to see my friend, she saw marks on my hand and was angry at me because I accepted this and she immediately called her godfather who is a policeman. When he arrived, he asked me whether I reported this earlier; I said that I did but without any effects. He would just pay a fine and continue as usually. He placed me after that in the Safe House, together with 2 minor children while 2 remained with him. After that, my son who stayed at home called me to tell me that my oldest son hanged himself up. The stay in the Safe House helped me a lot. Though I was separated from my 2 sons, I felt comfortable, finally like a family. Centre for Social Welfare attacked employees of the Safe House and told them that they will not pay for it and they should throw me out and return to family. He was beating me with everything, including

sticks, ax, whatever he found. While we were in Zenica, Centre for Social Welfare advised me to leave him and go to the Safe House. From 2001, I reported him 5 or 6 times to the police, the first time in Zenica and later in Kotor Varos and he always received a symbolic sanction. Even when I went to Kotor Varos, he used to look for me in the town and threatened to kill us. The police found him, he had a knife. They arrested him, he spent a night in prison but the sanction was again minimal.

7- I was married for almost 10 years, left my marriage in November, 2007. I have a son who is 14 and a daughter who is 8. I cannot define precisely when violence began but it started to be visible at the beginning of our marriage, my husband was employed in the military. We lived in my parents' house, his parents lived in the village and I think that the problem started somewhere there. Namely, his parents made a problem because we lived in my parents' house and when I asked him to live on our own, he didn't want to do so. After division of military, he went to work in Serbia and we saw each other not too often. When he came home problems would arise because there was no communication between us and that lasted until 2005 when he decided to become retired. He decided to simulate that he is mad in order to become retired earlier. He did this and he ended on VMA (Military medical centre). That was a story for us, family and the environment. When he was retired and when he returned from his therapy, violence started. I mean there was violence before but not of that intensity and not that frequently. Violence was of physical and mental nature. When he returned home, he became jealous, he accused me of betrayal, harassed my friends, colleagues, acquaintances. In 2007, he invented a story that I have a lover again and that this is my colleague from work whom he knows. He invited him to come to our house where he attacked him physically. I recognized that there is no mutual life. After that, he went to the Centre for Social Welfare and submitted a divorce request. However, this was followed by reconciliation therapy but he did not calm down. On the contrary, the situation worsened, he began to hit me, strangle me and insult me more than ever. He used to hit me in front of children, in one moment I could be thankful to my daughter Sara who saved my life. Namely, he caught me, holding my throat and began to suffocate me and if she hadn't screamed, he would have killed me. After that, I lived on the upper floor of my family house and they lived on the first floor. Children were not allowed to even look at me. Once, I was out of the house with my father, playing with the children when my husband approached and attacked my father. He broke 2 of his teeth and broke his jaw. The police did not respond appropriately, they just came, took a statement and went away. I even once went to the police to report that he has attacked me and when I came, they said "hhaaaa, these two had an argument again". Could you imagine how I felt? When he has beaten my father, I requested from the police and the Centre for Social Welfare to invite the media so that everyone could see what he is doing. Only then, they called their chief who said that they should bring them both to the police. I finally took my children. When they arrested him, he attacked a police inspector and, as a result, he spent 4 days at the psychiatry. After that, I went to the Safe House and I stayed there until I obtained a temporary custody for the children. The judge made a process for his benefit, which was obvious. I am not sure whether they were friends but they knew each other; the judge even threatened me that if I don't give him the children, he will take them away and give them to him and even said in a loud voice: "do you want him to come here and kill us all". My reply was that if he is not able to

cope with this, then he should start with him. My parents brought me things and food to the Safe House. I am not saying that this was necessary, but that's how it happened. This information reached my husband, who called the NGO and attacked them verbally. And so, he continued to use any possible occasion to make trouble. I even requested the judge to leave this case and he refused, so I left one meeting. When I left the Safe House, there was a level of fear; what if he comes back. Fortunately, this did not happen and there was no more physical violence. However, mental violence continued in the court where he insulted everyone, including the judge and even in written form; he complained regarding any decision and insulted me, everyone and institutions. Fortunately, I got divorced from him and 2 criminal and 2 misdemeanour charges were brought against him, which have been later joined into one for violence against me and my father. In the end, he was sentenced with a fine amounting 1900 BAM and for the two misdemeanours with a fine of 200 BAM each. And I asked myself whether it was worth because I was ready to give 4000 BAM to someone who would do the same things to him. Me and my children have no contact with him, though the Centre for Social Welfare decided that he might see the children in the premises of the Centre once every 2 months. He doesn't want this; he wants full custody or nothing. His diagnosis was dissocial personality disorder. When I spoke to the doctor, he told me that he might be fool one doctor but not a consultation of doctors and that if he doesn't take his medication, the situation will become worse. This was the reason why he reacted on every trifle, maltreated me without any reason for everything I said, usually insulting me that I am a fool and whore and threatened to kill me. As for physical violence, he usually hit me with his hands on my head and sometimes with his leg. After the violence, he continued normally, never said that he was sorry. My parents supported me but I didn't speak with them much about it, I didn't speak to my friends about it. The first time when I left him, it was after the birth of my son when he hit me, I even submitted a divorce request. But, my parents advised me to go back because they feared for my future and what will the neighbours say.

8- I am married since 1980, I have three sons (born in 1990, 1993 and 1995) and I left my husband in 2004. In the third year of our marriage, he became violent. I was exposed to all forms of violence; it all started at the same time. When he began to drink, it became unbearable, i.e. he was less violent in the first three years, I was able to bear it, but when he began to drink, it became unbearable. He was violent to the children as well. He threw the oldest son out of the house, locked me in the house not allowing me to go and pick him up. It was unbearable for me because my son begged me to come in and I wasn't able to do anything. I was scared for my children and myself, because I was sure that he is capable to kill us all. Sometimes, I would send my son to neighbours or I would go myself for several days to stay there. He used to hit me with everything possible; once he attacked me with a knife and while he attempted to kill me, I caught the knife – I really don't know how I succeeded – and stopped it in front of my heart. The neighbour heard my screams and called the police. When he became aware and saw the blood on the walls, he went to the police and reported that I attacked him. The police somehow blamed me for his behaviour, as if I was drunk and attacked him. They used to say that I have to accept this and be careful; I have to listen to his threats and suffer from violence. They came from the Centre for Social Welfare to take my children away and I told them that I won't give them my children. They haven't told me about the temporary custody measure

for the mother. However, I was able to get my children in the end. He mostly hit me in the head area; the severest injury was when he attacked me with a knife; after the violence, he never showed any remorse or regret. Even when I left him, he continued to be violent and maltreated me. He also maltreated the children – the two younger not that much but the oldest son was truly maltreated. I wasn't able to tell it to anyone and when I left him and when my family learned about it, they supported me. However, when I left him, he used to come and promise that this will not happen again and I always returned.

9- I have been married for 30 years, I submitted a divorce request and left him one and a half months ago. This is already the second time that I called the police in the last year. I have a son and a daughter who are adults. Violence began in the first months of our marriage, he was jealous and possessive and he, therefore, isolated me from my friends, colleagues, family. He did not allow me to work, because, according to him, only whores go to work, to find someone there. After a while I became disobedient, because I am not a fool to accept this. And he began to beat me. I would go to a neighbour or friend to get away from him, but he would find me, beat me and literally drag me away. The worst thing was that, after that, he wanted us to make love but after such maltreating I just wasn't able to do this with my heart, which made him even more aggressive. After that, he began to maltreat the son while he did not maltreat our daughter. When I came to the Safe House, I was mentally destroyed so that I wasn't able to use a phone or move around the house. When our son grew up, he became involved, defended me because he couldn't watch and listen to what he was doing and saying to me. My daughter found a boyfriend and became pregnant. In her fifth month of pregnancy, she broke up with her boyfriend and we supported her to give birth to the child. Everything was OK until the child was one year old. At that point, he changed and began to behave like the child's father rather than grandpa. He made problems when our daughter went out with her friends as if this was my fault and if I could prevent her from doing so. He also did not allow the father to see his child and he did not allow that the child has his father's family name, which was not normal in my eyes. In general, he is the smartest one, it is not possible to talk to him, he doesn't allow anyone to make any objections and it is all my fault. Violence was of physical, sexual, mental and economic nature. He threatened me that if I ever leave him, he will kill me and I will never get my children. The severest physical attack on me was when I was 8 months pregnant with our son, when he knocked me down and began to hit me with his legs in the area of stomach. If there wasn't our neighbour who became involved and prevented him from hitting me further, he would have killed my son. He never shows any regret, the word "sorry" doesn't exist in his vocabulary. I didn't have any support during the marriage. He used to beat me in front of children, and when the children grew up he couldn't beat me drastically, he only "slammed" me. Once, he required me to prepare a frozen chicken for him. When I told him that I can't do that, he took me to show me how to do it. It was funny to me and then he held my head - in one hand was an axe and with the other hand he was pulling my tongue. He stopped only when my eight-year old daughter began to cry and begged him to stop beating me. He had a difficult life, he was the oldest, he supported his family and I always had justification for his behaviour without looking at myself and my situation. When I first went to the Centre for Social Welfare, they advised me not to go to the Safe House because my daughter was employed at that time and if we go to the Safe House she will

lose her job. This was a lie because she could have worked even if she stayed in the Safe House. We, therefore, went to my aunt. During a celebration, he came to my aunt, took the grandson saying that his place is not there but rather in his own house.

10 – I am a child of divorced parents. Escaping from that situation, I married when I was 17, gave birth to my daughter when I was 19. My husband wasn't violent to me but my mother in law for 12 years. This was mental violence. She threw me out of the house, but since I am a child of divorced parents, I didn't want this to happen to my children and when I returned home, the terror was even worse. I wasn't allowed to eat, I was their slave, and my husband didn't react to that. After a couple of years, I ended up in the hospital; I weighted around 40 kg by that time. I was scared to go out on the street to say something. Following the advice of his godmother, I left him. In that marriage I have been exposed to mental and economic violence. I had three daughters in my first marriage. My husband hit me only once, he did not insult me but he didn't care for us. My mother in law was the one who was violent, she insulted me in front of children, accused me that these children are not her grandchildren and that I brought someone else's child. When I left my first husband and got divorced, two younger daughters stayed with me and the oldest stayed with her father. This divorce procedure lasted very long, papers just disappeared. We made an agreement that children stay with him because I did not have a place to live. When I left this marriage, I was literally on the street with the children; we moved from one flat to another. After that, I married again. My current husband had a relationship with my sister in law so he was aware of my situation. He was the only person in Banjaluca who helped me to find a place to stay, after that we fell in love and finally got married. When we had our daughter, he began to behave differently; he would just go without leaving any money even for milk. After that he began to accuse me that I wasn't working. When I asked what should I do and who is going to look after the child, he would say that he doesn't know and I should manage somehow. I began to work as a waitress; I gave all my money for the family and didn't have anything for myself. He began to invent something, he would call me to work with him the whole day and afterwards I had to prepare a meal, and he didn't care whether the child had something to eat or not. Once, while I was doing homework with our daughter, he came into the house and began to curse, he said "your f...ing dead brother" and began to beat me. I left the house with the child to leave him to calm down but when I returned home he continued to beat me and turned a saw on and wanted to kill me. At that moment, someone knocked at the door and he calmed down, opened the door and spoke to the customer. I tried to run away from the house, but I wasn't successful, he caught me and began to strangle me. I then began to scream and the young man in front of the door came back and knocked again. This gave me an opportunity and I run away. After that, I was immobile for a month and my daughter helped me to change clothes. When they took me to the hospital, they wanted to make radiography of my back but since his system works in the hospital as a doctor, I didn't dare to say the real reason. However, when the doctor saw the injuries after the radiography, he told me that these injuries cannot originate from a fall, as I said. I admitted everything and begged him not to say anything to his sister because this would cause more trouble for me. He would hit me without reason, maltreated me. He took me several times and threw me out of the car on the highway to Manjaca, which is uninhabited and he threatened to kill me. He would curse, pull my

hair, request me to go out and then he would say “Where are you going where?” I was exposed to all forms of violence. I didn’t have any help except my friend. He called the police twice and they arrived in average around 60 minutes after the call. She called the police for the first time end of September, 2012 when my husband took a knife to kill me and pulled me into the toilet. I screamed and cried and he left me. As a result, I had bruises on my neck and other parts of my body. He was arrested for an interview but was immediately released. After a while, in October, he repeated violence saying that he will kill me because I have stolen things from him. Fearing that he will do this, I took pills with the intention to release myself from this suffering because I didn’t have anyone to help me and there was no way out. I spoke to his family but they said that this is his nature and they can’t do anything about it. I don’t have trust into the police; even he would be killing me, I wouldn’t call them. He wasn’t violent to the children but he did it in front of them and my daughter now has a communication problem in the society.

11 – I was married for 19 years and violence began from the first day but I didn’t understand it. I left my marital community in 2008, I have a son born in 1994 and a daughter born in 1990. I was exposed to all forms of violence and it first started with mental, then physical, economic and sexual violence. In the beginning, he would insult me in front of children and after that he became physically violent, then isolation and only an hour after a violent scene he would change completely, he would become nice and careful, which made me feel sick. When he was beating me, he would use any possible item and everything happened in front of the children. Children defended me and they would stay with me so that he would not hit me any more. In general, he was nice to other people and everyone thought that he was a great husband. I was ashamed to admit that he was beating me though my daughter advised me to get divorced. Only when I began to work, it became clear what I was going through because I would go to work full of bruises. When I finally decided to leave him, in the Centre for Social Welfare they attacked me and accused me that it is my fault whatever happened and that he is a great husband and it is all my fault. After divorce, my daughter went with me while the son stayed with his father. My son also advised me to go and get divorced but not to leave him. The severest physical violence was when my husband was beating me and then threw me on the wall. The police came because I was sick. At that time, I felt like I wanted to kill myself. I went to see a psychologist and when I came out of the hospital, he continued to maltreat me mentally in the car so that I wanted to go out of the car and jump from the bridge. My son prevented me from doing so. It was particularly difficult for me because my son entered into a conflict with his father and I think this is not good for him. I have no contact with my son for 3 years because my ex-husband does not allow this. As soon as I contact him, he changes his phone number. In order to avoid possible maltreatment of my son and to facilitate his life, I don’t call him and don’t try to contact him because I know what my ex-husband could do to him. My daughter supported me and when my family learned about it, they also supported me. He used to spy on me even when I was going home with my friends. He used to drive in his car towards us and then suddenly brake in front of me. I also attempted to kill myself by taking pills but my son saved me. After the incident, I ended up at the psychiatric ward.

12- We got divorced 3 years ago and we don't live together anymore. When we got married, in the first year there was physical, mental and economic violence. My husband was violent to the children as well, my family told me to tolerate it and I did until children got married. After that, I got divorced. Currently, I live from support provided by others, in poverty. My husband broke one of my ribs and I had also other severe injuries. Violence lasted for 23 years, my husband was depressive and he used to beat me all the time; he blamed me for everything, I had to do whatever he told me to do, I was not allowed to make any objections. We lived in his house, we didn't have a castle, but we increased our possessions during the marriage and I received nothing in the court procedure.

Early in the morning, he sat and wanted to eat. He was eating pork and I said: "You didn't leave me any parts with pork skin" because I like to eat that. He then got up, cursed at me, hit me with his leg in my ribs and broke them. He didn't show any remorse, he was cheating on me. I didn't have any support from neighbors, family... When I finally decided to get divorced, I went to the Centre for Social Welfare. I requested that the court gives me a portion of our property, but the judge rejected this and said that what we achieved together I have eaten it all. They forced me with the divorce, they made me sign the papers without letting me even read what I was signing. At that time, I didn't have any contact with NGO Lara. He maltreated my daughter because of her boyfriends; whenever she found a boyfriend, he began to maltreat her, her boyfriends were a problem for him. He was beating her badly, once he attacked her with a metal bar and I became involved wanting to prevent him from killing her. In general, he has no good relations with anyone; he is arguing with neighbors and other people. He is a private entrepreneur, my daughter has a son. My family does not want to take me with them. I waited until my daughter got married to get divorced. And now, I am waiting that the court determines the amount of alimony. Violence stopped after divorce. I requested alimony in amount 25% of his income, but he was able to stop the procedure through his lawyer. Soon, the court will make a forced collection. The request for alimony has been submitted to the court a year ago and 6 months ago they made the decision for my benefit. While I was married, I had 2 heart attacks, 2 brain strokes and got diabetes. I tried once to leave him. I came with my child to my parents but they didn't have understanding and didn't give me support so I was forced to go back to my husband. My daughter got married just to leave the house.

13- I have been married for 23 years, but I submitted a divorce request in NGO Lara. I have 2 sons – one is 23 and the other 17. The first son was born in Slovenia. When we came to Slovenia, we found a house, which had a just a roof. During our marriage, we completed the house and built one more. My husband began to cheat on me from the beginning of our marriage. Most violence happened because of other women. If I didn't say anything, there was no violence. After that came the war, alcoholism; we live in a mixed marriage – I am Croatian and he is Serb. My husband did not hide his affairs, he even had a relationship for 10 years, which he was not hiding at all. If I told him that I will leave him, he used to say that he loves me and that he can't live without me. My family supported me, but due to the situation, I didn't want to go back to Croatia. My husband was beating our sons; however, as my older son objected his father for his affairs, he began to hate him, maltreat him, and report him to the police telling lies about

him. After a while, he found a new lover, who just needed a sponsor; he sold everything from the house and accused us for theft. All the time, I went to health institutions and they have sent me to the police but I didn't want to go. On December 15, 2012 he came home so drunk that he was not able to enter the house and I came home from the hospital 3 days after I was having curettage. He brought some guests to the house. When I began to serve some drinks, I told him that he should dress himself appropriately and he reacted with cursing. The guests left after that and he began to beat me. While I was washing myself in the toilet, my younger son came in. When he saw me, he entered his father's room and began to argue with him because he was hitting me and my husband told him that he will kill them both and leave me alive so that "the bitch could suffer". The younger son called the police; when the older son came, he told me that I have to submit a divorce request or he will leave the house because he cannot watch anymore that I am allowing him to do this. After that, I submitted a request and he didn't expect me to sustain in that. Even after the request, we lived in the same house but in different rooms. Following the advice of his lawyer, he began to call the police for every single word. In the end, he went with his lover on a five-day holiday trip. Our son called him all these days to see where he is, but he lied about it. He didn't want give any money to the younger son for the celebration of his matriculation. In the meantime, I found a job, something tiny, but sufficient to survive. When my husband came home, I told him "welcome home Lassie". As soon as he came home, he called the police saying that his house has been robbed but our son only entered his room. I couldn't stand this anymore and I began to threat for his brassiness because he left our sons without any money and went on a holiday. This was the reason why our son entered his room. During the interrogation in the police, they asked me about the money that he reported as stolen by his son. He abdicated both sons through the Centre for Social Welfare. When I called the police, they told me that I have to be careful because his lawyer advised him to call the police as often as possible so that he could become the victim. I am not leaving the house, because we achieved all that together. A temporary measure has been pronounced that he should take all his private items out. I am requesting the supporting building from the property because the house was there when I arrived. I was supported by my family, they advised me to leave him but I didn't want because of the children. I am already for 3 years in contact with NGO Lara and a psychologist. He treated me like a prostitute – if I was to sleep with him, he would give me money, if not, he would drink. When I went on a holiday on my own, he called me and objected for that holiday, threatened me at that time. In general, he threatened the children all the time. Whenever he noticed after a violent scene that I might leave him, he would beg me to stay, buy me presents and apologize. In these 3 years, I went to many institutions. And there was understanding everywhere. He didn't hide that he was cheating on me; he told this to everyone and admitted it. When he returned from his lovers, he wanted me to sleep with him. I tried to make an arrangement with him that we should not do this anymore, but he didn't accept it. He even transmitted a sexual disease to me. I had to sleep with him to ensure peace in the house and for financial reasons. Since I submitted a divorce request, I live in extreme poverty. Recently, he has begun to drink heavily and to insult regardless who is present. I am currently waiting for the divorce procedure to be completed. He didn't allow me to work though I wanted it. I was exposed to all forms of violence – mental, physical and

sexual. There were also some nice moments with him – when he was generous, good but there were more bad than good moments.

14- I have been married for 18 years and I am divorced since 3 years. Physical violence began one year before the divorce and in the last 4 years of our marriage I have been exposed to permanent maltreating and threats. We are refugees from Sarajevo and we travelled and moved a lot. When he lost his job in the army, mental violence began and later also physical violence. He blamed me for everything, its failures, work... He was cheating on me. The greatest conflict escalated because of a child; we have 2 children. He behaved inappropriately; when I entered the room I saw him talking on Skype with another woman and behaved inappropriately. When I objected because of this, he hit me in the head and, while I was falling, I hit the wall. I had severe head injuries and ended up in the Urgency Centre in Belgrade, where they were fighting for my life. While I was in the hospital, he brought one of his women in the house where my mother is also living. When I returned home, he told me that I have one month to leave the house, together with my mother (though my mother gave the money to purchase the family house). The older son loves him a lot and he decided to stay with him and I contacted the Centre for Social Welfare where they advised me “to go slowly” for the safety of the children so that he does not hurt them as well. The inspector in the police listened to me and told me that violence cannot be reported retrospectively but only in the moment when it happened. They told me that the health centre should have informed the police but I was in a very serious health condition.

I reported my husband 3 times for mental violence against me and my mother. Nothing has been processed. I contacted NGO “Lara” that provided legal aid immediately after I recovered from my surgery and I moved to the basement of the house where I lived my mother. During that time I weighted 49 kg, had a shaved head as a result of my operation and I was in a difficult mental condition as a result of the trauma. I tried several times to contact the police, including visits in person in order to start the process that has been promised to me but there were always excuses, i.e. apart from my report, there was no reaction from their side. He used to say to the children that I am not a good mother and that he has found them a new mother. My younger son said that their father told them that, in case I die, they will get a pension and he will bring them a new mother. My younger son was very traumatized. My cousin came to settle the situation. I promised to my husband that I will leave the house within a month. My husband did not allow me to take the children, but I tried through the Centre for Social Welfare to achieve that the children go with me. That morning when I left the house and invited my cousins to help me to pack, he approached and said to me: “If you leave, I will kill you” and I replied that he really doesn’t know what he wants. Everything was bearable as long as I had job and was able to live somehow. However, last year I lost my job. When I asked my employer to keep me employed, he told me that he is not a social institution. The whole attitude of the state and society is disgusting. My husband never showed any remorse, but recently he has begun to show remorse. The divorce procedure lasted 6 months. When the process was finished, I received alimony and children but he never paid alimony. In the meantime, he moved to Capljina and founded a new family. The court doesn’t want to work on payment of alimony and they say that they don’t know anything about his whereabouts because he left Bijeljina though I gave them all necessary information about

his moving to Capljina. When I left the house, I went the following day to the Centre for Social Welfare to request my children. The younger son came to me on Saturday (I left the house on Wednesday), the older son stayed seven days longer and then his father threw him out of the house just saying to him “Take that belt off you, because it is my belt”. I had the support of my family and relatives but not from his family. I contacted all institutions when I came back from the hospital. The most difficult thing is that no one takes care about us; my older son is unemployed. I think they could have achieved much more if they had a normal life. It’s very difficult for me not to be able to provide a normal life for them because I don’t have a job. I think that if I had a brother, this wouldn’t have happened to me. My husband doesn’t care for our children, except when he needs something or when he comes to Bijeljina to show off his new wife. This was very difficult for my children and my younger son told me “Mother, father doesn’t love me anymore, he now has a new son”.

15 - I lived in a marital community from 1994 to 2012 and beginning of this month the first instance verdict has been completed. I have a son who is 18. In my case it was more mental than physical violence, which started during the first months of the relationship. He is a very intelligent man and he lied to me. Only after I married him, I recognized that everything he told, except his name and surname, was a lie. I recognized that I made a mistake but I stayed with him and we had a child. After that, I always tried to justify his behaviour and find reasons in external factors. He slammed me for the first time after several months of our marriage when I told him that he is a liar and that he is not employed as he told me. I was 3 months pregnant at that time. That lasted throughout the marriage. Every month there were some problems without any reason when he would hit and insult me but he never hit me so that it could be visible. I never told this to anyone because I was ashamed. In general, he was an impulsive man. Every year, violence increased slightly until a situation came when we argued, he came after me with a knife and my son stood in front me and saved me. After that, he threatened my entire family. I was thinking about suicide, but my brother saved me. He never threatened our son. I also found out after several years of marriage that he has a daughter from a previous marriage and that he had a relationship with another woman for 3 years while we were still married. He never threatened the child but he insulted me in front of him. My brother told me to contact NGO Lara. After the divorce request, he showed remorse and even offered a bribe to my lawyer to try to advise me to stop the divorce proceeding. Violence would usually last for one or two days and this was followed by reconciliation stage and on the fifth or sixth day there would be a true honeymoon. I never requested any help, except in the last case when I contacted NGO Lara and they placed me in the Safe House. They told me that I could stay as long as I want but after a month I left the Safe House because my aunt needs 24/7 care and I moved to live with her. My son visited me twice with his father and they both tried to persuade me to come back.

However, my husband is never guilty of anything; all the others are to be blamed, but not him. The biggest problem was when there was no money because I worked and he didn’t. I provided all the money and if there wasn’t any, I was exposed to violence. My husband is also aggressive to other people within the family. He attacked his nephew and father and he was even aggressive towards other people. I am still scared of him, because he is a

person you never know what he is up to. He is prepared to find a man, give him some money and a gun to kill me, only if he wants to do that.

16 – I was married for 30 years; I left my husband 3 years ago. The divorce procedure is ongoing and my husband submitted a request for divorce. I have 2 sons and one of them is married. Violence began in the second year of the marriage; physical violence lasted until the 29th year of our marriage. He then said: “I used to maltreat her physically but now I will do it mentally in front of the younger son”. Violence usually began when he wasn’t in a good mood, he would call me a whore, often accusing me for betrayal. He even accused me that I cheated on him with our neighbour and he had an argument with him. He was sick of jealousy. He used to beat me with his hands and legs all over my body. The children lived in fear that he will kill me when they go out; my son told me once that he is scared to leave the house because he doesn’t know whether he will beat me while he is away. I have no other family. My younger son had a surgery; he had a testicles tumour but he is all right now. Now, he has a problem to find a job because he is not allowed to be exposed to the sun and to do heavy works. The older son lives and works in Banjaluka, but he lives as a tenant and he is not in the position to support me and my younger son, though he really tries. My husband used to beat me in front of the children. Once, when we came back from the field, my husband attacked us when he came home because we did not pack the peppers and then he attacked me and the children. He even took a wood and attempted to beat us but my older son prevented further violence. However, I cannot say that he used to beat the children. The younger son has huge problems in terms of employment and is withdrawing himself. In the village, I had 3 women with whom I associated, but I never received support to get divorced. They loved me and helped me, but my husband didn’t want me to spend time with them. After violence, he behaved “normally”, i.e. he never showed that he was sorry. I worked as a cleaner in a school, but after insisting and continuous violence from my husband, I had to leave that job. I left my husband 5 times, usually without children but all that lasted very short. Once, when I left him, he sent our younger son to get me back and when I returned I told him not to touch me anymore and that time he truly respected it. This lasted for 3 years, and after 3 years he received a message that I am cheating on him with our neighbour and violence began after that. I have nothing in terms of property and I didn’t start any procedure in relation to property share. I learned about NGO Lara from my older son. My husband reported our older son when he reacted on insulting by my mother in law and told her that she should not mention his mother’s name. I was ashamed to report my husband for violence and he wasn’t ashamed to report his own son.

17 – I am a victim of violence by my father and I left the family a year ago. My mother, sister and I – we all left the house. I was economically and mentally maltreated. My father didn’t allow me to work, but I worked and this was the reason for attacking me; he didn’t let me into the room and insulted me. The same happened to my mother and my sister. He always considered himself a rich gentleman and it is a shame that his daughter needs to work. A reason for violence would be, for example, when I go to take a bath, when I go out, without any reason. I used to work 20 hours a day and when I came home he insulted me. I still have contact with my father, I go and clean his house because I live

currently with my boyfriend who supports me. However, there is always the possibility that we might break up or he might lose his job and then I would be on the street and I, therefore, still maintain contact with my father. I didn't have support from institutions; I went to the bureau to get some information where they insulted and humiliated me. I have a child as well. It would be good if I could hate my father because he deserved it. There is little understanding but the fact that I am telling it to someone makes things easier though it does not solve my problem. My mother helped me and, at the moment, my boyfriend. My biggest problem is my economic dependence from my father.

18 – I was married for 7 years. In that marriage, I gave birth to three children – aged from 10 to 16 (two boys and a girl). I got married in Trebinje; my ex husband works in a well known company as a marketing director and is, therefore, very influential. He demonstrated his power very clearly when I initiated the divorce procedure due to severe domestic violence and when I wanted to get the custody for my children. Due to his pathologic jealousy, I have been exposed to violence from the first day of our marriage. Violence changed slowly from verbal into physical, sexual and economic violence. When I tried to speak to my husband, I faced rejection, accusations, insulting and humiliation because I was a “cheater”. All my efforts to prove the opposite were useless and I was asking myself whether he “served” this story on purpose or whether he really believed in this. Thus, violence began in the first month of our relationship as mental violence; it included gradual isolation from everyone, including my mother, sisters, friends, neighbours, and all people that mattered to me and who were important in my life. After this isolation, there was economic and physical violence – first in form of slamming and later usually on those body parts where I wasn't able to prove the injuries (e.g. in the head area covered with hair). My husband behaved everywhere like a model citizen and everyone thought that I have a great marriage. When I first attempted to leave him, he clearly said that, in that case, I will never see my children again. Always, after a period of violence, there was a time when he used to tell me that he loved me, that he cannot live without me and that he would kill himself if I leave him. When violence became unbearable as a result of physical, sexual and mental tortures, I finally decided to leave him. He physically prevented me from taking my children, so I was forced to go without my children. Of course, in the court, in the Centre for Social Welfare and in front my children, he said that I abandoned them because I have a lover. In addition, he once tried to kill me in front of our children and I processed that case. However, this time again my husband is the winner because all institutions, including the Centre for Social Welfare, give him the children and deny me, as a mother, even to see the children. In other words, all institutions regardless as to who is a perpetrator and who is the victim in this case, privileged the very influential perpetrator and deny me to have my children. I tried to contact all institutions in BH and I was extremely disappointed with their reactions – somewhere they supported the perpetrator and somewhere they had no power to enable my children their basic right, a right to freedom and life free of violence. Violence happens all the time in front of them and they are also exposed to violence, including intimidation, physical violence and requesting loyalty in relation to me, which means that they should reject me entirely, ignore me and insult me with terrible expressions.

19 – I am married for 25 years. I gave birth to two girls – twins born in 1991. My husband works and he is considered a good man respected by everyone. I live in a common household with his parents and brothers. Violence began when I gave birth to our two girls when my mother in law and father in law accused me that it is my fault that I gave birth to girls and that he should find a woman who would give birth to his successor. They began to call me with all sorts of terrible names, that I am ugly, stupid, that I was “fawned” and that my place is not among them. In the beginning, my husband just ignored their story and my request to protect me from their loud everyday verbal insults. They began to lock all rooms from me, to leave me on purpose to do those works that they have done until yesterday. We are talking about a big household where I came from the town and fitted into this way of life without any objections. As time passed, my husband became more aggressive towards me, even began to support their side and to call me with terrible names. I wasn’t able to have more children, because the birth was very risky and complicated and the doctor forbade me to become pregnant again. This did not prevent them from throwing me out. I should have another child or leave the house and take my “whelps” with me. After several years he slammed me for the first time in front of his parents to “shut my mouth” and prevent me from opposing his parents again. Soon after that, he threw me out of a moving car, pushed me on a harsh facade of the house and even attempted to push me down a cliff outside the town. He often calls me with terrible names, but he doesn’t do this in front of our girls – opposed to my mother in law and father in law. He doesn’t maltreat the children but they can feel the entire rejection of their grandmother and grandfather. My husband tells me that I am ugly, stupid and that he is ashamed to appear with me in public, that I should leave him. Of course, he wants me to leave all the property to him.

20 – I got married when I was 17 and came into a multi-member family. Apart from my husband, there were his father and mother. I have been exposed to violence by my husband but also by my father in law who also abused his wife. My husband just watched this and did not react either to violence on his mother or me. In the beginning, these were only verbal attacks but gradually they became physical attacks. I have been beaten several times. My husband did not scruple to abuse me in front of children and often he abused them as well. I have three minor children from this marriage – two girls and a boy. I have been often humiliated, beaten and accused for betrayal when my husband was drunk. He then did not have any limits and was not looking where and how he hits me – with his hands, legs, items, even using cold weapons. In time, violence only increased and has been transferred to my family members if they wanted to protect me. I was increasingly frightened; I never knew when and why he might attack or accuse me. I suffered in silence until the last time when I literally run away to save my head. My husband would usually after the violence show tenderness saying “Why did you force me to do this to you?”

21- I was married for 16 years and I left him 2 years ago. During the marriage I gave birth to 3 children – born in 1993, 1994 and 1999. I have been exposed to all forms of violence, which began at the beginning of our relationship but I haven’t recognized it as such because everything happened under the excuse that it was for “love” and, as a result, there was jealousy. In the beginning, there was violence because I said “hello” to various

persons but later it became total isolation from friends and family. In the beginning, it was mental violence that changed to physical violence and I was even exposed to a situation when he pushed a pistol to my mouth just one day before I gave birth to our first child. Reasons were always of banal nature – there was always a picture of a “lady” how I should look, behave, walk, sit, watch, eat, speak, breath...

As much as I tried to become that ideal woman he wanted me to be, that picture always changed. It seemed like a stick and carrot principle and I never knew how he might react. Moments of his rage were terrifying and many times I thought that these were the last days of my life. I have been also exposed to physical violence (mainly on the area covered with hair so that I might not have any evidence). He threatened me, the children, and my family with detailed very bloody description of ways how each of us will be murdered. Continuous threats, insults and humiliation were part of my everyday life. He was also violent to the children and when he was violent to me, this happened in front of them. I had no control over my life, not even birth control. The entire control on my life and needs was concentrated in his hands and I had an imaginary picture of him being the Almighty – like a God! Extremely intelligent, very manipulative, he succeeded to keep me for eight years in the conviction that there is no way to escape from him and that he will find me “even if I escaped to America!” Of course, he threatened me that I will never see my children again if I decide to leave him. I tried several times to leave him and every time I came back because he tried to get me back in various ways, including remorse, tears, promises and serious threats. I was completely devastated, disoriented, scared, unsecure, I thought that it is really true that I am stupid, ugly and incapable and that the entire problem lies in me.

22 –I was married for 26 years and I left my husband 6 years ago. We have two grown up daughters – one is 20 and the other 19. I just couldn’t stand it anymore.

23 – I was married for 12 years and I faced a problem from the beginning – my husband was jealous and he was particularly aggressive when he was drunk. I gave birth to 4 daughters and I was always exposed to accusations that I have only female children. His entire family participated in this.

INFORMATION

How did you find out that you could ask for protection?

- Police and centre for social welfare
- NGO
- Police
- Through media
- Doctor
- Friend
- Other way, centre for social welfare
- Through media
- Through media
- Centre for social welfare
- Family members

- Through media and centre for social welfare
- Friend
- Doctor
- Family members
- Family members
- Friend
- Family members
- Family members
- Friend
- Friend
- Friend

Provide a short description about what you found out about possibilities to report violence

- I need witnesses, injury sheet and the information on existence of a Safe House
- I need witnesses, injury sheet and the information of existence of a Safe House
- They told me to go to the Safe House
- They told me that I have the right to be placed in the Safe House
- When I came with my 7-year old son after he was beaten by his father, she told me to report him and leave him.
- I received all information from NGO and Centre for Social Welfare; they told me if anything happened, I should call the police and Centre for Social Welfare and they will arrive. They didn't tell me anything about protective measures.
- Only as a protection to hide from the perpetrator. They didn't tell me about protective measures.
- I could receive placement and all help needed in the Safe House
- They informed me about all my rights as a member of the Safe House
- I went to the Centre for Social Welfare and they told me that they will invite him, but they didn't do anything
- I learned that I should report him to the court and they told me about NGO Lara
- I learned that I could contact NGO Lara; I told them everything and they told me that I need to submit a divorce request first so that they could help me. They supported me with advices and legally.
- When I went to see the inspector, she explained the procedure but nothing happened because they did not process the case after report
- When I called the police, they told me that they can't come to the scene but I have to come in person and submit a report in written form. However, after contacting NGO Lara, I decided not to submit a civil complaint for violence because I would not receive anything except for moral satisfaction since sanctions are too mild. On the other side, I would make myself a lot of trouble. I learned about all available options, but, as a result of my fear, I decided only to start a divorce proceeding.
- I could ask that my ex husband should be processed due to physical assault that nearly resulted in my death. I learned that there is an NGO that could provide support – mental and legal.

- I learned everything about possibilities to report violence, what are the procedures to obtain custody for children and for divorce.
- In the first contacts with the police and Centre for Social Work, I learned very little; I learned much more from the local non-governmental organization, including information on the temporary measure to obtain custody for children until the completion of the court proceeding.
- I learned that I could request a restraining order because he continues to threaten me, that I could sue him for domestic violence and that I could request to share the property because most of the property has been gained during the marriage. However, I am not interested in that part and I just want him to leave us alone!
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REPORTING VIOLENCE

What has led you to ask for help? What was the key event? Who did you contact? How did employees/police officers/NGO activists react? Did you have the impressions that they believed you? What happened next?

V1 – That day it was a real mess, it began from the morning coffee with cursing and ordering what needs to be done that day. The snow was falling and he told me that there must not be any snow and I need to keep it clean all the time. He went with another woman, came in the evening with another woman and told me that I am finished tonight and showed me how he will slaughter me. After that, he told me that we are going to our neighbours for dinner and told me what to wear. He told me to dress myself nicely and we went to dinner. During the dinner, he told me silently that he is going to kill me and accused me for having a lover. As soon as we left our neighbour's house, he hit me. When we came into our yard, he hit me again and I fainted. He was pulling me on the stairs and took me to the room. He hit me and I lost my consciousness again; children began to cry while my brother in law was watching and not saying anything. He said that if I call the police, he will slaughter me. After that, he took a glass and brandy and drunk half a litre of brandy. After that, Marijan and his wife came and told him to leave the house. I wanted to call the police but Marijan advised me not to call them because he felt sorry for him. However, he came again into the house and told me that he will kill me if I leave the house or call the police and left the house again. Violence continued when I went to the Safe House; he told me that he will kill me, slaughter me, throw a bomb at the Safe House but he also tried to persuade me to come back in a nice way. He is still spying on me and threatens. He sees the children when they decide that they want to see

him. Centre for Social Welfare insists that children must see their father, even if they don't want.

V2 – It was a Friday morning, he went to the town, wasn't at home all day long. At 5 o'clock I called him and asked when he is going to come home and he said that he is with his friend and that he will come. He came at 6 o'clock and asked me where I've been and why do I have a mobile phone. I told him that I don't have a mobile and that I called him from our home landline but he told me that I am a whore and began to beat me. I run away from the house and went to the Safe House. When I came into the Safe House, they told me that I can't stay there that night but to report the violence and come back tomorrow. I stayed overnight in my cousin's house and reported violence the following day and they placed me in the Safe House.

V3 – My husband has beaten me and threatened to kill me. He took a telephone, called the police and told them that he will kill me. Police came and took me out of the house. After that, I went to a flat but he came every day to the flat so that the police was on duty every day in front of my flat. After 9 months, I went to the Safe House.

V4 – My husband came back from abroad but before that, he left us without any money and I sold the old iron to survive. When he returned, he was angry because of that. My daughters and I tried to explain but he didn't want to hear anything. Three or four days we were quiet; we didn't speak at all. On the fourth day, he attacked me because I didn't cook something for the pigs and he hit me several times. I went to the toilet, and if I stayed there he would have continued to hit me. We didn't speak to each other in the following seven days. On the seventh day, when he came home, he told me that if I want to continue to live there, I must pay 20 BAM rent, electricity, food, water. It was funny to me and to my daughters but he said some terrible words about my dead mother and I was not allowed to respond. This is particularly hard to me, because my mother provided food for us and considered him a son. Finally, I said the same things about his mother and when I said that he began to beat me. He then had my head in his hands and tried to hit me against the wall. My daughter jumped and pushed him and I escaped to the room. I finally understood that it can't continue like this because I can be beaten for anything, I have to be careful what I'm saying, how I behave, in what mood he is. My daughter called me after that to live with her. She is married and I refused it. I called the police together with my daughter; the police arrived and we told them what happened. Police did not record what preceded this violence; they only recorded that there was an argument and violence. **How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next?** Unfortunately, as I later found out, the police officer who came was also a violent man and he was beating his wife. This was probably the reason why he didn't write everything in the records but only general things, which was good for my husband. In the Centre for Social Welfare they were very nice and I felt very comfortable. They tried to reconcile us, but I rejected because I knew that he would beat me and he was not interested in reconciliation and he said that he will submit a divorce request. I said that I must not go home anymore because I am frightened and after that they placed me in the Safe House for 3 months.

The judge listened to him and let him speak; he even insulted my father in front of her. When I asked her to stop him from insulting my father, she told me to let him talk. I felt terrible because, in my opinion, I was punished more than him as he received for insulting my mother and beating me a fine in amount 200 BAM and I received 150 BAM fine because I insulted his mother after he insulted mine. I asked the judge when everything was over whether this was a process for the victim or perpetrator and she told me that I committed a misdemeanour as well.

V5 – I still cannot forget how he has beaten my son just because he didn't wipe himself quickly enough after having a shower. After that, I reported him to the police and went to the Safe House with my children. How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next? After the doctor, I went to the police and reported him. Policemen were very correct. After that, we went to the Centre for Social Welfare and they told me that my son will surely go to a Safe House because he has been abused. After that, I went to pick up my daughters and we went to the Safe House. I had the impression that they believed me. He bought them toys and chocolates when he came to see them in the Centre for Social Welfare following the advice of social worker. This was disgusting to me because he didn't buy them anything during all 16 years. They tried to reconcile us at any costs regardless of the fact how it will be to continue to live in such a family.

V6- After a year, I returned home, but he continued with his old behavior. One day, I went with him and the children to the weekend house to do some work. While we were having a cup of coffee, he began to swear at my father. I told him that he should not do that since my father is dead and it wouldn't be nice if I did the same with his mother who is also dead. He then caught me and began to hit me with a stick, I was able to escape and go home. My daughter wanted to go home and help me, but he did not allow it. I decided to leave him forever, because I didn't want to take this anymore. When they came home, he told me to make some lunch. I told him that I will not do it and that I am going to leave him. I have hidden all my injuries because I was ashamed. He used to insult me in front of neighbors though I begged him not to do it at least in their presence so that they don't laugh at us. We did not have good income but, regardless of that, he did not care particularly for the children. When I went to see my friend, she saw marks on my hand and was angry at me because I accepted this and she immediately called her godfather who is a policeman. When he arrived, he asked me whether I reported this earlier; I said that I did but without any effects. He would just pay a fine and continue as usually. He placed me after that in the Safe House, together with 3 minor children while 2 remained with him. After that, my son who stayed at home called me to tell me that my oldest son hanged himself up. The stay in the Safe House helped me a lot. Though I was separated from my 2 sons, I felt comfortable, finally like a family. How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next? I had the feeling that they believed me.

V7 – When he attacked my father, I called the police and centre for social welfare and they sent me to the NGO where they placed me in the Safe House. How did employees/police officers/NGO activists react? Did you have the impression that

they believed you? What happened next? The police wasn't interested in this. Only when I threatened to publish everything in the media, they reacted. I think that they believed me, but they were not interested.

V8 – After he attacked me with a knife, I decided that this cannot go on. I called the police and the police and NGO placed me after that to the Safe House. **How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next?** The police didn't do anything and they were not interested. The NGO helped me to save myself.

V9- He took the bread that I have made, said that he doesn't like it and threw it at my head. This was too much and he also threw me out of the bedroom. I first asked my aunt for support and then the police and the police came with him to pick me up. **How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next?** The police behaved like they didn't believe me and accused me as if I was the perpetrator and not him. This was used by my husband who began to insult me and they laughed. They called the Centre for Social Welfare. They listened to me and took me finally to the Safe House.

V10 – I attempted to commit suicide by taking pills because I didn't see any other option since I contacted the police twice but they didn't do anything (I asked them to take me with them and help me get my child out but they didn't do this and, in addition, they said to my husband that I invited them, which is not true because my friend called them). Then came my neighbor and found me in that state of numbness. She took me into her car and drove me to the first ambulance. Before that, she asked my husband whether he will drive me because I don't feel well but he said that he is not interested. After they saved me, I returned home. He continued with violence and I called the Centre for Social Welfare. They reacted quickly and came to pick me up and placed me in the Safe House with the child. **How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next?** As for the NGO, I had appropriate support but the police did not help me at all. After leaving the Safe House where I spent 10 days, I returned to my husband because my daughter accused me for leaving her father, she ran away from school and I returned to him just because of my daughter.

V11 – When I started to work, violence happened more frequently and even in front of children. They began to withdraw, which became obvious in the school and they advised me to resolve the issues that we have. When I recognized that all this will have a devastating impact on the children, I decided to get divorced. **How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next?** When I went to the Centre for Social Welfare, they didn't inform the police about the violence. My husband threatened that I will never see my children again and that he will not allow me to leave him, but the Centre accused me for everything. After that, I put in a legal complaint. My daughter was already with me and for the son, I said that I would like him to come with me but I don't want to force him to

do so. In his report, the centre said that I am not a good mother. I was supported by the NGO and they placed me in the Safe House.

V12 – I contacted the Centre for Social Welfare as a result of my difficult financial situation. They gave me 50 BAM and that was it. How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next? The court had understanding for my situation because they recognized my health situation (I was taking insulin, had a surgery as a result of breast cancer, 2 heart attacks and 2 brain strokes). Social work and NGO Lara provided support and understanding. I am now waiting for the forced collection of alimony. I didn't get anything from the property. The court police was on our property and they determined that I have no right to any property and truth is that I found only one bed and some furniture when I came to live with him.

V13- My mental state – I just couldn't stand it any longer. He brought his father to the supporting house and requested that I take care of his father while he is wondering around the town with other women. I contacted the centre for mental health, the centre for social welfare and finally, NGO Lara. I first contacted the centre for social welfare 10 years ago because he would leave the house without leaving any money and I had no money to give to my child to eat something at school. And, the last time I contacted the police, i.e. my son called the police and a divorce proceeding has been initiated. How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next? I had the impression that everyone was supporting me and that everyone believed me. Due to a difficult health situation, I request for the property to be divided but so far nothing happened.

V14- How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next? The police behaved inappropriately and incorrectly. All my attempts to do something through institutions were unsuccessful. Police officers closed their eyes in terms of violation of all my rights. I live in poverty and when my son asks him for some money, he says that he hasn't got any change. The court also disappointed me. Only NGO Lara provided true support and help while all other institutions were a true disappointment.

V15 – When I left he used to send me threatening messages – never entirely understandable but rather by using words that only me was able to understand. When I left the house, he threatened my family, that he will slaughter us, kill us etc. According to my son's comments, I recognized that he is occasionally spying on me.

V16 – When he once came home and attacked me asking me where I have been while I was spending all the time at home providing care for his mother. How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next? When I first contacted NGO Lara, they didn't provide me support because they told me that I have to report it to the police but I was scared to do so because I was frightened. I had the impression that they believed me.

Police told me that they can't do anything because I didn't report violence in a timely manner and my bruises disappeared and, thus, I didn't have any evidence.

V17 – As a result of my mental state, I used to cry 24 hours a day. I went following the advice of my mother. How did employees/police officers/NGO activists react? Did you have the impression that they believed you? What happened next? I went to the Centre for Social Welfare and asked to be referred to a psychiatrist but when i was there, I had the impression that he doesn't care and just looks forward to complete the session. With their support (NGO Lara), I forced myself to inscribe into a school of German language.

V18 – The reason why I contacted the police for the first time was attempted murder in front of my minor children. I decided to ask for help and contact the police as a result of serious threats to me and my family. My ex husband did not show any remorse or withdrew in front of the police but he rather continued to behave in a violent manner. The police handled the case with lot of attention and understanding and helped me to contact the local NGO that works on combating of domestic violence. I had the impression that they believed me but, at the same time, I felt that they look at me with pity because my case is very complicated, i.e. my husband is very influential.

V19 – So far, I didn't contact anyone except the NGO because I only want to inform myself and make a written record about what is happening to me so that in case something happens there is a written trace on violence against me. I came across full understanding and support by the organization and the reason was when he threw me out of a moving car and when I was severely injured.

V20 – Though I attempted several times to leave him (exactly five times) and every time I returned home (mainly because of threats that he will kill all my family members, brothers and parents and the children in case I leave him), the last act of violence was crucial – I left him definitively. That evening he came home after 1 a.m. and called me on the phone to come out of the house. I came out, he took me to the stool and told me to take my clothes off. It was winter but I had to do it. He put me into chains saying that I was a cow and that he will kill me. He used to put dung on me, hit me with a blunt part of the axe and constantly saying that he will kill me tonight. That lasted around two hours and then he entered the house to take a gun and finish me. I used the moment to escape to our neighbours who called the police. Police provided full support as well as other institutions and the non-governmental organization. However, the Centre for Social Welfare did everything against me and my children. Finally, I succeeded in getting two children while one child has been given to custody to the father.

V21 - When I first contacted the police, they were relatively sceptical as if it was my fault what is happening and the reason was that he threatened to kill me because I am cheating on him with his friend. He used to beat me for days, throw me out of the house and take me back, and I finally succeeded to escape. I reported him to the police and decided to start a divorce proceeding. The first several days, I used to hide so that he cannot find me just to have time to report it to the police and other institutions, so that in

case something happens to me, everyone would know that he did it. I also wanted to start the divorce proceeding.

V22 – When I first contacted the police, they were relatively sceptical as if it was my fault what is happening and the reason was that he threatened to kill me because I am cheating on him with his friend. He used to beat me for days, throw me out of the house and take me back, and I finally succeeded to escape. I reported him to the police and decided to start a divorce proceeding.

V23 – When I first contacted the police, they were relatively sceptical as if it was my fault what is happening and the reason was that he threatened to kill me because I am cheating on him with his friend. He used to beat me for days, throw me out of the house and take me back, and I finally succeeded to escape. I reported him to the police and decided to start a divorce proceeding.

You reported the violence (how many times has violence been reported – this was multiple choice question).

- Several times before any measure has been undertaken
- Once and the procedure was immediately started
- Once and the procedure was immediately started
- Once and the procedure was immediately started
- Twice before police undertook necessary measures
- Several times before any measure has been undertaken
- Several times before any measure has been undertaken
- Several times before any measure has been undertaken
- I contacted them twice but there were no sanctions against him
- I contacted them twice but there were no sanctions against him
- It was not reported because he or his family did not allow me
- Once and the procedure was immediately started
- Though I reported violence, the police did not react because the report has been allegedly too old though violence has been committed also against my child
- Though she contacted the police for help, they told her that she is too late with the report
- Once and the procedure was immediately started
- Only to NGO
- Once and the procedure was immediately started
- Twice before police undertook necessary measures
- Twice before police undertook necessary measures
- Twice before police undertook necessary measures

Why did you ask for support?

- Sanctioning of perpetrator
- Placement/protection from physical violence
- Just to leave me alone
- Placement/protection from physical violence

- Placement/protection from physical violence
- Divorce, sanctioning of perpetrator, placement and protection from physical violence
- Divorce, placement/protection from physical violence
- Divorce, placement/protection from physical violence
- Divorce, placement and protection from physical violence, support in finding employment
- Support in regulating partner relations
- Divorce
- Alimony
- Divorce
- Divorce, placement and protection from physical violence
- Divorce, placement and protection from physical violence
- Placement and protection from physical violence
- Divorce, placement and protection from physical violence
- To inform myself on possibilities in divorce and reporting cases
- Divorce, placement and protection from physical violence, sanctioning of perpetrator
- Divorce, placement and protection from physical violence
- Divorce, placement and protection from physical violence
- Divorce, placement and protection from physical violence

Were you supported in that by someone from your environment?

- YES – from my and his family
- NO
- From sons and family
- Friend and daughter
- Husband's aunt
- Friend and her godfather who is a police officer
- Family
- No
- Only from my aunt
- Only from my neighbour
- Sister
- No
- From all, neighbours, family
- Family
- Family
- Friend
- NO
- NO
- Neighbours
- Yes, from my friend
- Friend
- Friend

HOW THEY LIVE TODAY*

*Note: Entirely respected order of respondents – on the first two questions all of them responded and other answers are listed as many as there were

What is current marital status?

- Divorce ongoing
- Lives separated from her partner
- Divorced
- Remained married but they don't live together
- Remained married
- Divorced
- Divorced
- Divorced
- Divorce ongoing
- Remained married/in relationship
- Divorced
- Divorced
- Divorce ongoing
- Divorced
- Divorce ongoing
- Divorce ongoing
- Divorced
- Divorced
- Remained married
- Remarried/new relationship
- Divorce ongoing
- Divorce ongoing
- Divorce ongoing

Accommodation – where do you live today?

- Tenant
- House/flat registered on husband's name
- Tenant
- With my relatives
- In a house registered ½
- Tenant
- With my relatives
- Tenant
- Tenant
- Tenant
- Tenant
- In a friend's house
- In a house that is registered on husband's name
- Tenant
- With my relatives

- Tenant
- Tenant
- With my relatives
- House/flat registered on husband's name
- In my own house
- With my relatives
- With my relatives
- With my relatives

**How is the custody for children resolved, in case the marriage has been divorced?
Do you receive alimony on a regular basis and is the amount of alimony sufficient?**

- Divorce proceeding is ongoing
- Children live with me, alimony is determined in amount of 250 BAM for three children but he never paid anything
- I received alimony in amount 180 BAM and I think that this is not sufficient. I received alimony only after five years.
- I received alimony in amount 160 BAM but he never paid anything
- I don't receive alimony because the child is an adult
- Currently processed because one child is a minor
- I have the custody for children, the court determined alimony in amount 200 BAM because he has been registered as unemployed but he doesn't respect that decision
- Though I clearly stated that I want my children and that I'm fighting for them, though my husband attempted to murder me in their presence, MY HUSBAND HAS THE CUSTODY FOR THE CHILDREN!
- I have the custody for two children and he for one child and he doesn't pay any alimony
- Divorce proceeding is ongoing and I don't receive any alimony yet because he put an appeal against the first instance decision, which states that the minor child is given to me for custody and he needs to pay 30% of his income as alimony
- Divorce proceeding is ongoing and I don't receive any alimony yet because he put an appeal against the first instance decision, which states that the minor child is given to me for custody and he needs to pay 30% of his income as alimony
- Divorce proceeding is ongoing and I don't receive any alimony yet because he put an appeal against the first instance decision, which states that the minor child is given to me for custody and he needs to pay 30% of his income as alimony

If you remained married, has the violence stopped?

- After leaving him, I didn't have any contact with him, he tried to persuade me to come back but I didn't want and I told him that if he contacts me again, I will call the police
- Yes, suspended imprisonment sentence and treatment of alcoholism are the reasons for current peace, according to my opinion
- Physical violence stopped, but not economic, mental or sexual violence
- Physical violence stopped, but not economic, mental or sexual violence
- When I got divorced, violence stopped

- Divorce proceeding is ongoing but violence stopped only when the protective measure has been pronounced
- Violence didn't stop even after leaving my father's house
- Violence didn't stop, it still exists with the same strength, daughters try to persuade me to leave the marital community

In your opinion, what are your greatest issues today?

- My biggest problem is freedom of movement and fear that he might attack me. And to keep my children
- Freedom of movement and division of property
- Freedom of movement
- Unemployment
- Fear that this will happen again and my economic dependence because I have a credit and I cannot pay it. And my family didn't provide any support to me.
- The biggest problem is that we have no job – neither me nor my children
- My biggest problem is how to ensure appropriate upbringing for my children; everything else is not important
- My biggest problem is that I don't have my house and no money. Though I work, most money goes to cover overhead costs and rent. And that my son doesn't have a decent job.
- My biggest problem is that I was left without everything that I created for 30 years and lack of understanding of my children because I left my husband and they consider that this is a normal father's behavior
- Unemployment because this is the reason why I have to stay in violent marriage
- My biggest problem is non-existence of any communication with my son
- Poverty, illness that is result of my life, no work, no property
- Sharing of property
- Unemployment of me and my older son
- Question of existence, job
- Employment, to have something to live on for me and my children
- Economic dependence
- My children have not been given to me and any normal contact with them is prevented
- Because I still live in that community, no strength to leave him
- Because one child is still living with him
- Because I am not sufficiently economically strong
- Because I am not sufficiently economically strong

What form of support is needed by women who are exposed to violence?

- Psychological help, try to help her to find a job and accommodation
- Accommodation
- There is no systematic solution for domestic violence issue
- Stay in the Safe House would be useful because I think that the psychological aspect is important – to talk about it
- Some form of temporary placement, not Safe House but rather to enable a woman to start new life, find a job, become independent
- Economic support is most needed, to have something to live on, to be able to educate themselves

- I think that material support is very important, better informing of women on their rights and possibilities
- Financial security and possibility to earn sufficiently for life and information on their rights and possibilities
- Mainly psychological support, to get all the pieces together in my head. I didn't know who I was, what I was because I didn't know whether it was my fault and I began to believe that I deserved all that violence
- I think, at least in my case, that this is psychological support
- Institutions are most important – to work a bit more better and have better reactions
- Solving the victim's housing issue after leaving violent family, employment
- Economic independence, what we achieved together should be divided
- Psychological support is very important because the woman needs to be empowered
- A roof above the head and financial means
- To have support, to have someone to talk to, economic existence, because people have to live on something, do something
- Economic stability
- Legal and economic support – legal not to allow violation of their rights and economic to enable them to separate physically from the perpetrator and start a life without violence
- Psychological and economic support
- Primarily psychological support and valid information, safe placement and economic independence
- Safe house, free legal aid and representation in court but also provision of true support to the victim by considering the problem in its entirety!
- Safe house, free legal aid and representation in court but also provision of true support to the victim by considering the problem in its entirety!

ANNEX 3

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<http://www.nezavisne.com/novosti/hronika/Dalibor-Mitrovic-ranio-trudnu-suprugu-i-sina-204204.html> , 23.12.2013

- Bijeljina- killed his wife and then himself,
http://www.glassrpske.com/hronika/crna_hronika/Bijeljina-Ubio-suprugu-pa-sebe/lat/136333.html , 26.12.2013

- Kneževo- Attempted to murder his pregnant wife and injured his son,
http://www.glassrpske.com/hronika/crna_hronika/Knezevo-Pokusao-ubiti-trudnu-suprugu-i-povrijedio-sina/lat/129702.html , 29.12.2013.

- Bijeljina- Killed his wife and then himself,
http://www.glassrpske.com/hronika/crna_hronika/Bijeljina-Ubio-suprugu-pa-sebe/lat/136333.html ,03.01.2014.

- Killed his wife in a frenzy attack, burned his car down and killed himself,
<http://www.nezavisne.com/novosti/hronika/U-pomahnitalom-pohodu-ubio-suprugu-zapalio-auta-pa-se-ubio-213580.html> ,03.01.2014.

- Killed his wife with a cutting board,
http://www.glassrpske.com/hronika/crna_hronika/Suprugu-usmrtio-daskom-zameso/lat/138946.html , 04.01.2014.

- Attacked his wife and minor children and threw them out of the house,
<http://www.avaz.ba/vijesti/iz-minute-u-minutu/napao-suprugu-i-maloljetnu-djecu-a-onda-ih-istjerao-iz-kuce> , 04.01.2014.

- Physically attacked his common-law wife and destroyed the vehicle of his father in law,
<http://www.nezavisne.com/novosti/hronika/Fizicki-napao-nevjencanu-suprugu-tastu-polupao-automobil-174851.html> , 05.01.2014.

-Trebinje: Reported to abuse his mother,
http://www.glassrpske.com/hronika/crna_hronika/Trebinje-Prijavljen-da-zlostavlja-majku/lat/110093.html , 06.01.2014.

- Jezero: Killed the wrong woman and shut himself into the head,
http://www.glassrpske.com/hronika/crna_hronika/Jezero-Ubio-pogresnu-zenu-pucao-sebi-u-glavu-FOTO/145012.html , 09.01.2014

- Physically attacked his wife causing her bodily injuries, <http://www.avaz.ba/vijesti/crna-hronika/fizicki-napao-suprugu-nanijevsi-joj-tjelesne-povrede> , 10.01.2014.

- Drama in Mravići: Beaten his wife with a hammer and cut his sexual organ after that,
<http://vijesti.in.rs/vijesti/drama-u-mravi%C4%87ima-izudara-suprugu-%C4%8Deki%C4%87em-potom-sam-sebi-amputirao-polni-organ> , 07.02.2014.

- Questionnaire for police (Banjaluka, Bijeljina, Modriča (woman, police), Modriča, Trebinje)

- *Questionnaire for social workers* (CSW Banjaluka, CSW Bijeljina, CSW Trebinje)

- *Questionnaire for public prosecutors* (PP Bijeljina, Trebinje, Doboј)

- *Questionnaire for courts* (Bijeljina, Modriča, Trebinje)

- *Questionnaire for victims of violence* (Modriča, Banjaluka, Bijeljina, Gacko, Trebinje, Bileća, Ljubinje)

Court decisions:

- 95 0 K 014862 11, Primary court Trebinje
- 95 0 K 010201 11, Primary court Trebinje
- 95 0 K 014057 11, Primary court Trebinje
- 95 0 K 013648 11, Primary court Trebinje
- 95 0 K 011711 11, Primary court Trebinje
- 80 0 K 013222 09, Primary court Bijeljina
- 80 0 K 009162 09, Primary court Bijeljina
- 80 0 K 021589 10, Primary court Bijeljina
- 80 0 K 022337 10, Primary court Bijeljina

- 80 0 K 027791 11, Primary court Bijeljina
- 80 0 K 026455 10, Primary court Bijeljina
- 80 0 K 027790 11, Primary court Bijeljina
- 80 0 K 022609 10, Primary court Bijeljina
- 80 0 K 028661 11, Primary court Bijeljina
- 80 0 K 024851 10, Primary court Bijeljina
- 80 0 K 027959 11, Primary court Bijeljina
- 80 0 K 015868 09, Primary court Bijeljina
- 80 0 K 024915 10, Primary court Bijeljina
- 80 0 K 022911 10, Primary court Bijeljina
- 80 0 K 017391 09, Primary court Bijeljina
- 89 0 K 019796 10, Primary court Dobož
- 85 0 K 019644 11, Primary court Dobož
- 71 0 K 068250 09, Primary court Banjaluka
- 71 0 K 060165 09, Primary court Banjaluka
- 71 0 K 060165 11, Primary court Banjaluka
- 89 1 K 021863 11, Primary court Sokolac
- 71 0 K 089259 10, Primary court Banjaluka
- 95 0 K 015406 11, Primary court Trebinje
- 95 0 K 014183 11, Primary court Trebinje