



Bosnia and Herzegovina's Compliance with the International Covenant on Civil and Political Rights

SUGGESTED LIST OF ISSUES PRIOR TO REPORTING RELATED TO THE VIOLENCE AGAINST WOMEN

Submitted by the Foundation United Women

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I. Reporting organization

1. **Foundation United Women (FUW)** is a non-governmental, non-profit organization committed to the lives of women and children free from violence and increased impact of women in public and political life through the promotion and protection of women's human rights in Bosnia and Herzegovina. Established in 1996, FUW provides direct survivors based specialized support and assistance to women and children affected by violence. FUW also conducts regular monitoring of institutional response on violence against women, including response of courts through criminal proceedings on GBV cases focusing on status and protection of women and children as the victims and their access to justice. FUW continuously produces periodical monitoring reports, conducts public advocacy for adoption and changes of legislation and public policies aimed to protect fundamental rights of women, monitors compliance with the mandatory international standards and contributes through shadow/alternative reporting, and fosters collaborative work with other women's rights associations across the Western Balkan region, EU, and globally.

II. Issues Related to Violence Against Women (arts. 2,3,6,7, and 26)

2. In 2017, the Human Rights Committee expressed its concern about domestic violence as persistent and underreported problem, insufficient data collection, inadequate systemic mechanisms and response on cases of domestic violence, and insufficient local access to the shelters, and called upon the State Party to “ensure that cases of domestic violence are recorded and thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective remedies and means of protection, including an adequate number of shelters available in all parts of the country.”¹ Despite continuous advocacy of women's civil society organizations, authorities of Bosnia and Herzegovina across

¹ Human Rights Committee, *Concluding observations on the third periodic report of Bosnia and Herzegovina*, 13 April 2017, para 27-28, CCPR/C/BIH/CO/3 (hereinafter referred to as 2017 Concluding Observations).

the country failed to ensure harmonized and efficient systemic response to protect women against domestic violence.

3. As a consequence of that, violence against women remains widespread problem across the country. A 2018 survey indicate that just under half (48%) of women in Bosnia and Herzegovina (BiH) have experienced some form of abuse, including intimate partner violence, non-partner violence, stalking and sexual harassment, since the age of 15. Nearly four in ten women (38%) say they have experienced psychological, physical or sexual violence since the age of 15 at the hands of a partner or non-partner (Federation of Bosnia and Herzegovina: 36%; Republika Srpska: 39%).² Shame, social stigma and victim blaming are widespread and lead to normalization of violence against women. The same study shows that 25% of surveyed women believe domestic violence is a private matter and should be handled within the family, 24% that it is important for a man to show his wife/partner who the boss is, and 13% that a violence if often provoked by the victim.³

4. Domestic violence is addressed by specific legislation, which is fragmented and fails to provide equal and effective protection for all victims. Both entities of Federation of Bosnia and Herzegovina and Republika Srpska, as well as Brcko District as a separate authority recognized domestic violence as the specific criminal offence, including its aggravated forms, and providing sanctions up to 15 years of imprisonment, for acts of violence resulting with death of a family member.⁴ Recent changes of the Criminal Code of the Federation of Bosnia and Herzegovina (2025) recognized aggravated murder of a female person (femicide), with prescribed sanctions from ten years to long term imprisonment⁵, and provided definition of gender based violence against women, which should be considered as the aggravated circumstance, if the Law does not explicitly prescribe stricter sanction. This progress is welcome, but it is not followed with the similar provisions in other two laws within the country, as it applies only for the territory of Federation of Bosnia and Herzegovina.

² OSCE-led Survey on Violence Against Women: Bosnia and Herzegovina, "Well-Being and Safety of Women", (2019), available at: <https://www.osce.org/secretariat/423470>

³ Ibid

⁴ Article 222 of the Criminal Code of the Federation of Bosnia and Herzegovina, Official Gazette of FBiH, no. 36/2003, 21/2004 - correction, 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016, 75/2017, 31/2023, and 58/2025, Article 190 of the Criminal Code of the Republika Srpska, Official Gazette of the Republika Srpska, no. 64/2017, 104/2018 – decision of the Constitutional Court US, 15/2021, 89/2021, 73/2023, "Official Gazette of BiH", no. 9/2024 – decision of the Constitutional Court BiH, "Official Gazette of Republika Srpska" 105/2024 – decision of the Constitutional Court of Republika Srpska US, 19/2025, "Official Gazette of BiH", no. 14/2025 – decision of the Constitutional Court of BiH, "Official Gazette of Republika Srpska", no. 31/2025 and 85/2025 – decision of the Constitutional Court), and Article 218 of the Criminal Code of Brcko District of Bosnia and Herzegovina, Official Gazette of Brcko District BiH, no. 19/2020 – clean text, 3/2024 and 14/2024

⁵ Article 166a of the Criminal Code of Federation BiH

5. **Brcko District of BiH explicitly recognizes that some forms of domestic violence can be treated as misdemeanor, under the Law on Protection from Domestic Violence, in addition to the criminal offence of domestic violence under the Criminal Code.** Contrary to that, both entities of Federation BiH and Republika Srpska provide only criminal sanctions for domestic violence. Dual treatment of domestic violence as misdemeanor and criminal offence provides inconsistent protection for victims, undermining legal certainty, and the principle of equality before the law. It allows similar acts of domestic violence to be treated differently, i.e. place excessive discretion in hands of police and prosecutors to decide whether conduct is “serious enough” to constitute criminal offence.⁶ Brcko District legislation does not provide mandatory risk assessment to be conducted by the police when receiving reports of domestic violence, comparing to the Federation of BiH and Republika Srpska laws on protection from domestic violence that recognize this procedure. This represents serious legal gap in providing due diligence to prevent repeated or even intensified violence.

6. Through monitoring judicial proceedings on gender-based violence in Republika Srpska entity and Brcko District BiH (2022-2024)⁷, FUU observed **consistently light penalty policy for all criminal cases of gender-based violence, lack of support in courtroom for adult women violence victims that testified during criminal proceedings against perpetrators, including support in defining and claiming compensation for violence they suffered.**

7. Out of the total 102 observed criminal cases of domestic violence, the courts imposed 48.3% of suspended sentences as an alternative, that is, warning measure, prison sentences in 26.47% cases, and a fine in 24.5% of cases. The court practice observed indicates that circumstances that the perpetrator is a family man, a father of one, two or more children, a father of underage children, the only breadwinner of underage children, and even in cases where perpetrators committed more severe forms of domestic violence through violence against children or in the presence of children, are used as mitigating circumstances in cases of domestic violence, and led to lighter sanctions.

⁶ According to the data available to the Police of the Brcko District of BiH in the first nine months of 2024, 16 events were recorded, of which investigations were completed in 12 cases as well as in 5 cases from the previous period, and reports were sent against 17 persons to the Prosecutor's Office of BD BiH due to suspicion that they had committed the criminal offence of domestic violence. In 2023, 15 events were recorded, and investigations were completed in 13 cases of criminal offence of domestic violence, and in 11 cases from the previous period, and criminal reports were sent to the Prosecutor's Office of BD BiH against 25 persons. In the first nine months of 2024, the police submitted 20 requests to initiate misdemeanor proceedings against 22 persons for committing 20 misdemeanors. In 2023, a total of 25 requests were submitted against 31 persons for the 31 misdemeanors. Source: Press release of the Police of Brcko District of BiH, 17.10.2024. Available at: <https://policijabdbih.gov.ba/index.php/hr/aktuelnosti/saopstenja-zajavnosti/5300-u-policiji-brcko-distrikta-bih-odrzano-predavanje-o-problematici-nasilja-u-porodici>

⁷ Detailed analysis available in: “Access to Justice, Safety and Protection from Violence: Response of Courts to Violence Against Women and Children”, 2025, Foundation United Women. Available at: <https://udruzene-zene.org/en/publication/gender-based-violence/access-to-justice-safety-and-protection-from-violence/>

This practice was observed in 18.47% of the total number of verdicts for the domestic violence covered by the analysis.

8. In less than 5% of observed cases where women victims appeared at the courtrooms as witnesses, as witnesses, they were accompanied by their legal representatives/attorneys. There was not a single case observed where a woman victim was accompanied by a person of trust or person who could give her other kind of support in the courtroom during criminal proceedings for domestic Violence. Only one statement of a woman victim was heard by the court via an audio-visual recording, in order to avoid re-victimization.

9. Furthermore, only in 16 proceedings, out of the total of 264 monitored cases (6.06%), women victims claimed compensation, and there was only one case where the woman victim was granted compensation during criminal proceedings against the perpetrator. Widespread and persistent practice applied by the courts is to refer women victims to seek compensation in civil proceedings, which they usually do not initiate due to lack of resources and lack of access to legal aid.

10. Systemic failures of Bosnia and Herzegovina to protect women and prevent repeated and escalated violence are observed by FUW through independent monitoring of media reporting, collecting data from the public institutions, and providing direct specialized assistance and support to women affected by violence. Identified practices include inconsistent treatment of domestic violence as a serious criminal offence, reliance on discretionary decision-making by police and prosecutors, absence of/or weak coordinated, multi-agency response mechanisms, and tolerance of non-physical forms of violence and threats by women and men professionals in police, centers for social work, prosecutor's offices, and courts.

In August 2023, in Gradacac, N.H. was severely beaten and killed by her common law husband in front of their underage child. The perpetrator live broadcasted the murder on Instagram. A woman victim reported violence to police on several occasions, and last time several days prior to murder. Police submitted request for imposing restraining order to a municipal court, which rejected the request, justifying it with the lack of evidence submitted by police to support the case. No police officers provided statements, and the decision was made by the court based on the official note stating that a woman victim reported the case, but refused to provide a statement. The court failed to consider all the circumstances, previous reports of violence, criminal history of the perpetrator, and a reasonable doubt that incident of violence and threats occurred.⁸

⁸ The case presented based on FUW analysis of media articles covering the case, August, 2023.

11. The case reflects broader practices of delayed or insufficient criminal intervention by the institutions that are mandated to apply due diligence and conduct risk analysis, their failure to recognize escalation and repeated violence as aggravating factors, and their reliance on discretionary assessments, which undermines the preventive and protective function of the criminal justice system in Bosnia and Herzegovina in relation to cases of violence against women.

12. As a form of crucial specialized support to women and children victims of domestic violence, safe houses remain available and operate by women’s civil society organizations.

There are eight safe houses for women and children victims of domestic violence in Bosnia and Herzegovina. Five of the safe houses are located in the Federation Bosnia and Herzegovina and three in the Republika Srpska, all located in urban communities/regions. The total number of available places in the safe houses is 189 (129 places in the Federation of Bosnia and Herzegovina and 60 places in the Republika Srpska), number of needed places is 349⁹, and number of missing places is 160 (46%).¹⁰ Due to uneven geographical distribution/location of the safe houses, and missing places, women and children victims of domestic violence may be unable to access safe houses immediately, especially during high risk periods when the support is most critical.

13. By the current domestic violence laws effective at entity and Brcko District levels, women and children in need can be sheltered in the safe house only based on mandatory referrals of the authorized centers for social work. This condition must be fulfilled in order for the safe houses to receive reimbursement of costs from the public budgets planned for this purpose by responsible ministries, cantonal governments, and local/municipal public administrations. This state-funding support is fragmented, insufficient, and often delayed, which causes difficulties for women’s civil society organizations that run safe houses to manage covering operating costs and costs of providing services consistently without endangering its availability for women and children beneficiaries.

14. Self-referrals of women and children victims of domestic violence are not recognized by the current laws on protection from domestic violence, however, women’s civil society organizations practice shows they are not rejecting to provide shelter to women in acute periods of violence, even without official referrals from the centers for social work.

Recommended Questions Related to Violence Against Women

Government of Bosnia and Herzegovina should be asked:

⁹ Based on the Council of Europe minimum standard of one family place per 10000 inhabitants

¹⁰ Based on the latest available data presented in WAVE (Women Against Violence in Europe) Country Report 2023, related to status and values of women’s specialized services in preventing and tackling gender-based violence against women. Available at: https://wave-network.org/wp-content/uploads/WAVE_CountryReport2023.pdf

- Please explain how the State party ensures equal protection of women against domestic violence across both entities of the Federation BiH and Republika Srpska, and the Brčko District, given the existence of fragmented legal frameworks and sanctions for the same conduct.
- Please clarify how the dual treatment of domestic violence as both a criminal offence and a misdemeanor in Brcko District of BiH is compatible with article 26 of the Covenant, particularly in light of its disproportionate impact on women, and the resulting disparities in sanctions and protection.
- How does the State party ensure prompt, thorough and effective investigations of domestic violence reports, including where victims withdraw it due to fear or pressure?
- How does the State party ensure that women victims of gender-based violence have access to justice, including free legal aid, timely protection orders, victim-sensitive procedures when testifying in proceedings against perpetrators of violence, and protection from secondary victimization?
- Has the State party established any system of femicide reviews to identify institutional failures and prevent future killings of women? If not, please explain why.
- What steps have been taken to ensure the availability, sustainability, and adequate long term public funding of safe houses for victims of domestic violence, including rehabilitation and reintegration services for women upon leaving safe houses?