



**Baseline study:
Technology related violence against women
in Bosnia and Herzegovina**

OneWorldSEE



*Association for Progressive Communications (APC)
March 2013*

Advances of new technologies over the past several years opened the door to greater opportunities in many areas - from access to data and information, placement of new ideas to connecting people all over the world. At the same time, technology has had both positive and negative effects on people.

As far as gender related issues/problems are concerned, technology presents us with both opportunities and challenges. The opportunities for promotion of gender equality and fairness with the aim to eliminate discrimination are virtually endless. Nevertheless, challenges appear, such as the strengthening of deeply rooted, socially structured discrimination of women and LGBTQI community. The emerging social networks, instead of promoting values of equality, turned into platforms for spreading and dissipation of hatred and prejudice. Relying on technology (and internet in particular) as a public and uncontrolled, therefore powerful instrument, the perpetrators use it to humiliate and oppress/abuse marginalized groups, especially women, to achieve and protect their own economic interests. Against its own will, technology became an accomplice in acts of gender-based violence.

The initiative aims to identify and map the existing situation on the ground, in terms of challenges that impede the understanding of violence against women and girls in digital spaces, and violence committed through use of information and communication technologies (ICTs).

The poll and the interview were intended for and conducted in organizations/institutions that work in the area of women's human rights and/or are active in the domain of information and communication technologies.

The poll and the interviews were planned and conducted both in governmental and non-governmental sector. The poll questionnaire was addressed to all employees of the organizations and institutions, while interviews were conducted with the competent officials (director, chief, head of department, etc.) in select government institutions and non-governmental organizations.

The survey had the following goals:

- Establish the existing situation in violence against women, using the current statistical data.

- Identify the forms of violence against women, including the forms of violence that take place on the internet (provided that there were reported cases of online violence).
- Study the methods of reporting of cases of violence against women to the competent institutions and authorities.
- The collected data shall be used to prepare a plan/draft-directions and protocols for incorporation of cases of violence against women on the internet in the report, documentation and statistics.

The gathering of basic data shall focus on the following questions:

1. What is the actual procedure for reporting violence against women? What are the differences and challenges related to collection of data and statistics in the country (in the entities: The BiH Federation and the Republic of Srpska - RS)?
2. In what way the institutions and business circles understand and perceive the problem of violence against women? How much women's organizations and human rights institutions know about technologies?
3. What is the role of technology in the current situation related to violence against women?
4. What are the possible processes and steps that may be implemented with the aim to add VAW on the internet to the gathering of data and information on violence against women in general, implemented by organizations or state agencies?

Research methodology:

- The target group covered by the interviews and the poll included the relevant government (entity) institutions and NGOs that work in the area of human rights and/or, directly or indirectly, protection of women victims of domestic violence, institutions/organizations that work in the area of information and communication technologies, and local ISPs.
- Collection of statistical data and figures
- Online poll (over the internet) with employees, associates and collaborators, volunteers.

1. Current situation (data) on violence against women in BiH

The statistical data we received for the period 2009-2011, both from the Federation of Bosnia and Herzegovina and the Republic of Srpska, was taken from the reports of FBiH and

RS Gender Centres, annual reports of the Ministry of Interior of the BiH Federation and the Ministry of Interior of RS, as well as the reports on the implementation of the Law on prevention for domestic violence in the practice of competent institutions, prepared by OSCE BiH.

We also received some information from the non-governmental organizations that work directly or indirectly in the area of protection of women from violence in the family. The information and data collected through the poll and the interviews will also be included in the final evaluation. The statistical data for 2012 and 2013 has not been collected and processed yet, and will be incorporated in our reports as soon as they are available to the public.

For the purposes of this survey – mapping of situation on the ground on the issue of online violence - we presented requests for interviews to the ISP providers and mobile operators in BiH, but we have not yet received any response from them. The information we received refers primarily to violence against women in the family. We have received no concrete data or information on online violence against women, having in mind that majority of institutions that we interviewed had no knowledge of the existence of such data.

Domestic violence against women exists in all social systems, regardless of political or economic order, race or culture. From cradle to grave, women face discrimination and violence. In Bosnia and Herzegovina, a huge number of women are faced with the problem of domestic violence. Our society is built on deep and strong patriarchal foundations, so that women victims of violence receive no support from the society and face many prejudices. In Bosnia and Herzegovina, the matter of domestic violence is regulated by several laws.

In the Law on Gender Equality in BiH, the subject of Gender-based violence is regulated in Article 17, while the Gender Action Plan for BiH dedicates a whole chapter, Chapter 11 to Domestic violence, gender-based violence, harassment, sexual harassment and human trafficking.

As far as domestic violence is concerned, in the Recommendation 26 from the Concluding Comments on BiH, the CEDAW Committee demands from the member-state to synchronize the legislation in both entities and to expedite the formulation and adoption of by-laws and creation of relevant implementation structures and institutions.

There are efforts to resolve the problem of domestic violence through providing shelter to the victims and those threatened by domestic violence in safe-houses and shelters.

The statistics available from the records of the Safe House working under the auspices of the Foundation for Local Democracy in Sarajevo, in the period from 2000 to August 2012, it provided shelter to 463 women, 652 children and 209 girls. A total of 1324 victims of violence.

"Since 2004, FLD Sarajevo operates an SOS phone to report violence and, by the end of August 2012, we received a total of 8603 calls, 52% of which were reports of domestic violence. On the SOS phone, we have also received calls from men who reported domestic violence, mostly cases of psychological abuse by their wives", said Hodžić-Lemeš, Safe house manager.

Employed women with higher education also appear as victims of violence, but they don't need assistance in terms of accommodation in a safe house.

The statistics kept by the Safe House show that 70% of the users of its services are unemployed and economically dependent on their partners, which was one of the main reasons why they chose to stay in that partnership. The plurality of users (38%) were between 25 and 35 years of age, mostly high school dropouts or, in full 60% of cases women that have not completed elementary school. According to Hodžić-Lemeš, on average, about 100 persons go through the Safe House in Sarajevo every year, 35% of them women. The average length of stay depends on the resolution of each individual case. The majority of users stay in the Safe House for up to one month. Sometimes it is not long enough, especially in cases when a woman decides to terminate the partnership for good. In such cases, longer period of time is required for her to find employment and get independent, so some clients have stayed in the house for up to a year.

On the other hand, we have the U.S. State Department's Human Rights Report on BiH which states that a full third of women suffered domestic violence, while just 10% of all cases were reported to the proper authorities. In RS, there were 1,516 calls to the phone line for reporting of domestic violence, while in the Federation there were 519 calls.

Of the total of 108 homicides in the Republic of Srpska in the past 11 years, 60 were committed against women who were victims of domestic violence. Over the past four years, 516 women and 763 children were received by the safe houses in the Republic of Srpska,

and the SOS phone line 1264 for victims of domestic violence received 20,262 calls in the period 2005-2011.

In 98% of all cases the victims were female, states the introduction to the story on domestic violence published by the Banja Luka-based "Novi Reporter" magazine. The article concludes that there are many who "suffer from physical and psychological abuse for years but keep silent about it out of fear, shame, lack of support even from the immediate surroundings or some other reason. Experience shows that even the victims who ultimately decide to report the violence live through many years of torture before they enter the said statistics". We should also note the statistics collected by the Gender Centre of the BiH Federation for the period 2006-2011, which registered a total of 9,597 reported cases of domestic violence, and of that total just 4,446 were reported as criminal offense.

Statistical data:

The following statistics were taken from the website of the Ministry of the Republic of Srpska and the Ministry of Interior of the BiH Federation, from their respective annual reports and are divided by category:

Federation BiH

- The number of reported cases of domestic violence for: 2006 is 1,384 cases; for 2007 - 1,093; in 2008 - 2,272; in 2009 - 1,631; in 2010 there were 1,559; in 2011 there were 1,658 reports; for a total of 9,597 reported cases.
- In terms of reported criminal charges, 639 were reported in 2006; 647 in 2007; 889 in 2008; 689 in 2009; 755 in 2010; 827 in 2011; for a total of 4,446 filed criminal charges.
- The number of filed motions for protective measures in 2006 was 16; 78 in 2007; 120 in 2008; 177 in 2009; there are no available dates for 2010 and 2011, which means that for the four years, there were a total of 742 motions for protective measures filed to the courts.
- The number of court ordered protective measures (restraining orders) issued in 2006 was 1; 17 in 2007; 53 in 2008; 32 in 2009; 63 in 2010; and 166 in 2011, for a total of 332 court orders for protective measures over a period of six years.
- In 2006, there were 8 victims that received protection through some form of court ordered protective measures; 31 in 2007; 68 in 2008, 54 in 2009. Again, there is no

data for this category for 2010 and 2011, which gives us a total of 161 persons that received protection through some form of court ordered protective measures.

- The number of victims that received shelter in safe houses covers the period 2007-2011. So, in 2007, there 265 victims received by the safe houses; 244 in 2008; 317 in 2009; 316 in 2010; and 317 in 2011, for a total of 1,459 victims that were sought shelter and were received by the safe houses.
- The statistics on received calls on SOS phone lines for women victims of domestic violence cover the period 2009-2011. In 2009, there was a total of 2,770 receive calls; 1,902 in 2010; and 1,431 in 2011; amounting to a total of 6,311 received calls over a period of three years.

For the Republic of Srpska, however, we have different data from the date collected for the Federation BiH. We received the statistics on the calls received by SOS phone-line for victims of domestic violence and the numbers of persons that were received by safe houses in the period 2006-2010.

- So, in 2006, the SOS phone line for victims of domestic violence received 2,587 calls; 3,456 calls were received in 2008; 2,593 in 2009; and 3,902 calls were received in 2010.
- The statistics on the numbers of persons that received shelter in safe houses covers the period 2007-2010. In 2007 there were a total of 131 persons that got shelter in safe houses; 149 in 2008; 120 in 2009; and 135 in 2010.

We also collected the statistics on criminal offense in both FBiH and RS, for the periods of 2010-2011 and 2009-2011, respectively.

We divided the collected data by types of criminal offenses. Lamentably, the types of offenses are not categorized along the same criteria in FBiH and RS.

1. The table with breakdown of Criminal Offense in FBiH

Type of offense	2010.	2011.	Total
Domestic violence (threats against personal safety, taking away a child or a minor, child neglect or abuse)	565	369	934
Rape (forced sexual intercourse, sexual intercourse with incapacitated or disabled)	9	10	19

person)			
Sexual intercourse with a child (paedophilia, indecent actions against children)	22	8	30
Robbery committed against women and girls	66	13	79
Total	662	400	1, 062

2. Table with breakdown of offenses in RS

Type of offense	2009.	2010.	2011.	Total
Domestic violence (offenses under the Law on Prevention of Domestic Violence, incest) against women and girls	984	979		1, 963
Rape (sexual assault against a disabled person, sexual assault against a child)	27	22	12	61
Trafficking in women and girls for purposes of prostitution	4	1		5
Abuse of children and minors for purposes of production of pornographic contents, production and distribution of child pornography	1	3		4
Rape with abuse of position		3		3
Indecent and obscene behaviour in presence of others	3	7		10
Total	1, 019	1, 015	12	2, 046

We found no data on any type or form of online violence.

2. Legal framework and adopted legislation in the area of violence against women in BiH

Domestic violence is a form of violation of basic human rights, and international standards for protection of human rights demand from state to take decisive measures to ensure adequate protection for the victims and that perpetrators will be brought to justice. A series of measures that may be ordered by courts of law have become important instruments that the state should make available to the victims. Bosnia and Herzegovina made the first step in that direction with the adoption of the Law on Prevention of Domestic Violence. Both the BiH Federation and RS adopted their respective laws on prevention of domestic violence in 2005. The Law attempts to provide adequate protection for the victims through a series of protective measures, such as restraining orders or removal of perpetrators from the household. In spite of the fact that these laws were adopted almost 7 years ago, it is a notorious fact that the full implementation of protective measures is yet to take place.

One reason for the inadequate implementation of protective measures surely lies in the lack of proper education for officials of competent institutions. The OSCE Report on Implementation of the Law on Prevention of Violence for 2009 states that most employees of competent institutions polled for the purposes of the report were not informed about the most basic provisions of the Law and related by-laws and rulebooks. Almost all of them said that the necessary, auxiliary instruments for performance of those tasks and coordination of their work, for example the internal guidelines on adequate reaction in cases of domestic violence and protocols that will regulate the responsibilities and roles of each individual institution in providing protection for the victims. The solution to place the protective measures in the scope of competences of misdemeanour departments of courts of first jurisdiction, i.e. municipal courts, created quite a confusion because it doesn't make the distinction between protection for the victim and sanctioning of the perpetrator.

The commitment of Bosnia and Herzegovina to fight domestic violence and violence against women in general is evident from the series of changes that took place, for example, the 2007 Gender Action Plan in BiH, which incorporates goals and concrete activities for eradication of violence. Also, in March 2009, the Council of Ministers of BiH adopted the Strategy for prevention and fight against domestic violence in BiH. In addition, BiH made a major step towards ensuring protection for victims of domestic violence when the Republic of Srpska and the BiH Federation adopted their respective laws on prevention of domestic violence. The two laws aim to secure protection for the victims of domestic violence in an urgent procedure that would avoid any unnecessary complications. The available protective measures, like removal from the household or restraining orders against harassment and stalking can serve as key components of the effort to prevent exposure of the victims to further violence. It is important to note that, in accordance with international standards, protective measures are not envisioned as a form of sanction against the perpetrator. Rather, they serve the purpose to help the victim and should be available to the victims regardless of any other ongoing procedure. While they are not the sole source of protection for the victim, the protective measures are the key element of protection.

Unfortunately, although they have been in effect for a number of years, it is obvious that the laws on prevention of domestic violence are hardly ever implemented. On that matter, the OSCE's Department of Human Rights prepared, at the end of 2008, analysis of the implementation of the two entity laws. The analysis included interviews with officials of the institutions that have direct contact with victims of violence: the police, social work centres, prosecutors and judges. Official statistics indicate that majority of reported domestic

violence cases are qualified as misdemeanour, not as criminal offense, as prescribed by the Law. The interviewed police officers claimed that the qualification of the offenses was conducted in consultation with prosecutors, while interviewed prosecutors claimed that the police often makes a decision on qualification of offenses without any consultations with them. In some parts of the Federation, the Police doesn't even qualify such offenses as misdemeanours, but moves to file a motion for protective measures to the misdemeanour department of the local municipal court. Of far greater concern, however, is the fact that they don't report the offenses to the prosecution offices. Therefore, the protective measure orders are used as substitute for proper processing of the offense of domestic violence and the protective measures are treated as a sanction for the perpetrator. It practically bypasses criminal prosecution for the offense of domestic violence, which is in clear violation of both domestic legal framework and international standards.

After the reform of the criminal legislation, implemented in 2003, domestic violence is treated as special and distinct criminal offense in all of Bosnia and Herzegovina. The 2006 Law on Prevention of Domestic Violence of the Republic of Srpska offers the possibility to treat domestic violence offenses as misdemeanours. In the existing legal framework in BiH, the legal definition of domestic violence of offenses, either as misdemeanour or criminal offense, is in line with the generally accepted definition of criminal offenses as listed in international documents. There are, however, significant and important differences between misdemeanours and criminal offenses. The processing of misdemeanours doesn't require the involvement of public prosecutor and the police files the charges directly to the misdemeanour judge in the misdemeanours department of the municipal court.

Misdemeanour sanctions include fines, reprimands, suspended and probation sentences and protective measures, and incarceration is not listed as a possible sanction. Misdemeanours are seen as minor, less serious offenses, and processing of domestic violence as misdemeanour can devalue and minimize the serious nature of violence against women. The RS Law on prevention of domestic violence has two sided role: Some provisions prescribe protective measures while others prescribe sanctions for perpetrators, and the judges in the misdemeanour departments of municipal courts can decide in both cases. The introduction of misdemeanour liability for domestic violence offenses didn't aim to privilege the perpetrator to misdemeanour prosecution, as prescribed in Article 208 of the Criminal Code of the Republic of Srpska. The RS Law on Prevention of Domestic Violence introduced fines for domestic violence offenses of 100 to 300 KM, and for repeated offense, or in cases when

a child witnessed the offense, a fine of 300 to 1,500 KM can be levied, while for offenses of violence against a child a fine of 600 to 1,500 KM can be levied.

For the purposes of this survey, it is also important to mention the observations of the expert body that monitors the Convention on Elimination of All Forms of Discrimination Against Women (the CEDAW Committee) on the situation in Bosnia and Herzegovina for 2006, which noted concerns over the fact that the legislation in the two entities allows for different interpretation and inconsistent implementation of sanctions, due to the fact that FBiH Law threat domestic violence as criminal offense, while in RS it is treated as both criminal offense and misdemeanour. The solution applied in both entities that gave the competences over ordering protection measures to the misdemeanour departments of courts of first jurisdiction, i.e. municipal courts, resulted in blurred boundaries between protection for the victim and sanctions for perpetrators. Protective measures should be considered a special form of legal protection intended exclusively for the victims and the orders for protection measures should be separated from all procedures in which decision is made on the responsibility of perpetrators.

Results of the survey

The initiative aims to identify and map the existing situation on the ground, in terms of challenges that impede the understanding of violence against women and girls in digital spaces, and violence committed through use of information and communication technologies (ICTs).

The poll and the interview were intended for and conducted in organizations/institutions that work in the area of women's human rights and/or are active in the domain of information and communication technologies.

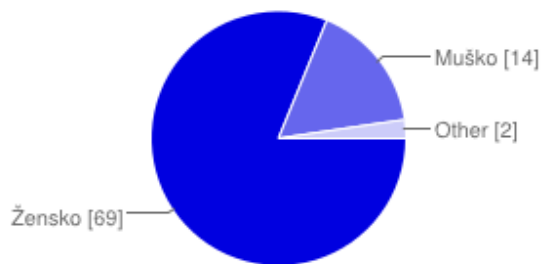
The poll questionnaire was addressed to all employees of the organizations and institutions, while interviews were conducted with the competent officials (director, chief, head of department, etc.) in select government institutions and non-governmental organizations. The poll questionnaire was sent to organizations/institutions that work on the territory of the cities of Sarajevo, Banja Luka, Mostar, Tuzla and Brčko. The questionnaires were sent by e-mail, in online form, to the following categories:

- 34 non-governmental organizations that work in the area of women's human rights, or human rights and freedoms in general
- 14 government institutions that have, within the scope of their competences, departments that deal with women's human rights or human rights and freedoms in general
- 36 ISP companies
- 7 government institutions that work in the area of information and communication technologies (ICTs)

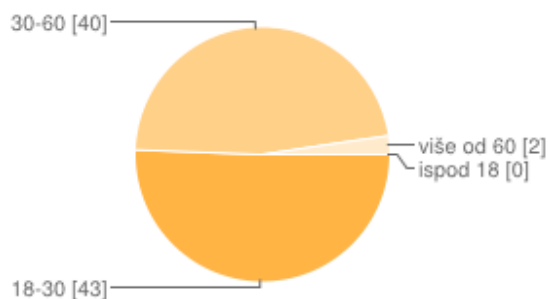
The polling questionnaire is divided into categories:

1. Introduction – general information about the polled person

The total number of persons that responded to poll questions and filled the questionnaire was 85. Of that total, 69 (81%) were persons of female sex, 14 (16%) were persons of male sex, and 2 (2%) were of other sex.

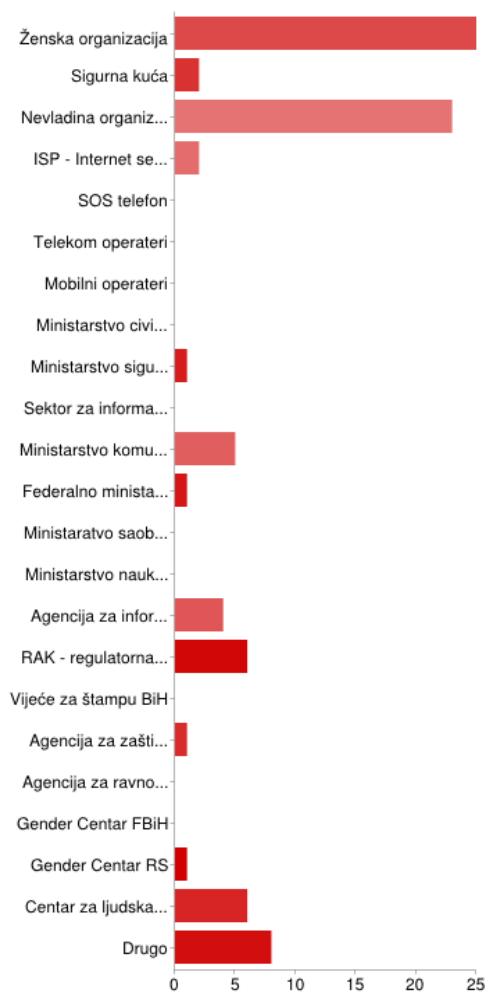


As far as the age distribution is concerned, no persons below the age of 18 were polled (0%), 43 (51%) were between the ages of 18 and 30, 40 (47%) were between the ages of 30 and 60, and 2 persons (2%) were older than 60 years of age.



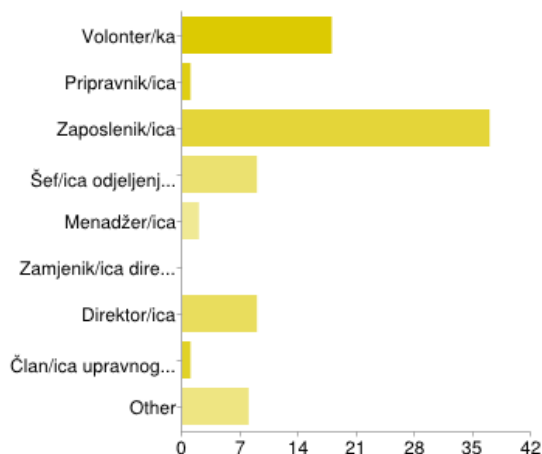
According to type and category of institution to which they belong, we have the following breakdown:

Women's organisation	25	29%
Safe house	2	2%
Non-governmental organization/foundation	23	27%
ISP – Internet service providers	2	2%
SOS phone lines	0	0%
Telecom operators	0	0%
Mobile operators	0	0%
Ministry of Civilian Affairs of Bosnia and Herzegovina	0	0%
Ministry of Security of Bosnia and Herzegovina	1	1%
Sector of Information and Telecommunications Systems of the Ministry of Security of BiH	0	0%
Ministry of Communications and Transport of BiH	5	6%
Federal Ministry of Transport and Communications	1	1%
RS Ministry of Transport and Communications	0	0%
RS Ministry of Science and Technology	0	0%
RS Agency for Information Society	4	5%
RAK – Regulatory Agency for Communications of Bosnia and Herzegovina	6	7%
BiH Press Council	0	0%
Personal Data Protection Agency in BiH	1	1%
Gender Equality Agency of Bosnia and Herzegovina	0	0%
Gender Centre of the BiH Federation	0	0%
Gender Centre of the Republic of Srpska	1	1%
University of Sarajevo Human Rights Centre	6	7%
Other	8	9%



The breakdown of functions and tasks performed by the polled persons inside their organization/institution/company is as follows:

18 volunteers (21%), 1 intern (1%), 37 employees (44%), 9 heads of department/cabinet (11%), 2 managers (2%), 0 deputy directors (0%), 9 directors (11%), 1 member of managing board (1%), 8 other officials and positions (9%).



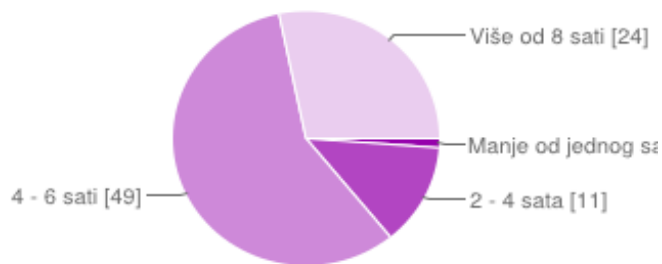
2. Part One - Internet - how much and for what purposes the polled person uses the internet?

To the question whether they use the internet in performance of their tasks and duties, 83 respondents (98%) said YES, and two (2%) said NO.



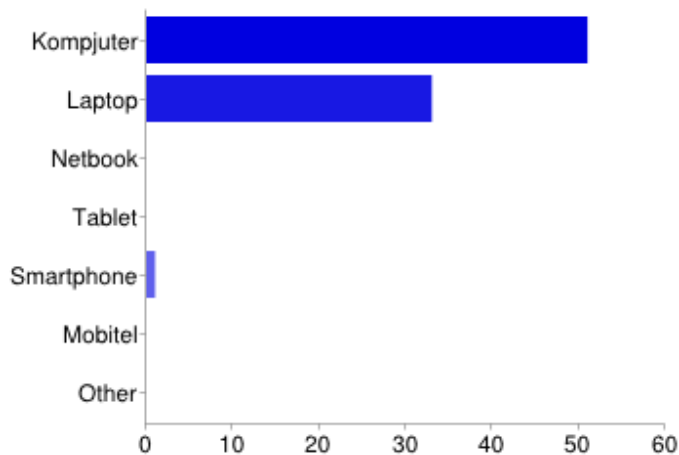
Asked how much time per day they spend using the internet, the respondents gave the following answers:

Less than an hour	1	1%
2 - 4 hours	11	13%
4 - 6 hours	49	58%
More than 8 hours	24	28%



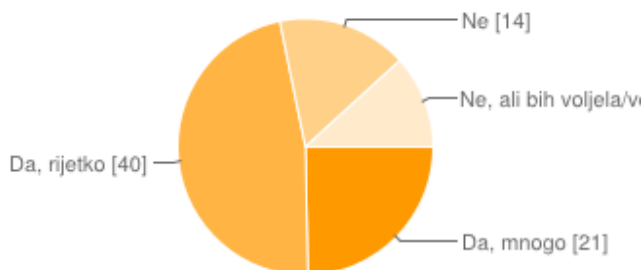
To the question what type of device they used to access internet, the respondents gave the following answers:

Kompjuter	51	60%
Laptop	33	39%
Netbook	0	0%
Tablet	0	0%
Smartphone	1	1%
Mobitel	0	0%
Other		



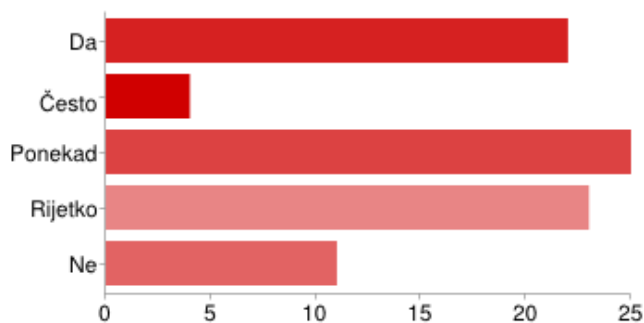
The respondents gave the following answers to the question how often they get involved into debates about new technologies:

Da, mnogo	21	25%
Da, rijetko	40	47%
Ne	14	16%
Ne, ali bih voljela/volio	10	12%



To the question how often they participate in events in which new technologies are discussed, the respondents gave the following answers:

Yes	22	26%
Often	4	5%
Occasionally	25	29%
Rarely	23	27%
No	11	13%

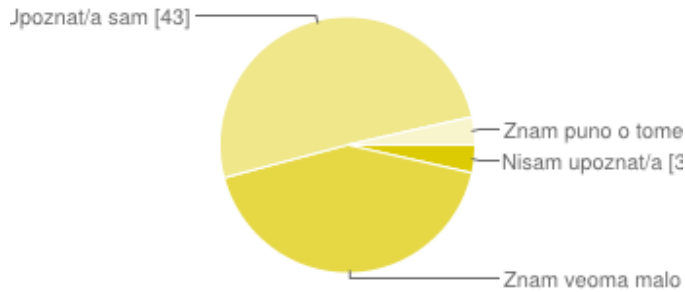


3. Online Safety – This section referred to perceptions and level of information that respondents have about online/digital violence or the violence against women and girls perpetrated through use of information and communication technologies

Asked if they know about cases of violence perpetrated with use of information and communication technologies in BiH, the respondents answered as follows:

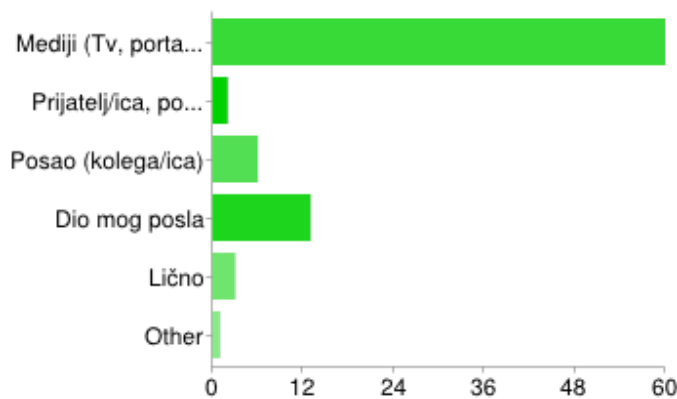
- I am not aware 3 (4%)
- I know very little 36 (42%)
- I am aware of such cases 43 (51%)

- I know a lot about that that 3 (4%)



They learned or became aware of cases of violence perpetrated through use of information and communication technologies in BiH in the following ways:

Mediji (Tv, portali, internet itd)	60	71%
Prijatelj/ica, poznanik/ica	2	2%
Posao (kolega/ica)	6	7%
Dio mog posla	13	15%
Lično	3	4%
Other	1	1%



The breakdown of types of violence they learned about were:

Access to private data	55	65%
Photographing or filming without consent	52	61%
Observation, monitoring	33	39%
Deletion, alteration or faking of personal data, photographs of video footage	37	44%
Repeated harassment	29	34%
Threat of violence/blackmail	30	35%
Theft of identity, money or property	26	31%
Sharing personal data	31	36%
Insulting comments	58	68%

Other

0 0%

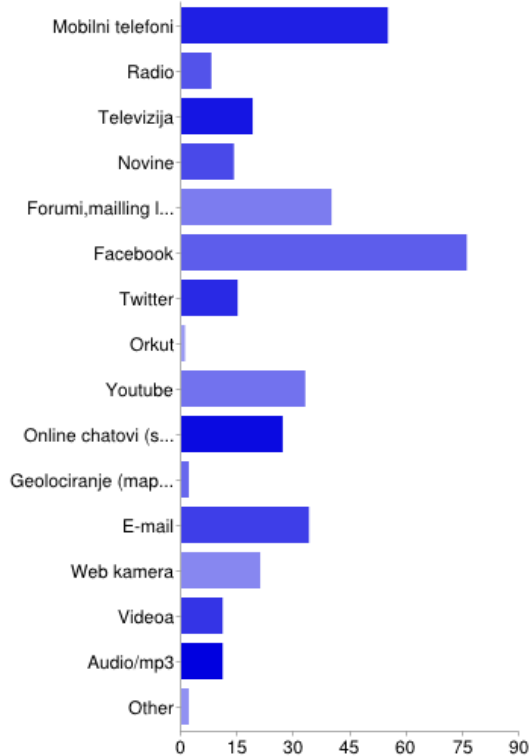
People may select more than one checkbox, so percentages may add up to more than 100%.



Technological platforms used to perpetrate violence were:

Mobile Phones	55	65%
Radio	8	9%
Television	19	22%
Newspapers	14	16%
Internet forums, mailing lists, personal ads	40	47%
Facebook	76	89%
Twitter	15	18%
Orkut	1	1%
Youtube	33	39%
Online chat (skype, IM)	27	32%
Geo-location (maps, 4square)	2	2%
E-mail	34	40%
Web camera	21	25%
Video	11	13%
Audio/mp3	11	13%
Other	2	2%

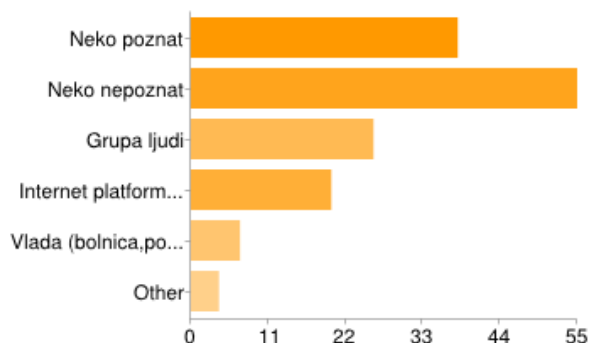
People may select more than one checkbox, so percentages may add up to more than 100%.



Answers to the question who was the perpetrator, abuser:

Somebody they knew	38	45%
Unknown person	55	65%
A group of people	26	31%
Internet platforms (for example, Facebook)	20	24%
The Government (hospital, police)	7	8%
Other	4	5%

People may select more than one checkbox, so percentages may add up to more than 100%.



Asked if they took action and which, respondents offered the following answers:

Reported it to the police/competent authorities	18	21%
Reported it to specialized offices that work on that matter	20	24%
Investigation was launched on request of public prosecutor	7	8%
Incarceration term	0	0%
Other	40	47%

