
Call for submissions: COVID-19 and the increase of domestic violence against women (Bosnia and Herzegovina)

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1. A country overview

Bosnia and Herzegovina, a country geographically situated in Europe but not part of the EU was also affected by COVID-19. It is a country with a turbulent past and very complicated present where COVID-19 was an additional burden and challenge for an already robust system that is not efficient. The country itself is divided into three parts (Republika Srpska, Federation of Bosnia and Herzegovina and Brcko District), and then one part (Federation of Bosnia and Herzegovina) is divided into 10 cantons. This bureaucracy system is very huge (136 ministries across three levels) and it is a heavy burden on the citizens to generate the money to “feed” the administration. Law enforcement authorities are divided and fall under jurisdiction of three different parts. Due to complex hierarchy, the efficiency of law enforcement authorities in resolving cases of domestic violence, suffers.

The economy of Bosnia and Herzegovina was ranked 95 based on GDP per capita in the World. Projected position in 2020 is 96¹. The economic indicators say that the projected real GDP in 2020 will be -5%². Bosnia and Herzegovina is heading towards recession.

Also, according to Transparency International, in 2019 Bosnia and Herzegovina was ranked 101/180, with a score of 36/100 which place us in the group of corrupt countries, next to the highly corrupt countries³, and this pandemic was a crisis that BH citizens and the government were not ready for, by any means.

In the period 1945-1992, when BH was a federal republic and part of former Yugoslavia, it was a republic rich with various types of ores, wood and hydropower. Also, the military industry was very developed in BH. Unfortunately, during the War of Independence of Bosnia and Herzegovina (1992-1995), most of the country's economy and infrastructure were damaged or destroyed. This has led to an enormous rise in unemployment. Since then, Bosnia has faced

¹ Statistic Times, available at <http://statisticstimes.com/economy/countries-by-projected-gdp-capita.php> (accessed on June 30, 2020)

² International Monetary Fund, Bosnia and Herzegovina <https://www.imf.org/en/Countries/BIH> (accessed on June 30, 2020)

³ Transparency International, Corruption Perceptions Index available at <https://www.transparency.org/en/countries/bosnia-and-herzegovina> (accessed on June 14, 2020)

two serious economic problems: the construction of destroyed and destroyed infrastructure and the completion of the process of transition from socialism to capitalism.⁴

With a very complicated political system, corruption, high rate of unemployment, a country is also facing the lack of medical personnel. Since 2013, more than 5000 medical workers left the BH⁵.

With all stated challenges, in mid-March a pandemic was declared on a state level and very soon authorities introduced curfew and the whole country was under lockdown. The pandemic affected the state health care system but also hit the already crippled, almost non-existent economy.

In March 2020 the number of registered unemployed persons in BH was 398.504⁶ (171.398 men and 227.106 women or 56.9%). Since the beginning of this pandemic 26.876⁷ persons lost their jobs in Federation of Bosnia and Herzegovina only, in Republika Srpska according to Employment Biro of Republika Srpska, 88.811⁸ persons were unemployed in May this year. Brcko District had 10.848 (37% are women) unemployed persons as of May 2020 which leads us, roughly, to the number of 525.039 unemployed persons on national level (the total population of the country is ca 3.5 million). Unfortunately, by the time of preparing the submission, there was no consolidated data on the state level.

According to Thematic Bulletin published in 2018 by Agency for Statistics of Bosnia and Herzegovina, in 2015 (there are no recent official data) 33,8% of population was poor (monthly relative poverty threshold for one-person household was 200 euros, for two-persons household with no children was 298 euros per month, and poverty threshold for four-persons households with two adults and two children younger than 14 years was 417 euros per month)⁹.

With already difficult socio-economic status a lot of people lost their jobs due to the lockdown. Very often those who lost their jobs were the only employed person in the household. The rise of unemployment and associated financial issues, additionally pressured already difficult family life for victims of domestic violence. Losing the job increases the stress level, causes anxiety and amplifies already violent behavior.

Unfortunately, by the time of finalizing this submission, no unified official statistical data were available related to unemployment with the gender perspective.

⁴ The economy of BH https://bs.wikipedia.org/wiki/Privreda_Bosne_i_Hercegovine (accessed on June 29, 2020)

⁵ "Who Is Going to Heal Us? 5000 health workers left BH for Germany", article available at <https://hayat.ba/koce-nas-lijeciti-iz-bih-u-njemacku-otislo-preko-5-000-zdravstvenih-radnika/88404/> (accessed on June 29, 2020)

⁶ Agency for Statistics BH, Demography and Social Statistics (2020) is available at http://bhas.gov.ba/data/Publikacije/Saopštenja/2020/LAB_03_2020_03_0_BS.pdf

⁷ Unemployment Biro of Federation of Bosnia and Herzegovina news "Due to the pandemic, almost 27,000 people in the FBiH have lost their jobs so far", available at <http://www.fzzz.ba/ID:C-402> (accessed on June 10, 2020)

⁸ Employment Service of Republika Srpska, statistic available at [⁹ Agency for Statistics BH, Thematic Bulletin, „WOMEN AND MEN in Bosnia and Herzegovina“ \(2018\) available at \[http://www.bhas.ba/tematskibilteni/FAM_00_2017_TB_0_BS.pdf\]\(http://www.bhas.ba/tematskibilteni/FAM_00_2017_TB_0_BS.pdf\)](http://www.zzrs.net/index.php/statistika/?lokacija=8&izvjestaj=7&godina_od=2020&godina_do=2020&submit=%D0%9F%D0%BE%D0%BA%D0%B0%D0%B6%D0%B8+%D1%81%D1%82%D0%B0%D1%82%D0%B8%D1%81%D1%82%D0%B8%D0%BA%D1%83+(accessed on June 29, 2020)</p></div><div data-bbox=)

According to the findings of AIRE Centre and the publication “COVID-19 and impact on human rights” focusing on Western Balkans, the isolation could be a catalyst for more frequent domestic violence due to high stress, being in confined space and hard living conditions including negative implications on community support mechanisms. Women have less opportunities to flee from harassment due to the fear that they can be infected or could infect others. Victims are forced to stay in the areas where there are no adequate services or safe houses. Limitations in movement and closures of schools affects women. According to this publication, all over the World, women perform unpaid activities 2,5 times more than men in the family. They care for kids and elderly. There is a higher probability woman will assume more duties once the schools are closed. It makes it harder for them to keep the paid jobs. Bigger portion of the workers in services are women. Due to the nature of the measures of the pandemic, it is very possible isolation measures will negatively affect these branches of the economy. There are women who are in the workforce and have opportunities to upskill using online courses. Due to gender digital divide, price or pressure of the family women might have less opportunity to use those opportunities¹⁰.

2. Bosnia and Herzegovina and violence against women

The recent researches on Violence Against Women are showing very grim statistical findings:

- (48%) of women have experienced some form of violence, including violence by an intimate partner, non-partner, stalking or sexual harassment, since the age of fifteen.
- almost four out of ten women (38%) stated that they had experienced psychological, physical or sexual violence since the age of fifteen by a partner or non-partner (Federation Bosnia and Herzegovina: 36%, Republika Srpska: 39%)
- From the age of 15, 28% of women reported experiencing sexual harassment (Republika Srpska: 31%; Federation Bosnia and Herzegovina: 26%), while 10% of women experienced sexual harassment in the 12 months prior to the survey (Republika Srpska: 14%, Federation Bosnia and Herzegovina 9%). One in twenty surveyed women experienced spying (5% in both entities)
- One in seven women (14%) say they have experienced psychological or sexual violence since the age of fifteen by a partner or non-partner.¹¹

In Bosnia and Herzegovina there are 8 safe houses/shelters for victims of domestic violence (5 in Federation Bosnia and Herzegovina and 3 in Republika Srpska). Brcko District does not have a safe house for victims of domestic violence who reside in that part of the country.

¹⁰ THE AIRE CENTER, Advice on Individual Rights in Europe, *COVID-19 and impact on human rights, an overview of the implications of the fight against COVID-19 for the protection of human rights with a focus on the West Balkans (April 2020)* available at <https://ksud-bihac.pravosudje.ba/>

¹¹ OSCE, Research on Violence Against Women in BH “*The Welfare and safety of Women*” (2019), available at https://www.osce.org/files/f/documents/e/1/439070_0.pdf

Even though the lockdown sounded as a way to save lives and protect people, for a lot of women that meant more abuse, heavy abuse, harassment and life in fear. If lockdown meant safety, victims of domestic violence were not safe in their homes.

3. State institutions: COVID -19 and the response to VAW

According to the Law on Gender Equality in Bosnia and Herzegovina, the *Agency for Gender Equality of Bosnia and Herzegovina* has the main coordination role in the area of gender equality. Agency's areas of actions are: violence against women, sexual harassment, work and employment, equal participation, role of men and protection against discrimination. within their scope of work, the Agency was posting announcements and notifications related to violence against women in the state of the emergency¹², the impact of the pandemic on the employment and work of women¹³, recommendations for integrating a gender equality perspective in the fight against the pandemic¹⁴.

The Agency tried to raise the awareness of general population on negative implications that victims of domestic violence are facing with in the state of the emergency and therefore the bystanders, relatives, neighbors have important roles for contacting the police in cases where they suspect that there are cases of domestic violence in their surroundings as the Agency stated in their one of their announcements "Currently, we are witnessing the risk of increasing domestic violence, because restricting movement and self-isolation provide violent partners with an opportunity for additional demonstration of force and the establishment of control. Victims of abusive partners are instructed to spend extended periods of time with abusers, and some of them, for fear of infection, are reluctant to seek the necessary medical or social assistance. The financial crisis and the eventual loss of a job are particularly hard hit on women victims of violence because they make it difficult for them to get out of the cycle of violence, and victim support services, such as safe houses, are currently facing additional challenges. In such a situation, people from the neighborhood, relatives and other citizens can play a key role in contacting the police in case of suspicion of danger of domestic violence, especially in a situation where the victim is unable to seek help. "¹⁵

As divided as it is, Bosnia and Herzegovina, apart from the Agency for Gender Equality of Bosnia and Herzegovina, which is institution on the national level, it has two gender institutions on entity levels, Gender Center of Federation of Bosnia and Herzegovina, and Gender Center

¹² The Ministry of Human Rights and Refugees, Agency for Gender Equality, *State of the emergency and violence against women*. The announcement available at <https://arsbih.gov.ba/vanredna-situacija-i-nasilje-nad-zenama/> (accessed on June 10, 2020)

¹³ The Ministry of Human Rights and Refugees, Agency for Gender Equality, *The impact of the pandemic on the employment and work of women* . The announcement available at <https://arsbih.gov.ba/uticaj-pandemije-na-zaposljavanje-i-rad-zena/> (accessed on June 10, 2020)

¹⁴ The Ministry of Human Rights and Refugees, Agency for Gender Equality, *Recommendations for gender mainstreaming in the fight against the COVID-19 pandemic*. The announcement available at <https://arsbih.gov.ba/preporuke-za-integriranje-perspektive-ravnopravnosti-spolova-u-borbi-protiv-pandemije-covid-19/> (accessed on June 10, 2020)

¹⁵ The Ministry of Human Rights and Refugees, Agency for Gender Equality, The announcement available at <https://arsbih.gov.ba/saopstenje-agencije-za-ravnopravnost-spolova-bih/> (accessed on June 10, 2020)

of Republika Srpska. Thanks to the Women's Network BH it was possible to introduce the set of internal documents prepared by the Gender Center of Federation of Bosnia and Herzegovina where this institution submitted recommendations and analysis to Federal institutions with the emphasis on gender perspective and with the special focus on women and girls.

According to *Gender Center Federation of Bosnia and Herzegovina*, they will monitor the implementation of these recommendations, as they were submitted:

- Recommendations for the inclusion of the principle of gender equality in economic measures to reduce the consequences of COVID-19,
- Recommendations for mitigation of consequences COVID-19, addressed to the Federal Ministry of Justice
- Recommendations for mitigation of consequences of COVID-19, addressed to the Federal Ministry of Education and Science
- Proposal of measures to mitigate the consequences of the crisis caused by the COVID 19 Pandemic in the agricultural sector, sent to the Federal Ministry of Agriculture, Water Management and Forestry
- Recommendations for mitigation of consequences COVID-19, sent to the Federal Ministry of Labor and Social Policy
- Proposal of measures to mitigate the consequences of the crisis caused by the Covid-19 Pandemic in the field of labor and employment, sent to the Federal Employment Agency

Searching through the site of the *Gender Center of Republika Srpska*, it is not evident if any activities or actions were undertaken during the lockdown.

Another institution on the national level that published a couple of announcements, recommendations and decisions is the *Ministry of Human Rights and Refugees of Bosnia and Herzegovina*. This Ministry published intervention measures to assist the most vulnerable categories of population during the COVID-19 PANDEMIC. One of stated measures is section 8, Providing Support and Assistance to Violence Survivors Who Are or Will Be Placed in Safe Houses in Bosnia And Herzegovina¹⁶. With this measure the Ministry decided to fund 8 BH safehouses in a total amount of 37.017 euro (4.627 euro per safe house).

The Agency for Gender Equality of Bosnia and Herzegovina and Ministry for Human Rights and Refugees translated and published Declaration of the Committee of the Parties to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on the implementation of the Convention during the COVID-19 pandemic¹⁷, as well as a toolkit for member states, Information Documents

¹⁶Ministry of Human rights and Refugees BH, Intervention measure 8. available at <http://mhrr.gov.ba/PDF/PRIJEDLOG%20MJERA8.pdf>

¹⁷ Agency for Gender Equality BH, 20 April 2020, Declaration available in local languages at <https://arsbih.gov.ba/deklaracija-komiteta-clanica-istanbulske-konvencije-o-primjeni-konvencije-tokom-covid-19-pandemije/>

SG/Inf(2020)11 “Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis”¹⁸.

All these Ministries, Agencies and Institutions tried to raise awareness about gender perspective in all adopted measures and how this pandemic specifically affects women and girls. It all looks good on the paper, but is it going to be implemented and to what extent, it is yet to be seen? or maybe not?! since the Federation of BH experienced another crisis during the pandemic in the so-called affair “Respiratori” (worth 5,25 million BAM). The prime minister of Federation of Bosnia and Herzegovina and the Director of the Federal Civil Protection Administration were suspended, arrested in the middle of the pandemic and were treated as suspects for organizing the group, money laundering and the abuse of the office position. This is an ongoing investigation. This case is showing us that corruption is present even in the hard times like these.

Another very important link in this system are *the courts*. Some cantonal courts were very proactive in informing the public about changes pertaining to working hours of the court, imposing new procedures in crisis situations such as: postponing court hearings, restricted access to the admission office, total ban on visits to prisoners. The phone number and email were the preferred method of communication.

Others such as the court of Canton Gorazde, Court of Travnik, Canton Zenica did not publish any information on their web page on operational activities during COVID-19 pandemic.

Official web page of Brcko District Court does not mention any changes or adjustments pertaining to working hours, having in mind extraordinary pandemic circumstances. The Appeal Court of Brcko District does not have any information either.

Having analyzed the web presence of the judicial system in FBH it is evident there was strategic intention to unify user experience.

- All Canton courts have the same page layout web parts. including style.
- The specific content propagates on all sites such as “Handbook-Court discussions in domestic violence cases in BH” and “Guidance in proceedings: Domestic Violence”.

On the other hand, accessibility of the content is questionable.

- The content is based on PDF and Word documents. End users need to view PDF in browser or desktop PDF application. The user needs to have a desktop version of MS Word application. That means there are software, technical dependencies. Consequently, the content is not accessible in the shortest possible time
- The content should be succinct and interesting and presented on pages with fewer lengthy attachments.
- Majority of content is written in formal, legislative style. Writing style is suitable for a specific persona: judges, lawyers, prosecutors. The writing style is not adjusted to the most important personas - ordinary citizens, end users, potential victims.

¹⁸ Ministry for Human Rights and Refugees BH, *A Toolkit for member states: Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis* available in local language at http://mhrr.gov.ba/PDF/Covid/Smjernice%20Vladama_PREVOD_lok.pdf

Question is - does a potential victim have quick access to information, is it easy to understand and act? The content is not optimized for the most ordinary users and victims of domestic violence. There is no evidence how useful those channels and if those phone numbers were operational, since many designated health care system phone numbers were useless. There is an opportunity for more work on human-centered design and information governance. Current state of digital presence does not enable users to consume information or quickly perform action based on information. It affects ordinary users and women victims of domestic violence alike. Additional issue is the lack of recent data related (with gender perspective) to access to ICT, computer literacy, media literacy in order to understand if available information is of any use for the average or marginalized population.

In addition to this, it is worth mentioning that according to the census from 2013, only 34% of female citizens (10 years old and over) stated that they were digitally (computer) literate. The available information should be available, useful and understandable for every citizen, therefore for victims of domestic violence as well, and not only for legal representatives. It is questionable how useful that information was to the remaining 66% of partially and completely digitally illiterate women and girls. Fortunately, a lot of women contacted legal aid services within safe houses/shelters to be informed if their cases would be and when they would be processed.

4. NGOs: COVID -19 and the response to VAW

Womens's Network BH (Ženska mreza BH), informal group of 40 women's NGO and individuals from all over the country have been advocating for “ women's human rights and promote gender equality, which promotes anti-discrimination, freedom of decision, equality, non-violence and anti-militarism, and embraces feminist parts - peace, solidarity, research, togetherness , equality and diversity.” Very early on after the pandemic declared, the Women's network published an query, asking entity governments the following:

“What exactly will you do:

- so the women with disabilities, parents of children with disabilities, Roma women, women who have survived domestic violence or who are currently living in a situation of domestic violence, as well as towards independent parents / single mothers will receive the means of protection.

-so woman with a disability, a parent of a child with a disability, a Roma woman, a woman who has survived domestic violence or who is currently living in a situation of domestic violence, as well as towards independent parents / single mothers have secured minimum food and hygiene supplies

- to strengthen protection measures in situations of domestic violence

- and what economic measures will you ensure in order for these categories not to be exposed to additional poverty and economic pressure? ”¹⁹

They have never received a response from the Federal Government. The Government of Republika Srpska provided very short and vague answer²⁰ which did not answer any of these questions specifically.

Women’s organizations, especially those who are providing shelters, legal and psychological support provided free psychological help and legal support for women in COVID-19 crisis. Women who needed these types of support could get it by phone calls (in some cases those phone calls were free of charge²¹) or email²². Other organizations, apart from official phone numbers, offered support, professional help and counseling via technology-mediated communications such as Viber, Skype, Facebook Messenger, WhatsApp or Zoom²³.

All these organizations had good intentions and provided help and the support for women without critical approach to the recommended communication tools at the time of pandemic. These are the only means for seeking help. Unfortunately, all these communications tools can also pose a risk to the victims of domestic violence. There is a chance that their email accounts might be compromised or that they were forced to share the password with the abuser (if they have their email account or social media account in the first place), that their new phone has the spying software installed on it. Even after the victims are placed into shelters, the abusers continue to harass the victim through text message and other instant message applications. In cases of domestic violence, whether the victim is still with the abuser or if she is placed into shelter, information-communication technologies continue to be tools for the continuation of violence.

Women’s network also reminded BH society and NGOs to take part in global campaign #AllWomenAgainstViolence, but without any significant online presence.

BH organizations participated in sub-regional consultations with feminists and women’s rights activists, in response to COVID-19 initiated by UN Women. These consultations were an opportunity for the organizations to present the specific risks and challenges that women and girls are facing as a result of the COVID-19 pandemic. They proposed 65 actions for governments and development partners to ensure that COVID-19 response efforts address women’s priorities and needs²⁴.

¹⁹ Women’s Network BH, An open letter to a Prime Minister of Federation of Bosnia and Herzegovina, available at <http://zenskamreza.ba/pitanja-upucena-premijeru-fadilu-novalicu-od-strane-zenske-mreze-bih/> (accessed on June 6, 2020)

²⁰ Women’s Network BH, Answer of the Government of the Republika Srpska to the questions of the Women’s Network of Bosnia and Herzegovina available in local languages at <http://zenskamreza.ba/odgovor-vlade-republike-srpske-na-pitanja-zenske-mreze-bosne-i-hercegovine/>

²¹ Women’s Network BH, A free of charge line for legal and psychological help, available in local languages at <http://zenskamreza.ba/besplatna-telefonska-linija-za-pravnu-i-psiholosku-pomoc/> (accessed on June 6, 2020)

²² Women’s Network BH, A free of charge psychological support to women in covid - 19 crisis available in local languages at <http://zenskamreza.ba/besplatna-psiholoska-podrska-zenama-u-covid-19-krizi/>

²³ Women’s Network BH, An overview of online counseling of member organizations of the Women’s Network of Bosnia and Herzegovina available at <http://zenskamreza.ba/pregled-online-savjetovalstva-organizacija-clanica-zenske-mreze-bosne-i-hercegovine/> (accessed on June 6, 2020)

²⁴ UN WOMEN SERIES: Putting Women at the Forefront of COVID-19 Response in Europe and Central Asia

5. Online violence against women and COVID-19

According to NGOs in BH who are running the safe houses, domestic violence increased for 20% during the pandemic.

The increase of reported violence did not happen at the beginning of the lockdown (mid-March till and of the March) but in April and May. The reason for not documenting the increase of reported cases of domestic violence lies in the fact that police, social services and courts were working on the limited level and the main focus at the time was on the cases of violation of lockdown and curfew orders. The SOS and shelters did not register the increase of these types of cases in March due to the fact that the victims were not able to report the violence nor they had opportunities in the new and challenging pandemic situation. In the ordinary situation, the victim of domestic violence would report the violence with the excuse “to go to the pharmacy” as a way to leave the house. With the lockdown, this life line was cut off.

The prosecutor office and the courts due to the pertaining office hours all the cases of domestic violence or divorce cases were put on hold and the hearings were not held.

According to two safe houses in BH, their services are primarily recognized as organizations who can support victims of domestic violence even though the forms of online violence are always reported in combination with domestic violence. Online violence as a new form is not recognized by the organizations, institutions nor by victims themselves. The huge problem is that online violence is normalized, it is not recognized therefore it is not properly addressed and even during the court process, very rarely is used as supporting evidence in the cases of domestic violence. Banjaluka safe house representative said that it was hard to encourage victims of online violence to report this form of violence due to lack of legal regulation. The fact is that often, even in the cases of domestic violence, an area that is legally regulated, after the torture of the reporting the violence and legal trial, the punishment is inadequate where the perpetrator gets probation sentence. Just because this form of violence it is not in the focus of these organizations it does not mean that this form of violence is not present. It is, and it is the matter of the fact that domestic violence is always in combination with online violence.

An increase in reports of violence was also recorded in Tuzla, where the safe house is run by the Vive Žene Association. They state that in May, the number of calls to the SOS hotline increased, as well as calls from relevant institutions for accommodation in a safe house for women and children who suffer violence.²⁵

Foundation of Local Democracy, the organization who is providing shelters for victims of domestic violence, as well as psychological support and counseling, as well as free legal aid,

Voices of Women’s Organizations COVID-19: April 2020 Sub-regional Consultations available at <https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2020/04/voices%20of%20womens%20organizations%20on%20covid19final.pdf?la=en&vs=2118>

²⁵ Radio Free Europe, *In Safe houses are worried: Violence could escalate even after a pandemic*, available at <https://www.slobodnaevropa.org/a/nasilje-porodica-bih-izolacija-zakoni/30637779.html> (accessed on June 13, 2020)

reported the increase of cases of domestic violence in April. There were almost three times more cases reported. The representative of the Foundation of Local Democracy stated that they had a few cases of online violence reported to them. The victims contacted this organization for legal aid in cases of technology enabled harassment perpetrated by ex-partners. The only thing that organization was able to do is to suggest to the victim to report this online violence to the police, since that is the only thing that organization would be able to do anyway.

Analyzing available online material from stated stakeholders there is no evidence that any of them took online VAW into consideration when creating those measures, announcements or any relevant material.

At the moment, there is no universal definition what online violence against women is. Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, in their report from 2018 defines it (for the purpose of the report) as “ *any act of gender-based violence against women that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately.*”²⁶

The lack of universal definition is making the process of elimination online violence against women harder.

In 2017 CEDAW published recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 where is stated that “Gender-based violence against women occurs *in all spaces and spheres of human interaction, whether public or private.* These include the family, the community, the public spaces, the workplace, leisure, politics, sport, health services, educational settings and their redefinition through technology-mediated environments such as contemporary forms of violence occurring at the Internet and digital spaces.”²⁷

Even though BH signed and ratified the CEDAW Convention back in 1983, it is evident that relevant state actors do not follow the new developments when addressing the issue of VAW.

OneWorld Platform (NGO from Sarajevo) analyzed data of three safehouses in BH for the period of a year and concluded that even though ICT was used for continuation of domestic violence into online space, not much since then has changed in BH society. Some of those organizations realized that online violence is very much present and that they should have changed their admission forms in order to register this form of violence since it is evident that cannot be separated from domestic violence in cases that have been reported to them.

These are some of the transcripts of evidence gathered during the course of this mapping. Below stated messages victims of domestic violence received as text messages from the

²⁶ UN General Assembly, Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective*, available at <https://undocs.org/A/HRC/38/47>

²⁷ CEDAW (2017), “General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19”, available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf

perpetrators (violent content*) : He will kill her, he will cut her throat, he will break her arms and legs, he will put a bullet in her head, he will cut her eyes out.....

Those death threats occurred in online space (through text messages), but death threats are death threats, no matter where it is manifested. With those messages, the abusers clearly violated the safety of the victims.

Both entities (Federation of Bosnia and Herzegovina and Republika Srpska) and District Brcko recognize the criminal offence *violation of safety* stipulated as:

(1) Whoever violates the safety of a person by a serious threat to attack the life or body of a person or thus cause harassment of citizens, shall be punished by imprisonment for a term not exceeding six months.

...

(3) Whoever, by stalking, frequent monitoring or harassment, or otherwise violates the safety of a spouse, a person with whom they live in an extramarital union, as a parent of their child or another person with whom they maintains or have maintained close relations, shall be punished by a fine or imprisonment for up to one year. (Criminal Code of Federation of Bosnia and Herzegovina)

(1) Whoever violates the safety of a person by a serious threat to deprive them of life or to a close person of them, to seriously injure, to deprive of liberty, or abduct, or cause harm by arson, explosion or any other generally dangerous act or means, shall be punished by imprisonment. up to six months. (Criminal Code of Brcko District)

...

(3) Whoever, by stalking, frequent monitoring or harassment, otherwise endangers the safety of a spouse, a person with whom they live in an extramarital union, a parent of his child or another person with whom they maintain or have maintained close relations, shall be punished by a fine or imprisonment until one year. (Criminal Code of Brcko District)

(1) Whoever violates the safety of a person by a serious threat that he or she or a person close to him shall be deprived of life, seriously injured, deprived of liberty or abducted, or inflicted harm by arson, explosion or any other generally dangerous act or means, shall be punished by a fine or penalty. imprisonment for up to two years. (Republika Srpska Criminal Code)

Even though Istanbul Convention recognizes the act of *stalking* (article 34), not all parts of Bosnia and Herzegovina harmonized the laws with the Convention (BH did ratify the Istanbul Convention in 2013, which entered into force in 2014). The Criminal Code of Republika Srpska is the only one that recognizes *stalking* (article 144) as criminal offence and stipulates it as:

(1) Whoever persistently and for a long time monitors or stalks another person or directly or through a third person seeks to establish or establishes unwanted contact or otherwise causes changes in that person's life habits, anxiety or fear for their own safety or the safety of those close to the person, shall be punished by a fine or by imprisonment for a term not exceeding two years.

(2) If the act referred to in paragraph 1 of this Article was committed in relation to a current or former marital or extramarital partner, a person with whom the perpetrator was in an intimate relationship or a child, the perpetrator shall be punished by imprisonment for six months to three years.

As shown, at least two criminal offences defined by Criminal Code can be used for fighting online violence. What happens when those cases get to the court, does the court take these evidences into account, to what extent or is it dismissed as irrelevant, it is yet to be analyzed.

In 2018 Oneworld Platform Foundation in partnership with Alternative Girl's Center published Analysis on online gender-based violence: An overview of the situation in Bosnia and Herzegovina, Croatia, Montenegro, Montenegro and Serbia²⁸. The analysis showed again that online VAW is very present in these four counties but it is not perceived as a form of violence. It is not real since it is not happening in "the real world" therefore no institution, agency NGO or any other stakeholder does not create strategies for elimination of online VAW in their action plans or any other documents. The consequences are very real. Online VAW is a form of GBV but it is not treated as such by any state actors.

Also in 2018, International Center for Research on Women (ICRW) published Technology-facilitated Gender-based Violence: What Is It, And How Do We Measure It?²⁹ where they presented "*a conceptual framework of technology-facilitated GBV that illustrates the range of experiences — from the motivation of the perpetrator to the impact on and help-seeking behaviors of victims/survivors. This process is set within a larger context, and what constitutes technology-facilitated GBV is locally defined and experienced.*"

It shows the motivation, intent and behaviors of perpetrators but also the impact on the victim/survivor. Motivation such as revenge, jealousy or anger are present in domestic violence and online violence. Intent is the same: psychological harm, physical harm and/or instrumental. On a flip side, online violence the same as domestic violence has physical, psychological, social, economic and functional impact on the victim. Victims of domestic violence, the same as the victims of online violence are seeking help by reporting the violence, seeking for social support. They are changing phone numbers and/or their social presence, avoiding online and/or offline spaces where encounters with perpetrators could happen.

Another research, conducted in 2019 by Safe Women's House from Podgorica, showed that online violence has its consequences where more than half of respondents stated that they were not able to concentrate on everyday tasks, one third of them experienced significant mood swings, while every third respondent suffered from panic attacks, anxiety and stress as a result of online violence.

²⁸ Research on online gender-based violence: *An overview of the situation in Bosnia and Herzegovina, Croatia, Montenegro, Montenegro and Serbia*, available in local language at <https://oneworldplatform.net/wp-content/uploads/2019/05/Istra%C5%BEivanje-o-rodno-zasnovanom-nasilju-u-BiH-Srbiji-Crnoj-Gori-i-Hrvatskoj.pdf>

²⁹ International Center for Research on Women, *Technology-facilitated Gender-based Violence: What Is It, And How Do We Measure It?* (2018) available at https://www.icrw.org/wp-content/uploads/2018/07/ICRW_TFGBVMarketing_Brief_v8-Web.pdf

6. Conclusion

Having stated all this, it is hard to understand why online violence against women is not treated in a serious manner by the society and by the state actors. Why online VAW is not taken into consideration during a pandemic since we witnessed that in the past three months, around the world, a lot of people have fallen victims of ICT abuse.

The causes are many and these are some of them that came to the surface in the past couple of years:

- The online violence is not perceived as real violence
- The system does not recognize this “type” of violence and its forms.
- The legal system does not consider online violence as preparatory action for the commission of a criminal offense.
- The victims of online violence are not aware of the issue, do not know how to name it and how to react to it
- The NGOs who are providing legal and psychological help for victims of domestic violence do not have resources to deal with and respond to online violence as a continuum of domestic violence and violence in the physical world.
- Online VAW does not leave visible bruises but still has physical, psychological, social, economic and functional impact on the victim

The areas of interventions are many, these are just a few that has been recognized thought of work of ending online GBV:

- Raising awareness of general population and state actors that online violence is form of violence, and it the cases of domestic violence is perpetuation of violence
- Police officers should be sensitized for these new forms of violence
- Prosecutors and judges should be sensitized for the emerging forms of online violence and must be addressed as any other form of violence.
- CSOs must increase their capacities in order to be able to fight online GBV trough capacity building of women and girls as well as in the area of advocacy
- State actors, CSOs, academia, media and other stakeholders should find a joint way in the fight against common enemies (online GBV). The country is already divided. The fragmented activities are just a waste of time and resources.
- Building capacities of human rights defenders through training in order to create, for the start, an informal network of CSOs who would be capable to support the victims of online GBV. The network as a part of feminist movement from the region should be able in due time to advocate for adaptation of the existing laws
- Capacity building for girls and women with the critical approach to the ICT

Until the changes occur, and with all stated above, the victims of online violence in a state of pandemic in Bosnia and Herzegovina are left to their own, exposed to any form of online violence present today with no one to turn to for advice, help or legal protection. The online VAW was present before COVID-19 and it was not addressed properly. The pandemic shifted focus from everything, putting many issues on hold which is happening with online VAW. Online VAW will not disappear, on the contrary. The issue is growing under the radar of many

stakeholders and it is giving the abusers and perpetrators the opportunity to develop strategies and to continue their violent act without the consequences.

Pandemic showed the cracks in the system, and it is very likely that a second wave of COVID-19 will crush it.