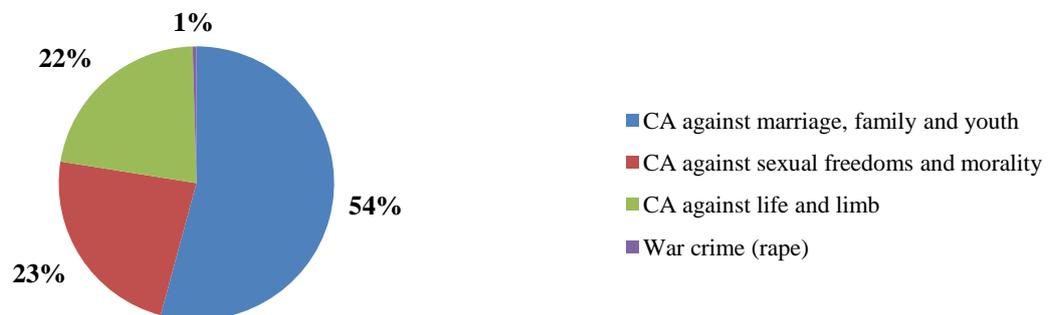


„Center of Legal Assistance for Women“ Zenica (CLAW), together with partners from Republic of Srpska, implemented the project “Monitoring Justice Towards Sexual and Gender Equality in Bosnia and Herzegovina”. **The monitoring of sexual and gender based violence criminal proceedings** was performed on 20 courts. **In the FBIH 227 cases were analyzed**, from the following categories of criminal acts (CA):

- **CA AGAINST MARRIAGE FAMILY AND YOUTH:** A total of **123 cases were analysed**. It is important to emphasize that **CA Domestic violence** occurs in 116 cases, which makes up **51.1%** of the total number of analyzed cases (227). CA Avoiding alimony occurred in six cases, and the CA Common-law marriage with the junior juvenile 1 case.
- **CA AGAINST SEXUAL FREEDOMS AND MORALITY:** From a total of **53 cases**, at CA Rape refers 20, at CA Lechery 15 cases, at CA Sexual intercourse with a child 13, Pandering 2, on Sexual Intercourse with a Helpless Person 2, and 1 case of Sexual intercourse by abuse of official position.
- **CA AGAINST LIFE AND BODY:** Of the total **50 cases**, 6 is Murder, one Severe bodily injury, 41 Bodily injury and two Violent behaviour.
- **WAR CRIME:** The analysis included one case of CA War Rape.

Figure 1: Numerous overview of monitored criminal cases (CA)

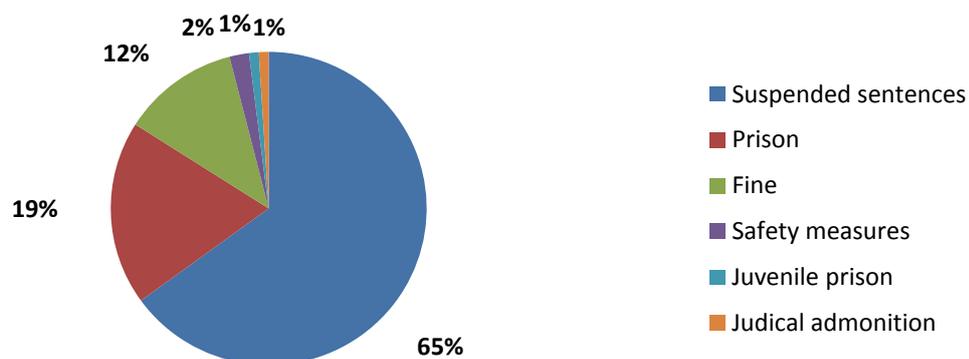


SENTENCED SANCTIONS/PENALTIES: From 227 cases 156 are sentenced and cases are completed. The largest number of sanctions is in the form of **suspended sentence**, 101 of them (**65%**). In 29 subjects accused received a prison sentence (6 months to 20 years), in 2 cases a juvenile prison sentence, in 19 cases as a fine (usually in the range of 500-1000 BAM). In 4 cases were imposed security measures (mainly compulsory psychiatric treatment), and in one case a judicial admonition. There was **no recorded case in which the protective measure was sentenced**, though conditions suggested that determination of such measure would have been appropriate.

Criminal penalties for criminal acts of gender based and sexual violence **generally speaking are mild, on the border, and sometimes below the limit prescribed by law**. In the structure of criminal sanctions suspended sentence is dominate in cases of domestic violence, which threaten the achievement of the objectives of general and specific prevention, as well as providing satisfaction to the injured person.

In determining the type and level of criminal sanctions **often are taken into account mitigating than aggravating circumstances** and without explanation. A very interesting **example of a mitigating circumstance** is that the defendant is perceived as a "family man". This is problematic when victims of his violent behavior are family members, which is usually the case, thus certainly does not send an appropriate message to the perpetrator, who is not faced with the seriousness and consequences of his conduct.

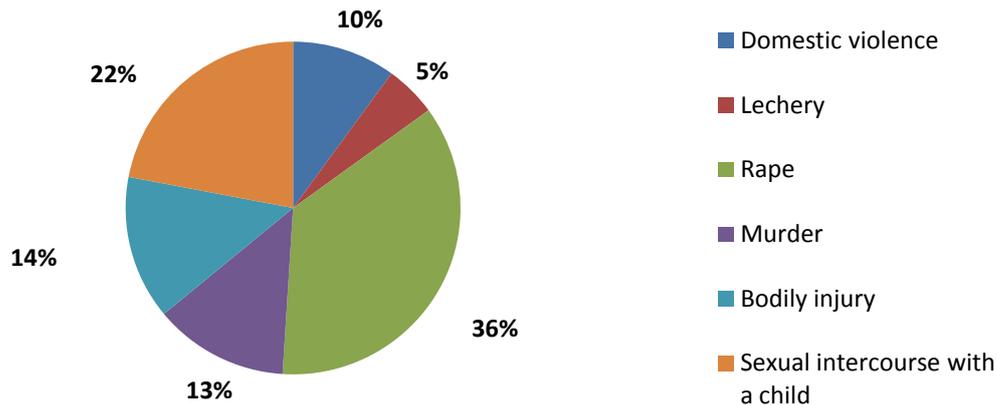
Figure 2: Structure of sentenced criminal sanctions



LENGTH OF JUDICIAL PROCEEDINGS: It was observed that criminal proceedings **generally end up in a reasonable time**. However, the registered and alarming practice of no-show of expert witness or prosecutor at scheduled hearings often led to multiple delays of hearings in the same case. In one case of CA Sexual intercourse with a child, hearing was postponed 10 times because to the hearing did not access different entities - counsel, expert, or the accused.

AVERAGE DURATION OF PROCEEDINGS regarding CA Domestic violence is four months, regarding CA Lechery two months, CA Rape - 14 months, CA Murder - 5 months, and 5.5 months for CA bodily injury and 8.8 months for CA Sexual Intercourse with the child.

Figure 3: Average duration of court procedure for certain committed criminal acts



Complete analysis and recommendations were published in the "*Report and analysis of criminal proceedings in the field of gender-based violence in the Federation of Bosnia and Herzegovina and the Republic of Srpska*", available on our website in local and English language: www.cenppz.org.ba