



Centar za pravnu pomoć ženama – Center of Legal Assistance for Women

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## SUMMARY OF FREE LEGAL AID IN 2016.

In previous years we recorded an increase in the number of requests from clients from other cantons, particularly Central Bosnia Canton. Given this fact, and the fact that in Central Bosnia canton there is no institution for legal aid nor non-governmental organization that in its work program provide free legal aid, during 2016 CLAW had field offices in this Canton.

The mobile team of the Center was visiting field offices twice a month. Offices were in buildings of centers for social work (hereinafter: CSW) in Vitez, Bugojno, Jajce, Novi Travnik, Travnik, Olovo and in the municipal building in Busovaca.

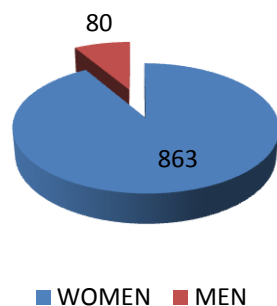
From April 2016, again, after a brief pause, in use is CLAW's field office in Tesanj, which is located in the building of Centre for Social Work in Tesanj.

In order to facilitate access to free legal assistance, in cooperation with the Centre for Social Work in Zenica CLAW's lawyers, once a week, are providing free legal aid in office located in this institution.

Through the Online legal assistance through on CLAW's website we cross county and regional boundaries and provide direct legal assistance in matters relating to soil of Bosnia and Herzegovina. This year the online legal assistance in addition to the website of the Network of free legal aid BiH has become an integral part of the web site, as well as service, of the Women's Network of Bosnia and Herzegovina.

In the period from 01.01.2016 - 31.12.2016., CLAW provided 2774 free legal aid services to 943 women/beneficiaries, but also to certain number of men.

**Chart 1:** Number of users/beneficiaries of free legal assistance



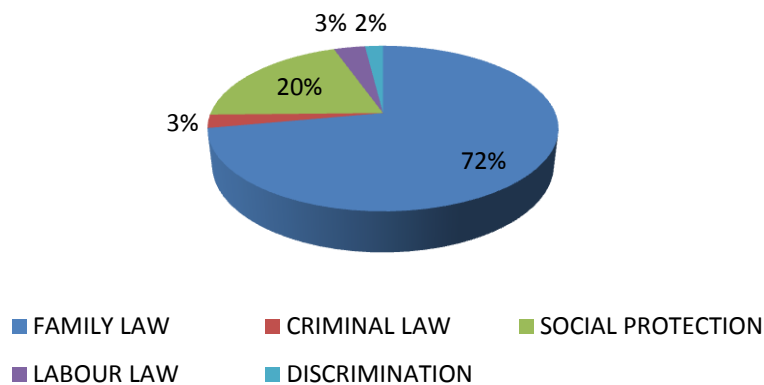
Clients were referred to the CLAW from: Social welfare center (**43%**); Cantonal (governmental) bureau for legal aid (**22%**); Courts and prosecutorial offices (**6%**); Municipalities/Cities (**4%**); Police (**7%**); Self initiated (**18%**).

Clients/beneficiaries in the highest percentage are unemployed and without regular monthly income, housewives, and in a lot of smaller-scale are persons with minimal amounts of monthly salary.

Legal aid was provided in the form of oral advice and drafting of written submissions (claims, complaints, requests, petitions etc.). Out of 601 provided services in the form of written submission, 2% were done through online legal aid.

Most of the provided services are related to the field of family (72%) and social rights (20%).

**Chart 2:** Services of free legal assistance according to the field of law



**Table 1:** Services of free legal assistance according to the field of law

Field of law	Total no. of services	Written submissions/sevices	Oral advices/services
Family law	2000	417	1583
Social protection	551	120	431
Labour law	96	36	60
Criminal law	72	9	63
Discrimination	55	19	36
<b>TOTAL</b>	<b>2774</b>	<b>601</b>	<b>2173</b>

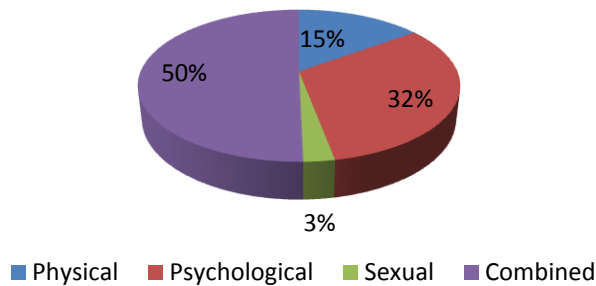
The following display types of requests for free legal aid in the area of family law.

**Table 2:** Type of requests from the field of Family law

	Total	Written submissions/sevices	Oral advices/services
Divorce	716	180	536
Entrusting minor child to parental care/custody	465	95	370
Spousal allimony	302	57	245
Determening/Denial of paternity	164	27	137
Determening and division of marital or property from extramarital community	263	46	217
Determening extramarital community	90	12	78
<b>TOTAL</b>	<b>2000</b>	<b>417</b>	<b>1583</b>

**More than 76% of the total number of clients** experienced some form of violence. The most frequent form is combined (physical, psychological and economic).

**Chart 3: Forms of violence**



Most do not decide to initiate criminal prosecution due to fear for own life, the life of their children and family members, the economic dependence of the husband, and/or violence is not the primary problem for which they were addressed to the Centre. Abuser is in most cases the husband or ex-husband, and their home is still the most dangerous place for a woman. CLAW was submitting reports to Prosecutor's office for Criminal act for Domestic violence and Criminal act Evasion of financial support/alimony. In other cases after they have been introduced with their rights and proceedings, clients were referred by Center's layers directly to the Prosecutor's Office, police, and to centers for social work.

In cases of clients who have experienced some of the above mentioned forms of violence, it was recorded that 3 of the 4 woman have also experienced violence through mobile telephony and / or Internet. This form of violence has been most frequently expressed through threatening, intimidating, extortion through sms, messages via Viber or other similar applications. An example of misuse of social networks, like Facebook, YouTube, is especially pronounced in younger women/clients, where the social network was used in the exercise of violence, threats to the dignity and reputation, defamation, threats of severe bodily injury or murder. The problem in action to address this form of violence, for CLAW as a provider of legal aid, and for institutions that are required and obliged to protect the victims, is in the absence of legislation for sanctioning the perpetrators. One of CLAW's clients was the victim of one year severe physical, psychological and sexual violence, and when she decided to get out of violent partnership violence was transmitted to the virtual world in form of threats of exposing private photos to the public and blackmail, threats of killing her and other.

In addition to individual assistance to clients, CLAW was addressing identified systemic problems with which individuals or group approached us. An example of this is nullification of rights of single mothers to the permanent financial assistance under favorable conditions which is characteristic for the Zenica region. Specifically, single mothers who were previously granted with this right based on this status now are rejected with their requests. The reason for nullification of this right authorized persons find in a fact that after the divorce or termination extramarital community other parent is obliged to support their children, even though the court or the center for social work does not determine nor checks whether such judgments are executed. Children suffer the most damage from adoption and implementation of such solutions. According to the problems with which beneficiaries from the Central Bosnia Canton turn to us, we have observed similar problem when it comes to exercising the right to permanent financial assistance. According to the current regulations and their interpretation by authorized officers, women cannot and is not even recognized as a "bearer of the family" in the process of exercising the right to permanent financial assistance. The right to maternity pay is not treated equally in the territory of Bosnia and Herzegovina. Even within single entity units there is no unique solution. Thanks to a variety of actions, from peaceful protests in front of the Government building in ZDC, to meetings with the Prime Minister of ZDC, sent letters with reference to practices that violate the rights of new mothers, mothers in ZDC, regardless of whether they are employed or not, now are realizing this right. In future

period we will continue to monitor implementation and respecting the right to maternity leave and compensation to new mothers.

The situation from one to other cantonal unit in FBiH is different: in the Canton of Sarajevo maternity fee depends on the fact in which municipality mothers resides; in CBC there is a situation of not harmonized regulations of the Labor Law and the Law on social protection, protection of families with children that prevent the realization of the right to full amount of fees during maternity leave – we initiated administrative proceedings; to West Herzegovina and Posavina Canton, that do not have provisions concerning the protection of families with children.

Personal story of one of CLAW's clients:

*"CLAW's support really helped me and means a lot to me. They have helped me that I and my 3 children will not be hungry and thirsty. They helped me with electricity connection, since me and my children for 6 years have lived without electricity. The children wrote homework and were studying in the dark, or under the candle. I was washing clothes by hands, because even though I own washing machine I could not turn it on because there was no electricity. The food that I received from other people was getting spoiled because I could not turn on the fridge. I could not go and look for a job or help because my identity card was not valid, and wherever I would go the first thing everyone asked for was identity card. Also, CLAW helped me to get a new ID card, because I could not replace the old, because I have no house, nor flat, and I do not have anywhere to report as a tenant. The current landlord could not log me on his address because unsettled property relations concerning the house in which me and my children live. The CLAW's existence means a lot to me because I can always turn to them for everything we need, from how to pay the electricity bill to the fact that we draw up a request for financial support or an appeal to the decision of social authorities. My kids are constantly talking about who are the persons from the CLAW, and that they are grateful to them, for electricity and for some little things, from school supplies to New Year gifts. CLAW is my support and it helps me even now. At the moment I'm in the proceedings against the Ministry and the Centre for Social Work in Zenica, relating to the nullification of financial support, which was my only source of funding. Center for Social Work nullified the right to permanent financial assistance, because I am not considered a single mother. Ministry allowed the appeal which I made in CLAW, and I hope that next year I will again have the right to permanent financial assistance in the amount of 140,00 KM, which would helped a lot in existence. The most important to me is the support when CLAW's lawyers go together with me to institutions, because I'm ignorant and illiterate. When they are with me everything is easier for me, because I know that officials from different institutions will treat me differently and I know I will realize a right. I feel that I have protection in them. In particular, it was significant to me when they were there with me at the time when my ex-extramarital partner committed acts of domestic violence. I was lost, and in fear for life, as well as for lives of children. With their intervention and help of the police, ex-partner is prohibited from approaching me and prohibited of harassment. I feel better, happier, because I know that there is someone who cares about women who are in need. I'm more sure in myself because I have the support of the CLAW. I know that although I am a single mother of three underage children that I can turn to them for any problem and that they will help me. It makes me happy and my family safe. Now I am no longer treated by my neighbors as homeless and as someone who "live in the dark". Although me and my children are still in need, our life has changed for the better."*

Another problem of the beneficiary who shared this personal story, is the observed systemic problem concerning the issuance of identity documents. Since she is a tenant and do not own property, in the process of renewing the validity of identity card she has been faced with the problem that the center for social work, as an authorized social welfare body, can not provide their address as the address of the beneficiary because that right is reserved only for people who are in social care institutions.

Users/beneficiaries of free legal assistance were also children.

**Table 4:** Children users/beneficiaries of free legal assistance

Type of proceedings in which minor children participated	No. of minor children according to proceedings	Gender		No. of written submissions	No. of oral advices	Representati on before court
		M	Ž			
Contentious proceeding	576	268	308	247	1011	1
Executive proceeding	289	134	155	118	572	0
Administrative proceeding	301	137	164	95	491	0
Criminal proceeding	48	22	26	11	60	0
<b>TOTAL</b>	<b>1214</b>	<b>561</b>	<b>653</b>	<b>471</b>	<b>2104</b>	<b>1</b>

Monitoring and advocacy for the implementation and use of available legal provisions was a regular task of CLAW team. In addition, the CLAW was part of the working group, as an initiator or participant, for:

- Preparation of proposals for amendments to the Code of Civil Procedure of FBiH in order to ensure wartime victims of sexual violence, as witnesses under the protection, access to rights and justice (right to compensation)
- Development of proposals for amendments to the Criminal Code in order to punish the perpetrators of violence against women and children in which execution Internet and mobile telephony is used (ICT violence)
- Development of the Law on Assistance and financial compensation for victims of human trafficking in FBiH
- Amendments to the Law on Pension and Disability Insurance - compliance with the provisions of the Family Law and the Law on Inheritance in the process of securing equal rights for married and extramarital partners in the achievement of family pension.

Since July 2016, all persons who consider themselves victims of discrimination free legal help and advice can obtained in the field office in Travnik, building of the Centre for social work, twice a month. In addition, free legal aid to victims of discrimination can be obtained in the main office in Zenica, as well as online via the link on the website.

During the 2016 in the context of free legal aid to victims of discrimination, 55 people received free legal aid. There are 20 initiated cases in which it was determined the existence of discrimination:

Field	No. of cases
Employment, work, working conditions	10
Socialk protection, ensurance, fees, assistance	7
Judiciary and Administration	1
Education, science and sport	2
<b>TOTAL</b>	<b>20</b>

In the second half of 2016 for one client who turned to us was determined the existence of grounds of mobbing exercised by the employer. CLAW's legal team intensively worked on the collection and analysis of documents in order to create the conditions for starting the process, and in 2017 it is expected to undertake the first concrete steps.

### **Consultations and work on strategic cases**

In February 2016, for the purpose of creating recommendations for improving the protection of victims of discrimination, a roundtable „Discrimination - experiences and challenges“, with the participation of guest panelists in the field of higher education, the judiciary, the protection of victims of direct discrimination and participation of the Institution of Ombudsman for Human Rights. The round table has promoted the necessity of active engagement of all stakeholders in order to achieve the protection of victims of discrimination. One of the conclusions refers to the need to „force“ open social dialogue in which actively involve all relevant institutions, NGOs and interested citizens, with the aim of strengthening public awareness of the importance of eliminating discrimination, introduction to various forms of discrimination, available mechanisms for the protection and stimulation of the use of these mechanisms . It was attended by 37 people.

With partners from the "Coalition - Equality for all" CLAW was part of consultations to discuss further steps and possibilities for eliminating discriminatory practices against extramarital partners who can not be entitled to a family pension.

At the CLAW's suggestion, the Institution of Ombudsmen for Human Rights in Bosnia and Herzegovina filed the initiative for the adoption of the Law Amending to the Law on pension and disability insurance, according to which this law need to be harmonized with Family Law and the Law on Inheritance, which equates the rights of married and unmarried partners/extramarital community. The new Law on pension and disability insurance is in parliamentary process, but still continues to be discriminatory regarding this issue as it is omitted in the draft the introduction of amendments that would facilitate equal enjoyment of the rights of married and unmarried partners to family pension.

CLAW has also undertaken steps in monitoring of the application of the instructions of the Ministry of Health of Zenica-Doboj Canton for uniform identification of health cards for persons with hearing impairment or deaf persons at the level of the entire Canton. In order to transfer this model to other communities, in the area of 6 municipalities of Central Bosnia Canton CLAW organized 17 visits / meetings with representatives of institutions, agencies, organizations; conducted mapping of the situation, after which it an integral analysis of the situation at the level of ZDC and CBC will be done.

In December 2016, a meeting was held with the Institution of Ombudsmen for Human Rights. During the meeting specifically was noted the need for stronger action to ensure the enjoyment of the rights arising from pension and disability insurance with regard to the current regulations that do not provide equal realization of this right for marital and extramarital partners. Other identified problems were also discussed. The meeting ended with the conclusion that it is important to strengthen cooperation of Ombudsman and civil society, as well as the organization of these meetings in order to exchange information, as part of konsultativne process that should be an integral part of everyday activities.