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Banja Luka, Bosnia and Herzegovina,  
24 November 2008

For: People's Assembly of Republika Srpska  
Government of Republika Srpska  
Ministry of Health and Social Protection of Republika Srpska  
Board of Equal Possibilities of the People's Assembly of Republika Srpska  
Gender Center of RS Government

Cc: Media

### OPEN LETTER

On the occasion of the 16 Days of Activism Against Gender Based Violence in 2008, and joining the global campaign with our key demand **"Stop Violence Against Women – Implement Laws - Punish Perpetrators of Violence"**, we are approaching to you with the request to:

1. Include *"persons that survived domestic violence"* as beneficiaries of the social protection in the Draft Law on Social Protection of RS, determined at the 98<sup>th</sup> Session of the Government of Republika Srpska. We request from you to amend the Article 17, Paragraph 1, Point b, as well as the Article 19, in terms of explanation who is considered as a person that survived domestic violence, and
2. To amend the Article 81 of the Law on Social Protection of RS on the way to add Point i) in the Paragraph 1, as follows *"safe houses for women victims of domestic violence"*. Following to that, it is needed to add the Article 119 a., which will include the definition of the Safe House from the Law for Protection from Domestic Violence of RS, and Bylaw on Procedure and Place of the Implementation of the Protection Measure of Securing Protection of a Victim of Domestic Violence of RS.

### Justification:

Violence in a family and family community represents a crime, whose victims are predominantly women<sup>1</sup>. This crime was not recognized until 2000, when it was incriminated for the first time by the Criminal code of Republika Srpska<sup>2</sup>, and now also by the Criminal Law of Republika Srpska<sup>3</sup>,

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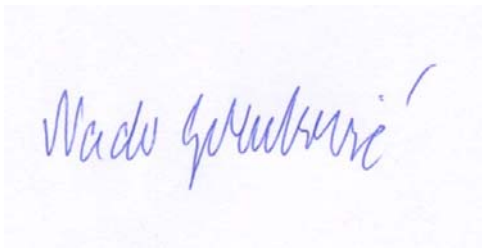
<sup>1</sup> "Centers for public security of Banja Luka, Bijeljina, Doboje, East Sarajevo and Trebinje sent information from which is visible that there were 537 recorded cases of violence in a family and family community in 2006. 277 men and 12 women were reported as perpetrators. In 231 cases, victims were women, and in 39 cases victims were men. During 2007, there were 464 recorded cases of violence in a family and family community. In 121 cases, victims were men, while in 445 cases victims were women. It is especially disturbing fact that in 37 cases victims were boys, and in 48 cases victims were girls". Data taken from the "Draft Strategy for Prevention and Fighting Domestic Violence in Bosnia and Herzegovina for the period from 2008 to 2010", Ministry for Human Rights and Refugees of Bosnia and Herzegovina, Agency for Gender Equality of Bosnia and Herzegovina, page 9.

<sup>2</sup> Criminal Code of Republika Srpska. "Official Gazette of Republika Srpska", No. 22/00.

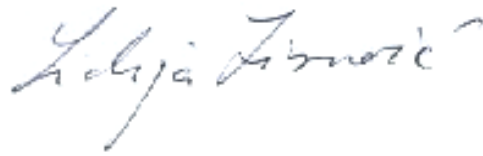
<sup>3</sup> Criminal Law of Republika Srpska. "Official Gazette of Republika Srpska", No. 49/03, 108/04, 37/06 and 70/06

and the Law on Protection from Domestic Violence of RS<sup>4</sup>, which recognizes this type of violence as severe violation of human rights, especially women and children<sup>5</sup>. The Law on Protection from Domestic Violence in Republika Srpska regulates implementation of the protection measures against perpetrators of violence, but also measures of protection of victims through accommodation in the Safe Houses<sup>6</sup>, in accordance with the Bylaw on Procedure and Place of the Implementation of the Protection Measure of Securing Protection of a Victim of Domestic Violence of Republika Srpska<sup>7</sup>.

We believe that the Draft Law on Social Protection of RS, as determined at the 98<sup>th</sup> Session of the Government of Republika Srpska omitted to recognize persons that survived violence in a family and family community as social category, and omitted to recognize the Safe Houses as institutions of social protection. As such, it endangered implementation of the mentioned legal norms and bylaws. It also brought doubt about readiness of the official institutions in Republika Srpska to enable victims and persons that survived this type of violence to use rights from the social protection, beside only declarative recognition of the right to life without domestic violence.



Nada Golubović, President  
United Women Banja Luka, BiH



Lidija Živanović, Executive Director  
Helsinki Citizens Assembly Banja Luka, BiH

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<sup>4</sup> "Official Gazette of Republika Srpska", No. 118/05, 17/08

<sup>5</sup> The Article 3, which change the Article 6, Paragraph 2: "Violence in a family, and especially violence against women and children within a family represents severe violation of women's rights and human rights of children", Official Gazette of Republika Srpska, No. 17/08.

<sup>6</sup> The Article 4, which change the Article 7, Paragraph 2-6, Ibidem.

<sup>7</sup> "Official Gazette of Republika Srpska", No. 97/06.