



Date: 15 June 2020

United Nations for Gender Equality and the Empowerment of Women (UN WOMEN)

Subject: Information relating to the implementation of the UN Resolution: 73/149

1. Intensification global efforts for the elimination of female genital mutilation (FGM) (A/RES/73/149)
 - Measures for the elimination of female genital mutilation, as per resolution 73/149 including:
 - Most recent data on FGM prevalence, including, if available, among immigrant and refugee populations, and information on root causes and factors contributing to the practice.
 - Measures taken to protect women and girls from FGM, including when the practice occurs outside the country of residence.
 - The role of stakeholders in eliminating the practice of FGM, including: traditional leaders, faith based and religious institutions; family and communities; youth; men and boys; grassroots and women's organisations as well as; health sector workers, particularly their ability to prevent FGM including medicalisation, and manage FGM complications.
 - Impact of the COVID-19 outbreak regarding FGM, and measures undertaken to address those in the short, medium and long-term particularly in the following areas:
 - Potential new at-risk populations
 - Delivery of essential support services for survivors

Although FGM is not widespread occurrence in Bosnia and Herzegovina, the legal framework addressing this issue is put in place both at the state and entity levels.

The criminal codes of the FBiH and RS as well as special laws of BiH and the entities have a different approach to the criminalisation of the offences defined in the Convention: psychological violence, stalking, physical violence, sexual violence including rape, forced marriage, female genital mutilation, forced sterilisation, and sexual harassment.

The Criminal Code of Republika Srpska in the Article 133 stipulates following:

Sexual Mutilation of Women

(1) Whoever removes or permanently changes the outer parts of a female person's sexual organ in whole or in part shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever persuades a female person to undergo the practices referred to in paragraph 1 of this Article shall be punished by imprisonment for a term not exceeding three years.

(3) If the offence referred to in paragraph 1 of this Article is perpetrated out of hatred, against a child or if permanent damage is caused to the health of a female person then the perpetrator shall be punished by imprisonment for a term between one and eight years.

(4) If the death of a female person occurs as a result of the offence referred to in paragraph 1 of this Article then the perpetrator shall be punished by imprisonment for a term of between two and twelve years.

It is also necessary to highlight the legal provisions that in the case of gender-sensitive applications provide for special procedural safeguards. The victims of gender-based violence are recognised as a vulnerable group and are treated with due care, prioritised and provided with psychosocial protection. **According to Article 2 (ii) of the Law on Asylum of BiH,** vulnerable groups include, "... victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation." Furthermore, Article 29 (item E of paragraph 1) states that the asylum seeker will have the opportunity to have the procedure upon his/her asylum application conducted by an interviewer and interpreter or a translator of the same sex, provided that there are justified grounds to do so. Paragraph 3 of Article 29 states that the Ministry of Security gives priority and special attention to the survivors of "... torture, rape, other forms of physical or psychological violence, pregnant women" According to paragraph 1 of Article 76, an asylum seeker is entitled to "... psychosocial assistance."