

**Stopping the abuse of power for sexual exploitation:
Defining, condemnation and opposition to extortion of sex positions of power**

Bosnia-Herzegovina National Report

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ABOUT U.S.

Association of Women Judges in BiH is a non-profit organization and is part of the system exactly the same NGOs. This is the first association of its kind in the region, and recognizing the importance and great possibilities for action, was formalized and registered on 5 November 2009, when implemented successfully set goals. The purpose of the Association's activities for the benefit of all people, informing and educating the public to better understand the importance and role of the judiciary in protecting human rights and especially women's rights and gender equality, and addressing legal issues faced by women, including women judges.

Members of the Association of Women Judges in BiH Judge / Judge of the whole of BiH, at all levels of organizations, from municipal / primary courts to the Court.

After the consultative meeting held in The Hague in March 2009, efforts began about realizing MDG 3 of the Project which is the three-year grant supported by the Dutch Government, through the International Association of Women Judges.

Project MDG 3, in which we participate, and we are part, together with Tanzania and the Philippines, we are obliged to fulfill certain obligations relating to research and work on the topic "Sexual exploitation - sex extortion."

ABOUT OUR COUNTRY AND ITS LEGAL SYSTEM

Facts:

Bosnia and Herzegovina (known as B & H) is a country in southeastern Europe, situated on the western Balkan Peninsula. From the north, west and southwest border with Croatia, and from the east with Serbia. On the southeast border with Montenegro. The capital, Sarajevo. Independence was gained first March 1992. years after the decision of BiH citizens a referendum on self-determination.

Area of Bosnia and Herzegovina is 51,129 km², while according to international estimates from 2006. years, the population is 4,498,976.

Legal system:

After the declaration of independence 1992nd in Bosnia and Herzegovina was war that ended in the signing of the Framework Agreement for Peace in Bosnia and Herzegovina, in November 1995. year. Provisions of this agreement establishes the basic principles in the organization of the country, which, logically, have significant implications on the entire legal system. Specifically, the accord established two entities, the Federation of Bosnia and Herzegovina and the Serbian Republic. " Given the fact that during the Dayton negotiations, could not be reached agreement on the status of Brcko (municipality in northeastern Bosnia and Herzegovina), it was decided that the issue would be arranged later. In March 1999. year, made the final arbitration decision on the status of Brcko, which is defined to function as the Brcko district under the direct sovereignty of Bosnia and Herzegovina, with a wide range of their own powers.

The previously described structure of the country, are directly copied to the organization of the judiciary and law in general. Currently in Bosnia and Herzegovina, there are four jurisdictions. Federation of Bosnia and Herzegovina and the Serbian Republic have a complete judicial system which consists of, the municipality / municipal courts, kantonalni-županijski/okružni courts and the Supreme Court of the Federation of Bosnia and Herzegovina and the Serbian Supreme Court.

Federation of Bosnia and Herzegovina and the Serbian Republic, have their own constitutional courts, with very specific responsibilities.

Furthermore, given that the final arbitration award on Brcko resolved that this district have a very wide range of its own jurisdiction, it is in the Brcko District of Bosnia and Herzegovina, established a separate judicial system. It comprises the basic and the Appellate Court of Brcko District.

In November 2000. the High Representative for Bosnia and Herzegovina, imposed a law establishing the Court of Bosnia and Herzegovina. This court has a specific administrative, civil and criminal jurisdiction, on the whole territory of Bosnia and Herzegovina. Functionally speaking, the Court of Bosnia and Herzegovina is a two-tier court, so before it begins and ends each procedure completely. The primary task of the Court of Bosnia and Herzegovina to prosecute war crimes committed during the war in Bosnia and Herzegovina, as well as perpetrators of a crime provided for in the Criminal Code of Bosnia

and Herzegovina. The Court also have jurisdiction to prosecute perpetrators of other crimes in certain special laws made in the jurisdiction of the Court of Bosnia and Herzegovina.

Finally, Bosnia and Herzegovina has its own constitutional court, so that the territory of Bosnia and Herzegovina operate three constitutional court (the Constitutional Court of Bosnia and Herzegovina, the Constitutional Court of Bosnia and Herzegovina and the Serbian Constitutional Court).

Forcing sex with positions of power - DEFINITION, condemnation and opposition to this phenomenon

The definition of "sexual extortion"

"Coercion of sex" is not a novelty in society, but this phenomenon is actualized only in recent times. Given that there are several different definitions of the term, in order to avoid any potential confusion, the following is a definition that is represented in the initial basis for research that is carried Association of Women Judges in Bosnia and Herzegovina.

International Association of Women Judges use the term "sexual extortion" so that this term implies the abuse of power to extort sex. In fact, it is a phenomenon that can be observed in different circumstances that have not had a specific name.

Another way of formulating this question is to solicit sex "is a form of bribery (extortion) only serve as a means of paying for sex, not money.

"Coercion of sex" is not a single case of rape or violent attack, but may include rape. It is not sexual harassment in a hostile or abusive "environment such as the one unpleasant workplace where sexual innuendos are used or where the show pornographic content, etc..

Starting from the definition of "extortion of sex" that can be interpreted very broadly, in their research association of women judges in BiH is moving in accordance with the instructions or guidelines provided by the International Association of Women Judges, which explains this concept as an abuse of power to extort sex. The idea for this project is based on observation of the occurrence of "extortion of sex" in different circumstances, which have not been the subject of separate analysis.

Activities leading up to the research

Association of Women Judges of Bosnia and Herzegovina has implemented a number of activities aimed at realizing the research on sexual coercion from a position of power, and a round table discussion on "Sexual exploitation and gender equality", and a two-day seminar entitled "Human Trafficking and sexual exploitation."

Round table discussion on "Sexual exploitation and gender equality" was aimed at defining the key problems in this area, after which he planned to initiate action in the direction of ways of dealing with perceived problems, through proposing specific regulations, amendments to existing laws and the establishment of adequate institutions, as the only efficient ways of action. Organise a round table

aimed to study the problems relating to various forms of sexual exploitation through domestic violence, trafficking, solicitation of prostitution, and solicitation of criminal activities. Panelists at the roundtable, as experts in the field of their activities and institutions from which they come - the prosecution, courts, Centre for Social Welfare, Gender Centre, and the Ministry of Human Rights and Refugees, pointed to the perceived problems, existing legislation, non-compliance domestic laws with international standards, lack of adequate institutions, and the necessity of developing awareness for urgent action to combat all forms of exploitation, inequality and discrimination in all aspects of life, especially in terms of the position of women. The conclusions arising from the panel presentations and round table discussions with the necessity to work towards:

1. Initiating a special discussion of the adopted law on the prohibition of discrimination in BiH and its application in practice;
2. Organizing a special round table discussion on "Domestic Violence" with the application of the law (criminal law, laws on protection from domestic violence, family law) in various areas of Bosnia and Herzegovina;
3. Updating the questions of application of protective measures and the effectiveness of their implementation in practice;
4. Establish effective measures to protect victims;
5. Resolve issues related to implementation of international documents in practice when it comes to human trafficking;
6. Impact on the strengthening of positions of power wife in a political sense;
7. Action towards addressing the importance of providing free legal aid (law-making in BiH);
8. To initiate publication of the publication of case law in the field of gender equality and domestic violence (all courts in BiH);
9. Analysis of the Law on Gender Equality adopted after amendment;
10. Consideration of incest as a special topics;
11. Consider the issues of abuse of children through various forms of violence and manipulation of children (child pornography and the like.)
12. Consideration of issues related to forced prostitution and specifying a minor into prostitution;
13. Continuous joint training of the judiciary, prosecutors, police, representatives of gender centers, NGOs, and social welfare centers in the area of gender equality and to prevent commission of criminal acts;
14. Analysis of sentencing policy in BiH in order to equalize sentencing policy in the area of crimes against marriage, family and youth and other crimes that are associated with domestic violence;

15. Research on bullying (schools, street or other public place);

16. Point out the inconsistency of criminal law in BiH in regard to the penalties for crimes related to the crime of human trafficking and related crimes;

17. Analysis of the possibility of launching an initiative to make new or modify existing laws, both in the field of gender and in all other areas concerning the protection of women, children and youth.

The above conclusions are unanimously of the participants of the round table with the aim of the Association of Women Judges in Bosnia and Herzegovina initiate activities that will point to the current problems in society in BiH, and the possibility of ways of overcoming these problems in the practice of the courts, prosecutors, nongovernmental organizations, police, social welfare centers and other government organizations. In this connection, in different parts of the country to undertake activities such as organizing round tables, seminars, conferences, trainings, workshops and other similar public gatherings. Special activities will be aimed at pointing out the necessity of action in the direction of identifying and dealing with the problem of the existence of sexual coercion as a means of using power toward the subordinates.

Then he organized a two-day seminar on "Trafficking in human beings - sexual exploitation." This seminar was organized in order to gather in one place judges, prosecutors, police, social services, NGOs, relevant institutions for the investigation, prosecution, victims, personal care and social reintegration, and prevention as a significant factor to combat these crimes. We also wanted to point out the international and domestic legal framework which is about responsibilities and roles of relevant institutions responsible for preventing, detecting and prosecuting cases of trafficking and sexual exploitation, and in particular highlight the importance of cooperation between governmental and nongovernmental sectors in accordance with national and international standards provide assistance and protection to victims of trafficking and sexual exploitation. Conclusions of the seminar, after a very interesting, expert presentations, practical examples in the investigation, collect relevant evidence, prosecution and judicial practices in the past ovj areas are:

- 1 Harmonization of laws and regulations in Bosnia and Herzegovina in relation to human trafficking and protect victims of sexual exploitation;
- 2 By-laws, and appropriate mechanisms to provide protection to victims of sexual exploitation;
- 3 The application of international instruments (the possibility of direct application to ensure the rights of victims);
- 4 The adoption of clear law (question nomotechnics) to ensure the highest standards and guaranteed the rights of victims binding international instruments;
- 5 Judges should initiate the harmonization of laws and regulations with the constitutional obligation to implement international documents;
- 6 Continuous joint training (cooperation of the judiciary, prosecutors, police, representatives of the Gender Centres, representatives of social welfare centers and NGOs in the field of human trafficking and sexual eksploatacije);

- 7 The issue of adequate protection of victims (care, legal assistance, material assistance and protection of human rights);
- 8 Establishment of special funds for material compensation to victims;
- 9 Abuse of children through various forms of sexual exploitation and manipulation of children (child pornography and the like.)
- 10 Harmonization of penal policy (appropriately punish offenders in this area and effective procedures to protect victims);
- 11 Encouraging victims to report sexual exploitation in the workplace and educational institutions;
- 12 Special treatment of victims (the improvement measures in the course of criminal proceedings);
- 13 Pointing out the importance of respecting victims' privacy in public.

Release studies

In order to prepare this report, the association of women judges in Bosnia and Herzegovina was focused on research related to the occurrence of sexual coercion, particularly in state institutions, educational institutions, the workplace, and in terms of abuse of power, or from a position of power. Therefore, the key element of this research is the exploitation of power over a person who is in a subordinate position, which includes acting in a way that that person brings in an uncomfortable and humiliating position, and creates her sense of shame.

Special attention is given to identify resources and committing themselves to a strategy for future action, identifying the existing legal framework and existing legislation (the laws in force in BiH), which deals with this issue (various forms of sexual exploitation). The desire was particularly point out the existence of certain deficiencies and ambiguities in the laws dealing with these issues, as well as different regulation of the entities.

Past activities, realized projects, as well as with investigations indicate the necessity to this issue with great caution to the delicate subject and how to collect data. Given the size and heterogeneity of the sample, the Association of Women Judges in Bosnia and Herzegovina has concluded that it can determine that the sexual extortion behavior that is very sensitive and delicate in the research, that one side has the characteristics of the incident, but the style of behavior that is sexual Offer may be seen as a way of dealing with academic, existential and other problems. Sexual coercion is usually treated as a trivial problem, but this kind of behavior abuse of power (head of the subordinate, teachers of students) that a person is put in an uncomfortable and humiliating position, which causes her sense of shame, are a serious problem which should be approached with great sensitivity. These behaviors do not have a name, and for them most of the legislation has no mechanism to sanction.

The framework of this report is an overview of research conducted by the Association of Women Judges in Bosnia and Herzegovina, observed phenomena and to determine the directions of further action to influence the development of awareness of every individual on the severity of issues relating to sexual extortion, and proposing the formation of institutions in terms of more efficient and simpler way of reporting and prosecution of such phenomena, with the ultimate aim of combating any form of

coercion, harassment, and discrimination in any area of the form.

Analysis of the research conducted

Association of Women Judges in BiH in 2010 conducted extensive research on the topic of sexual exploitation of women in Bosnia and Herzegovina, with emphasis on trafficking in women for sexual exploitation, sexual exploitation of women in the educational process and sexual exploitation of women at work. The aim was to get some information that would primarily serve to prepare this report, but also for insight into the presence of these phenomena and the overall situation in Bosnia and Herzegovina, when it comes to sexual exploitation of women.

In the area of trafficking in women for sexual exploitation, the aim of this study was to determine the causes and dimensions of this phenomenon and what are the lines of action to its suppression and prevention. Data were collected from the State Coordinator for Combating Trafficking in Persons, courts at all levels and NGOs.

In the area of sexual exploitation of women in the educational process, the goal was to identify forms of sexual exploitation of women in education and social attitudes towards this problem. Data were collected from student associations, students themselves, but also from public / teljica judicial officials who are in their practice had items related to this subject.

Finally, in the field of sexual exploitation of women at work, the aim of research was also to identify and examine forms of social engagement to achieve the protection of women against sexual exploitation. Data were collected from the entity Gender Centres, entity ministries of Labour and Social Affairs, Trade Unions, and the employee themselves, both from public and private sector.

The peculiarity of the research conducted by the Association of Women Judges in BiH is in the choice of different methods of data collection, ranging from direct contacts, through questionnaires, drafting tables indicating the indicators that were to be filled, oral and on-line surveys, and interviews with eminent interlocutors that dealing with topics related to research.

Trafficking in women for sexual exploitation

Research in this area has shown that the state has invested great effort in order to effectively counter the trafficking of women for sexual exploitation. In this sense, the greatest contribution has made the institutions of the State Coordinator for Combating Trafficking in human beings, without neglecting the role and importance of other subjects which are also dealing with this problem.

Association of Women Judges in BiH was interested in the whole range of issues relating to trafficking in women for sexual exploitation. The following are some of them:

- Are there any disadvantages in terms of domestic and international legal frameworks conducive to trafficking in women in Bosnia and Herzegovina? If so, what are the drawbacks?
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- What international organizations assist in the fight against trafficking in women and in what way?
- How widespread is the problem of sex trafficking in Bosnia and Herzegovina?

- How much for capturing, investigation, trial and imprisonment of persons involved in trafficking system?
- What real women do with their profits? I paid taxes? If not, how much the state loses because they do not pay taxes?
- Whether an investor withdrew from investments in Bosnia and Herzegovina due to problems related to trafficking in women, directly or indirectly?
- How to shop for women affect tourism?
- Which activities and enterprises that are associated with trafficking in women?
- What types of jobs done by women victims of trafficking?
- What happens to the jobs that women are victims of work before they are to become?
- What happens to women who had previously worked on the jobs now done by women victims of trafficking?
- Which activities indirectly affect trade in women?
- What other activities associated with revenue of trafficking in women?
- Are there any new forms of trafficking in women and ways of traders?
- Who are all real women and how to become?
- How real women carrying their victims? How to organize the transitions of women victims of trafficking across the border? That the roads used to transport trafficked women?
- Which approach to combating trafficking in women the best results?
- How are women victims of trafficking rescued from power traders?
- What are the psychological methods used to attract and retain women victims of trafficking?
- What psychological treatments are used to assist women victims of trafficking?
- As educational institutions educate students and students / ice on women? Is there any specific institutions involved in training on trafficking in women?
- Does the religious community address the problem of trafficking in women? If so, how religious communities approach the problem and what specifically do?
- What kind of relationship with some political parties to the problem of trafficking in women?

It was noted that there are no gaps in the international legal framework conducive to trafficking in women. When talking about the shortcomings in domestic legislation, it should be noted that in January of 2010 the Parliamentary Assembly adopted amendments to the Criminal Code, and within that Article 186 related to trafficking. In this regard, it should be noted that this is now a member of the said law is fully compliant with the United Nations Convention on Transnational Organized Crime and its Protocol relating to human trafficking, and the Council of Europe Convention on combating human trafficking. The definition of the crime has been changed and the penalties for the crime of human trafficking strengthened. Was introduced and punishment of those who use the services of trafficked persons, improved the system of confiscation acquired this type of crime, and provided the closing of spaces that were used during the commission of this offense. Therefore, the conclusion that there are no gaps or in the domestic legal framework conducive to trafficking in women in Bosnia and Herzegovina. In Bosnia and Herzegovina, we have a number of international, governmental, and nongovernmental organizations, which collaborate with local actors involved in the fight against human trafficking. Some of them, the OSCE, USAID, IOM, CRS, Save the Children Norway, ICMPD, the Government of Norway, the Government of Italy, et al. Mentioned organizations provide financial and technical assistance that contributes to the implementation of actions to combat the phenomenon of trafficking in Bosnia and Herzegovina. These funds are most often focused on prevention programs, the sustainability of shelters to assist victims of trafficking, then the direct assistance, reintegration and repatriation.

The basic trend of trafficking in BiH in 2009. year, the stagnation of the total number of victims, with the growing number and reduced the number of foreign victims. Here are some of the indicators:

- In 2006, a total of 71 victims identified, and to 31 domestic and 40 foreign victims of trafficking;
- In 2007, a total of 41 identified victims of trafficking victims and 7 lead into prostitution. Of that number, 30 are local nationals and 11 foreign;
- In 2008, 33 persons were identified as victims of trafficking, and to 31 domestic and two foreign nationals;
- In 2009, identified a total of 69 persons as victims of trafficking, and to 58 domestic and 11 foreign.

The cases registered so far most of the traffickers for sexual exploitation is the illegal profits made from this kind of trade has invested in real estate. Considering that human trafficking in the law prescribed as a criminal offense, and that is determined by law and penalties for the said offense, there are no mechanisms for the payment of benefits from doing whatever, and so this type of crime. Until now there has been no research to show how the loss of the state for tax evasion traffickers.

The competent institutions do not have any confirmed information on whether an investor has given up on investment in Bosnia and Herzegovina due to the problem of trafficking in women.

Hotel management, catering, taxi service, referred to as jobs and activities related to trafficking in women for sexual exploitation.

In so far registered cases of trafficking in women for sexual exploitation, identified the victims were engaged in activities related to hotel services, catering services, jobs dancer and entertainer. Were reported to be victims of trafficking were female students and female students, a significant number of them was unemployed.

Given that some of the leading factors that cause and accelerate the presence of human trafficking in Bosnia and Herzegovina poverty, domestic violence, unemployment, very poor economic and social situation of minorities, particularly Roma, and is still a large number of internally displaced persons and

refugees, can be concluded that the victims of trafficking in women for sexual exploitation mainly recruited in a way that they promised a better future, employment, and other types of promises to improve their economic and social life.

With earnings of trafficking in women for sexual exploitation, illegal immigration are linked, then trade in narcotics, and other types of organized crime.

Tracking forms of trafficking, was confirmed earlier foreshadowed a trend that it is increasingly taking place in private apartments by taxi services, concluding fictitious marriages, and frequent even begging and the use of children in order to record the pornographic material. In this regard, a need of additional activities to be undertaken to identify crimes related to trafficking in women for sexual exploitation, their perpetrators and identify victims of trafficking, among which are becoming more local nationals.

Association of Women Judges in Bosnia during the research found that the traffickers for sexual exploitation of persons who are most often used fraud, duress or some form of exploitation, and it is mainly people from the criminal milieu that trafficking in women is another way to earn easy money.

Victims of trafficking in women for sexual exploitation are transported in an organized manner, using the people involved in groups dealing with people or with the use prevozničkih and taxi companies in which traders had confidence. Victims who are traded across borders is transferred illegally, by crossing the border.

Women who are victims of trafficking for sexual exploitation are being saved from the power of retailers in most cases after conducting police actions, and not rare cases when victims escape from the retailers themselves register as victims of trafficking.

When it comes to how to recruit potential victims of trafficking in women for sexual exploitation in Bosnia and Herzegovina, based on data available to the Ministry of Security and Ministry of Human Rights and Refugees, in contact with the centers for social work and other institutions, and home offices, reveals the following trends:

- In most reported cases of trafficking in women for sexual exploitation, as victims are recruited underage girls from families with one parent - mostly mothers who are in need or are otherwise vulnerable, underage girls and adults who come from poor families or from categories of persons with disabilities. There is also a recruiting the problems related to alcohol and drugs. Recruitment begins by recruiting the chains of organized prostitution, getting used to the potential victims of alcohol and drugs through peer socialization and early entry into sexual relations of minors, after which the victims become the subject of blackmail their "partners";

- Then one can see the recruitment of minors, which in accordance with our legal framework are considered neglected and neglected children, combined with insufficient concern for the competent institution of such children, and insufficient measures for their protection (according to figures for last year, the the children were victims of human trafficking in most cases).

There is no information on whether the trafficking of women for sexual exploitation has caused the increase of sexual or any other disease in local communities.

Women victims of trafficking for sexual exploitation are usually provides psychological help, as it is

based on an assessment of their mental condition conducted psychological treatment based on the principle of hierarchy of needs, which means that the first disposed of their organic health, then establishes their physical security and daily routines, is stabilization of the physiological functions of sleep and feeding, the relation of security, to be subsequently carried out their detailed psychological evaluation.

The most recent state activities in the field of combating and preventing trafficking in women, it was characterized by the appearance of a greater number of non-governmental organizations with financial assistance from international organizations operating in Bosnia and Herzegovina, organized radio programs and education, mostly at the local level, in particular primary and secondary schools in the territory of one or more municipalities. When it comes to concrete action in primary and secondary schools in Bosnia and Herzegovina, education on women are carried out only on the part of the school population. In the context of the introduction of the theme of combating human trafficking in the curricula of primary and secondary schools, is of great importance was the activity of the International Organization for Migration, which is in late summer 2005. , at the regional level, in Tirana - Albania, organized training for teachers from the Balkan countries on the theme "Fight against human trafficking." After this, we undertook the creation of textbooks for primary and secondary schools in Bosnia and Herzegovina adapted to our conditions. Themes related to trafficking in women is the most discussed in class a class community.

The three-year project funded by USAID, under the title "SUSTAIN," the Department for Combating Human Trafficking of the Ministry of Security, in collaboration with Catholic Relief Services (CRS) conducted activities on the Integration of education on prevention of trafficking in secondary schools . It should be noted that these activities are a continuation of "Human Trafficking" which was implemented in 2006-2007, by the International Organization for Migration (IOM), which aimed to develop sustainable ways of education of citizens about the dangers of trafficking.

State Coordinator for Combating Human Trafficking, in partnership with Caritas Bosnia and Herzegovina carried out a public awareness campaign on human trafficking, targeting potential migrants. The target group of this campaign were mainly young people looking for work outside of Bosnia and Herzegovina. The campaign posters were printed (1400) and leaflets (14000) on which there are tips about what to do in case of job offers outside the country (to collect as much information about the employer, inform you about my family and friends, make copies of passport always keep your personal documents with them, etc.). This is the only available data on the involvement of religious communities in the fight against trafficking in women in Bosnia and Herzegovina.

So far not registered the case that political parties in Bosnia and Herzegovina amounted to their political views on the problem of trafficking in women.

Otherwise, the Council of Ministers, as an executive at the state level, has adopted a National Action Plan for the prevention of human trafficking for 2008-2012. year, which further elaborates the objectives in the fight against human trafficking in the said period and clearly defined measures for the realization of these objectives in the areas of:

- System support;
- Prevention;
- Protect and assist trafficking victims and witnesses;
- Criminal prosecution;

- International cooperation.

Sexual exploitation of women in the educational process

One of the most critical area when talking about the extortion of sex positions of power (sextortion) is a process of education, which characterized the relationship of authority and the possibility of its misuse. Association of Women Judges in BiH, in his study devoted particular attention to sexual harassment and extortion of sex in higher education institutions, and in this direction carried out a survey online at the web site of student associations in Bosnia and Herzegovina. The sample of respondents is quite satisfactory, considering that the survey was conducted during the summer, and the report singled out two surveys, which are not significantly different when it comes to results. Survey question was: Have you experienced / e one of the following forms of sexual harassment by your professors:

ASSOCIATION law students SARAJEVO

I have not experienced / food sexual harassment
118 64.8%
clumsy view
25 13.7%
tasteless jokes
24 13.2%
sexual comments or innuendo
8 4.4%
direct blackmail to review
7 3.8%

ECONOMIC ASSOCIATION OF STUDENTS OF THE FACULTY OF EAST SARAJEVO

I have not experienced / food sexual harassment
7 63.6%
tasteless jokes
2 18.2%
direct blackmail to review
1 9.1%
sexual comments or innuendo
1 9.1%
clumsy view
0 0%

Preliminary results show that the phenomena such as sexual harassment and blackmail students Yew on sexual grounds by their professors, even in small percentages, however, present in higher education institutions in Bosnia and Herzegovina. Some of these cases were or still are the subject of keeping court proceedings. Therefore, the association of women judges in BiH interested and with which all meet the relevant authorities in prosecuting such cases.

On 03.08.2010.godine, Association of Women Judges in BiH conducted an interview with Mrs. Hajrije Hadžiomerović Muftić, a federal prosecutor, which is in practice so far met with a handful of cases were related to various forms of abuse to extort sex teachers by their students and student. Below follows the

interview, noting that concerned those cases in which Ms. Hadžiomerović Muftić not immediately acted:

Interview with the Federal Prosecutor and expert in the field SEXUAL AND FAMILY offenses, Ms. HAJRIJA HADŽIOMEROVIĆ-MUFTIĆ:

1. Are you in your practice so far have had cases of sexual exploitation of women by their teachers or professors?

Prosecutor Hadžiomerović-Muftić: Yes.

2. Which cases are involved?

Prosecutor Hadžiomerović-Muftić: The "Jelenko Janjic from Visegrad, it was a sexual relationship with student in high school. The case was qualified as a crime of human trafficking, and damaged treated in legal terms as a child, it is not 18. This item has been finally decided.

Another case that I remember the case of sexual harassment of students by a teacher who is qualified as a criminal offense under the Law on Gender Equality.

3. Which case you are in the factual terms of the most interesting?

Prosecutor Hadžiomerović-Muftić: The "Janjic.

4. What?

Prosecutor Hadžiomerović-Muftić: The most interesting is the fact that it applied the United Nations Convention on the Rights of the Child in the sense that the child is a person under 18, instead of the definition of a child from the Criminal Code, under which the child is a person who has not attained the age of 14 years. It is further interesting for the fact that the perpetrator used the authority of teachers over the girl in high school for four years, and she was so sexually abused. Abused the girls mental immaturity, and resorted to the use of force, threats and blackmail (to tell everyone).

5. How did the reporting of the case?

Prosecutor Hadžiomerović-Muftić: The girl confided to her friend first, and then find out the parents and the afflicted girls, who after learning of the event log.

6. What is claimed is damaged and what the perpetrator?

Prosecutor Hadžiomerović-Muftić: The victim claimed that the perpetrator used against her that she was blackmailed and threatened her, and that is the purpose of its exploitation of artificial limb use of styrofoam, which is due to sustained injuries and were both her ovaries removed.

The perpetrator was, by contrast, all denied it, claiming that there was nothing between them.

7. What have you found?

Prosecutor Hadžiomerović-Muftić: Ultimately the court found, first instance and then the second

instance, that the offender is criminally responsible for the offense he was charged, and sentenced to imprisonment for a term of five years.

8. At what stage of the case (whether the subject in progress)?

Prosecutor Hadžiomerović-Muftić: The case, therefore, no longer in progress, because it is finally adjudicated.

9. Are they part of that educational institution taken any action?

Prosecutor Hadžiomerović-Muftić: Verdict is a ban on the teacher as the perpetrator.

10. If so, what?

Prosecutor Hadžiomerović-Muftić: I can not remember.

11. The most common problems in the investigation in such cases?

Prosecutor Hadžiomerović-Muftić: Lack of objective evidence, all is based largely on the testimony of the injured person, the perpetrator denies the statement, then, the evidence is discovered only after some time, force and threats are difficult to prove, and the statement injured person needs to be done in an authentic the other evidence, with the help of psychologists and psychiatrists.

12. Are you familiar with the investigation in the case - the scandal "Faculty"?

Prosecutor Hadžiomerović-Muftić: Yes.

13. Can you tell us more about it?

Prosecutor Hadžiomerović-Muftić: The investigation is ongoing. I'm talking about the investigation being conducted against the professors who are suspected in the case, while the driver JM Trial has been convicted of criminal fraud, a year in jail and was acquitted of soliciting prostitution.

END OF INTERVIEW

Finally, the Association of Women Judges in BiH takes the opportunity to point out that attempts to achieve cooperation and to get some information and the entity ministries of education-education (there is no ministry of education at the state level), however, that cooperation has remained fruitless, so that the Association remained refused to answer the following questions:

- Do you have carried out activities aimed at the introduction of prevention programs against sexual violence in elementary and secondary schools, and the development of prevention and education of teaching staff who will work with children and young people?

- Is the issue of sexual harassment was included in the documents of educational institutions (eg statute) and whether there is a practice of appointing independent bodies in educational institutions on combating and prevention of sexual violence, to define their role, duties and responsibilities?

Sexual exploitation of women at work

The research on sexual exploitation of women in Bosnia and Herzegovina, Association of Women Judges in BiH conducted a survey among employees in the area of Sarajevo Canton, seeking answers to questions such as:

- Do you sometimes ASKING requirement to work, which you can oblige you to get in intimate relationship or a relationship with someone?
- Did you once offer of employment, promotion or anything else related to your job or career, in exchange for an intimate relationship or a relationship with someone?
- Have you ever been exposed at work lascivious comments on your account?
- Have you ever been exposed at work touching by male colleagues without your permission?

It is curious that these questions was no affirmative response to a sample of nine patients.

First-hand information, complete unions, including the Association of Women Judges in BiH was interested to know the following:

- Are the Members of the union in the previous period have been involved in some form of training about sexual harassment in the workplace?
- What is the general education of members of trade unions on sexual harassment in the workplace?
- Does the union, there are separate persons or entities that deal with sexual harassment of employees in the workplace?
- What actions taken to improve the trade unions protect the dignity of employees, particularly employees and what kind of cooperation regarding the implementation of these activities, the union has with the relevant ministry in charge of labor and employers' organizations?

In response, unions have pointed out that in the previous period were not included in some form of training about sexual harassment in the workplace, then there is a trade union within the professional section of women dealing with specific issues of women-workers in the workplace, and that no There is a special person responsible for issues of sexual harassment in the workplace. He further pointed out that unions are taking a variety of actions aimed at protecting the dignity of employees. These activities range from their participation in making laws on labor and social protection, the representation of workers to the employer and the competent courts. To this end, realized, as stated, successful cooperation with relevant ministries, while the cooperation with employers on these issues, the very low level. For this reason, the unions believe that education is needed, not just unions but also employers' associations.

In what regards the official data, are extended a cooperation entity Gender Centres and the Federal Ministry of Labour and Social Policy.

From previous complaints of citizens to examine violations of the Law on Gender Equality in BiH,

which is processed Gender Centre of the Federation, it is evident that there are gender-based discrimination, sexual harassment and mobbing at work in educational institutions (teachers, professors, cleaners - Director / ica), police services (discrimination in employment and in ranks), the civil service (at reception - employment, and the relationship between boss-subordinate / a), and in appointing the appropriate management and supervisory boards of public and other businesses. However, the Gender Centre of the Federation stated that the issue of sexual exploitation of women at work is not carried out any surveys.

Although the law regulates the issue of non-discrimination in the labor and employment in BiH, it was found out that in practice a completely different situation, and discrimination is present in all its forms and in all areas of work, especially in the labor market in search of employment. There is a full spectrum of procedures that lead women at a disadvantage at work, including employment and job advancement. Most delicate form of gender discrimination, sexual harassment, of which women often do not want to talk, but we are in the public eye, the current cases appear to suggest that is the basis of power and privileged position, the same abuses in terms of harassment, etc. . and as consideration for job retention and the like. Workers, especially those younger, complain of harassment and sexual harassment by work colleagues, business partners, employers and the employer, but no desire to speak publicly about it. Specifically, it is about insults, rude remarks, condescending sexual relations with applications, which undermine the dignity of women, calls or requests that are explicit or hidden, unnecessary physical contact (touching, fondling, pinching) and the like. It often requires an employee of women look attractive, they will not get married, and that the employer is available 24 hours a day.

SPECIAL INVESTIGATION ON SEXUAL HARASSMENT AND SEXUAL extortion with positions of power, conducted at the Brcko District and Herzegovina-Neretva Canton in the Federation of Bosnia and Herzegovina

Special surveys of local character, conducted in the area of Brcko District and the Herzegovina-Neretva Canton in the Federation of Bosnia and Herzegovina, has shown that people are reticent to speak on the topic of sexual coercion. All that attempted to interview know that "it is", but do not want to commit themselves, stating that there are "worse things". Victims of specific events should, in research, argue for a long time that their names not be released and that their identity will be fully protected. From this derives the amount of presence of fear of reprisals, if they disclosed the name of the perpetrator, but the uncertainty in our part of Bosnian judicial system, because the victims are aware that they had no protection mechanisms in the country which would be trusted if they decide to report - to reveal their story .

Police of Brcko District and the Herzegovina-Neretva Canton, applications that would be related to sexual coercion from a position of power, had recorded. "Ordinary" people have provided some information on how : "... And, yes, we know that in this bar it is it was in college however, that , I know that woman you had a problem with the head"

The victims were required to tell their stories without naming names and surnames, saying they fear retaliation by the order experienced by the perpetrator, because "the power to destroy them in every way, and shame on the local environment could not be submitted , as they, nor their families.

At both sites investigation includes females of all ages, from 17 to 53 years, and various professions: students, workers, clerks. Tested - they interviewed a total of 15 in the Brcko District and 12 in the

Herzegovina-Neretva Canton, therefore, altogether a total of 27 patients. Interviews with respondents consisted of the following questions (in brackets are the predominant responses to the questions):

1. The form you have experienced sexual harassment from a position of power?
(All the persons have experienced some form of both verbal and physical sexual harassment)
2. Have you and who reported sexual harassment, extortion or blackmail?
(Officially, none of the respondents did not report sexual harassment, extortion or blackmail)
3. For what reasons "suffer" sexual harassment?
(All interviewees are mostly the same reasons: unawareness of how to do this may apply, shame, fear of failure - economic reasons, fear of reprisals, difficult to prove ...)
4. Do you know, are there in the BiH state mechanisms of protection from sexual harassment from a position of power (no one person interviewed did not know the answer)
5. Are you aware of their human and labor quality / value?
(Almost all the examined this issue were unclear)
6. Have you known the term gender equality?
(The subjects heard of gender equality, but it was evident the notion that truly know what it is and the answer was a few "male and female are not and can not be equal", which indicates that their notion of equality of the sexes unknown)
7. Do you know anything about the elementary human rights?
(All of them gave unsatisfactory answers)
8. Do you have health problems incurred as a result of sexual harassment from a position of power?
(Health problems evidently has 24 of them: fear, nausea, dizziness, insomnia, anxiety, skin manifestations, but until they heard the question, most of these problems is not associated with sexual harassment)
9. Have you sought professional help to solve health problems that have occurred as a result of sexual harassment? (Only one respondent sought medical advice regarding the problems which she was aware that arise as a consequence of sexual harassment, which suffers from the boss)

Behaviors that are experienced patients:

- Unwanted sexual remarks and verbal suggestions ("It must be your husband / boyfriend tonight is not make you happy when you're so mope. How about I try and cheer up!")
- Various unwanted calls ("After dinner you could drop me a drink or to go outside yourself to have some fun, a way to discuss about your grades / promotion at work!")
- Physical contact - body language, standing too close, giving different characters, and the like. ("Every time he comes to the documents, put my hand on my shoulder, hold me or touch my back and chest. When I walk down the hall, always stop me, asking something and so I brought in my face. Frequently we came up to me slag against the wall, so that they can not escape. ")

- Emotional persecution ("leave me messages, telling how unhappy in the marriage and how I can help just to get a little relieved that we need entertainment in order to function better at work!")
- Inadequate attention ("How not to help tak wonderful student to easily pass the exam! I left you in the drawer of the table with a packet of condoms, it agrees with your eye color!")
- Sexual blackmail ("When I ask him something or ask, just search service. I asked him for a day, said he can go if I'm going to go with him that night out.")

In addition to these behaviors, respondents are experienced and often sexist, offensive and discriminatory comments and jokes, spreading sexual rumors about you and the like, and specific adverse sexual behavior enforced by use of force and / or threats, which involve physical contact with the perpetrator (" firmly grabbed me by both hands, pushed me against the wall and hit it with me. He brought me in the face, telling me: "Now you will not get away so easily" or "came up behind me and grabbed me with both hands to breast pripijajući by my butt daščući! ")

One of the women from the area of Herzegovina-Neretva Canton said: "I only suffer for a reason, because I live in a small place and do not want to do the scene or his family, nor anyone else, because he was a prominent member of the municipality and is 60 years old . Well, where I was employed in this area with its 42 years, and who would give me a decent wage so? I believed that God would stop this behavior and I reacted to all the zafrkanciju! "

Based on research in these areas leads to the conclusion that a recent sexual harassment becomes more and more forms of "flirting", lascivious text messages, subtle power games the inauguration, when men (or less often female) expectations are not met.

Interestingly, it seems the story of one of the following subjects: "When my phone rang in his hotel room at 01:00 hours, I assumed that this is an emergency, you should something happen to family. But on the other side of the telephone wire was a colleague from a neighboring hotel room (we were at a business seminar), which he called me to join him in the hotel bar. He sounded drunk. It is not my immediate superior, but more influential than me. I declined the invitation. I told him I was tired and that can not be sad at this time to dress to make it company policy. But I felt worried. When you reject someone who is above you in the hierarchy, you can have peace of mind. "

Since there are direct threats and extortion related to sex in the workplace generally accepted as being fraudulent and non-business, those who are in a position that the sex abuse their power switched on "discrete" tactics of getting what they want or to punish those who deprive them of sex. Deviant parent characters will be more useful nuances such as courtship on a break or office party, sending text messages or emails with compliments and calls for discussion of new business project in an informal setting, at a restaurant or a cafe or at home parent. New tactics to obtain sex in exchange for a promotion, a passing grade or peace of mind, rely on technology. There are leading erotically charged messages that are sent to employees supervisor / ployees, and often contain suggestions for finding or offering to provide business services in exchange for sex. SMS, email or message through the "messenger" may be very lethal to convey sexual message, and be misunderstood. When people talk face to face, facial expression and body language complement word, so it is easier to grasp the interlocutor whether he is courting that person, you blackmailed him or gives him a decent compliment.

An interesting case of women from the area of Brcko District, the two girls high school hotel directions.

It is a 40-year-old who, along with their daily chef at the restaurant was a mentor to two female students in high school while they are engaged in practical part of teaching in the same restaurant. It is suspected that the immoral mentor abused a girl over a year ago, while the other sexually harassed in recent months. Through the work and time they spent together, has brought up with the girls and after a specific situation are encouraged so that the girls began grabble and intimate body parts. Girls are not expected, nor wanted to so free and close relationship with his mentor, but he began to blackmail the fact that his estimate depends on whether the finished grade and continue their education. He also knew that girls are often absent from practical work, and they threatened to go to school and apply them to their teacher if he had not let his "particularly close" approach. All these are the ones suffered from fear of losing one application if they school. Touched them on the chest and other intimate parts of the body until some time ago when one of the girls complained to her mother. But, like many other stories and this has remained just that, without applying for abuse - sexual extortion from a position of power.

In a sample of 27 subjects of the study, professor / boss's invitation to the meeting, coffee, or dinner, has seen 10 women, offers 23 of them sexual in nature, and unwanted touches and gestures, even their 24th Few of them at all is aware that they should regret it, especially where the need to complain - sign up!

The numbers speak for themselves, though to believe that the situation is even grimmer, given the relatively small sample of those who agreed to speak. At both sites investigation is omnipresent neosvještenost victims of their rights, then the existence of state - legal mechanisms that should protect them, and finally on the behavior of their corporate social responsibility - to report such cases.

This study showed that both men and women (although in a larger percentage of women) are exposed to sexual abuse and harassment at work, which includes unwanted comments, sexual advances, blackmail, inappropriate touching and tasteless jokes. Also, there are stereotypes about female sexuality, especially the women to dress provocatively when they go to work (the "dress up all the way utegnut, and then make fine, so go wild when they suggest sex, and always laugh when they have someone throw; carry minic so that all men go crazy for them, and when you should come to the point you are wondering, cause their sexual attributes and they are used to control the men, always cordial and smiling while talking with a parent, etc.).

On the other hand, are obvious stereotypes about men, which also shape the communication codes of the firms: the men are always ready to have sex, the man has more money or what is at a higher position that is more masculine, men are always rational, never emotional, they do not know about feelings, but only for sex, a powerful man is a real man, a man should be dominant and aggressive, and never touch, men are more intelligent and faster processing of information from women, men are generally polygamous, as many women had, the higher "stud."

The following story is one of the women reported that it has completed a higher administrative school, and no long able to find work. When it was finally "over nepotism found was delighted. Her boss immediately "zatrzao" on it, and soon after, traveling with him as his personal assistant, was "offered" its business partners, with additional "rewards". He points out that he had not repented. only once received a "reprimand to dismissal" because she refused to comply, as stated, the requirements of a sick, her boss, a very important business partner. Another declares that occasionally serve a variety of sedatives and certain types of drugs in order to "successfully" carried out the tasks ordered by her boss,

because, otherwise, he says, knows that if she does not, there are "younger and better" with which she can be replaced at any time.

In this case the victim has accepted the sexual blackmail from a position of power and adopted it as a "normal" business code which enables easier life. However, in order to submit the "normal" job done, she has to resort from time to time to stimuli that would facilitate her unbearable feeling of disgust, lack of self and society in which they live. True to the whole society should be concerned about how many of us there are and take these and similar "normal business codes, which are a serious threat to victims and the moral and economic foundations of society.

From this story we can see how the present real danger to the individual and society from the spread of legal prostitution, drug abuse and addiction, a distorted understanding of human and business values, experiences travesty business competition, all thanks to sexual harassment and sexual blackmail from a position of power.

LEGISLATION ON Forcing Sex with positions of power

European legislation

European Convention on Human Rights and Fundamental Freedoms

European Convention on Human Rights and Fundamental Freedoms has been integrated in the text of the Constitution and the rights and freedoms set forth in the Convention will take precedence over other laws in the legal system of BiH. Convention is directly applicable as required for national judicial and administrative bodies, without the need to enact implementing legislation, and takes precedence over all other laws.

Especially important is the provision of the Convention on the Prohibition of discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. By ratifying the Convention enabled the protection of human rights and fundamental freedoms of the European Court of Human Rights in Strasbourg, which contributes to a better protection of BiH citizens from discrimination.

Protocol No.12 to the European Convention on Human Rights and Fundamental Freedoms stipulates a general prohibition of discrimination in the enjoyment of all rights set forth by law. This extends the protection, which in addition to violations of rights enshrined in the Convention includes the violation of some law.

Revised European Social Charter

Revised European Social Charter was accepted in part related to the required members, and which contains provisions on the right to equal opportunities and equal treatment in employment and occupation without discrimination on the basis of sex. Pursuant to the provisions of the State shall take measures to create equal treatment of men and women in the field of employment opportunities, protection against dismissal, vocational guidance, training, retraining and rehabilitation, employment and working conditions including compensation.

Listed members of BiH accepted and ratified pursuant to Article III Section A, paragraph 1, point c) of the

European Social Charter (revised) and feels obliged to implement the following provisions: Article 1 Right to work - in its entirety; Article 2 The right to just conditions of work - in full, Article 4 The right to fair compensation - Paragraph 3, Article 5 The right to organize - a whole; Article 6 The right to collective bargaining - in its entirety; Article 7 The right of children and young persons to protection - in its entirety; Article 8 The right of women to maternity protection - in its entirety; Article 9 The right to vocational guidance - in its entirety, Article 11 The right to health care - in full Article 12 The right to social security - paragraph 1 and 2, Article 13 The right to social and medical assistance - paragraph 1, 2 and 3 and Article 14 The right to use social services - in its entirety; Article 16 The right of families to social, legal and economic protection - in its entirety; Article 17 The right of children and young persons to social, legal and economic protection - in its entirety; Article 20 The right to equal opportunities and equal treatment in employment and occupation without discrimination on grounds of sex - in its entirety, Article 21 The right to information and consultation - in its entirety, Article 22 Right to participate in the determination and improvement of working conditions and working environment - in full; Article 23 The right of elderly persons to social protection - in its entirety, Article 28 The right to protection of workers' representatives in the company and the allocation of adequate resources - in its entirety.

The adopted text did not include a provision regulating the right to dignity at work. This provision would oblige the state to ensure that effective workers' rights to dignity at work: promoting awareness, inform and prevent sexual harassment in the workplace or in connection with work, and take appropriate measures to protect workers from such conduct, promote awareness, inform and reported pressure prevents or highly negative or abusive acts against individual employees in the workplace or in connection with the work and take all appropriate measures to protect workers from such conduct.

Recommendations of the Council of Europe

Recommendation No. R (90) 4 on the elimination of sexism in language requires that the Member States of the Council of Europe, including the BH, promote the use of language that reflects the principle of equality between men and women and take measures they deem appropriate in order to strengthen the use of which is possible, non-sexist language, and bearing in mind the role of women in society, and current linguistic practices tailored masculine, then non-sexist language to introduce the legislation, public administration and education, together with the principle of gender equality, as well as to strengthen this language in the media.

Recommendation. R (98) 14 on integrating gender into public policy requires the government of the widely distributed report of the Supervisory Committee for equality between men and women on integrating gender into policy and encourage decision makers to create a favorable climate and conditions for the application of gender into political trends in the public sector.

Recommendation Rec (2003) 3 on balanced participation of women and men in political and public decision making recommends that member governments to commit themselves to promote balanced representation of men and women, public recognition that a balanced division of management authority between men and women of different age profiles and strengthens and enriches democracy , then to protect and promote the equal civil and political rights of women and men, including running for office and freedom of expression, to ensure that men and women enjoy their own voting rights, etc..

Recommendation. (2007) 17 on the standards and mechanisms for gender equality, based on relevant recommendations of the Council of Ministers of the Council of Europe, and international conventions (CEDAW and other.) Finding that, although the principles of gender equality have been widely accepted

in many countries, there is still gaps between the provisions and practice, between de jure and de facto equality. Considering that in overcoming this deficiency is not enough to set standards, but also measures for their implementation, including regular monitoring and evaluation processes required to implement measures to achieve gender equality in practice, countries should take into account the principles and standards that are recommended. These standards are: that the gender equality as a principle of human rights is the responsibility of government; that gender equality concerns and the responsibility of society as a whole, that the obligations of transparency in the adoption and understanding achieved in gender equality demands that the government must respect. The standards prescribed for specific areas related to private and family life, education, science and culture, economic life, political and public life. Strategies, mechanisms and tools for achieving gender equality include the implementation of government commitments on gender, to the establishment and reinforcement of international and national mechanisms, which is the essence of government action required to achieve gender equality.

Relevant EU legislation

The basic feature of European Union (EU) is to give priority to EU law over domestic legislation. Treaty on European Union in Article 6 states that the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, which are common to all Member States. In Article 13 of the Treaty stipulates that the Council of the Union in the fight against discrimination based on sex, race or ethnic origin, religion, disability, age or sexual orientation, may take appropriate measures. Based on these provisions, the EU Council to issue directives that give the basic principle and timetable for incorporation into national legislation. Some of them are: Directive (2000/43/EC) which requires implementation of the principle of equality regardless of race or ethnic background in education, social security, tenancy rights and trade in goods and services, Directive (2000/78/EC) that relating to equal opportunities in employment and occupation, with respect to discrimination based on religion or belief, sexual orientation, disability and age; Directive (75/117/EEC) on the approximation of laws of member states on equal pay for women and men, the Directive (76/207/EEC) on equal treatment for men and women in employment, professional development, promotion and working conditions, Directive 79/7/EEC) on equal treatment in connection with the plan of social protection that is prescribed by law; Directive 97/80 / EC on the burden of proof in cases of discrimination based on gender.

Lisbon Treaty in the European Union came into force in the Charter of Fundamental Rights of the EU, which contains a special chapter on guaranteeing equality before the law and prohibit discrimination. The Charter stipulates the equality of men and women in all fields, including labor, employment and earnings.

Final Act of the Conference on Security and Cooperation in Europe

Final Act of the Conference on Security and Cooperation in Europe, although not a formal international agreement, shall have the meaning of legal obligations. This document confirms the obligations of the state of customary international law, already recorded in the Universal Declaration of Human Rights. Especially important is the meeting of the Conference on Security and Cooperation in Europe, Vienna, 1988, in which the final document, participating countries undertake to respect human rights and fundamental freedoms, including freedom of thought, conscience, religion and beliefs, regardless of race, gender, language or religion. States considered a prerequisite for their respect for peace, justice and security between them and the fact that the realization of human rights and freedom, which stems

from the dignity of the human person is required for the free and full development of the country. Meeting in Copenhagen has continued in developing the conviction that full respect for human rights and fundamental freedoms and the development of society under the rule of law a precondition for progress in building lasting peace, security, justice and cooperation, which seeks to establish in Europe. All persons are equal before the law and are entitled to equal protection under the law without discrimination. Guaranteed equal and effective protection includes the right of individuals to seek and receive adequate legal assistance, as well as his / her right to seek and receive help from others to protect human rights and fundamental freedoms, as well as to provide that protection to others in defending human rights and fundamental freedoms . Any departure from the obligation of States to respect human rights and fundamental freedoms, the duration of emergency in a country, must be strictly within the framework of established international law, and such measures will not perform discrimination based on race, color, sex, language, religion and social origin or belonging to the minority.

In Prague Charter - for the new Europe highlights the universality and inalienability of human rights acquired by birth, while the document with the Moscow meeting in relation to human rights, emphasizes the full and true equality between men and women, as a basic expression of a democratic society based on rule of law. States confirmed that the full development of society and the welfare of all its members require equal opportunity for full and equal participation of men and women, and the rejection of all forms of discrimination against women.

Constitution and national legislation

BiH Constitution

BiH Constitution in Article II, "Human rights and fundamental freedoms" stipulates that the enjoyment of rights and freedoms set forth in this Article or the international agreements listed in Annex I of the Constitution provided for all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, color, race, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Bosnia and Herzegovina and all courts, agencies, governmental bodies, and bodies that govern the entities directly or within the Entities, shall apply and respect human rights and fundamental freedoms.

Anti-Discrimination Law

Anti-discrimination law set out the framework for implementation of equal rights and opportunities for all persons in Bosnia and the system of protection. The law takes precedence in the proceedings on it in comparison with the other laws, if they have not agreed with this law. Law provides for the responsibilities and duties of the legislative, judicial and executive authorities in BiH, and legal entities and individuals with public authority, to ensure protection, promotion and creation of conditions for equal treatment. According to the Act, discrimination is any differential treatment, including the restriction or preference, based on the basis of race, color, language, religion, ethnicity, national or social origin, relation to a national minority, political or other opinion, property, membership in unions or other associations, education, social status and gender, sexual orientation or expression, as well as any other circumstances with the aim or consequence that a person is disabled or undermine the recognition, enjoyment or exercise of equal rights and freedoms in all spheres of public life .

Intentions in dealing with cases of Discrimination is not proved.

Prohibition of discrimination applies to all public bodies, all natural and legal persons in public and private sectors, and in all fields, particularly in the areas of employment, education, social and health care, judiciary and administration, housing, public information and media, equal participation in public life, the rights of children and families.

The forms of discrimination are direct, which means any differential treatment, action or omission that causes or could cause a person or group of people at a disadvantage compared to other, while the indirect, often less obvious, possibly caused by an apparently neutral provision of law, politics work or practice has an effect of bringing the person or group of people at a disadvantage because of personal characteristics. Discrimination can manifest itself as any form of harassment, particularly sexual harassment, mobbing, segregation from other, guiding and encouraging others to discriminate, an order and incitement to discrimination.

It will not be considered discriminatory measures and actions that stem from unfavorable distinction or differential treatment based on objective and reasonable justification, when a legitimate aim and if there is a reasonable relationship of proportionality between investment and actual. An example of this are the measures implemented to prevent the emergence or damages that people suffer, the measures for the benefit of children, pregnant women, refugees, asylum seekers, and the like., Or measures based on the criterion of the minimum age for employment, marriage, citizenship and so on.

The law applies to the actions of all public bodies, all levels, legal persons of public authority, and private and individuals in the areas of employment, education, science, culture, sports, social and health care, justice, housing, public information and media, membership in associations and professional organizations, economic activity, public life, family, and in connection with the rights of minors. The central institution for protection from discrimination is the institution of Ombudsman for Human Rights. Records of all reported cases of discrimination, competent institutions in BiH are obliged to provide the Ministry of Human Rights and Refugees, which will establish a central database. For the implementation of the Act is the Ministry of Human Rights and Refugees.

The action may be required to establish the existence of discrimination, to prohibit or eliminate discrimination, to compensate the damage caused to all these claims can be cumulative. The complaint must be lodged within three months from the date of learning diskriminaciju, or no later than one year. The burden of proof is on the offender, if the allegations in the complaint supported by evidence. On the side of a person who is a victim of discrimination can take part and the third party only with her / his consent. Individuals may submit a complaint, as well as associations, institutions, and other organizations that have an interest to protect the rights of certain groups or to protection of the scope of its activities.

People who reported discrimination or participated in the proceedings, because not suffer the consequences. An offense is sanctioned by a fine, and can be pronounced a forfeiture that discrimination has occurred, and a ban on professional, business or office.

The Law on Gender Equality in BiH

The Law on Gender Equality in BiH regulates, promotes and protects gender equality and guarantees equal opportunities for all citizens and equal treatment of all persons regardless of sex, in public and private spheres, and regulating the protection from discrimination based on gender. Males and females are equal. Full gender equality is guaranteed in all areas of society. Discrimination is not considered a deployment, bringing the implementation of temporary special measures to eliminate existing

inequalities, promote equality and protection of gender equality.

Discrimination based on sex is putting every disadvantage of any person or group based on sex, for which the person or group making it difficult or denying recognition, enjoyment or exercise of human rights and freedoms.

Gender-based violence is prohibited. It is defined as any activity that causes or may cause physical, psychological, sexual or economic harm or suffering, and the threat of such action that inhibits a person or group to enjoy their human rights and freedoms in the public and private life.

Victimisation is a form of discrimination that occurs as a result of the refusal of orders for the discriminatory conduct, reporting of discrimination, testifying in a proceeding for protection from discrimination based on sex or if the person is otherwise involved in proceedings for discrimination based on gender.

Prohibited gender discrimination in employment and labor relations, in the enjoyment of social rights, health care, access to sporting and cultural life, judicial protection, and representation through the media.

All statistics and information collected, recorded and processed in state bodies at all levels, public agencies and institutions, public and private companies and the subject of other, must be gender disaggregated.

Victim of gender discrimination is entitled to damages in a civil action under the provisions of the Code of Obligations.

Decisions of judicial bodies at the state level / entities shall be submitted to the Agency for Gender Equality and Gender Centres entities. Competent legislative, executive and administrative authorities of all levels of government are required to establish appropriate institutional mechanisms for gender equality which will implement the Law on Gender Equality in BiH, will coordinate the realization of program objectives of the Gender Action Plan and ensure an implementation of international standards in the field of gender equality. Competent State, entity and cantonal authorities, and bodies of local self-government required that all regulations and other acts within its jurisdiction, before making the legal procedure delivered the opinion of the institutional mechanisms for gender equality.

The criminal act of violence based on gender or sexual harassment or harassment that endangers the peace, mental health and physical integrity of another, shall be punished by imprisonment of six months to five years. Legal persons and responsible person in it will be suitable for a misdemeanor for failing to take adequate measures to protect against discrimination. Processing and decision making for criminal offenses and violations under this law an urgent nature and has priority in the work of the authorities.

Criminal Code of Bosnia and Herzegovina (BiH)

This section presents the relevant provisions of the Criminal Code, which may relate to cases of gender discrimination: Article 145 violations of the equality of man and citizen; Article 148 violations of the right to file complaints and appeals; Article 149 unauthorized use of personal data; member 185 establishment of Slavery and Transport of Slaves; Article 186 of human trafficking; Article 187 for recruiting international prostitution Article 188 of illegally withholding of personal documents, a member of the 189 illegal transfer of persons across the border; Article 190 Torture and Other Cruel,

Inhuman or Degrading Treatment; article 204 violation of equality in carrying out economic activities.

Criminal Code of the Federation of Bosnia and Herzegovina (FBiH)

The relevant provisions relating to gender discrimination in the Criminal Code of FBiH: Article 177 violations of the equality of man and citizen, a member of the 179 unlawful detention; Article 180 kidnappings, extortion of testimony Article 181, Article 182 abuse in their service; article 183 security threats; member 188 unauthorized wiretapping and sound recording; Article 189 unauthorized recording of images; Article 192 violations of the right to file complaints and appeals; Article 193 unauthorized use of personal data, Article 203 of rape, a member of the 204 sexual intercourse with a helpless person, Article 205 sexual intercourse by abuse of position, a member of 206 coercion to sexual intercourse, indecent assault Article 208, Article 210 soliciting prostitution, a member of the 279 violations of equality in employment, Article 280 violations of labor rights, Article 281 violations of the right to temporary unemployment, violation of Article 282 of the social insurance.

Criminal Code of the Republic of Serbian (RS)

The relevant provisions relating to gender discrimination in the Criminal Code: RS: Article 162, violation of equality of citizens, Article 193 Rape, Article 196 sexual intercourse by abuse of position, Article 198 of human trafficking for prostitution, Section 227 violations of the rights in employment and unemployment, a member of 359 violations of human dignity, abuse of official position or authority.

Criminal Code of Brcko District (BD)

The relevant provisions relating to gender discrimination in the Criminal Code BD are: Article 174 violations of the equality of man and citizen, Article 179 abuse in their service, Article 200 Rape, Article 207 solicitation of prostitution, Section 273 violation of equality in employment, Article 274 violations of the rights from employment.

Procedural law

Laws that are relevant to the procedures for accreditation procedures related to protection from discrimination and protection of gender equality are the laws on civil procedure, criminal procedure, the Law on Legal Assistance in official co-operation in Criminal Matters between the FBiH, RS and BD, the laws of Administrative Procedure Act, the laws on administrative disputes, the laws on execution, the law on witness protection, laws on witness protection, the laws on execution of criminal sanctions, detention and other measures, the laws on minor offenses.

Forcing sex in the legislation of Bosnia and Herzegovina

Over the previous section it was pointed out that in Bosnia and Herzegovina four criminal codes are applied in such a way that there are criminal statutes of the entity (the Federation of Bosnia and Herzegovina and the Republic of Serbian) applicable to the entities and Brcko District Criminal Code, which applies in Brcko District. In addition, there is a fourth law, and that the Criminal Code of Bosnia and Herzegovina, and there are codified crimes that are important for the entire state and the execution of which may have consequences that go beyond or even the entity of Bosnia and Herzegovina.

Bearing in mind that issues such as extortion of sex "or sex life in general, often considered a kind of

taboo, and undoubtedly belong to the private sphere of each individual, it is logical that some limited forms of "sexual coercion" can be considered as issues of particular importance to the state. As a result, almost all criminal acts that basically incorporate "sexual extortion" or sexual offenses broadly speaking, find their place in the entity criminal law (ie the Criminal Code of Brcko District).

Chapters entitled Crimes against sexual freedom and moral entity criminal laws to sanction all forms of conduct that are directed against sexual freedom and morality.

An exception is the crime of trafficking and the crime of international recruitment for prostitution, which have found their place in the Criminal Code of Bosnia and Herzegovina (Articles 186 and 187).

Under current Criminal Code of Bosnia and Herzegovina, the crime of trafficking is defined as follows:

Human Trafficking

(1) Whoever, by force or threat of force or other forms of coercion, of abduction, fraud or deception, abuse of power or of position of vulnerability or the giving or receiving of payments or benefits to privolio person having control over another person, recruits, transports, transfers, harbors or receives a person for the purpose of exploitation of prostitution of another person or other forms of sexual exploitation, forced labor or services, slavery or similar status, servitude or the removal of organs or other exploitation shall be punished by imprisonment for three years.

(2) Whoever recruits, said, transports, transfers, conceals or receipt of persons who have not attained 18 years of age to take advantage of paragraph (1) of this Article shall be punished by imprisonment for five years.

(3) If the criminal offense referred to in paragraphs (a) and (2) shall be made official in the performance of official duties, shall be punished by imprisonment of at least five years.

(4) Whoever forges, acquire or issue the travel or identity documents or used, retained, revoke, alter, damage, destroy the passport or identity document of another person for the purpose of facilitating human trafficking shall be punished by imprisonment of one to five years.

(5) Whoever organizes or in any way the group of people to commit the criminal offense referred to in paragraphs (a) or (2) of this Article shall be punished by imprisonment for ten years or long-term.

(6) Anyone who uses the services of trafficked persons shall be punished by imprisonment from six months to five years.

(7) If the criminal act referred to in paragraph (a) and (2) of this Article, a difficult mental health, serious bodily injury or death of a person referred to in paragraphs (a) and (2) of this Article, shall be punished by imprisonment for five years or by imprisonment.

(8) articles and vehicles used to commit crimes will be confiscated, and the objects that were used for the purpose of trafficking can be temporarily or permanently closed.

(9) For the crime of human trafficking without affecting the fact that the person is a trafficking victim consented to the use.

The above legal definition of trafficking, may at first seem somewhat at odds with the definition of "extortion of sex." However, the offense of trafficking in persons is quite broad stipulirano and is not limited to the very human trafficking. The legislature had a clear intention to sanction all forms of exploitation, which is based on factual establishment of power between individuals. Therefore, it is not the only method of establishing government by money, but for this purpose can be used and the relationship of dependency.

Furthermore, the crime of trafficking sanctioned a wide range of possible forms of exploitation of individuals, including forced labor, slavery or a similar status, service, removal of organs or other exploitation.

Confirmation that the legislature is fully aware of the harmfulness of human trafficking and its commitment to be with her accounts, are the prescribed punishment. Thus, provided a special (higher) minimum when the perpetrators of human trafficking officials who carry out official action.

Similarly, a special (higher) minimum prescribed in paragraphs 5 and 7, or for persons who are the organizers of trafficking, or for cases where the victims of trafficking come to mental health, serious bodily injury or death. In this case, the offender may be sentenced to long-term imprisonment.

In the end, when it comes to human trafficking in the context of the topic "extortion of sex" are particularly significant paragraph 6 and 9 providing for penalties for persons who use the services of trafficked persons, and that I was the victim's consent, without prejudice to the criminal act of trafficking. So, the offender shall be guilty of towards him will be the sanction imposed regardless of the fact that the victim consented to act in a way it is asked.

Unlike the crime of trafficking in persons under Article 186 Criminal Code of Bosnia and Herzegovina, whose original text is fully revised, the crime of international recruitment for prostitution, has undergone only two minor changes from the original text, so it now reads:

International recruitment for prostitution

(1) Whoever procures, entices or induces another person to provide sexual services for profit within a state excluding the one in which such person has a residence or is a citizen, shall be punished by imprisonment from six months to five years.

(2) who, using force or threat of force or deceit, coerces or induces another person to go to the state in which no residence or is not a citizen, to provide sexual services for money, shall be punished by imprisonment of one to ten years.

(3) The fact that the person procured, enticed, led away, forced or deceived into prostitution but does not affect the criminal act.

UN Convention on the Prohibition of Trafficking and Exploitation of the Prostitution of Others, States Parties have agreed that, among other things, to punish any person who, to satisfy the passions of another person, procures, entices or leads away another person for purposes of prostitution, even with consent that person.

Mentioned Convention, as far as state's obligation to criminalize the conduct of such proceedings, does

not make any distinction based on sex of persons who are subject to these procedures, their age and whether the person alleged to prostitution in the country of which she is a citizen or in which resides, or in another country.

Provisions of Article 187 Criminal Code made the criminalization of recruitment for prostitution when they contain an element of foreignism. That element foreignism consists in the recruitment for prostitution in another country where that person is domiciled or is not a citizen. In fact, experience has shown that engaging in prostitution in the country where a person engaged in prostitution does not reside or is not a citizen makes the person vulnerable to exploitation, which facilitates the exploitation of prostitution by her side, especially by organized crime groups whose activities have a transnational character.

Perpetration of acts of this form of crime are recruiting, recruitment or inducement of others to provide sexual services for profit, ie. into prostitution. These actions will typically include the presentation of a person who comes to prostitution benefits or benefits that will have from prostitution (ie not just a threat or force).

Although the solicitation of prostitution is usually carried out of mercenary motives, the motive for the perpetration of acts is not a legal element of the crime, that work was completed by taking one of the following acts of perpetration without regard to whether the other person privoljena into prostitution. Also, the existence of acts is irrelevant whether a person who is the object of perpetrating acts engaged in prostitution in the country which is not a national or in which no residence and no actions taken recruitment.

The perpetrator of a crime may be any person.

In the end, when it comes to criminal acts of international recruitment for prostitution, it should be noted that the offense from paragraph 2 consists in forcing or specifying another using force or threat of force or fraud to go to the state in which no residence is not a citizen or to provide sexual services for money. Because of the existence of this form of crime requires that the indication of another person to go to a country where no residence or is not a citizen to provide sexual services for money followed by the use of force or threat of force or fraud, the work would be considered a qualified form of work paragraph 1, so instead of as previously the case, the prescribed sentence ranging from six months to five years, according to the modifications of the Criminal Law of 21.01.2010. year, the penalty ranges from one to ten years.

Sexual integrity of a man, or discretion in the sphere of sexuality can be violated not only sexual intercourse or other sexual act by force or by threat or by taking advantage of a state of helplessness of a passive subject, but also taking advantage of a particular position of dependence or subordination for which a person (the victim) was not able to resist the sexual demands of another. Legal protection from this type of injury man's sexual integrity is provided by Article 205 Criminal Code of the Federation and member of the 196th Criminal Code of the Republic of Serbian, and refers to the criminal offense of "rape (sexual intercourse) abuse of position" that contains two paragraphs which read as follows:

Article 205 Criminal Code of BiH

(1) Whoever, by abusing his position as stated in sexual intercourse or an equivalent sexual act on another person because of property, family, social, health or other condition or situation is difficult for him in a relationship of dependence, shall be punished by imprisonment for three months to three years.

(2) A teacher, educator, parent, adoptive parent, guardian, stepfather, stepmother, or other persons who are abusing their position or relationship with a juvenile who has been entrusted to her for learning, education, child care or make him sexual intercourse or an equivalent sexual act , shall be punished by imprisonment from six months to five years.

Article 196 Criminal Code of the Republic of Serbian

(1) Whoever, by abusing his position to indicate sexual intercourse or other sexual act a person who treated him in a subordinate or dependent, shall be sentenced to three years.

(2) Teacher, tutor, guardian, adoptive parent or other person who by misusing his position has sexual intercourse or other sexual act with a minor has been entrusted to him for learning, education, protection or care, shall be punished with imprisonment from six months to five years.

Therefore, the incrimination protects the freedom of decision-making in the sphere of sexuality of persons (passive subjects, victims) who are in a relationship of subordination or dependence on other persons (active entities). The essence of this crime, which sets it apart from other criminal acts against morality and sexual freedom is coercion to sexual intercourse or other sexual act that is manifested in reference to sexual intercourse or other sexual act by abuse of position by the person to which the passive subject is in any relationship of dependence or subordination. It is the identical mechanism of action of psychological coercion as well as so-called. sexual blackmail. Specifically, and in this offense no external manifestations of resistance to passive subject to sex offender actions, although passive subject does not want, but accept them because of their relationship of subordination or dependence on the perpetrator. In fact, the passive subject of consent to sexual acts on the perpetrator because that is their position not to further aggravate or to improve their position. According to the legal formulation of the basic form of the work makes a person who by misusing his position to indicate sexual intercourse or other sexual act a person who treated him in a subordinate or dependent. Thus, the perpetrator of a crime may be a person, male or female, according to which the passive subject is in a subordinate or dependent.

The piece is one who, without coercion, taking advantage of the position depending on why the victim is unable to resist the sexual demands of the perpetrator, achieve sexual intercourse or other sexual act. Passive subject may be an adult, male or female. Relationship of subordination exists when a person is obligated to obey orders or instructions of another person, while the dependence means that the position of a person such that it can worsen or improve at will of another person. The existence of such a relationship is a factual issue that the court determined in each case as part of the subjective and objective circumstances of the offense. It is irrelevant whether such relationships are formal or informal, that is. whether arising from any legal or factual basis for the facts of life. Thus, for example., There will be the relationship of subordination between employer and employee, the director and his associates, between lower and higher officials in the army or the police, the military leaders and soldiers, but in many other cases where such a relationship stems from the actual relationship of subordination or dependence that is not based on any legal basis. In such a factual relation of subordination or dependence would be such. a person who has borrowed a large sum of money from the offender, or, for example. person of the offender expects financial aid or a loan that has been of vital importance.

The act of committing a reference to sexual intercourse or other sexual act by abuse of position. Thus, the act of commission is made up of guidance and rape or other sexual act and the crime is one of the

dvoaktna crimes. It follows that the finished criminal offense must be committed sexual intercourse or other sexual act and if there was no rape or other sexual act, there will be an attempt of this crime.

Guidance in terms of these charges, should be understood as the creation or strengthening of the will of another person to perform sexual intercourse or other sexual act with the perpetrator, without using force or serious threat. The specificity of this work is that the reference to sexual intercourse or other sexual act carried out by abuse of position of the perpetrator, so that the abuse of office occurs as a means by which the passive subject of the alleged sexual intercourse or other sexual act. Misuse means using, exploiting the position of executor as such, which occurs as a single or main reason for sexual intercourse or other sexual act, with no emotional coverage for treatment of suspect and victim. It is achieved primarily by providing certain benefits or promise or threat or hint of the occurrence of certain adverse effects related to the position of the executor and the passive subject. It should be noted that the threat of occurrence of certain adverse effects may not have elements of the threat that represents a significant feature of the crime of rape, because in that case there was a criminal act of rape.

Specifying the purpose of this criminal act, there is only the case when the initiative for sexual intercourse or other sexual act gave the perpetrator. So, there is this crime if the person has given the initiative in the relationship of dependence or subordination in order to achieve a certain goal, eg. promotion, better medical care, higher wages and the like. However, if the perpetrator of his conduct gave rise to the victim in order to then use the wire there will be a criminal offense.

For the existence of the work is necessary that the perpetrator uses the position of dependence or subordination that exists directly between him and the passive subject, ie. that he personally abused his position and not to misuse someone else's position, ie. to use a subordinate or dependent relationship that exists between the passive subject and any other person. However, if the perpetrator acts of passive subjects indicated the sexual intercourse or other sexual act by taking advantage of the relationship of subordination or dependence that exists between victim and perpetrator of a close person (parent, spouse, etc..), It should be assumed that the perpetrator gained by the fact position that it is misused or indirectly between you and a passive subject to create a relationship of subordination or dependency, and to acknowledge the existence of this form of crime. The concept of rape or other sexual act to be understood in the same sense as the crime of rape.

Subjective side of work seems intent which must include all elements of the offense. This means that the perpetrator acts must be aware that the passive subject to him in relation to any dependence or subordination, and that his conduct is an abuse of its position.

For this type of work provides for the punishment of imprisonment up to three years.

Qualifying circumstances of the crime sexual intercourse by abuse of position is a specific relationship between the perpetrator and the passive subject and age of the passive subject. In fact, the perpetrator of a crime may be a teacher, tutor, guardian, adoptive parent or other person who by misusing his position has sexual intercourse or other sexual act with a minor has been entrusted to him for learning, education, protection or care. So, the next person who is the legislator explicitly stated as the possible perpetrators of this crime, the work can be done any other person to whom the minor is entrusted for learning, education, protection or care. It is irrelevant whether such a relationship between the offender and the passive subject is based on a legal document or resulting from the actual state of affairs. Since the performer can appear doctors and other health workers in hospitals and other health institutions, the supervisory staff in penal or correctional institutions, an employer with whom the minor is

employed, common-law husband of the mother, father's illegitimate wife, etc.. It is essential that the executor and the passive subject is no specific relationship that is based on the fact that the passive subject entrusted to the executor for learning, education, protection or care, where it is irrelevant whether it was a temporary or casual relationship, or it comes to a relatively lasting relationship, for example. between teachers and students. In accordance with the perpetrator of this crime may be the person to whom a minor has been entrusted for safekeeping during the brief absence of parents or the person who gives instruction in certain disciplines, and the like. Controversial, however, whether the perpetrator of this crime may be a minor parent or other relative in the direct line or side line to the second degree, because these persons designated by law as perpetrators of crime *rodoskrvljenja* or its severe form which provides imprisonment of one to eight years for these persons who commit sexual intercourse or other sexual act with a child or a minor. In such cases as a way of committing criminal acts of incest occurs almost regularly abuse of power by the perpetrator or the authority that this is the passive subject. In addition, when it comes to parents of minors, by their nature show that its legal, and moral duty to care about education, learning, keeping or care of a minor, and do not need to be what he "entrusted" to that effect. Passive subject is a minor, that person is male or female who is older than 14 but younger than 18 years. If the passive subject of a child occurs, ie. face up to 14 years, then there is a severe crime sexual abuse.

The act of commission is defined as sexual intercourse or other sexual act of abuse of office. Thus, the existence of this form of work did not need guidance on sexual intercourse or other sexual act, it is sufficient that made sexual intercourse or other sexual act with a minor abuse of position, who is the executor is entrusted with teaching, education, protection or care. It follows that the initiative to perform sexual intercourse or other sexual act that came from a minor does not preclude actions. Considering the specific relationship between the perpetrator and passive subjects, and the fact that the passive subject of a minor, to determine the abuse of this type of crime will apply more lenient criteria than the basic form of offense.

Subjective side of work seems intent which must include all elements of the crime.

For this type of crime sexual intercourse by abuse of position provided for a prison sentence of six months to five years.

Criminal Code of the Federation and the Criminal Code of Brcko District know incrimination solicitation of prostitution, whose counterpart crime of human trafficking for prostitution in the Criminal Code of the Republic of Serbian. Besides the difference in name, of this crime are evident differences in terms of individual characteristics and the penalties that are prescribed, so that here too there is a discrepancy between the Criminal Code of the Federation and the Criminal Code of Brcko District, on the one hand, and the Criminal Code of the Republic of Serbian, on the other side.

For a basic form of the work, provided the penalties are different, and that the Federation Criminal Code in relation to the Criminal Code of the Republic of Serbian and the Criminal Code of Brcko District, including the Federation Criminal Code sentence of imprisonment of one to five years, while the other two laws prison sentence lasting from six months to five years.

All three laws provide for a separate qualifying format, the execution of works from the basic and other *kvalifikatornih* shape, with a child or minor, with a difference as to the shape of the Criminal Code of the Republic of Serbian prison sentence of one to twelve, while the Criminal Code of the Federation and Criminal Code of Brcko District of sentence of imprisonment of three to fifteen years.

Also, all three laws that treat the person who coerces, induces or subsumed (Criminal Code of the Republic of Serbian), or states, encourages, entices or compels (Criminal Code of the Federation and Brcko District Criminal Code) has been engaged in prostitution, with the the difference that this fact, the Federation Criminal Code and Criminal Code of Brcko District, with no impact on the perpetration of acts, whereas, in the Criminal Code of the Republic of Serbian, this has no importance for the existence of the work.

Then, it is worth mentioning is the crime of exploitation of a child or a minor for pornography in the Federation Criminal Code and Criminal Code of Brcko District, or criminal offense exploitation of children and minors in pornography, which consists of only one basic form, characteristics of which are different in Criminal Code of the Republic of Serbian in relation to the Criminal Code of the Federation and the Criminal Code of Brcko District. Specifically, the Criminal Code of the Republic of Serbian contains less features of primary and also the only form of this crime, incriminating abuse of a child or a minor to produce images, audio-visual materials or other items of pornographic content, as well as child abuse and juvenile for a pornographic show. Criminal Code of the Federation and the Criminal Code of Brcko District are somewhat more specific and broader, so criminalize the recording of a child or juvenile for the purpose of making photographs, audio-visual material or other pornographic materials, then the possession, importation, distribution (fragmentation) or display such material, and another, a reference to those persons, ie. child or minor, to participate in pornographic performance.

The penalty prescribed for this work in the Criminal Code of the Serbian prison sentence of six months to five years, and Federation Criminal Code and Criminal Code of Brcko District, the penalty of imprisonment of one to five years. According to the Federation Criminal Code and Criminal Code of Brcko District, the objects intended or used for the perpetration of this act, shall be forfeited and the items that were made its perpetration, shall be forfeited and destroyed. Criminal Code of the Republic of Serbian is not such a detailed and provides only that the articles and resources listed in the characteristics of works seized.

The barriers that they face in solving problems related to extortion SEX WITH POSITION OF POWER IN BOSNIA AND HERZEGOVINA

Sexual harassment and extortion of sex from a position of power is one of the crimes that are the least reported, and both are very common. Women (and men) are still in all countries of the world struggling to trust them, that they are not blamed for sexual harassment and even rape. Namely, it is still up for rape victims seen through the eyes of many prejudices, as if in some way to the seeking. All this affects the number of applications. Violence against personal limits of sexual harassment victims is so strong that the feeling of helplessness and shame appears as a barrier that prevents the victim to seek help. The fear and shame from sexual harassment and sexual blackmail from a position of power, help keep the myths related to sexual harassment. This is clearly seen in the following example:

"No matter what application, to whom? So do not be silly, I, an ordinary worker, to report by a reputable gentleman, co-owner of the company, distinguished by the higher social circles in BiH, to systematically sexually harassed me for months, the verbal, which pipkajući (clapping on the buttocks, the strong pressures against the wall, along the way rubbing), because no one would have believed, and laughed all to me. Surely would get fired, and I barely got 47 years with the job of maintaining hygiene in the company!" Says a woman who is traumatized after a long time on hold got a job cleaning (have completed high school). Further states: "I went to seek medical help, because I have stomach pain, poor sleep, however bad I feel ... and you know what my doctor said when I explained that I had problems at work with the head - not too fancy (because he knows where he works), the boss would not have

dropped the cleaning lady, because he who has money, power, respectable member of society, can afford much better! There, I experienced that I hear - and to characterize me as a menopausal woman to have such a fiction that felt sexually desirable. He gave me a pile of some sort of tranquilizer, and recommended to watch what I'm talking around! "

A serious problem occurs on this subject in all pores of society, and if you start from the nucleus, the family, it is clear that the extremely under-developed verbal communication in our society, which still has the consequence that it is quite "normal" when parents pay child in a way, "Ma annoy me so much that we came to kill you!" When they point out the horrors that they have imposed and the consequences of which remain the person to whom the words are addressed, surprised to justify that it does not think, just say so.

Taking into account the socio bride and underdeveloped verbal communication (example above) is the wonder that is easily and often with ridicule, the environment, and government institutions related to sexual harassment (especially verbal), for God's sake, it just says so!

That spoken words can be lethal by weapons that can inflict enormous damage to the psycho-physical scale, unfortunately, is rarely respected and accepted in our society.

Sign in sex crimes in our society is often a "rule of stitches and bruises," meaning that the victim is ready to file criminal charges only after visible physical injury. It actually means in practice that the victim, if not physically injured, is practically difficult to prove a "case" the criminal complaint, and when the same processes, to final justice pass a lot of time, with uncertain outcome for the victim. And this is one of a series of extremely aggravating factors and the reasons why victims are silent.

Indolence, and often ignorant attitude of state mechanisms in the chain of those who need to address this problem is evident, as in BiH, there are excellent conditions of statutory regulation by the few who in practice is implemented. This indicates the seriousness of professionals, their lack of education and unwillingness to act because of lack of knowledge in certain segments.

One should not forget the cultural phenomenon of the rule of stereotypes on the subject, which corroborates unprofessional behavior of certain individuals in the profession (prosecutors, judges, lawyers, police, doctors, etc.).

Barriers facing the judiciary

Bosnian judiciary, there has not been able to systematically address the issue of sexual exploitation from which they could be collected experience, which could be used for further work on this type of case.

On the other hand, the processing of war crimes brought an array of new experiences, knowledge and practices, including those with women who have suffered various forms of sexual violence. Namely, a large number of war crimes that were prosecuted before the courts of this country, among others, were related to the crime of rape.

From the prosecution of such cases can be taken and valuable experience. Among them should be allocated primarily those relating to the punishment of the perpetrators.

In this context, these issues can be examined from two perspectives. The first entails a hectic urban lifestyle, where all the harder to deal with "their own problems" and the second involves a somewhat slower life in small towns.

City Conditions

In larger communities there is a greater ability to locate appropriate counseling and other centers that have provided support to women survivors of wartime sexual violence. In these circumstances, the victims were primarily able to more easily understand that themselves should not be held responsible for what they lived through, and it should not feel less worthless. They were simply victims of a crime. Such women are usually easier to talk about their trauma and thereby appear in court as a witness should the criminal proceedings. Also, these women have built awareness of the severity of the offense, which the victim and require srazmjernu sanction.

Smaller settlements and zabačenija

Far more specific population are women - victims who are adults in small towns and who live in them. They are much harder to find the necessary support to help them understand that they are not guilty of torture experienced by, and therefore are no less valuable. In their view, have gone through a difficult period in life than you want to get as much as possible and soon depart. Simply to leave everything behind. Such women suffer far more secure and more difficult to decide to talk about their problems, or even deny it.

If they decide to talk and possibly testify, these women usually ask for a more severe sanction because they are once again gone through the trauma of believing that it will be them "point fingers", only polling them in the shortest considered worthless or immoral.

Problems relating to criminal sanctions

As discussed above, women / damaged in smaller communities typically seek a harsher sentence because they tend to traumatičnije talk about what they have experienced. In cases where criminal proceedings are completed and when the court imposes a sanction, regardless of the fact that the perpetrator is found guilty, there is a wave of discontent.

Then begins a boomerang effect. Women who were pioneers and decided to speak out, come in a position to influence the truge people that they would not have followed suit. In smaller communities such issue has even greater weight, especially when it comes to the case that more women are sexually exploited and raped by one person or several persons who are connected.

Criminal proceedings had ended, instead of becoming a prelude to other actions, he becomes their annoyance.

Protective measures for witnesses

Bosnian law knows a wide range of protective measures for witnesses and indeed there are many examples of war crimes when witnesses are granted some of these measures. To explain, protective measures should be distinguished from the witness protection program, when a witness is given a different identity.

Witness protection measures are usually just assign an alias, testifying behind a screen, the testimony from another room with or without distortion of images and sounds, and this is particularly important, banning the publication of photographs or video content with the image of the witness.

In the area of application of protective measures, the experiences are quite different and they vary from the fact that some witnesses were very satisfied with the measures assigned to a situation where witnesses say "that the measure has no benefit to the village everyone knows their identity".

All in all, without going into issues related to witness protection measures, which require a very extensive analysis, we can say that witness protection measures a very useful tool that allows hearing people to more easily talk about their suffering.

Duration of criminal proceedings

Among the main problems that all victims of state is the length of criminal proceedings. In this regard as the best example can be considered war crimes. On average, from the moment of indictment, so long as the final decision (including proceedings on appeal) the lapse of two to three years.

This length of proceedings may seem very long, however, by comparing them with similar arrangements in the world, primarily those that were conducted before the ICTY (International Criminal Tribunal for the Former Yugoslavia), it can be said to be achieved enviable pace.

So, despite the fact the act was committed, the moment when it comes to initiating criminal proceedings, victims usually become very impatient and want to complete the process as soon as possible.

Investigations and proceedings brought against a number of persons

In cases of war crimes so common it was, that the sexual abuse of women occurred in the composition of a mass phenomenon. For example, often was the case that more women are kept in a home or school, children are almost all going through sexual torture, either by guards or by third parties that have stopped in at these places. So, the point is that these were a number of interrelated perpetrators in relation to one or more victims.

Experience has shown that such victim, the court should be invoked many times, to give evidence. Each arrival lose their motivation and every time it increasingly difficult to respond, and the evidence becomes less accurate and less clear, so in case there are multiple offenders should spend a single procedure.

RECOMMENDATIONS TO IMPROVE THE SITUATION

Based on everything that was mentioned, necessary to impose certain steps you should take. First of all, it is necessary to make many changes in the way of acting and thinking, persistent and comprehensive training in order to, to approach the problem of interface for extorting sex from a position of power. In this regard, emphasis should be placed on professionals such as social workers, lawyers, prosecutors, judges, doctors and medical personnel, psychologists, criminologists and special education teachers.

Furthermore, case law regarding the amount and type of sentence should reflect the seriousness of that violence against victims of sexual harassment and sexual coercion has in modern society: tightening sanctions, establishing a special court departments and departments of state institutions that will deal exclusively with such matters.

How was the victim of sexual harassment and sexual coercion, but also for society as a whole, a serious situation, speaking psychological consequences that a victim experiences after such misdeeds: tension, anxiety, feeling of weakness, a feeling of fear (for yourself, your life, the life of my loved ones) , a sense of shame and guilt, lack of confidence, neurotic reactions (depression, anxiety, panic attacks), sleep disturbances (insomnia, nightmares), abuse of alcohol and drugs, problems with concentration, aggressive behavior toward themselves and others, attempted suicide, and sexual difficulties. Problems faced by the victims are not limited to traumatic reactions caused by previous experience. In fact, even when they sever the relationship with a person who is sexually harassed them, the victims are faced with the possibility of the repeated trauma of violence and abuse. Harassed - abused victims should seek and to obtain the help of experts in mental health, to overcome the current, and future danger, and get instructions on how to avoid.

Some sexual harassment victims seeking help much later, after she stopped the immediate threat of sexual harassment, because of mental symptoms caused by previous abuse, some of which are typical for post-traumatic stress syndrome.

The main forms of assistance harassed - harassed the victims would have to help create a sense of security and opening up to a choice, so that society had completely rehabilitated and strong - conscious individual.

Especially great importance in clarifying cases of sexual harassment and sexual coercion has run investigations. Even when the events of the past long time, it is useful to carry out an investigation. Only then will see how many traces can be found, and it will be possible on this occasion to make thoughtful reconstruction of the events and identify whether the facts presented to report (if and when the application came to) those defined on the spot.

Generally prevailing view that police officers are quite indifferent to the victim of sexual harassment, and that is to some extent, is accused of being alone caused the socially unacceptable act. Such attitudes may influence negatively on the victims, so they often choose not to report wrongdoing just out of fear of police attitudes and opinions towards these crimes, and especially toward them as a victim.

Plays an important role and way of doing an interview and examination of the victim. Specifically, victims often face during the test expressed doubts in the credibility of their testimony which, especially after a traumatising experience, leading to secondary victimization.

Therefore, rightly to be feared that the number of applications of these offenses to stagnate, while at the same time to grow their dark figure. This skepticism towards the victim is a phenomenon which is widespread not only among the ranks of police officers, but also the victim's friends, acquaintances, sometimes even parents, which all adds to the victim that it responds twice as sensitive to actions of police officers.

Inadequate access to victims is the result of inadequate training of employees and the many myths about this subject matter ("fine lady can not be disturbed - raped," he was not asked for would not have won, "" caused by his clothes, etc..). It would be desirable to allow employees who are faced with a tort of sexual harassment from a position of power further education in order to be more familiar with the specifics of these crimes, is the importance of correct, objective and pažljivijeg access to the victim. This

would find less room for many myths that are difficult to eradicate and which influence the creation of prejudices and attitudes among workers prejudicirajućih prosecutors, courts, police, and others.

Also, in the interest of society as a whole that the number of reports of these crimes increase, and to simultaneously reduce the dark figure of the same.

The following are some recommendations that result from all that has so far said:

- To introduce a standardized system of monitoring works conducted by reason of conduct which can be defined as sexual exploitation;
- Establish counseling centers or other appropriate (especially those that would be available to women in smaller communities), where victims could get the necessary support;
- Work to strengthen the awareness of the victim that she is not responsible for what happened to her;
- Increase the confidence of the victim so she could later lead a normal life without trauma and fears;
- Build on the idea of punishment procedures of sexual exploitation and how to sanction (no penalty can be expected);
- Provide protective measures for witnesses / victims of sexual exploitation;
- Shorten the duration of criminal proceedings in cases of sexual exploitation;
- Preventive action to correct the causes of trafficking in women for sexual exploitation, such as unemployment and severe social position of particular social categories, especially the position of children without one parent, and children who are educationally neglected;
- Special attention of prevention in order to remove the causes of trafficking in women for sexual exploitation, put on the situation of children in Roma families
- Tighten the penal policy in cases of sexual exploitation, especially when the victim occurred lasting effects, and when the offender abused his position or authority;
- To improve logistical support to prosecutors and courts to ensure successful prosecution of cases involving sexual exploitation;
- Implement appropriate training of members of trade unions, and education that will focus on employers;
- To harmonize criminal laws in force in Bosnia and Herzegovina, in order to avoid differences emerged in terms of providing legal protection to victims of sexual exploitation.

Z A C C A U L J K

Finally, it can be concluded that Bosnia and Herzegovina has a legal framework that provides the ability to prosecute perpetrators of works which contain "sexual extortion" and that this purpose can take advantage of experiences gained in the prosecution of war crimes, and above all when it comes to vulnerable witnesses.

However, the current legal and institutional framework has several weaknesses, among which may indicate rather complex legal system, which always creates a problem in communication, poor coordination of social work centers ii prosecution, when it comes to help and support injured (victims), and perceptions of victims of the environment.

Therefore, it can be said that in addition to the existing legal framework and certain deficiencies in the relevant period, driven by a number of prosecutions for the crime, and that it has achieved significant results and that there are still many things that need to be and that can improve.

Awareness of the Bosnian-Herzegovinian society about the problems in this area

Consciousness of our society about the problems in the field of sexual exploitation that is linked to sexual coercion against the victim from a position of power is low. All levels of government, the legislative framework and the media do not deal with this issue appropriately. To this problem in Bosnia-Herzegovina already show non-governmental organizations that have significantly contributed to the adoption of legislation on protection from violence and family law at the entity and the Law on Gender Equality and the Law on Prohibition at the state level. On the rejection of gender-based violence as a social issue, still deeply affected by the prevailing traditional views that this type of violence associated with sexual exploitation are not seen as something that should be sanctioned and condemned. To such phenomena in society, in terms of prosecution before the courts can only react in extreme cases and the present problem of insufficient public information about the occurrence of this problem in our region.

How is lack of awareness about gender based violence that is associated with sexual exploitation, as a social problem, evident from the survey which was conducted by an NGO in 2004, when he interviewed more than seven thousand women from across the country. Women are reluctant to speak about this issue, believing that it is their private matter that should not amount to the public, demonstrating a high degree of mistrust of interviewers, and the fear of the consequences of participation in the survey. Traditionalist views of women in this area, create a sense of guilt and shame for what is happening to them, both in their families, and in the workplace, and they feel responsible for the violence. Do not trust the company that will act to punish the perpetrator, and that the victim will be adequately protected. This topic is not interesting or the media which could have a significant role in forming public opinion.

And after years of implementation of the aforementioned survey, non-governmental organizations in Bosnia and Herzegovina in their reports and further emphasize the lack of awareness about gender based violence in various segments of society. It is worth noting that none of the non-governmental organization has not dealt with the special investigation of sexual exploitation on the basis of power in terms of sexual coercion and sexual harassment in workplaces and educational settings, but the research was related to the field of human trafficking, prostitution and incitement to violence, so that can not be concluded that the area identified as appropriate as a social problem.

It is interesting to note that B & H succeeded in establishing an appropriate legal framework in line with international standards when it comes to the area of domestic violence, issues of discrimination and equality ravnopravnosti, but the question is whether we have the appropriate legal framework in terms of recognition and the possibility of punishing effects that are associated with research, conducted on the topic of sexual exploitation on the basis of power in terms of sexual coercion and sexual harassment in workplaces and educational settings.

Concluding thought:

A woman who realized that he could not do much business sense if you are not tied to the powerful and successful men, not to rely on their own skills and abilities, but only to establish a relationship with a man. Such connections, whether it is an intimate, sexual or friendly, it allows more space and work in the business world, but also encourages and opposing relations of other women who wanted the same space, they, unfortunately, is a challenge and confirm their value.

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