



International Association
of Women Judges



Development Cooperation
Ministry of Foreign Affairs

ASSOCIATION OF WOMEN JUDGES IN BiH

FIGHTING SEXTORTION:

TOOLKIT

Finalized version for editing and printing

October 2011

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Introduction

The Development of this Toolkit was preceded by preparation of a Report by the Association of Women Judges in Bosnia and Herzegovina (hereinafter: AWJinBiH) during 2010, as a part of an international project conducted by the International Association of Women Judges seated in Washington (IAWJ), funded by the Dutch Government and titled: “Sextortion - Naming, Shaming, Ending“. Three world countries (Bosnia and Herzegovina in Europe, Tanzania in Africa and Philippines in Asia) have been included in this important international Project (MDG3) aimed at drawing global public attention to this issue and taking adequate international actions to prevent and stop this phenomenon in the society.

The goal of the Toolkit is to explain the term of sextortion in a clear and simple way, understandable to every person, and contribute to suppression and prevention of behaviors involving the abuse of power for extortion of sexual services, by analyzing the existing legislation, regulations and procedures in Bosnia and Herzegovina (hereinafter: BiH), as well as some real life examples (based on a research carried out throughout BiH).

The Toolkit also explains the existing legal framework in BiH and possibilities for criminal, minor offense and disciplinary prosecution, and the procedure from the initial reporting of such phenomena, conducting investigations, court protection and sanctioning, but also offers recommendations and forms of prevention as the only efficient way to suppress such behaviors involving any form of extortion, harassment or discrimination.

Special attention was paid to victims of such behavior who often do not know what to do in such situations, where and how to report it, and what kind of protection they can obtain. During the Toolkit preparations (research results), obstacles that the victims encounter were observed, primarily the lack of information about this issue, odds in the BiH society, social stigma, economic status (poverty), threats that victims are facing, dependence on the person in power, corruption etc. Possibilities for victim rehabilitation have also been separately reviewed.

Given the necessity to indicate the existence of this phenomenon in our society (hereinafter: “sextortion “), the goal of this Toolkit is, among other things, to inform the public about the existing legal framework that enables prosecution of the offenders, and to inform every person, particularly victims of sexual exploitation about their basic rights, available resources and institutions where they can seek help.

After the research and analysis of the existing legal framework have been carried out, we are offering a unique and easy-to-understand overview of the situation in this field.

The Toolkit includes recommendations and possibilities for prevention of such phenomena, primarily aiming at their recognition in the society, ending sextortion and preventing corruption.

The final conclusion is that, apart from the analyses, comments, possibilities and recommendations offered in this Toolkit, there is certainly a need for additional work in this field, with a special media campaign and constant awareness-raising in every person about the need for reporting and processing the behavior involving the abuse of power for obtaining sexual services as a separate form of corruption in the BiH society, prosecuting the persons abusing their position in such a way, in accordance with the law, and shaming them through social condemnation.

1. Meaning of Sextortion

The need to define the term “sextortion“ (“sexual corruption“) is of special importance, given the fact that sextortion is a form of behavior which is generally not new in the world, but is often treated as a less important issue for a society, such behaviors have not been given a specific name in legal systems, and most legislations do not even provide any sanctioning mechanisms.

Apart from the fact that the Association takes part in a project of international importance (“sextortion project”), the increasingly present abuse of power by persons in a position of power in order to request sexual services from their subordinates (employee/boss, professor/student, pupil etc.) imposes the need to analyze these issues in BiH..

Definition of the term sextortion (“sexual corruption“) includes the following elements:

- 1. Extortion of sex or sexual offers in different situations (workplace, education environment or other circumstances) as criminal offenses*
- 2. Sexual service, not cash, represents means of payment.*
- 3. Using a superior position (boss, professor) or any position of power and public trust to request sexual services from a subordinated person (an employee, student, persons pursuing their rights in different circumstances), i.e. by taking advantage of the dependent position of the subordinated person, requesting sexual services or accepting the offered service (not cash), in order to help the victim resolve a problem, which depends on a decision of the person in power.*

Given the above definition, it is quite clear that the term sextortion can have a broad interpretation, but the very idea to deal with these issues is based on the observed phenomena of sextortion under different circumstances that have not been separately analyzed so far. ***Therefore, sextortion does not represent an individual case of rape or***

violent behavior, but a form of bribery (extortion), using sexual services as means of payment, instead of money.

2. Forms of Sextortion

Here are some examples of sextortion from the research that was conducted for AWJinBiH in the BiH society at the territory of Sarajevo Canton, Herzegovina-Neretva Canton and Brcko District.

“...My boyfriend was arrested and he was at the police station. I asked a policeman on duty to bring him something to eat because he was subject to a lengthy questioning before that and I knew that he needed to eat something. The policeman said: “Ok, but what is in it for me? You are good looking, you do something for me in return“. I reported him to his commander, risking to worsen my boyfriend’s situation. Later, I heard that a disciplinary procedure was conducted, but this policeman was still on his job. Whenever I meet him, I run to the other side because I feel ashamed for some reason.“

“...It repeats at every Board meeting, at every business lunch, for eight months already! Recently, he started calling me at my home number... I am thinking about moving somewhere else. But I have nowhere else to go. I am a single mother and this job means life and survival for the two of us...“

“...The professor said that there were too many candidates for taking the exam in that term and told me to come back in the afternoon. I went and found the professor alone in his office. There were no other students. He came closer and started touching me, and suggested that we go somewhere else. He said that I should not worry about the exam. I managed to run away but I did not dare to report him. My colleagues told me that similar things happened to them with the same professor. I have no idea how shall I pass this exam.“

“...It was going on for a long period of time. He told me that I was talented and that I needed additional classes at his house in order to develop my talent. I was good at drawing and I wanted everybody to see that as soon as possible, to organize my own exhibitions. The professor promised me everything. I followed his proposals, even when he said that sex was a part of it all... Everything turned out horribly in the end. Everybody thinks that it was my fault and that I reported him on purpose...“

There are different forms of sexual exploitation – extortion of sex that are not necessarily linked to “sextortion “, most frequent ones being:

- *Unwanted sexual remarks;*
/comments about physical appearance, compliments and sexual insinuations, with concrete sex proposals and offers /
- *Certain proposals;*
/after a business dinner, an invitation for one more drink with the boss /supervisor, or to go to dinner alone with him and have fun/
- *Physical touch;*
/inappropriate physical contact, touching certain body parts, back, legs etc., hugs /
- *body language;*
/ violating personal space during a conversation, “accidental” touching /
- *emotional stalking;*
/constant calls, leaving messages with inappropriate proposals and invitations /
- *inappropriate attention;*
/a professor offering a student to help her with preparing and passing an exam, a boss offering an employee to help her with career advancement /
- *sexual blackmails;*
/replying to certain questions of business nature or leave/overtime requests by asking for sexual services or going out to dinner – date in return, etc. /.

Apart from the above mentioned forms, offensive and discriminating remarks, sexual insinuations and jokes are also frequently present, as well as spreading of inappropriate

rumors about a person and alike. The above examples can be related to sextortion, but it does not mean that they include all the required elements to be defined in that way. Not every position in the society or family is a “position of power“. Domestic violence does not represent a position of power towards the victim in the sense of sextortion or sexual harassment and exploitation as forms of gender-based violence, e.g. at the work place among colleagues and alike.

The research in the field of sextortion points to a clear conclusion that it is a very delicate area which requires a very sensible approach, especially when working “in the field” and in direct contacts, interviews and surveys that were conducted at public institutions, universities, working environments, etc.

3. Circumstances Giving Rise to Sextortion

When it comes to circumstances that may give rise to sextortion, one can conclude with certainty that such behavior is present in a wide continuum.

In our research and analysis of the sextortion phenomenon during the implementation of this project, given the spotted presence of sexual exploitation in various spheres of social life, we primarily focused our activities on the research of sextortion in public institutions, working environment and education system, with a special review of human trafficking segment. Although the law establishes human trafficking as a criminal offense with a defined legal sanction, while we monitored the present forms of human trafficking (especially trafficking with women), we noticed the increasing number of such cases, and several related sextortion cases were also registered.

Such trends point to a need for additional activities for the purpose of identifying criminal offenses related to sextortion. It is certainly important that any abuse of power putting another person in a position of unease, dependence or subordination is defined as a criminal offense and included in the criminal code as such. The existing legal framework

provides certain possibilities to classify sextortion as a criminal offense, but it is certainly not sufficient and requires additional activities aimed at establishing proper protection mechanisms.

The increasingly present behaviors involving sextortion in different spheres of social life at the global level impose the need for development of this Toolkit as a preventive action, sanctioning of such behaviors and creating conditions for ending the exploitation in all segments and forms.

4. Material and Legal Framework and Legislation Dealing with Sextortion

The table below provides an overview of criminal offenses that can be related to sextortion, and are defined in criminal codes of BiH, FBiH, RS, BD and the Gender Equality Law in BiH.

Law	Legal definition	Defined legal sanction
<i>Gender Equality Law in Bosnia and Herzegovina</i>		
<i>Gender Equality Law in Bosnia and Herzegovina (“BiH Official Gazette“, issue 32/10) – Article 27</i>	<i>Criminal offense: violence, harassment or sexual harassment</i>	<i>Six months to five years in prison</i>
<i>Gender Equality Law in Bosnia and Herzegovina (“BiH Official Gazette“, issue 32/10) – Article 30</i>	<i>Misdemeanor: failure to take measures of protection from gender based discrimination and failure to prevent gender based discrimination in labor relations (at work)</i>	<i>KM 100 to KM 1000 fine</i>
<i>Criminal Code of Bosnia and Herzegovina</i>		
<i>Criminal Code of Bosnia and Herzegovina (“BiH Official Gazette“, issues</i>	<i>Criminal offense involving abuse of position or powers</i>	<i>Six months to five years in prison</i>

3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10) – Article 220		
<i>Criminal Code of Bosnia and Herzegovina</i> (“BiH Official Gazette“, issues 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10) – Article 224	<i>Lack of commitment in office</i>	<i>Fine or imprisonment up to five years</i>
<i>Criminal Code of Bosnia and Herzegovina</i> (“BiH Official Gazette“, issues 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10 – Article 185	<i>Establishment of slavery and transport of slaves</i>	<i>Six months to five years in prison; one to ten; minimum five years</i>
<i>Criminal Code of Bosnia and Herzegovina</i> (“BiH Official Gazette“, issues 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10 – Article 186	<i>Trafficking in persons</i>	<i>Minimum three and five years in prison</i>
<i>Criminal Code of Bosnia and Herzegovina</i> (“BiH Official Gazette“, issues 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10 - Article 187	<i>International procuring in prostitution</i>	<i>One to ten years in prison</i>
<i>Criminal Code of the Federation of Bosnia and Herzegovina</i>		
<i>Criminal Code of the Federation of BiH</i> (“FBiH Official Gazette“, issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 182	<i>Maltreatment in discharge of duty</i>	<i>Three months to five years in prison</i>

<i>Criminal Code of the Federation of BiH (“FBiH Official Gazette”, issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 205</i>	<i>Sexual intercourse by abuse of position</i>	<i>Three months to five years in prison</i>
<i>Criminal Code of the Federation of BiH (“FBiH Official Gazette”, issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 206</i>	<i>Forced sexual intercourse</i>	<i>Six months to five years in prison</i>
<i>Criminal Code of the Federation of BiH (“FBiH Official Gazette”, issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 208</i>	<i>Lechery</i>	<i>Three months to five years in prison</i>
<i>Criminal Code of the Federation of BiH (“FBiH Official Gazette”, issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 210</i>	<i>Pandering</i>	<i>One to fifteen years in prison</i>
<i>Criminal Code of the Federation of BiH (“FBiH Official Gazette”, issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 279</i>	<i>Violation of equality in exercising the right to employment</i>	<i>Three months to three years in prison</i>
<i>Criminal Code of the Federation of BiH (“FBiH Official Gazette”, issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10)- Article 280</i>	<i>Violation of rights arising from employment</i>	<i>Fine or imprisonment up to one year</i>
<i>Criminal Code of the Federation of BiH</i>	<i>Accepting gifts and other forms of benefits</i>	<i>One to ten years in prison</i>

<p>("FBiH Official Gazette", issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10)- Article 380</p>		
<p><i>Criminal Code of the Federation of BiH</i> ("FBiH Official Gazette", issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 383</p>	<p><i>Abuse of office or official authority</i></p>	<p><i>Six months to five years in prison</i></p>
<p><i>Criminal Code of the Federation of BiH</i> ("FBiH Official Gazette", issues 36/03, 37/03, 21/04, 69/04, 18/05, 42/10) – Article 387</p>	<p><i>Lack of commitment in office</i></p>	<p><i>Fine or imprisonment up to five years</i></p>
<p><i>Criminal Code of Republika Srpska</i></p>		
<p><i>Criminal Code of Republika Srpska</i> ("RS Official Gazette", issues 49/03, 108/04, 37/06, 70/06, 73/10) – Article 168</p>	<p><i>Abuse</i></p>	<p><i>Fine or imprisonment up to two years</i></p>
<p><i>Criminal Code of Republika Srpska</i> ("RS Official Gazette", issues 49/03, 108/04, 37/06, 70/06, 73/10) – Article 196</p>	<p><i>Sexual intercourse by position abuse</i></p>	<p><i>Imprisonment up to five years</i></p>
<p><i>Criminal Code of Republika Srpska</i> ("RS Official Gazette", issues 49/03, 108/04, 37/06, 70/06, 73/10) – Article 227</p>	<p><i>Violation of rights in employment and during unemployment</i></p>	<p><i>Fine or imprisonment up to two years</i></p>
<p><i>Criminal Code of Republika Srpska</i> ("RS Official Gazette", issues 49/03, 108/04, 37/06,</p>	<p><i>Abuse of office or official authority</i></p>	<p><i>Six months to five years in prison</i></p>

<i>70/06, 73/10) – Article 347</i>		
<i>Criminal Code of Republika Srpska (“RS Official Gazette“, issues 49/03, 108/04, 37/06, 70/06, 73/10) – Article 354</i>	<i>Lack of commitment in office</i>	<i>Fine or imprisonment up to eight years</i>
<i>Criminal Code of Republika Srpska (“RS Official Gazette“, issues 49/03, 108/04, 37/06, 70/06, 73/10) – Article 359</i>	<i>Violation of human dignity by abuse of office or official authority</i>	<i>Up to three years imprisonment</i>
<i>Brčko District Criminal Code</i>		
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 179</i>	<i>Abuse in discharge of duty</i>	<i>Three months to five years in prison</i>
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 202</i>	<i>Sexual intercourse by position abuse</i>	<i>Three months to five years in prison</i>
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 203</i>	<i>Forced sexual intercourse</i>	<i>Six months to five years in prison</i>
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 205</i>	<i>Lechery</i>	<i>Three months to five years in prison</i>
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 207</i>	<i>Pandering</i>	<i>Six months to fifteen years in prison</i>
<i>Brčko District Criminal</i>	<i>Violation of equality in</i>	<i>Three months to three</i>

<i>Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 273</i>	<i>employment</i>	<i>years in prison</i>
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10)- Article 374</i>	<i>Accepting gifts and other benefits</i>	<i>One to ten years in prison</i>
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 377</i>	<i>Abuse of office or official authority</i>	<i>Six months to five years in prison</i>
<i>Brčko District Criminal Code (“BD Official Gazette“, issues 10/03, 45/04, 06/05, 21/10) – Article 381</i>	<i>Lack of commitment in office</i>	<i>Fine or imprisonment up to five years</i>

Sextortion can be put in connection with certain criminal offenses defined in criminal codes of Bosnia and Herzegovina, and we would like to draw special attention here to a chapter titled: *Criminal Offenses against Sexual Freedom and Morale*, which stipulates sanctions for all types of behavior opposing sexual freedom and morale.

A person’s sexual integrity and freedom of decision making in the sexuality sphere may be violated not only by a sexual intercourse or another sexual act involving force or threats, or taking advantage of a passive subject’s dependence, **but also by taking advantage of a position of dependence or subordination, which does not allow a person (victim) to reject sexual requests of another person.**

4.1. Sexual Intercourse through the Abuse of Position

Legal protection from this type of violating personal integrity is provided in Article 205 of the Criminal Code of the Federation of BiH, Article 196 of the Criminal Code of

Republika Srpska and Article 202 of Brcko District Criminal Code, dealing with the criminal offense of **“Sexual intercourse through the abuse of position“**. The articles read as follows:

Article 205 of the Criminal Code of the Federation of BiH (CC FBiH)

(1) Whoever, by abusing his position, induces into sexual intercourse or equivalent sexual act a person who is in a dependent position in relation to him due to the person’s financial, family, social, health or other condition or straitened circumstances, shall be punished by imprisonment for a term between three months and three years.

(2) A teacher, educator, parent, adoptive parent, guardian, step-father, step-mother or any other person who, by abusing his status or relationship toward a juvenile who is entrusted to him for education, upbringing, custody or care, performs sexual intercourse or equivalent sexual act upon a juvenile, shall be punished by imprisonment for a term between six months and five years.

Article 196 of the Criminal Code of Republika Srpska (CC RS)

(1) Whoever by abuse of position induces another person who is in a subordinate or dependent position in relation to him into sexual intercourse or another sexual act, shall be punished by imprisonment term not exceeding three years.

(2) A teacher, educator, guardian, adoptive parent, step-father or any other person who by the abuse of his status commits sexual intercourse or another sexual act with a juvenile who has been entrusted to him for the purpose of instructing, educating, custody or care, shall be punished by imprisonment term ranging between six months and five years.

Article 202 of Brcko District Criminal Code (CC BD)

Identical to the quoted Article of CC FBiH

4.2. Explanation of Sexual Intercourse through the Abuse of Position

Therefore, this part pertains to the protection of freedom of decision making in the sexuality sphere of persons (passive subjects, victims) that are subordinated or dependent on other persons (active subjects). What differentiates this criminal offense from other crimes **against morale and sexual freedoms** is a forced sexual intercourse or another sexual act manifested through the abuse of position by an active subject in order to force a passive subject who is in a subordinated or dependent position towards him to engage in sexual intercourse or another sexual act. Namely, in this criminal offense, the passive subject shows no evident resistance to the perpetrator's sexual actions, although the passive subject does not want them, but agrees to them because of her subordinated or dependent position towards the perpetrator. Actually, the passive subject agrees to the perpetrator's sexual acts in order not to further aggravate her position, or in order to improve it.

By legal definition, the basic form of the offense is committed by a person who abuses their position for the purpose of forcing a person subordinated or dependent on them to accept sexual intercourse or another sexual act. Therefore, the perpetrator can be a male or female who holds the passive subject in a subordinated or dependent position. The crime is committed by the person who engages in sexual intercourse or another sexual act without implementing force, but by abusing the dependent position which does not allow the victim to resist to the perpetrator's sexual requests. The passive subject can be an adult male or female.

Subordination exists when a person must follow orders or instructions of another person, while dependence means that a position of one person can be worsened or improved by will of another person¹. Existence of such relationship is a factual issue established by the court in each specific case, under all subjective and objective circumstances of a criminal

¹ Commentary to criminal codes in BiH (taken over from Lazarević 1991)

offense. It is irrelevant whether such relationships are formal or informal, i.e. whether they arise from a legal ground or facts from real life. For instance, there is subordination between an employer and employee, manager and his co-workers, between lower and higher ranked officials in the army or the police, between an officer and a soldier, but also in many other cases where such relationship arises from actual subordination or dependence that is not based on any legal grounds. E.g., such factual subordination or dependence would exist between a person who borrowed a large amount of money from a perpetrator or between a person who expects essentially important financial assistance or borrowing from a perpetrator.

4.3. Case Law

Brief description of facts of the crimes listed in the indictment, accusing the defendant of the following:

1. On 10.01.2003, as a mathematics teacher in a primary school, he invited his pupil D.S., born on 22.12.1988 to his house. When the pupil arrived around 2 p.m., the teacher invited him to the basement and had a sexual intercourse with him, by taking off the pupil's clothes below the waist, then he took off his own clothes as well, took the penis of the juvenile D.S. in his hand and put it in his anal opening; D. S. then ejaculated in the defendant's anal opening.

Therefore, as a teacher, the defendant abused his position for the purpose of engaging in a sexual intercourse with a juvenile older than 14 who was entrusted to him for teaching and education.

2. The defendant B.T. was accused of sexually harassing a juvenile with impaired vision, 16-year-old A.A. through March and April 2003 in the premises of the Center for Blind and Visually Impaired Children and Youth in Sarajevo, at the time when A.A. was attending 4th and 5th grades at the Center where the defendant worked as a pedagogue, by showing A.A. porn magazines and reading him stories from them, touching his penis, kissing him, and masturbating and ejaculating in front of him.

Therefore, as a teacher, the defendant abused his position for the purpose of engaging in in lecherous acts on juveniles, one of them younger than 14.

Court decision in Case 1

A final judgment was ruled in the case. The Court found the defendant guilty and sanctioned him with two years and eight months in prison..

Court decision in Case 2

A final judgment was ruled in the case. The Court found the defendant guilty and sanctioned him with two years in prison.

In both cases, the damaged juveniles expressed fear from possible consequences because of the position of the defendants, and even a feeling of own guilt, especially because the defendants suggested that they keep as a secret what was happening between them. The juveniles were afraid that their status would be threatened because of these events.

The above examples indicate that it is possible to prosecute sextortion cases, but they lack the element of corruption.

4.3. 1. Gender Equality Law in BiH

Regulates, promotes and protects gender equality and guarantees equal possibilities for all citizens and equal treatment of all persons regardless of gender, in public and private spheres of the society, and regulates the protection from gender based discrimination. Men and women are equal. Full gender equality is guaranteed in all segments of the society. Introducing, enactment and implementation of temporary special measures aiming at the elimination of the existing inequality, promotion of equality and protection of gender equality shall not be viewed as forms of discrimination.

Discrimination on grounds of gender shall be putting any person or groups of persons into less favourable position based on gender due to which rights of some persons or groups of persons are protracted or enjoyment and realisation of human rights and freedoms are not recognized.

Gender based violence is prohibited. It is defined as any activity that causes or may cause physical, psychological, sexual or economic damage or suffering, as well as threatening with such activity that restricts a person or a group in enjoyment of their human rights and freedoms in public and private spheres of life.

Victimization is a form of discrimination which occurs as a consequence of rejecting an order to act in a discriminatory manner, reporting discrimination, testifying in a procedure providing protection from gender based discrimination, or if a person has been in any other way involved in a procedure conducted due to gender based discrimination.

Gender based discrimination is prohibited in labor relations, enjoyment of social rights, health care, access to sports and cultural life, court protection and presentation in the media.

A victim of gender based discrimination is entitled to damage compensation in civil proceedings, pursuant to the Law on Obligations.

The same law regulates the **responsibility for the criminal offense defined in Article 27: "A person who, on grounds of sex, commits violence, harassment or sexual harassment that endanger serenity, mental health or body integrity shall be punished with imprisonment for a term of six months up to five years."**

A legal entity and a responsible person within the legal entity shall be held liable for an offense due to failure to take adequate measures of protection from discrimination. Prosecuting and issuing decisions on criminal offenses and misdemeanors defined in this Law are of urgent nature and shall have priority in the work of relevant authorities.

Analyzing the description of the criminal offense defined in Article 27 of Gender Equality Law in BiH, one can recognize the provided victim protection and possibility for prosecution of perpetrators in relation to circumstances involving sextortion, but the corruption element is not highlight..

Criminal offenses listed in this table can be related to sextortion, and the existing legal framework in BiH provides for prosecuting and sanctioning perpetrators in the situations involving abuse of a position of power. This means that victims can be encouraged in any case to report such perpetrators. It is important to point out that it is *necessary to continue the activities within BiH* in order to amend criminal codes and *regulate a specific criminal offense involving the recognizable actions of sextortion in the form of a corruptive criminal offense*. The research has shown that different forms of sextortion are present in different parts of BiH, but that victims mostly do not use the existing legal options to report perpetrators and protect their rights.

4.3.2. Corruption Element

Corruption is a process in which at least two persons engage in a non-allowed exchange for the purposes of personal advancement, thus harming the public interest and, by breaching moral and legal norms, threaten the foundations of a democratic development, legal state and the rule of law.

One should keep in mind that sextortion is a corruptive action with own specific features, compared to the corruptive element of **bribery as a criminal offense and criminal offenses against official and other responsible functions, as follows:**

In the criminal segment, corruption includes any form of power abuse for the purpose of achieving personal or group benefits, either in public or private sectors.

A corrupt person is any official or responsible person who neglects general interest that he/she is to protect due to their position and powers entrusted to them, in order to obtain personal benefit or benefits for a group he/she belongs to.

Any citizen who offers or agrees to give what was requested from them in this process is also viewed as corrupt.

Of note, in these criminal offenses, the emphasis is on a received gift or property gain that are **to be seized**, and the corruptive element is exclusively related to the property gain; thus, it is very difficult to prosecute a perpetrator of sextortion based on the legal definitions of these criminal offenses.

(1) A criminal offense in the existing legal framework that resembles most and can be connected to the sextortion in the field of “bribery as a criminal offense and criminal offenses against official and other responsible functions“ is the criminal offense of “receiving a gift and other forms of benefits“, defined in Article 380 of CC FBiH, which reads as follows: “An official or responsible person in the Federation, including also a foreign official person, who demands or accepts a gift or any other benefit, or who accepts a promise of a gift or a benefit, in order to perform within the scope of his authority something which he ought not perform, or for omitting something which he ought perform, shall be punished by imprisonment for a term between one and ten years.”

In the description of the above criminal offense, words “official or responsible person “...who demands or accepts“.....”other forms of benefits“ ...could be recognized in a situation of extorting or offering sex as a corruptive element, but in this case the benefit is related to property gain, because further provisions regulate the issues of property seizure.

The sextortion (“sexual corruption”) topic is controversial and occasionally stirs public interest, but it has not been sufficiently researched. There is not much scientific literature dealing with this issue, and therefore there is no clearly accepted definition of this term.

4.3.3. The Law on Prohibition of Discrimination has provided a framework for the implementation of equal rights and opportunities for all persons in BiH and defined a system of their protection. In the event of discrepancies between this Law and other laws, this Law shall be applied in proceedings that are based on it. This Law defines responsibilities and obligations of legislative, judicial and executive authorities in BiH and legal persons and individuals in public office to ensure protection, promotion and conditions required for equal treatment. In terms of this Law, discrimination includes any different treatment, including any limitation or giving preference on grounds of race, skin color, language, religion, ethnic affiliation, national or social origin, affiliation to a national minority, political or other views, financial status, membership in trade unions or other associations, education, social status and sex, sexual expression or orientation, and any other circumstance with a purpose or a consequence to disable or threaten one's equal recognition, enjoyment or exercising of rights and freedoms in all areas of public life. Intention in cases of discrimination does not have to be proved.

The prohibition of discrimination applies to all public authorities, individuals and legal persons, in public and private sectors, in all spheres, especially in: employment, education, social and health care, judiciary and administration, residence, public information and media, equal participation in the public life, children's and family rights.

Forms of discrimination include **direct discrimination**, which represents any less favorable treatment, action or failure to act that puts or may put a person or a group of persons into a less favorable position than others; and **indirect discrimination**, often less obvious, which can be caused by an apparently neutral provision of the law, work policy or practice, which results in putting a person or group of persons into a less favorable position due to their personal characteristics. Discrimination can be defined as **any form of harassment, especially sexual harassment, mobbing, segregation, induction to discriminate, issuing orders and encouraging discrimination.**

5. Criminal and minor offense proceedings applicable to sextortion cases,

In order to end sextortion (“sexual corruption “), a case must be reported. Only reported cases can be prosecuted, and only prosecuted perpetrators can be sanctioned.

Processing sextortion cases is of extreme importance for raising public awareness that such cases can and should be prosecuted in order to sanction perpetrators, and also for social condemnation of these crimes that should certainly be recognized as socially unacceptable.

5.1. Reporting

The fastest way to end sextortion is reporting of the crime perpetrator by a victim immediately after commission of the criminal offense.

Cases can be reported to the police via telephone (number 122) or directly to the relevant police office that has the jurisdiction over the area where the sextortion took place. A report can also be filed directly to the relevant prosecutor’s office.

The police check every crime report without delay, as follows:

- Coming to the location from which the sextortion was reported,
- Interviewing the victim, and if the victim wants to report the sextortion case, she is escorted by the police to the police office, in order to give a statement about the circumstances of the committed crime,
- At the police office, a police officer interviews the victim and makes a record of the hearing of the victim (witness) about the circumstances of sextortion,
- During the interview, the police officer allows the victim to tell her story without interruptions (actively listens to the victim),
- A photograph of the victim is taken at the police office, especially if she has visible injuries,
- Competent prosecutor’s office is notified of the sextortion case,

- An official report about the committed crime is prepared and sent to the relevant prosecutor's office,
- The police make sure that the victim does not meet the alleged perpetrator or family and friends that may exert influence on the victim,
- A social work center is informed about the registered sextortion case, if the crime victims are children, persons without capacity to work or elderly persons (above 65), so that the center can take actions within its competencies,
- If the victim is a child without parental care or a person without capacity to work, the police officer is to immediately contact a guardian or representative of the social work center and request their presence at the police station.

The police are to inform the victim about certain safety risks, because sextortion often has a tendency to increase. The victim must be informed that sextortion is a criminal offense and that there are institutions in charge of providing assistance, such as social work centers, shelters/safe houses, NGOs, and the police must provide the victim with precise names and telephone numbers of such institutions.

5.2. Investigation and Prosecution

The relevant police office where the sextortion case was reported shall conduct an investigation, interview the victim and the suspect and other potential witness, investigate the crime scene, collect evidence such as clothes samples, hair, the victim's and perpetrator's finger prints, and other evidence such as letters, messages, documents, photographs, video materials and all other evidence that may be used in documenting of the crime. The police may, if necessary, send the victim to a health institution to collect medical documents as well.

When the victim presents at a health institution for a medical examination, a health worker is to carefully communicate with the victim, document the suspicion adequately and prepare a detailed medical report based on a properly conducted interview

(anamnesis) and physical examination. If they find that a form of sextortion has taken place, health workers are to proceed as follows:

1. Establish the causes and way of incurring the injuries and conduct a complete medical examination;
2. Talk to the victims about possible ways of resolving the problem, advise the victim, inform the victim about other ways to obtain protection from relevant institutions (social institutions, NGOs, shelters etc.);
3. If a bodily injury was inflicted by a family member, the health worker is to document the condition and prepare a detail medical report based on a properly conducted interview, anamnesis and physical examination;
4. Upon request of the prosecutor's office or the police, health institutions are to immediately provide all documents relevant for explaining and proving the sextortion case;
5. If the victim is mentally challenged or a treated alcoholic or an addict, send her to a medical treatment if necessary or hospitalize by force and inform the relevant court and social work center about it within 24 hours;
6. If the perpetrator is mentally challenged or a treated alcoholic or an addict, send him to a medical treatment if necessary or hospitalize by force and inform the relevant court, social work center and the police about it within 24 hours.

Mandatory reporting helps the authorities find and sanction perpetrators of sextortion. Mandatory reporting improves the safety and health care of persons that experienced some form of harassment. Such approach conveys a message that sextortion is a serious and socially unacceptable crime.

After it conducts an investigation, the police shall prepare a report on the perpetrated criminal offense and send it to the relevant prosecutor's office with all the evidence.

A crime can be reported directly to the prosecutor's office, in writing or verbally.

When it comes to presentation of evidence, one should pay attention to the circumstances that make sextortion hard to prove, because it can take place without presence of third persons.

A person who reported sextortion may help the investigation and collect the following evidence:

- Document all written materials;
- Copy SMS messages to PC, Facebook messages, transfer e-mails from a business computer to private computer;
- Find reliable and objective witnesses;
- Collect evidence of professional successes or performance evaluations in order to prove that problems at work, degradation, inability to advance at work etc. are related to sextortion;
- Talk to others about the issue;
- Ask around whether other persons/employees had the same problem with this person;
- Keep records of time, place and method of sextortion.

The witness protection measures usually include assigning of a pseudonym, testifying behind a screen, testifying from another room with or without sound and image distortions and, which is of particular importance, ban on publishing of a photograph or video contents featuring the witness. Witness protection measures represent a very useful mechanism that allows damaged parties to speak about their suffering more easily.

The next piece of evidence significant for sextortion cases is a medical report, as well as an expert report. It is therefore necessary to send the victim to a health institution for a detailed examination immediately upon reporting sextortion.

One of the main problems plaguing the victim is the length of criminal proceedings. Regardless of the time of crime perpetration, at the moment of initiating a criminal

procedure, victims become very impatient and want the procedure to be finished as soon as possible. On average, two to three years pass from the indictment issuing to the time of ruling a final verdict (including appellate proceedings).

5.2.1. Processing Sextortion Based on the Law on the Prohibition of Discrimination

This Law defines that discrimination can be manifested as different forms of harassment, especially **sexual harassment**, mobbing, segregation, encouraging others to discrimination, issuing orders and enticing to discrimination. The Law is to be applied by all public authorities at all levels, legal entities with public powers, legal and physical entities in the fields of employment, education, science, culture, sports, social welfare and health care, judiciary, residence, public information and the media, membership in associations and professional organizations, economy, public life, family and juvenile rights.

The central institution in charge of the protection from discrimination is the BiH Human Rights Ombudsman, which receives lawsuits dealing with these issues. In a lawsuit, one can request establishment of the existence of discrimination, prohibiting or eliminating discrimination, damage compensation, and all these requests can be expressed cumulatively. A lawsuit is to be filed within three months from the date of learning about discrimination, or within one year at the latest. The burden of evidence lies on the offender, if the lawsuit claims are supported by evidence. Third persons can participate at the side of the discrimination victim, but only with his/her consent. A lawsuit can be filed by individuals, associations, institutions and other organizations that have the legal interest to protect the rights of a certain group or deal with law protection as a part of their regular activities.

Persons who reported discrimination or took part in a procedure must not suffer any consequences because of that. The offense is sanctioned with a fine, and protective

measures of seizing the object used for discrimination can be pronounced, as well as a ban on conducting professional or business activity or duty.

5.3. Victim Rehabilitation

Sextortion victims often suffer the following psychological consequences: tension, unrest, weakness, fear (for oneself, own life, lives of close persons), feeling of shame and guilt, loss of self-confidence, neurotic reactions (depression, anxiety, panic attacks), sleep disorders (insomnia, nightmares), abuse of alcohol and narcotics, concentration problems, aggressive behavior toward oneself and others, suicide attempts and sexual difficulties. Problems that victims are facing are not only limited to traumatic reactions caused by the past experience. Namely, even when they have broken the relationship with the person who sexually harassed them, victims often face the possibility of repeated traumatic violence and abuse. The harassed – abused victims should seek and get assistance from mental health specialists in order to overcome the existing and future dangers and receive instructions on how to avoid them.

Victims of any form of sexual violence most often find the required assistance in services provided by non-governmental organizations. NGOs offer direct assistance to victims of sexual exploitation by providing them with accommodation in shelters, food, clothes and footwear, psychological treatment aimed at adoption of adequate behavior patterns, monitoring health and psychological condition of victims, daily obligations, free time activities, going out etc. A number of organizations that are active at the territory of BiH provide preventive-educational programs for children and adults, aimed at awareness raising among general population and certain professional groups about the widespread violence phenomenon, its consequences and prevention. The most complex obligation of some NGOs in practice is to prepare a victim for a court process and for participation in court trials as a witness.

The scope of work of some NGOs includes counseling violence victims, prevention of human trafficking, economic empowerment of women, strengthening the expert capacities in the institutions, working with violent persons, media campaigns etc.

6. Non-Court Mechanisms for Protection of Sextortion Victims

Victims can seek protection from the BiH Gender Equality Agency, FBiH Gender Center or RS Gender Center. This protection mechanism is unique in the legal system of Bosnia and Herzegovina, and it is very important to know how it was established, what are its potentials and limitations.

BiH Gender Equality Agency, FBiH Gender Center and RS Gender Center are administrative bodies that can consider requests of individuals and groups who feel discriminated based on gender in their access to these rights. The Gender Equality Law in Bosnia and Herzegovina knows the following forms of gender based discrimination: direct discrimination, indirect discrimination, harassment, sexual harassment, enticement to discrimination and gender based violence. All these forms of discrimination are also prohibited by many other laws and bylaws that provide for adequate protection procedures. These include filing of a criminal report (violation of equality of a person and citizen defined in criminal codes), filing a lawsuit to establish discrimination (pursuant to the Law on the Prohibition of Discrimination) or submission of a request for initiation of disciplinary proceedings (in accordance with provisions on disciplinary liability in some laws). If one of these procedures was already initiated, the BiH Gender Equality Agency, FBiH Gender Center or RS Gender Center cannot start the interrogation process, but they can offer their professional support to the authorities conducting the procedure.

Within the meaning of this Toolkit, two forms of discrimination are the most relevant: gender based harassment and sexual harassment.

Within the meaning of the Gender Equality Law in BiH, harassment is any unwanted behavior based on gender that aims to harm dignity of a person or a group of persons and

create intimidating, hostile, degrading, humiliating or insulting environment or achieves such effect. The above definition clearly indicates that gender based harassment exists in cases of unwanted behavior based on gender, where the intention to harass a person is irrelevant, and it is important to prove that a consequence has occurred that reflects in the harmed dignity of a person and creating of intimidating, hostile, degrading, humiliating or insulting environment.

Although at first sight it looks very similar to gender based harassment, sexual harassment is a different type of behavior, which leads to the same consequence. Unlike gender based harassment, which exists when a person is harassed only because of their sex, sexual harassment involves sexual behavior i.e. behavior occurring due to sexual (external) features of a person.

Any person or a group of persons may file a request for investigating a violation of the Gender Equality Law in BiH to the BiH Gender Equality Agency, FBiH Gender Center or RS Gender Center, in accordance with the division of competencies for investigation of the Law breaches. The BiH Gender Equality Agency as a part of the BiH Ministry of Human Rights and Refugees is in charge of issuing single rules for receiving and processing requests, complaints and motions by persons and groups for investigating violations of the Gender Equality Law in BiH.

6.1. Submission of a Request for Review of Potential Violation of the Gender Equality Law in BiH

A request for a case review can be filed by any person or a group of persons that feel that their human rights guaranteed by the Law were violated by an act, action or lack of action by an authority or legal entity. The request can be filed personally or via a proxy.

The request is filed in the official languages of Bosnia and Herzegovina (Bosnian, Serbian or Croatian) and official scripts (Latin and Cyrillic). Exceptionally, a request can

be filed in another, non-official language. As a rule, a standard form is used for filing the requests. A request can be submitted through a third party – legal representative or proxy. A power of attorney can be given in writing or orally for the record.

In view of the fact that a request can be filed to three different institutions, it is important to understand their competencies with regard to the request. The BiH Gender Equality Agency is the right address for submission of a request in case when facts indicate that the authorities, physical or legal persons in the institutions, bodies and organizations of Bosnia and Herzegovina may be responsible for the potential violation. Requests are filed to the Gender Center of the Federation of Bosnia and Herzegovina when facts in a case indicate that the authorities, physical or legal persons in the institutions, bodies and organizations of the Federation of Bosnia and Herzegovina may be responsible for the potential violation at the territory of the Federation of Bosnia and Herzegovina. Requests are filed to the Gender Center of Republika Srpska when facts in a case indicate that the authorities, physical or legal persons in the institutions, bodies and organizations of Republika Srpska may be responsible for the potential violation at the territory of Republika Srpska.

When filling out a request form, attention should be paid to the following:

1. Address the request to the BiH Gender Equality Agency, FBiH Gender Center or RS Gender Center, depending on their jurisdictions;
2. Clearly indicate all parties in the procedure; if several persons want to file a joint motion, they should provide the requested data for each person at a separate piece of paper; if a proxy has been appointed, enclose the power of attorney;
3. Briefly and chronologically list the relevant facts of the case and reasons for the submission;

4. Specify the disputable decision (if it exists, specify the file type and number, if available);
5. Include information on all legal remedies (complaints, lawsuits, other submissions) used with other relevant authorities before filing of the subject request;
6. Emphasize the requested data in view of data confidentiality (as a rule, all data is public, and therefore only the required personal data about the requestor or other persons that are necessary for understanding the case should be provided);
7. The requestor or proxy should sign the request form;
8. Specify names and number of attachments, paying attention to enclose only photocopies of all relevant decisions and documents.

Each request is subject to initial analysis to determine procedural assumptions of the case, completeness and acceptability of the submission. A request shall be rejected if it turns out at any stage of the proceeding that the same case is or was reviewed before the BiH Gender Equality Agency, FBiH Gender Center or RS Gender Center or before any court in Bosnia and Herzegovina, the BiH Human Rights Ombudsman, or any international institution for human rights. Also, anonymous, incomplete or incomprehensible requests shall be rejected, as well as malicious requests that violate rights of third parties, if the BiH Gender Equality Agency, FBiH Gender Center or RS Gender Center have no jurisdiction to act on the request, or if a request was filed more than three months after the date of violation of the subject rights guaranteed by the law.

A procedure conducted on the basis of a request for reviewing a case of potential violation of the BiH Gender Equality Law by the BiH Gender Equality Agency or one of the entity gender centers cannot at any point replace the protection that can be obtained through the court. Nevertheless, having in mind that legally recognized forms of discrimination are novelties in the legal system of BiH, the request reviewing process

allows for non-court dispute resolution. This process is of special importance, given that due to ignorance when it comes to discrimination, many persons are still unable to decide what type of behavior leads to a different action. Therefore, there is a lot of potential in peaceful dispute resolution in the process of reviewing the requests and in informing the parties about methods of fighting against discrimination, sexual harassment and gender based harassment.

Viewed from this angle, a request review may result in a peaceful dispute resolution, informing parties about available legal remedies in other procedures and giving recommendations and instructions on how to overcome the disputable situation to a relevant body after the review.

Recommendations represent the main result of a request review. A recommendation must contain data about the requestor, main claims from the request, course of the review, established facts, relevant regulations that the recommendation is based upon, recommended measures and a deadline to the competent body to provide a written feedback on the implementation of the recommendation.

These recommendations refer to BiH's international obligations in the gender equality segment (especially the CEDAW Convention) and articles dealing with gender equality in BiH, and propose measures for elimination of the causes of violation of the Gender Equality Law in BiH. These measures mostly include proposals for law amendments, ending the Law violation and acting in accordance with the Law, and issuing of temporary measures. Although not legally binding, these recommendations have an effect on the law protection, as well as an educational, preventive and public awareness raising effects. They can have a special effect in communication with other government bodies, since the Agency and entity gender centers supervise the implementation of the Law, in accordance with the decisions on their establishment. For this reason, they can instruct other government bodies in direct communication how to act in accordance with the Law and international human rights standards, and provide advice for elimination of the causes of violation of certain rights.

Given that the Gender Equality Agency and gender centers are administrative organizations within the state-level and entity governments, they can initiate or propose changes and/or amendments to laws, policies or practices related to the facts specified in the requests. This particularly applies to review cases when a law or bylaw led to violations of rights of several persons or when it is found that a method of protection stipulated by a law does not provide efficient protection from gender based harassment or sexual harassment to individuals or groups.

Since this is a non-court protection mechanism, if a recommended measure is not implemented, the Gender Equality Agency or gender centers are to draw the attention of an authority that supervises the work of the body that received the recommendation to the course of the case and the given recommendation, and to the fact that the recommended measure was not implemented. In any case, the Gender Equality Agency and gender centers provide precise data about such body or another legal entity in their annual reports or special reports when needed, as well as the information about responsible persons within that body or legal entity who were unwilling to cooperate.

It is also important to pay attention to the limitations of a request review process. As mentioned above, such process cannot replace court protection from gender based harassment or sexual harassment. For that reason, the review process does not result in reversal, abolishing, denying or cancelling decisions of competent institutions. This process is not equal to an appellate procedure in administrative or court proceedings. Also, the BiH Gender Equality Agency, FBiH Gender Center or RS Gender Center cannot be expected to represent parties in other proceedings (administrative, misdemeanor, court or mediation), or to take procedural actions during these proceedings. As emphasized above, if any of the above proceedings is ongoing, the review of a request involving potential violation of the Gender Equality Law in BiH shall be terminated.

7. Obstacles Lying in the Path of Sextortion Victims

7.1. Power of Position

A power of position arises from the possibility to influence another person by the strength of one's position in a hierarchy of an organization. A person on a higher hierarchical level has power over persons on lower hierarchical levels. The role of the persons on lower hierarchical levels is to accept the power of position and follow orders. If they recognize such strength as lawful, they will accept it as a situation where their power is smaller and therefore their goals are subordinated to goals of persons holding the power of position.

Depending on the "power" of position of an individual, others can accept extortion (sex in order to get/achieve something in return), completely relying on the ability of the individual holding the power of position to ensure that they will get what they need.

Examples:

1. In return for sex, a teacher "ensures" a good grade at the exam on the subject he teaches and even other exams to a pupil/student;
2. In return for sex with citizens, bank employees "ensure" various privileges, even if the citizens currently do not meet the defined criteria;
3. In return for sex with an employee, an employer "ensures": keeping the job, career advancement, salary raise....;
4. In return for sex with citizens, civil servants "ensure" the following:
 - A police officer shall conceal different unlawful activities (fines, bringing non-allowed items to detainees, crossing the border...)

- Judicial employees shall provide for various “benefits” (expedite or delay a proceeding, “lose” documents....)
- Highly positioned officials at different ministries and government bodies “ensure” privileges at public tenders, employment....
- An employee at the office for foreigners “ensures”: faster procedures for issuing residence permits, work and other permits....

....We could list similar examples infinitely, but the above examples already clearly show that credibility is in question in all these cases, as well as professionalism of the involved persons, degree of education of a pupil/student, ID documents of some persons, legitimacy, legality....

Sextortion is present in almost all segments of life and activities.

Sextortion is one of the most frequent forms of sexual violence, the easiest to tolerate, without adequate sanctioning mechanisms in most legislations. It includes unwanted sexual extortion/blackmail, a behavior that does not necessarily include physical touch, and puts a person in an unpleasant and humiliating position, and cause a feeling of shame. Power is the key element, and it is done by a person in a more powerful position than the victim (e.g. boss/employee, teacher/pupil, professor or an assistant/student, civil servants / persons who need certain documents/services, etc.).

Sextortion is an act of corruption and happens more often than most people think, and its consequences are more far-reaching than most people are ready to admit.

Sextortion has too high a price, psychological, health and economic, paid by the victim, their family, but also broader community and the society. The price is immense in negative respect and does not leave an option of silent tolerance.

The issue of power as a very important factor in the structure of sextortion should be seriously analyzed in researches and their public announcements.

Sextortion is a widespread phenomenon, mostly studied at work place and in schools. Its consequences impact the social environment, working environment and the individual, and the issue should be viewed from medical, sociological and economic aspects, in order to warn about the importance of this problem, inform about it and learn to recognize it,

because sextortion can be prevented by systemic primary prevention; informing, education and concrete actions, e.g. personal training in communication skills, protective legislation and organizational policy, and practical implementation of work regulations that do not tolerate this form of corruption /sextortion.

It is important to note that there is a big difference between sexes when it comes to interpretation – perception of sextortion.

Women have a more negative view of such events than men. Evaluations of both sexes are more negative in cases when a woman is a victim.

Differences between sexes are also evident when it comes to sanctioning of perpetrators. Women pronounce more stringent sanctions, while men often feel that a sanction is unnecessary, which reflects their more lenient perception of sexual harassment.

In different surveys, differences between men and women in emotional and behavioral reactions were also found in cases of sextortion. Women were: vulnerable, ashamed, discouraged, angry, and they reacted aggressively, while most men tolerated such behavior, and maybe even found it flattering.

Consequences of sextortion at work place include lower performance, impeded career advancement, frequent absence from work, sick leaves (escape to a disease), abandoning work place and getting sacked.

7.2. Health Consequences

- Stress - already starts with thoughts or emotions. The very thought of the unpleasant situation leads to a sequence of biochemical reactions starting in parts of the brain called hypothalamus and hypophysis, resulting in stimulation of the adrenal gland and increased adrenaline excretion, which may have a fatal outcome.

- Physical disorders – chronic fatigue, digestive disorders, overweight or losing weight, insomnia, different painful syndromes, weakened immunity, increased need for alcohol, sedatives, cigarettes
- Emotional disorders - depression, burn-out syndrome, emotional emptiness, lost meaning of life, anxiety, loss of motivation and enthusiasm, apathy, adjustment disorder
- Behavioral disorders - irritability, projectiveness, non-critical risky behavior, loss of concentration, forgetfulness, explosiveness, harshness, oversensitivity to external stimulants, apathy, rigidity, constantly occupied with work, family problems, divorce, victim's suicide
- Progressive loss of idealism, energy and meaning of own work, experienced by people in their professions due to frustrations and stress caused by sextortion
- Consequences of sextortion also include many negative emotions, e.g. depression, lack of strength, dissatisfaction, fear, inadequate quality of life and hopelessness, loss of self-confidence, inability to judge and make decisions; emotional exhaustion, inability to control one's emotions due to exposure to stressful situations, depersonalization – pathologically changed perception of own identity, loss of self-respect and social role

7.3. Who to Ask for Help?

- Position of a family doctor is important; he must know how to spot sextortion as a cause of the health problems
- Mental health specialists, psychiatrists and psychologists can evaluate persons before employment, after they recognized sextortion and related health consequences, i.e. evaluate the individual's capacity to work or the caused damage
- Upon the court's order, experts determine the extent of mental suffering, which caused non-pecuniary damage. They must confirm or challenge the existence of sextortion, and determine the impacts of the symptoms on social life and work, i.e. quality of life of the employee, and possibly recommend a treatment

7.3.1. How to Protect Oneself from Sextortion?

- Record and document every attempt of extortion
- Address a person of trust at work, internal control, trade union, labor inspector, activists from associations for the protection of human rights, a doctor, ask for help from an expert – psychologist, psychiatrist
- Do not let them drag you into the sextortion circle; be polite with the person at a position of power who is trying to extort sexual services from you, but clearly /precisely warn them about their inadmissible behavior before you report the case

7.4. What to Do:

- 1) Do not abandon your workplace
- 2) Do not make impulsive decisions
- 3) Find allies within the company
- 4) Seek legal aid
- 5) Ask for psychotherapeutic assistance
- 6) Train your communication skills
- 7) Train relaxing techniques
- 8) **DO NOT GIVE UP THE FIGHT!**

Sextortion victims are exposed to: stigmatizing, poverty, unemployment and social exclusion. Life in poverty brings additional difficulties in search for employment and contributes to individuals being trapped in long-term unemployment. At the same time, unemployment and poverty make it harder to participate in social activities. Due to lack of money and stigmatization that can be caused by unemployment, social ties are reduced and the likelihood of social isolation is increasing. If the period of unemployment and poverty is long, tensions in family and marriage will arise, and likelihood of divorce and family break-up will grow. Lack of money not only aggravates family relations, but also relationships with friends and neighbors, and since “social exchanges “ are necessary for maintaining social relations, the social isolation has a negative impact on employment odds, because such individuals are far from the source of information and lack the required support in job seeking. In this way, the ominous spiral of social deterioration continues.

7.5. Secondary Schools and Universities

Some researches have shown that **sextortion exists in secondary schools as well**, but also that there is practically no perception of this problem, because such behavior is viewed as a normal part of everyday life at school. Consequences are manifested as inadequate teaching environment and poor relations between pupils and between pupils and teachers, especially in economically and socially underdeveloped areas.

A power that an individual holds due to their position at the workplace or in an educational institution must not be used for different explicit or implicit sexual blackmails.

Silence of the society when it comes to this phenomenon and lack of victim protection are evident problems. Victims mostly think that if they report an incident, many people may think that the victim is partially guilty for the incident, which is quite frequent in incidents where it is difficult to publicly determine the victim’s and perpetrator’s shares

of responsibility. Namely, certain characteristics of a victim (provocative clothing, attractiveness, flirting habits...) may be misinterpreted by a perpetrator as an encouragement or “justification” for such an act.

Maybe the victims are not acquainted with the right ways of resolving these issues, because laws and regulations applicable to sextortion do not exist in most countries, including BiH, and there is no awareness of the existence of this problem.

Sextortion is often treated as a trivial issue that can be easily avoided and ended, especially in educational institutions, which is not true in most cases. It usually includes repetitive behaviors over a period of time, and victims are not able to find an adequate solution – report the extorter/blackmailer - due to fear from social condemnation, stigma, shame and lack of support /protection. Professors demonstrate dangerous and unpleasant behaviors when they touch their pupils/students and/or invite them to private “consultations”.

Professors often pose concrete offers to their students, e.g. via e-mail or sms. Most pupils/students start feeling uncomfortable after a certain period of time, but even then they are not able to clearly say “no”, because they are afraid it might negatively impact their future education. The fear is not unfounded, because these are open cases of sex extortion in return for “something”. Some professors offer better grades in return for certain sexual services.

Sextortion is not taken seriously in our society, and this topic is also underestimated in public. Most people feel that this is a “common”, even ridiculous phenomenon. Nobody views this as a serious problem, which may leave severe psychological consequences.

Here are some thoughts and a statement of a university student about this topic:

„.....to report a professor. Ok, there are honest people out there and it is admirable, but the thing is that you have no right address to report these cases to, because such professors would not be able to blackmail without good protection. If someone did not protect them, they would be afraid of a report and losing their job. Also, it is only a student's word against a word of a professor, and it is difficult to prove anything. As for taking an exam before a panel, professors sitting in the panel will not oppose their colleague (birds of a feather...). Less successful students mostly face direct sextortion/blackmail, and if they happen to like a more successful one, then they try to seduce her, without using a direct blackmail. I don't know, I don't want to moralize, because morale is the last thing people think of in this situation, because it is much harder for honest people to achieve success than those who "find other ways". A student who "found another way" to pass an exam will find a way to get a job, and girls who study hard often end up at the employment bureau. It should be reported, but how? How can you sue somebody for sextortion without any proof? It's your word against his, it doesn't go that easily and we all know that. How can you find a student who will take your side? They are all focused on their lives and they don't want to testify, because it would mean saying goodbye to the faculty. Also, one should keep in mind that persons receiving such reports to are not exactly innocent. In any case, it is a horrible situation...“

What to do:

- 1) Do not abandon school /faculty
- 2) Do not make impulsive decisions
- 3) Find allies at the school /faculty
- 4) Ask for rector's assistance
- 5) Seek legal aid

- 6) Ask for psychotherapeutic assistance
- 7) Train your communication skills
- 8) Train relaxing techniques
- 9) DO NOT GIVE UP THE FIGHT!

Adequate brochures should be distributed in all secondary schools and faculties, with explanations and clarifications of what is allowed and what is not when it comes to teacher's (and other persons of authority in the respective institution) behavior to pupils/students, develop a protocol on the collection of relevant evidence required to report sextortion and include it in the Higher Education Act.

Perpetrators of sextortion chose to be extorters/blackmailers and nobody else but themselves can be responsible for their behavior, especially not the sextortion victims.

7.6. Required Actions to Suppress Sextortion and Support Victims

One of the primary problems when it comes to suppression of sextortion is the insufficient number of places where victims can get basic information and assistance.

Another important problem is related to the process of reporting sextortion to relevant institutions, which should be as efficient as possible and less traumatizing for victims, with full respect for their rights. Development and adoption of a protocol on actions to be taken in sextortion cases would significantly contribute to achieving the above.

The number of reported sextortion cases is extremely low, and it depends on a whole range of factors. Some of the reasons for non-reporting sextortion lie in the broader social context, contaminated by the existence of typical myths and prejudices with regard to sexual corruption. Some reasons are closely related to the work of institutions, and some are personal reasons of a victim.

Dominant reasons for non-reporting sextortion:

- Some victims feel that they somehow deserved such behavior, due to something they did or didn't do, because it is a dominant social message adopted through socialization, saturated with myths about "sexual behavior", such as: "*she got what she deserved*" or "*she brought it on to herself, and now she is complaining*";
- Some victims are afraid to talk about sextortion they experienced, because they fear the perpetrator (depending on how "powerful" he is) and his potential revenge;
- A large number of victims find it hard to deal with the feeling of shame, they are afraid of stigmatizing and reactions of their family/friends and colleagues that may range from accusations to a complete rejection;
- An important reason for non-reporting is the lack of trust and fear from relevant authorities within the institutions (internal control, pedagogues, employee service...) and outside them: the police and the court, from a lengthy and difficult court proceeding, inadequate and lenient sanctions for perpetrators, and the lack of information about available protection and support mechanisms.

Official sextortion data are evidently unreliable, due to high non-reporting rate. It should be mentioned in this context that changes in the social attitude towards this issue can make a significant impact on the official statistics that may mislead an uninformed observer.

Sextortion victims should be encouraged to report perpetrators and testify before the court.

A large number of reports will only be possible if we do everything we can as the society to facilitate every step in the process of reporting sextortion for sextortion victims; provide them with adequate protection and support mechanisms, and ensure that the perpetrator is properly sanctioned. This means that we should work on changing the public perception of this issue, legal framework and direct and indirect victim protection. Availability and quality of services for sextortion victims are important not only for humanity reasons, but also for strengthening and supporting victims in reporting sextortion, thus reducing the occurrence of this socially unacceptable behavior. Victims have little choice without adequate services and protection mechanisms. Without witnesses/testimonies, there can be no quality processing or deserved sanctions.

As for the media coverage of sextortion cases, we still do not see any important progress or changes in terms of continuity and serious dedication to this topic, apart from sensationalist headlines and articles. Although there are articles and some TV reports that try to be correct, objective and even informative, we can still see/hear that in most cases they write/talk about *alleged* extortion/corruption or and *alleged* event, presenting different facts and data about the perpetrator or the victim aimed to minimize the sextortion case and justify the perpetrator.

A successful fight against sextortion requires active and responsible participation from all of us – social community members, in the way to:

- Develop high awareness in ourselves and others about harmfulness of sextortion
- Reject offers to take part in sextortion
- Offer a mandatory cooperation to criminal prosecution authorities, supported by arguments

7. 7. Sextortion Impact on Society

If we take a close look at the broad incidence of sextortion, we cannot but face all possible negativities in all spheres of the community and the socially devastating impact of such corruption.

In the long-term, if we do not stop and seriously change the approach to detection, processing and sanctioning of sextortion, strong educational, economic, political and safety problems will certainly come to surface, as well as the individual fear and lack of trust among citizens in the state and its legal system.

There is a strong impression that some people are above the law, owing to their “connections“ and “powerful“ social and political position, and that their actions qualifying as sextortion are tolerated – they are “untouchable“, which definitely increases vulnerability of potential victims to this form of corruption.

Mitigating and eliminating the causes and impacts of sextortion have nothing to do with privileges, but with the law.

8. Recommendations

BiH society definitely must not allow spreading of sextortion phenomenon, as it would mean an overall decadence of the social system of values and trivializing numerous efforts that were already put in eliminating the already existing forms of discrimination against women. Namely, it is clear that sextortion mostly affects women, but also puts them in a position to use it as a weapon, which contradicts the just efforts aimed at establishment of social equality. The society should therefore strive to combat this phenomenon. Here are some concrete recommendations:

1. Develop a state-level strategic plan and clearly define activities of all subjects involved in all fields where sextortion occurs, according to results of the research conducted by the Association of Women Judges in BiH and other relevant data;
2. Encourage research in different fields, with the goal to collect new findings about the incidence of sextortion;
3. Based on collected findings and data, propose adequate measures, primarily to government institutions responsible for a specific area or field;
4. Animate NGOs, trade unions and student associations to deal with these issues;
5. Establish cooperation with the media, in order to actualize the issue of sextortion and review it from different angles in the interest of broader public (shows with sociologists, psychologists, direct and indirect sextortion victims telling their stories etc.); not allow the media to take sensationalist approach to the topic of sextortion or abuse victims by describing them as persons who encourage sextortion.
6. Animate different public segments to present this problem as a topic at different scientific and social events, where it should be pointed out that sextortion does not only affect its direct victims (either women or men), but that all citizens who are put in unequal position by this type of corruption are its indirect or collateral victims;
7. Incorporate into all ethical codes provisions defining sextortion as a highly unacceptable form of position abuse and emphasize that it is a shameful behavior with disciplinary and moral consequences;
8. Approach alleged sextortion cases with due diligence and comprehensively, in order to prevent potential abuse and manipulations;

9. Incorporate sextortion in national regulations, defining it as a separate criminal offense and as a ground for damage compensation in favor of direct and indirect victims;
10. Initiate gender based research of sextortion issues;
11. Create and implement education programs for civil servants and all others dealing with sextortion issues, especially those who provide assistance and give advice to victims;
12. Carry out strengthening campaigns with the goal to psychologically prepare potential victims to advocate for protection of themselves and others in cases of sextortion;
13. Consider introducing of a separate SOS telephone line for reporting of sextortion cases, and adequately informing the public about the existence of this service;
14. Encourage anonymous reporting of sextortion when there is a justified concern that victims may suffer revenge or harmful consequences for themselves or others;
15. Introduce statistics about sextortion cases at the police, social care centers, prosecutor's offices, courts, legal aid agencies etc.;
16. Intensify activities fighting all forms of corruption, and particularly encourage the efficient work of the police and prosecutor's offices;

When it comes to forms of prevention applicable to sextortion, the main precondition is, beyond doubt, the establishment of a system of responsibility and actual sanctioning of

all perpetrators of this form of abuse and violations of the rights of others. Until that happens, there will be a vacuum space for carefree sextortion-related activities, more so because this is a sensitive and partially taboo topic, tackling the domain of personal intimacy and privacy. We should therefore start by sanctioning perpetrators and encouraging victims to speak. Openness of the victims to publicly talk about their experiences will not yield any concrete results, apart from short-term social condemnation, if the system institutions are not functioning. We can therefore conclude that without establishment of strong processing and protection (and even support) mechanisms in cases of sextortion, there are no real chances to prevent potential new victimizations in a substantial manner. In any case, it is still early to talk about an engagement in any form of prevention, at least when it comes to the role of the society, although the above recommendations focus on the future prevention of sextortion by the society, which will depend on the actual willingness to put this phenomenon in the adequate social spotlight.

CONCLUSION

In the end it can be concluded that Bosnia and Herzegovina has a legal framework that provides the ability to prosecute perpetrators of acts that contain the "sextortion".

However, the current legal and institutional framework has several weaknesses, among which may be mentioned, quite a complex legal system, which always creates a problem in communication (the Court and Prosecutor's Office, the entity courts and prosecutors' offices and the Brcko District) regarding jurisdiction in the application of laws are made at the state level

It is necessary to strengthen the campaign in future activities, both by AWJB&H and by other non-governmental organizations, a special campaign carried out within the institutions of BiH with the aim of adopting an appropriate legal framework to cover crimes of extortion sex with a corrupt element