

The Impact of Democracy on Gender-Based Violence in Bosnia and Herzegovina in the Post-Bosnian Conflict

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Abstract

Gender-based violence (GBV) remains a serious challenge in Bosnia and Herzegovina, especially in the context of a complex post-conflict democratic transition. This study aims to analyze the influence of legal democracy developments on GBV dynamics during the period 1995–2024. Using a quasi-experimental Interrupted Time Series (ITS) design, this study assesses temporal changes in the rule of law before and after two major legal reforms, namely the Gender Equality Law (2003) and the Law on Protection from Domestic Violence (2013). Six rule of law indicators from the Varieties of Democracy (V-Dem) v14 (2024) dataset were used to construct a composite index representing the quality of law and democratic institutions on an annual basis. The results of the analysis show that the 2003 reform increased the level of rule of law by 0.48 points, while the 2013 reform caused a temporary decline (–0.16 points) but was followed by a significant positive trend (+0.009 points per year). This trend is consistent with reports by the OSCE (2023) and UN Women, which show an increase in GBV reporting after the reforms as an indicator of improved access to justice and legal awareness. This study concludes that strengthening the rule of law plays an important role in strengthening substantive democracy and reducing vulnerability to GBV, with its effectiveness greatly influenced by institutional capacity and local legal culture. Scientifically, this study contributes by introducing the Interrupted Time Series approach in post-conflict democracy studies, demonstrating the temporal causal relationship between legal reform and gender protection, and providing an empirical basis for evidence-based policy development in countries undergoing democratic transition.

Keywords: rule of law, gender-based violence, quasi-experiment, Bosnia and Herzegovina, legal reform, substantive democracy.

Abstrak

Kekerasan berbasis gender (KBG) masih menjadi tantangan serius di Bosnia dan Herzegovina, terutama dalam konteks transisi demokrasi pascakonflik yang kompleks. Penelitian ini bertujuan untuk menganalisis pengaruh perkembangan demokrasi hukum terhadap dinamika KBG selama periode 1995–2024. Dengan menggunakan desain kuasi-eksperimen tipe Interrupted Time Series (ITS), penelitian ini menilai perubahan temporal supremasi hukum sebelum dan sesudah dua reformasi hukum utama, yaitu Gender Equality Law (2003) dan Law on Protection from Domestic Violence (2013). Enam indikator supremasi hukum dari dataset Varieties of Democracy (V-Dem) v14 (2024) digunakan untuk menyusun indeks komposit yang merepresentasikan kualitas hukum dan institusi demokratis secara tahunan. Hasil analisis menunjukkan bahwa reformasi tahun 2003 meningkatkan level supremasi hukum sebesar 0,48 poin, sedangkan reformasi 2013 menimbulkan penurunan sesaat (–0,16 poin) namun diikuti tren positif signifikan (+0,009 poin per tahun). Tren ini konsisten dengan laporan OSCE (2023) dan UN Women yang menunjukkan peningkatan pelaporan KBG pascareformasi sebagai indikator perbaikan akses keadilan dan kesadaran hukum. Penelitian ini menyimpulkan bahwa penguatan supremasi hukum berperan penting dalam memperkuat demokrasi substantif dan menurunkan kerentanan terhadap KBG, dengan efektivitas yang sangat dipengaruhi oleh kapasitas kelembagaan dan budaya hukum lokal. Secara ilmiah, penelitian ini berkontribusi dengan memperkenalkan pendekatan Interrupted Time Series dalam studi demokrasi

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pascakonflik, menunjukkan hubungan kausal temporal antara reformasi hukum dan perlindungan gender, serta memberikan dasar empiris untuk pengembangan kebijakan berbasis bukti di negara-negara transisi demokrasi.

Kata Kunci: Supremasi hukum, kekerasan berbasis gender, kuasi-eksperimen, Bosnia dan Herzegovina, reformasi hukum, demokrasi substantif

INTRODUCTION

The post-conflict state is a crucial phase of a country that has just experienced war, where there is domestic instability to rebuild the damage caused by the war. Bosnia-Herzegovina, or BiH for short, as a country that experienced a bloody conflict in 1992, faced great challenges in building a political system that ensured security for all its citizens. The wave of democratization in BiH was carried out to replace BiH's previous socialist system of government, by adopting it through the Dayton agreement, in order to regain political stability. According to UNICEF, GBV is The most prevalent human rights violations in the world (UNICEF, 2016). This phenomenon raises questions about the extent to which democratic systems can reduce GBV in post-conflict countries and whether the political transition is creating new and worsening conditions for women victims of violence.

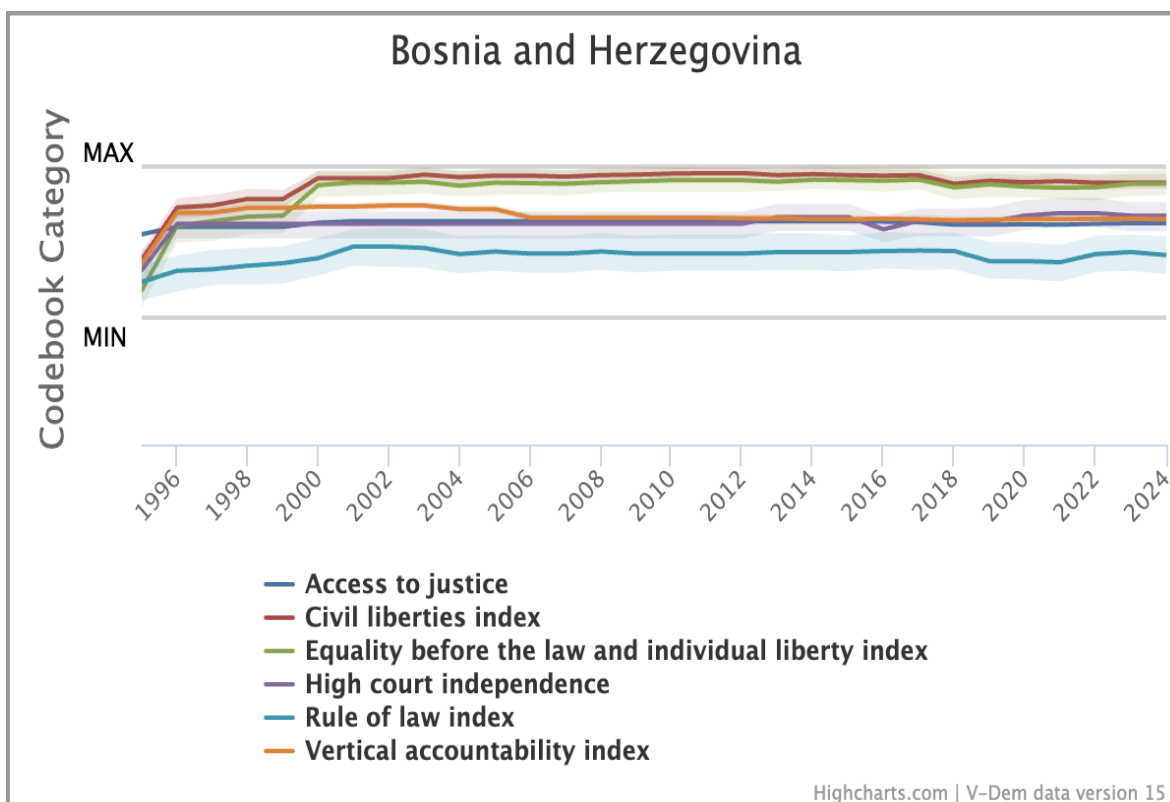
The war that occurred due to the division of the Yugoslav state had a huge impact, especially on the traumatized victims. The death toll in this war reached 140,000 and around four million people were displaced (International Center for Transnational Justice, 2009). There were approximately 20 to 50 thousand women in Bosnia raped during the war. Quoted from the literature, that the mass rape of Bosnian women was indeed one of the war strategies by the Serbian command (Henry, 2016). The existence of this mass rape proves that there were orders that systematically organized this policy (Pehlivan & Halime, 2021). According to reports from the international community, this policy of mass rape by Serb forces was systematically created to purify or exterminate ethnic Bosniaks. There is also other evidence to suggest that this mass rape was planned by the Serbian government, namely through the RAM plan document. This document contains tactics or strategies of the Yugoslav National Army to commit mass rape to replace ethnic or Muslim groups from Bosnia-Herzegovina (Kuran, 2023). Sexual violence in war is not only a cruel act committed by soldiers, but also used as a tactic of war by replacing terrorism and destroying individuals, families, and communities (UN Women).

The Bosnian war made women's bodies a battleground both figuratively and literally (Kuran, 2023). Although women have experienced various forms of violence since the war, their experiences have become socially "invisible" over time in post-war Bosnia. Social stigma pressured victims of violence in the Bosnian War to remain silent about their experiences. The Serbian army's assault on women is, according to feminism, a form of patriarchal domination of women. Stigma and the associated emotions of shame combine to be a powerful form of social control (Russo & Pirlott 2006). Gender-based violence is experienced as stigmatizing and shameful (Buchbinder & Eisikovits, 2003). The feelings of shame arising from the violence received in the Bosnian War made it difficult for women to disclose their experiences and seek help from others. On the other hand, in the absence of resistance by victims of violence, this also allows the violence itself to continue as a legacy of war.

The Dayton Peace Agreement, signed on December 14, 1995, laid the foundation for the establishment of a democratic political system in Bosnia-Herzegovina. The Dayton Agreement created a new political system based on democratic principles and human rights. The agreement contained key provisions based on democratic principles, including the holding of free and fair elections and the establishment of democratic institutions of government, including a collective presidency, a parliamentary

assembly and a constitutional court (Dayton Peace Accords, 1995). Subsequently, the BiH constitution in the Dayton Accords established democratic principles, including human rights and fundamental freedoms; freedom of the press, freedom of expression, and freedom of assembly; and a multi-party system and periodic elections (Dayton Peace Accords, 1995).

The relationship between democracy and gender-based violence has been proven through research conducted by Groppi (2020). Through his research, he said that weakened democracy is often accompanied by increased sexism and discrimination, which then contributes to increased gender-based violence. In addition, studies show that authoritarian regimes tend to be more repressive towards women's rights than democratic systems of government. In authoritarian systems, gender equality values are often seen as a threat to patriarchal power structures. Restrictions on reproductive rights, the silencing of feminist activists, and the elimination of gender education are common strategies in governments experiencing democratic regression. This suggests that when democracy regresses or tends towards a more authoritarian government, it leads to an increase in gender-based violence.



Graphic 1. Democratic quality in Bosnia and Herzegovina

Source: V-dem (2024)

The Graphic 1 shows that there was a spike in the democracy index in the years following the signing of the Dayton Agreement. On the other hand, cases of domestic violence in BiH continue to be a concern. According to data, since 2015, 56 women have lost their lives in Bosnia and Herzegovina, 19 of which were classified as femicide in 2021-2022 (OSCE, 2023). The OSCE study also mentions that 48 percent of women in Bosnia and Herzegovina have experienced sexual violence and 84 percent of them do not dare to report it (OSCE, 2023). During this period of political reconstruction, BiH gradually carried out legal reforms, particularly regarding the protection of vulnerable groups, as a result of the post-conflict situation. Legal reforms related to gender equality and protection were carried out in 2003 and 2013,

namely the Gender Equality Law and the Law on Protection of Domestic Violence, which then also provided empirical opportunities to observe how institutional reforms affect the quality of law and gender protection temporally, which will later be studied using an Interrupted Time Series (ITS) design in a quasi-experimental method. Unlike the correlational approach, which only measures linear relationships, the Interrupted Time Series (ITS) design is used to identify changes in trends and levels of the rule of law as a result of actual policy interventions without the need for random sample division. To date, there have been few studies on the causal relationship between democracy and gender-based violence in Bosnia and Herzegovina in the context of the post-conflict period. Several studies with the same theme are only descriptive and have not identified the temporal causal effects of legal reforms on the dynamics of women's protection.

This study aims to measure the impact of legal reforms on the development of the rule of law and its implications for gender-based violence using a quasi-experimental approach of the Interrupted Time Series type. This study is quantitative in nature, using secondary data from literature studies and employing a quasi-experimental method. This article discusses research on how democracy influences gender-based violence in Bosnia and Herzegovina in the post-conflict context, adding policy intervention as a control variable.

LITERATURE REVIEW

Democratic Peace Theory forms the basis of this study. Immanuel Kant, in his book *Perpetual Peace: Philosophical Essay* (1795), argues that a republican form of government, in which there is supremacy of law or rule of law, will overcome the problems arising from structural anarchy, thereby leading to peace (Chan, 1997). Kant believed that democracy (which he referred to as a republican constitution) prevents international war. Democratic Peace Theory was later reintroduced by Michael W. Doyle (1983), who emphasized the argument that countries that embrace liberal democracy do not wage war against each other. These ideas tend to view this theory from an external perspective. However, there are some theorists who look not only at inter-state relations but also at intra-state relations. They argue that democratic countries are less likely to fall into civil war (Abulof, 2015). Democracy with domestic stability is about anarchy, where premature democracy will fuel nationalism, which will then lead to political violence, ethnic wars, and civil wars (Abulof, 2015). Thus, it can be seen that there is a positive relationship between anarchy and conflict, where democracy that is only in the hands of elite groups will only lead to conflict within the country. This is related to the rule of law in the country, the function of which needs to be questioned. As Kant explained, a democratic country is a country with the rule of law to regulate all domestic affairs.

The rule of law is defined as a system in which the law has autonomous authority and all political actions are subject to pre-existing legal norms (Maravall & Przeworski, 2003). According to them, political systems with strong democratic traditions are more likely to uphold the rule of law than countries with a long history of authoritarianism. In addition, the rule of law is more likely to develop in societies where power is distributed and not monopolized by a single dominant actor (Holmes, 2003). This is in line with the argument that good democracy will produce good rule of law. Guillermo O'Donnell's article *Why The Rule of Law Matters* (2004) emphasizes that the rule of law is one of the fundamental pillars of a quality democracy. According to him, a healthy democracy requires not only written and enforced laws, but also democratic rule of law, namely the supremacy of law that guarantees political rights, civil liberties, and accountability mechanisms to prevent abuse of state power. He argues that democratic rule of law not only encompasses written laws but also guarantees fair treatment without discrimination based on social class, power, or economic status. He emphasizes that justice must be applied regardless of an individual's status.

In other words, democracy can be divided into procedural democracy and substantive democracy. Procedural democracy refers to formal rules and how the democratic process is formally applied in society. Examples include the implementation of elections and other political activities regardless of the results (PWM Jawa Tengah, 2024). On the other hand, substantive democracy emphasizes the results and quality of the democratic process in society. Therefore, the democracy highlighted in this study will help identify how the democracy index based on the aspects mentioned above compares with the results obtained, in the form of the level of gender-based violence. If a high democracy index is found to be accompanied by high levels of violence, it can be concluded that BiH's procedural democracy is good, but its substantive democracy is flawed.

In his writings, O'Donnell also mentions several variables for measuring the quality of the rule of law in a democratic country, such as (1) Legal coverage, referring to the scope of the law that is equal and impartial to certain social classes. (2) Legal equality, according to O'Donnell, refers to state institutions that must treat all individuals with equal consideration and respect by ensuring legal transparency. (3) Judicial independence refers to the need for quick and easy access to the judiciary, free from the influence of other interests. (4) Access to justice means that there must be quick and clear mechanisms to prevent and address violations of rights. This variable uses the V-Dem indicator as its data source. (5) Accountability of state officials refers to vertical social accountability that must exist and be guaranteed. Finally, (6) protection of civil and political rights refers to citizens and even foreigners being granted equal civil rights and equal participation in politics.

The six indicators used to represent O'Donnell's six variables were obtained through the V-Dem dataset, in the following indices. (1) The rule of law index, which refers to how transparent, independent, fair, and consistent law enforcement is, as well as the extent to which government officials comply with the law. (2) The equality before the law and individual liberty index refers to the transparency and firmness of law enforcement and fair public administration, as well as the extent to which citizens enjoy access to justice, property rights, freedom from forced labor, freedom of movement, the right to physical safety, and freedom of religion. (3) The high court independence indicator refers to how often the high court decides important cases in accordance with the government's wishes without considering the legal evidence objectively. (4) The variable of access to justice is viewed through the access to justice index, which refers to the security and effectiveness of the community in accessing justice. (5) The vertical accountability index refers to the extent to which officials are accountable to citizens through oversight and evaluation mechanisms. Finally, (6) the civil liberties index refers to the extent to which the civil rights of citizens are respected. The indicators in the V-Dem index are aggregated using the Bayesian Item Response Theory (IRT) measurement model, which combines expert assessments statistically while taking into account the reliability and bias of each expert. This method converts ordinal assessments into continuous latent concept scores, followed by hierarchical aggregation based on a Bayesian model to form a multidimensional composite democracy index (V-Dem, 2024).

Moving on to the discussion of gender-based violence, the term "gender-based violence" is used because such violence is shaped by gender status and roles in society. The main reason that often underlies cases of gender discrimination, especially against women, is the existence of a patriarchal culture in the social order, which refers to men as the dominant party exploiting women (Sulistyowati, 2020). This illustrates how various aspects of gender influence the risk, experience, and outcome of interpersonal violence between women and men, where there are predictors and meanings of gender-based violence that differ for women and men, as perpetrators or as victims (Russo & Pirlott, 2006). The difference in treatment between women and men, where men are given legitimacy to commit violence against women, shapes the meaning of violent acts by women and men. Marriage as a social institution gives men the

“right” to beat and rape their wives and legitimizes their actions, making violence by men seem less visible (Finklehor & Yllo, 1995). Such social constructions perpetuate violence against women. Gender-based rights, objectification, power, structure, and status currently play an important role in the dynamics of gender-based violence. Institutions such as the criminal justice system, education, the military, health, science, and religious institutions are seen as reinforcing patriarchal values and maintaining and promoting gender-based rights and violence (Koss et al., 1994).

Heise et al. (2002) highlight the reasons why domestic violence is prevalent in certain countries while other countries have almost no domestic violence. They then group several factors that cause domestic violence to be common in a country based on the level of the social environment. First, the individual level, which includes experiencing sexual abuse as a child, witnessing domestic violence, absence of a father figure, and high frequency of alcohol consumption. Second, the family or relationship level, which states that violence occurs as a result of wealth control and male dominance in decision-making within relationships. Third, the community level, which includes the isolation of women and a lack of social support for women. Finally, the societal level, where violence is caused by rigid gender definitions or enforcement, and when masculinity is associated with “toughness,” “domination,” and “honor.” Cultural norms that seem to legitimize GBV are also triggers at the societal level, such as the perception that men have “ownership” over women, and the understanding that violence is a solution to interpersonal conflicts. Through this study, variables that can be used as tools to measure GBV are reports of gender-based violence, with various types of indicators such as violence in relationships and sexual coercion and harassment that result in poor sexual health and the deprivation of women's rights. However, these reports do not necessarily reflect the actual number of cases, as GBV victims are sometimes affected by stigma and internal pressures such as low self-esteem and depression, which cause reporting bias (Heise et al., 2002).

In addition to the social sphere, GBV is also influenced by state institutions through the rule of law. In their journal, Carvalho and Schia (2011) highlight the relationship between GBV in Liberia, a country that has just ended its conflict, and the rule of law in that country. They found that despite many international efforts to address GBV in Liberia, the results are still far from expectations. The authors emphasize that comprehensive rule of law reform is necessary for effective SGBV handling. The authors point out that without a well-functioning legal system, neither women nor children in Liberia will obtain justice, despite the launch of various projects.

A statement that underscores the strong relationship between democracy and the reduction of gender-based violence is that the hope for a democratic society means that no one is considered inferior by anyone else, especially women in society. Certain conditions where democracy is flawed in a country will have an impact on violence against women. The prevalence of sexism proves that democracy in that country is not substantive (Charta Politika Indonesia, 2021). Violence against women during elections should not be considered the “cost of doing politics,” as this threatens democratic values (Wildhianti & Ramadhana, 2024). Aspects of democracy should indeed be aligned with a reduction in gender-based violence. The aspect of legal coverage—the scope of the law is equal and impartial—mentioned earlier means that there is no gender discrimination in the eyes of the law. The aspect of legal equality also emphasizes equal respect for and transparency of the law, for both men and women.

The Gender Equality Law (GEL), passed in 2003, and the Law on Protection from Domestic Violence, passed in 2013, are two major legal reforms related to gender equality and protection regulations in BiH. These reforms will be used as control variables that change the direction of the trends of the six Rule of Law indicators mentioned earlier. Therefore, a working hypothesis was found, namely that there was a significant increase in the Rule of Law index in Bosnia and Herzegovina after the enactment of the Gender

Equality Law in 2003 compared to the Law on Protection from Domestic Violence in 2013. Conversely, there is a significant decline in the Rule of Law index in Bosnia and Herzegovina after the enactment of the 2003 Gender Equality Law compared to the 2013 Law on Protection from Domestic Violence. The final hypothesis is that the increase in the Rule of Law after the 2003 and 2013 reforms is associated with an increase in the reporting of gender-based violence, which reflects increased access to justice and legal awareness, rather than an increase in the prevalence of violence.

RESEARCH METHOD

This study uses a time-series quasi-experimental design to assess the impact of democratic development on gender-based violence (GBV) in Bosnia and Herzegovina during the period 1995–2024. This design was chosen because it allows for the analysis of temporal effects between the variables of democracy and GBV without requiring random sample allocation (Cook & Campbell, 1979; Shadish, Cook, & Campbell, 2002). The unit of analysis for this study is the national level, observed annually. A time series approach was used to examine changes in GBV levels before and after two major legal reforms, namely the Gender Equality Law (2003) and the Law on Protection from Domestic Violence (2013), which served as policy intervention moments (interrupted time series design; Linden, 2015). Democracy index data were obtained from the Varieties of Democracy (V-Dem) Dataset v14, which provides annual scores for the rule of law dimension. GBV data were obtained from UN Women and OSCE reports covering estimates of domestic violence, sexual violence, and femicide.

The analysis was conducted using a time series regression model with dummy variables for the 2003 and 2013 legal reforms, as well as adding a lag of one to two years to capture the delayed effects of the policies. In addition, interrupted time series (ITS) analysis was used to detect changes in levels and trends after the legal reforms. All data were converted to annual format and standardized to maintain temporal consistency. The analysis was performed using Stata 18 and R 4.3 software with a 95% significance level. As this study uses aggregated secondary data from official international sources, there are no ethical risks to human subjects.

RESULTS AND DISCUSSION

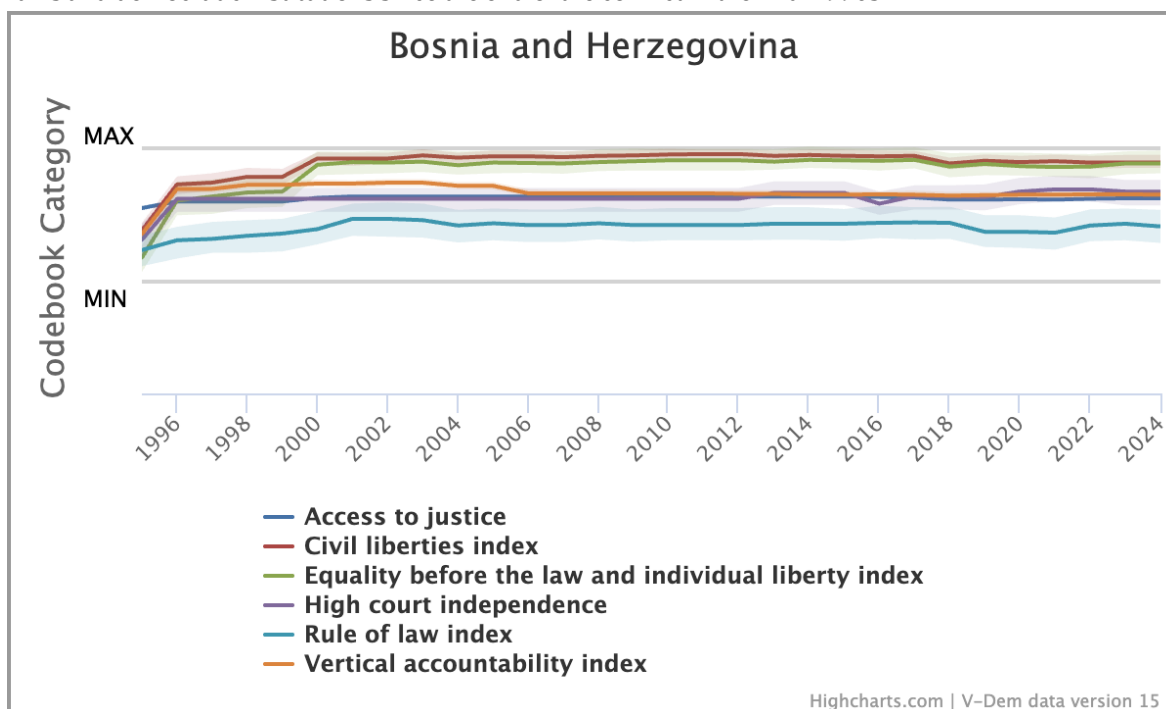
This study analyzes the development of the rule of law as a measure of democracy in Bosnia and Herzegovina, using six variables calculated using six indicators from the V-Dem v14 dataset, including legal coverage, legal equality, judicial independence, access to justice, public official accountability, and protection of civil rights. All data are annual, covering the period 1995–2024—the most recent data available—and are used to form a composite rule of law index that represents the quality of legal democracy in BiH.

As a point of comparison, or in this case, policy interventions that have occurred in BiH, two major legal reforms are used, namely the Gender Equality Law (GEL) passed in 2003 and the Law on Protection from Domestic Violence passed in 2013. The Parliamentary Assembly of Bosnia and Herzegovina passed the Gender Equality Law (GEL) in 2003, which became the basis for the establishment of mechanisms and institutional structures to promote gender equality at all levels of government. The GEL, which refers to the Convention on the Elimination of All Forms of Discrimination against Women, prohibits discrimination on the basis of sex and sexual orientation in various fields such as education, employment, health, culture, politics, and the media. This law includes a prohibition on gender-based violence as well as obligations for supervision, monitoring, and compensation. Gender-based discrimination is defined as less favorable treatment due to sex, either directly (different treatment in similar situations) or indirectly (norms or

practices that appear neutral but disadvantage one gender). In addition, harassment and sexual harassment that undermine dignity and create a hostile environment are also prohibited. This law guarantees equal protection and opportunities for all citizens in public and private life, and prevents discrimination and victimization of reporters and witnesses of gender-based discrimination (Agencija za ravnopravnost spolova Bosne i Hercegovine, 2022).

The government of Bosnia and Herzegovina has adopted a Gender Action Plan 2013 with three main objectives: to develop and monitor gender equality programs within government agencies, to strengthen gender equality mechanisms, and to build cooperation at the international and regional levels and with civil society organizations. In addition, the Republika Srpska, one of the divisions of BiH, has also enacted a number of laws to address violence against women, including the 2013 Protection From Domestic Violence Act, which provides legal protection such as protection orders and evictions, with the Social Work Center as the main referral point for victims to safe houses funded by local and republic governments (Advocates for Human Rights, 2019). Reforms in policies related to gender equality and protection against gender discrimination were treated as interventions in the Interrupted Time Series (ITS) model to observe changes in the level and trend of the rule of law index over time.

The results of the descriptive analysis of the six Rule of Law variables using data presented by V-Dem show that Bosnia and Herzegovina has experienced a significant improvement in the quality of its laws and democratic institutions since the end of the conflict in the mid-1990s.

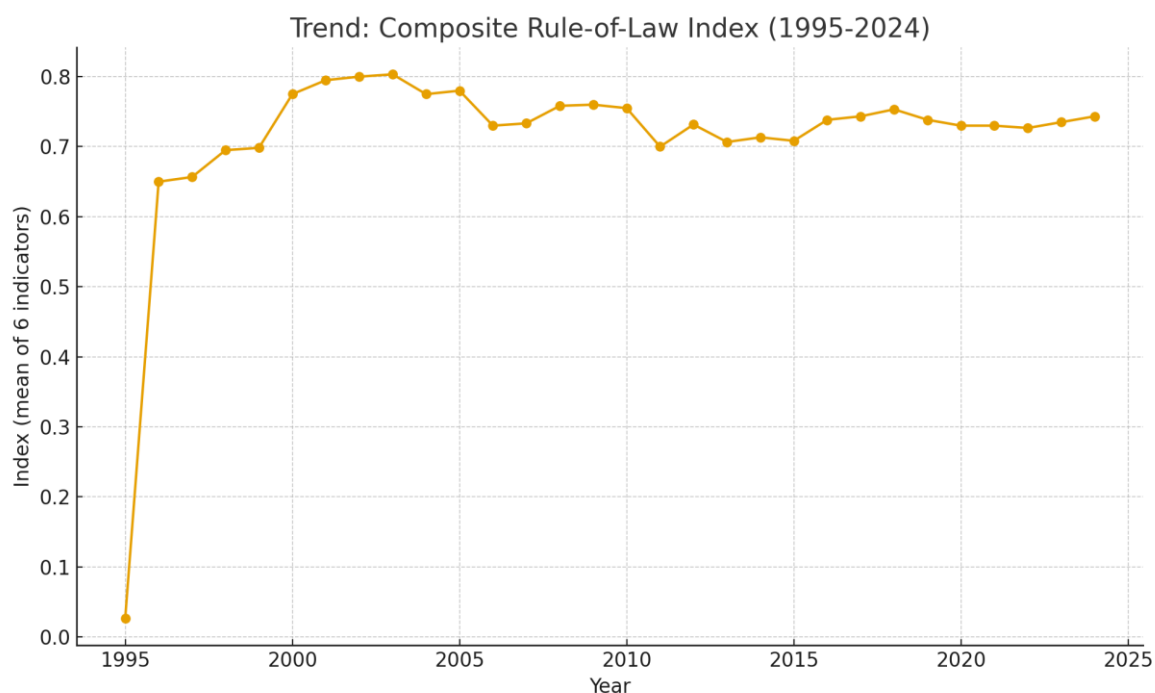


Graphic 2: Six indexes of rule of law in Bosnia and Herzegovina

Source: V-dem (2024)

Graphic 2 show the legal coverage represented by the rule of law index increased from 0.29 in 1995 to approximately 0.45 in 2024. Then, the variable of equality before the law, represented by the equality before the law and individual liberty index, jumped from 0.24 to 0.82 in the same period. Judicial independence, represented by the high court independence index, was initially very low, at -0.38 in 1995. However, it increased sharply since 1996 and has been relatively stable at close to 1.0 since 2010. The protection of civil rights through the civil liberties index increased from 0.41 to more than 0.80, indicating

an increase in the guarantee of civil liberties. Conversely, public official accountability, represented by the vertical accountability index, and access to justice, represented by the access to justice index, tended to fluctuate. This shows that although formal legal reforms are underway, the implementation of the principles of accountability and access for citizens has not been entirely consistent.



Graphic 3: Trend of rule of law in Bosnia and Herzegovina

Graphic 3 shows the trend of the Rule of Law in BiH from 1995 to 2024, obtained from the V-Dem dataset attached above. The Y-axis shows the average value of the six Rule of Law indicators, which are then arranged from year to year along the X-axis. The composite Rule of Law trend according to the graph shows a sharp increase until the early 2000s. The graph then shows stabilization after 2003 and a moderate increase after 2013. This pattern shows that legal and democratic policy reforms in Bosnia have had long-term results, although not always linear.

To gain a deeper understanding of how specific legal and policy changes affect the dynamics of legal democracy, the above descriptive analysis needs to be supplemented with an inferential approach. Therefore, this study applies Interrupted Time Series (ITS) analysis to identify whether two major legal reforms—the Gender Equality Law (2003) and the Law on Protection from Domestic Violence (2013)—actually marked a significant change in the direction and level of the rule of law index. This approach allows researchers to see whether these legal reforms had a temporal impact on strengthening the rule of law in Bosnia and Herzegovina.

The ITS analysis was conducted with the aim of observing changes in the level (average) and trend (direction of annual change) of the rule of law index before and after the two important moments of reform mentioned above, namely in 2003 and 2013. This approach is appropriate because the study focuses on a single unit of analysis (the national level) with long-term annual data, indicating random division of regions and individuals. The model used can be written as follows:

$$Y_t = \beta_0 + \beta_1 \text{Timet} + \beta_2 \text{Reform2003t} + \beta_3 (\text{Timet} \times \text{Reform2003t}) + \beta_4 \text{Reform2013t} + \beta_5 (\text{Timet} \times \text{Reform2013t}) + \epsilon_t$$

The estimation was performed using the Ordinary Least Squares (OLS) method with robust standard error (HC3) to make the results more resistant to heteroscedasticity. The R^2 value of 0.61 indicates that the model explains approximately 61% of the variation in the rule of law index during the observation period.

Table 1. Summary of Regression Model Parameters with Intervention Points 2003 and 2013 on the Rule of Law Index

Parameter	Koefisien (β)	Std. Error	95% CI	p-value	Interpretation	Parameter
Intersep	0,366	0,266	[-0,155; 0,888]	0,169	Initial level of rule of law (1995)	Intersep
Post 2003	+0,476	0,268	[-0,05; 1,00]	0,076	Increase in level after Gender Equality Law (2003)	Post 2003
time × post 2003	-0,085	0,054	[-0,19; 0,02]	0,119	Slight downward trend after 2003	time × post 2003
post2013	-0,163	0,042	[-0,25; -0,08]	< 0,001	Decrease in level immediately after Domestic Violence Law (2013)	Post 2013
time × post 2013	+0,009	0,003	[0,004; 0,015]	0,001	Positive trend after 2013 (significant)	time × post 2013

Table 1 show the 2003 reform (Gender Equality Law) was associated with a +0.48 point jump in the rule of law index, signaling an immediate improvement in the quality of the legal system and equality. However, the post-2003 trend declined slightly ($\beta = -0.085$), indicating that the initial improvement did not fully continue as a long-term trend. This is understandable because in the early stages of reform, the implementation of laws was still constrained by limited institutional capacity. The 2013 reforms (Law on Protection from Domestic Violence) show a different pattern: there was an initial decline of -0.16 points, possibly due to adjustments in the legal and administrative systems, such as updates to reporting procedures and the restructuring of law enforcement agencies. However, the medium-term effect was positive—as seen in an annual trend increase of +0.009 points (significant), indicating that after a period of adaptation, the legal system began to function more effectively and stably.

Substantively, the ITS results indicate that legal reforms in Bosnia and Herzegovina have had a real impact on strengthening the rule of law, although the effects vary between the initial reforms (2003) and the subsequent reforms (2013). The improvement in the rule of law after 2013 is in line with international reports such as those by UN Women and the OSCE (2023), which note increased attention to gender-based violence issues, increased reporting of cases, and the strengthening of legal institutions at the local level. Thus, legal reforms have not only expanded the formal legal scope but also built the state's capacity to respond to social issues such as GBV. However, these improvements are not yet comprehensive as there is still a gap between written legal progress and substantive enforcement in the field, especially in terms of access to justice and accountability.

Although the Rule of Law composite index shows steady improvement over the past three decades, an analysis of each indicator reveals differences in the speed and consistency of progress among legal elements. This is important to show that legal reform does not always have a uniform impact on all institutional aspects. First, legal equality and civil rights protection show the most consistent progress. Both have increased sharply since the early 2000s and reached values above 0.80 in the last decade. This increase signals a strengthening of the nondiscriminatory legal framework and increased civil liberties following the post-war political transition.

Second, legal coverage and access to justice show a more cautious pattern. Although they have increased from a low point in 1995, both have remained stable in the range of 0.4–0.6 since the mid-2000s. This shows that the expansion of legal protection has not been fully accompanied by an increase in citizens' ability to use the legal system in practice. Bureaucratic obstacles, limited free legal services, and negative perceptions of judicial institutions remain factors that limit this access.

Third, judicial independence and public official accountability show considerable fluctuations between periods. A rapid increase in the late 1990s signaled the initial strengthening of judicial institutions, but there was a moderate decline in the mid-2000s, likely related to internal political dynamics and unstable institutional reforms. This phenomenon confirms that progress in formal legal aspects does not always translate into improvements in day-to-day governance practices, especially when oversight and transparency systems remain weak. Thus, it can be concluded that Bosnia and Herzegovina has succeeded in establishing a more egalitarian and rights-based legal framework, but still faces challenges in law enforcement and institutional capacity. These variations between indicators are an important basis for understanding the complex relationship between the development of the rule of law and the protection of victims of gender-based violence (GBV).

The analysis of the relationship between the rule of law and GBV was conducted by combining the quantitative results of the rule of law index and qualitative evidence from international agency reports, as consistent annual GBV data is not yet available. This approach is called descriptive triangulation, which links legal trends with verified field evidence. UN WOMEN (2011) reported that reports of gender-based violence increased by 21.9% of women wanting modern methods to fulfill their family's needs because women of reproductive age are often denied their sexual and reproductive health and rights. Then in 2018, it was reported that 3.4% of women of reproductive age (15-49 years) experienced physical or sexual violence by a current or previous partner in the previous 12 months (UN WOMEN, 2018). The OSCE report (2023) provides a comprehensive overview of the dynamics of violence against women in BiH. The OSCE survey (2023) states that since 2015, 48% of women aged 15 and above have experienced at least one form of violence in their lives, including physical, sexual, psychological, or economic violence. However, only about 16% of cases are reported to the authorities (OSCE, 2023). In 2024, more than 17,000 emergency calls were received by the SOS help center, highlighting how women in BiH dealt with this deep-seated problem quietly by calling the emergency help center.

The ITS results in this study show a temporal pattern consistent with these findings. The increase in the level of rule of law after the 2003 reforms coincided with the emergence of a legal framework for gender equality and civil rights, while the positive trend after 2013 shows the gradual effectiveness of the legal system in handling GBV cases. In other words, when the quality of legal institutions improves—especially in terms of equality and civil protection—the state's capacity to detect, prosecute, and protect victims of violence also increases.

However, this relationship is not entirely linear. Improvements in formal legal scores do not always reflect substantive protection for victims. Social, cultural, and economic barriers still play a major role in determining whether women can truly access justice. UN WOMEN notes that many victims are reluctant

to report because of fear of social stigma, distrust of authorities, and economic dependence on the perpetrator. These conditions show that successful legal reform needs to be followed by institutional cultural change and investment in victim services, such as providing shelters, legal aid, and gender-sensitive training for law enforcement officials. Thus, although an aggregate improvement in the rule of law contributes to increased legal awareness and reporting of GBV, this study confirms that social and institutional transformation is key to turning formal legal improvements into substantive justice for victims.

Empirical findings from the analysis of the rule of law and legal reform show that improvements in the quality of institutions in Bosnia and Herzegovina have multiple implications for democratization and the reporting of gender-based violence. The two main periods of reform have different characteristics and consequences, but both support and strengthen the legal foundation for protecting women's rights.

1. 2003 Reform - The Legalization Phase of Gender Equality

The implementation of the Gender Equality Law (GEL) in BiH in 2003 marked the beginning of a major milestone in establishing a legal framework that upholds gender equality rights. This reform led to an increase in the legal equality index and the protection of civil rights, as reflected in the ITS analysis results of +0.48 points after this reform. However, it should be noted that these positive impacts were not short-term and were not followed by changes in institutional behavior. At that time, many public institutions did not yet have internal mechanisms to effectively address gender-based discrimination or violence. These findings are in line with Cook and Campbell's (1979) argument that legal changes without sustained institutional intervention only produce a "transitional effect" rather than transformation.

2. 2013 Reforms - Institutionalization of Protection Phase

In contrast to the GEL, the 2013 Law on Protection from Domestic Violence showed a more stable temporal effect. Although there was a decline in the initial level of -0.16 points, the medium-term trend showed a significant increase of +0.0009 points per year, with $p < 0.01$. This change reflects a shift from normative reform to implementative reform, in which the government began to build concrete mechanisms where the framework focused on implementation recommendations, created bodies to monitor policy implications, and ensured continuous participation with other partners. In addition, through this regulation, the government established rehabilitation centers, psychosocial care, and the imposition of fines on perpetrators (Advocates For Human Rights).

3. Relevance to Substantive Democracy

These results confirm that effective democratization does not only depend on written regulations, but also on the state's capacity to enforce the law fairly and respond to vulnerable groups, especially women. The positive correlation between strengthening the rule of law and increasing GBV reporting signals the emergence of "substantive democracy" rather than procedural democracy, where women's rights are recognized legally and facilitated in practice. However, there are still major challenges in realizing substantive justice, including cultural resistance, limited government resources, and suboptimal interagency coordination.

It should be noted that several limitations must be acknowledged to allow for a more proportionate interpretation of the results. This study faces limitations in terms of annual GBV data. The lack of annual quantitative data on GBV prevalence and reporting hinders a more direct examination of the causal relationship between legal reform and GBV. The analysis was also conducted at the national level, thus failing to capture variations across regions, such as cantons or municipalities. This is despite the decentralized nature of gender policy in Bosnia and Herzegovina. Furthermore, the ITS model only controls for time and legal intervention variables, failing to account for other socioeconomic factors, such as GDP per capita or gender NGO funding, which could also influence the dynamics of the Rule of Law.

Based on these empirical findings and results, several policy recommendations can be formulated to ensure legal reform in BiH has a greater impact on reducing GBV and substantively strengthening democracy. First, strengthening gender-responsive law enforcement is a key solution to improving the quality of democracy. The government needs to increase the capacity of police and judicial officers to handle GBV cases by establishing specialized gender-based violence (GBV) units in each canton. Gender-sensitive training and inter-agency coordination mechanisms should be part of national policy. The BiH government can also increase funding for shelters, free legal aid, and counseling services to expand victims' access to justice, given the low access to justice index in BiH. Furthermore, the government can use performance-based indicators to evaluate policy effectiveness, such as the average response time of law enforcement to reports of violence, prosecution and conviction rates in GBV cases, and victims' satisfaction with the legal process. Finally, the government can establish an integrated data system between the police, courts, and social institutions to monitor GBV trends for future policy considerations.

CONCLUSION

This study uses an Interrupted Time Series (ITS) quasi-experimental design to analyze the influence of the development of legal democracy on the dynamics of gender-based violence (GBV) in Bosnia and Herzegovina from 1995 to 2024. Based on six rule of law indicators from the V-Dem v14 (2024) dataset, the results show a consistent improvement in legal quality and democratic governance since the late 1990s. The 2003 legal reform (the Gender Equality Law) had a positive impact on strengthening legal equality, while the 2013 reform (the Law on Protection from Domestic Violence) demonstrated a significant medium-term effect on the stability and effectiveness of the legal system.

The ITS analysis indicates that legal reform in Bosnia and Herzegovina has had a significant impact on improving the rule of law. Although the 2013 reform was followed by an initial decline, the long-term trend shows steady improvement. This improvement in legal quality aligns with findings from the OSCE (2023) and UN Women, which noted an increase in reporting of GBV cases after the reforms, reflecting improved access to justice and public legal awareness.

Overall, this study confirms that strengthening the rule of law plays a crucial role in strengthening substantive democracy and protecting vulnerable groups. Inclusive legal reform not only produces normative change but also encourages institutional transformation that is more responsive to issues of gender-based violence. However, the success of reform still depends on institutional investment, inter-agency coordination, and changes in legal culture to ensure substantive justice is enjoyed equally throughout Bosnia and Herzegovina.

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