

**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Bosnia and Herzegovina**

Combined initial, second and third periodic report

106. The Committee considered the combined initial, second and third periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/1-3) at its 721st and 722nd meetings, on 16 May 2006 (see CEDAW/C/SR.721 and 722). The Committee's list of issues and questions is contained in CEDAW/C/BIH/Q/3 and the responses of Bosnia and Herzegovina are contained in CEDAW/C/BIH/Q/3/Add.1.

Introduction

107. The Committee commends the State party for its succession to the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report, which was informative and followed the Committee's guidelines for the preparation of reports, while regretting that it was overdue and that it did not state whether the Committee's general recommendations had been taken into account. It also commends the State party for the responses to the list of issues and questions posed by the Committee's pre-session working group, the oral presentation that placed the report within the complex political and administrative context of the country, and for the responses to the questions posed orally by the Committee.

108. The Committee commends the State party for having sent a delegation, headed by the Director of the Gender Equality Agency. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

109. The Committee commends the State party for having ratified the Optional Protocol in September 2002.

110. The Committee welcomes the State party's consultation of women's non-governmental organizations in the preparation of the report and the responses to the list of issues and questions.

111. The Committee notes with satisfaction that the State party covered the 12 critical areas of concern of the Beijing Declaration and Platform for Action in its draft national action plan on gender (2005), which has been integrated into the Draft Gender Action Plan to be submitted to the Council of Ministers in 2006.

Positive aspects

112. The Committee welcomes the establishment of the Gender Equality Agency at the State level as the national machinery for the advancement of women as well as the creation of Gender Centres in both entities (the Federation of Bosnia and Herzegovina and the Republika Srpska). It also appreciates the creation of

institutional mechanisms for gender mainstreaming in the executive and legislative branches at the State, entity, cantonal and municipal levels of Government.

113. The Committee commends the Government on a range of legislative initiatives and related activities aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the enactment of the Law on Gender Equality (2003) in Bosnia and Herzegovina that prohibits direct and indirect discrimination in the private and public domain in all sectors of society. In this context it appreciates the assistance of the State party through the United Nations Development Programme project, entitled “gender law implementation and subregional gender project”, which aims at enhancing and accelerating implementation of this law through the creation of working groups to carry out analysis and make action-oriented recommendations.

114. The Committee welcomes recent developments with respect to the protection of women against violence, in particular the enactment of the law on protection against family violence in both entities. It appreciates the introduction of new police procedures in the Brcko District, the creation of focal points in the cantonal ministries for internal affairs in the Federation of Bosnia and Herzegovina, the promotion of an SOS hotline in the Republika Srpska to assist women victims of violence, as well as the adoption of anti-trafficking strategies and measures, such as the creation of a state coordinator against trafficking in human beings and illegal immigration and an expert team consisting of representatives from various ministries and the Office of the State Prosecutor.

115. The Committee notes with appreciation the implementation of a number of projects and programmes for the advancement of women, including analysing textbooks for gender stereotyping in education; promoting gender sensitivity in the media; campaigns and other activities to encourage registration of Roma women; and gender training of relevant working groups within the Economic Policy Planning Unit, which is responsible for the development of the midterm development strategy.

Principal areas of concern and recommendations

116. While aware of the difficulties confronting the State party owing to the impact of the armed conflict and the political, economic and social transformation processes in the reconstruction period, the Committee is concerned that in the post-war period women’s enjoyment of their human rights has been negatively affected by several factors: the lack of a gender analysis of the consequences of the armed conflict and the lack of women’s participation in and gender analyses of the peace, reconstruction and transformation processes. The Committee is also concerned that the creation of a constitutional framework as well as of political and administrative structures based on ethnicity as the determining factor has contributed to a limited recognition and implementation of gender equality principles.

117. The Committee urges the State party to comply with its obligations under the Convention to eliminate discrimination against women without delay, to include women in all political, economic and social transformation processes at the State, entity, cantonal and municipal levels on a basis of equality with men and to make gender analyses an integral part of these processes.

118. Although all international human rights treaties, including the Convention, are directly applicable in the State party, the Committee is concerned that the

Convention has yet to be invoked by women in domestic litigation and applied by the judiciary.

119. The Committee urges the State party to ensure the de facto justiciability of the Convention's rights in all domestic courts and other mechanisms. It calls upon the State party to take additional measures to disseminate information about the Convention and implement programmes for prosecutors, judges, ombudspersons and lawyers that cover the application of the Convention and, in particular, its concepts of direct and indirect discrimination and of equality. It also recommends that sustained awareness-raising campaigns and legal training targeting women and non-governmental organizations working on women's issues, be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention.

120. The Committee is concerned that the adoption of the Law on Gender Equality has not yet led to a harmonization, as required, of existing legislation with this law, although a large number of amendments have been formulated.

121. The Committee recommends that the State party speed up the process of law harmonization in order to comply with its obligations under the Law on Gender Equality (art. 30, para. 2), and under all articles of the Convention and that it put in place procedures for the effective implementation and enforcement of these laws.

122. While commending the State party for the inclusion in article 18 of the Law on Gender Equality of the obligation to collect, record and process data disaggregated by sex in State and private bodies and institutions, the Committee remains concerned about the lack of up-to-date data on the general population and of data on women in particular, throughout the State party and in all areas covered by the Convention.

123. The Committee requests the State party to prioritize data collection and include comprehensive sex-disaggregated statistical data in its next report so as to provide a full picture of the de facto enjoyment by women of their human rights. The Committee also recommends that the penalties foreseen for non-compliance under article 18 of the law on gender equality be applied.

124. While welcoming the efforts of the newly established Gender Equality Agency, the Committee expresses its concern that this national machinery for the advancement of women, which is understaffed and underresourced, is unable to fully carry out its wide-ranging mandate as described in the Law on Gender Equality and that its positioning within one State-level ministry may create obstacles to its effectiveness in working with other ministries.

125. The Committee recommends that the State party strengthen the Gender Equality Agency by giving it greater authority vis-à-vis relevant ministries and the Council of Ministers in its assessments of laws, acts and by-laws from a gender perspective, as well as with additional human and financial resources. It also recommends that the State party review the appropriateness of the location of the Gender Equality Agency in the Ministry of Human Rights and Refugees and consider establishing it as a body that would directly report to the Council of Ministers of Bosnia and Herzegovina. The Committee further recommends that the State party continue to raise awareness and build capacity of all Government agencies at the State, entity, cantonal and

municipal levels with respect to their collective responsibility to implement the Convention.

126. While welcoming the formulation of a draft gender action plan for the State party, which integrates the previous draft national action plan on gender, based on the Beijing Declaration and Platform for Action, the Committee is concerned that its adoption may be delayed by political processes and that its implementation may be impeded by insufficient understanding of Government officials in the relevant ministries at all levels which are responsible for its implementation as well as by a lack of funds.

127. The Committee recommends that the draft gender action plan be speedily submitted to the Council of Ministers and to the Parliamentary Assembly so that its adoption may take place before the next election in 2006. The Committee also recommends that the State party immediately undertake efforts to continue gender training of Government officials at all levels and to allocate funds for the Plan's implementation by creating budget lines within the ministries charged with implementation as well as by soliciting international donors.

128. The Committee is concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in society at large, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life.

129. The Committee urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.

130. While recognizing the State party's legal and other efforts to address violence against women, the Committee is concerned that the legal texts adopted in both entities may allow for differing judicial interpretations and inconsistent application of penalties due to the fact that in the Federation of Bosnia and Herzegovina domestic violence is defined as a crime while in the Republika Srpska it is defined both as a crime and a misdemeanour. In addition, the implementation of the law is hampered by the lack of necessary by-laws and structures. The Committee is also concerned about the absence of statistical data on acts of domestic violence against women and that such acts continue to be underreported and viewed as a private matter.

131. The Committee calls upon the State party to harmonize the laws of the two entities and to speed up the formulation and adoption of by-laws and the establishment of relevant structures and institutions needed for implementation. In addition, it recommends that concrete measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and are skilled to respond to them in an

adequate manner. The Committee also encourages the State party to collect data on incidences of domestic violence against women and, based on such data, continue to develop sustainable strategies to combat this human rights violation.

132. Despite the adoption of a number of legal and other measures, including a national plan of action, with respect to trafficking of persons, and the reported positive impact of these measures in reducing the number of cases, the Committee is concerned that trafficking in women remains a problem in the State party as a country of origin, transit and destination. The Committee is also concerned about new forms of trafficking of women into Bosnia and Herzegovina, including through fake arranged marriages. The Committee is further concerned that current protection measures do not apply to women nationals of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution.

133. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women and raising awareness so as to eliminate their vulnerability to traffickers, as well as enhancing social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. The Committee recommends that protection be extended to also cover women of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution. It calls on the Government to ensure that traffickers are punished to the full extent of the law and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers before, during and after the proceedings. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls as well as an analysis of emerging forms of trafficking of women into Bosnia and Herzegovina and the measures in place to confront these new developments.

134. While noting that the Law on Gender Equality in Bosnia and Herzegovina provides for equal representation in decision-making processes, the Committee is concerned that the recent amendments to the election law did not incorporate this aspect and, furthermore, that the introduction of open lists of candidates in the last election resulted in a significant decrease of women in the Parliamentary Assembly of Bosnia and Herzegovina. The Committee is also concerned about the underrepresentation of women in elected and appointed bodies and about the underrepresentation of women, particularly at high levels, in the public administration and the judiciary, in administrative and managerial bodies of educational institutions, in State-owned companies or in business and professional associations and in political parties.

135. The Committee urges the State party to harmonize the election law with the Law on Gender Equality and to strengthen and implement measures to increase the representation of women in elected and appointed bodies and in decision-making positions in public administration, the judiciary and in positions in State-owned companies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also encourages the State party to sensitize private enterprises, trade unions and political parties as to the promotion of women in decision-making positions.

136. While noting the reform process directed at the harmonization and modernization of existing educational laws and curricula at all levels of the State party, the Committee remains concerned about prevalent discrimination in this area, in particular about the early drop-out rates of girls in rural areas, especially of Roma girls, the segregation of girls and boys in secondary education, in the disciplines in higher education and its consequences for women's professional opportunities, and the high rate of illiteracy among elderly women and, in particular, among Roma women and girls.

137. The Committee recommends that the reform process be continued in order to ensure consistency in educational opportunities for both sexes in both entities of Bosnia and Herzegovina, including in rural areas, and for marginalized groups of women and girls, in particular of the Roma minority. It also recommends that the State party encourage diversification of educational and professional choices for women and men.

138. The Committee expresses concern at women's particularly low representation in the labour market, the high rate of unemployment of educated women and persistent patterns of direct and indirect discriminatory practices against women in public and private employment with respect to recruitment, promotion, pay, maternity protection and employment termination, as well as sexual harassment. The Committee is also concerned at women's concentration in certain employment sectors, which receive less pay than male-dominated sectors, and in lower-paid jobs in general, as well as at women's significant representation in the informal "grey economy" and in small agricultural enterprises, which negatively affects their eligibility for social security and health care.

139. The Committee urges the State party to implement the relevant sections of the Law on Gender Equality and the relevant recommendations from the project on implementation of this law and to bring to justice public and private employers who violate equality provisions under the Law on Gender Equality and labour regulations. The Committee also urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women fully benefit from all planned programmes to support entrepreneurship, including through favourable credit conditions. It recommends that efforts be strengthened to increase women's representation in the formal economy and to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men in the public sector; and to ensure women's access to vocational training.

140. The Committee is concerned about the status of women's health and women's limited access to health-care services in general and of unemployed women, women working in the grey economy and other vulnerable groups of women. It is concerned that regulations and financial resources with respect to access to and provision of health care vary between the entities and among the cantons of the Federation of Bosnia and Herzegovina, which, inter alia, seem to contribute to a high rate of maternal mortality. The Committee is also concerned at the lack of family planning education and the difficulty in accessing contraceptives, which result in a high rate of abortions and teenage pregnancies.

141. The Committee urges the State party to continue its efforts to harmonize and improve the country's health-care regulations and services and to integrate a gender perspective into all health sector reforms so that all women in every part of its territory have equal access to appropriate and adequate health services and that, in particular, maternal mortality rates are reduced. The

Committee also recommends that measures be taken to guarantee effective access of women and girls to information and services regarding sexual and reproductive health in order to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners.

142. The Committee is concerned at the situation of victims of sexual violence of the 1992-1995 armed conflict, most of whom are women, who may suffer from additional disadvantages as female heads of household and internally displaced persons. The Committee is concerned that they and their specific type of suffering are not sufficiently recognized in the respective legal frameworks for civilian war victims in both entities. The Committee is also concerned that there is no coherent strategy to support these women and they have only limited or no access to health insurance and financial benefits, as well as to general health services or specific health services relating to their traumatic experiences. The Committee is also concerned at the pending threat of eviction from their accommodations in the Federation of Bosnia and Herzegovina of women who are civilian victims of sexual violence and internally displaced persons.

143. The Committee urges the State party to explicitly recognize and adequately protect women who were civilian victims of sexual violence during the armed conflict through a State law as well as through the allocation of financial resources for adequate social provisions for them, including health insurance and housing, so that their rights and entitlements are guaranteed in the entire State party at a level comparable to that applicable to military victims of war. It also urges the State party to review its current regulations and plans on accommodation issues for women who are civilian victims of war and displaced persons in order to prevent additional forms of indirect discrimination.

144. While noting the efforts of the Gender Equality Agency in mainstreaming gender perspectives into the midterm development strategy for poverty reduction, the Committee remains concerned that there are groups of women, mainly those who are single heads of household, elderly women, internally displaced women, returnees, disabled women and minority women, including Roma women, who are particularly adversely affected by poverty.

145. The Committee requests the State party to ensure that all national poverty alleviation programmes developed through the midterm development strategy for poverty reduction and implemented by the relevant ministries fully benefit women, in particular marginalized groups of women, according to their needs and circumstances, and to provide in its next periodic report information on the results of the measures taken.

146. The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.

147. The Committee emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of Goals and requests the State party to include information thereon in its next periodic report.

148. The Committee commends the State party for having ratified the seven major international human rights instruments.¹ The Committee notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

149. The Committee requests the wide dissemination in Bosnia and Herzegovina of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee further requests the present concluding comments to be transmitted to the High Representative for Bosnia and Herzegovina. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

150. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in October 2006, and its fifth periodic report, which is due in October 2010, in a combined report in 2010.