



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
8 June 2006

Original: English

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**Committee on the Elimination of Discrimination  
against Women  
Thirty-fifth session**

**Summary record of the 721st meeting**

Held at Headquarters, New York, on Tuesday, 16 May 2006, at 10 a.m.

*Chairperson:* Ms. Manalo

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Convention (*continued*)

*Combined initial, second and third periodic report of Bosnia and Herzegovina*

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06-34945 (E)



*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** *(continued)*

*Combined initial, second and third periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/1-3; CEDAW/C/BIH/Q/3 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Bosnia and Herzegovina took places at the Committee table.*

2. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that economic devastation and changes in the administrative structure were among the consequences of the war that had lasted from 1992 to 1995. It had therefore required a tremendous effort for the various government bodies, institutions and NGOs involved to collect the necessary data for inclusion in the report submitted to the Committee. Over 200 people had participated in the preparation of the report.

3. She outlined developments since the international recognition of Bosnia and Herzegovina in 1992, which included the outbreak of war, mass population displacements, great loss of human life and severe economic damage. With the support of the international community, the conclusion of the General Framework for Peace in Bosnia and Herzegovina (Dayton Peace Agreement) had led to the establishment of a complex political structure, comprising two entities: the Federation of Bosnia and Herzegovina and Republika Srpska.

4. After outlining that structure, she described the institutional mechanisms that had been set up for gender mainstreaming at the state, entity, cantonal and municipal levels, highlighting the functions of the Agency for Gender Equality, and the focus placed on training in gender sensitization for focal points within most of those institutional mechanisms.

5. Turning to the international and national legal framework for gender mainstreaming, she drew attention to the fact that the Optional Protocol to the Convention had entered into force in Bosnia and Herzegovina in December 2002. The chief mechanisms within the national framework were the Constitution, the Law on Gender Equality, state and entity-level Criminal Codes, the Family Law, and the Law on Protection against Family Violence. The Law on

Gender Equality of Bosnia and Herzegovina defined both direct and indirect discrimination, gender-based violence and harassment as criminal offences, and set out the obligations of competent authorities to adopt programmes and measures for the achievement of gender equality in all areas, in compliance with its provisions.

6. The Government was proud of its achievements in implementing the various provisions of the Convention, through a strategy that was closely linked to the implementation of the Law on Gender Equality and related laws and action plans. Seven thematic working groups had formulated a series of recommendations and measures, indicators and statistical data, and had devised temporary special measures for improvements in gender equality, particularly in the fields of education, employment and social issues. In addition, particular emphasis had been placed on the prevention of trafficking in women and other forms of exploitation, increased participation by women in political and public life and the workforce, improvement of the situation of women in rural areas, and equal access to social protection and health care.

7. Vulnerable groups, such as the Roma and other national minorities, had been targeted for increased attention. As recently as July 2005, a strategy had been adopted by the Council of Ministers to resolve a number of social, infrastructure and welfare issues to improve their living conditions. In addition, an action plan on educational needs had been integrated into the action plan on gender, and an advisory board for gender equality of the Roma population had been established, aimed at the preparation of a separate action plan for gender equality in Roma communities.

*Articles 1 and 2*

8. **Ms. Schöpp-Schilling** commended the delegation on its frankness in describing the difficulties confronted by Bosnia and Herzegovina during its political and economic transition, and expressed her concern over the legal situation regarding discrimination against women. While welcoming the adoption of the Law on Gender Equality, she was aware that certain problems regarding its harmonization with existing laws persisted, and that a number of legislative amendments were pending. She wondered how the Government intended to implement the proposals made by the thematic working groups,

and whether a time frame for adoption of the amendments had been established.

9. She was also concerned by reports on the precarious housing situation of internally displaced persons and women who had been victims of sexual crimes. She therefore enquired about the Government's plans to avoid further dislocation.

10. **Ms. Šimonović**, speaking in her capacity as expert, expressed the hope that the concluding comments of the Committee would be reflected in the action plan on gender that was pending adoption. She also asked whether steps had already been taken, to implement the recommendations of other United Nations treaty bodies.

11. She noted that the Constitution of Bosnia and Herzegovina specifically mentioned the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols as being directly applicable in Bosnia and Herzegovina, and having precedence over all other laws. She was, however, curious to know the status of other international instruments, and how nationals of Bosnia and Herzegovina exercised their right to bring cases of human rights abuses before the courts. In addition, she asked the delegation to provide further information on training of the judiciary in Bosnia and Herzegovina.

12. **Mr. Flinterman** welcomed the fact that the Convention and the Optional Protocol could be invoked before the courts in Bosnia and Herzegovina. It was unfortunate, however, that no cases involving references to those instruments had been brought either by individuals or courts acting ex officio. He wondered whether a lack of awareness of the Convention was to blame for that situation. Perhaps the European Convention for the Protection of Human Rights and Fundamental Freedoms, which was specifically mentioned in the national Constitution, was regarded as more important than the CEDAW Convention, or perhaps the need for gender equality had simply been overshadowed by the pervasive issue of ethnic equality.

13. According to the responses to the list of issues and questions, the Agency for Gender Equality was in the process of publishing both the Convention and the Optional Protocol in four languages (Bosnian, Croatian, Serbian and English) with a view to their distribution. However, as well as disseminating those texts, it might be advisable to provide relevant actors with additional training on the substantive provisions

of the Convention and on the procedures for submitting complaints under the Optional Protocol. He would be particularly interested to know whether the various Ombudspersons had received any such training.

14. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) stressed that raising awareness of the Convention in Bosnia and Herzegovina was an ongoing process. While the Agency for Gender Equality, as part of the national machinery for the advancement of women, had an obligation to disseminate information about the Convention and the Optional Protocol, other governmental entities also had a responsibility to promote respect for women's rights.

15. The text of the Convention was contained in annexes to the national Constitution and to the Constitution of the Federation of Bosnia and Herzegovina, and the Agency intended to reflect the Committee's concluding comments in its draft national action plan on gender. Several attempts had been made to raise awareness of the Convention and the new Law on Gender Equality among members of the judiciary, but much remained to be done in that area. Individuals did not know how to invoke the provisions of the Convention before the courts and many judges and prosecutors had insufficient knowledge of international human rights instruments. While women could approach the Ombudspersons with complaints about gender-based discrimination, the legitimacy of such complaints was often not recognized. Furthermore, although the Agency had invited a number of Ombudspersons to participate in training sessions on gender awareness, none of them had availed themselves of that opportunity.

16. She acknowledged that ethnic equality tended to prevail over gender equality in Bosnia and Herzegovina. That trend was reflected in the media, which did not often discuss the question of the advancement of women. Efforts were under way, however, to disseminate information about the opportunities available under the Optional Protocol, but unfortunately human and financial resources were severely limited and the Agency was finding it difficult to convince other State institutions that gender issues were intimately linked to sustainable development and human rights.

17. Although article 31 of the new Law on Gender Equality provided for the harmonization of all existing national legislation with that Law, the State party was

currently in a transitional period, and a great deal of new legislation was being drafted. It was therefore difficult to ensure that the provisions of article 31 were implemented. Furthermore, only 30 per cent of the proposed amendments to the Law, which were designed to bring it into line with relevant international standards, had been accepted. She had the unfortunate impression that the general population did not regard compliance with legislation on gender equality as mandatory.

18. In response to the question concerning internally displaced persons and women who had been subjected to sexual violence during the war, she acknowledged the existence of housing problems and noted that victims of wartime sexual violence did not currently enjoy any legal protection. The Agency for Gender Equality and the Ministry of Human Rights and Refugees were pressing the competent cantonal authorities to take action to ensure that those vulnerable groups would not be evicted from their accommodation. At the policy level, and in response to the conclusions and recommendations of the Committee against Torture, efforts were under way to introduce a new law on victims of torture which would provide for the protection of those groups.

19. **Ms. Dairiam** requested further clarification about the State party's understanding of the concepts of equality and equity. In view of Bosnia and Herzegovina's complex institutional structure and of the limited capacity available within the Agency for Gender Equality, she also asked about the measures taken to ensure a unified and consistent approach during the elaboration of the draft National Action Plan on Gender. She enquired whether consultants or representatives of NGOs had played a part in that process.

20. She would be grateful for additional information about the staffing table of the Agency and also wished to know how it intended to mobilize the resources necessary for the implementation of its mandate. Lastly, it was clear from the responses to the list of issues and questions that a number of State institutions were failing to comply with the provisions of article 18 of the Law on Gender Equality concerning the collection of gender-disaggregated data. She enquired whether any action had been taken against the institutions concerned.

21. **Ms. Gaspard**, noting that over 200 people had participated in the preparation of the report, enquired whether that process itself had served to raise awareness of the need to strengthen the implementation of the Convention at the national level. She would also be interested to know whether that need had been communicated to political leaders. The State party should provide additional information on the steps taken to coordinate the drafting process and indicate whether or not the harmonization of national legislation had been discussed in that context.

22. **Ms. Pimentel** commended the State party for its candour and for the efforts it had made in the area of post-war reconstruction. However, she expressed concern at the apparent persistence of traditional roles and stereotypes and, in that connection, drew attention to article 5 of the Convention, which required States parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices.

23. It was clear that the poor economic outlook in Bosnia and Herzegovina had not adversely affected efforts to ensure the protection and promotion of women's rights. However, she noted that the report devoted considerable attention to poverty and its attendant consequences and even gave the impression that problems arising from poverty and ethnic tension should be dealt with ahead of gender-related issues.

24. Lastly, she enquired as to the measures taken to improve implementation of the Law on Gender Equality, particularly in the context of the harmonization of electoral legislation and the laws on domestic violence.

25. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) assured the Committee that the Agency for Gender Equality drew a clear distinction between the concepts of equity and equality: whereas the former simply referred to the provision of equal opportunities to men and women, the latter encompassed the notion that men and women should derive equal benefits from equal work. Any apparent confusion in the report was attributable to linguistic, rather than conceptual, difficulties.

26. In order to ensure a consistent approach to the preparation of the draft national action plan on gender, the Agency had worked closely with the Gender Centres of the Federation of Bosnia and Herzegovina

and Republika Srpska and with other relevant entities at all levels. In addition, the designated gender focal points within each Ministry had received appropriate training. Draft policies were routinely forwarded to Ministries for comment and, where working groups were established to address specific issues, representatives of the legislative bodies, NGOs and independent experts were always invited to participate. Those measures served to raise awareness of the need for gender equality and ensured that policy decisions were based on wide-ranging consultations. The Agency had also forged strong links with parliamentarians and was not averse to lobbying where necessary.

27. On the issue of human resources, she said that the final staffing table of the Agency would consist of five posts. However, once those posts were filled, a request for additional staff would be submitted to the relevant authorities. With regard to the failure of certain institutions to provide gender-disaggregated data, a working group had been established to develop procedures for the implementation of article 18 of the Law on Gender Equality. She felt that it was too early to impose the fines for non-compliance set out in article 28 of that Law.

28. In response to the questions put by Ms. Gaspard, she said that the drafting of the report, which had been prepared by the Ministry of Human Rights and Refugees prior to the establishment of the Agency for Gender Equality, had been a learning experience for all involved. While the complex institutional structure of the State had indeed made it difficult to collate all the necessary information, the two Gender Centres had worked closely together in order to coordinate the process.

29. Although she agreed that all political leaders should be conversant with the Convention, the frequent changes of administration in Bosnia and Herzegovina had meant that many of them had remained ignorant of its provisions in spite of the Agency's awareness-raising efforts. However, in its correspondence with political leaders and other relevant stakeholders the Agency always referred to the appropriate international standards with a view to enhancing their visibility.

30. In the absence of a centralized training centre for judges and prosecutors, the Agency for Gender Equality had organized training courses on gender equality for members of the judiciary in both the Federation of Bosnia and Herzegovina and Republika

Srpska. In addition to an article-by-article presentation of the new Law on Gender Equality, the Agency was in favour of providing course participants with a number of case studies on sexual harassment and gender-based discrimination and was currently discussing that possibility with international donors. At the university level, efforts to raise awareness of domestic and international legislation on discrimination against women among law students had met with considerable success.

31. She noted that changing the attitudes of older people was difficult. Sometimes it seemed that older officials were simply giving lip service to equity law and gender mainstreaming.

32. The Agency for Gender Equality had had success in its work in the area of education, although, due to the territorial divisions in the country, with each canton having its own education law and ministry of education, that work had not been easy. Gender sensitivity training had been held for all principals and teachers in elementary and secondary schools, and a large quantity of teaching materials incorporating gender issues had been produced.

33. The midterm economic strategy would provide an opportunity to address women's economic situation, an area where, so far, not a great deal had been done. Work with gender-sensitive economists and NGOs was planned. That was an important issue because, particularly in traditional societies such as that of Bosnia and Herzegovina, poverty had a female face.

34. The principle of gender equity had been violated in the handling of electoral matters. Only one of the Agency's proposals had been accepted, calling for gender-disaggregated data and statistics for each phase of elections. However, the recommendation that all electoral boards and commissions should have equal gender representation had been rejected.

### *Article 3*

35. **Ms. Schöpp-Schilling**, noting that many of the recommendations made by the Agency had not been accepted, said it seemed that the nature of the Agency's mandate was advisory, not binding. It would be helpful to know where the problem was, in the Parliament or in the Ministries. Perhaps it would be more effective if the Agency were attached to the Council of Ministers, to provide immediate access to the Council of Ministers. The Agency's proposals might carry more

weight if every minister was required to give reasons why the Agency's ideas had not been accepted in a given case. Further information would also be appreciated with regard to Agency cooperation with NGOs and whether there was a formalized process of consultation with NGOs.

36. **Ms. Zou** enquired whether the Agency had sufficient resources and wondered if the Government had plans to separate it from the Ministry of Human Rights in order to strengthen the organization and ensure real implementation of gender equality. More information as to how complaints were handled and legal assistance provided would be appreciated. The delegation was rather small and it would be interesting to know whether thought had been given to the possibility of inviting members of other agencies to join the delegation.

37. **Ms. Popescu** commented on the complex institutional structure of government and enquired about the overall coordination of the Agency for Gender Equality with other mechanisms at the entity, cantonal and municipal levels. It would be interesting to know how the Agency ensured that women in different places and of different backgrounds, especially those belonging to minorities such as the Roma, benefited from the same approach. Further information regarding the responsibility of the Agency for disseminating the texts of the Convention and the Optional Protocol and whether they were translated into the official languages and distributed in different parts of the country would be appreciated. Also of interest was the extent of the Agency's responsibilities regarding female victims of war who had been displaced and were now returning as refugees.

38. **Ms. Saiga** asked who would be responsible for measures under the action plan on gender and what would be the process for its implementation.

39. **Ms. Filipović-Habziabdić** (Bosnia and Herzegovina) said that the Agency for Gender Equality has formed part of the Ministry of Human Rights and Refugees having originally been connected with the Ministry for European Integration. That arrangement was considered less than ideal, for although the Agency had direct access to the Minister, he had many other concerns. The point that it would be better for the Agency to be attached directly to the Council of Ministers was a valid one.

40. NGOs were involved in all the Agency's activities; on a number of occasions, the Agency had worked with boards or other bodies consisting of 20 or more NGOs in the process of drafting and implementing laws.

41. The Agency would have preferred to bring a larger delegation to appear before the Committee, but funding was a serious problem, and some regarded the mission to New York as an extravagance. She hoped that, on her country's next appearance before the Committee, it would have a larger and more representative delegation.

42. Cooperation and coordination with other mechanisms was a difficult question, due to the complex structure of Government. Efforts were being made to organize training in order to sensitize members of other Government organs to gender issues.

43. The Agency disseminated the Convention at every opportunity, referring to it in correspondence and publications and at conferences.

44. With reference to responsibility-sharing in monitoring the law between the Agency, ministries and parliamentary commissions, the Law on Gender Equality was not clear, and simplified procedures were required. There were gaps in implementation. New staff would be appointed soon, and then the necessary steps could be taken.

45. Sexual harassment was not primarily the responsibility of the Agency. That issue was dealt with by the Ministry of Human Rights and, at the entity level, the Ministry of Social Affairs. In fact, however, no organization, including the Agency and NGOs, had done enough in that area.

46. The action plan on gender had been devised to strengthen the gender issues platform. Since the Council of Europe had called for all countries to have such a plan, it would seem that Bosnia and Herzegovina was already a step ahead of other countries in the region.

#### *Article 4*

47. **Ms. Simms** referred to the notion that ethnic equality was more important than gender equality. If that idea was allowed to persist, a hierarchy of the oppressed would be established. It was necessary to consider the intersection of ethnic and gender issues. The fact that certain ethnic groups were oppressed did

not mean that the men of those ethnic groups did not themselves oppress their women. The Government was obliged to implement measures to ensure that, as men of ethnic minorities rose to the top so did women from those minorities. The head of a prominent Government gender agency such as the head of the delegation was expected to make a difference.

48. **Ms. Filipović-Habziabdić** (Bosnia and Herzegovina) said that she agreed with the previous speaker but that it was difficult to find the right approach. The various relevant resolutions of the General Assembly and other international bodies would continue to be used as a source of guidance in that regard.

#### *Article 5*

49. **Ms. Tavares da Silva** said that she empathized with the feelings experienced by those fighting the status quo and ingrained tradition. The question of cultural patterns and stereotypes was, however, for Bosnia and Herzegovina perhaps the most relevant one in the Convention; they were rooted in the patriarchal character of the society and needed to be changed by every means, including the mass media and education. She noted the essentially descriptive nature of the information contained on the subject in the country's report and regretted the apparent absence of any forward-looking measures. She encouraged the State party to adopt a more proactive approach. She emphasized the distinction between equality and equity; the former term did not mean sameness and allowed for differences and the recognition of specificity. It was dangerous to confuse the two, as some countries that had wished to escape their obligations had indeed sought to do during the Beijing+5 discussions.

50. **Ms. Shin** asked for further information about the bylaws relating to family violence that were being prepared following adoption in the two entities of the Law on Protection against Family Violence. It would be interesting to know which ministries were involved in their preparation, what the timeline was for their promulgation and whether any NGOs were participating in the process. She stressed the importance of police training on the issue of violence against women and wished to know whether any training manual was already available for that purpose. She also wondered what measures would be taken to provide such training for judges and prosecutors. She

pointed out that the Secretary-General's study on violence, to be submitted to the next session of the General Assembly, cited examples of good practices by various Governments throughout the world that were already included in the website of the Division for the Advancement of Women and could be a useful source of inspiration for the State party.

51. **Ms. Coker-Appiah** noted that, while the report recognized the seriousness of the problem of violence against women, it was treated in different ways in the two entities. In the Federation of Bosnia and Herzegovina it was treated as a crime, while in Republika Srpska it was treated as a minor offence. She asked what was being done to ensure harmonization and what concrete measures were being taken to prevent such violence, since the law alone could not solve the problem. She referred to the response to question 12 in the list of issues and questions (CEDAW/C/BIH/Q/3/Add.1), which spoke of a lack of awareness of the serious social problem presented by family violence, and inquired what measures had been taken or were being planned to address the obstacles identified. She urged that a nationwide study be undertaken on violence in order to frame strategies for the future.

52. **Ms. Arocha Domínguez** said that she would welcome fuller details about the studies, programmes and inter-agency work referred to in the State party's report and its responses to combat the use of sexist language and stereotyping. She expressed surprise, in view of the multiethnic and multireligious composition of Bosnia and Herzegovina, that no differentiated activities were shown for the various ethnic groups. She wondered whether the programmes referred to were general ones and whether they were adapted to the specific groups. She likewise regretted that the figures given regarding the division of household duties were not broken down according to ethnic group. She noted that television programmes that might have a positive influence on family behaviour were broadcast at times when women were likely to be engaged in household chores and asked what other measures were being taken.

53. **Ms. Filipović-Habziabdić** (Bosnia and Herzegovina) said that the terms "equality" and "equity" were both used and agreed that a clear distinction needed to be made between them in her country. With regard to the bylaws on family violence, the Ministries of Justice, Health, Social Affairs and

Internal Affairs were involved in their preparation and NGOs were being consulted; in addition, the Council of Europe was serving as a useful source of best practices. Training activities were planned under the action plan on gender to combat violence against women; they were directed at police, judges, prosecutors, teachers and health-care personnel. As for the harmonization of laws between the Federation of Bosnia and Herzegovina, a trial period of observation would be necessary. During that time, relevant data would be collected and compared and the various ministries concerned would then be able to work out together a coordinated long-term approach. On the question of stereotypes, much effort was still required, mainly through education and the media, aimed in particular at the family. Men had a large part to play in ensuring a fairer distribution of responsibilities among members of the family. She said that the same problems were encountered in all ethnic groups, without distinction. The representatives of the three different religions had been consulted and had provided very useful information.

#### *Article 6*

54. **Ms. Simms** wished to know why the question of women victims of rape and sexual harassment was not considered to be the responsibility of the Agency for Gender Equality. It dovetailed with prostitution and trafficking, since such women were often easy prey for such forms of exploitation. She noted that some measures to combat trafficking were mentioned in the report, such as tighter border controls, but considered them to be inadequate. She wanted to know what was being done to address the problem within the country itself and particularly to deal with the men responsible.

55. **Mr. Flinterman** asked why the instruction issued for the treatment of victims of trafficking, referred to in paragraph 81 of the State party's report, was only provisional. It would be of interest to know when it would become final. As for the Protocol mentioned in the same paragraph, designed to provide adequate protection to victims, he wished to know which NGO was concerned and whether any other examples could be given of public/private partnerships against trafficking in people. Women's problems were a seven-headed monster: when one problem seemed resolved it re-emerged elsewhere in a different form. Arranged marriages was thus a new form assumed by trafficking.

He inquired what policies were being planned by the State party to combat such new phenomena.

56. **Ms. Filipović-Habziabdić** (Bosnia and Herzegovina) said that victims of sexual harassment and rape were the prime responsibility of the Department of Human Rights within the Ministry. New legislation must be framed at entity level to ensure maximum cooperation and coordination between all the bodies concerned. With regard to trafficking, some improvement had been noted, thanks in particular to the new Law on Movement, Residence and Asylum for Foreigners. Poverty and mental disability were factors in trafficking, making it necessary for a new approach to be found. Some activities were accordingly envisaged under the action plan on gender.

*The meeting rose at 1 p.m.*