



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

Distr.: General
6 November 2019

Original: English

**Committee on the Elimination of Discrimination
against Women
Seventy-fourth session**

Summary record of the 1733rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 30 October 2019, at 3 p.m.

Chair: Ms. Gbedemah

Contents

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

Sixth periodic report of Bosnia and Herzegovina (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.19-18807 (E) 051119 061119



* 1 9 1 8 8 0 7 *

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



The meeting was called to order at 3 p.m.

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

Sixth periodic report of Bosnia and Herzegovina (continued) (CEDAW/C/BIH/6; CEDAW/C/BIH/Q/6 and CEDAW/C/BIH/Q/6/Add.1)

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

Articles 1 to 6 (continued)

2. **Ms. Babić Svetlin** (Bosnia and Herzegovina) said that women's role in peace negotiations had not increased significantly since the General Framework Agreement for Peace in Bosnia and Herzegovina, when the only women involved in the talks had been an interpreter. Under the Gender Equality Law, the Ministry of Security had, however, introduced special temporary measures to bring women's participation in international negotiations relating to police cooperation and crisis management up to 35 per cent, which was a good example of just how effective such measures could be.

3. **Mr. Leskovac** (Bosnia and Herzegovina) said that the Club of Women Parliamentarians of the Federation of Bosnia and Herzegovina, a cross-party, cross-ethnic group of women politicians, was an example of best practices to strengthen women's participation in solving national social and political challenges. Half of the civil servants working in governmental bodies involved in European Union accession negotiations were women. After each election, the Agency for Gender Equality issued recommendations to ensure women's equal representation at all levels of government.

Articles 7 to 9

4. **Ms. Haidar** said that, despite the Government's efforts, the number of women candidates on party electoral lists had been stagnating and their participation in the legislative and executive bodies at all levels and across the two entities was uneven and sometimes even regressing. An amendment to the Electoral Law to provide open-list proportional representation had reportedly undermined the electoral gender quota and she wondered, therefore, how the Government would tackle that setback. She would also like to know: when legislation would be amended to increase the gender quota on candidate lists to 50 per cent and introduce a 40 per cent quota on women's representation in the Council of Ministers of Bosnia and Herzegovina; whether the Government envisaged implementing measures to ensure the implementation of article 20 of the Gender Equality Law at all levels, including the cantonal and district levels, and the promotion of Roma and rural women's political participation. Had the Government run leadership programmes to increase women's representation at higher levels in diplomacy, the judiciary and on private sector executive boards?

5. **Ms. Toé-Bouda** said that a number of socially vulnerable persons and national minorities, including Roma and migrant families, allegedly did not have access to free legal aid for the registration of births and deaths, despite laws granting them such access. She wondered how the Government would ensure, therefore, that those laws were actually implemented. It would also be useful to receive statistics on progress achieved at municipal level to encourage the registration of births and deaths and to know how it could be ensured that babies born to undocumented migrants and women requesting asylum were registered and that mothers who gave birth at home could obtain birth and citizenship certificates for their children.

6. **Mr. Leskovac** (Bosnia and Herzegovina) said that, although women's representation in the parliamentary assemblies averaged 20 per cent, a further amendment to the Electoral Law, enabling smaller parties to enter the parliament, had increased their representation at lower governmental levels, up to 50 per cent in certain cantons. That open-list systems could undermine women's political participation was a moot point. In Bosnia and Herzegovina, the open-list system had made the electoral process more democratic. Women's perceived role in society, besides the electoral system itself, affected women's political participation. In that

connection, the Government had run campaigns specifically to try to boost the participation of persons facing multiple forms of discrimination, such as Roma and rural women. However, its ability to influence political parties' inner workings was limited and, ultimately, the selection of electoral candidates remained the responsibility of parties themselves.

7. The Government had not investigated how far the Law on Registries of the Federation of Bosnia and Herzegovina, which required municipalities to provide free legal aid to socially vulnerable persons and minorities for birth and death registration, had actually been implemented. It did, however, continually raise municipalities' awareness of their obligation to implement that law. Parents not signed up with the health-care system – a widespread problem among Roma communities – were prevented from registering their children's births. In addition, there was evidence that, after giving birth at migrant health-care centres, migrant women moved elsewhere in order that their children's births were registered in the European Union. The Government was working, however, with a number of organizations, including the Office of the United Nations High Commissioner for Refugees in order to register migrant women's children. Currently, some cantons only delivered free legal aid to certain persons, such as domestic violence victims. In parts of the country with high migrant populations, services for victims of domestic violence, including safe houses, were lacking. In that connection, the Government would shortly issue a recommendation to the police force that it should take the issues of gender equality and gender-based violence into account when dealing with migrants.

8. **Ms. Haidar** said that she wondered whether the Government ran awareness-raising campaigns to combat stereotypes.

9. **The Chair**, speaking in her capacity as an expert, said that she wondered how the Government could address stereotypes in educational materials at cantonal level, in order to challenge societal attitudes towards the role of women.

10. **Mr. Leskovac** (Bosnia and Herzegovina) said that leadership training was in place for women electoral candidates and that nine of the main political parties had pledged to respect gender equality in their internal affairs.

11. In an effort to address gender stereotypes in educational materials, the Government had issued recommendations to the cantons and to textbook publishers. The Government was also trying to challenge traditional views on the role of women by working with religious communities. The four main religious communities had, for example, worked together to try to combat the stigma attached to victims of sexual violence during armed conflict.

Articles 10 to 14

12. **Mr. Safarov** said that despite some progress in the field of education, women only comprised 10 per cent of students in mechanical and electrical engineering and were not adequately represented among teaching staff in higher education. He would be grateful if the delegation could provide updated figures on the number of women in decision-making positions in higher education. He wondered whether the entities could implement a common policy to address the fact that the majority of Roma women lacked basic education. Given the high rate of early marriage among Roma girls, he wondered how the State party could increase their numbers enrolled in school.

13. It would also be useful to find out: how the Government planned to enable more rural women to access higher education; how it had addressed the low enrolment rate in secondary and higher education of girls and women with disabilities; how it was combating bullying, including on social media, of female pupils; what it had done to ensure gender-sensitive educational materials were available nationwide and that teachers received training on gender stereotypes; and, lastly, what measures it was taking to give access to education to asylum-seeking and refugee girls and to victims of trafficking, domestic violence and forced and child marriage.

14. **Mr. Bergby** said that the percentage of women who were active in the labour market was very low, women's employment opportunities were restricted by gender stereotyping and women carried out the majority of unpaid care work. In view of that situation, he asked whether the State party would consider setting up fully funded and targeted programmes to

promote gender equality in the workplace, including for women belonging to vulnerable groups.

15. Noting that the overall gender pay gap between men and women stood at 46 per cent, which was the highest in Europe, he asked whether the State party would consider conducting a comprehensive study of the scope of the pay gap, the reasons behind it and the ways in which it might be reduced. He wondered whether a body had been set up to implement the Labour Act adopted recently in the Republika Srpska, which provided for equal pay for equal work or work of equal value, and whether any enforcement mechanisms had been set up in that regard.

16. In 2015, the State party had informed the Committee that it would need to make significant legislative changes before it could ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) (CEDAW/C/BIH/CO/4-5/Add.1, para. 5.3). The Committee would be interested to hear when the State party would ratify that Convention and whether domestic workers currently enjoyed the same protections as those afforded to other workers. It would also like to know when the parliament of the Federation of Bosnia and Herzegovina would implement legislation harmonizing the various regulations on access to maternity benefits for unemployed mothers and whether legislative amendments would be made at the national level to ensure equal access to maternity benefits for all women in the State party.

17. He asked what would be done to address the fact that many women who worked, or had previously worked, in the manufacturing sector were unable to obtain certain social benefits, including health insurance and pensions, because their employers had failed to pay mandatory social insurance for several years. In view of the fact that one in six women workers had reportedly been subjected to sexual harassment, he wished to know whether the State party would consider ratifying the ILO Violence and Harassment Convention, 2019 (No. 190).

18. **Mr. Leskovac** (Bosnia and Herzegovina) said that, as in other countries in the world, women working in education and science faced barriers to promotion to senior positions. In general terms, women were better educated than men but occupied very few senior positions in secondary schools and universities. The Gender Action Plan 2018–2022 provided for special measures for tackling such barriers, including the issuance of recommendations to education ministries and universities and measures for encouraging women and girls to study subjects traditionally dominated by men. In the Republika Srpska, the authorities had joined forces with software companies to commemorate International Girls in ICT Day (International Telecommunication Union). Training in information and communication technology was provided to girls in order to enhance their employment opportunities in the technology sector. The information generated by a recent survey of software companies would be taken into account in the design of programmes for enhancing women's participation in that sector.

19. Under the programme to support the education of Roma children and other national minorities and socially vulnerable categories in the Federation of Bosnia and Herzegovina, schools in areas containing Roma communities took steps to encourage Roma parents to enrol their children in school. The programme provided for the appointment of Roma mediators, who liaised with members of Roma communities with a view to promoting school enrolment and reducing the school dropout rate. Roma children received free schoolbooks and transport and cash awards were offered to exceptional Roma students in order to motivate them. Increasing emphasis was being placed on the subject of health in primary school curricula and measures were being taken to tackle bullying in schools. Teachers and psychologists had been trained to recognize signs of bullying and social protection centres also played a role in identifying students who had difficulties at home or in school.

20. The staff of employment offices were trained to work with members of vulnerable groups, including Roma and victims of domestic violence. Special measures were taken to assist members of such groups in their efforts to find employment. The serious economic difficulties facing Bosnia and Herzegovina affected both men and women. On occasion, the Government made one-off payments to employers to help them to meet their obligations towards their current and former employees.

21. Within the Federation of Bosnia and Herzegovina, maternity benefits were regulated by law but the regulations in force varied from one canton to another. The Government was developing framework laws with a view to ensuring that all women in the country had equal access to maternity benefits. Efforts would be made to harmonize regulations in the country and ensure that benefits were targeted appropriately. As the social services were underfunded, women often found themselves undertaking unpaid care work, which hampered their ability to enter the labour market.

22. Legislation adopted in the Republika Srpska provided that domestic workers must be paid at least 50 per cent of the average salary in that entity. The Government had established a network of inspectors responsible for ensuring that labour laws were enforced, including laws on gender equality, sexual harassment and the registration of companies and workers. However, efforts to enforce the law were hampered by a shortage of inspectors and the size of the informal economy. The Agency for Gender Equality, in conjunction with civil society, was preparing a recommendation aimed at drawing employers' attention to their legal responsibility to enforce regulations on sexual harassment and gender equality in the workplace.

23. In the Republika Srpska, a network of women with disabilities worked to ensure that the rights of such women were protected. Although all labour laws, at every level, clearly stipulated that all workers had the right to equal pay for equal work, men's overall income was significantly higher than women's because of the payments and benefits that men often received in addition to their salaries. A survey of the management boards of the 100 largest companies in the country revealed that only 15 per cent of such companies had equal numbers of men and women on their boards. However, the Gender Action Plan 2018–2022 provided for measures to address that imbalance. Plans were in place to translate and publish the text of Council of Europe Recommendation CM/Rec(2019)1 on Preventing and Combatting Sexism. Gender mechanisms in Bosnia and Herzegovina would continue to draw the Government's attention to the importance of ratifying international instruments on gender, including the ILO Convention No. 190.

24. **Ms. Acosta Vargas**, noting that numerous different legal systems were in force in different parts of the country, said that she wished to know whether the laws relating to health care had been harmonized to ensure that all women in the State party enjoyed equal rights to maternal and reproductive health. Given the significant regional disparities in the availability of health care, it would be interesting to learn what measures were being taken to mitigate the effects of budget cuts and ensure that they did not adversely affect the benefits offered under the strategic plan for the development of health in the Federation of Bosnia and Herzegovina and the strategy on sexual and reproductive health rights. She wondered whether cutbacks in health-care services, and the subsequent overburdening of parts of the health-care system, were forcing women to turn to the private sector. The Committee would be interested to know what proportion of women were not covered by public health insurance and what steps were being taken to ensure that all women, including women with disabilities, enjoyed access to health care.

25. Information received by the Committee indicated that women were often dissatisfied with the quality of maternal health care in the State party. Women's wishes were frequently ignored by maternal health-care staff, women's partners were often denied access to delivery rooms, women living in remote areas sometimes had to travel long distances in order to give birth and some women were forced to undergo procedures or treatment to which they had not consented. In view of that situation, she asked whether health-care staff were given training in the rights of women during childbirth and whether any complaint mechanisms existed for women subjected to obstetric violence in the health-care system. It would be interesting to learn whether women living with HIV/AIDS had adequate access to health-care services, whether migrant women living outside of protection centres had access to reproductive health care and whether public health insurance covered the operations and hormonal treatment required by transgender women who wished to change their identity documents.

26. **Ms. Ameline**, noting that the State party's relatively strong economic growth had had little positive impact on the economic situation of women, said that she wished to know whether the State party would consider taking temporary special measures in order to accelerate reforms aimed at promoting entrepreneurship among women and increasing their

access to credit and the labour market. She wondered what proportion of migrants in the State party were women and whether economic migrants had access to social benefits and legal protection. The Committee wished to know whether the Government would be considering incorporating the gender perspective in its approach to the reception and treatment of refugees and asylum seekers and whether remedies would be made available to women refugees and asylum seekers who had suffered acts of sexual violence. The delegation might state what measures would be taken to ensure that women were at the forefront of emerging economic sectors, such as tourism and renewable energy, and that women played a leading role in shaping development plans and public policy.

27. **Mr. Leskovac** (Bosnia and Herzegovina) said that a number of measures had been taken to guarantee all women living in Bosnia and Herzegovina equal access to health care. Laws and regulations governing health-care provision had been harmonized and the Federation of Bosnia and Herzegovina and the Republika Srpska had adopted long-term policies for the advancement of reproductive and sexual health. Although the services provided for under those laws and regulations could vary across the country, particularly in the area of maternity care, general access to free health care was guaranteed. The majority of women who did not enjoy health-care coverage likely lived in patriarchal rural communities and were unaware of the availability of free health care. A number of initiatives had been undertaken to help close the gaps in health-care coverage in rural areas, including a drive to recruit and train more nurses for deployment in remote communities. Registered unemployed persons enjoyed access to health-care services without restriction.

28. While the introduction of austerity measures, and the budget cuts arising from them, had not had a significant impact on general health-care coverage or the delivery of general health-care services, they had adversely affected the availability of services for some disadvantaged groups. There was a need to secure additional funding for the public health-care system to avoid losing highly trained professionals to the private sector or to other European countries.

29. Various initiatives had been undertaken to promote sexual and reproductive health. Additional training on sexual and reproductive health issues had been dispensed to medical staff. Family planning counselling was available under a programme conducted in partnership with non-governmental organizations (NGOs) and the United Nations Population Fund (UNFPA). UNFPA had also assisted in upgrading the skills of health-care workers providing family planning and sexual and reproductive health services and in ensuring that those services were delivered in a gender-sensitive manner.

30. The Agency for Gender Equality had recently analysed the health-care sector's capacity to protect victims of domestic violence. Although the country did not currently have any specialized centres to support victims of sexual violence, there were plans to open a number of pilot centres as part of a project overseen by the United States Agency for International Development. If successful, fully-equipped centres for victims of sexual violence would be opened in the future.

31. Although fathers were entitled to attend the birth of their children, in practice, few chose to do so. That trend would hopefully change over time. There were mechanisms and protocols in place for receiving and handling complaints from mothers who felt that they had been mistreated during the childbirth process. Most hospitals and health-care centres had a complaints commission. The low number of complaints lodged could perhaps be explained by the fact that many new mothers were unaware that those mechanisms existed.

32. The recent influx of migrants and refugees into Bosnia and Herzegovina had placed additional pressure on the health-care system and had raised questions of national security. Organizations such as Doctors without Borders and the Office of the United Nations High Commissioner for Refugees were helping the health authorities to cope with the challenges associated with that influx. Although several programmes had been put in place, there was a lack of coordination between them. The coordination board responsible for monitoring the implementation of the action plan related to United Nations Security Council resolution 1325 (2000) on women and peace and security had called for a unified approach to be taken in that regard. The competent authorities were making every effort to provide migrants and refugees living in camps with health-care services. He was not aware of any cases in which local

health-care authorities had failed to provide adequate maternity care to migrant women during childbirth.

33. As a general rule, transgender persons in Bosnia and Herzegovina had to travel to neighbouring States for sex reassignment surgery, as such treatment was not available in-country. Pre-surgery psychological counselling services were, however, provided by a local clinic and NGOs. Although the State could, in some cases, cover the cost of those services, that practice was not widespread. It was hoped that the forthcoming strategy to strengthen the rights of the lesbian, gay, bisexual, transgender and intersex community would address that inequality.

34. Several initiatives had been undertaken to promote female entrepreneurship. The programmes in question highlighted the value that women could add to the innovation, tourism and agriculture sectors.

35. **Ms. Reddock** said that, by the State party's own admission, relatively few targeted measures had been taken to improve the quality of life of and to ensure the availability of services for women and girls living in rural areas, despite the close to 75 per cent of the population living there. It was also her impression that there was a lack of alignment between laws and policies on agricultural and rural development in the two entities. She would like to know how the State party intended to increase investment in services for women and girls in rural areas and whether the impact of the first Action Plan for Improving the Position of Rural Women in the Republika Srpska had been assessed and, if so, what the outcome of that assessment had been. The delegation should also explain how the State party planned to facilitate land acquisition by women, including the transfer of ownership to female agricultural producers, and what mechanisms were in place to guarantee women's land ownership rights.

36. It was her understanding that the State party's family laws did not include a definition of a single woman or single mother families and households. As a result, divorced and separated women often had to initiate court proceedings to gain access to alimony, the payment of which was seldom enforced. In addition, it appeared that single mothers needed to be in possession of child custody documents to perform even the simplest of transactions. She wished to know whether the State party might consider amending its family laws and administrative systems to recognize single women and single mother families and whether there was a timeline for resolving inconsistencies in family laws and in the treatment of those women at the cantonal and municipal levels.

37. The effects of the institutionalized stigma, discrimination and social exclusion suffered by Roma women in Bosnia and Herzegovina over the years could not be remedied in the short term. That goal could only be achieved through the application of a raft of long-term and gender-sensitive financial and social measures. While the State party was to be commended for its efforts to increase the access of Roma women and girls to health care and education, it had provided next to no information on its gender-related initiatives to transform the social and gender relations and ideologies that shaped Roma interactions with the education system and the public health system, and the interactions of State institutions with the Roma. It would be useful to know to what extent gender-based research studies on the Roma population had informed the State party's strategies to address their situation and what gender equality programmes had been put in place for Roma women by the Agency for Gender Equality.

38. The delegation might indicate whether the State party planned to legislate comprehensively on and to create services for persons with disabilities in general and women and girls with disabilities in particular. She would also like to hear more about the delivery and postnatal care available to asylum-seeking women in reception centres and the mechanisms in place to guarantee uninsured stateless, migrant and returnee women access to health care outside of reception centres, especially during and after pregnancy. She would also appreciate information on any legislation, information campaigns or other strategies to combat discrimination against lesbian, bisexual, transgender and intersex women and to improve their situation in the country.

Articles 15 and 16

39. **Ms. Leinarte** said that, according to the State party's report, under the Family Law of the Federation of Bosnia and Herzegovina, one or both spouses were obliged to undergo mediation prior to initiating divorce proceedings when they had children or when the woman was pregnant, and that, in cases of domestic violence, the mediation included lessons on how to adjust to living with a violent spouse. She wished to know whether there were plans to amend the Family Law to remove that requirement in cases where the divorce was motivated by domestic violence.

40. In the Republika Srpska, it seemed that, as a result of advocacy by various patriarchal men's groups who were of the view that mothers always used parental alienation tactics against fathers in divorce cases, the established legal tradition was to grant child custody to both parents after divorce as a matter of course. The delegation might explain the rationale behind that arrangement as, in many cases, fathers only showed disregard for their children after divorce and failed to pay alimony, and confirm whether joint custody was also granted automatically in cases where the father had a track record of violence. It would be useful to receive statistical data on early marriage among the Roma population and to know the extent to which the Guidelines for Improving the Position of Roma Children in Bosnia and Herzegovina had prevented that phenomenon from taking place.

41. **Mr. Leskovac** (Bosnia and Herzegovina) said that the Strategic Plan for Rural Development 2018–2021 included a number of measures to ensure rural women's equal participation in the economic life of the country, such as preferential access to loans. The pre-accession funding provided by the European Union would be used to promote rural development and to further improve the situation of rural women. Even though the family laws in Bosnia and Herzegovina did not include an express definition of a single woman, the rights and access to social services of single mothers were guaranteed under its general provisions. Efforts had, however, been made to fill that legislative lacuna.

42. Women's ownership of land had increased as a result of the efforts of the administrative authorities and gender mechanisms to raise awareness of that right. Loan eligibility criteria had been amended to ensure that loans were accessible to female land users, thus prompting an increase in female land user registration. Notaries responsible for drawing up and registering inheritance contracts had received training on the legal provisions enshrining equal inheritance rights for men and women and were actively encouraging fathers to bequeath their land to their daughters. Despite those efforts, progress remained slow in patriarchal rural communities.

43. Although a strategy to improve the situation of persons with disabilities had been adopted by the two entities, a national strategy was not yet in place. Several initiatives had been undertaken to integrate persons with disabilities, especially women with disabilities, into the labour market. The input received from women with disabilities would inform future policy measures under the Bosnia and Herzegovina Gender Action Plan.

44. He acknowledged that the obligation for one or both spouses to undergo mediation prior to initiating divorce proceedings ran counter to the spirit and letter and the Istanbul Convention and that the Family Law of the Federation of Bosnia and Herzegovina should be amended accordingly. Fair and equitable treatment should be given to both parents involved in divorce proceedings and child custody arrangements. The legal provisions governing child custody arrangements could be reviewed if they were found to be at variance with the Istanbul Convention or other international standards.

45. A ministerial working group on issues of concern to the lesbian, gay, bisexual, transgender and intersex community in Bosnia and Herzegovina was being set up in cooperation with civil society organizations. The forthcoming strategy to strengthen the rights of that community would build on previous policy documents addressing the needs of and the problems facing its members to include a wider range of implementing partners.

46. Recent research showed that the prevalence of early marriage among the Roma community was decreasing annually. A new action plan to improve the situation of that community was being devised and would address that phenomenon.

47. **Ms. Reddock** asked whether the cooperative movement still served as an important mechanism for promoting economic self-sufficiency in rural areas and, if so, whether there were measures in place to encourage rural women to become members of cooperatives.

48. **Ms. Ameline** asked what measures had been taken to curb the emigration of young people from the State party.

49. **Ms. Acosta Vargas** said it was her understanding that, in order for a person to be able to register as unemployed and to enjoy access to health-care services, his or her former employer had to confirm the termination of the employment contract within two weeks. The delegation might indicate whether any provision was made for newly unemployed persons whose former employer failed to provide the requisite confirmation before the two-week deadline.

50. **The Chair**, speaking in her capacity as an expert, said that, although the problems associated with an economy in transition affected all population groups, they had a disproportionate impact on women, who would have to find alternative employment while continuing to shoulder the burden of household responsibilities. She urged the State party to take measures to insulate women from the worst effects of the current economic downturn. The delegation should submit written responses to the follow-up questions posed by Committee members within 48 hours.

51. **Mr. Leskovac** (Bosnia and Herzegovina) said that the delegation wished to thank the Committee for the constructive dialogue, during which a number of crucial issues had been raised and could form the basis of future action. The delegation also looked forward to receiving the Committee's concluding observations, which would help it impress upon policymakers the importance of tackling the inequalities that persisted between men and women in the country.

52. **The Chair** said that the Committee was grateful to the delegation for the insight that it had provided into the situation of women in Bosnia and Herzegovina. She encouraged the State party to take the measures necessary to give effect to the recommendations contained in the Committee's concluding observations and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the Committee's meeting time.

The meeting rose at 5.20 p.m.