



Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination
against Women**
Fifty-fifth session
8-26 July 2013

List of issues and questions with regard to the consideration of periodic reports

Bosnia and Herzegovina

The pre-session working group considered the combined fourth and fifth periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/4-5).

General

1. Please provide information on the process of preparation and adoption of the report and the extent of related consultations with non-governmental organizations and other main stakeholders.
2. The report contains limited sex-disaggregated data pertaining to all areas covered by the Convention. Please provide information on the status of data collection and analysis in the country in general, and to what extent such data collection takes place, on the basis of sex, age, urban and rural areas and other relevant factors. Please indicate how the State party intends to improve the collection of sex-disaggregated data pertaining to the areas covered by the Convention, as required under article 22 of its Law on Gender Equality, and when the census of the population will be conducted (para. 26).¹
3. Given that the Convention is directly applicable in the State party, please provide information on cases in which it has been invoked or referred to by domestic courts, in addition to the outcomes of such cases. Please also provide information on the number of complaints of discrimination against women that have been brought before the domestic courts and before the Institution of Human Rights Ombudsmen of Bosnia and Herzegovina, in addition to the grounds invoked and the outcomes of those cases, since the entry into force of the Law on Prohibition of Discrimination (para. 46).

¹ Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic report of the State party (CEDAW/C/BIH/4-5).



Women in post-conflict situations

4. Please indicate what steps have been taken by the State party to amend the definition of rape and other forms of sexual violence as war crimes and crimes against humanity, in order to bring it in line with international jurisprudence, as recommended by the Committee against Torture in its concluding observations (CAT/C/BIH/CO/2-5, para. 9). Please provide updated information on the implementation of the National Strategy for War Crimes Processing, on the prosecution of war crimes perpetrated against women, in particular sexual violence, and on protective measures for victims and witnesses. Please indicate whether any evaluation mechanisms have been established to assess and measure the impact of the action plan for the implementation of Security Council resolution 1325 (2000), adopted in July 2010 (p. 10), and describe the specific activities developed to date through its implementation, in particular with regard to measures taken to ensure women's full participation in the political process and to provide assistance and compensation to women victims of war. Please provide information on the status of the National Strategy for Transitional Justice (para. 303) and updated information on reparations programmes for women victims of enforced or involuntary disappearances.

Constitutional and legislative framework

5. Please provide information on the status of the harmonization process undertaken to bring all State and entity laws and other relevant regulations into conformity with the provisions of the Law on Gender Equality, as recommended by the Committee in its previous concluding observations (CEDAW/C/BIH/CO/3, para. 16). Please indicate the current status of the proposed amendments to the rules of procedure of the Council of Ministers initiated by the Gender Equality Agency to enable it to provide its opinion on legal documents before they are adopted by the Council (para. 17). While it is indicated in the report only that a law on free legal aid was adopted in Republika Srpska (para. 43), information before the Committee mentions that a draft law on legal aid was submitted to the Council of Ministers in April 2012. Please provide information on the status of this draft law, elaborate on its content and provide a timeline for its adoption.

National machinery for the advancement of women

6. Please provide information on the human and financial resources of the Gender Equality Agency and the entity gender centres, which are central authorities for the advancement of women. Please explain which measures have been put in place to strengthen coordination between the Gender Equality Agency, the ministries and the Council of Ministers. Please also indicate which measures have been taken to ensure continued coordination between the Gender Equality Agency, the gender centres and the gender equality committees established in the legislature at the State, entity, cantonal and municipal levels. Please also provide information on the main achievements and challenges in the implementation of the Gender Action Plan of Bosnia and Herzegovina to date.

7. Furthermore, in the light of its mandate under article 26 of the Law on Gender Equality, which includes the conduct of investigations regarding alleged violations of that law, please provide information on the number of complaints received by the

Gender Equality Agency, the number of investigations carried out and their outcomes.

Temporary special measures

8. In the light of the State party's comprehensive legal framework providing for the adoption and implementation of temporary special measures (paras. 51-53), namely articles 8 and 24 of the Law on Gender Equality and article 5 of the Law on Prohibition of Discrimination, please indicate whether the State party has adopted such measures to accelerate the realization of women's substantive equality with men and provide examples thereof.

Stereotypes

9. In the light of the results of the research into reconciling the professional and private spheres of life (para. 391), please indicate which measures the State party has taken to encourage equal sharing of family responsibilities between women and men in the family and to eliminate traditional stereotypes regarding the roles and responsibilities of women and men. Please indicate whether the State party envisages adopting a comprehensive strategy in this area, applicable throughout the State party.

Violence against women

10. Noting the adoption of amendments to the entity laws on domestic violence, please clarify the content of those amendments and indicate the legislative action taken to harmonize all criminal and civil provisions on domestic violence in the State party. Please inform the Committee about the evaluation of the implementation of the National Strategy for Preventing and Combating Domestic Violence in Bosnia and Herzegovina (2009-2011) and describe the progress in creating a unified methodology for collecting statistical data on domestic violence (para. 72).

11. Please inform the Committee of the status of the study on the prevalence of violence against women (para. 79). Please provide statistical data for the period under review on complaints relating to all forms of violence against women and on the related investigations, prosecutions and penal sanctions, as well as on any reparations made to victims. Please provide updated information on the activities and programmes offered by the judicial and prosecutorial training centres.

Trafficking and exploitation of prostitution

12. Please indicate the steps taken by the State party to harmonize the criminal codes of both entities and of Brcko District with the amended provisions of the State Criminal Code, including the new definition of trafficking given in article 186 (paras. 118-119). Please provide data, at the State and entity levels, on the number of victims of trafficking identified since 2009, the number of investigations and prosecutions carried out and the sentences imposed on perpetrators. Please provide statistics, if available, on the number of women and young girls, including Roma, who are victims of exploitation of prostitution, in particular in urban areas. Please indicate the number of shelter facilities providing assistance and protection to victims of trafficking and exploitation of prostitution. Please also inform the Committee about the measures taken to tackle the main causes of trafficking and prostitution (para. 133).

Participation in political and public life and decision-making

13. In the report, it is indicated that initiatives to amend the Election Law to bring it in line with the Law on Gender Equality have been rejected (para. 151), while research conducted in 2009 has shown that the existing open electoral list system, combined with quotas for such lists, is not satisfactory in terms of increasing women representation in political and public life (para. 162). In the light of the upcoming general elections in 2014, please indicate whether the State party envisages adopting the temporary special measures necessary to implement article 20 of the Law on Gender Equality in order to achieve substantive equality between men and women. Please provide updated data on the number of women in decision-making positions and international service, the number of female candidates in the recent municipal elections and the number of women elected as municipal counsellors and mayors.

Education

14. Referring to the analysis conducted to facilitate the harmonization of textbooks and teaching practices (para. 195), please indicate whether stereotypical content on the roles of men and women has been removed from teaching materials and practices. Please indicate whether efforts have been made to reform the existing system of mono-ethnic schools with a view to eliminating discrimination against girls in the education system on the basis of their ethnicity. In the report, it is stated that the Action Plan on Educational Needs of Roma and Other Minorities adopted in 2004 yielded limited results in practice owing to the lack of mechanisms for implementation and monitoring (para. 203). Please indicate what measures have since been taken to increase the inclusion of Roma girls in the educational process. Please also provide detailed data on the enrolment and dropout rates for Roma girls at the primary and secondary levels of education and on the participation of Roma women and girls in higher education.

Employment

15. Please inform the Committee about the inclusion of the principle of equal pay for work of equal value in the legislation of the entities and of Brcko District, in line with International Labour Organization standards, and about the progress made by the State party in adopting the new Labour Law of the Federation of Bosnia and Herzegovina (para. 237). Please provide information on steps taken to narrow the gender pay gap and address occupational segregation in the State party. Referring to paragraph 239 of the report, please describe the measures taken to strengthen the existing regulatory and inspection framework, including in the informal labour market, so as to ensure the adequate protection of domestic workers and women working in trade and agriculture.

16. Please provide updated information on the status of the amendments to the Law on Salaries and Allowances in the Institutions of Bosnia and Herzegovina proposed by the Gender Equality Agency in order to ensure the equal provision of maternity leave benefits in the State party, irrespective of the place of residence, especially in the light of the judgement issued by the Constitutional Court in this regard in September 2010.

Health

17. Please indicate the steps taken by the State party to ensure women's equal access to health-care services, considering the variations between urban and rural areas (para. 329). Please also inform the Committee about the status of the drafting of the strategy on sexual and reproductive health in the Federation of Bosnia and Herzegovina (para. 314) and indicate whether the development of such strategies is foreseen in Republika Srpska and Brcko District. Noting the adoption of harmonized legislation on reproductive and sexual health and rights, please provide information on awareness-raising programmes conducted in this regard and on the availability and accessibility of modern contraceptive methods and family planning services. Please indicate whether the State party envisages including education on reproductive and sexual health and rights in school curricula.

Disadvantaged groups of women

18. It is stated in the report that more than half of the households in the State party (58.5 per cent) are in rural areas (para. 382) and that women in rural areas are more exposed to poverty and economic hardship (para. 366). Please provide information on programmes carried out by the State party to improve the economic empowerment of rural women, in particular female heads of household, and their access to land and credit. In this regard, please also provide information on specific steps taken to implement the Action Plan for the Advancement of the Position of Rural Women in Republika Srpska (2009-2015) and the basic strategies for rural development adopted by the Federation of Bosnia and Herzegovina.

19. In the report, it is said that women returnees and internally displaced women face numerous obstacles in ensuring sustainable return (paras. 351-354). Please provide information on specific measures taken by the State party to facilitate the lasting socioeconomic integration of women returnees and internally displaced women, including through access to adequate housing.

20. It is stated in the report that, while Roma constitute the largest minority in the State party, about 90 per cent of Roma women have no access to health care, social welfare or employment (paras. 346-347). Following the adoption in 2008 of an action plan to implement the Decade of Roma Inclusion (para. 346), please provide detailed information on measures, including temporary special measures, taken to eliminate multiple forms of discrimination against Roma women and girls, in particular in the areas of education, employment and health, and to prevent early marriages and ensure access to birth registration.