



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

Distr.: General
29 June 2022

Original: English
English, French and Spanish only

**Committee on the Elimination of Discrimination
against Women**

**Information received from Bosnia and Herzegovina on
follow-up to the concluding observations on its sixth
periodic report***

[Date received: 22 June 2022]

* The present document is being issued without formal editing.



A. Follow-up information relating to paragraph 12 (a) of the concluding observations

Legislative framework and definition of discrimination

1. In addition to the guarantees provided for in the Constitutions in Bosnia and Herzegovina (hereinafter: BiH), additional guarantees regarding equality between women and men are provided for in the Law on Prohibition of Discrimination in BiH and the Law on Gender Equality in BiH. The Law on Gender Equality in BiH (hereinafter: LGE) prohibits direct and indirect discrimination on the grounds of sex and sexual orientation and foresees legal standards in the field of gender equality.

2. Joint thematic session of the Constitutional-Legal Committees of the House of Peoples and the House of Representatives, the Joint Committee on Human Rights, and the Committee on Gender Equality of the House of Representatives of the Parliamentary Assembly of BiH was held to discuss the implementation of recommendations related to the 6th Periodic CEDAW Report. The session, initiated and technically prepared by the Agency for Gender Equality of BiH of the Ministry of Human Rights and Refugees of BiH (GEABiH), was focused on the recommendation concerning integration of gender equality in the BiH Constitution. Members of the committees were informed about the UN CEDAW recommendations and the proposed amendments to the Constitution of BiH.

3. Proposed amendments highlight women's human rights, as well as the rights of ethnic minorities and persons with disabilities. The amendments guarantee equality between women and men and foresee adoption of policies to ensure equal opportunities for all; affirmative action measures are deemed non-discriminatory and the right to decide on reproductive rights without discrimination, coercion or violence has also been introduced. The initiative of the non-governmental organization Women Citizens for Constitutional Reform was presented at the session, with a set of proposed amendments to the Constitution of BiH.

4. The Gender Centre of the Federation of BiH (hereinafter: GCFBiH) has analysed the provisions of the Constitution of the Federation of BiH (hereinafter: FBiH) in light of the recommendations of the CEDAW Committee and the introduction of the principles of gender equality and equal opportunities for all, while respecting the diversity of all citizens, and proposed amendments to the FBiH Constitution based on the international documents that form an integral part of the FBiH legal system. The aim of the proposed amendments is to introduce the principles of gender equality and equal opportunities for all, and ensure respect for diversity, use of gender-sensitive language, prohibition of discrimination, expansion of the list of rights, introduction of special affirmative action to eliminate inequalities, greater judicial and legal protection of human rights and freedoms and equal participation of under-represented gender in the executive, legislative and judicial branches at all levels. The initiative to amend the FBiH Constitution was sent to the Committees on Gender Equality of the House of Representatives and the House of Peoples of the FBiH Parliament.

5. Harmonizing laws and policies with the LGE is an important measure for elimination of discrimination against women and is one of the primary activities of the GEABiH, GCFBiH and Gender Center of the Republika Srpska (hereafter: "GCRS").

6. Pursuant to Article 24, paragraph 1, item b) and paragraph 4 of the LGE, all laws and documents must be harmonized with the provisions of this Law and the international standards in the field of gender equality. Harmonization of legislation of BiH, FBiH and the Republika Srpska (hereafter: RS) with the legal standards of

gender equality provided for in the LGE is carried out in all sectors, primarily those referred to in the LGE and the Convention.

7. In line with the obligation foreseen under the LGE, opinion on the level of compliance of the mentioned documents with the LGE and international standards on gender equality is provided by the GEABiH, GCFBiH and GCRS, within their respective mandates, in the process of preparation of draft laws and proposed laws, by-laws and other normative documents, strategies, plans and programs, before their submission to the legislative authorities. The suggestions were mostly related to the prohibition of discrimination in language, the obligation of collecting, registering, processing and presenting statistical data on gender and the obligation of equal representation of 40 per cent of under-represented gender in the bodies at all levels of government.

B. Follow-up information relating to paragraph 16 (d) of the concluding observations

Women, peace and security

8. Recommendation 16 (d) has been implemented. More specifically, the Council of Ministers of BiH (hereafter: CoMBiH) **adopted a Revised National War Crimes Processing Strategy**¹ on 24 September 2020. Annexes A and B to the Strategy were also adopted. In compliance with the obligation set out in the Strategy, the Ministry of Justice of BiH has drafted a proposal of the decision on the establishment of a supervisory body to monitor the implementation of the Revised National War Crimes Processing Strategy.

9. The first strategic goal of the Strategy envisages “processing of the most complex and most prioritized war crimes cases before the Court of BiH and the Prosecutor’s Office of BiH, and other cases before the judicial authorities of the entities and the Brčko District of BiH (BDBiH) by the end of 2023.” One of the strategic goals of the Strategy is also to “ensure efficient management of war crimes cases, i.e. distribution of war crimes cases between the state judiciary and the judiciary of the entities and the BDBiH, which will enable the processing of cases within a given time period.

10. The Strategy also foresees the development of criteria (Annex A to the Strategy) to clearly define and harmonize the guidelines for the Prosecutor’s Office and the Court of BiH in reviewing and re-categorizing war crimes cases to assist the Court of BiH in deciding whether a given case will be processed by the Prosecutor’s Office and the Court of BiH or the entity courts and the courts of the BDBiH, depending on its complexity.

C. Follow-up information relating to paragraph 18 (b) of the concluding observations

National machinery for the advancement of women

11. With the aim to obtain the additional financial resources and ensure a more successful coordination and consistent implementation of strategic documents in the field of gender equality, the GEABiH, GCFBiH and GCRS are currently implementing the program titled Financial Mechanism for Implementation of the Gender Action Plan of BiH (FIGAP II program 2018–2022). Based on the Special

¹ More information available on: http://www.mpr.gov.ba/web_dokumenti/default.aspx?id=10809&langTag=bs-BA.

Agreement on the Support to the Implementation of the FIGAP II Program, signed in 2018 between BiH and the Kingdom of Sweden, the amount of BAM 2,900,000.00 (1,450,000.00 EUR) was allocated for the implementation of the Gender Action Plan of BiH for the period 2018–2022 (hereinafter: GAPBiH).

12. In the context of the proactive approach taken by the GEABiH to secure additional funds for the implementation of GAPBiH, a project titled Strengthening Capacities of Institutions to Address Gender Based Violence in BiH, funded by the USAID with USD 850,000, was implemented in the period 2017–2021. The project has strengthened the capacities of the GEABiH and the GCFBiH to adequately respond to violence against women through further harmonization of legislation, strengthening institutions and organizations responsible for victim support, as well as establishing a system for monitoring, assessing, and reporting on these phenomena.

13. Donor funds intended for the implementation of GAPBiH are realized through project subaccounts of the budgets of the competent authorities, in line with their regular activities and annual operational plans. This donor support have been used to strengthen the capacities of gender equality institutions in BiH to execute duties within their jurisdiction, compensating thus for the lack of funds in the regular budget with the engagement of technical project staff, and to procure the technical resources, enable allocation of funds to civil society organizations, establish cooperation with the academia, media, and conduct research and activities to meet obligations in the EU integration process.

14. In the course of the implementation of the IPA II project Gender Equality Facility (hereinafter: GEF), support has been provided to the GEABiH, GCFBiH and GCRS in establishing a sustainable system for monitoring the implementation of GAPBiH. The main goal of the project is to further strengthen the capacities of authorities to ensure compliance with the international obligations and the EU acquis in the field of gender equality, and to improve efficiency of the institutional mechanisms for gender equality and the key staff of the institutions in charge of European integration.

15. The GEABiH has six full-time employees and one vacant position, according to the GEABiH's job specification. This number of employees is far below the optimal number for the execution of tasks, especially bearing in mind the continued increase of responsibility in the context of European integrations and the expansion of the human rights list. The GEABiH has a regular annual budget that covers the staff salaries and material costs. The GEABiH's budget amounts to 0.03 per cent of the budget of the CoMBiH . Activities and engagement of additional project staff is financed mostly from donor funds.

16. The GEABiH has managed to secure the amount of BAM 100,000 per year from the Budget of the BiH Ministry of Human Rights and Refugees for 2020 and 2021 to cover the fixed costs arising from the operations of eight safe houses in BiH. We hope that this kind of budgetary support for the safe houses will continue in the same amount in future.

17. The lack of staff, and technical and budgetary resources in the GCFBiH has been a continuous problem since the establishment of the Centre, affecting its efficient operations. Only 43 per cent of the planned number of positions has been filled, the budget funds are approved only for the basic costs of labour, and it has been estimated that approximately 0.04 per cent of the total FBiH budget is allocated for the promotion of gender equality.

18. The GCRS has a regular annual budget, which covers only the staff salaries and material costs not intended for the implementation of activities. The GCRS uses the funds from the FIGAP II Program, and from other projects and programs supported

by various donors (most often UN Women and other UN agencies, OSCE and the Council of Europe) to implement specific measures and activities. Share of the budget of the GCRS for 2021 in the total budget of the Government of RS is 0.01 per cent.

19. There are concerns that the funds allocated for the activities related to gender equality will be further reduced due to the COVID-19 pandemic.

D. Follow-up information relating to paragraph 24 (c) of the concluding observations

Stereotypes

20. There are two different reporting systems for monitoring hate speech in the media in BiH – one within the jurisdiction of the Communications Regulatory Agency (CRA), and the other within the BiH Association of Journalists. Data on sexist and misogynistic content is not available to the public, nor are there any training for the journalists and editors on the positive examples of women as active drivers of change.

21. Among other things, CRA is in charge of enacting rules and regulations in the area of broadcasting and monitoring of compliance of license holders with the CRA regulations, including the possibility to impose sanctions if the violation of the rules and regulations is found. Regulatory framework for electronic media falling under the authority of CRA includes the Code of Audiovisual Media Services and Radio Media Services and the Code of Commercial Communications which contains explicit provisions on the hate speech ban and the prohibition from incitement to discrimination on various human rights-based grounds, including gender.

22. In 2021, the CRA Council initiated amendments to the Rule 77/2015 on provision of audiovisual media services and the Rule 76/2015 on provision of radio media services, extending the responsibility of CRA's license holders for television and radio broadcast to include all content published on the internet site under the logo of the license holder, with the aim to prevent hate speech dissemination and incitement to hate, violence or discrimination, causing negative consequences to safety and health of people, and harm to the well-being of minors as well as to ensure the right to response.

23. Pursuant to Article 37 and Article 39 of the Law on Communications of BiH and the Code of Audiovisual Media Services and Radio Media Services, rules and standards for program content pertaining to providers of audiovisual media services and radio media services were determined. The Code prohibits, inter alia, the content which humiliates, intimidates, or incites hatred, violence, discrimination or prejudice on grounds of gender, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation, social background and all other content which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of rights and freedoms of any individual. In addition, the ban on incitement to discrimination on any human rights-based grounds is set forth in the Code of Commercial Communications, which defines the principles of commercial communications (advertising, sponsorship, telemarketing, product placement) for CRA's license holders.

24. The procedure of review of both Codes is pending at CRA, in order to harmonize them with the revised EU Directive 2018/1808 on audiovisual media services, in line with BiH's commitments under the Stabilization and Association Agreement. In the context of the CEDAW Committee recommendation, a provision is planned prohibiting in advertising the insulting or demeaning portrayals of women and men based on their gender or sexual orientation.

25. A monitoring system for license holders is planned to be established. It will provide CRA with constant access to programming content of the license holders. This system provides the option of topical monitoring and analysis of the coverage of certain topics pertaining to the area of gender equality. Based on the findings, CRA plans to develop recommendations/guidelines for media in relation to the coverage of these topics. The monitoring system will also enable the collection of data on complainants.
26. Since the establishment of the Section for Content and Media Literacy in late 2019, CRA has implemented a series of activities to promote media and information literacy, through which an informal network of organizations dealing with media literacy was built. The network comprises around 50 different stakeholders. A Facebook page Media and Information Literacy in BiH, <https://m.facebook.com/mipismenostbih/> and a web-portal [medijskapismenost.ba](https://www.medijskapismenost.ba) were established to raise public awareness.
27. Together with the Council of Europe (hereafter CoE), CRA has planned the implementation of the media and information literacy project. Among other activities, the project plans the development of materials targeting school children and teachers with instructions on how to read media messaging applying the gender lens and how to identify sexist content, gender bias and discrimination, and recommendations on how to avoid such content in reporting. An on-line campaign is also planned to raise awareness on these and related topics.
28. Following the recommendation of the GEABiH, CRA annually publishes data on gender representation in media managing structures, based on the Register of media service providers. The press release of 8 March 2021 is available on the following link: <https://www.rak.ba/bs-Latn-BA/news/7672>.
29. In line with its mandate, CRA may fine television and radio broadcasters for hate speech. This has been done on several occasions over the years. There were no fines related to hate speech in 2020 and 2021.
30. Prior to the deadline for the submission of candidate lists for the 2020 local election, the GEABiH sent out an open letter to political parties titled “Nominate and promote women candidates – it is in everybody’s interest!”, recommending higher representation of women as top ranking candidates on candidate lists. At the start of the election campaign, the GEABiH disseminated recommendations to all political parties emphasizing the candidates’ responsibility to uphold the standard of polite communication and conduct and gender sensitive public appearances free from sexism, misogyny, homophobia, insults based on gender, sexual orientation and gender identity, and sexual harassment, and gender based harassment and discrimination. GEABiH had previously sent recommendations to media about gender stereotyping and sexist attitudes in media in BiH.
31. During the 2020 local election campaign, the GCFBIH recommended to all media and political parties that they should facilitate better promotion of women candidates, promote their programs, measures and activities to achieve gender equality.
32. During the election campaigns for general and local election, the GCRS implemented activities to strengthen the capacities of women candidates and political parties for media appearances and participation in public life. A manual for the media on gender sensitive reporting on violence against women and domestic violence was developed. Special trainings and workshops were delivered to journalists.
33. GCFBIH plans to initiate the establishment of the mechanism for monitoring hate speech against women, within the existing agencies in charge of monitoring hate speech in the media. The goal is to develop the methodology of monitoring, together

with these agencies, and support annual reporting on prevalence of hate speech against women in the media.

34. GCRS promoted the CoE's Recommendation on Preventing and Combating Sexism. Through promotional and educational measures and activities, GCRS seeks to raise public awareness and sensitize the media to gender equality as a social value. In view of the implementation of this recommendation of the Committee, several trainings were delivered to the media in the previous period, and different manuals on gender sensitive reporting were developed.

35. Marking the 16 days of activism against gender based violence 2021 the GEABiH implemented a public campaign for the prevention of violence. The campaign used two main slogans "Break the circle of violence" and "You can be free too". The campaign included billboards in six biggest cities in BiH, radio jingles with 15 plays, two commercials and animated web banners displayed on paid advertising space on the most visited web portals (543,197 impressions), Google (3,757,306 displays), YouTube (34,411 views and 202,598 impressions), Instagram and Facebook (3,248,370 impressions). In addition, public promotion of the UN CEDAW recommendations in relation to the sixth periodic report of BiH is in preparation.

36. The GCFBiH implemented the campaign "#boljevako Strengthening relationships between partners and communication with children. Set an example to others. Changing society by changing ourselves". The campaign includes a series of short videos promoting positive relationships between partners and non-violent communication with children. Between September and December 2020, there were 26,973 clicks and 4,582,479 impressions; Facebook reach was 497,662 with 1,770,413 impressions, and there were 152,647 views and 304,883 impressions on YouTube. In 2021, digital marketing had the reach of 2,500,000 impressions and 700,000 views on Facebook and 500,000 views on YouTube. The campaign also printed promotional flyers with information on types of domestic violence and protection procedures, and the entire campaign was designed to be highly inclusive, using Braille and sign language interpreters.

37. The GCRS continuously implements campaigns to raise public awareness on gender equality. Every year, campaigns accompany the marking of 8 March, International Women's Day, International Girls in ICT Day and International Day of Rural Women (15 October). 16 days of activism against violence against women is also marked every year and it includes the campaigns "Life without violence" and "Men say NO to violence against women". The International Men's Day, 19 November is also marked. The implementation of these campaigns relies on strong cooperation with the media as the most important partners.

38. The GCFBiH established cooperation with the Mediacenter Sarajevo through the analysis of media coverage of gender based violence and the association BH Journalists through the work of Journalism Academy, where the representatives of the Gender Centre of FBiH participated as trainers.

39. In the beginning of the pandemic in 2020, the GCFBiH sent a promotional video to all media in BiH, asking them to publish it in their respective spaces. The video contains information on domestic violence and to whom victims can turn for assistance. Its goal is to help the victims of violence during the pandemic.

40. The GEABiH continues strong cooperation with civil society in the implementation of the project "Women – human rights defenders improving human rights in BiH", as part of the implementation of the Protocol signed in 2018 by the Ministry of Human Rights and Refugees of BiH and the representatives of human rights defenders – Foundation for Local Democracy and Network of Women Police Officers. A working group was established and developed the Action Plan for the

implementation of the Protocol. The Guidelines for safeguarding of rights were developed and establishment of the Women Human Rights Defenders Advisory Board is planned.
