



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Item 4 of the provisional agenda

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Bosnia and Herzegovina*

Constitutional, legislative and institutional framework and definition of discrimination

1. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1, please specify the timeline for the completion of the process of harmonizing legislation and policies with the Law on Gender Equality in Bosnia and Herzegovina (CEDAW/C/BIH/6, paras. 6–8)¹ to promote, enforce and monitor equality and non-discrimination on the basis of sex in all areas covered by the Convention. Please provide information on steps taken to include a definition of discrimination against women in the Law on the Prohibition of Discrimination of Bosnia and Herzegovina, in line with article 1 of the Convention, as previously recommended by the Committee (CEDAW/C/BIH/CO/4-5, para. 14).

Women in post-conflict situations

2. Please provide information on the impact of the second action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security for the period from 2013 to 2017 (para. 21) on achieving the equal participation of women and their full involvement in decision-making processes on post-conflict policies and whether a new action plan has been adopted. Please also indicate the measures taken to ensure compensation, support and rehabilitation for women who were victims of sexual and gender-based violence during the conflict of the 1990s, including fully operational legal aid, as recommended by the Human

* Adopted by the pre-sessional working group on 15 March 2019.

¹ Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.



Rights Committee (CCPR/C/BIH/CO/3, para. 14). In the light of the Committee's previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 10 (b)) and the low number of prosecutions of war crimes related to sexual violence, please indicate what steps have been taken to strengthen cooperation mechanisms between prosecutors and courts that are competent to deal with war crimes and crimes against humanity at all levels of the State party.

Access to justice

3. It is stated in the report that the Law on the Provision of Free Legal Aid, adopted in 2016, was expected to provide free legal aid to all people, including victims of gender-based violence and other vulnerable groups, and established free legal aid institutes (paras. 54–56). Please provide information on the human, technical and financial resources allocated to free legal aid services and on the number of applications for free legal aid made by women, in particular by women belonging to disadvantaged groups, for complaints of sex- and gender-based discrimination and violence. With reference to the Committee's previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 16), please explain the specific measures that have been taken to ensure women's awareness of their rights under the Convention, in addition to ongoing campaigns relating to violence against women (para. 95), and to provide adequate training for members of the judiciary, prosecutors and lawyers on the Law on Gender Equality in Bosnia and Herzegovina and the Convention.

National machinery for the advancement of women

4. It is indicated in the report that a new gender action plan for the period from 2018 to 2022 is being developed (para. 18), but that the Gender Equality Agency of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina is still faced with a lack of human resources (para. 19). Please provide updated information on the key features of the new gender action plan and on measures that have been taken to implement the plan and the second phase of the programme for financing the implementation of the gender action plan of Bosnia and Herzegovina for the period from 2017 to 2021, including allocating adequate human, technical and financial resources and strengthening the capacity of the Agency and the Ministry. Please provide information on the measures taken to provide adequate funding to and ensure the independence of the human rights ombudsmen of Bosnia and Herzegovina in relation to women's rights.

Stereotypes

5. The Committee recommended in its previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 20) that the State party develop a comprehensive, wide-ranging strategy against gender stereotypes and conduct training courses for teachers on women's rights, on which there is no information in the State party's report. Please provide information on measures taken or envisaged to implement the recommendations.

6. With regard to educational textbooks and teaching materials, the State party acknowledges that, despite the adoption of a decision on a procedure for preparing and approving textbooks, workbooks and other teaching materials for primary and secondary schools, gender stereotypes remain in textbooks in the Federation of Bosnia and Herzegovina (para. 73). Please explain the difficulties and challenges with regard to removing gender stereotypes in educational materials in the State party. In addition, please provide examples of cases in which the media have taken a proactive role in eliminating gender stereotypes (para. 70).

Gender-based violence against women

7. Please provide information on the measures taken to harmonize the laws on protection against domestic violence of the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District with regard to the standards of services provided to victims of domestic violence, including the availability and quality of shelters (para. 85), and to ensure that protective measures are effective throughout the territory of the State party even if they are issued by other entities or districts. Please provide updated data on the number of protective measures, referrals of victims from the Centre for Social Welfare to safe houses and perpetrators who received psychosocial treatment under the laws on protection against domestic violence.

8. Please indicate whether training provided to members of the judiciary, prosecutors and police officers on the legal framework (para. 99) is mandatory and deals with the uniform application of legislation in line with the Committee's previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 22). Please provide information on measures taken or envisaged to develop a unified data collection mechanism on gender-based violence against women, disaggregated by age, ethnicity, disability and relationship between the victim and perpetrator, on domestic violence and on other forms of violence against women, in particular women from disadvantaged groups.

Trafficking and exploitation of prostitution

9. Please provide information on the implementation of the action plan for combating trafficking in persons in Bosnia and Herzegovina for the period from 2016 to 2019 in preventing trafficking in women and girls for sexual exploitation, including information on measures in place to support women and girls who are victims of trafficking and to ensure the effective prosecution and punishment of traffickers (para. 107). Please describe the measures taken to establish an early identification and referral system for victims of trafficking, including the amendment of the Criminal Codes (paras. 104–105), as recommended in the Committee's previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 24).

10. Please provide information on the measures taken by the State party to amend its legislation to decriminalize women in prostitution and remove fines for them, and on exit programmes for women who wish to leave prostitution. Please also specify the measures in place to protect migrant and asylum-seeking women, in particular single women and women with children, from trafficking or exploitation, including by strengthening the capacity of the Centres for Social Welfare, the police and health-care facilities, and to develop gender-sensitive procedures for processing asylum applications.

Participation in political and public life

11. The State party reports that there is a 40 per cent quota for women on the electoral candidate lists of political parties (para. 114). Information before the Committee, however, indicates a lack of visible strategies in place to promote female representatives. Please indicate the further affirmative measures that the State party has taken or envisages taking in order to achieve the substantive equality of women and men in all elected and appointed positions, including ministerial and high-level executive positions, at the State, entity, district and municipal levels. Please also explain the steps taken to create an enabling environment for the political participation of women, in particular Roma and rural women, as recommended in the Committee's previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 28).

Nationality

12. In the light of the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, please provide information on any steps taken to ensure the registration of the births of all children born in the territory of the State party irrespective of their migration status or that of their parents. Please also explain whether the Law on Registry Books of the Federation of Bosnia and Herzegovina (para. 135) provides for free legal aid in the process of birth registration to all women in the State party, including migrant and asylum-seeking women, and whether such free legal aid is also available at the State, entity, district and municipal levels.

Education

13. Reference is made in the report to several activities undertaken by the State party to encourage women and girls to choose non-traditional fields of study and professions (paras. 144–147). Please describe the impact of these initiatives, including on labour market trends, which are reportedly one of the factors responsible for occupational segregation. Please also explain the outcome of any assessment of the efforts made, including by the Ministry of Education, in eliminating segregated structures and the politicization of education in the Federation of Bosnia and Herzegovina (para. 149).

14. It is indicated in the report that 80 per cent of Roma girls who enrol in primary school drop out and only 4.5 per cent of them complete secondary education (para. 151). Please indicate whether the programme to support the education of Roma children and other national minorities and socially vulnerable categories in the Federation of Bosnia and Herzegovina (para. 153), the rule book on the upbringing and education of national minority children in Republika Srpska (para. 154) and other measures in the State party, if any, address the special needs of Roma girls for them to continue their education and improve their re-entry into school. Please also describe the measures taken to address the causes of the low enrolment rate of girls with disabilities and to ensure adequate educational opportunities for women and girls with disabilities, including by integrating them into mainstream education.

Employment

15. Please explain the impact of the employment strategies in the State party for the period from 2010 to 2014, the Federation of Bosnia and Herzegovina for the period from 2009 to 2013 and Republika Srpska for the periods from 2011 to 2015 and 2016 to 2020 (paras. 165 and 169) in achieving substantive equality between men and women in the labour market, and whether any subsequent strategies or other measures address the low participation rate of women in the labour market (para. 158), including through incentives for the active participation of men in domestic and family responsibilities and affordable childcare, as recommended in the Committee's previous concluding observations ([CEDAW/C/BIH/CO/4-5](#), para. 34). Information before the Committee indicates that the lack of a safe and confidential system for filing complaints relating to gender-based discrimination and sexual harassment in the workplace prevents women from reporting discrimination. Please provide data, disaggregated by sex, on the court cases and administrative complaints relating to such discrimination.

16. Please provide information on efforts made to strengthen labour inspections to monitor the employment and actual working conditions of women in the informal sector and to facilitate their access to pensions and health insurance, including through the use of temporary special measures to encourage women in the informal sector to engage in the formal sector. In addition, the State party indicates that 47 per

cent of mothers in the Federation of Bosnia and Herzegovina do not receive any maternity benefits (CEDAW/C/BIH/CO/4-5/Add.1, para. 9). Please explain whether there are any measures in place to harmonize regulations on social protection and maternity protection to ensure paid maternity leave and equal access for women to such services at all levels of the State party (paras. 181 and 186).

17. According to the labour force survey, of 2013, the earnings of men were 9 per cent higher than those of women (para. 160). Please provide information on measures taken to ensure respect for the principle of equal pay for work of equal value in the public and private sectors. The Committee notes that Republika Srpska adopted a law on the development of small and medium enterprises in 2013 (para. 170). Please provide information on the implementation of the law and on measures in place to adopt such laws at other levels of the State party. Furthermore, information before the Committee indicates that public investment under the reform agenda was largely in the infrastructure sector, where men dominate, whereas investments in women-dominated sectors have been reduced. Please explain whether any steps have been taken to assess the impact of the reform agenda on women's enjoyment of their rights.

Health

18. With regard to the limited access to health-care services by disadvantaged groups of women (paras. 206 and 209–211), please inform the Committee about steps taken to improve access to affordable and high-quality health-care services for women, including disadvantaged groups of women, and to ensure that adequate human and financial resources are allocated to sexual and reproductive health services. Please indicate whether any measures are in place to encourage men and women to use modern contraceptive methods and to improve family planning services (paras. 191 and 195). In addition to a draft strategy for youth in the Federation of Bosnia and Herzegovina (para. 200), please indicate any further measures taken by the State party to integrate age-appropriate education on sexual and reproductive health and rights into school curricula in all parts of its territory.

Rural women

19. The State party indicates the lack of harmonization of laws and policies on rural development with national and international standards on gender equality (para. 218) and insufficient measures to increase women's access to services, in particular health services (para. 224). Please explain whether the State party envisages reviewing laws, policies and plans relating to rural development with respect to gender equality, as well as the gender action plan, so that they sufficiently address rural areas. Please provide information on programmes planned or implemented with the aim of ensuring that rural women have access to water, health care, education, justice, land ownership, credit and skills training, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women.

Disadvantaged groups of women

20. According to the information before the Committee, asylum-seeking and refugee women face barriers in terms of access to adequate protection and services, including access to sanitary and health services, food and clothing in reception centres, and some are even living in tents and abandoned buildings owing to the lack of capacity at the centres. Please explain whether any measures are in place to improve access for asylum-seeking and refugee women and to ensure that adequate human, technical and financial resources are allocated to improve the conditions and capacity of reception centres. Please provide information on the implementation of

the State party's action plan to address Roma issues in the fields of employment, housing and health care in improving the situation of Roma women.

Marriage and family relations

21. Please state the measures that have been taken under the guidelines for improving the position of Roma children in Bosnia and Herzegovina to reduce child marriages among Roma populations and whether the programmes conducted by health-care institutes and Roma mediators have increased awareness of the adverse effects of child marriage in Roma communities (para. 232).
