



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

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

Pre-session working group

Thirty-fifth session

15 May-2 June 2006

**Responses to the list of issues and questions for  
consideration of the combined initial, second and third  
periodic report**

**Bosnia and Herzegovina\***

**Remark:** All answers are provided from information and data received from different authority levels (state/entity/cantonal/municipal), depending on areas of their responsibilities and their mandates.

The information that might be missing is currently collected and will be presented during the 35<sup>th</sup> session.

**General**

*1. Please provide information on the process of preparing the combined initial, second and third periodic report. This information should indicate which Government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organisations particularly women's organisations, and whether the report was adopted by the Government of Bosnia and Herzegovina, discussed and evaluated at the level of Entities and presented to Parliament.*

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\* Issued without formal editing.

Since the Gender Equality Agency of Bosnia and Herzegovina has not been established yet, the Gender Centres of the Federation of Bosnia and Herzegovina and the Republika Srpska have established working groups in order to prepare the Report on Implementation of the Convention for Elimination of all forms of Discrimination against Women (CEDAW). These working groups in both entities were composed of representatives of both governmental (gender focal points from the Federation of Bosnia and Herzegovina and the Republika Srpska ministries, as well as cantonal ministries) and non-governmental sectors. A public hearing was organised with non-governmental organisations in order to present the finalised entity reports and share opinions. The CD ROMs with entity reports were distributed to all those who participated in the process of preparation and more widely at the occasion of the Women's Day, 8 March. The hard copies were also provided to parliamentarians.

These two entity-level 'CEDAW reports' were compiled into one report by the Ministry for Human Rights and Refugees of Bosnia and Herzegovina. The Initial Report of Bosnia and Herzegovina on Implementation of the Convention on Elimination of all forms of Discrimination against Women (CEDAW) has not been sent to parliamentary procedure, but parliamentary commissions at all levels were introduced with the Report. It was adopted by the Council of Ministers of Bosnia and Herzegovina. During 2004 the Report was submitted to the Ministry for Foreign Affairs of Bosnia and Herzegovina for further submission to the UN CEDAW Committee.

### **Articles 1 and 2**

*2. Please provide information on the legal status of the Convention in the domestic legal system of Bosnia and Herzegovina. The response should clarify whether the Convention is directly applicable before the courts and if so, in how many cases was the Convention invoked.*

The article 2 of the Bosnia and Herzegovina Constitution states that Bosnia and Herzegovina and its both entities will ensure the highest level of internationally recognised human rights and fundamental freedoms.

The CEDAW Convention, together with other most important documents on human rights, has been **directly** included in Annex I – Additional Agreements on Human Rights – of the Dayton Peace Agreement, and thus is given priority over all national legislation by the Bosnia and Herzegovina Constitution itself.

Therefore, the courts are authorised to invoke provisions of the CEDAW Convention in consideration of their cases.

In order to provide an answer to this question, and due to shared authorities and mandates in the political system of Bosnia and Herzegovina, the Gender Equality Agency of Bosnia and Herzegovina has contacted the entity Gender Centres.

The Gender Centre of the Federation of Bosnia and Herzegovina has contacted all courts in the Federation of Bosnia and Herzegovina, from the Federation of Bosnia and Herzegovina Supreme Court to cantonal courts. According to data received, it is obvious that the Convention has not yet been directly applied in the domestic legal system of Federation of Bosnia and Herzegovina. However, the Convention is indirectly applied, as an international standard, through application of reformed provisions of the criminal legislation, which contains acts from this area, in a way regulated by the Convention (e.g. rape, harassment, sexual harassment, sexual relations with minors etc.). The Cantonal Court in Sarajevo also informs that they had a case, where the Convention on Protection of Motherhood from 1952 had been invoked.

In the Republika Srpska, the courts have provided partial answers, and these state that there were no cases where the Convention was invoked by now, either by parties or by courts.

***3. Please describe the mechanisms of oversight and consultation that are in place within the political system of BiH to ensure a uniform and consistent implementation of the rights of women protected by the Convention in both the Federation of BiH and the Republika Srpska.***

**At state, entity, cantonal and municipal levels, within the legislative authority,** Commissions for gender equality have been established.

**Within the executive authority, at state level,** the Gender Equality Agency has been established; **at entity level,** Gender Centres as expert bodies, directly reporting to entity Prime Ministers, and focal points nominated in each entity ministry, **at cantonal level of the Federation of Bosnia and Herzegovina,** Cantonal Co-ordination Boards for gender equality as ad hoc bodies; **at municipal level,** Commissions for gender equality have been established.

The mandate of these mechanisms is defined in the Decision on their establishment. Regardless of the fact that there is a great number of established institutional mechanisms, it should be emphasized that these mechanisms are not fully operational yet and there is a need for a more important level of education and training, which also requires planning of additional budget resources at different authority levels.

***4. The report states that, despite Bosnia and Herzegovina's strong overall legislative framework for preventing gender-based discrimination, the courts have been unable to apply these laws due to a general overload of cases and the non-existence of labour courts. Please indicate to what extent the reform of the judicial system has led to an increase in filing by women of individual claims related to discrimination, in particular in the labour market. Kindly also indicate whether the Ombudsperson deals with claims submitted by women related to discrimination based on sex and gender.***

According to information received by the courts in the Federation of Bosnia and Herzegovina, there are no data on the basis of which it could be concluded that the reform of judicial system has led to an increase in filing by women of individual claims related to discrimination, in particular in the labour market. The courts estimate that the reason could be a lack of information for women on their rights, i.e. the impossibility to recognise discrimination, in particular in the labour market. The courts do not have particular databases for the cases of violence against women, but these data are registered together with all other criminal acts.

The Federation of Bosnia and Herzegovina Ombudsmen have received in total five claims by women related to their selection for a work place, i.e. gender-based discrimination in employment process. In two cases, the claims were positively resolved, i.e. the employer has reacted in accordance with the ombudsmen's opinion.

The Federation of Bosnia and Herzegovina Ombudsmen have received a claim by a man, to whom the Cantonal Ministry of Social Care did not authorize to use parental leave when the child's mother returned to work. The case was closed, since none of the parties wanted to go further to the court.

However, from the Ombudsmen's answer, it is obvious that they believe that, in most cases, persons are not discriminated on gender basis, but the problem is corruption/protection, and there is also a great number of claims by men related to selection of candidates for work places.

In our opinion, this demonstrates the level of gender insensitivity of this institution and it should be pointed out that ombudspersons have not participated in any gender trainings. Our experience (in contact radio emissions, researches and surveys, etc.) clearly shows that young women, in particular, are being discriminated on gender basis.

**5. Please describe the results achieved so far through legal and policy measures undertaken at the State and Entities levels to collect, analyse and use statistical data disaggregated by sex and ethnicity on all forms of discrimination against women. Please also indicate how these efforts are coordinated so as to achieve comprehensive and consistent results.**

*The Gender Equality Law of Bosnia and Herzegovina, Article 18 sets forth "All statistical data and records collected, recorded and processed in state bodies at all levels, public services and institutions, state and private corporations and other entities must be gender disaggregated.*

*Statistical data and information collected, recorded and processed pursuant to para. 1 of this Article must be an integral part of statistical records and accessible to the public."*

Article 28 item 4 of the Gender Equality Law sets forth “A fine from 1,000 KM to 30,000 KM shall be imposed on a legal entity for failure to provide gender disaggregated statistical data and information collected, recorded and processed”.

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, within the Project on Implementation of Bosnia and Herzegovina Gender Equality Law, supported by UNDP BiH, provide recommendations for all institutions to collect gender disaggregated data and send them to statistical institutions for further processing and analysing them. Some institutions do not provide gender disaggregated data at all. The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, through different activities, are still raising awareness of the institutions to act in accordance with article 18 of the Law. The penalties proscribed by the Law are still not being applied; the procedures should be developed for them.

The co-operation with statistical institutions<sup>1</sup> has been developed at two levels: 1. The Gender Equality Agency suggested to all statistical institutions to publish the already existing but not presented gender disaggregated data, 2. The Gender Equality Agency identifies necessary surveys and researches, as well as gender disaggregated data to be collected, processed or carried out.

Within the Gender Action Plan of Bosnia and Herzegovina, the Gender Equality Agency of Bosnia and Herzegovina has identified researches and surveys that should be incorporated in the Programme of the Agency for Statistics of Bosnia and Herzegovina, which are necessary to fill the gap in statistical information and data to ensure adequate analyses in different areas. These include surveys on: Incomes of men and women, benefits and unpaid work; Social security before the adoption of social programmes; Gender issues and policies in the area of social inclusion; State of gender relations amongst refugees and returnees in Bosnia and Herzegovina; Role of men in family life; Gender structure of employed in public services; Number of boys/girls who drop out secondary schools, including the list of reasons for their dropping out; Participation of Roma population in education (in particular girls/women), number of illiteracy, reasons, levels. The implementation of these surveys depends on donors, since the agencies does not have sufficient budget resources.

*In co-operation with the Gender Equality Agency of Bosnia and Herzegovina, the Agency for Statistics of Bosnia and Herzegovina published in January 2005 a special thematic bulletin “Gender in Bosnia and Herzegovina”. In 2004, the publication “Women and Men in the Federation of Bosnia and Herzegovina” was published by the Institute for Statistics of Federation of Bosnia and Herzegovina, in co-operation with the Federation of Bosnia and Herzegovina Gender Centre; and at the beginning of 2005 “Women and Men in the Republika Srpska” was published by the Institute for Statistics of the Republika Srpska, in co-operation*

<sup>1</sup> The Agency for Statistics of Bosnia and Herzegovina and entity Institutes for Statistics.

*with the Republika Srpska Gender Centre. These publications have become a regular annual practice for statistical institutions.*

The Agency for Statistics of Bosnia and Herzegovina has started the “Gender Statistics” Project, and established the Working Group, whose representatives also include directors of the Gender Agency and entity Gender Centres.

The Federation of Bosnia and Herzegovina Institute for Statistics, in its Work Programme for 2005 – 2008, foresees a particular survey «*Gender Equity and Equality*». This survey is foreseen under the topic: Other areas of demographic and social statistics and the contents of activity is: Analysis of statistical surveys from the aspect of representation of variables necessary for gender statistics. This survey takes several years and is implemented where relevant.

### **Article 3**

***6. The report states (see para. 11) that the Law on Gender Equality, which prohibits gender-based discrimination in all areas of women’s lives, envisages the creation of the Agency for Gender Equality within the Ministry for Human Rights and Refugees at the state level, which currently functions as a national machinery. Please indicate whether this Agency has been established and if so, provide information about its liaison mechanisms to monitor gender mainstreaming within the Government at the State level and with the governments at the levels of the Entities.***

The **Gender Equality Law of Bosnia and Herzegovina** (“Official Gazette of Bosnia and Herzegovina”, no. 16/03), in its Article 22. foresees the establishment of the Gender Equality Agency of Bosnia and Herzegovina, within the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, in order to monitor implementation of this Law.

The Article 23. of the Gender Equality Law of Bosnia and Herzegovina defines the **mandate** of the Gender Equality Agency:

- Preparation of the periodical State Action Plan for the promotion of gender equality based on the proposals from all state level ministries, the plan of the Gender Center of the Federation of Bosnia and Herzegovina and the plan of the Gender Centre of Republika Srpska, to be submitted by the Ministry for Human Rights and Refugees to the Council of Ministers for adoption;
- Monitoring of implementation and coordination of activities with all the relevant subjects in the implementation of the State Plan;
- Preparation of an annual report for the Council of Ministers of Bosnia and Herzegovina, on the gender status in Bosnia and Herzegovina, based on reports from Gender Centres of the Federation of Bosnia and Herzegovina and Republika Srpska;

- Evaluation of laws, acts and bylaws adopted by the Council of Ministers, in order to monitor the effectiveness of equality and equal gender representation, and proposals to the Ministry for Human Rights and Refugees to initiate procedures for changes and amendments of existing legislation in Bosnia and Herzegovina in accordance with the international agreements and regulations of the European Union;
- Development of methodology for evaluating the effectiveness of state policy and programs related to gender equality;
- Other tasks and duties related to the promotion of gender equality and realization of the purpose of this Law.

In accordance with Article 22. of the Gender Equality Law of Bosnia and Herzegovina and Article 17. of the Law on the Council of Ministers of Bosnia and Herzegovina (“Official Gazette of BiH”, no. 30/03 and 42/03), the Council of Ministers of Bosnia and Herzegovina, at the suggestion of the Ministry for Human Rights and Refugees, brought Decision on Establishment of the Gender Equality Agency of Bosnia and Herzegovina (“Official Gazette of BiH”, no. 12/04), at the session held on 19 February 2004.

The Gender Equality Agency of Bosnia and Herzegovina has become operational since 01 January 2005.

By the end of 2005, Director of the Gender Agency was nominated, so that the fulfilment of **working places** was 20% in relation to the number of places foreseen in the **Bylaw of Internal Organisation**. Besides the director, one person worked for the Agency full time within the Project Gender Equity and Equality (GEEP – bilateral project of Bosnia and Herzegovina and Finland), one person was engaged by UNDP for 6 months and one person engaged by UNICEF as a technical assistant. As GEEP project ended in January 2006, the person who used to work within this project, is currently employed by the Ministry for Human Rights and Refugees for a definite period and is in the procedure of getting permanent employment within the Ministry as a civil servant. Since the Bylaw of Internal Organisation of the Gender Equality Agency has passed the Council of Ministers of Bosnia and Herzegovina, the process of employment of all human resources foreseen in the Bylaw can start.

**The budget of the Gender Equality Agency** in 2005 amounted to Euros 15,228, plus salaries and current costs (rent of premises, telephone, office supplies, etc). In 2006, the Gender Equality Agency of Bosnia and Herzegovina has the same budget, integrated within the Ministry for Human Rights and Refugees of Bosnia and Herzegovina.

Activities of the Gender Equality Agency include:

<b>Implementation of Bosnia and Herzegovina Gender Action Plan</b>	Actions in 15 areas – prepared and will be sent for adoption to the Council of Ministers of Bosnia and Herzegovina in 2006.
<b>Implementation of the Gender Equality Law of Bosnia and Herzegovina</b>	Working groups for each area of the Law established in order to provide recommendations for easier and more efficient implementation of the Law
<b>Gender impact assessment of laws</b>	has not started yet because of the lack of human resources
<b>Co-operation with parliamentary commissions for gender equality and executive bodies at all levels</b>	Continuous
<b>Co-operation with entity Gender Centres</b>	Established Co-ordination Board composed of representatives of national gender mainstreaming mechanisms
<b>Report as per Convention on Elimination of all forms of Discrimination Against Women (CEDAW)</b>	
<b>Development of the State Plan of Action as per Beijing Declaration</b>	Prepared and will be included as Annex of the Gender Action Plan of Bosnia and Herzegovina
<b>Engendering the Bosnia and Herzegovina Mid-Term Development Strategy (MTDS)</b>	Established Gender Working Group within EPPU (responsible for implementation of the Strategy)
<b>Gender mainstreaming in educational system of Bosnia and Herzegovina</b>	Roundtables/trainings, publications
<b>Co-operation with media</b>	Continuous
<b>Co-operation with international organisations and non-governmental organisations</b>	UN, EU, CoE, etc.
<b>Co-operation at regional level</b>	Signed Declaration on Cooperation between Gender Mainstreaming Institutional Mechanisms in the West Balkan Countries



*7. Please provide details on the specific targets and timeframes of the National Action Plan for the Improvement of Women's Position, prepared at entity level on the basis of the Beijing Platform for Action. The response should also clarify whether the Plan has been adopted and who is responsible for implementing it and for monitoring its implementation.*

**The Draft National Action Plan on Gender** as per the Beijing Declaration and Platform for Action was prepared in 2005 by the Bosnia and Herzegovina Gender Equality Agency, in co-operation with entity Gender Centres at the entity level. The representatives of both governmental and non-governmental sectors participated in the work of working groups for each of 12 areas of the Plan (approx. 90 persons).

The State Plan of Action for Bosnia and Herzegovina covers all 12 areas of the Beijing Declaration and Platform for Action, defining activities to be implemented, institutions/organisations responsible for its implementation, as well as deadlines. The following 12 areas are covered by the Plan

- A- Women and Poverty
- B- Education of women
- C- Women and Health
- D- Violence against women
- E- Women and armed conflicts
- F- Women and Economy
- G- Women in decision-making processes
- H- International mechanisms for improvement of position of women
- I- Human rights of women
- J- Women and media
- K- Women and environment
- L- Female child.

The Draft National Action Plan on Gender has been sent for comments to all entity ministries, since they are responsible for implementation of most activities.

Later in 2005, it was decided, for strategic reasons, that the National Action Plan should be an integral part of the **Gender Action Plan for Bosnia and Herzegovina**, developed by the Gender Equality Agency of Bosnia and Herzegovina, in co-operation with the Gender Centres of the Federation of Bosnia and Herzegovina and Republika Srpska, in December 2005. The Bosnia and Herzegovina Gender Action Plan is foreseen to be submitted to the Council of Ministers of Bosnia and Herzegovina for adoption in first quarter of 2006 and later on to the Parliamentarian Assembly of Bosnia and Herzegovina.

This Action Plan includes, both vertically and horizontally, the responsibilities set forth in documents of the United Nations, European Union and Council of Europe.

Its structure is as follows:

a) **Actions** that need to be implemented in **15 areas**:

- European Integrations
- Co-operation and Capacity Building
- Macro-economic and Development Strategies
- Gender Sensitive Budget
- Power and Decision-Making
- Employment and Labour Market
- Social Inclusion
- Incomes, benefits and unpaid work
- Whole-life Education
- Health, Prevention and Protection.
- Violence and Trafficking in Human Beings
- Role of Men
- Harmonisation of professional and private life
- Gender and Sustainable Environment
- Information Technologies and Sciences

b) **Operational Plan** (responsible institutions, indicators and deadlines)

c) **Annexes**: National Action Plan as per Beijing Declaration and Platform for Action, Initial and Periodic Bosnia and Herzegovina Reports on Implementation of the Convention on Elimination of All Forms of Discrimination against Women, Recommendations of working groups to responsible institutions for development of programmes and measures related to implementation of the Gender Equality Law of Bosnia and Herzegovina, Recommendations for engendering the Mid-term Development Strategy, the list of international, regional and national legal documents as a basis for planning of actions

The Gender Equality Agency of Bosnia and Herzegovina is directly responsible for monitoring of implementation of the Gender Action Plan of Bosnia and Herzegovina.

#### Article 4

***8. The report refers to the election quota requirements and the training and support programme for women entrepreneurs. Please describe whether the Government is taking any additional steps to adopt temporary special measures to accelerate the achievement of women's equality in other areas of their lives in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, on temporary special measures.***

Through a joint activity of institutional mechanisms for gender issues and non-governmental sector, changes of the Election Law of Bosnia and Herzegovina were suggested to the Bosnia and Herzegovina Parliamentary Assembly, with the aim of increasing the number of women in election bodies at all levels of legislative authority in Bosnia and Herzegovina, as well as adopting the responsibility of equal representation of both sexes in election bodies at state and municipal levels. Four amendments were suggested and the following results are intended to be achieved: 1. The Elections Commission of Bosnia and Herzegovina should ensure gender disaggregated statistical records for each part of the elections process, 2. The elections bodies, boards and commissions should be equally represented by both men and women, 3. The submitters of the lists of candidates should ensure equal representation of both sexes amongst bearers of the lists (e.g. if one party submits the lists of candidates for four election units to the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, then bearers of the lists in two election units should be men and in other two, women).

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres implemented the project "Implementation of the Gender Equality Law of Bosnia and Herzegovina", supported by UNDP BiH, whose objective is proposition of measures for more efficient implementation of the Gender Equality Law of Bosnia and Herzegovina, and in particular in areas specified in the Law itself. The working groups were established for each area of the Law, and these were composed of both governmental and non-governmental representatives. The recommendations and findings of the Working Group for Public Life include measures that should be implemented by public authorities (parties, steering boards, etc.), in order to ensure equal treatment for both men and women in the procedure of candidature for elections and nominations at functions in executive and legislative authorities (equal representation at most important functions in the executive authority, etc.). It is particularly significant that recommendations were provided to ensure equal representation in the structure of political parties and their organs.

The Gender Equality Agency of Bosnia and Herzegovina participated in 2005 in the project supported by UNIFEM "Implementation of the Security Council Resolution 1325 – Women, Peace and Security", with the aim to get a clear picture on the current status of the SCR 1325 in Bosnia and Herzegovina, to be presented in the Report. The Resolution spells out, inter alia, the importance of participation of women in decision-making processes. After this Project, the Gender Agency has

continued activities on awareness raising of the importance of SCR 1325, through organizing workshops with secretaries of ministries, regional gender mainstreaming mechanisms, women politicians and parliamentarians, supported by OSCE BiH.

These activities would certainly improve and make easier the implementation of special temporary measures in other areas of women's lives.

## **Article 5**

*9. The report notes the persistence of sex and gender-role stereotypes, particularly in the rural areas, as to the division of labour in the family. It also indicates persistent stereotypes in the roles of women and men in the media. Kindly describe measures undertaken and results achieved at all governmental and other institutional levels to change attitudinal and behavioural patterns that are discriminatory to women, including through education, in the media, and also targeting rural areas.*

### Education

The Gender Equality Agency of Bosnia and Herzegovina, in co-operation with the Gender Centres of the Federation of Bosnia and Herzegovina and Republika Srpska, **have completed the analysis of gender stereotypes in literature textbooks** for elementary schools in the Federation of Bosnia and Herzegovina and Republika Srpska in 2005.

The Gender Equality Agency of Bosnia and Herzegovina has worked in 2005 on awareness raising on gender equality in education, through preparation of the **Collection of Papers**, composed of lectures from the workshops **“Integration of gender principles in educational system of Bosnia and Herzegovina”** for all directors and pedagogues of elementary and secondary schools. The workshops took place in all cantons of the Federation of Bosnia and Herzegovina and in the Republika Srpska during 2005. The Collection of Papers, as a product of these workshops, is intended as a manual in formulation of right attitudes and “elimination” of stereotypes.<sup>2</sup>

### Media

From year to year, a number and quality of articles in electronic and printed media on gender equality, Gender Equality Law of Bosnia and Herzegovina, activities of gender mainstreaming mechanisms, as well as activities of NGOs dealing with these issues, is increasing. The Bosnia and Herzegovina Gender Equality Agency and entity Gender Centres have organised workshops for media representatives from the whole of Bosnia and Herzegovina.

The Gender Equality Agency of Bosnia and Herzegovina, in co-operation with entity Gender Centres, with support of the project GEEP/FOD, participated in development of the material **“Screening Gender in B&H Media”**, whose final

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<sup>2</sup> For more information on gender mainstreaming activities in education, see A19.

product is a manual and video tape for education of editors and journalists of printed and electronic media in Bosnia and Herzegovina. The representatives of five TV houses (from both Federation of Bosnia and Herzegovina and Republika Srpska) have participated in preparation of materials for development of the Manual and Videotape. The project was implemented based on the findings from the *Manual Gender Media Watch 2002* and *Screening Gender in Media*.

Within the project “Implementation of the Gender Equality Law of Bosnia and Herzegovina”, supported by UNDP BiH, the Working Group for Media has first finalised the handbook with recommendations for actions in this area. The Working Group, whose members were representatives of relevant institutions, gender mainstreaming institutions, media and NGO sector, have identified the institutions and legislation, non-governmental organisations dealing with media issues, defined forms of gender-based discrimination in media, required statistical data and indicators for this area, and provided recommendations for actions on implementation of the Gender Equality Law in this area. At Bosnia and Herzegovina Gender Week, which took place in December 2005, findings and recommendations of this Working Group were presented. The leading public RTV services and media houses in Bosnia and Herzegovina and the entities have expressed their support to implementation of these recommendations. These findings and recommendations will be a basis for training on implementation of Gender Equality Law in media for public officials from relevant institutions, public services, regulatory institutions and media houses.

The Gender Equality Agency of Bosnia and Herzegovina, in co-operation with entity Gender Centres, organised two roundtables “**Gender Sensitive Language**” in Banja Luka and Sarajevo in 2006. The conclusion of these roundtables is: to promote gender sensitive language and produce a dictionary of professions for both male and female gender.

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, within the project “Gender Law implementation and Sub-regional Gender Project”, supported by UNDP BiH, have provided grants for NGO projects related to implementation of all areas of the Bosnia and Herzegovina Gender Equality Law, amongst which two projects were related to gender mainstreaming in media in 2005.<sup>3</sup>

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<sup>3</sup> The Association of Citizens “Kuća plamena mira” Tuzla implemented a project in August 2005, which resulted in a reportage called “Implementation of the Gender Equality Law of Bosnia and Herzegovina in Tuzla Municipality”. The aim of this reportage was to provide a general picture on gender equality situation in this municipality and raise awareness of the population about gender equality in all areas of private and professional life. The persons interviewed were representatives from all areas covered by the Gender Equality Law. This reportage was broadcast several times on cantonal and national televisions.

NGO Vesta from Tuzla was allowed grants for the project “Gender sensitive reporting for journalists and development of capacities of media presentation in gender councils”.

### Rural areas

The entity Gender Centres actively co-operate with the entity Ministries of Agriculture, Forestry and Water Supplies in implementation of IFAD-funded “Livestock and Rural Finance Development Project (LRFDP)”.

In 2003, in co-operation with the Agriculture Projects Co-ordination Unit (APCU), the Gender study was carried out in selected rural municipalities of Republika Srpska, with the aim of defining the level of gender equality in share of work, approach to resources, economic decision-making and decision-making on improvement of life quality in rural areas.

Within the UNDP Bosnia and Herzegovina the Srebrenica Regional Recovery Programme, has prepared the comprehensive analyses of socio-economic conditions of Returnee Female Headed Household for Srebrenica area and used that survey for Income generation projects

### **Violence against women**

***10. In 1994, Bosnia and Herzegovina presented to the Committee on the Elimination of Discrimination against Women an extraordinary oral report on violations of women’s rights during the war, with special emphasis on mass and systematic rape and forced pregnancies. Please provide information on prosecution of such crimes and rehabilitation measures available to women victims of such violence.***

The Court of Bosnia and Herzegovina informs that, since the establishment of Department I for War Crimes within the Criminal Department of the Court of Bosnia and Herzegovina in January 2005, this Department has received eight lawsuits. In four out of eight lawsuits, persons are accused of criminal acts related to rape (in each case, repetitive rape is stated as a fact). All cases are currently in an investigation phase, and no final judgement/decision has been brought yet.

***11. The report mentions that relatively solid legislation concerning the criminal code and family relations is in place. It also indicates that “..an initiative has been raised to develop the Law on Protection against Family Violence with the participation of both governmental and non-governmental sectors”. The report (see para. 55) states that no action plan and strategy to combat violence has been elaborated. Please provide details about the overall legal framework for addressing violence against women, in particular the status of preparation of the suggested Law on Protection against Family Violence. Kindly also indicate whether there are any governmental efforts to accelerate implementation of legislation through a national action plan on prevention of violence against women and protection of victims.***

**The Law on Protection against Family Violence** was adopted in May 2005 in the **Federation of Bosnia and Herzegovina** and in December 2005 in the **Republika Srpska**. The Law regulates protection against family violence, the concept of

family violence, persons considered as family members in terms of this Law, ways of protection of family members, as well as kind and purpose of the offence sanctions for perpetrators of violent actions. The basic concept of this Law is that a perpetrator is removed from a flat, house or some other kind of living place of victim.

Both **Gender Action Plan of Bosnia and Herzegovina** and **National Action Plan as per Beijing Declaration** include the area of violence against women, defining activities, responsibilities and deadlines for all actors, in order to prevent family violence and protect the victims.

In the Republika Srpska, activities are currently being implemented in order to develop the **Declaration on Marking 2006 and 2007 Years of Fight against Family Violence**. For this purpose, it will be necessary to develop **the Strategic Plan on Fight against Family Violence** in Republika Srpska, which will also require development of the Strategic Plan at Bosnia and Herzegovina level.

*12. Please indicate the types of protective measures currently available to women victims of violence in both Entities, and obstacles faced by the State and Entity Governments for better protecting women against domestic violence.*

The offence sanctions for protection against family violence are protective measures. The protective measures are aimed at preventing and eliminating family violence, removing the effects of perpetrated violence, taking effective retraining measures for the perpetrators, and removing the circumstances that encourage and stimulate repeated violence in the family. The perpetrators of family violence can be proscribed the following **protective measures**:

- a. Removing from a flat, a house or some other kind of living place of victim, and prohibition on returning to the flat, the house or some other kind of living place of victim;
- b. Restriction on approaching the victim of violence,
- c. Provision of protection to victims of violence;
- d. Restriction on abusing behaviours or following the victim;
- e. Mandatory psycho-social treatment,
- f. Mandatory addiction treatment.

The perpetrator of family violence is responsible to act in compliance with the issued protective measure.

The fines in amounts from KM 2000.00 to KM 10,000.00 shall be imposed for the offence to the person who fails to comply with an issued protective measure.

Following the adoption of the Law on Protection against Family Violence in both entities, the bylaws related to family violence are being developed in co-operation

with all relevant institutions (ministries), in order to achieve better and more efficient implementation of this Law.

The obstacles for better protection of women against family violence are, first of all, the lack of required capacities of protection subjects from the Law on protection against family violence: the courts are overloaded with a number of unsolved cases, the prosecutors and police do not have specialised and expert staff to deal with cases of family violence, and centres for social work do not have room, financial resources, nor human resources to work with victims and perpetrators of violence simultaneously. The problem of family violence has not yet been recognised to a sufficient extent as a serious social problem, the lack of awareness still supports very strong stereotypes that this is a private matter and that the state should not interfere in family situations. The fact of defining family violence as a criminal offence in entity Criminal Codes and the adoption of the laws on protection against family violence, should lead to a timely and adequate reaction of society to such violent cases.

***13. The Special Rapporteur on violence against women, its causes and consequences, in her report E/CN.4/2003/75/Add.1 (see para. 1021) expressed concern about women refraining from reporting cases of family violence, the society being traditionally patriarchal and viewing domestic violence as a part of life. She also drew attention to the reluctance of victims of domestic violence to report to the police, mainly due to a fear of not being understood or being further ostracised by making their private life public, in particular in case of rape or other forms of sexual assault. The State party's report echoes this concern (see para. 65). What measures have the state and entity governments put in place to encourage reporting, to raise women's awareness of their rights and provide them with access to legal aid, and to increase the capacity of public officials in various areas (i.e. police, social workers, healthcare providers) to provide gender-sensitive support to victims of domestic violence?***

**The Gender Action Plan for Bosnia and Herzegovina**, in its part *Violence against Women and Trafficking in Human Beings*, foresees activities on encouraging reporting, raising women's awareness of their rights and providing them with access to legal aid, increasing the capacity of public officials in various areas to provide gender sensitive support to victims of domestic violence.

In co-operation with relevant institutions and non-governmental sector, the entity Gender Centres have initiated activities on development of the Strategy for free legal assistance to all citizens, and in particular women. The activities included analysis of legislation in Bosnia and Herzegovina and activities undertaken by municipal services in providing assistance to citizens. However, there are no sufficient financial resources required for implementation of the Strategy.

The police of Brčko District of Bosnia and Herzegovina inform that police officers of Brčko District have participated in a series of workshops on family violence organised by non-governmental organisations. The police of Brčko District have a



special procedure in dealing with this criminal act, a particular form on family violence that is being filled in and sent to the Unit for Crimes for further investigation. The Centre for Social Work, and, if necessary, the Centre for Mental Health of Brčko District, are immediately informed on every reported case of family violence, and there is a very good co-operation of the police with these institutions. The records of the Police of Brčko District show that in 95% of reported cases victims of family violence are women, and in 5% of reported cases victims are old persons, i.e. parents of perpetrators or children.

All cantons of the Federation of Bosnia and Herzegovina have in the Cantonal Ministries for Internal Affairs focal points for violence against women. The police structures in some cantons organise campaigns in order to raise awareness of women of their rights and encourage reporting of violence cases. The Cantonal Ministry in Sarajevo informs that they have developed procedures of work for police officers in cases of: family violence, trafficking in human beings and minor delinquency. The police officers are also trained (on regular basis) for ensuring protection to victims. They have also had specialisation trainings (for contact persons) organised by both governmental and non-governmental sectors.

The Gender Centre of Republika Srpska continuously and actively promotes the work of SOS line 1264 for victims of violence in the Republika Srpska. This number has also been promoted by partner NGOs. During the procedure of adopting the Law on protection against family violence and after the adoption, the Gender Centre of Republika Srpska has started a series of media activities in order to inform the public on this Law and its provisions.

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, within the project “Gender Law implementation and Sub-regional Gender Project”, supported by UNDP BiH, have provided grants for NGO projects related to implementation of all areas of the Bosnia and Herzegovina Gender Equality Law, out of which 1 project was related to providing gender-sensitive support to victims of domestic violence in 2006.<sup>4</sup>

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<sup>4</sup> NGO “Fondacija lokalne demokratije” – Project “Strengthening capacities of the “Safety network” through transfer of knowledge”.

The non-governmental organisations all over Bosnia and Herzegovina, supported by the Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, have organised numerous campaigns/workshops/seminars, in order to protect victims of violence, encourage reporting of violence against women, raise women's awareness of their rights, and improve capacities of the police, social and health workers.<sup>5</sup> In order to increase the number of reported cases, the S.O.S. NGO telephone lines are put into function 24/7. There are 7 shelters for victims of violence for the whole of Bosnia and Herzegovina, with around 135 available places. They are accessible around the clock (24/7) for all women, and free of charge. However, the number of shelters is insufficient and all of them are established by non-governmental organisations in Bosnia and Herzegovina.

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<sup>5</sup> The Citizen's Association "Children and Mothers" has been established in Municipality Zavidovići, which, together with the Gender Equality Commission of the Municipality, Centre for Social Work, Health Institute with Polyclinic, Police Department Zavidovići, elementary and secondary schools in the Municipality, has undertaken activities on protection of children and mothers. The workshops and public hearings were organised, with the following subjects: Health Prevention and Protection, and Protection of Victims of Violence.

The NGO "Priroda" has organised round tables (3), where representatives of the police, centres for social work, courts, local authorities and NGOs were invited. Conclusions from these round tables were further distributed to all relevant institutions, and published in media. They also provide information in their premises on where and how such cases could be reported. In the strategic plan of the Municipal Gender Commission, which was developed in co-operation with NGOs, one of the strategic objectives is awareness raising not only of victims of violence, but also public opinion on needs of joint activities in decreasing the number of cases of family violence.

The NGO „Referentna grupa Tuzla“ raises awareness and provides free legal assistance to its beneficiaries. They have organised a workshop «Creative conflict management» in order to strengthen capacities of police, social workers, psychologists, pedagogues, teachers in Tuzla Canton, with the aim of their achieving more gender sensitive support for victims of violence.

The NGO „LARA“ Bijeljina, since its establishment in 1998, provides free legal assistance to women victims of family violence. Within their „Women's Centre“ they have established a special team composed of legal advisors, who receive and talk to victims of violence on a daily basis. Their lawyer represents women victims of violence free of charge in auditions/trials (against perpetrators, for entrustment of children, share of common property and many cases in relation to work, when women were left without their job because of pregnancy). In last 8 years they have developed a solid co-operation with the institutions dealing with violence (police, centres for social work, health institutions). They have regular meetings with representatives of institutions with the aim of exchanging experience and information for joint actions. They have organised trainings for police officers on family violence. Also, they have organised trainings for women in rural areas (20 villages) on their rights. As a result of these workshops, the number of women seeking help has increased.

***14. Please indicate measures in place to establish systematic data collection on violence against women, including incidences of violence, and prosecution and punishment of perpetrators.***

In the light of bringing the new Law on protection against family violence in both entities, the establishment of a central database has been proscribed by the bylaws, containing the data on perpetrators and victims of family violence available to courts, prosecutors' offices, police, and centres for social work.

So far, the police departments have registered cases of family violence, but they do not have gender disaggregated databases.

A pilot database on violence against women has been put into function in Sarajevo Canton, after the Protocol on work and co-operation had been signed by the Co-ordination Board (ministries of health, social protection, justice, police and Fondacija lokalne demokratije - an NGO dealing with family violence issues) for prevention, protection and fight against family violence in Sarajevo Canton. In other cantons, there is no systematic data collection on violence against women.

At the beginning of August 2005, the Gender Centre of Republika Srpska established a unique SOS line 1264 for victims of family violence, regardless of their sex and age. Four partner NGOs<sup>6</sup> are included in work of SOS line and they receive calls at SOS phone. According to to-date reports, from 01 August 2005 to 28 February 2006, 1,433 victims of violence were registered in the Republika Srpska. Out of the total number of reported cases on the line 1264, 1,395 victims are women and 38 men. Among victims of violence there are also 34 children: 18 girls and 16 boys. The analysis of data shows that most victims are middle aged (between 30 and 50 years) and they endure violence from their spouses. The cases of violence by children or parents are also registered. Most victims of violence, but also perpetrators, have secondary education. Male victims of violence are mostly unemployed or in pension, and they are most often children or older persons. Almost one third of women victims are unemployed, and more than a half are either permanently employed or work on temporary basis, grey market, on definite time basis or are in pension. The victims endure combined forms of violence that last for several years – physical, psychical, sexual and economic violence. According to data received, both men and women rarely ask for help from institutions. Women victims most often contact police, while men ask for help from the centres for social work.

<sup>6</sup> Udružene žene Banja Luka, Budućnost Modriča, Lara Bijeljina and Ženski centar Trebinje.

## Article 6

***15. In her report about her mission to Bosnia and Herzegovina, the Special Rapporteur on trafficking in persons, especially in women and children, has expressed concern at some inconsistencies between the federal laws of the State and the laws of the Entities, which coupled with the issues of jurisdiction, creates an additional barrier to enforcement and effective prosecution (E/CN.4/2005/71/Add.1. para 8). Please provide information about steps taken by the Government towards the harmonisation of all levels pertaining to trafficking. Also provide information on whether the witness protection law has been amended so as to provide protection to victims after the conclusion of the trial and until they have been repatriated or their reintegration has been secured.***

The State Co-ordinator for Anti-Trafficking in Human Beings and Illegal Immigrations states that the concern at some inconsistencies between the state and entity laws, which creates an additional barrier to enforcement and effective prosecution, is not fully justified.

There are Criminal Codes at the state level, as well as at the level of entities and Brčko District, but the criminal act of trafficking in human beings is only defined in the Criminal Code of Bosnia and Herzegovina (article 186). Besides this criminal act, there are other criminal acts, such as the establishment of slavery relations and transportation of slaves (article 185), international mediation in prostitution (article 187) and illegal privation of identification documents (article 188) defined in the Criminal Code of Bosnia and Herzegovina, and they are closely related and applicable in situations similar to trafficking in human beings.

In the Criminal Code of the Federation of Bosnia and Herzegovina, there is a criminal act of talking someone into prostitution (article 210).

In the Criminal Code of the Republika Srpska, there is a criminal act of trafficking in human beings for the purposes of prostitution (article 198).

In the Criminal Code of Brčko District, there is a criminal act of talking someone into prostitution (article 207).

However, the existence of the above-mentioned criminal acts in the entity laws does not create confusion in work of the agencies responsible for implementation of the laws, prosecutors and judges, since there is a clear distinction between these criminal acts in relation to those from the Criminal Code of Bosnia and Herzegovina. Also, the provisions of the Law on Court of Bosnia and Herzegovina and Prosecutors' Office of Bosnia and Herzegovina proscribe the exclusive responsibility of these institutions for prosecution and judgement for criminal acts from the Criminal Code of Bosnia and Herzegovina, so that no misunderstanding about responsibilities for undertaking these procedures is possible.

There is no Law on Witness Protection in Bosnia and Herzegovina. There are Laws on Protection of Threatened Witnesses at state and entity levels. These laws provide

protection to witnesses who are threatened during the process, but not after the trial. Another law that treats this area is the Law on Witness Protection Programme of Bosnia and Herzegovina. This Law entered into force in 2004 and its changes and additions were adopted and enforced in January 2005. This Law enables application of protective measures for witnesses before, during and after the trial. The Department for Protection of Witnesses was established in 2005 within the State Investigation and Protection Agency (SIPA). This Department implements the above-mentioned Law. Amongst others, it provided protection to 6 witnesses-victims of trafficking in human beings during 2005.

**The Gender Action Plan for Bosnia and Herzegovina**, in its part *Violence against Women and Trafficking in Human Beings*, foresees activities on continuous monitoring and harmonisation of legislation with international instruments dealing with prevention from trafficking in human beings and assistance to victims of violence caused by prostitution and trafficking.

#### **Article 7**

***16. Article 15 of the Law on Gender Equality of Bosnia and Herzegovina provides for the equal representation of men and women in public authorities in all areas and at all levels (see para 113). This requirement has currently not been achieved. What efforts is the State party undertaking to ensure consistent implementation in both Entities, but in particular in the Republika Srpska, of this Law? Do these efforts include temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No.25, such as parallel nominations, targets and quotas, to increase the number of women including rural women and Roma women, in these decision-making bodies?***

The Bosnia and Herzegovina legislation, and in particular the Bosnia and Herzegovina Gender Equality Law, ensure equal representation of women and men in public life, in all areas and all levels. This responsibility is particularly highlighted in the Bosnia and Herzegovina Election Law, which proscribes that at least 1/3 of women should be represented in organs and bodies.

However, according to the Bosnia and Herzegovina **Constitution** persons belonging to the national minorities are barred from accessing the highest level of political participation at the State and Entity levels. Only members of the three constitutive peoples are eligible to participate in the Presidency (one from each constitutive people) and House of Peoples of Bosnia and Herzegovina Parliamentary Assembly (consisting of 15 representatives, 5 from each constitutive people). The additional protective clause for national minorities is determined in special provisions of the Bosnia and Herzegovina Electoral Law, which sets forth that national minorities must have their representative in local authority bodies, regardless of the electoral census if their number in population is up to 3%, and if the number of this population is over 3% they have right to have at least two representatives in local authority organs (municipal assemblies). It has been agreed

with NGOs participating in suggestions for national minority candidates that one of the two representatives should be a woman.

The Bosnia and Herzegovina Gender Equality Agency plans to establish the Advisory Board for Roma Women, composed of 6 regional representatives of umbrella NGOs dealing with issues of Roma women.

Some NGOs are active in encouraging rural women and Roma women in social and public life.<sup>7</sup>

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, within the project “Gender Law implementation and Sub-regional Gender Project”, supported by UNDP BiH, have provided grants for NGO projects related to implementation of all areas of the Bosnia and Herzegovina Gender Equality Law, out of which 8 projects were related to gender mainstreaming in public and social life in 2005 and two projects in 2006.<sup>8</sup>

***17. The report notes (see para. 92), that despite the fact that women and men have the same voting rights, a practice of family voting persists in some places in the rural areas, where the male head of the household decides who to vote for, “which women mostly obey”. The Election Law of BiH establishes a quota system (see para. 98), obligating all parties to nominate at least on third of candidates of the minority gender. This electoral quota system seems to be counteracted to some extent by the existence of “open lists” (para. 104), i.e. allowing voters to choose***

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<sup>7</sup> Gender Task Force BiH, Project “Roma Women can do it” – organised a Conference; conclusions widely distributed to gender institutional mechanisms asking them to include these conclusions in their work.

In Municipality Zavidovići, the Citizen’s Association “Roma Women” is active and they work on improvement of the position of Roma women. They closely collaborate with the Citizen’s Association “Children and Mothers”. Women from rural areas of the Municipality, such as Citizens’ Association “Lovnica” are also involved in the work of “Roma Women”.

The NGO Lara organises trainings for Roma women in the city and in rural areas, with the aim of encouraging them to take part in social events and activities.

<sup>8</sup> NGO “Lara” Bijeljina – Project “BiH Woman – From the Law to Real Equality”; NGO “Most” Višegrad – Project “Implementation of the Gender Equality Law in 4 towns of Eastern BiH”; NGO “Žene s Une” Bihać – Project “Equal we are stronger”; “Women’s Centre” Trebinje – Project “My women’s human rights”; NGO “Priroda” Bratunac – Project “Implementation of the Gender Equality Law in local community”; LI-Woman Livno – Project “We have the Law-let’s implement it”; “Žena BiH” Mostar – Project “Advocacy for full implementation of Article 15 of the Gender Equality Law in BiH”; “Forum žena” Bratunac – Project “Development of the Strategy for implementation of the Gender Equality Law at local level”; NGOs “Astra” and “Jezero” – Project “Strengthening the role of women through equality in all areas of social life”; The Centre for Brčko improvement (CUB) – Project “Gender equality in public administration of Brčko District”.

*candidates independent of their position on the list, and “in our case, voters choose men candidates”. In light of this situation, please describe measures undertaken by various levels of Government to enhance women’s awareness of their rights to vote according to their own beliefs and without any external pressure.*

The Bosnia and Herzegovina Election Law and the Federation of Bosnia and Herzegovina Criminal Code define as a criminal act when someone votes for another person. In elections’ procedures, and more precisely while explaining to voters how to vote, all participants, including electoral bodies, as well as non-governmental organizations, warn voters that it would be considered a criminal act if someone else votes for them. Education of voters is implemented through media, and it is particularly emphasized that each voter has to vote on his/her own. It is also a punishable act if anyone puts the pressure on a voter how and in what way he/she should vote. The election results in Bosnia and Herzegovina show that there is a huge percent of women voters. The practice also shows that in Bosnia and Herzegovina some families vote according to instructions of the head of the household, who is, in most cases, a man.

The Bosnia and Herzegovina Gender Equality Agency and entity Gender Centres, as well as other gender mainstreaming mechanisms<sup>9</sup> and NGOs, raise awareness of women through media campaigns.

## **Article 8**

*18. The report indicates (see para. 102) that women, “because of their traditional position in the society are still not represented enough in the international promotion and representation of the country”. Please provide information on measures aimed at increasing women’s representation in decision-making positions in the Ministry of Foreign Affairs, as well as in the diplomatic and consular missions.*

The Ministry for Foreign Affairs of Bosnia and Herzegovina informs on the number of women in decision-making positions within the Ministry (total 23):

- Assistant Minister 1
- Chief of Cabinet 2

<sup>9</sup> Since 2006 is the year of elections in BiH, the Work Programme 2006 of the Gender Equality Commission of Municipality Zavidovići includes, as one of the priority objectives, a campaign on awareness rising of women on their right to vote according to their own beliefs and without any external pressure.

The NGO Lara carried out a survey during local elections in October 2004 in BiH, and the survey showed that women in rural areas vote by 50% less than women in urban areas. A very weak response from women in rural areas is a reason why this NGO organises special campaigns intended to these women before elections. Meetings are organised with these women, where women candidates from the lists take part and present themselves.

- Chief of Internal Organisation Units 10

- Ambassadors and General Consuls 10.

The Working Group for Public Life, within the Project on Implementation of Gender Equality Law in Bosnia and Herzegovina, recommends that the Presidency of Bosnia and Herzegovina and Parliaments at state and entity levels, in accordance with their constitutional authorities, develop criteria, based on which equal representation of men and women will be ensured at most responsible functions and diplomatic missions, within parliamentary and other international delegations, as well as in negotiation teams for joining European integrations.

The activities carried out by the Gender Equality Agency of Bosnia and Herzegovina on implementation of SCR 1325 (trainings/roundtables) also contribute to awareness raising on the importance of increasing women's representation in decision-making positions in the Ministry of Foreign Affairs, as well as in the diplomatic and consular missions.

#### **Article 10**

*19. The report states (see para. 128) that a process of educational reform has started aimed at the harmonisation and modernisation of the existing educational system in both Entities, including the adoption of a new legal framework. Please provide detailed information on this reform, including on the new laws, and on efforts undertaken to revise stereotyped concepts of the roles of women and men that persist in textbooks, in curricula and in teachers' attitudes and behaviour.*

**The Gender Action Plan of Bosnia and Herzegovina**, in its part *Lifelong Learning Education*, foresees activities on elimination of stereotyped concepts of the roles of women and men that persist in textbooks, in curricula and in teachers' attitudes and behaviour.

**The Working Group for Education**, established within the project of Implementation of the Gender Equality Law of Bosnia and Herzegovina, has undertaken to identify regulations (laws and other acts) that regulate educational system in Bosnia and Herzegovina:

- At the state level, there is the Frame Law on Elementary and Secondary Education in Bosnia and Herzegovina («Official Gazette BiH», no. 18/03.)
- All ten cantons in the Federation of Bosnia and Herzegovina have brought their laws on education (pre-school education, elementary education, secondary education, curricula inspection, and some also on higher education and university), as well as a series of bylaws.
- In the Republika Srpska, there are four laws (on elementary education, secondary education, higher education and university), as well as a series of bylaws.



- In Brčko District, there is the Law on elementary and secondary education in Brčko District of Bosnia and Herzegovina («Official Gazette Brčko District BiH», no. 9/01).

The working group has provided **recommendations, with emphasis on the parts of the analysed laws that should be harmonised with the Gender Equality Law of Bosnia and Herzegovina.** The working group has also made a review of institutions of Bosnia and Herzegovina, its entities and cantons responsible for education; review of researches on discrimination and gender-based violence, ethical codex of educational institutions, gender statistics in educational system.

- The Gender Equality Agency of Bosnia and Herzegovina has initiated the Project Proposal for **“Postgraduate Gender Studies” within the Centre for Interdisciplinary Postgraduate Studies of the University of Sarajevo**, with the aim to increase the number of human resources and specialists in this area.
- The workshops **“Integration of gender equality principles into educational system of Bosnia and Herzegovina”** have taken place with directors and pedagogues of elementary and secondary schools in the Federation of Bosnia and Herzegovina and in the Republika Srpska. These workshops consider the issue of gender equality from: legal, medical, socio-cultural, theological, philosophic, and pedagogic aspects. The Gender Centre of Republika Srpska and IBHI BiH have organised **training for teachers** of the 3 Elementary Schools and the Council of Students of the Secondary Technical School Gradiška.
- The Gender Centre of the Federation of Bosnia and Herzegovina has initiated **«Integration of gender component into pilot schools curricula»**. The pilot schools had been selected in Canton Sarajevo, 3 secondary and 5 elementary schools, which have developed plans for mainstreaming gender in their curricula.
- **The conference “Gender mainstreaming in education”**, organised by the Gender Centre of Republika Srpska, in co-operation with the Council of Europe, and support from the Gender Equality Agency of Bosnia and Herzegovina and the Gender Centre of Federation of Bosnia and Herzegovina, took place in Banja Luka. The experiences of Bosnia and Herzegovina and Council of Europe member states on gender mainstreaming in education at all levels were exchanged.
- The Gender Centre of the Republika Srpska has implemented the **project «Rose and Blue»** in the kindergarten «Naša djeca» in Banja Luka.

- The Gender Centre of Republika Srpska, in co-operation with teachers of the Elementary School «Borisav Stanković», has produced the **«Collection of Papers on Interactive Teaching»**, supported by the Ministry of Education and Culture of Republika Srpska;
- The Gender Centre of Republika Srpska, in co-operation with the Pedagogic Institute of Republika Srpska, international organisation «Civitas», non-governmental organisation «Zdravo da ste» Banja Luka and Youth centre Gradiška, implemented the project **«Preparation of workshops with the aim of integrating gender concept in Subject Democracy and Human Rights in secondary school final classes»**. The results of workshops have been published in the Manual «Gender Equality». A **two-day workshop for professors of Democracy and Human Rights** has been organised,
- The Gender Centres of Federation of Bosnia and Herzegovina and Republika Srpska have published the brochure **«How to bridge the gap between us»**, intended to youth and contains information on gender issues, love, safe sex, gender stereotypes, marriage, family, work and employment.
- The responsibility for production of publications aimed at gender mainstreaming in education was shared between the entity Gender Centres. All publications were exchanged and widely distributed in both the Federation of Bosnia and Herzegovina and the Republika Srpska.

***20. Kindly indicate what measures the Government intends to take to remedy the current educational imbalance between girls and boys as to their levels of education as well as their choice of disciplines, in both entities.***

**The Gender Action Plan of Bosnia and Herzegovina**, in its part *Lifelong Learning Education* and the **State Plan of Action on Gender – Women and Education**, foresee activities to remedy the current educational imbalance between girls and boys as to their levels of education as well as their choice of disciplines. These activities include different surveys and programmes that need to be carried out, in order to achieve balance in educational level of boys and girls, as well as the balance between the numbers of boys and girls in different disciplines.

The gender sensitive curricula that the Gender Equality Agency and entity Gender Centres are developing in co-operation with educational institutions, and all other activities implemented in order to mainstream gender in educational system, will lead to gender balance in schools.

***21. Please indicate the measures carried out by State and Entity governments to ensure schooling for girls in the rural areas, to prevent and remedy school drop out by these girls after the fourth grade, to improve their access to secondary schools and to eradicate illiteracy among older rural women.***

**The Gender Action Plan of Bosnia and Herzegovina**, in its part *Lifelong Learning Education* and **the State Plan of Action on Gender – Women and Education**, amongst other activities, foresee carrying out of a Survey on the number of girls and boys who drop out from secondary schools, with the list of reasons for drop out, additional programmes that motivate men and women to continue education, programmes with more flexible contents and increased number of female-attractive classes (for mothers, employed women, unemployed, women who dropped out from school, etc), establishment of at least one e-centre in rural areas, in partnership with public and private sectors, eradicate illiteracy among women.

The Gender Equality Agency has initiated a survey on gender sensitivity of high level education curricula.

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, within the project “Gender Law implementation and Sub-regional Gender Project”, supported by UNDP BiH, have provided grants for NGO projects related to implementation of all areas of the Bosnia and Herzegovina Gender Equality Law, out of which one project was related to education of girls and women in 2005.<sup>10</sup>

**22. The report mentions that illiteracy seriously affects Roma women. Please indicate what steps are being planned or implemented to address the high illiteracy rates among Roma women and to ensure schooling for Roma girls.**

**The Gender Action Plan of Bosnia and Herzegovina**, in its part *Whole-life Education* and **the State Plan of Action on Gender – Women and Education**, also foresee activities, such as to develop a study on participation of Roma population in education (in particular women), illiteracy rate among this population, reasons, levels of education, reasons for drop out schools, etc.

The Board of Roma of the Bosnia and Herzegovina Council of Ministers informs that, at the initiative of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, entity and cantonal Ministries of Education and NGO sector dealing with Roma issues, the Action Plan on Educational Needs of Roma and Other National Minorities in Bosnia and Herzegovina was adopted in 2004. This document contains identified educational needs of Roma (and other minorities in Bosnia and Herzegovina), activities and measures, with contents and dynamic of implementation by responsible authorities. The responsible actors for implementation of the Plan are, first of all, entity Ministries of Education, cantonal Ministries of Education and local authorities, as well as Department for Education in the Government of Brčko District, pedagogic institutes, etc. Despite of some initial difficulties and obstacles, the Plan is being implemented and results are achieved in different segments and spheres. The implementation of the overall Action Plan also eliminates inequalities of Roma women.

<sup>10</sup> NGO “Pro et Contra” Prijedor – Project “Gender equality for our future”.

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, within the project “Gender Law implementation and Sub-regional Gender Project”, supported by UNDP BiH, have provided grants for NGO projects related to implementation of all areas of the Bosnia and Herzegovina Gender Equality Law, amongst which projects on gender equality in education of Roma population.<sup>11</sup>

### **Article 11**

***23. The report indicates (see para. 166) that in Bosnia and Herzegovina’s period of transition, employers tend to terminate women’s employment first. Please provide information on whether these are employers in the state and public sector and what measures are being taken by State and Entity governments to prevent and sanction this tendency with a view to fully implement article 11 of the Convention.***

Nothing much has been achieved in this area. The gender mainstreaming institutions which try to undertake some actions to prevent and sanction this tendency are faced with different obstacles, lack of gender sensitivity of employers, uninformed employees on their rights and late legal reactions, etc. The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres have planned, within their activities, the strengthening of women in trade unions, in particular Forums of Women in Trade Unions, through different trainings, gender sensitivisation, financing of different projects and financing of one person responsible for networking and communication between trade unions. The aim was to strengthen women to be able to identify problems and help them to solve them. However, the trade unions have not seized these opportunities and nothing much has been achieved.

**The Gender Action Plan of Bosnia and Herzegovina** foresees different surveys on representation of men and women in state and public sectors, monitoring the gender effect of the possible reduction of public administration, establishment of a database and public presentation of precise data on gender structure of employed in public services, public presentation of a gender structure of redundant employees in public sector, taking into account provisions of the Gender Equality Law, promotion and education of employees and employers and responsible inspectors on the right on equal access to employment and discrimination in work and labour market, application of Gender Equality Law provisions during nominations of public officers at decision-making positions within state bodies.

**The Working group for work and employment**, within the project of Implementation of the Gender Equality Law of Bosnia and Herzegovina, has given recommendations in order to avoid such situations, such as “to strictly proscribe in the Labour Law a defence of ending the work contract, due to economic, technologic and organisation difficulties of the employer, for a female employee

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<sup>11</sup> “EURO ROM” and “Bolja Buducnost” – Project “Survey and monitoring of gender effects within Roma communities”.

during pregnancy and maternity leave period”, to prepare programmes with gender approach in monitoring and reporting on violation of rights in the area of work, employment, and approach to economic resources.

“Conclusions and Recommendations of the Working group on Employment, Work and Access to Economic Resources” were submitted to the **International Labour Office** in Geneva and Budapest for their suggestions and comments. These comments, as well as additional suggestion and recommendations, were sent back to the Gender Equality Agency of Bosnia and Herzegovina. Their comments will be incorporated in the Recommendations and in Gender Action Plan of Bosnia and Herzegovina.

According to data of the Federation of Bosnia and Herzegovina Ministry of Labour and Social Policy, there are no data on practice of terminating work for women in private and public sector in the Federation of Bosnia and Herzegovina. However, the implementation of the unique information system in the area of employment is under way for all cantons in the Federation of Bosnia and Herzegovina, which will enable an access to relevant data on termination of work.

According to data of the Republika Srpska Labour Inspectorate (Ministry of Labour and Protection of Soldiers and Invalids of Republika Srpska), the sector for labour inspection does not have records that would demonstrate whether employers who tend to terminate women’s employment first are in the state, public or private sector.

It is also impossible to determine the number of women who have worked without the work contract and who have not been paid insurances, since the Inspectorate of Work does not collect these information, and some employees even when they are deprived of their rights, do not always contact the Inspectorate. Very often the employees are not ready to sign a statement on discrimination, because the burden of proof is their responsibility.

***24. What are the reasons for the particularly high rates of unemployment among the most educated women in BiH and what measures are being taken, with what results, to support the economic empowerment of this group of women.***

**The Gender Action Plan for Bosnia and Herzegovina** foresees a series of activities necessary to reduce poverty of women and improve their economic empowerment, through elimination of gender-based discrimination at work and labour market and through new macro-economic and development strategies.

The share of women in the labour force in Bosnia and Herzegovina is 37.2%. The smallest number of employed women is in the age group over 50, an age group where women are in fact more numerous than men. The 37% share is extremely low given that women make up 60% of the able-bodied population in Bosnia and Herzegovina<sup>12</sup>

<sup>12</sup> Human Development Report, “Millennium Development Goals in BiH”, UNDP, 2003.

The Gender Equality Agency of Bosnia and Herzegovina, in co-operation with the Economic Policy Planning Unit (EPPU), has undertaken to engender **the Mid-Term Development Strategy/Poverty Reduce Strategy Paper**. Therefore, the Working Group for Gender has been established within EPPU, which is responsible for implementation of the Strategy. The Agency has organised training on gender issues for this and other 22 working groups of the EPPU. The aim is to have a gender sensitive Strategy, which will reduce poverty among women.

The Federation of Bosnia and Herzegovina Ministry of Labour and Social Protection states that the reasons for high rates of unemployment, in general, and therefore unemployment of most educated women, are as follows: very slow economic development, inadequate level of mobile work force and lack of harmonisation of the educational system with needs in the labour market. The elimination of the above-mentioned reasons and implementation of stimulating measures could lead to empowerment of this category of women.

The Republika Srpska Employment Institute has not implemented any project yet where women were a particular target group. Through employment programmes of the Employment Institute, 6.606 employees have been employed by 31.01.2006, out of which 3.287 women (and out of this number, 265 are highly educated women).

The Gender Equality Agency of Bosnia and Herzegovina and entity Gender Centres, within the project “Gender Law implementation and Sub-regional Gender Project”, supported by UNDP BiH, have provided grants for NGO projects related to implementation of all areas of the Bosnia and Herzegovina Gender Equality Law, out of which one project was related to economic empowerment of women in 2005 and one project in 2006.<sup>13</sup>

***25. The report describes the presence of women in the private sector, in particular as owners of stores/small businesses in 1999/2000 (see paras. 172 and 173), where half of the women were in ownership positions. What measures are being undertaken by State and Entity authorities to support work or self-employment of women in the private sector, including through the provision of micro-credit schemes, training and support services. Please also clarify the following: to what extent are women’s small businesses registered. Are owners and workers in this sector covered by health insurance, disability and pension systems.***

**The Working group for Work and Employment** has recommended the establishment of partnership between governmental, non-governmental and private sectors, in order to define and implement strategies for development of entrepreneurship, in particular creation of a more adequate ambience for female entrepreneurship, as well as development of special programmes for development

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<sup>13</sup> NGO “Viktorija 99” Jajce – Project “Economic strengthening of women through presentation and education”;

NGO “Initiatives for Human Development” – Project “Gender gap in incomes in BiH”.

of agriculture, including, in particular, education and empowerment of women, pre-qualification and development of local funds for small development grants.

**The Gender Action Plan for Bosnia and Herzegovina** also foresees activities, such as bringing the Decision on obligatory promotion of the entrepreneurship, with a particular emphasis on promotion of female entrepreneurship, by the Council of Ministers of Bosnia and Herzegovina and Governments of Federation of Bosnia and Herzegovina and Republika Srpska, as well as to prepare special informative materials for women entrepreneurs and to undertake positive measures in order to promote and strengthen female entrepreneurship, i.e. achievement of equal representation of men and women owners of private enterprises.

The Federation of Bosnia and Herzegovina Ministry of Labour and Social Policy states that the measures undertaken by the Federation of Bosnia and Herzegovina Employment Institute and cantonal services support self-employment of all categories of unemployed persons, regardless of gender, and in accordance with criteria published in media. The self-employment through micro-credits has not been carried out in co-operation with employment services.

The owners of private companies are obliged to pay insurance contributions, if they are employed in the company, and they are obliged to pay contributions for all employees in both private and public sectors. According to surveys on labour market presented by the World Bank, the employment rate in the Federation of Bosnia and Herzegovina in informal sector (excluding payment of taxes proscribed in laws) is very high (36%) and tend to increase.

According to data of the Federation of Bosnia and Herzegovina Institute for Statistics, out of the total number of employed women, 30% are employed in small businesses, and most of them in the age structure between 35 to 39.

The Federation of Bosnia and Herzegovina Ministry of Development, Entrepreneurship and Business informs that they do not have gender-disaggregated data, which would enable to have an overview of the number of registered legal and physical entities by sectors, whose legal representatives are women, nor is it possible to have an overview of covered owners and workers in the private sector by health insurance, disability and pensions systems. This Ministry has published an advertisement for selection of beneficiaries for the resources intended to female entrepreneurship, based on the Decision of the Federation of Bosnia and Herzegovina Government on Adoption of the Programme for distribution of resources.

In rural areas of the Federation Bosnia and Herzegovina and the Republika Srpska, the Ministries of Agriculture, Forestry and Water Supplies co-ordinate implementation of two projects:

- a. Livestock and Rural Finance Development Project (LRFDP), financed by the International Fund for Agricultural Development (IFAD);

- b. Small Commercial Agriculture Development Project (SSCADP); financed by the World Bank.

None of these two projects is focused on achieving self-employment of women. The credit resources are accessible under same conditions to both men and women, without positive or negative discrimination. The fact that in both projects credits have become accessible through banks to rural population, without putting a condition for them to be registered (which was obligatory earlier), can be considered as a step forward. Another improvement, which is particularly important for women, is that required instruments for ensuring credits are guarantors, and not mortgage on immobile property, which is mostly owned by men in our reality.

In the projects of these ministries, no special funds for crediting women have been foreseen. However, the ministries promote and constantly encourage women to apply for credits, and the positive achievements can be partially considered as results of their campaigns.

In accordance with current legislation, small agriculture producers are not obliged to register their small business, and therefore they do not have regulated health and pension insurance. According to data available to the Ministries, they can pay their health insurance individually on a voluntary basis, but not pension and invalidity insurance, not even voluntarily.

The Ministries does not monitor whether owners of enterprises, which are provided credits through projects, regularly pay salaries and contributions for different taxes to their employees.

According to data from the Republika Srpska Fund for Development and Employment, in the period 01 January 2001-31 December 2005, two employment projects were implemented: the Urgent pilot project for work reorientation of former Republika Srpska soldiers (PELRP) and the Second Employment Support Project – SESP. In the period 2004 - 2005, 102 persons were employed, out of this number, 39 are women or 38,24%. 31 women are employed with employers and 8 have chosen self-employment.

Within the Local Initiative Project of the Fund for Development and Employment, 31,542 micro-credits or 35,97% have been provided to women and 56,139 or 64.03% to men in the period 2002-2005.



Some NGOs support work or self-employment of women in the private sector, including through the provision of micro-credit schemes, training and support services.<sup>14</sup>

## Article 12

*26. The report indicates that abortion is used as a method of family planning, contributing significantly to maternal mortality (see para. 223). It also indicates that sexual education is still not adequate and that teenage pregnancy is a common occurrence leading to marriages below the legal age (see para. 225). What steps are being taken to ensure that women and men, including adolescents, have access to information on reproductive health and family planning and to affordable contraceptive methods? In particular, what plans are in place to reduce teenage pregnancy.*

**The Gender Action Plan for Bosnia and Herzegovina**, in its part *Health, Prevention and Protection*, foresees, amongst others, activities on improvement of reproductive and sexual health of men and women, decrease of mortality and risks from women and men characteristic diseases, increase protection from HIV risks and sexually transmitted diseases through preventive measures and campaigns, ensuring access to parental and child care and family planning in rural areas. The entity Ministries of Health and health institutions are primarily responsible for implementation of these actions, once the Gender Action Plan for Bosnia and Herzegovina has been adopted by the Council of Ministers of Bosnia and Herzegovina.

The publications of the Gender Equality Agency of Bosnia and Herzegovina and the entity Gender Centres, such as “Collection of Paper Works of the Interactive Curricula”, “How to bridge the gap between us”, contain information on contraceptive methods and family planning. These are adapted for adolescents and distributed in schools in order to raise their awareness on these issues.

The Council of Ministers of Bosnia and Herzegovina and the United Nations Population Fund have brought the Country Programme Action Plan (2005-2008), which includes the following results related to health issues: Adapted expert standards for peers’ education and youth-adapted approaches incorporated in health and education policies of the health sector; The gender equality policy reflects International Convention on Population and Development (ICPD) principles, including sexual and reproductive health and rights on reproduction; the youth policy includes ICPD principles, including sexuality and rights.

<sup>14</sup> The NGO Referentna grupa Tuzla works on education of women through courses on sewing, hair-dressing, computers, etc. Their Centre for Women’s Entrepreneurship is also a mediator in self-employment, employment and engagement of women (washing of laundry, cars, carpets, cleaning services, care of elderly...). All employees are covered by health insurance.

The NGO Lara has organised seminars for women, where micro-credit organisations were presented and women were given inputs and information on how to start their own business.

The Gender Equality Commission of Municipality Zavidovići, in its Work Programme 2006, foresees activities on raising awareness on reproductive health and family planning, as well as contraceptive methods, in co-operation with the Centre for Social Work, Court, Police, Health Institute and educational institutions.

***27. Data on the provision of health care date back to 2001. Please provide information whether the health care reform has been implemented and whether and to what extent women have benefited from this reform, in particular women traumatised by war and war-related crimes as rape, disabled women and women in rural areas.***

**The Gender Action Plan for Bosnia and Herzegovina**, in its *part Health, Prevention and Protection*, foresees, amongst others, activities on improvement of health services for women and men, ensuring access to basic medical services for men, women, and children without health insurance, ensuring programmes for capacity building of medical staff in rural ambulances through health education, preventive actions in the treatment of violence against women within health system, and easier access to free of charge orthopaedic instruments for handicapped persons and free of charge services for persons with special needs. The entity Ministries of Health and health institutions are primarily responsible for implementation of these actions, once the Gender Action Plan for Bosnia and Herzegovina has been adopted by the Council of Ministers of Bosnia and Herzegovina.

The Institute for Public Health of the Federation of Bosnia and Herzegovina states that data available to them do not provide answers to any of questions asked (Q26 and Q27). In regular statistical surveys, data are not gender disaggregated except for persons who have died. They do not have data on women traumatised by war and war-related crimes, nor data on the number of pregnancies and abortions disaggregated by age structure. Therefore, no assistance programme for minor pregnancies has been initiated yet. They consider that the lack of registration of services provided by public health institutions as well as private ones (whose number is increasing with the reform) is a great problem. They believe that the work done by NGOs on education-informative activities is generally valuable, but the analysis of these programmes should be carried out, as well as evaluation of the impact on target groups of youth, and in particular women. Besides the initiatives within the Institute itself, on protection from violence, and one roundtable, they have not experienced any other form of co-operation with institutions and health workers themselves. Not much interest has been shown so far. The co-operation with NGOs has not been successful either, except from some individual cases. Therefore, they strongly recommend positive support for inter-sectoral co-operation and expansion of activities.

Only the Canton of Sarajevo has enabled health insurance for women victims of war. Nothing has been done in other cantons to improve the position of women traumatised by war and war related crimes.

The psycho-social programmes are ensured only through the work of non-governmental organisations through external donations, since the health system has not recognised it as a priority with regards to other problems they are dealing with.

According to data of the Project Co-ordination Unit of the Republika Srpska Ministry of Health and Social Protection, the following projects are being implemented: “Basic Medical Services”, “Basic Health”, “Technical assistance to social insurance”, and “Strengthening the health sector”. Women, as well as men in the Republika Srpska, benefit from these projects and better health conditions (equipment, etc.) provided. However, women traumatised by war and war-related crimes, disabled women and women in rural areas are not particularly focused as target groups within these projects. The benefits for these categories are the same as for the whole population of the Republika Srpska.

The Municipality Zavidovići implements the health care reform, with satisfying results, but does not have capacities to accommodate and provide treatment for women traumatised by war and war-related crimes as rape, disabled women, etc.

#### **Article 14**

*28. Please indicate the measures carried out by the State and Entity governments to improve the situation of rural, including older rural women, such as their access to education, employment, micro-credit and assistance. Also indicate efforts to raise women’s awareness and empower women to claim their rights, such as those to property and inheritance.*

The best example of possible cases of discrimination is that, in general, women are not property owners, and, in most cases, they cannot start their own business. In particular, it is important to stress that woman in rural areas, who can contribute to the household strengthening and acquire their own incomes, are in a quite bad position regarding the property ownership and inheritance.

**The most important obstacle to the access to economic resources is a traditional attitude of women with regards to property ownership, which is, in general, entrusted to a male family member.<sup>15</sup>**

The **Gender Action Plan for Bosnia and Herzegovina** foresees measures to provide support to rural women, such as their access to education, employment, micro-credit, and assistance. It also foresees activities on raising awareness of women, through campaigns to claim their rights and free of charge legal assistance.

<sup>15</sup> The Gender Equality Law of Bosnia and Herzegovina „Work, Employment, and Access to all Forms of Economic Resources“ – findings and recommendations of the Working Group, Gender Equality Agency 2005.

The entity Ministries of Agriculture, Forestry and Water Supplies, through the project Livestock and Rural Finance Development Project (LRFDP), financed by the International Fund for Agricultural Development (IFAD), influence in more ways, improvement of the position of women in rural areas, regardless of their age, through:

- Ensuring access to credit resources under same conditions as those for men (20% to-date beneficiaries of the credits were women);
- Organising specific trainings and insisting that women from rural areas participate in these (24% to-date participants were women);
- Reconstructing rural infrastructure, from which benefit both men and women, but depending on kind of an object and specificities of a village, this could be more useful for women (water supplies in the household, reconstruction of rural schools, reconstruction of streets, etc.);
- Involving women in the selection process of priorities for reconstruction of rural infrastructure (31% of women present at meetings) and in the process of organisation and supervision of works (47% of women in rural construction boards);
- Purchasing equipment for buying milk and establishing the system of purchasing milk in some municipalities, which creates conditions to turn milk, as a product mainly produced by women, into money;
- Providing grants for purchasing equipment for milking, which makes much easier milking of cows, which is traditionally a «female» job;
- Organising agricultural producers in associations, with the increasing trend of involving female members (in 2003 - 7%, and in 2005 - 30%);
- Purchasing specific equipment, which would enable women to find employment and increase the value of some agricultural products that have not been market valorised so far (wool, healing plants, etc.).

Also within LRFDP, the Ministries have particularly focused on the position and problems of women in rural areas. Therefore, in 2003 the survey Gender Study was carried out, and will soon be repeated. The main objective of the Survey was screening the gender component in rural areas and providing suggestions for achieving gender equality. The Survey was carried out in seven municipalities, with the sample of 140 interviewees; 70 women and 70 men.

Some NGOs undertake activities in order to improve the situation of rural, including older rural women, such as their access to education, employment, micro-credit and assistance.<sup>16</sup>

#### **Article 16**

***29. Please give further information about the situation in female-headed households. This should include the percentage of such households as compared to households with both parents present, their economic status, and measures undertaken by State and Entity governments to assist female-headed households, in particular widows and single mothers following a divorce.***

**The Gender Action Plan for Bosnia and Herzegovina**, through all its parts, covers the activities necessary to improve position of women heads of households, such as their access to health care, establishment of the University of Third Age, creating possibilities for pre-qualification and additional training, harmonisation of professional and private life (different child care and other services), etc.

The “Female Headed Households Report in Bosnia and Herzegovina”<sup>17</sup> states the following:

“In Bosnia and Herzegovina a minority of households (25%) are headed by women. A startling 78 percent of all female headed households in Bosnia and Herzegovina are widows.

Surprisingly, the results derived from the LSMS indicate that 81 percent of female heads of household consider that they live in basically good or good conditions. The majority of these households also appear to have access to electricity and running water of some sort. A substantial number also enjoy security of tenure. 65 percent of female headed properties are owner-occupied, and a further six percent are in the process of becoming acquired by a household member under privatisation schemes for state-owned property. This situation compares well with male headed

<sup>16</sup> The NGO “Priroda” has included older rural women in the activities of organising women's action teams, training of the teams and work in rural areas. In order to encourage them in terms of requesting their rights to ownership and inheritance, this NGO provided information and legal assistance through field visits, meetings, workshops. However, as they state, not much has been achieved in this area, since women in rural areas take it for granted that they do not have rights to inheritance and ownerships, but this right is “naturally” given to their husbands, brothers, etc. Further activities are required and a lot of time needed for the situation to change.

<sup>17</sup> The NGO Lara constantly works with women in rural areas, in order to encourage them to claim their rights.

“Female Headed Households in BiH”, May 2003, Ren Kukanesen, United Nations in Bosnia and Herzegovina.

households, 68 percent of which are owner-occupied. By contrast with these home-owning households or households with rental agreements, only 22 percent of female headed households are housed in 'temporary', 'illegal' or 'emergency' accommodation.

Presumably, this category of people in insecure housing would include most of the 18 percent of female heads who have indicated that they are displaced persons or refugees.

Also revealing is the fact that the percentage of female heads of households living in good accommodation is significantly lower in the Republika Srpska. 25 percent live in bad or worse conditions as opposed to 15 percent in the Federation of Bosnia and Herzegovina. This means that the chances of living in bad accommodation in the Republika Srpska are almost twice as high for female heads of household. The poverty gap between the entities widens further for women living alone. 31 percent of women living alone in the Republika Srpska considered their accommodation poor, when only 15 percent of women living alone in the Federation of Bosnia and Herzegovina endured bad conditions. More persons in the Republika Srpska do not have access to a telephone and it is unlikely that the situation will improve for older people after privatisation, particularly in respect of provision of telephones to impoverished rural households.

The UN Agencies are in a strong position to influence the development of policies in Bosnia and Herzegovina, which can improve the life for female heads of household. This report recommends a pincer approach, which addresses both ends of the problem of aging widows: whereby on the one hand, younger women are encouraged to develop their capacities leading to a long-term amelioration of their vulnerable condition in older age, and on the other hand, more is done to improve the immediate situation for older women. Accordingly, the **recommendations are to:**

**a) Support the capacities of younger women and girls;**

**b) Encourage national development policies to support older people.**

*30. Kindly provide information about the situation of women that are former or current refugees or internally displaced women, particularly women with missing husbands, widows, and abandoned women. In this regard, indicate steps taken to facilitate family reunification and re-possession of property, as well as provisions of reconstruction and reintegration assistance to this vulnerable group of women.*

Gender and age structure of displaced persons in Bosnia and Herzegovina<sup>18</sup>

Gender and age structure of displaced persons in BiH – as per entities								
Gender	M	F	M	F	M	F	TOTAL	%
Age group	FBiH		RS		BiH			
0-5	1.661	1.618	1.273	1.206	2.934	2.824	5.758	3%
5-18	9.919	9.518	6.737	6.615	16.656	16.133	32.789	18%
18-65	28.641	32.598	28.780	27.800	57.421	60.398	117.819	64%
Over 65	5.093	7.947	5.595	7.496	10.688	15.443	26.131	14%
n/a	436	662	134	243	570	905	1.475	1%
<b>Total</b>	<b>45.750</b>	<b>52.343</b>	<b>42.519</b>	<b>43.360</b>	<b>88.269</b>	<b>95.703</b>	<b>183.972</b>	<b>100%</b>
<b>%</b>	<b>47%</b>	<b>53%</b>	<b>50%</b>	<b>51%</b>	<b>48%</b>	<b>52%</b>	<b>100%</b>	

A greater number of (re)registered displaced women is obvious within the gender structure. This difference refers in particular to the with approximately 6%.

An important percentage of almost 32% of female headed households is registered in the process of (re)registration of displaced persons in Bosnia and Herzegovina. In Federation of Bosnia and Herzegovina there are 33,148 female headed households, and in the Republika Srpska, 18,861.

In the Republika Srpska, the first official registration of displaced persons was carried out in 2000. At that time, 80,008 men and 81,578 women were registered as displaced persons.

According to PLIP database (database on returned property), 4,644 female headed families have been returned their property, and the total number of returned housing units to displaced persons in the Republika Srpska is 24,528.

According to HVM database (database on reconstructed property), 890 housing units for female headed displaced families from the Republika Srpska were reconstructed. In 2005, the property was reconstructed or financial assistance provided for reconstruction for additional 65 families from this category.

There are also women heads of households, who will not be able to return to their homes, due to destroyed/inadequate property/living conditions (4,824 families) and those who do not want to return (1,034 families).

According to data received from the Ministry for Refugees and Displaced Persons of RS, the total number of refugees in 2005 is 8,043, out of which 4,044 are women and 3,999 men.

<sup>18</sup> Ministry for Human Rights and Refugees: *Report on (re)registration of displaced persons in BiH, December 2005.*

From 2000 to 2005, 8,426 men and 8,422 women had a status of refugees.

There are also women heads of households, who will not be able to return to their homes, due to destroyed/inadequate property/living conditions (205 families) and those who do not want to return (274 families).

The Federation of Bosnia and Herzegovina Ministry of Refugees and Displaced Persons states that the process of registration of displaced persons and refugees is under way. For the moment, data are only available for displaced persons: 33,782 displaced families and 99,501 displaced persons (out of which, 53,047 women or 53,31%) on 31 January 2006.

During the last registration, out of 10,796 displaced persons who stated that they do not want to return to their homes, 2,013 persons said that the reason was security, 892 - traumatising experience, 809 - fear from expulsion (53% of them are women). Based on the entity legislations and, in particular, Additional criteria of the Ministries for selection of beneficiaries for assistance in construction and rehabilitation of housing units that draw particular attention to families of vulnerable categories: war invalids, families of dead soldiers, single mothers, etc, both entity Ministries take into account these categories during the selection process. The particular attention is given to women heads of households. In the Federation of Bosnia and Herzegovina, an insight into the records on beneficiaries of reconstruction assistance and sustainable return shows that 23,30% of beneficiaries are women heads of households. However, the resources available to the ministries are insufficient to cover the needs of vulnerable categories, in particular women victims of war.

***31. The Representative of the Secretary General of the United Nations on the Human Rights of Internally Displaced Persons, following his visit to Bosnia and Herzegovina in June 2005, recommended “starting systematic efforts to find durable solutions for particularly vulnerable groups, such as traumatised or disabled persons, elderly without family support,...Roma and others who most probably will not be able to return to their former homes”. Please provide information on the percentage of women in these categories and on steps taken by State and Entity governments in response to this recommendation, and how women will benefit from these measures.***

This area is regulated by entity laws. The data on percentage of women in the category of vulnerable groups differ.

The civilian victim of war in terms of the Law on Social Protection, Protection of Civilian Victims of War and Families with Children of the Federation of Bosnia and Herzegovina is

“1) A person with physical damage of at least 60% due to an injury occurred during/by:



- a. Harassment, or captivity during the war or direct war danger;
  - b. War events (bombing, street fights, explosion of war materials, lost bullet, etc.);
  - c. Explosion of remaining war materials after the war;
  - d. In relation to some terrorist actions that threaten security and constitutional order in the Federation of Bosnia and Herzegovina.
- 2) The invalid is a person with physical damage of at least 60% due to an illness occurred, or worsened under the circumstances from para. 1 of this Article.
- 3) The civilian victim of war is also a person who died (natural death or accident) or disappeared under the circumstances from para. 1 of this Article»

There are currently many campaigns and other initiatives organised in order to widen the definition of the civilian victims of war in the Federation of Bosnia and Herzegovina Proposal of the Law on Changes and Additions of the Law on Social Protection, Protection of Civilian Victims of War and Families with Children. The definition should also include women traumatised by war and war related crimes, such as raped women, women who have been tortured and captive in concentration camps. The following formulation is suggested:

“The civilian victim of war in terms of this Law is a person who, individually or collectively, experiences physical or mental harm, emotional suffering, or significant health damage occurred during:

- 1) *Torture and inhuman or humiliating treatment, sexual violence, rape or illegal punishment or captivity (prison, concentration camp, forced labour) during the war or direct war danger.”*

Such initiatives and campaigns have been further supported and strengthened after the winning of the Golden Bear at Berlin Film Festival with the movie “Grabavica” by Jasmila Žbanić, a film maker and producer who focused her story on a woman raped during the war in Bosnia and Herzegovina, a case of forced pregnancy, and all the problems she is facing in the post-war period with her born child.

In the Republika Srpska, this definition is comprehensive in the Law on Protection of Civilian Victims of War and includes women victims of war since 1993.

***32. What programmes exist, or are planned, to address the lack of documents for Roma women which are necessary to access services essential for realising fundamental civil, political, social and economic rights, such as birth certificates, identification cards and passports.***

At the initiative of the Board for Roma of the Bosnia and Herzegovina Council of Ministers, Council of Roma of Bosnia and Herzegovina, OSCE and some

municipalities in Bosnia and Herzegovina, different activities have been implemented from 2003-2005. The result of these activities is a significantly smaller number of Roma in Bosnia and Herzegovina who are not registered in birth/death and other registers of the state organs. After these campaigns, an important number of Roma have been issued identity cards, driving licences, passports, etc. However, this is not even close to suffice.

The Bosnia and Herzegovina Council of Ministers considers the CIPS Project, i.e. the Bosnia and Herzegovina Ministry of Civil Affairs which has been dealing with registration and issuing of personal documents for Bosnia and Herzegovina citizens for the last two years and a half, responsible for registration of each Roma individual in birth and other registers, and issuing of personal documents for these persons. The Bosnia and Herzegovina Council of Ministers has also recommended to the entity ministries of administration and local administration, cantonal and municipal ministries and services responsible for this area, to ensure an institutional framework, as well as human and financial resources, in order to solve this problem during 2006. These activities would be further implemented in co-operation with Roma NGOs, i.e. the network of Roma NGOs.

The police of Brčko District of Bosnia and Herzegovina inform that Roma women, if they have adequate documents, they can obtain personal documents (passport and identity card) from the relevant institutions, as every other citizen of Brčko District of Bosnia and Herzegovina. The Ministry of Internal Affairs of Sarajevo Canton also informs that there are no problems in the process of issuing personal documents (passports and identity cards) for Roma women. These are issued for all citizens who fulfil legally proscribed conditions.

### **Optional Protocol**

#### ***33. Please describe governmental measures planned or in place to publicise the Optional Protocol and encourage its use.***

The Gender Equality Agency of Bosnia and Herzegovina, within the Regional Gender Project supported by UNDP Bosnia and Herzegovina, is in the process of publishing the Convention on Elimination of All Forms of Discrimination against Women and its Optional Protocol (four-language publication: Bosnian, Croatian, Serbian and English), for wider distribution and dissemination.

In preparation of the answers on questions and issues with regard to the consideration of the Initial and periodic reports of Bosnia and Herzegovina on Implementation of the Convention on Elimination of all forms of Discrimination Against Women (CEDAW), the Gender Equality Agency of Bosnia and Herzegovina has contacted a series of institutions and organisations in Bosnia and Herzegovina. The following institutions/organisation were contacted: Ministry for Foreign Affairs of Bosnia and Herzegovina, Ministry for Human Rights and Refugees of Bosnia and Herzegovina, Council of Roma of the Bosnia and Herzegovina Council of Ministers, Court of Bosnia and Herzegovina,

Ombudsmen for Human Rights of Bosnia and Herzegovina, National Coordinator for Anti-Trafficking, Association of Employers of Bosnia and Herzegovina, Gender Centres of Federation of Bosnia and Herzegovina and Republika Srpska, Institution of Ombudsmen of Federation of Bosnia and Herzegovina, Ministry of Development, Entrepreneurship and Business of Federation of Bosnia and Herzegovina, Ministry of Labour and Social Policy of Federation of Bosnia and Herzegovina, Ministry of Health of Federation of Bosnia and Herzegovina, Ministry of Agriculture, Forestry and Water Supplies of Federation of Bosnia and Herzegovina, Ministry of Displaced Persons and Refugees of Federation of Bosnia and Herzegovina, Institute for Public Health of Federation of Bosnia and Herzegovina, Supreme Court of Federation of Bosnia and Herzegovina, Prosecutors' Office of Federation of Bosnia and Herzegovina, Cantonal Ministries for Internal Affairs, Cantonal Courts, Centre for Social Work of Sarajevo Canton, Ministry of Health and Social Protection of Republika Srpska, Unit for Health Project Co-ordination of the Ministry of Health and Social Protection of Republika Srpska, Ministry of Education and Culture of Republika Srpska, Ministry of Refugees and Displaced Persons of Republika Srpska, Ministry for Economy, Energetic and Development of Republika Srpska, Agency for Development of Small and Middle Enterprises of Republika Srpska, Agriculture Project Co-ordination Unit of the Ministry of Agriculture, Forestry and Water Supplies of Republika Srpska, Work Inspection of Republika Srpska, Secretariat for Co-operation with the Tribunal in Hague of Republika Srpska, Fund for Development and Employment of Republika Srpska, Institute for Employment of Republika Srpska, Association of Trade Unions of Republika Srpska, Ombudsmen of Republika Srpska, Prosecutors' Office of Republika Srpska, Regional Court of Banja Luka, Regional Court Doboj, Regional Court Eastern Sarajevo, Regional Court Bijeljina, Regional Court Trebinje, as well as international organisations, such as UNDP and UNOHCHR, and local non-governmental organisations dealing with women's issues.

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