



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 for the thirty-fifth session

15 May-2 June 2006

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

Bosnia and Herzegovina

The pre-session working group examined the combined initial, second and third periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/1-3).

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 organizations, in particular women's organizations, 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.

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.

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

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 owing 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.

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.

Article 3

6. The report states (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 of 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 status, mandate, human and financial resources and activities, as well as its liaison mechanisms to monitor gender-mainstreaming within the Government at the State level and with the governments at the levels of the entities.

7. Please provide details on the specific targets and time frames of the National Action Plan for the Improvement of Women's Position, prepared at the 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.

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.

Article 5

9. The report notes the persistence of sex and gender-role stereotypes, in particular 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.

Violence against women

10. In 1994, Bosnia and Herzegovina presented to the Committee 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.

11. The report mentions that relatively solid legislation concerning the criminal code and family relations is in place. It also indicates (p. 100) that "an initiative has been raised to develop the Law on Protection against Family Violence with the participation of both government and non-government sectors". The report states (para. 58) 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 any governmental efforts have been made to accelerate implementation of legislation through a national action plan on the prevention of violence against women and the protection of victims.

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.

13. The Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, in her report (E/CN.4/2003/75/Add.1, (para. 1921)) 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 ostracized 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 (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, health-care providers) to provide gender-sensitive support to victims of domestic violence?

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

Article 6

15. In her report on her mission to Bosnia and Herzegovina, the Special Rapporteur of the Commission on Human Rights on trafficking in persons, especially women and children, expressed concern at some inconsistencies between the federal laws of the State and the laws of the entities which, coupled with 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 harmonization of all laws 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.

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 are the State party undertaking to ensure consistent implementation in both entities, but in particular in the Republica 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?

17. The report notes (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 Bosnia and Herzegovina establishes a quota system (see para. 98), obligating all parties to nominate at least one 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 candidates independent of their position on the list, and "in our case, voters choose men candidates". In the 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.

Article 8

18. The report indicates (para. 120) 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.

Article 10

19. The report states (para. 128) that a process of educational reform has started aimed at the harmonization and modernization 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.

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.

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 dropout by these girls after the fourth grade, to improve their access to secondary schools and to eradicate illiteracy among older rural women.

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.

Article 11

23. The report indicates (para. 166) that in the period of transition in Bosnia and Herzegovina, 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.

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

25. The report describes the presence of women in the private sector, in particular as owners of stores/small businesses in 1999-2001 (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 microcredit schemes, training and support services? Please also clarify the extent to which women's small businesses are registered and whether owners and workers in this sector are covered by health insurance, disability and pension systems.

Article 12

26. The report indicates that abortion is used as a method of family planning, contributing significantly to maternal mortality (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 (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?

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

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, microcredit and assistance. Also indicate what efforts have been made to raise women's awareness and empower women to claim their rights, such as those to property and inheritance.

Article 16

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

30. Kindly provide information about the situation of women who are former or current refugees or internally displaced women, particularly women with missing husbands, widows and abandoned women. In this regard, indicate what steps have been taken to facilitate family reunification and repossession of property, as well as provision of reconstruction and reintegration assistance to this vulnerable group of women.

31. The Representative of the Secretary-General 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 traumatized or disabled persons, elderly persons 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.

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

Optional Protocol

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