



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

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**Committee on the Elimination of Discrimination
against Women
Fifty-fifth session**

Summary record of the 1146th meeting

Held at the Palais des Nations, Geneva, on Friday, 19 July 2013, at 10 a.m.

Chairperson: Ms. Ameline

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

*Combined fourth and fifth periodic reports of Bosnia and Herzegovina
(CEDAW/C/BIH/4-5; CEDAW/C/BIH/Q/4-5 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Bosnia and Herzegovina took places at the Committee table.*
2. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina), recalling that the outbreak of war in April 1992 had caused massive population displacements and economic damage, said that the mainly decentralized nature of the State party meant that there were 14 legislative powers responsible for areas affected by the Convention, such as health, education and social welfare. However, there was extensive cooperation and coordination between the different institutional gender-related mechanisms, all of which had clearly defined mandates.
3. The Convention and the Committee's general recommendations and concluding observations provided a framework for all gender equality efforts in Bosnia and Herzegovina, through the adoption of relevant laws and policies, such as the Law on Gender Equality, whose provisions closely reflected those of the Convention. Training on the Convention was also provided for judges, prosecutors, police officers, members of the armed forces and civil servants. Since Bosnia and Herzegovina had signed the Optional Protocol, some of the Committee's decisions on complaints submitted under the Optional Protocol had been translated to raise awareness of the mechanism. The current report (CEDAW/C/BIH/4-5) had been drafted based on contributions from a broad range of government institutions and NGOs and the final version had been adopted by the Council of Ministers and the House of Representatives of the Parliamentary Assembly.
4. The mainstreaming of gender issues was the Government's key strategy for ensuring gender equality and numerous policies had been adopted to that end, including the first Gender Action Plan, which provided a framework for the practical implementation of the Law on Gender Equality. To provide sufficient financial resources to implement those policies, the Financial Mechanism for the Implementation of the Gender Action Plan in Bosnia and Herzegovina (2010–2014) had been created with the support of the Governments of Austria, Sweden and Switzerland.
5. Significant efforts had also been made in recent years to eradicate all forms of discrimination and to establish mechanisms to enable victims to seek protection and appropriate remedies, including the adoption of the Law on Preventing Discrimination in Bosnia and Herzegovina. However, combating discrimination was only one aspect of gender mainstreaming efforts; the other was creating equal opportunities. Accordingly, the Law on Gender Equality had been amended to allow for the introduction of temporary special measures. One such measure was the adoption of an action plan on the implementation of Security Council resolution 1325 (2000). A coordination body for monitoring the enforcement of the action plan had also been established and helped to increase the numbers and status of women in the police and armed forces. In addition, the concept of gender mainstreaming had been introduced to address the situation of women in rural areas and gender issues in employment, with the adoption of related action plans.
6. Violence against women and domestic violence remained a significant problem, mainly because, until recently, such violence had been considered to be solely a private, family matter. Since the criminalization of all forms of violence against women in 2003, emphasis had been laid on the implementation of the entity laws on the protection of violence against women and on their harmonization. A holistic approach had been adopted

encompassing prevention activities, safe houses, helplines and the drafting of protocols for the police, judiciary and social, health and NGO sectors. Efforts had also been focused on the implementation of the recently signed Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) through the development of related policies, a State-level strategy and action plans for the Gender Centres. A recent survey had shown that more than half of the women surveyed had experienced one form of violence and that violence by partners or ex-partners was the most prevalent. The survey had also confirmed that gender-based violence in Bosnia and Herzegovina stemmed from systematic gender inequality in public and private spheres.

7. Rape and sexual violence had been rife during the 1992–1995 conflict, and while some progress had been made in prosecuting such crimes, more needed to be done to ensure that all cases were processed and that victims received justice and redress. The 2013–2016 Programme for Improving the Situation of Women Victims of War Rape, Sexual Abuse and Torture of Bosnia and Herzegovina had recently been finalized for that purpose.

8. Despite significant efforts deployed, women continued to be underrepresented in decision-making positions. The quota established under legislation governing elections had been increased to ensure that 40 per cent of shortlist candidates were women, and, although that increase had not resulted in a proportionate increase in the number of women elected, the electorate seemed more inclined to vote for women. Efforts were being made to promote the political participation of women, including by amending legislation on the funding of political parties, by establishing political academies and allowing campaigns during the pre-election period. However, the proportion of women elected by the legislature to serve on governments remained low; only the new Government of the Republika Srpska, which had been formed in 2012 and included the first ever female Prime Minister, came close to reaching the 40 per cent quota. Women made up 51 per cent of all civil servants and almost half of all prosecutors were women; whereas the overall percentage of women who held senior positions in national institutions was 35 per cent. However, women did hold senior positions in the judiciary: the current president of the Court of Bosnia and Herzegovina was a woman.

9. Unemployment was high in Bosnia and Herzegovina due to the process of transition and the global financial crisis; as a result there had been a decrease in the budgets allocated to full employment policies. Incentive funds were available for employers that hired women registered with employment offices and women had been recognized as a vulnerable category in the labour market; the need for a special approach to the employment of women with disabilities, Roma women and women in rural areas had also been noted. Although women were better educated, men still dominated the highest paid jobs. Unfortunately, the decentralized nature of the social protection and welfare system meant that services were not the same throughout the country, particularly with regard to provisions for maternity leave.

10. Although progress had been made in the implementation of the Convention, challenges remained, including financial and human resource constraints for the Agency for Gender Equality and the entity-level Gender Centres and a lack of support for their work from other institutions and different levels of government.

Articles 1 to 3

11. **Ms. Šimonović** asked whether the submission of the State party's previous periodic report to Parliament had prompted discussion on the legally binding nature of the Convention and on gender issues in general. Furthermore, would a similar process to that described in the opening statement be followed for the next concluding observations issued by the Committee? According to the current report there was limited direct application of

the Convention; she wished to know the reasons why and the difference between the legal status of the Convention and that of the European Convention on Human Rights, as there appeared to be more direct application of the latter.

12. Noting that some of the Committee's decisions on complaints submitted under the Optional Protocol had been translated, she asked how were those translations used. She also asked why the amendment to the rules of procedure of the Council of Ministers allowing the Agency for Gender Equality to issue opinions had not yet been finalized. Further information on the various opinions already issued by the Agency and the procedure followed would also be welcome. She enquired about the membership of the coordination body for monitoring the enforcement of the action plan for the implementation of Security Council resolution 1325 (2000) and about the participation of NGOs in the monitoring process. She sought clarification regarding the monitoring process in the Republika Srpska and in the Federation of Bosnia and Herzegovina and on how the results were presented at the federal level.

13. **Ms. Haidar** asked for more information about the accountability of the Gender Centres and how they interacted with the State, cantonal and municipal legislature, particularly regarding the sharing of best practices. In the responses to the list of issues (CEDAW/C/BIH/Q/4-5/Add.1), the State party had provided information on the number of prosecutions brought for complaints concerning discrimination against women, but not on their outcomes, and she would welcome clarification on that matter. Noting that reference had also been made to the State party's commitment to reducing its reliance on external funding, she enquired how that commitment would be made at the State and other levels. Lastly, she asked for further information on the staffing difficulties experienced by the Gender Centres and the Agency for Gender Equality.

14. **Ms. Ameline**, speaking in her capacity as an expert, expressed concern that the implementation of reforms was being hampered by the State party's complicated institutional structure and the lack of coordination within that structure. She asked whether any consideration had been given to revising the Constitution to change that structure and thereby facilitate institutional coordination.

15. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that following the dialogue with the Committee on the previous periodic report, a thematic session had been held by the Commission for Gender Equality of the Parliamentary Assembly to discuss the Committee's concluding observations. After the adoption of the periodic report by the Parliamentary Assembly, discussions had also been held on gender issues, led by members of the Commission for Gender Equality of the Parliamentary Assembly. In addition, the Committee's recommendations had been adopted by the Council of Ministers.

16. The Law on Gender Equality provided that all related legislation had to be harmonized with it. At the State level, the Council of Ministers had decreed that all institutions had to submit information to the Agency for Gender Equality on the procedure to be followed to harmonize such legislation. The situation was similar at the entity level, where it was stipulated that proof of harmonization of relevant legislation must be submitted to the respective Gender Centres. The Convention was used as a basis for harmonizing the legislation and there was good cooperation with parliamentary commissions enabling the exchange of information on best practices. However, constraints were posed by the terms of the legislative bodies and limited funding. Likewise, the complex governmental structure of the entities made it difficult to monitor activities at the municipal level; the Agency for Gender Equality worked with NGOs active at the municipal level in that connection.

17. The Convention, the recommendations of the Committee and its decisions under the Optional Protocol were used in training courses for the judiciary, police and civil services

and in extracurricular courses at university. Although few gender discrimination cases had been brought before the courts, awareness-raising campaigns were being conducted on the issue and NGOs would help victims to access the relevant legal mechanisms. On the other hand, there had been an increase in the rate of prosecutions for domestic violence.

18. The Agency for Gender Equality had played a leading role in drafting the action plan on the implementation of Security Council resolution 1325 (2000), in cooperation with the Ministry of Defence and the Ministry of Security. The joint proposal to establish a coordination body had been made owing to the fact that some policies were not being implemented. The coordination body was composed of the Vice-Chairperson of the Agency for Gender Equality and representatives of the Ministry of Defence, the Ministry of Security, the Ministries of the Interior of both entities, NGOs, the State Investigation and Protection Agency, the Demining Commission and the Border Police. The action plan had been adopted by the Council of Ministers, by the Commission for Gender Equality of the Parliamentary Assembly and by the Assembly itself. The adoption of the action plan by the Assembly had provided an important opportunity to raise awareness of gender issues and women's rights.

19. The European Convention on Human Rights was the only international human rights instrument that was directly applicable and superseded national law. The Convention on the Elimination of All Forms of Discrimination against Women had been incorporated into the Constitution and its provisions and recommendations were used to oblige institutions to comply with international standards.

20. Gender Centres were accountable to their own governments and the Agency for Gender Equality was part of the Ministry of Human Rights and was accountable to the Council of Ministers. The Gender Centres worked closely with the Agency at State level on policies, standards and joint activities and exchanged best practices. Certain rules and procedures must be followed when persons believed that their rights under the Law on Gender Equality had been violated. The Agency had limited powers, but was authorized to inform persons of their rights, issue recommendations and refer victims of violations to the courts. Once a case went to court, the Agency had to withdraw because it belonged to the executive branch. Much of the Agency's work consisted of mediation between institutions in cases of discrimination or breaches of legislation.

21. The revision of the Constitution was a political matter and the Agency and Gender Centres had no power to intervene. They had, however, proposed amendments to the Constitution at the State and entity levels, including on the prohibition of discrimination.

22. Bosnia and Herzegovina found itself in a difficult financial situation and the public budget was insufficient. It had been able to implement the Gender Action Plan thanks to the support of the international donor community. The operating costs of the Agency and the Gender Centres were covered by the public budget, but gender mainstreaming would require the different institutions responsible for their own areas of activity under the Gender Action Plan to include them in their respective departmental budgets.

23. **Ms. Haidar** recalled earlier her question about staffing difficulties within the Gender Centres and the Agency for Gender Equality. She then asked whether the Agency offered legal assistance to the victims they referred to the courts.

24. **Ms. Leinarte** asked whether the Agency had the power to harmonize gender equality legislation and coordinate implementation of the Gender Action Plan. Had a time frame been set for implementation of the draft law on legal aid at the State level?

25. **Ms. Al-Jehani**, highlighting the lack of data and analytical research, especially gender statistics, asked whether there were plans to improve data collection and dissemination.

26. **Ms. Šimonović** requested more information on the Agency's proposal to incorporate a provision prohibiting discrimination in the Constitution. Would the State party also consider embodying the principle of equality between men and women in the Constitution, in line with article 2 of the Convention?

27. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that it was hoped to increase staff in the Gender Centres and Agency for Gender Equality in the near future. The Agency could not provide legal assistance to victims, given the strict division of power between the judiciary and the executive, but free legal aid was available. Parliament had just adopted a new rule establishing that the Agency had to be consulted regarding legislation and that would require a change in legislation concerning the Council of Ministers. The draft law on legal aid should be passed by Parliament soon. The Agency was authorized to coordinate implementation of the Gender Action Plan at the State and entity levels under the Law on Gender Equality. She acknowledged that there were problems with data collection and dissemination. A census would shortly be carried out in Bosnia and Herzegovina, which would provide new data, and institutions would be encouraged to coordinate their data collection procedures. The Agency was devising procedures in connection with the Istanbul Convention and data collection. The Constitution already contained anti-discrimination provisions, including on gender discrimination, and the principle of equality between men and women would be incorporated in the revised Constitution.

Articles 4 to 6

28. **Ms. Haidar** asked whether cultural barriers were preventing women's participation in politics, despite the measures that were in place and women's high level of education. Would more vigorous measures be adopted to increase their participation? She wondered whether the needs of minority and disadvantaged groups might be better addressed through temporary special measures and what steps were being taken to integrate vulnerable groups of women, such as women with disabilities and rural women.

29. **Ms. Gabr** asked what measures had been adopted to deal with gender stereotyping and discrimination in education. What training was provided for teachers and what was the role of religious figures in promoting gender equality and breaking down stereotypes? She wished to know whether training was provided to the judiciary to raise awareness of domestic violence. She enquired about steps taken to follow up cases of sexual violence during the war, particularly rape, and to provide witness protection and rehabilitation and reparation for victims. Why had the State party failed to amend legislation to define such acts as war crimes, in line with recommendations? Had the Council of Ministers adopted the draft Programme for Improving the Situation of Women Victims of War Rape, Sexual Abuse and Torture of Bosnia and Herzegovina?

30. **Ms. Acar** asked what steps were being taken to develop an effective methodology for data collection, research and analysis on violence against women. Furthermore, what support was provided by the executive branch in the prosecution of cases of violence against women?

31. **Ms. Jahan** expressed concern that measures adopted to combat human trafficking failed to address the needs of women victims, especially those trafficked internally for purposes other than prostitution. How was the gender dimension taken into account in the new strategy for combating human trafficking and the related action plan, and how were they structured to coordinate better with neighbouring countries, particularly as Bosnia and Herzegovina had ratified the Council of Europe Convention on Action against Trafficking in Human Beings? She requested an update on the implementation of the recommendations of the Council of Europe's Group of Experts on Action against Trafficking, including the implementation of the Convention at entity levels. She asked why human trafficking was

not a criminal offence at the entity level, and requested further information on proposals for amendments to the criminal codes to harmonize subnational legislation with national and international legislation, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol). Had the latter already been adopted? She also requested information on the mandate of the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration in targeting initiatives for women and girls, particularly for the Roma community. She enquired about training for immigration officials, law enforcement officers and the judiciary in identifying and supporting victims and about steps taken to tackle delays in legal proceedings for trafficking cases, which often resulted in victims spending years in shelters. Lastly, how were cases of underground women sex workers being handled?

32. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that the poor participation of women in politics was due to problems in reconciling professional and family life; failure to restore services interrupted after the war such as childcare; a difficult economic situation; and the complex political situation and male mindset deterring women from entering politics. Steps were being taken to increase women's participation, but a critical mass at the highest level was still needed. Legislation provided for quotas and efforts were focused on its implementation. The recommendations of the Committee and other international standards would help in that respect. A survey had shown that women were not well represented in the media and action had been taken to remedy that situation.

33. More should be done to integrate minorities and the authorities were working jointly with NGOs, particularly those working closely with Roma women, to improve the situation. Stereotyping and gender discrimination in education were being addressed, inter alia, by amending textbooks, introducing postgraduate courses in gender studies to increase the number of experts in education, publishing guidelines on integrating gender issues into the education system and training of teachers. Religious figures had become more aware of gender issues and domestic violence and were covering such topics in their sermons.

34. She acknowledged that not enough had been done for the victims of sexual violence during the war, although some programmes had been set up to provide health care and psychosocial support. There had been over 200 prosecutions, there were plans to amend legislation and a system of witness protection was in place. The draft Programme for Improving the Situation of Women Victims of War Rape, Sexual Abuse and Torture of Bosnia and Herzegovina had been finalized, but was awaiting adoption by the Council of Ministers pending approval by the entity governments. To date no system for reparation or sustainable programmes for victims' economic empowerment had been established. However, in-service training was being provided to law enforcement officers, members of the judiciary and others in order to support the victims of human trafficking.

35. The delegation had received the news that the Istanbul Convention had been ratified on 18 July 2013. The Agency had already begun preparations for its implementation, including harmonizing legislation, establishing a procedure in line with the Istanbul Convention and devising a new strategy to combat violence against women, domestic violence, harassment, sexual harassment and trafficking in human beings. It was not possible for the executive branch to intervene, but social services and NGOs could support victims.

36. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that a comparative analysis of the data collection methodologies of other countries and institutions was being undertaken in order to identify the best model. The prosecution rate for trafficking cases was satisfactory and NGOs had the financial means to help prevent trafficking and support victims. There was a safe house for trafficking victims supported by the International Organization for Migration. Criminal legislation had been harmonized and incorporated a

gender dimension. Prostitution was currently illegal but that was under review. The economic situation was a major factor in trafficking and Bosnia and Herzegovina was increasingly becoming a country of origin. Trafficking victims were mostly children from displaced households headed by women and 80 per cent of trafficking victims were also victims of domestic violence. Awareness-raising campaigns had been carried out in schools and for the general public and there was regional cooperation with other countries on the subject.

37. **Ms. Acar** asked whether other forms of violence against women, such as stalking, were criminalized and whether shelters and services were available for women who were victims of all forms of violence.

38. **Ms. Jahan** asked whether trafficking legislation had been harmonized at the entity level. She asked how many victims had been provided with protection as part of organized resettlement schemes and in how many countries. She expressed concern about the low prosecution rates for rape and sexual violence committed during the war and asked how discrepancies that had arisen in the handling of cases referred to regional courts and those dealt with at higher levels were being addressed.

39. **Ms. Leinarte** asked whether the complexity of the legal framework and lack of harmonization of laws hampered progress. She requested information on the results of an evaluation of the implementation of various strategies. Noting that the United Nations Convention against Transnational Organized Crime had been ratified at the State level but not at the entity level, she asked how the implementation of the Convention was managed and how many traffickers had been prosecuted at the different levels.

40. **Ms. Šimonović** asked how current legislation would be brought into line with the Istanbul Convention. She asked about the number of shelters, how they were funded and for statistics on femicide. She requested information on assistance provided to victims of rape, sexual abuse and torture as well as on the transitional justice strategy regarding rape. She would be interested to know more about the assistance provided to victims of rape used as an instrument of war in Bosnia and Herzegovina. There were important lessons to be drawn.

41. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that the stigma attached to rape meant that not enough cases were brought to court and women were reluctant to register as victims. Efforts were being made by NGOs to make things easier for women and to raise awareness of such matters. A programme supporting the victims of the war was expected to be approved at the entity level and would provide for a more comprehensive and sustainable support procedure. There were plans to establish a centre offering psychological support to victims, and emergency protection orders were provided for by law. There were 10 shelters open to victims of all forms of violence, but funds were not available for specialized centres for rape victims. International trafficking was dealt with at the State level and the relevant laws harmonized at the entity and State levels had been brought into line with international standards. Prostitution was regulated at the entity level.

42. **Ms. Jahan** requested data about third party resettlement schemes for victims of trafficking.

43. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that she did not have data for the reporting period.

44. **Ms. Leinarte** asked whether domestic traffickers escaped prosecution, given that prostitution was prosecuted at the entity level and international trafficking at the State level.

45. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that the international trafficking of victims from Bosnia and Herzegovina was dealt with at the State level.

46. **Ms. Leinarte** asked whether there was a law relating to domestic trafficking.
47. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that domestic trafficking was also dealt with at the State level.
48. **Ms. Jahan** asked when the anti-trafficking legislation had been harmonized.
49. **Mr. Kadribašić** (Bosnia and Herzegovina) said that the Supreme Court dealt with crimes committed throughout the State party, especially international or inter-entity trafficking. Both entity courts were currently reviewing their definition of prostitution. All victims of trafficking received support and perpetrators were duly prosecuted.

Articles 7 to 9

50. **Ms. Neubauer** said that despite efforts, Bosnia and Herzegovina had not attained equal political representation and enquired whether the 2014 elections might be held using the closed list system. She asked whether the Government intended to encourage public broadcasting services to amend their internal regulations on pre-election campaigns and whether it had reviewed regulations concerning the free broadcast time allocated to political topics prior to elections, in order to increase women's visibility in pre-election campaigns. In addition, what percentage of diplomats were women?
51. **Ms. Jahan** said that the opportunities for national minorities, especially the Roma, to participate in political and public life were limited by the Constitution and legislation on the protection of minorities. Efforts should be made to facilitate access to citizenship for the Roma. Would the possibility of establishing a central authority responsible for determining statelessness in order to ensure the naturalization of such people be considered? She expressed the hope that national minorities would be taken into account in the forthcoming census. She asked what measures were taken or planned to ensure universal birth registration, especially among the Roma.
52. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that the concept of closed lists had been rejected because some political parties had claimed that it was undemocratic. An amendment to legislation setting a 40 per cent quota for women candidates had been introduced. A further amendment was planned to increase the representation of women in the executive branch. Prior to elections, broadcasting campaigns were allowed to raise awareness of gender issues, and an amendment to broadcasting laws and regulations for journalists was also planned.
53. **Mr. Kadribašić** (Bosnia and Herzegovina) said that penalties were provided for in order to eliminate gender stereotyping, and that the representation of women at municipal level had increased. There were male advocates of women's issues.
54. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that women accounted for 24 per cent of staff in the diplomatic service.
55. **Mr. Prica** (Bosnia and Herzegovina) said that one female diplomat had recently been appointed.
56. **Ms. Filipović-Hadžiabdić** (Bosnia and Herzegovina) said that the issue of citizenship for the Roma was being dealt with under a comprehensive action plan. Birth registration problems had already been addressed and the Roma had access to free health care. The statistics available relating to Roma women and girls were very patchy, particularly in the sphere of education. Employment for Roma women also posed a challenge and public awareness-raising campaigns had been undertaken. A parliamentary session on the topic of Roma women had also been held. The Gender Action Plan contained measures to address issues relating to Roma women and NGOs working with them were allocated funding, when possible.

57. **Ms. Acar** said that the data available on education were inconsistent due to the fact that a census had not taken place recently. She noted with concern the existence of gender segregation in secondary education. She congratulated the State party on its high levels of school attendance and graduation, but wondered why stereotypes were still found in school curricula and textbooks. She asked what measures were planned to increase the number of women in high-level posts in education.

58. **Ms. Neubauer**, noting that a legal provision ensuring equal representation of women in the media, and therefore in pre-election campaigns, existed, asked whether a proposal to amend the regulations of the Central Election Commission had already been made.

59. **Ms. Leinarte** asked what percentage of Roma girls married under the age of 18.

The meeting rose at 1 p.m.