



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

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

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

**Combined fourth and fifth periodic reports of States parties**

**Bosnia and Herzegovina\***

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\* The present document is being issued without formal editing.



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**Abbreviations**

Agency	The Gender Equality Agency of Bosnia and Herzegovina of the Ministry of Human Rights and Refugees of BiH
ADA	Austrian Development Agency
BD	Brčko District of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
BOSPO	Association “Bosanski savjet za pomoć”
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CIDA	Canadian International Development Agency
CIPS	Center for Interdisciplinary Postgraduate Studies
DEP	Directorate for Economic Planning
DFID	UK Department for International Development
EC	European Commission
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
FIGAP	Financial Mechanism for the Implementation of the Gender Action Plan of BiH (Finansijski mehanizam za implementaciju Gender akcionog plana BiH)
GAP BiH	Gender Action Plan of Bosnia and Herzegovina (Gender akcioni plan Bosne i Hercegovine)
GC FBiH	Gender Centre of the Federation of Bosnia and Herzegovina
GC RS	Gender Centre of the Republika Srpska
HIV	Human Immunodeficiency Virus
IKT	Information and Communication Technology (Informacijska i komunikacijska tehnologija)
ILO	International Labour Organization
MDG	Millennium Development Goals
NGO	Non-governmental Organizations
OSCE	Organization for Security and Cooperation in Europe
PS BiH	Parliamentary Assembly of Bosnia and Herzegovina (Parlamentarna skupština Bosne i Hercegovine)
RAK	Communications Regulatory Agency of Bosnia and Herzegovina (Regulatorna agencija za komunikacije Bosne i Hercegovine)
RS	Republika Srpska
RTV	Radio-television

SDC	Swish Development Cooperation
SIDA	Swedish International Development Cooperation Agency
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization

## **Introduction**

### **A. General data about Bosnia and Herzegovina**

#### **1. Population**

The last population census in BiH was conducted in 1991; therefore there are no exact data on current population. From the time when the last population census was conducted there were drastic demographic changes in BiH as a consequence of the war from 1992 to 1995. Considering that there was no official population census conducted since 1991 the population in BiH is estimated on the basis of surveys and demographic calculations, hence the indicators about the current population in BiH rely on estimations. The differences to the official estimate, of approximately 3,843,000 citizens of BiH, range to over one million citizens, depending on the source (Agency for Statistics of Bosnia and Herzegovina, Thematic Bulletin on Demography, 2010, containing data for the period 1996-2010).

#### **• Fertility and abortions**

On the bases of data provided by the Gender Equality Agency of Bosnia and Herzegovina in 2009 there were 34,820 live births, which represents 0.59% increase in the number of live births in comparison to the last year. In the course of 2009, 34,772 persons died, which represents 2.32% increase in comparison to the last year. The mortality rate of women has decreased in comparison to the mortality rate of men; however the percentage of those who received medical treatment and those who died in the health-care institutions has increased.

The average age of mothers at their first child birth in 2004 was 24.3 years of age, and in 2007 it was 24.8. The average age of mothers at their second, third and fourth child birth increases for one or two years, while the average age of mothers at their fifth child birth is 34 years of age. The specific rate of fertility has most significantly increased in the group of women between 30 and 34 years of age, and reduced in the group between 20 and 24 years of age.

#### **• Marriages and divorces**

In the course of 2009 there were 20,563 marriages concluded which represents a 7.15% decrease in comparison with 2008. The number of concluded marriages periodically increases and decreases. The average age of a woman getting married first time is 24.9 years of age, and 28.3 for a man. In the course of 2009 there were 949 marriages divorced, which represents 17.12% decrease in comparison to 2008. The structure of population in BiH older than 15 years of age according to marital status and sex in 2007 was the following: 30.7% single men, 21.6% single women; 63.8% married men, 59.8% married women; 2.6% divorced or separated women and 1.5% % divorced or separated men, and 16.2% widows and 4.1% widowers.

#### **• Population by age**

The average age of the population in BiH is increasing. In accordance with the information from 2007 the average age was 38.3 years of age. There is an obvious difference between sexes, whereby men are in average younger then women: the average age is 37.2 and 39.4 years respectively.

## 2. Education

In accordance with the 2009 data of the Agency for Statistics of BiH, regular primary school was attended by 367,176 pupils at the end of 2006/2007 academic year, out of which number 178,843 or 48.6% were female pupils. At the beginning of 2008/2009 academic year, 359,925 pupils enrolled into 1,874 primary schools, which is in comparison with the previous year 3,513 or 1% pupils less.

The 2006/2007 academic year was attended by 160,497 high school student, out of which 80,054 or 49.8% were female students and 42,373 student have completed it; out of this number 20,846 or 49.1% were female students. At the beginning of the 2008/2009 academic year in BiH, 148,100 students enrolled into 306 high schools, which is in comparison to previous academic year 9,350 or 5.9% students less. The percentage of female students who enrolled into high school keeps changing depending on the type of school, hence the gymnasium is enrolled by 63% of female students, technical by 50%, arts by 57%, religious by 45%, vocational by 34% and schools for children with special needs by 40% female students.

In the 2008/2009 academic year there were 105,358 regular and part-time university students enrolled, which are 420 or 0.4% students more than previous year. Out of this 79.9% are regular and 20.1% part-time students. Out of the total number of regular students, 56% are female. In 2008, 15,013 students have graduated universities in BiH. Out of the total number of graduated students 59% were female students.

## 3. Labour and employment

In accordance with the data of the Agency for Statistics of BiH, in November 2009 there were 687,309 persons employed by legal persons in BiH, out of which 275,165 were women. In comparison to October 2009 the number of employees in legal persons has decreased for 0.1%, while the number of employed women has increased for 0.1%. The registered unemployment rate for November 2009 was 42.4% and it represents 0.1% increase in comparison to October.

In accordance with data of the Agency for Labour and Employment of BiH on 31 December 2009 there were 510,580 unemployed persons registered, which represents 4,136 persons or 0.82% increase in comparison to 31 November 2009. From the total number of persons seeking employment, 255,808 or 50.10% are women.

Apart from the fact that women make 51.7% of the total estimated number of population capable of working, only 35.6% of employed persons are women. This represents the lowest percentage of women's participation in the South-East Europe. In 2008 unemployment rate in BiH was 23.4% (21.4% men and 26.8% women), while in the same period in 2007 it was 29.0% (26.7% men and 32.9% women). The unemployment rate is the highest among persons between 15 and 24 years of age, and it represents 47.5% (44.8% men and 52.3% women). In accordance with data the activity and employment rate in 2008 was 43.9% and 33.6%, while in 2007 they were 43.9% and 31.2%; the rates were significantly higher for men than women. The activity and employment rates were the highest for the age group between 25 and 49 years of age (69.1% and 53.5%).

#### 4. Political and public life

In comparison to the two previous elections held in 2006 and 2002, the highest number of women candidates on the candidates' lists of political parties was recorded for the Municipal 2001 Elections. Out of 8,242 candidates in total from 63 political parties registered for the General 2010 Elections there were 3,035 or 36.82% women candidates.

The difference in the number of women candidates at the General 2010 Elections depended on the levels of government. Out of 19 candidates in total for the Presidency of BiH there were only 2 women or 10.52%. Both candidates were coming from the Federation of BiH (12.50% of the total number of candidates), whereas in Republika Srpska out of three candidates none was a woman.

Out of 1,442 candidates in total for the House of Representatives of the Parliament of FBiH there were 560 or 38.83% women. Out of 1,539 candidates in total for the National Assembly of Republika Srpska, there were 560 or 36.39% women.

At the time of submitting this report, the government was not established at all levels of government in BiH.

### B. Institutional mechanisms and strategies for the inclusion of gender equality

#### 1. Institutional mechanisms for gender equality in BiH

Pursuant to the General Recommendation No. 6 of the UN CEDAW Committee, the network of institutional mechanisms for gender issues in BiH entails all levels of legislative and executive powers. The committees on gender equality have been established within legislative powers at all levels of government. At the State level there is a **Commission for Gender Equality of the Parliamentary Assembly of BiH**, and at the entity level there are **Commissions for Gender Equality of the House of Peoples and the House of Representatives of the Parliament of the Federation of BiH, and the Equal Opportunities Committee of the National Assembly of Republika Srpska. The Cantonal Assemblies in the Federation of BiH have established Committees for Gender Equality**. At the local level there are committees within municipal assemblies in almost all municipalities across BiH. Some commissions at the cantonal and municipal level are not functioning; therefore it is necessary to strengthen their capacities for conducting activities foreseen by their mandate.

In the executive power, within the Ministry of Human Rights and Refugees of BiH there is **the Gender Equality Agency of Bosnia and Herzegovina**, and at the entity level there are previously established: **Gender Centre of the Federation of Bosnia and Herzegovina and Gender Centre-Gender Equality Centre of the Government of Republika Srpska** (hereinafter: Gender Centre of Republika Srpska). There are cantonal committees for gender equality established at the cantonal level in the Federation of BiH. There are committees for gender equality also established at the municipal mayor's offices.<sup>1</sup> Unfortunately, not all established committees work properly and continuously.

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<sup>1</sup> See annex II – Institutional Mechanisms for Gender Equality in BiH.



All institutional mechanisms have precisely defined mandate,<sup>2</sup> which shows governments' commitment to achieve gender equality and inclusion of gender issue in all segments of social life. Yet, the Agency and the entity Gender Centres represent the real drivers of the initiatives and measures, and the key implementers and monitors of the gender mainstreaming in BiH. These three institutional mechanisms for gender equality are crucial instrument in initiating and implementing activities in the area of gender equality. They have the prominent place considering their activities, projects and measures which they have undertaken to strengthen and ensure sustainability of institutional mechanisms for gender equality, as well as to initiate establishment of such mechanisms at the local level.

## **2. Concluding Comments and Recommendations of the UN CEDAW Committee (2006) and the Gender Action Plan of Bosnia and Herzegovina (2006)**

In June 2006 **the Committee for Elimination of Discrimination against Women** (hereinafter: UN CEDAW Committee) **has sent its Concluding Comments and Recommendations CEDAW/C/BIH/CO/3 to Bosnia and Herzegovina** (hereinafter: Concluding Comments and Recommendations) for future implementation of the CEDAW Convention in BiH. The Agency has translated these Concluding Comments and Recommendations and, in cooperation with the entity Gender Centres (each at their level of competency), submitted them to all competent bodies, institutions and organizations for implementation of the Convention (Council of Ministers of BiH, governments of entities and cantons, ministries at all levels of government, parliamentary committees at all levels of government, courts, prosecutor's offices, directorates, agencies, administrations at all levels of government, local authorities ...).

Pursuant to the Concluding Comments and Recommendations to BiH of the CEDAW Committee, on the session held on 14 September 2006 the Council of Ministers of BiH has adopted the **Gender Action Plan of Bosnia and Herzegovina** as a strategic document in the area of gender equality in BiH, which is periodically drafted in accordance with the obligations stemming from the Law on Gender Equality in BiH, and it is developed by the Agency and entity Gender Centres. The GAP BiH is harmonised with the obligations and international standards stemming from the UN, European Union and Council of Europe documents. The core aim of the GAP BiH is to achieve the principle of gender equality in BiH in 15 areas of public and private life. The activities for each area are identified, as well as responsible institutions and partners pursuant to the levels of government and constitutional system of BiH and its entities. The specific obligations pursuant to the GAP BiH have been submitted to all competent institutions. Also, at the regular training on gender equality for civil servants conducted by the gender institutional mechanisms, the representatives of competent institutions and judicial bodies are introduced to their obligations stemming from the Concluding Comments and Recommendations of the UN CEDAW Committee, as well as from the GAP BiH.

In 2009 the Agency has drafted **Briefing Paper on Implementation of the Concluding Comments and Recommendations of the UN CEDAW Committee** as well as the **Briefing Paper on the Course of Implementation of the GAP BiH**. The Parliamentary Assembly of BiH has adopted these Briefing Papers with the proposed **Conclusions of the Gender Equality Committee of the Parliamentary**

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<sup>2</sup> Ibid.

**Assembly of BiH.** This represented full support to implementation of the **Concluding Comments and Recommendations of the UN CEDAW Committee** and the GAP BiH, and all competent institutions were invited to fulfil their obligations pursuant to these documents.

**The Action Plan for Implementation of the UNSCR 1325, being the first in the region, was adopted in BiH on 27 July 2010 at the 129 session of the Council of Ministers of BiH** and published in the Official Gazette of BiH, 92/10. The Action Plan identifies eight goals: 1) participation of women in politics; 2) participation of women in the police and army; 3) participation of women in peace missions and gender sensitive training; 4) anti-trafficking; 5) demining; 6) assistance to women civil victims of war; 7) training of civil servants, and 8) cooperation of institutions, international and non-governmental organizations. The deadlines for implementation have been set as well as responsible institutions and implementation indicators.

A Coordination Body for Monitoring Enforcement of the Action Plan for the Implementation of the UNSCR 1325 in BiH has been established. The Action Plan has been translated into English language, printed and promoted in 2010 with participation of many representatives of competent institutions and media.

The implementation of the UNSCR 1325 in BiH is recognized as one of the priorities for the competent institutions. To date, there were number of projects implemented in cooperation among institutions in BiH, NGOs and international organizations such as UNIFEM, OSCE, EUPM and others. The UNIFEM has supported the project of non-governmental organizations and institutions regarding implementation of the UNSCR 1325 at the local level. There are cooperation and joint activities with the NATO.

The Agency has organised a Conference on “**Reporting Pursuant to the Convention on Elimination of All Forms of Discrimination against Women**”. The aim of the conference was to define the work and coordination of preparation and drafting of the BiH fourth and fifth period report to CEDAW. The panellists at the conference were members of the UN CEDAW Committee Ms. Dubravka Šimonović and Ms. Violeta Neubauer. During the conference the questions have been systematised by area and competencies of the institutions in BiH divided in accordance with the Guide for drafting CEDAW report and provisions of the General Recommendations, and Concluding Comments and Recommendations of the UN CEDAW Committee. The Agency has financially supported the Gender Centre of the Federation of BiH in organising round table on “**Moving Forward – preparation of the fourth and fifth period reports pursuant to the Convention on Elimination of all Forms of Discrimination against Women (CEDAW)**”.

On the occasion of marking the 30 years anniversary of the adoption of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) a promotional material has been developed and distributed to all competent institutions who were participating in drafting of the fourth and fifth periodic CEDAW reports of BiH. All institutions of the legislative and executive powers were distributed publication containing the text of the UN CEDAW Convention and Recommendations. **In June 2010 the Government of the Federation of BiH has adopted the Combined Fourth and Fifth CEDAW Reports (2006-2009) of FBiH on the proposal of the Gender Centre of the Federation of BiH. The report on the status of gender equality in RS drafted**

**pursuant to the CEDAW Convention obligations was adopted by the Government of RS in March 2011** which also tasked the Gender Centre of RS to send briefing paper to the Government of RS and the National Assembly of RS upon reception of the Concluding Comments and Recommendations of the UN CEDAW Committee.

In the course of the CEDAW Reports drafting, the competent institutions at all levels of government were sent requests for information for the purpose of drafting the fourth and fifth periodic CEDAW reports of BiH. The same request was sent to all UN Agencies and other international organizations in BiH to submit data related to the implemented projects or activities which in whole or part refer to the area covered by the UN CEDAW Convention and the Concluding Comments and Recommendations of the UN CEDAW Committee to BiH.

On the basis of these reports and other sources of information, the official statistical and administrative data, reports and researches, analysis on gender equality in certain areas conducted in past, including analysis, researches and data from NGOs and international organizations relevant for this area of human rights, the Agency of BiH has drafted the Fourth and Fifth Period CEDAW Reports of Bosnia and Herzegovina.

Pursuant to the Recommendation No. 41 CEDAW/C/BiH/CO/3, Bosnia and Herzegovina has initiated procedure of adopting amendments to Article 20, paragraph 1 of the UN Convention on Elimination of All Forms of Discrimination against Women.

### **C. Financial mechanism for providing support to the implementation of the gender action plan of Bosnia and Herzegovina**

Following adoption of the GAP BiH, the Agency, in cooperation with the entity Gender Centres, has drafted a project proposal to ensure funds for implementation of the GAP BiH. A group of donors in BiH (development agencies of: Sweden, Austria, Switzerland and United Kingdom) have expressed readiness to financially support this project proposal. By signing of the **Agreement on the Joint Financing** between the Council of Ministers of BiH and a group of donors on 23 November 2009, **a Financial Mechanism for Implementation of the Gender Action Plan of BiH (FIGAP Programme) and a budget of BAM 7,475,377.84 covering the period from 2009-2014 (by the time of writing this report funds in amount of 5,271,000.98 have been secured through bilateral agreements)** has been established.

In this way, in addition to regular budgets of the gender institutional mechanisms, funds for implementation of the GAP BiH are secured for the period of 5 years. The key goal of the FIGAP Programme is further strengthening of capacities of the gender institutional mechanisms and competent institutions for bringing activities from the GAP BiH into regular plans and programmes as well as providing support to NGOs in implementing projects within FIGAP. The Agency and the Gender Centres have promoted FIGAP Programme and introduced all key institutions and non-institutional actors with its implementation and possibility of providing financing from the fund.

#### **D. Statistical data**

The statistical data used in this Report are taken from the official bulletins of the Agency for Statistics of BiH which is competent to develop and publish statistical data for BiH in accordance with internationally accepted methodology, based on data of the Institutes of Statistics of entities, Brčko District BiH and other institutions at the level of BiH. Should there be significant differences in statistical data of two entities this difference will be noted in the Report.

## Part I

### Article 1: discrimination against women

1. The Amendments to the Law on Gender Equality in BiH (Official Gazette of BiH, 102/09), initiated by the Agency, redefines provisions, terms and definitions of the Law on Gender Equality in BiH (Official Gazette of BiH, 16/03), which are harmonised with international standards and directives in this field for the purpose of its simpler practical application.

2. The Amendments to the Law on Gender Equality in BiH specifically emphasize and more precisely set obligations of the authorities at all levels of government in the process of achieving principle of gender equality. The obligation to establish body, and/or appoint persons, which would within their capacity, consider all issues regarding implementation of the Law on Gender Equality in BiH and the GAP BiH have been provided.

3. In the process of drafting amendments to the Law, the entity Gender Centres have participated in all fazes, including the process of conducting public discussions. In the process of drafting amendments experts from academic community were engaged, as well as persons from the institutions competent for monitoring and application, and judges and NGOs representatives.

4. In order to enable application of the Law in its consolidated form the Parliamentary Assembly of BiH has adopted the consolidated text of the Law on Gender Equality in BiH which was published in the Official Gazette of BiH, 32/10 (hereinafter: The Law on Gender Equality in BiH).

5. The previous version of the Law on Gender Equality in BiH has contained definition of the gender discrimination. The new text provides for simpler definition for better understanding, which reads the following (Article 3 of the Law):

“Discrimination on grounds of gender shall be putting any person or groups of persons into less favourable position based on gender due to which rights of some persons or groups of persons are protracted or enjoyment and realisation of human rights and freedoms are not recognized.”

6. For the purpose of better understanding of the new definition of gender discrimination it is necessary to mention that, for the purpose of the Law on Gender Equality in BiH, the term “sex” means biological and psychological features that differ human beings to persons of male and female sex, and also denotes gender as a sociologically and culturally conditioned differences between persons of male and female sex, and it relates to all roles and features that are not conditioned or determined exclusively by natural or biological factors, but are product of norms, practice, customs and tradition and are changeable through time.

7. The definition of the gender-based violence is harmonised with the definition contained in the General Recommendation No. 19 of the UN Committee for Elimination of All Forms of Violence against Women, as well as with the Council of Europe Recommendation Rec (2002)5.

8. The Parliamentary Assembly of BiH has adopted the Law on Prohibition of Discrimination of Bosnia and Herzegovina (Official Gazette of BiH, 59/09) which

sets a framework for achieving equal rights and possibilities to all persons in BiH and regulates the system of protection from discrimination.

9. Article 4 of the Law on Prohibition of Discrimination of Bosnia and Herzegovina defines forms of discrimination which are not contained in the Law on Gender Equality in BiH, such as:

(3) Mobbing shall be considered every form of non- physical harassment at working place with repetitive actions that have humiliating effect on a victim and aim for or has degradation of employee's working conditions or professional status as a consequence..

(4) Segregation shall be an act by which (natural or legal) person separates other persons on basis of one of the grounds given in Article 2 of this Law, in compliance with the definition of discrimination from the Article 2 of this Law

(5) Discrimination shall also be considered instruction to discriminate and assistance to others in discrimination.

10. The Law on Gender Equality in BiH and the Law on Preventing Discrimination in BiH are mutually harmonised in part regarding referring victims of discrimination to use available legal remedies for protection of rights provided for in the said laws (lawsuits, competencies, deadlines, burden of proof, victimization, and other). In accordance with the Recommendation No. 34 CEDAW/C/BiH/CO/38 (Annex V) this meant establishing of a mechanism for protection of rights guaranteed by the Law on Gender Equality in BiH before competent courts.

11. In 2007 a process of constitutional reforms initiated by international community has commenced in BiH. The process involved presidents of parliamentary political parties. Among politicians working on constitutional reforms there were no women.

12. The Agency, in cooperation with representatives of national minorities, persons with disabilities and women NGOs, has organised a Regional Conference on Gender equality and equal opportunities as a segment of human rights in the light of constitutional changes in BiH. The presenters at the conference were leading regional experts in the area of constitutional reforms and political processes.

13. A comparative analysis of constitutional systems in five countries was conducted as well as recommendation to integrate international standards related to gender equality into the constitutions. The Agency has established a working group which has, in accordance with the said Recommendations, developed a proposed constitutional amendments and its printout distributed widely to all parliamentarians and political parties. Considering that the constitutional reform process has not taken place, the said amendments have not been incorporated into the Constitution.

14. The Gender Centre of the Federation of BiH, in cooperation with the Gender Equality Agency of BiH and the Gender Centre of Republika Srpska has continued the process of including the principle of gender equality into constitutional reforms. Meetings with women parliamentarians and representatives of the national minorities and vulnerable groups were held. The aim of the meetings was to clearly and comprehensively define guidelines for constitutional reforms and their inclusion into entity constitutions.

## **Articles 2 and 3: measures for elimination of discrimination against women**

15. In accordance with Recommendation No. 20 CEDAW/C/BiH/CO/3 (Annex V), and pursuant to Article 26 of amended Law on Gender Equality in BiH, the Agency and the entity Gender Centres have their competencies strictly defined (see Annex II). The entity Gender Centres have managed to partially enforce their staffing and technical capacities. The lack of staff in the Gender Equality Agency of BiH continues to be an obstacle, which represents a major problem for the implementation of the Law on Gender Equality in BiH and the Gender Action Plan of BiH.

16. In accordance with Recommendation No. 16 CEDAW/C/BiH/CO/3 (Annex V) significant efforts have been made to harmonise laws with the Law on Gender Equality in BiH and define procedures for their successful implementation. Nevertheless, the number of harmonised laws is not at the appropriate level yet, nor is the institutional capacities at all levels of government needed for efficient implementation of the Law on Gender Equality of BiH.

17. In December 2009 the Agency has initiated Amendments to the Rules of Procedure of the Council of Ministers of BiH which stipulates that all legal documents proposed for adoption by the Council of Ministers of BiH be sent to the Gender Equality Agency of BiH to provide its opinion. However, this proposal was not yet considered by the Council of Ministers of BiH.

18. Pursuant to the Rules of Procedure of the Government of RS, the competent bodies have the obligation to send to the Gender Centre of RS, legal documents before their submission for consideration by the Government. The Gender Centre of FBiH has initiated activities to ensure that all documents considered by the Government of FBiH are submitted to the Gender Centre of FBiH to provide its opinion.

19. The Gender Centre of the Federation of BiH has drafted comments and recommendations to over 100 pieces of legislation, strategic documents, development plans and programmes in certain segments of social life for the purpose of their harmonisation with the provisions of the Law on Gender Equality in BiH. In August 2009 the Government of the Federation of BiH has supported initiative of the Gender Centre of the Federation of BiH to urgently harmonise entity legislation regulating issues of election and appointment of persons to most responsible positions, as well as regarding membership in steering committees and supervisory boards, with the Law on Gender Equality in BiH, however the procedure is still ongoing.

20. Pursuant to the competencies granted in the Rules of Procedure of the Government of RS<sup>3</sup> the Gender Centre of Republika Srpska has issued 160 opinions regarding compliances of laws, rulebooks, decisions, strategies and other documents with the Law on Gender Equality in BiH in the period from 2006-2010.

21. In the course of 2009 the Agency has translated and printed the Optional Protocol to the UN Convention on Elimination of All Forms of Discrimination against Women with Decisions of the CEDAW Committee which contains decisions

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<sup>3</sup> Official Gazette of Republika Srpska, 10/09.

and opinions of the UN CEDAW Committee in 9 separate documents. This was the way to promote the possibility of using this protection instrument.

22. The Recommendation CM/Rec (2007)17 Standards and Mechanisms for Gender Equality of the Council of Europe's Committee of Ministers regarding standards and mechanisms for gender equality was published. This recommendation was addressed to the member states with the aim of making institutions and public familiar with the gender equality standards.

23. The Agency, in cooperation with Gender Centres, in this first half of March organises on regular bases a Week of Gender Equality – Gender Week in BiH. In the course of the Gender Week, besides celebrating the 8th of March there are other activities and events organised with the aim of promoting principles of gender equality. In 2009, the Agency has organised a conference on Gender Equality in BiH – Results and Challenges. The aim of this conference was to present detailed overview of results and challenges in the work of gender institutional mechanisms in achieving gender equality in BiH. For that purpose the following documents were printed, promoted and widely distributed: UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW) with Optional Protocol and Recommendations to CEDAW, the Beijing Declaration and Platform for Action, the Gender Equality in the documents of the European Union, the Gender Equality in the documents of Council of Europe, Gender Equality in the documents of the Organization for Security Cooperation in Europe (OSCE).

24. Pursuant to Recommendation No. 22 CEDAW/C/BiH/CO/3 (Annex V) the Council of Ministers of BiH has adopted the Gender Action Plan of Bosnia and Herzegovina, in a form of a strategic document in the area of gender equality in BiH, which main purpose is to achieve principle of gender equality in BiH in all areas of public and private life.<sup>4</sup>

25. The Agreement on Joint Funding of the Programme for the Implementation of the Gender Action Plan (FIGAP Programme), between Council of Ministers of BiH and a group of donors<sup>5</sup> was signed on 23 November 2009 simultaneously with bilateral agreements. This activity represented establishment of a funding mechanism and significant funds for the GAP BiH were ensured, both from international funds and the budget of Bosnia and Herzegovina. The primary goal of the FIGAP Programme is the inclusion of activities from the GAP BiH into regular plans and programmes of institutions, which ensures both gender mainstreaming and gender budgeting. The important segment is a support to NGOs in implementing projects within FIGAP.

26. Within implementation of obligations provided for in the General Recommendation No. 9 of the UN CEDAW Committee and the Recommendation No. 18 CEDAW/C/BiH/CO/3 (Annex V), particular challenge for collection of statistical data represents the issue of high level of migration and changes into

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<sup>4</sup> The Gender Action Plan contains fifteen chapters, as follows: European integrations in the light of gender equality, Co-operation and capacity building, Macro-economic and development strategies, Gender sensitive budgets, Political life and decision-making, Employment and labour market, Social inclusion, Gender sensitive media, Whole-life education, Health, prevention and protection, Family violence, gender-based violence, harassment, sexual harassment and trafficking in human beings, Role of men, Harmonisation of professional and private life, Gender and sustainable environment, Communications and Information Technologies.

<sup>5</sup> Embassy of Sweden, Austrian ADA, Swiss SDC and British DFID.



number of population in the last 20 years. The census of population, which still has not been conducted in BiH, is of the crucial importance for economic and social planning and resolution of important social and economic issues.

27. The Agency for Statistics of BiH and entity Institutes of Statistics are releasing publication titled Man and Women four consecutive times. These publications contain in one place systematic information regarding status of women and men in the area of education, employment, social protection, political and private life (marriages, giving births, etc.), based on available data sorted by gender. The thematic statistical bulletins in different areas also contain data sorted by gender.

28. The fact that all competent bodies in BiH fail to implement obligations referred to in Article 22 of the Law on Gender Equality in BiH which refers to sorting of data and keeping statistical data based on gender represents a great problem. The lack of statistical data by sector sorted by gender (businesses, ownership, financing) persists. These statistical data represent basis for gender analysis and planning, reporting on gender equality and defining and monitoring of gender development indicators.

29. The Committee on Gender Equality of the Parliamentary Assembly of BiH has held meetings with members of the Equal Opportunities Committee of the National Assembly of Republika Srpska and the Gender Equality Committee of the House of Representatives of the Parliament of FBiH for the purpose of information sharing about the activities of the Committees and possible cooperation. Also, the Agency and the Gender Centres have continued successful cooperation with gender equality committees within executive powers through implementation of different activities in the area of gender equality (drafting legislation, strategies, training).

30. The Agency and the Committee on Gender Equality of the Parliamentary Assembly of BiH have started several initiatives and worked on harmonisation of laws with the Law on Gender Equality in BiH (Election Law of BiH, 4 laws in the area of media and the Law on Civil Service of BiH). In addition, there were thematic sessions and public discussions on gender equality in different areas organised, such as thematic sessions on Gender Equality and Media, and Education and Gender Equality- Analysis of Representation of Gender Equality Issues in Textbooks.

31. At the end of 2008 and the beginning of 2010 the Agency has organised two meetings with representatives of 5 parliamentary committees of the Parliamentary Assembly of BiH.<sup>6</sup> The parliamentary committees have reached conclusions providing full support to the work of the Agency, the implementation of the GAP BiH at all levels, and adoption of the State Strategy for Prevention and Combating Domestic Violence for the period 2009-2011. Pursuant to these conclusions, the funds in the form of a current grant to the Agency for Gender Equality were secured as a separate budget line in the budget of the Ministry of Human Rights and Refugees of BiH for 2009.

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<sup>6</sup> The Gender Equality Committee; the Joint Committee for Human Rights, Rights of the Child, Youth, Immigrants, Refugees, Asylum and Ethics; the Constitutional-legal Committee of the House of Representatives of the Parliamentary Assembly of BiH, the Constitutional-legal Committee of the House of Peoples of the Parliamentary Assembly of BiH and the Parliamentary Group for Population and Development.

32. Besides parliamentary committees for gender equality at the state, entity and cantonal level there are 100 municipal committees established across BiH. Some committees have developed their municipal gender action plans and implemented several activities in the area of gender equality. However, the major problem in their functioning is change in staff after municipal elections every four years. It is necessary to further enforce capacities of municipal and cantonal committees to enable them to conduct activities provided for in their mandate.

33. In Republika Srpska, all local level bodies have established committees/mechanisms for gender equality, and the Gender Centre of RS conducts education and professional strengthening programmes of these committees every year. Although this process is very slow we can note that there are good practices in some municipalities in some municipalities. On the bases of monitoring, continuous work and expert support of the Gender Centre of Republika Srpska, it can be noted that the number of municipalities which have developed local plans for improvement of standards for gender equality (one third of the total number of municipalities in Republika Srpska), including budgets, has increased. It is of particular encouragement that the adopted municipal plans are becoming sustainable for longer period of time. The cooperation with the Association of Municipalities and Cities of Republika Srpska has been improved, and the support to the project of incorporation of gender equality standards into the work of local communities is provided by the competent Ministry of Administration and Local Self-government of RS in close cooperation with the GC RS.

34. The Gender Equality Agency of BiH, the Gender Centre of the Federation of BiH and the Gender Centre of Republika Srpska cooperate very successfully. They coordinate their work through activities and regular meetings of the Coordination Body of the Gender Institutional Mechanisms of BiH, and/or the Steering Committee, established to monitor implementation of FIGAP Programme, and which is composed of the Directors of the Agency and the entity Gender Centres.

35. The gender institutional mechanisms have organised number of training for persons appointed for gender equality in ministries at all levels of government for the purpose of improving institutional capacities for application of the gender equality standards. The training has been organised on various topics, including: “Creating policies and activities in the area of gender equality”, “Gender Sensitive Work Plans – Previous Practice and Future Steps”, “Including Activities from GAP into Policies and Programmes of Institutions and Analysis of the Gender Effect”, and “30 anniversary of the Convention on Elimination of All Forms of Discrimination against Women – influence, obligations and challenges”.

36. Most ministries are aware of the obligations and they are interested in the inclusion of the principle of gender equality in the work programmes. One of the important activities of the Agency and the entity Gender Centres will be to support the inclusion of gender equality principles into plans and programmes of the ministries and other relevant institutions. This is planned in the GAP BiH and FIGAP programme. In some areas, the lack of human capacity to implement activities of the GAP BiH represents an obstacle.

37. In cooperation with the E-Net Distance Learning Center, a training of trainers on gender equality was organised in all areas of the Law on Gender Equality in BiH. The participants/representatives of various institutions have acquired basic

knowledge about the preparation and conducting gender training, developing good presentations and exercises, and presentation skills.

38. The Agency has begun cooperating with the Civil Service Agency of BiH to make the issue of gender equality a topic of the regular training programme for civil servants. In this regard, a training module on gender equality was developed and adopted. Following expressed interest of the high-positioned civil servants, there were 100 training sessions held for high positioned staff at the State level, which created a greater possibility of inclusion of the gender equality in the work programmes of relevant institutions. The training of trainers for certified trainers of the Civil Service Agency of BiH was held in order to include gender equality issue into existing training modules for civil servants.

39. The Gender Centre of Republika Srpska has cooperated with the Civil Service Agency of Republika Srpska in creation of equal opportunities modules and implementation of training in public administration, whereas the Gender Centre of the Federation of BiH, in cooperation with the Civil Service Agency of the Federation of BiH, has initiated amendments to the by-laws in order to expand programmes of testing general knowledge and conducting professional exam for civil servants in the Civil Service of FBiH with basics in domestic and international legal frameworks in the field of gender equality.

40. All departments of the Labour Inspection of Republika Srpska have been trained in application of normative-legal standards for gender equality and a manual "The Right at Work and Rights Related to Work – Are You Familiar with Them?" was published and distributed in cooperation with the Employment Bureaus of Republika Srpska and the Federation of Trade Unions of RS.

41. A significant problem in the judiciary represents insufficient application of international norms in the field of gender equality and the UN CEDAW Convention and the Law on Gender Equality in BiH. The training of judges and prosecutors is planned to continue.

42. In 2008, a conference was organised on the Law on Gender Equality in BiH – Previous Practice and Future Steps. On this occasion the gender institutional mechanisms at all levels of executive and legislative authorities and NGOs dealing with gender issues exchanged experiences and discussed the successes and problems, as well as recommendations for improving the implementation of the Law on Gender Equality in BiH.

43. Free legal aid is still not systematically arranged in BiH. The free legal aid is available to all citizens of the Federation of BiH in municipal services, but this applies only to the provision of legal aid in cases pending before the municipal authorities. The Government of Republika Srpska has adopted the Law on Free Legal Aid and established the Centre for Free Legal Aid of Republika Srpska, which has regional offices across RS. The free legal aid in RS is provided for all types of cases, and parties have the right to representation in court proceedings. Also, in addition to this Centre and its regional offices, there are offices for legal aid in the municipalities, which have the same function as such in the Federation of BiH.

44. In BiH there are NGOs that provide free legal aid, including in cases related to violation of the Law on Gender Equality in BiH. In addition, there are some NGOs which provide free legal aid to women and particularly vulnerable groups of women such as women victims of war, trafficking, domestic violence and sexual abuse, and

single mothers. The Agency and the entity Gender Centres have supported the project of the Association “Center for Legal Assistance for Women” Zenica, which is focused on providing legal aid to women.

45. In addition, it is important to note that NGOs in both entities provide assistance using Hotlines 1264 and 1265 for victims of domestic violence. The Gender Centres fund licensing and maintenance of the telephone numbers, and NGOs cover material and staffing costs of these services, from various donations.

46. Pursuant to data of the judicial authorities, it may be concluded that there is a very small number of cases of gender discrimination and gender-based violence in the labour rights, both in misdemeanour and criminal proceedings. Comparing to the number of cases reported to the labour inspection, legal aid services, trade unions, entity Gender Centres and Ombudsman of BiH the number of processed cases is negligible.

47. The Agency and the Gender Centres are conducting investigations regarding violations of provisions of the Law on Gender Equality in BiH at the request of individuals, groups of citizens or on their own initiative. The Rules of Procedure for Investigating Violations of the Law have been adopted, which contain a form for submitting request. After the investigation procedure is completed, recommendations are issued for elimination of causes of violation of the Law on Gender Equality. These recommendations call upon the international commitments undertaken by BiH in the field of gender equality (especially CEDAW Convention) and articles referring to gender equality in BiH, and they propose measures to eliminate the causes of violations of the Law on Gender Equality in BiH. These measures mainly include proposals for amendments, termination of violation of the Law, and/or compliance with the Law, and applying interim measures. These recommendations, although not legally binding, have the effect on the protection of rights, and also educational, prevention, and the effect of raising public awareness.

48. It can be concluded that NGOs are more strategically oriented to support the target groups identified in the public policies of institutions. It can be especially noted that municipalities with active women’s NGOs have had quality progress in introducing standards for gender equality in local self-government.

49. The Agency has produced the Annual Report on the Status of Gender Equality in BiH for 2008, based on reports from the Gender Centre of the Federation of BiH and the Gender Centre of Republika Srpska, which describes in detail the situation of gender equality in BiH, in accordance with the priority areas. This report was adopted by the Council of Ministers of BiH and the Parliamentary Assembly of BiH.

50. The cooperation with NGOs in the implementation of activities related to: domestic violence, health, prevention and care, education, safety, gender sensitive budgeting, etc. has continued. With the support of UNDP, in 2006 there were grants awarded to NGOs for activities related to implementation of the Law on Gender Equality in BiH and the GAP BiH. In late 2010, from the funds allocated to the FIGAP programme, BAM 710,000.00 for 36 projects of non-governmental organisations that contribute to the implementation of the GAP BiH were allocated, with the emphasis on cooperation and building partnerships with governmental institutions.

#### **Article 4: promoting equality between women and men**

51. In accordance with General Recommendation No. 5 and 25 of the UN CEDAW Committee, Article 8 of the Law on Gender Equality in BiH allows introduction of special provisional measures aimed at achieving true gender equality, and they must be proportionate, appropriate and necessary. In addition, Article 24 emphasizes the obligation of all relevant state, entity, cantonal authorities and local self-governments to provide special measures in laws and other regulations, other documents, policies, strategies and plans that regulate specific areas of social life.

52. Article 5 of the Law on Prevention of Discrimination in BiH defines exceptions to the principle of equal treatment, as a measure of positive action, so that the legislative measures and actions will not be considered discriminatory if they accomplish a legitimate aim and if there is a reasonable proportionality between the means employed and the aim to be realised.

53. In accordance with the Recommendation (2003) 3 of the Council of Europe's Committee of Ministers, the Article 20 of the Law on Gender Equality in BiH, reads: "Equal representation of women and men shall exist in case when one of sexes is represented with at least 40% in the state bodies at all levels of organisations of authorities, and local self-government bodies, including legislative, executive and judicial authorities, political parties, legal persons with public authorities, legal persons that are in the state's property or under the state's control, entities, cantons, cities or municipalities whose work is under control of a public body, shall ensure and promote equal gender representation in process of managing, decision-making and representation. This obligation shall exist for all authorised proponents during elections of representatives and delegations to international organisations and bodies." However, it is necessary to invest additional efforts in order to apply this provision in practice.

#### **Protection of maternity**

54. The Law on Civil Service, the Labour Law and the Law on Salaries in the Institutions of BiH, the Labour Laws of Entities and BD, regulate protection of women and motherhood, and provide that during pregnancy, childbirth and child care, women are entitled to maternity leave for a period of twelve (12) continuous months, and the same applies to the employees of common institutions in BiH.

55. Upon entry into force of the Law on Salaries and Allowances in the Institutions of BiH (Official Gazette of BiH, 50/08), the manner of exercising the rights to remunerations paid during maternity leave to women working in the institutions of BiH depends on the permanent residence of a mother, and/or the place where payment of contributions is conducted. A remuneration paid during maternity leave is not paid from the budget of BiH institutions, as provided for in Article 50 of the Law on Labour in the Institutions of BiH, but the remuneration is paid during maternity leave in accordance with the legislation of Republika Srpska and cantonal legislation in the Federation of BiH.

56. Upon entry into force of the Law on Salaries and Allowances in the Institutions of BiH, the Agency has sent the initiative for amending this Law to the Gender Equality Committee of the Parliamentary Assembly of BiH. The aim of these amendments is to equalise the rights for all persons, regardless of the place of residence. In coordination with the Gender Centre of FBIH the Agency has also

addressed an initiative towards the Committees of both houses of the Parliament of FBiH, in order to resolve this issue in a systematic manner for all persons who are residents of the Federation of BiH. The issue of realisation of remunerations during maternity leave has caused considerable media attention and it was one of the most important issues in BiH in 2010.

57. The issue of realisation of remunerations during maternity leave failed to get enough (entity) support in the Parliamentary Assembly of BiH, therefore appellate proceedings before the Constitutional Court of BiH was initiated by the chair of the Gender Equality Committee of the House of Representatives of the Parliamentary Assembly of BiH.

58. The Constitutional Court of BiH has issued a decision finding Article 35 of the Law on Salaries and Allowances in the Institutions of BiH discriminatory and contrary to Article II/4 of the Constitution of BiH. It is of great importance for realisation of gender equality in BiH the fact that the Constitutional Court of BiH has reiterated that “maternity leave in particular relate to women’s rights not to be discriminated against and to enjoy adequate conditions of work.”

59. This Decision represents a great progress in realising the principle of gender equality in BiH. Having found discrimination in exercising right to maternity leave in the institutions of BiH the Constitutional Court of BiH has sent a clear message that “maternity leave must be equal for all employees, regardless of place of residence”, and that any deviation from this principle “represents departure from the common European standards.”

60. The Constitutional Court of BiH has in this Decision reiterated the importance of the UN Convention on the Elimination of All Forms of Discrimination against Women in the legal system of BiH. In its Decision the Court also cites a part of the Concluding Comments and Recommendations of the UN CEDAW Committee for BiH, which require “harmonisation of the existing legislation with the Law on Gender Equality in BiH”. The decision of the Constitutional Court is applied in practice since September 2010.

61. In the Federation of BiH, the issue of remuneration during maternity leave is not regulated in a satisfactory manner. Specifically, entity law governing this area is a framework law, and a determination of the amount of remuneration is the responsibility of the cantons. Although the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, which was adopted in 1999, stipulates that cantons, in order to implement this law, were required to adopt appropriate regulations and general document within its competency (Article 103) within three months from the date of entry into force of the Law, yet all cantons have not adopted regulations regarding protection of families with children. The amount of remuneration is different depending on the canton, as the statutory rate of remuneration provided for by cantonal regulations, ranges from 50-90% of the average salary. This remuneration is paid from the budgets of the cantons.

More detailed information can be found in Annex III – Table 1: The amount of maternity pay in the Federation BiH; period 2005-2009

62. In RS, the Labour Law<sup>7</sup> regulates the issue of realising women's rights to maternity leave, while the Law on Child Protection<sup>8</sup> regulates the manner in which net paid salaries are refunded to employers for women who use maternity leave and the period in which such salaries are paid by the employer or by the Public Fund for Child Protection. Article 79, paragraph 1 of the Labour Law provides that during pregnancy, childbirth and child care, a woman has the right to maternity leave for one year without interruption, for twins and every third and subsequent child, for a period of 18 months continuously. The paragraph 3 of this Article stipulates that the child's parents may agree that after expiration of 60 days from the date of child birth, maternity leave is used by father instead of mother.

More detailed information can be found in Annex II —Table 2: The amount of maternity pay in Republika Srpska; period 2005-2009

63. The remuneration paid during maternity leave in 99.9% of the cases is used by mothers, whereas it is used by fathers mainly in cases when mother dies or abandons the child or is unable to take care of the child for other reasons. In cooperation with the Gender Equality Committee of the Parliamentary Assembly of BiH the Agency plans activities regarding amending legislation to introduce parental leave for employees in the institutions of BiH.

64. Women who are not employed exercise their statutory rights only to a limited extent. Although the law stipulates that the right to this type of remuneration is realised in duration of one year after childbirth, this right was only partially realised and it depends on the economic power of the individual cantons or municipalities. For example, a lump sum for the layette, food for a child up to 6 months of age and supplementary nutrition for mothers during breast-feeding, placement of children in pre-school institutions with providing nutrition, providing a meal in primary school, are not realised and are related to the economic situation of the cantons and municipalities.

More detailed information about the differences in the right to maternity leave in BiH can be found in Annex III of this Report – Table 3.

## **Article 5: elimination of stereotypes and prejudice**

### **Domestic violence**

65. In the previous period, victims of domestic violence became the focus of attention and protection of society due to changes to legislation, training of competent persons and improvement in work of the institutions which provide protection, which resulted in enforcing their capacities for efficient application of the law and improvement in cooperation between institutions and NGOs, that complies with the Recommendation No. 26 CEDAW/C/BIH/CO/3 (Annex V). The victims of domestic violence are increasingly encouraged to report violence to the competent institutions, those who provide protection and to address non-governmental organisations dealing with domestic violence.

66. The 2007 was declared by the Council of Europe, the year of combating domestic violence against women and in all member states of the Council of Europe

<sup>7</sup> Official Gazette of RS, 55/07 – consolidated text.

<sup>8</sup> Official Gazette of RS, 04/02 – consolidated text, 17/08 and 01/09.

a campaign “Stop Domestic Violence against Women” was launched. Bosnia and Herzegovina, as a member of the Council of Europe has joined the campaign. The Parliamentary Assembly of BiH has adopted a “Resolution on combating violence against women” (Official Gazette of BiH, 15/08) stating that any form of violence against women, including domestic violence against women, represents violations of rights and fundamental freedoms, and that it prevents or reverses the exercise of these rights and fundamental freedoms. This resolution represents a commitment of the legislative authorities in BiH in combating domestic violence.

67. Within campaign of the Council of Europe the Gender Equality Committee of the Parliamentary Assembly of BiH has published and distributed a publication “Starts with a scream and never ends in silence – domestic violence is not a family issue”. It covers all relevant documents resulting from the campaign.

68. The Law on Gender Equality in BiH recognizes domestic violence as a form of gender-based violence, and in Article 6 explicitly states that gender-based violence includes violence that occurs within the family or household. In accordance with the General Recommendation No. 19 of the UN CEDAW Committee and the Council of Europe Recommendation (2002)5, the Law defines “sexual violence” as “any activity which causes or may inflict physical, psychological, sexual or economic harm or suffering, as well as threats of such actions that impede a person or group of persons to enjoy their human rights and freedoms in the public and private life”.

69. Entity laws on protection from domestic violence: the Law on Protection from Domestic Violence of the Federation of BiH<sup>9</sup> and the Law on Protection from Domestic Violence of Republika Srpska<sup>10</sup> define the measures and mechanisms of protection in cases of domestic violence.

70. In accordance with Recommendation No. 26 CEDAW/C/BIH/CO/3 (Annex V), the entity Gender Centres have in the process of amending the laws on protection from domestic violence sought to harmonise entity laws, to the best possible extent, given the different entity and administrative structure.

71. In the course of 2007 the Gender Centre of the Federation of BiH, in cooperation with the Federal Ministry of Justice, organised a public discussions in all ten cantons for the purpose of analysing the implementation of the Law on Protection from Domestic Violence. Inter alia, the need for mutual cooperation of all protection providers in the prosecution of domestic violence cases was highlighted. Based on that the Gender Centre of the Federation of BiH launched an initiative to amend the Law on Protection from Domestic Violence in the Federation of BiH. The new proposed law on protection from domestic violence was submitted to the parliamentary procedure in July 2010 and it has been adopted by both Houses of Parliament in the first reading.

72. The National Strategy for Prevention and Combating Domestic Violence in BiH for the period from 2009-2011 was adopted. A multi-sectoral working group was drafting the Strategy. The Strategy includes activities that are being implemented at the level of Bosnia and Herzegovina, as well as coordination and implementation of the entity strategic and action plans for their efficient implementation. One of the activities at the State level is the creation of unified

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<sup>9</sup> Official Gazette of FBiH, 22/05 and 51/06.

<sup>10</sup> Official Gazette of RS, 118/05 and 17/08.



methodology for collecting statistical data on domestic violence, especially if fragmentation and lack of compilation of the existing data in BiH is taken into consideration. Implementation of these activities is ongoing.

73. The Agency has produced Report on the Implementation of Strategies to Prevent and Combat Domestic Violence in Bosnia and Herzegovina (2009-2011) for 2009. The Report was adopted by the Council of Ministers at the 125th session, held on 24 June 2010. It was presented to members of five parliamentary Committees of BiH along with conclusions and recommendations.

74. In 2007 the Government of Republika Srpska has adopted the Action Plan for Combating Domestic Violence in Republika Srpska, 2007-2009, which was very successfully implemented. The 2008 and 2009 were declared as the years of combating domestic violence in Republika Srpska. The Government of Republika Srpska has financially supported the work of safe houses/shelters for victims of violence. At the end of 2010 the National Assembly of Republika Srpska has adopted Strategy for Combating Domestic Violence in Republika Srpska until 2013.

75. Within activities of implementation of the Action Plan of Republika Srpska, the existing legislation and other documents were amended and new legislation and other documents governing domestic violence were adopted, training was conducted for police officers, employees of the social welfare centres, health-care workers, managers and pedagogues/psychologists in primary and secondary schools, judges and prosecutors, and the practices of institutions – protection providers were improved which have strengthened their capacities for the efficient application of the law, as well as improved cooperation between institutions and NGOs.

76. The Government of the Federation of BiH has adopted Strategic Plan for the Prevention of Domestic Violence of the Federation of BiH – 2009-2010. Approximately 65% of the planned activities have been implemented, relating to amending legislation, networking, professional services, education and sensitising professionals and the public, establishing a single database, establishing a single hotline to report domestic violence and conduct research on the causes of domestic violence. The lowest level of implementation refers to legislative amendments.

77. A manual for training of health-care workers in the Federation of BiH was drafted and training of trainers was conducted for 20 professionals (doctors in general practice and nurses) appointed to represent cantonal ministries of health. They conducted training in 28 health-care institutions and trained 895 health-care workers. These activities were partly financed by the Agency and partly by the Federal Ministry of Health.

78. The process of drafting a manual for training of professionals in social welfare centres, police officers and staff in educational institutions in the Federation of BiH is in the final stage.

79. A study on the prevalence of violence against women, which will be implemented across BiH in cooperation with institutions of statistics is planned to be conducted. A part of this research will include causes of domestic violence.

80. In 2008 and 2009 the Agency has supported the work of the entity Gender Centres, through financing activities to prevent and combat domestic violence. Among these activities there are: development of analysis of the legal framework for domestic violence and its practical application in Republika Srpska and public

discussions related to the Action Plan for combating domestic violence in 2008 and 2009 in Republika Srpska, as well as printing and promotion of the Strategic Plan for the Prevention of Domestic Violence of the Federation of BiH for the period from 2009-2010.

81. Based on the initiative of the NGO “Vesta” from Tuzla, the Agency participated in the preparation of publication “The Prevalence of Gender-based Violence in Adolescent Relationships” which underlines the correlation between violence in adolescent relationships and domestic violence.

82. In cooperation between NGO “Budućnost” from Modriča and UNFPA a Model of Referral Mechanism for Domestic Violence and Violence against Children was established. The aim of this project is to apply the same referral mechanism in other municipalities in RS.

83. At the initiative of the Foundation for Local Democracy Sarajevo, the Association of Citizens “Medica” Zenica and Citizens Association “Vive Žene” Tuzla, protocols were signed on cooperation of all competent institutions in the three cantons in the treatment of victims of domestic violence and providing adequate protection.

84. The Manual to Establish Effective Combating against Domestic Violence for Deaf and Blind Persons can be used as a specific indicator of interests in resolving the problem of domestic violence and overcoming stereotypes and prejudices. The Manual was published by the Foundation for Local Democracy in January 2010 and it is a part of activities under the project “Improvement of the right of persons with disabilities – deaf, hearing impaired and blind to live without violence.”

85. The Agency, along with the entity Gender Centres carried out a joint project of UNDP and UNFPA, “Preventing and Combating Gender-based Violence”. The project aims to improve institutional capacity and the capacity of NGOs to combat gender-based violence, by providing technical support and conducting advocacy campaigns with decision makers, politicians, judiciary and NGOs.

86. There were two training sessions conducted within the project and grants were allocated to two non-governmental organisations/coalitions to monitor court cases of sexual and gender-based violence. The training needs assessment was conducted in the entity Ministries of Internal Affairs in relation to sexual and gender-based violence. Preliminary agreements with the Police Academies in both entities were achieved regarding inclusion of training modules in their curricula. Activities were initiated to establish referral mechanisms in the six selected locations.

87. In order to establish a uniform methodology for collecting data on gender-based violence in BiH, a comparative analysis of best practices in the world and an overview of current situation in the area of data collection in the country were developed. The analysis will serve as a basis for further work on developing methodologies for collecting data that will be tested in six locations that are covered by the project activities. The continuation of these activities will be conducted in accordance with the GAP BiH.

88. The UNDP Small Arms Control Project, conducted by UNDP in BiH, whose main goal is demilitarisation of the population, published a Comparative Study on the Possession of Firearms and Domestic Violence in the Western Balkans.

89. Due to lack of a unified model to collect data for all protected categories, data on domestic violence are not yet complete, consistent and reliable, and contain only basic information about victims and perpetrators. Because of this, institutional mechanisms have created a separate analysis of data collection on this important social issue, with recommendations for future actions.

90. In accordance with data supplied by the competent courts in the Federation, in the period 2006-2010 there were 1,275 cases in total recorded based on Article 222 of the Criminal Code of the Federation of BiH- the criminal offence of domestic violence. Out of 1,335 suspected perpetrators of these crimes, as many as 1,302 or 97.53% are men, and only 29 or 2.17% are women. The rest consists of juvenile offenders of these crimes. Out of the total number of 1,258 injured-victims of these crimes, 1,005 or 79.87% are women. The number of men injured-victims of domestic violence crime is 100 or 7.95%. Children were recorded as injured-victims of crimes of domestic violence in 153 or 12.17% of cases, including 68 injured-victims girls and 85 injured-victims boys.<sup>11</sup>

91. In considering the sanctions imposed to offenders of crimes of domestic violence in the FBiH, it may be noted that suspended sentence dominates, imposed in a total of 1,046 cases or 76.85% of the total imposed criminal sanctions for these crimes. The following are fines with 143 cases or 10.50%, followed by a sentence of imprisonment with 131 cases or 9.55%. Other criminal sanctions are 42 or 3.08%.

92. From the point of imposing protective measures against perpetrators and for protection of victims of domestic violence, a definition of domestic violence provided for in the Law on Protection from Domestic Violence of FBiH is applied, which exhaustively enumerates all forms of domestic violence, based on which any competent court shall impose prescribed protective measures.

93. In the period from 2006 to 2010 in the FBiH there were 391 requests for the imposition of protective measures filed, and FBiH courts have imposed 103 protective measures. These measures have been used for protection of 161 persons. The largest number of protective measures imposed is a measure of prohibiting harassment or stalking of a person exposed to violence (72.81%), while no protective measures of protection of the victim of domestic violence, and mandatory psychosocial treatments were imposed. A data of basic/municipal courts is indicative, and it shows the number of convictions, but also the type of sanction imposed, from which it is evident that the primary sanction for the crime of domestic violence in most cases is suspended sentence, thereby continuing the practice of lenient punishment of the perpetrator of domestic violence.<sup>12</sup>

94. For the offence of domestic violence in Republika Srpska in 2006 there were 338 proceedings initiated, 274 were completed out of which 250 convictions (233 suspended sentences, 18 imprisonment sentences), in 2007 there were 385 proceedings, 229 were completed and 220 convictions (185 suspended sentences, 25 fines, 16 imprisonment sentences), in 2008 there were 270 proceedings, 161 were completed, out of which 144 convictions (103 suspended sentences, 15 fines and 12 imprisonment sentences), in 2009 there were 255 initiated proceedings (detailed data are lacking). Avoidance of paying alimony in 2006 was processed 12 times, and in 7 cases completed (5 suspended sentences), 30 proceedings were initiated and

<sup>11</sup> The Report of the Gender Centre of the Federation of BiH.

<sup>12</sup> Ibid.

16 completed out of which 14 convictions (12 suspended sentences, two fines and 2 imprisonment sentences) in 2007, in 2008 there were 15 proceedings initiated, 9 completed, out of which 6 convictions (5 suspended sentences and 1 fine).

95. There has been a constant growth, on an annual basis, of cases relating to the misdemeanour acts of domestic violence, which are processed in accordance with the provisions of the Law on Protection from Domestic Violence of Republika Srpska. In 2006 there were 67 misdemeanour cases initiated and 36 completed, out of which 24 convictions with misdemeanour sanctions: 19 fines, 8 protective measures and 6 suspended sentences; the number of cases in 2007 has recorded a fourfold increase – 289, 130 completed proceedings, out of which 67 convictions with fine, and with an increase in the imposition of protective measures over the previous year; in 2008 there were 445 proceedings initiated, out of which 208 completed – with fine and suspended sentence dominating; in 2009 the number of initiated proceedings is doubled compared to previous year – 1121 proceedings (548 cases completed).<sup>13</sup>

### **Safe Houses**

96. On the territory of BiH there are nine safe houses with 173 available places. On the territory of the Federation of BiH there are six safe houses with 116 places available for accommodation of victims of domestic violence. They operate within the framework of non-governmental organisations: Foundation for Local Democracy-Sarajevo, Medica-Zenica, Vive Žene-Tuzla, Žene sa Une-Bihać, Žena BiH-Mostar and Caritas-Mostar. In 2008, 244 victims were accommodated, 194 victims for up to three months and 50 victims of domestic violence for more than three months. Among the victims there were 53.68% of children (boys and girls), and in comparison to 2007 when there were 265 victims of violence in total accommodated in all safe houses, this represents 7.9% decrease. However, in 2009 there were in total 317 victims of violence accommodated in these safe houses which represents an increase of 23%, among which 61.89% were children. In Republika Srpska there are three safe houses within non-governmental organisations: Budućnost-Modriča, Udružene žene-Banja Luka and Fondacija za obrazovanje, razvoj i socijalnu zaštitu djece-Prijedor. Their total capacity is 57 persons. In the safe houses of Republika Srpska there were 882 persons registered in the period from 2007-2010 (women and children)<sup>13</sup>. The establishment of the safe houses in Bijeljina and Trebinje is ongoing.

97. The manner of financing the safe houses in RS is regulated by the Law on Protection from Domestic Violence of RS (Official Gazette of RS, 17/08). In accordance with Article 4 this Law, 70% of funds for this accommodation shall be provided from the entity budget and 30% from the budget of the local communities. The Funds provided from the budget of the municipality/city are transferred to the competent social welfare centre in the victim's place of permanent residence, which these funds transfers to a safe house in which the victim is accommodated. This model was tested for the first time in terms of meeting these legal obligations in 2008.

98. The Government of Republika Srpska was given BAM 1.74 million in total (70,000 for the purchase of two safe houses, BAM 100,000.00 within the framework

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<sup>13</sup> Ibid.

of the Action Plan of RS; 300,000 grant for safe houses in 2008 and BAM 400,000.00 for 2009 and 2010 each). In the following period, until 2012 regular funds are budgeted in the budget of Republika Srpska for providing care for victims of domestic violence. In addition to these funds, the City of Banja Luka and municipality Modriča have met their legal obligations on funding the accommodation for victims from the local level, in accordance with the number of users. This represents participation of local budgets in providing care for victims of domestic violence in the cities where safe houses are located.

99. The next steps will go towards ensuring that all municipalities in the RS, regardless of the fact whether in their territory there is accommodation for victims of violence, have an annual plan for this type of expenditures according to a needs assessment for their municipality. This is a big improvement over the previous reporting period, both in terms of normative-legal regulation of this issue, and in terms of concrete steps and measures which Republika Srpska takes. The model of funding accommodation for victims of violence under Article 4 of the Law on Protection from Domestic Violence of RS is unique in the Western Balkans.

100. The new proposed Law on Protection from Domestic Violence of FBiH, which is in the parliamentary procedure, provides legal basis for passing of a by-law on establishing criteria for funding of shelters, in such manner that a portion of funds is allocated from the federal budget, and a portion from the cantonal and municipal budgets. The proposal addressed by NGOs to entity institutions dealing with this problem foresees the funding of shelters in the following manner (40% from the federal, 30% from the cantonal and 30% from the local level).

101. A special budget line is opened within the Federal Ministry of Labour and Social Affairs for the implementation of the Law on Protection from Domestic Violence. The funds amounting to BAM 200,000.00 were used to finance the work of safe houses in the Federation until the issue of financing of the safe house system is legally resolved. The issue of safe houses is resolved in Canton Sarajevo in such manner that the victims of domestic violence that use assistance of safe houses are defined in the cantonal law as beneficiaries of social assistance.

102. A joint initiative of the representatives of governmental and non-governmental sectors in 2008 has resulted in setting aside funds in the total amount of BAM 668,888.00 for safe houses, at all levels of government in the Federation of BiH.

103. The state and entity Parliamentary Gender Equality Committees provide special support to resolving the issue of victims of violence, including domestic violence.

### **Hotline**

104. In 2005, a unique emergency hotline 1264 was opened in Republika Srpska covering the whole area of Republika Srpska. In accordance with data of NGOs who operate this hotline: Udružene žene-Banja Luka, Budućnost-Modriča, Association of Women Lara-Bijeljina and Ženski centar-Trebinje, in the period from 2006-2009 there were 11,808 calls in total to the hotline 1264, with an annual increase in the number of calls until 2008, while in 2009 there was a decrease in comparison to previous years. In 2006 there were 2,657 calls, out of which 97.4% by women; in 2007 there were 3,513 calls (98.4% women used the assistance of the hotline), in 2008 the number has increased again to 3,249 calls (97.6% calls by women), while

in 2009 there were 2,619 calls recorded, out of which 99% were calls by women seeking help. In all years the largest number of women who called was between 19-60 years of age. A hotline 1209 operates in Istočno Sarajevo, as a non-governmental organisation that provides voluntary service for receiving calls and providing 24 hours assistance, however it is not exclusively focused on working with the victims of domestic violence, but also for providing other types of emotional support to people who seek help.

105. In 2008 the Gender Centre of the Federation of BiH has established the 1265 hotline for help to victims of domestic violence in the Federation of BiH. A Memorandum of Cooperation which regulates the manner of functioning of the hotline was signed between the Gender Centre of the Federation of BiH, Social Welfare Centre-Jajce, Foundation of Local Democracy-Sarajevo, NGO Medica-Zenica, Vive Žene-Tuzla, Žene BiH-Mostar and Žene sa Une-Bihać. The Gender Centre of the Federation of BiH, in cooperation with all telecommunication operators in BiH, agreed that calls made to this specified number are free of charge. The funding of the maintenance of the hotline 1265 is provided continuously from the budget of the Federation of BiH, while non-governmental organisations involved in this system provide funds for the operators working 24 hours on this line. In future, it is essential that the authorities in the Federation of BiH, through their budgets, provide funds for the operators/persons providing services to persons who report cases of domestic violence or other forms of gender-based violence. Since 5 December 2008 when the 1265 hotline was established until 31 December 2009 there were 2,978 calls.

The comparative data on domestic violence in the territory of the Federation of BiH and Republika Srpska can be found in Annex III to this document – Table 4: Details on hotlines, safe houses and recorded cases of domestic violence in BiH.

106. The Agency and entity Gender Centres, each year conduct the international campaign of “16 days of activism against gender-based violence”. In 2009 a conference “Together against violence against women” was organised. For this occasion a Statement of Commitment of all Relevant Institutions and Organisations to Combat Violence against Women, especially in preventing and combating domestic violence was printed and presented. With the invitation to the conference the participants were sent white ribbons symbolising support for the creation of the world in which women and girls living in peace and dignity.

107. The Agency has financially supported printing of publications and other materials, and organisation of various events by entity Gender Centres and NGOs to mark the 16 days of activism against violence against women. As part of this campaign in 2009, a special attention was paid to the role of men in combating violence against women. The aim was to raise awareness of men on sexually-based violence as well as their involvement in preventing violence against women as allies and advocates.

#### **The role of media in eliminating stereotypes**

108. The Agency, in cooperation with the Gender Equality Committee of the Parliamentary Assembly of BiH, has initiated harmonisation of the Law on Broadcasting Service, the Law on Broadcasting System and the Law on Communications with the Law on Gender Equality in BiH. The aim of the amendments is the introduction of equal gender representation in the management

structures of radio and television system in BiH, equality in employment, equal representation of both sexes in programming content, as well as programming bans of the insulting, humiliating and stereotypical representation of women and men based on gender. The proposed amendments to the law were published in the Official Gazette of B&H number 32/10.

109. The Press Code of Bosnia and Herzegovina, adopted by all associations of journalists in BiH, aims to set up the fundamentals of the system of self-regulation and media policy and is considered to be morally binding on reporters, editors, owners and publishers of newspapers and periodicals. The general provisions provide for the print media to raise awareness on gender equality and respect for the personality as an integral part of human rights.

110. The Radio and Television Programme Broadcasting Code, which was adopted by the Communications Regulatory Agency of BiH, in Article 4 – Hate Speech states, inter alia, that the programmes of broadcasting stations will not broadcast programming that contains or incites discrimination and/or violence on the basis of association with an ethnic group, gender, gender and sexual orientation, or which incites harassment or sexual harassment.

111. Women are represented as journalists, reporters, editors and programme directors in almost all major media in BiH. Most private and public media in BiH does not have editorial policies that would support the preparation and broadcasting of programme which involves protection of women's human rights and gender equality. This problem is especially prevalent in the work of local media which represent an important and often the only source of information and news for people in smaller communities in BiH.

112. A positive progress is noted in meeting standards of gender equality in the media, the use of gender sensitive language, giving importance to issues related to domestic violence and violence against women. In 2006, there were two round tables held in Banja Luka and Sarajevo on the topic of "Language and Gender Equality", in which the representatives of the print and electronic media and experts in the Slavic languages, discussed and made recommendations regarding use of gender sensitive language in the media. The Agency and the Gender Centres have promoted their activities through the media, broadcasted spots with the aim of preventing and combating violence, promoting women to decision-making positions, etc.

113. In the course of 2007 and 2008 two campaigns "Stop Domestic Violence" and "Choose Brighter Side of Life" were launched and implemented with the full cooperation of media in the framework of the "16 days of activism against gender-based violence".

114. Aiming at promoting gender equality in media the Agency has organised training in five cities: Mostar, Banja Luka, Goražde, Bihać, Zenica, where approximately 50 reporters and journalists were introduced with the concepts of gender equality, legislation and methods of reporting cases of domestic violence.

115. In the course of implementation of the campaign "Choose Brighter Side of Life" a music video was recorded and broadcast on TV stations across BiH. A spot developed by the Council of Europe, which aims to promote prevention of violence against women, was dubbed in the local language and also sent to TV stations.

116. The Agency has developed and distributed to all media in BiH, videos aimed at combating domestic violence and two documentaries: “Stop Peer Violence” and “Stop Domestic Violence”. These films show the problems of juvenile delinquency and its correlation with domestic violence, as well as the support of parliamentarians in the fight against domestic violence.

117. The Gender Centre of Republika Srpska for three years continuously conducts special campaigns: “Family Free of Violence” and “White Ribbon – Male NO to Violence against Women” in partnership with all institutional and non-institutional partners. Within the campaign “Family Free of Violence” in Republika Srpska a space was enabled in the electronic media for broadcasting video and audio jingles, as a major contribution of the media, public service and private media, to this campaign.

### **Article 6: trafficking in women and exploitation through prostitution of women**

118. The Criminal Codes of BiH, FBiH, RS and Brčko District of BiH allow appropriate prosecution and punishment of perpetrators of all crimes related to trafficking and prostitution. Under these laws, women who sell sexual services are not criminalised; however the soliciting to prostitution is criminalised, as well as mediating in the purchase of sexual services, child pornography and abuse of children for sexual purposes, recruiting and all other acts related to trading or representing a part of a chain of human trafficking. The Amendments to the Criminal Code of BiH (Official Gazette of BiH, 8/10) provide new definitions in Article 186:

(1) Whoever, by use of force or threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power or influence or a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, harbours or receives a person for the purpose of the prostitution of that person or other forms of sexual exploitation, forced labour or services, slavery or a similar status, servitude or the removal of organs or of some other type of exploitation, shall be punished by imprisonment for a term of not less than three years.

(2) Whoever recruits, solicits, transports, transfers, harbours or receives a person younger than 18 years of age with the purpose of exploitation referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term for at least five years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed by an official person while executing official duty, the perpetrator shall be punished by imprisonment for a term of not less than five years.

(4) Whoever counterfeits, procures or issues travel or identification documents, or uses, holds, seizes, alters, damages or destroys travel or identification documents of another person with the purpose of facilitating human trafficking, shall be punished by imprisonment for a term between one and five years.

(5) Whoever organises or directs at any level the group of people for the purpose of perpetration of the criminal offences referred to in paragraphs 1 or 2 of



this Article, shall be punished by imprisonment for a term of not less than ten years or long-term imprisonment.

(6) Whoever uses the services of the victims of human trafficking shall be punished by imprisonment for a term of between six months and five years.

(7) If the perpetration of the criminal offence referred to in paragraphs 1 and 2 caused serious health damage, grievous bodily harm or the death of the persons referred to in paragraphs 1 and 2, the perpetrator shall be punished by imprisonment for a term of not less than five years or long-term imprisonment.

(8) Items and conveyances used for the perpetration of the offence shall be seized, while the facilities and premises used for human trafficking, without prejudice to the rights of the third parties, may be closed temporarily or permanently.

(9) Whether the person who is a victim of human trafficking consented to the exploitation bears no relevance to the existence of the criminal offence of human trafficking.

Article 187, paragraph 2 was amended to read: Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the State in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment, shall be punished by imprisonment for a term between one and ten years.

Article 189 refers to Smuggling in Persons, and Article 189a to Organising a Group or an Association for the Purpose of Perpetrating the Criminal Offenses of Human Trafficking and Smuggling of Migrants.

119. The Law on Movement and Stay of Aliens and Asylum of BiH (Official Gazette of BiH, 36/08) regulates the conditions of approval of temporary residence to an alien for humanitarian reasons, and it provides, inter alia, the possibility of granting temporary residence for humanitarian reasons to victims of trafficking, in order to provide protection and assistance for recovery and return to the country of habitual residence or in a country that accepts him/her. The Law on Movement and Stay of Aliens and Asylum in BiH provides for a centre for the accommodation of victims of trafficking, as an institution for the admission of aliens. This Law provides for establishing of a central database on foreigners at the Ministry of Security of BiH for recording and monitoring the entry, stay and exit of aliens in BiH, as well as persons who have requested or have been granted international protection, and persons residing in BiH on the basis of temporary protection.

120. The assistance to the victims of trafficking in proceedings before the courts is defined by:

- The Law on Protection of Witnesses under Threat and Vulnerable Witnesses
- The Rulebook on the Protection of Foreign Victims of Trafficking
- The Rules on Protection of Victims and Witnesses of Human Trafficking who are Citizens of BiH

121. The Rules on Protection of Victims and Witnesses of Human Trafficking who are Citizens of BiH was adopted by the Council of Ministers of BiH (Official Gazette of BiH, 66/07). They represent binding standard of protection of human rights of BiH citizens victims and witnesses of trafficking. The Rules establish

common principles and standards of work relating to identification procedures, organisation of protection and assistance, primary and secondary prevention and other activities related to protection and assistance to BiH victims of human trafficking and victims-witnesses of trafficking.

122. In order to ensure the necessary protection and assistance to victims before, during and after the proceedings the victims are entitled to:

- Adequate and safe housing,
- Health care,
- Information on their legal status and consulting in the segment of their rights and obligations in a language that victims understand,
- Legal aid for victims during criminal and other proceedings, in which the victims realise their rights,
- Information on access to diplomatic and consular missions of the country of origin or habitual residence of victims (foreign victims),
- Information about opportunities and procedures for repatriation (for foreign victims),
- Various types of training and education, depending on financial possibilities.

123. The perpetrators of crimes of trafficking in BiH are prosecuted ex officio, while prostitution is qualified as a misdemeanour. Selling sexual services by third parties is punishable and perpetrators are prosecuted in criminal proceedings.

124. In accordance with data of the Ministry of Security of BiH an evident trend of decrease in number of identified victims of trafficking is noted, from approximately 250 in 2002 to 69 in 2009. In 2009, victims of trafficking were mostly foreign nationals, while this number was reduced to 11 in 2009. At the same time there has been a growing trend of trafficking in victims BiH citizens, which number rose from around 2-3 victim in 1999 to 58 in 2009. The countries of origin of the foreign victims were: Serbia (6), Croatia (2), Moldova (1), Romania (1) and Bulgaria (1). Out of 69 victims of trafficking identified in 2009, 64 victims were women. Out of the total number of trafficking victims in 2009 23 were minors, while 46 adults.

Detailed data on trends in the total number of identified victims of trafficking are given in Annex 3, Chart No. 1 – a, b, c.

125. On the basis of data collected from police agencies and prosecutors, in 2008 there was a significant increase in the number of indictments and sentences, while the number of conducted investigations has decreased. Thus, in 2008 there were 23 investigations conducted covering 53 persons in trafficking cases and mediation in prostitution. A total of 21 indictments were filed and all were confirmed. In total 14 verdicts were issued.

126. Pursuant to data provided by the Task Force of the Prosecutor's Office of BiH in 2009, the Prosecutor's Office of BiH received 23 criminal reports in total for the crimes related to human trafficking. There were verdicts issued for 20 persons in total, out of which 12 imprisonment sentences, 2 suspended sentences, 5 acquittals and one rejecting verdict. At the end of 2009 there were 12 indictments pending before the courts.

127. There are problems that hinder the successful prosecution of trafficking cases, which are often attributed to lack of victim cooperation with the prosecutor and law enforcement agencies. On the other hand, even when the victims were willing to testify, delays in legal proceedings caused additional difficulties for victims and victims-witnesses, because the victims were detained in the shelters for several years.

128. A further problem in prosecuting trafficking cases is the issue of witness protection. Although the legal framework creates a space for enhanced protection of vulnerable categories, threats to witnesses do not end with the end of the trial. In several cases, the victim-witnesses were provided protection as part of an organised resettlement in third countries, but it is necessary to explore possibilities of cooperation on this issue with countries that would accept the victims of serious crimes.

129. In accordance with the evaluation of the Department for Combating Trafficking in Human Beings, BiH has not fully complied with the standards for combating trafficking, and the main objections relate to criminal prosecution and punishment of traffickers because it is noticeable that the fines are very lenient, and it will be necessary to monitor the effects of the implementation of the amended Criminal Code of BiH.

130. In 2008, in accordance with Recommendation No. 28 CEDAW/C/BIH/CO/3 (Annex V) the Council of Ministers of BiH has adopted the Action Plan for Combating Trafficking in BiH for 2008-2012, which contains an operational plan. The Action Plan further elaborates targets in combating human trafficking in the period of 5 years and has clearly defined measures for the realisation of these goals in the following areas: support systems, prevention, protection, prosecution and international cooperation. Thus, there is a need to continue activities aimed at combating human trafficking and the prevention and control of this phenomenon through the institutionalisation and further strengthening coordination, provision of improved assistance to victims and effective prosecution of traffickers.

131. In 2009 the Council of Ministers of BiH has adopted the Rulebook on Internal Organisation of the Ministry of Security of BiH which made the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration in BiH becomes the Department for Combating Trafficking in Human Beings of the Ministry of Security of BiH under the Department of International Cooperation.

132. The Council of Ministers of BiH has established a Strike Force for Combat Trafficking and Organized Illegal Immigration, which operates across the country and whose membership is composed of representatives of all relevant judicial and police structures. A progress has been made in the prosecution of reported and identified perpetrators of trafficking in human beings.

133. The main causes that lead to the emergence of trafficking in human beings are difficult economic situation, lack of employment opportunities, a large number of displaced persons and the serious economic situation of families, that make young women and girls become victims of trafficking and prostitution after being lured with false ads that offer employment.

134. There are cases that Roma families, by arranging so-called “extra-marital teenage relationships”, recruit minors and take them to other countries for sexual exploitation, and this is not uncommon in BiH. The big problem is the fact that in

BiH, because of the difficult financial situation and frequent migration, many Roma children remain unregistered in the birth registers. The state is making great efforts to solve this problem.

135. In other cases, minor girls are recruited from families with one parent, mostly mothers who are in need or otherwise represent vulnerable category.

136. Police and judicial authorities, who deal with these issues, are facing problems resulting from new forms (modus operandi) of this type of crime. As an example, we note that prostitution and trafficking are lately more and more taking place in private facilities, homes, apartments, unlike in previous periods when the aforementioned criminal activities took place in restaurants and other public facilities.

#### **Measures taken to prevent trafficking**

137. In order to assist the victims of trafficking the Ministry of Human Rights and Refugees of BiH has established a fund in the 2008 budget year from which grants were awarded to NGOs for rehabilitation programmes of the identified victims of trafficking in BiH.

138. In the framework of the action plans for Roma adopted by the Council of Ministers of BiH the funds are provided for improving housing, education and health care of Roma. In this way, a direct assistance to women and children of Roma community in BiH is provided, which belong to the most vulnerable category in terms of human trafficking.

139. Series of activities were conducted aiming at raising public awareness about trafficking in human beings, especially in vulnerable categories. One of the preventive activities of the action plans for Roma, carried out in cooperation with Caritas BiH, is the promotional campaign, which included broadcasting of a short spot on several radio and television broadcasters in BiH.

140. Despite the achievements there are still many factors that are conducive to trafficking in BiH. It is necessary to continue activities to raise awareness about human trafficking and preventive action to eliminate the causes that lead to trafficking, in order to reduce the risks of trafficking among vulnerable categories of persons, and demand for sexual services of trafficked victims.

141. The training of personnel of the Border Police of BiH has significantly improved border control, and thus created conditions for a greater ability to identify traffickers. The project "Cooperation between the Police and Communities" raises public awareness, especially among women, about the risks under which they may become victims of trafficking. The Ministry of Security of BiH and SIPA (State Investigation and Protection Agency) operate with the persons tracking system for which exist reasonable suspicion of being engaged in the sex business.

142. Data on trafficking in BiH is collected twice a year, or several times if necessary. The Department for Combating Trafficking in Human Beings of the Ministry of Security of BiH, in cooperation with the Ministry of Human Rights and Refugees, has worked to establish a monitoring team to monitor situation of trafficking in BiH, in order to ensure easier collection of data. A unique form for collecting data on potential and/or identified victims of trafficking was created, in accordance with the opinions and suggestions of all relevant institutions, especially

the Agency for Protection of Personal Data and the Data Protection Department under the Ministry of Security of BiH. All the necessary information for managing database of victims of trafficking is provided through a unique form, which is located in the Ministry of Human Rights and Refugees of BiH.

143. In cases of prostitution, the police structures have difficulties to intervene if the crime is not registered in accordance with the procedure. Specific laws that apply only to customers do not exist. Prostitution is not legalised, prostitutes can not obtain licence to work.

144. Although it is assumed that the number of BiH citizens identified as victims of trafficking outside of BiH is significantly higher, in 2007 the Office of the State Coordinator has documented five such cases: 1 minor each for sexual exploitation has been identified in Spain, Albania and Italy, and two persons in Croatia – a minor for sexual exploitation and one adult male to forcible labour.

145. The analysis of data collected from non-governmental organisations, law enforcement agencies and prosecutors indicated that during 2007 there were 41 persons identified as victims of trafficking and solicitation to prostitution. Out of this number, 24 persons have accepted accommodation and support of safe houses. Out of the total number of identified victims, 73% were citizens of BiH and the rest were foreign nationals, including 4 people from Serbia. Particularly disturbing fact is that 18 or 44% are minors, and all citizens of BiH. In 2008 there was a trend of decrease in the number of domestic and foreign victims of trafficking in human beings. There were 60 victims of trafficking identified, 52 citizens of BiH and four each from Ukraine and Serbia.

146. The International Organization for Migration has implemented many activities in BiH aimed at preventing and combating trafficking in human beings. Media campaigns were organised and supported to educate the public about trafficking in human beings and provide support to male and female citizens to report cases of trafficking in human beings.

147. A special result of international organisations dealing with prevention and combating trafficking in human beings is the work with girls and women belonging to vulnerable groups (Roma, displaced persons, orphans, children from indigent families). For this purpose, workshops and seminars were organised across the country, which is in line with the activities defined in the GAP BiH.

148. Many non-governmental organizations are assisting victims of trafficking in human beings. Direct legal assistance provided to this category includes legal advice, drafting of written submissions or documents (requests, complaints, petitions, lawsuits, etc.), legal representation in administrative, civil and other proceedings before all state bodies, and other regular courts as well as providing other forms of legal assistance in order to protect the rights and interests of clients.

## PART II

### Article 7: political and public life

149. The legislation at all levels of government, which regulates the area of equal participation of women and men in decision-making positions, is not fully compliant with the Law on Gender Equality in BiH. This is evident from the example of the Election Law of BiH. In addition, in BiH there is still a traditional approach to the position of women and socially established patterns of behaviour which is, in relation to the lack of legislation, generally causing the under-representation and under-participation of women in politics and public life.

150. The Election Law of BiH retained the provision that refers to the order of the less represented gender on candidate lists.

151. In accordance with Recommendation No. 30 CEDAW/C/BIH/CO/3 (Annex V) and on the proposal of the Gender Equality Committee of the Parliamentary Assembly of BiH there were Amendments to the Election Law of BiH proposing the closure of the candidate lists. The Agency has developed for the needs of Committee a comparative analysis of electoral systems that have different approaches to ensuring women's representation in legislative bodies, with models and estimates of the impact to the electoral system in BiH. This analysis showed that the solution proposed by the Committee would ensure the participation of the less represented gender in the percentage of at least 35%. Although twice considered in the House of Representatives of the Parliamentary Assembly of BiH these amendments were not accepted.

152. As one of the measures to increase the number of women in legislative bodies in accordance with Recommendation (2003) 3 of the Committee of Ministers of the Council of Europe, the Parliamentary Assembly of BiH, upon proposal of the Agency, has adopted the Law Amending the Law on the Financing Political Parties (Official Gazette of BiH, 102/09), which now in Article 10 provides: "The financing of parliamentary groups represented in the Parliamentary Assembly of Bosnia and Herzegovina shall be distributed in the manner that 30% of the funds is distributed equally to all parliamentary groups, 60% of the total amount shall be distributed equivalent to the number of seats each parliamentary group holds at the time of distribution, while 10% of the total amount is distributed to parliamentary groups proportional to the number of seats belonging to the less represented gender. The Central Election Commission shall determine which gender is under-represented according to the official elections results."

153. The Action Plan to Implement UNSCR 1325, has placed particular emphasis on the implementation of activities aimed at women's participation in political and public life by reaching the following goals: (1) the political participation of women, (2) participation of women in the police and the army, (3) women's participation in peacekeeping missions and gender sensitive training.

154. The Agency, in cooperation with the European Union Police Mission (EUPM) in BiH, has prepared and printed publication "Women in Police", which is a comprehensive study on current situation, opportunities and obstacles for the participation of women in police forces. The EUPM in BiH has contributed to increasing the participation of women in police forces and peace-building through various projects supporting institutions.

155. In 2006, the Agency with the support of UNDP and OSCE has organised a regional conference on Advocacy and Importance of Networking with an Emphasis on Implementation of the UN resolution 1325 – Women, Peace and Security. The guest was HE Ambassador Swanee Hunt, Director of the Institute for Inclusive Security from the USA, and representatives of regional mechanisms for gender equality, the parliamentary gender equality committees, the state and entity ministries and political parties in BiH have participated. The objectives of the workshop were the importance of understanding the implementation of the Security Council resolution 1325, cooperation and coordination of regional gender mechanisms, the importance of building coalitions and networks of women from different political parties.

156. As a follow-up to this event a regional conferences on Action Plan for Implementation of the Declaration on Regional Cooperation among Institutional Mechanisms for Gender Issues and Monitoring of the UN resolution 1325 (2000) was organised in 2009. The importance of regional declarations on gender institutional mechanisms for cooperation, signed in 2005, were confirmed at this conference and modalities for its implementation established. In addition, the experiences have been exchanged in implementing UN resolution 1325, with emphasis on increased participation of women in decision-making. In accordance with the recommendations of this conference a seminar for women members of political parties in BiH was organised in 2010 on How to Increase the Number of Women in Decision-making Positions. This seminar, which was also led by HE Swanee Hunt, was particularly important in the context of the forthcoming general elections in Bosnia and the establishment of the so-called coordination of women – members of different political parties in BiH.

157. The Agency has conducted a study on “Politicians in Media during Elections Campaign – The Missing Image”. This research on presentation of female politicians in the media during elections campaign for the General 2010 Elections showed that there were still no significant progress in achieving equal participation of women and men in political and public life, and that the possibility of political participation of women and their political influence in the public and the media sphere is still very limited.

158. The candidate lists of political parties for the General 2010 Elections contained the largest number of women candidates in relation to the two previous elections cycles in 2006 and 2002. This fact has left indifferent, not only the voters (of which 52% are women, according to the figures of the Central Election Commission of BiH) but also the media that, as the main agent of promoting political agendas and candidates, completely neglected the importance of equal representation of both sexes in public life.

159. The major obstacle to equitable participation of women in political life is the lack of support of political parties to women-members in the creation of political agendas and political recognition although the statutes of political parties do not contain provisions which would forbid women to participate in the work of the party bodies. A certain, small number of political parties have defined in their documents their obligations in order to achieve equality and gender equality in practice.

160. In October 2006 in BiH there were General Elections held for: the Presidency of BiH, the House of Representatives of the Parliamentary Assembly of BiH, the House of Representatives of the Federation of BiH, the President and Vice-President

of Republika Srpska, the National Assembly of Republika Srpska, and Cantonal Assemblies in the Federation of BiH.

161. In October 2008 there were Municipal Elections held for: the municipal councils/assemblies, mayors in municipalities in the Federation of BiH, mayors in municipalities in Republika Srpska, the Assembly of the Brčko District of BiH, Mostar City Council, City Assembly and Mayor of Banja Luka.

162. In the framework of the master studies in gender studies, the Center for Interdisciplinary Postgraduate Studies in Sarajevo, at the initiative of the Agency, has conducted a group research project in 2009 “Women’s Political Participation in BiH”. This research, among others, showed that open-list system, combined with the mechanism of quotas for candidate lists, which applies to the electoral system in BiH still does not lead to the desired representation of women in the legislative bodies of BiH.

163. Analysis of the General 2006 Elections in BiH showed that there were more women than men in the electorate, but more men than women voted. Out of 7,245 registered candidates there were 2,625 women or 36.2%, and out of 517 elected officials, 89 were women or 17.21%. After elections in 2006 women’s representation in the Parliamentary Assembly of BiH was 9.5%. In early 2010 following staffing changes, women’s representation in the Parliamentary Assembly of BiH was 17%.

164. After the General 2006 Elections in BiH in the House of Representatives of the Federation of Bosnia and Herzegovina, out of 98 members 27 were women, or 27.55%. The Speaker and one Deputy were male, while other Deputy was female. Out of 58 members of parliament in the House of Peoples of the Federation of BiH there were 10 women or 17.24%, the Speaker and two Deputies were male.

165. In the National Assembly of Republika Srpska after the General 2006 Elections, out of 83 deputies, 20 were women (24%). The chairmanship of the National Assembly of Republika Srpska is composed of the Speaker who is male, and two Deputies one being a female. Out of 28 deputies in the House of Peoples of Republika Srpska only four are women (14%), and in the chairmanship there are no women. From the total of 22 committees in the National Assembly of RS, women chair only the Committee on Education, Science, Culture and Information, and the Equal Opportunities Committee (which membership is dominated by women – 7 members, 6 women). Women represented majority in three other committees: the Committee for Environmental Protection, the Committee on Education, Science, Culture and Information and the Committee for Agriculture and Forestry. All other committees are highly dominated by men. Out of 72 employees in services of the National Assembly of RS 37 are male (51%) and 35 female (49%).

166. Analysis of the Municipal 2008 Elections, in comparison to the previous local elections, shows that there have been no positive developments in terms of increased participation of women. This challenges the general view that women are present at the local level of governments in BiH, while their number decreases at the higher levels.

167. At the Municipal 2008 Elections, from the total of 113 political parties and coalitions that participated in local elections, only 11 political parties in 18 municipalities have proposed more women than men on their candidate lists. The certification was conducted for 28,560 candidates for legislative bodies at the local



level, of which 10,189 or 35.91% were women; 469 women or 15% were elected. There were 566 candidates certified for mayor, out of which 36 or 6.36% were women. Out of 140 municipal mayors (including mayor of Banja Luka City) there were 4 women elected, or 2.85%.

168. The representation of women in the bodies of executive power after the General 2006 Elections is represented in the following parameters:

- The Presidency, which consists of three members, there are no women.
- No women are represented in any of the nine ministers in the Council of Ministers of BiH, moreover two women Deputy Ministers were appointed at the Ministry of Defence of BiH and the Ministry of Foreign Affairs of BiH.
- The President of the Federation of BiH is a woman and the Deputy Presidents of the Federation of BiH are a woman and a man.
- The President and the Deputy Presidents of Republika Srpska are men.
- The Federal Government Prime Minister and his two Deputies are men.
- The Government of Republika Srpska Prime Minister is a man, and out of two Deputy Prime Ministers one is a woman.
- The Government of the Federation of BiH has only one woman minister, and in the Government of Republika Srpska two women ministers out of 16 ministerial seats in each entity.
- Out of the total number of assistant ministers in the FBiH, 32 are men and 68 are women, or 15% and 32% respectively.
- In Republika Srpska, assistant ministers are 34 men (65%) and 18 women (35%).

169. In the course of the General 2010 Elections the candidate lists of political parties in relation to the two previous elections cycles in 2006 and 2002 contained the largest number of women candidates. The results of the 2010 Elections show:

- The Presidency, out of three members there are still no women.
- Among the elected representatives in the House of Representatives of the Parliamentary Assembly of BiH 19% are women.
- The National Assembly of RS has 22% of women, 18 women compared to 65 men.
- In the House of Representatives of the Federation of BiH there are 17.3% of women, or 17 women compared to 81 men.
- The President of Republika Srpska is a man, and two Deputy President are also men.
- The Premier of Republika Srpska is a man, and two Deputy Premiers are also men.
- The great progress is reflected in the fact that Republika Srpska has appointed 5 women ministers out of 16 ministerial positions.

- In the House of Representatives of the Federation of BiH there are 17.35% of women, while in the National Assembly of Republika Srpska there are 21.69% of women.

Table with data referred to in paragraphs 142 – 153 is contained in the Annex III of the Report – Table 5: Analysis of elections results from 1996 to 2010.

170. Women are represented in small percentages also as members of the cantonal governments, directors of important institutions, members of boards and commissions, and supervisory or management boards of public companies. Implementation of activities under GAP BiH are planned in future in order to harmonise laws and by-laws that govern the issue of appointing persons to public offices and the process of candidacy with the Law on Gender Equality in BiH.

#### **Courts and prosecutor's offices**

171. The analysis of the Law on High Judicial and Prosecutorial Council of BiH (HJPC BiH) (Official Gazette of BiH, 25/04, 32/07, 48/07 and 15/08), indicated that the Law contains provisions that prohibit discrimination based on gender and introduce the obligation of equal gender representation in appointments to all judicial functions at all levels of the judiciary. Generally speaking, women's representation in the courts and the prosecutor's offices has been satisfactory.

172. From 8 judges of the Constitutional Court of BiH 4 are women (50%). The President of the Constitutional Court is a man while the three women are Deputy Presidents. In the period from August 2008 to May 2009 the position of the President of the Constitutional Court of BiH was performed by a woman.

173. Data from the Annual Report of the High Judicial and Prosecutorial Council of BiH for 2009, show that women's representation in the courts is about 64% (563 women and 315 men), and in prosecutor's offices 46% (138 women and 160 men). However, data on gender representation in higher positions, such as presidents and chief prosecutors, showed lower representation of women (35%). The President of the Court of BiH is a woman. Women as presidents were dominant in the cantonal courts. Only two women were appointed as chief prosecutor, one in a cantonal prosecutor's office (of 9 appointees) in the Federation of BiH and one in the District and the Special Prosecutors Office in Banja Luka (out of 6 appointees) in Republika Srpska.

Detailed data on gender representation in the courts and prosecutor's office are contained in Annex III – Tables 6, 7, and 8.

#### **Representation of women in the Armed and Police Forces of BiH**

174. Women are represented in small percentages in decision-making positions within armed and police forces. There is still no sufficient number of applicants for the military profession into professional military service of the Armed Forces of BiH. Out of 3,600 candidates who applied to an ad for admission into professional military service in 2008 there were 21 women and all were accepted into the Armed Forces of BiH.

175. In 2009 there were 3,601 candidates who applied to an ad for professional military service in the Armed Forces of BiH, out of which 213 candidates were women, and this indicates at the increased interest of women for the military

profession. In 2010 5592 candidates applied to an ad for professional military service in the Armed Forces of BiH, out of which 384 candidates were women.

176. Number of women in commands and units of the Armed Force of BiH amounts to 507 out of which: officers – 55, non-commissioned officer – 125, soldiers, 168 and CL – 159, which is 5,7 %. The preconditions for advancement of women are the same as those for men, which is regulated by the Law on Armed Forces of Bosnia and Herzegovina and with bylaws of the Ministry of Defence and the Armed Forces of BiH.

177. From the total number of employees in the Ministry of Defence of BiH women represent 41.5% in the following positions: 1 Deputy Minister of Defence, 2 Heads of Departments, 1 Head of Office, 2 advisers, 18 expert advisers, 18 senior expert associates, 4 associates and 57 staff members.<sup>14</sup> The representation of women in the security forces of Bosnia and Herzegovina at the State level is as follows:

- The Ministry of Security has 48.73% of women, and at the managerial positions are 26.47% of women;
- The State Investigation and Protection Agency of the Ministry of Security of BiH has 14% of women and 0.53% in managerial positions;
- In the Border Police of BiH of the Ministry of Security of BiH there are 11% of women employed, and at the managerial positions there are 0.19%, the Department for Foreigners employs 34.83% of women and in managerial positions there are 2.25% of women.

178. In the period between 1999 and 2009, 983 candidates enrolled into the Police Academies in BiH, and of that number, 222 were women or 22%; the training was completed by 940 applicants, of whom 211 women or 22%, which were referred into the police service.<sup>15</sup>

179. From the total number of employees in the Ministry of Internal Affairs of Republika Srpska in 2009, the representation of women was 20.87%, but the percentage of women authorised persons was 6.4%, 57.5% of civil servants, and female staff members 81.8%. From the total number of women authorized persons 55.9% were uniformed police staff, and 44% were non-uniformed. At the 14th Generation of the Police Academy there were 23 students, of which 1 female.

180. In the Ministry of Internal Affairs of Republika Srpska there are 95 women or 6.5% in managerial positions. Representation of women by ranks is as follows: Chief Inspector – 1, Independent Inspector – 2, Senior Inspector – 14, Inspector – 55, Junior Inspector – 95, Sergeant -3, Senior Police Officer – 61, Police Officer – 105.<sup>16</sup>

181. The Ministry of Internal Affairs of the Federation of BiH, in accordance with data from 2009, employed 193 persons, of which 107 were women and 86 men. From 6 senior civil servants, 4 were women and 2 men. From the total of 65 civil servants in the Ministry of Internal Affairs of the Federation of BiH, 32 or 49.23% were male and 33 or 50.77% were female. From the total of 128 employees, 54 or 42.19% were male and 74 or 57.81% were female.

<sup>14</sup> Source: Official Statistics of the Ministry of Defence of BiH.

<sup>15</sup> Source: Official Statistics of the entity Ministries of Internal Affairs.

<sup>16</sup> Source: Official Statistics of the Ministry of Internal Affairs of Republika Srpska.

182. From the total of 507 police officers of the Federal Police Administration under the Ministry of Internal Affairs of the Federation of BiH, 92.11% were male, and 40 or 7.89% were female. The Federal Police Administration employs 52.08% of female civil servants, and 39.88% female staff members.

183. In the Federal Police Administration, out of the total number of independent inspectors there are 2 women or 8.70%, while among the higher inspectors there is 1 woman or 3.33%. From the total of 45 inspectors, 9 or 20% are female, and the junior woman inspector is 1 or 1.56%. From the total of 80 persons in a position of senior sergeant, 1 or 1.25% is female, and from the total of 160 senior police officers, 136 or 85% are male and 24 or 15% are female. Out of nine police officers, 7 or 77.78% are male and 2 or 22.22% are female.<sup>17</sup>

184. The civil society organisations and associations concerned with women's human rights are an important segment of women participation and its impact on public policy and society as a whole. These organisations support and actively work on increasing participation of women in public and political life, through seminars, trainings, round tables and panel discussions, research, public campaigns and other activities. The studies that were conducted by the organisation related to, among other things, the analysis of elections, elections results, and the presentation of women politicians in the media. These studies confirm the general picture of policy and decision-making as the "male" domain.

#### **Women in Trade Unions**

185. The Federation of Independent Trade Unions of BiH operates within the Federation of BiH and it is composed of 24 branch trade unions, and, depending on the area covered by each branch union, a different number of women members of the union. At the level of Republika Srpska there is the Trade Union of Republika Srpska. These two associations, including the Union of the Brčko District of BiH create the Confederation of Trade Unions at the State level. Information on membership and leadership in the Federation of Trade Unions in RS shows that membership of women is represented in 43% in comparison to 57% of men. Women are predominant in the membership of branch unions of education, science and culture (64%), trade unions of textile, leather and footwear (77%), financial organisations (65%), trade unions of health and social care (74%), which correlates with data on employment in these sectors and confirms the gender segregation of occupations. This image is confirmed by data on the dominant number of males in the union membership in construction (81%), trade union of transport and communications (78%), union of mining and metal industry (76%), union of the Internal affairs (80%), trade unions of forestry and wood processing (71%), union of administration (69%), and the union of agriculture and food industry (64%). Women and men participate equally in the union membership of judiciary, unions of trade, catering and tourism, and trade union of information and media. Men, however, constitute a substantial majority in managerial positions in the unions. The President of the Federation of Trade Unions of Republika Srpska is a woman.

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<sup>17</sup> Source: Official Statistics of the Ministry of Internal Affairs of the Federation of BiH.

**Article 8: participation of women in diplomacy and international organizations**

186. Analysis of gender representation in negotiating teams showed that such representation of women is at the satisfactory level, but it is necessary to increase the representation of women in managerial positions.

187. In accordance with data of the Ministry of Foreign Affairs of BiH for 2008 the percentage of female ambassador was 24.5%. Six men and no women were appointed as Consul General.

188. Female experts from BiH equally participate in all activities at the international level, including participation in international meetings of all levels and types. The members of the Armed Forces and police have taken part in the Peace Support Missions in Ethiopia, Eritrea, Iraq, Liberia, East Timor and Cyprus.

**Article 9: citizenship**

189. There were no changes in relation to this Article of the UN Convention on the Elimination of All Forms of Discrimination against Women.

## Part III

### Article 10: education

190. The laws on education in BiH include the principle of prohibiting discrimination based on race, sex, language, religion, political or other opinion, national or social origin.

191. The Agency for Pre-school, Primary and Secondary Education was established by the Law on Agency for Pre-school, Primary and Secondary Education (Official Gazette of BiH, 88/07). The Agency is responsible for establishing standards of knowledge, evaluation of the results and development of common core curricula in pre-school, primary and secondary education, and other professional activities in the area of knowledge standards and quality that are defined by special laws and regulations.

192. The Agency for Development of Higher Education and Quality Assurance and the Centre for Information and Recognition of Documents in the field of higher education were established by the Framework Law on Higher Education in BiH (Official Gazette of BiH, 59/07) which determines the organisation of higher education in BiH, responsibility of competent authorities in this area, establishing of bodies for implementation of laws and international obligations of BiH, and the manner of ensuring quality in higher education.

193. In Republika Srpska, in this reporting period, new institutions were established that should contribute to the improvement of educational processes at all levels: the Institute of Adult Education and the Agency for Accreditation of Higher Education Institutions in Republika Srpska. There is also the Commission for Information and Recognition of Qualifications in Higher Education and the Council for Higher Education Development.

194. The Law on Gender Equality in BiH regulates the obligation of harmonisation of the curricula and teaching facilities for all levels of education and the elimination of discriminatory and stereotypical content about gender roles of women and men. This has not been done in a systematic way.

195. An analysis of textbooks and classroom practice was conducted with support from UNICEF, in order to establish the level of harmonisation of textbooks and teaching practices with the principles of gender equality. The analysis revealed that the stereotypical representation of gender roles is present in textbooks and teaching practices.

196. The project “Implementation of the Law on Gender Equality in BiH”, which is supported by UNDP in BiH, included drafting and publishing of the “Findings and Recommendations of the Education Working Group”. The publication contains analysis and recommendations for the introduction of standards of gender equality in the education system in BiH.

197. These activities and the activities conducted during the previous reporting period have created the preconditions for the systematic integration of gender equality principles into the education system.

198. The Agency has initiated the establishment and, in 2006 signed a Memorandum of Understanding to begin the master studies in “Gender Studies” at the Center for Interdisciplinary Postgraduate Studies in Sarajevo. It is a biennial,

regional, interdisciplinary master's programme with the aim of educating students about the methods, theories and concepts necessary for the study of gender in general and its specific contexts, as well as about conducting research within this interdisciplinary field.

199. The study teaches the following modules: Gender Theory, Gender and Human Rights, Gender and Politics, Gender and Development, Gender Strategy and Policy, Gender and the Balkans (socio-economic aspects), Gender and the Balkans (the politico-cultural aspects), Gender and Cultural Studies, Domestic Violence, Religion and Gender (monotheistic traditions of Judaism, Christianity and Islam), Gender and Economy, Gender and Everyday Life in Transition, Gender and Nationalism, Gender and Integration within European Union, Research: Gender Strategy and Policies, Research Methodology in the Field of Gender, Gender and Peace Building and Gender, Civil Society and Media.

So far, two generations have completed the studies, and currently the third generation of students has been enrolled.

200. The Center for Interdisciplinary Postgraduate Studies of the Sarajevo University has organised a regional conference on "Gender and Science". The conference was attended by academics as well as expert practitioners from BiH, Croatian, Serbia and Montenegro to discuss approaches to gender issues from an academic standpoint, the importance of knowledge of theories and concepts for the study of gender and gender research.

201. Within Gender Week of 2009 a debate was organised on the "Application of the Theory in Practice" with a view to present experiences and possibilities of applying the knowledge in practice to the students of the first and second generation of postgraduate gender studies.

202. Students of the Law School of the University of Sarajevo and the Law School of University of Banja Luka are familiarised with the regulations in the field of gender equality and gender mainstreaming within the subject of Legal Clinic on Human Rights. At the Law School in Sarajevo, one of the elective courses is the subject of gender.

203. According to the UNDP study, it is considered that only 10% of Roma children are included in the educational process. The Action Plan on the Educational Needs of Roma and other minorities was adopted in 2004 in order to achieve greater inclusion of Roma children in the education process. The plan had little effect in practice because it did not provide mechanisms for implementation nor monitoring plan.

204. In order to improve the situation in the field of Roma education, the Federal Ministry of Education and Science, each school year, provides free textbooks to all children of Roma in primary schools. Also, the scholarships for study at universities are provided.

205. If there are more children attending school in one family and if one has to leave school, it is usually the oldest female child who can take over household chores. There are no action plans developed by competent institutions to raise public awareness about this issue and to show parents their legal obligations. There are no data on educational programmes for girls and women who have left school prematurely, or special programmes to include girls who have left school because of pregnancy.

**Pre-school and primary education**

206. In the academic year 2008/2009 in BiH there was a total of 196 pre-school institutions with 16,260 children, out of which 47.7% were girls. Compared to the previous academic year, the number of pre-school institutions increased by 1%, the number of children enrolled in pre-school institutions increased by 12%, and the number of employed increased by 1.4 %. There were 96% of pre-school teachers.

A larger percentage of children attend pre-school institutions in Republika Srpska than in FBiH.

More detailed information can be found in Annex III – Table 9: Gender distribution of pre-school teachers and children in pre-school institutions in BiH

207. At the beginning of academic year 2008/2009 in BiH, there were 359,925 pupils enrolled in 1,874 primary schools, which, compared to the previous academic year, is 3,513 pupils less, or 1%. At the beginning of academic year 2008/2009 in BiH, 23,781 teachers were involved in the teaching process, of which 16,439 were women, or 69.1%.

More detailed information can be found in Annex III – Table 10: Gender distribution of teachers and children in primary schools in BiH

208. At the beginning of academic year 2007/2008 in BiH, as well as at the beginning of academic year 2008/2009, there were 63 operational primary schools for children with special needs.

More detailed information on the number of classes and pupils in primary schools and schools for children with special needs can be found in Annex III of this Report – Table 11.

209. According to the data obtained from the Agency for Pre-school, Primary and Secondary Education BiH, there is no particular subject which covers the issues of family life, but there are themes in the curriculum which cover issues regarding home, family, relatives, having children, and family planning. These themes are covered in classroom teaching, with both girls and boys present.

210. In the period between 2006 and 2009, in the Federation of BiH, there were 37 schools for children with special needs. Out of the total of 798 pupils with special needs in 2006, there were 318 female pupils or 39%, and in 2009, out of the total of 704 pupils, there were 247 female pupils or 35% which were included in primary education. This data shows that in that period there was a reduction in the total number of enrolled pupils with special needs by 11%, and that the number of enrolled female pupils reduced by 4%.<sup>18</sup>

211. According to the data obtained from the Republic Pedagogical Institute in Republika Srpska, in 50<sup>19</sup> primary schools, 1,243 pupils with special needs are attending classes, out of which 740 male pupils and 503 female pupils or 40.46%.

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<sup>18</sup> Source: The data of the Federal Statistic Institute for the field of education for the period from 1 January 2006 to 31 December 2009.

<sup>19</sup> Republic Pedagogical Institute RS; the information was obtained in a survey which was completed by only 50 primary schools in Republika Srpska. It is important to emphasize that this number is not final and complete because there are over 200 operational primary schools in RS, but, for the needs of this report it is important as it indicates the lack of official data base.



**Secondary education**

212. In the academic year of 2006/2007 in BiH, 160,497 students attended secondary schools, out of which 80,054 were female students, or 49.8%, and 42,373 pupils completed secondary school, out of which 20,846 female pupils or 49,1%. In BiH, at the beginning of the academic year 2008/2009 there were 148,100 students enrolled in 306 secondary schools, which is 9,350 or 5.9% less compared to the previous academic year. More detailed information can be found in Annex III – Table 12.

213. Percentage of female students enrolled in secondary schools changes depending on the type of school. 63% female students enrol in gymnasiums, 50% in technical schools, and 57% in art schools, while 45% female students enrol in religious schools and 34% in vocational schools. It is not rare in practice that female students attend schools in which they receive vocational training, for vocations which are traditionally considered to be male, and vice versa. 40% of female students enrol in schools for students with special needs.

More detailed information can be found in Annex III – Table 13.

214. At the beginning of academic year 2009/2010 in BiH, there were 11,657 teachers involved in the teaching process in secondary schools, out of which 6,559 women, or 56.2 %.

More detailed information can be found in Annex III – Table 14.

215. According to the information obtained from the Agency for Statistics of BiH – Briefing Paper on Education 2, dated 19 October 2010, at the end of academic year 2008/2009 the total number of secondary school students who left school was 2,675, out of which 38.6% were female students. 1,243 students changed schools, out of which 41.5% female students. The total number of students who left school was 1,432, out of which 517 female students or 36%, which is 0.7% out of the total number of female students in secondary schools in the academic year 2008/2009.

216. As a part of the 2009 Postgraduate Master's Program of Gender Studies of the Centre for Interdisciplinary Postgraduate Studies in Sarajevo, a survey titled "Lifelong Education in BiH: Leaving secondary schools" was conducted. This research showed that, although there is a slightly higher number of male students than female who leave secondary school, the reasons that lead to this are fairly gender-based. The most frequent reasons are related to the lack of interest of students because of the lack of prospects for employment, or exclusion of students from the education process due to forfeiting the right to education, and the irresponsible attitude of students. In addition, students leave secondary school to get married or because of pregnancy. The need for additional work force in households, which results in boys leaving school, and the fact that parents believe that girls do not need to finish secondary school are positioned low on the list of common reasons, but still point to the fact that gender stereotypes are still deeply embroiled in education in BiH.

**Post-secondary education (further and higher education)**

217. In the 2008/2009 academic year, there were 39 public and private post-secondary institutions in BiH, out of which 15 institutions for further education,<sup>20</sup> 20 Universities and 4 Schools of Theology. At the 20 Universities, there are 140 faculties and 10 academies.

218. In the 2008/2009 academic year, there were 5,204 employees in post-secondary educational institutions, out of which 1,657 women working full time, and 438 women working shorter working hours. The number of men and women in the position of assistant lecturer is relatively equal, but the number of women professors decreases. More women still graduate, but there are more men with Master's degrees and PhDs.

219. In the 2008/2009 academic year, there were 105,359 full-time and part-time students, out of which 46,326 male students and 59,032 female students. Out of 105,358 enrolled students, which is 420 students or 0.4 % more than previous year, 84,144 are full-time students or 79.9%, and 21,214 are part-time students or 20.1%. There were 47,306 full-time female students or 56% of the total number of full-time students, and there were 11,726 or 19.86% part-time female students out of the total number of female students.

In 2008, 15,013 students graduated from higher education institutions in BiH. Out of the total number of students who graduated, 69.2% were full-time students, and 21.8% were part-time students. Out of the total number of students who graduated, 59% were women.<sup>21</sup>

*More detailed information can be found in Annex III – Table 15 and 16.*

220. In the period between 2006 and 2010, the number of higher education institutions in BiH increased. In addition, the number of enrolled students also increased. There were more full time female students compared to male students. With regards to part-time studies, the ratio is slightly more even, and the number of women is only slightly smaller than the number of men. Women dominate in social, medical and natural sciences, and men in technical-technological, bio-technical, and liberal studies fields of education. There has been an increase in the number of male students who graduated, as well as the number of female students who graduated.

221. Statistical data on the number of persons who acquire the professional title of a Master of Science and specialists show higher general ratio of men than women. This ratio varies from year to year, and on average it amounts to 45% for women. There has been an increase in the number of PhDs each year, and for women it amounts to 35% on average compared to the total number of PhDs. The analysis shows that there is a decrease in the number of women when it comes to acquiring a higher level education; therefore, there is only one third of women with PhD titles.

The consolidated data on the number of persons who have acquired the title of Master of Science, specialist or PhD can be found in Annex III – Table 17 and 18, and comparative data from the past 5 years –Table 19.

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<sup>20</sup> This number also includes further education institutions as well as independent faculties which have not harmonised their regulations with the Framework law on higher education.

<sup>21</sup> Source: Agency for Statistics BiH: Education Bulletin, 2009.

### **Professional and vocational development**

222. In Republika Srpska, the number and the amounts of awarded scholarships for men and women varies according to the type of studies. A larger number of scholarships are awarded to women in graduate, doctoral and master's studies, and for men in doctoral dissertations and scientific training. Awarding scholarships in the field of education and science, the Federal Ministry of Education regularly provides funds for financing doctoral studies (50% of scholarships were awarded to women), master's studies (48% of scholarships were awarded to women), participation in scientific conferences (48% for women), and research work and scientific training (50% for women).

223. All segments of education system (kindergartens, schools, Universities, research institutes, teaching staff, curricula, text books and literature) should integrate the concept of gender equality in their work. Girls and boys, young men and young women, women and men, as well as users and participants in educational system and the production of knowledge should be equally encouraged. The number of women employed in pre-school institutions and primary schools is noticeably larger, while the number of male teachers increases at the secondary level of education and it prevails in higher education. Statistics categorised by sex of the managerial staff at all levels of education has not come to life as yet. Gender segregation of education staff and profession is present as well.

224. With the aim of sensitising of persons involved in the education system of BiH, the representatives of the Ministry of Civil Affairs of BiH, entity and cantonal ministries of education, pedagogical institutes and the Standard and Assessment Agency of BiH,<sup>22</sup> participated in the training organised by the Agency. The aim of the training was for the participants to gain knowledge about national and international legal framework for gender equality, to understand the gender concept, and to gain skills for integrating the principle of gender equality and the obligations of institutions according to the GAP BiH into curricula of the education institutions.

225. In Republika Srpska, with the approval from the Ministry of Education and Culture and the Republic Pedagogical Institute, the manuals and teaching materials for teaching and professional staff in pre-school institutions, primary and secondary schools have been developed, as well as workshop programs for extra-curricular activities for pupils, analysis and research of reading text-books and teaching practice. Conferences and symposiums with experts in the education field and Council of Europe were organised and the Council of Europe's materials for introducing gender equality to the education field were translated and published.

226. Gender Equality Commission of the House of Representatives of the Parliamentary Assembly of BiH held a thematic session on "Education and Gender Equality", where opinions on key problems and obstacles for achieving gender equality in education were presented. In addition, recommendations regarding the harmonisation of laws, introducing gender sensitive language to teaching appliances, teaching staff training, and similar, were issued.

227. In accordance to the Recommendation No. 32 CEDAW/C/BiH/CO/3 (Annex V) the further activities in the education field are necessary. The non-inclusion or inadequate inclusion of children from poor and marginalised families, especially

<sup>22</sup> From 2007 – Pre-school, Primary, and Secondary Education Agency.

female children from rural areas, into the education system, and illiteracy of older women, and insufficiently gender sensitive curricula are just some of the problems which need to be systematically eradicated.

228. Statistical data categorised according to gender must be expanded both quality-wise and quantity-wise, by introducing the monitoring of the following data: on the literacy rate according to gender, on the total number of children of enrolment age for primary, secondary and higher education compared to the number of enrolled children, on scholarships, marginalised groups, the rate and reasons for leaving school, adult education, support for scientific and research work and other data which can be identified as relevant in the process of education reform.

229. There is an association of female innovators in BiH. At the time of its inception, it was first such association in Europe. Local innovators won a number of awards and medals at fairs across the world. BiH female innovators are recognized across the world, but insufficiently so in their own country.

### **Adult education**

230. In BiH there is a major fragmentation in the structure of adult education and only a few institutions that are engaged in professional development and lifelong learning. Since adult education and training in the context of lifelong learning contributes to social and economic revitalisation, better prospects of employment and competitiveness in the knowledge market, and increased mobility and professional flexibility of an individual, a systemic approach to its development is necessary. Therefore, adult education and training becomes an integral part of the educational system, based on the principles of openness and accessibility to everyone. In Republika Srpska, the Law on Adult Education<sup>23</sup> was adopted and Rulebooks for training and re-training of adults have been drafted.

231. The focus of adult education is to reduce the percentage of illiterate population and the expansion of secondary education of adults. Priority target groups are: adults without primary or secondary school, adults who have completed secondary school that does not suit the needs of the labour market, persons with disabilities, Roma, returnees, and those who want to advance at work and professionally, and improve their entrepreneurial skills. More about training and retraining can be found in Article 11 of this Report.

232. Research conducted in the Federation of BiH showed that 82% of women aged 15-24 years are literate, while the percentage of literacy of women aged 15-19 years is 93% compared to women aged 20-24 years where the percentage is 71%.<sup>24</sup> The estimated literacy rate among adults in Republika Srpska is 90.6%.<sup>25</sup>

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<sup>23</sup> "Official Gazette of RS", 59/09.

<sup>24</sup> "Multiple Indicator Cluster Survey of social and health situation of children and women in the Federation of BiH, 2006", Federal Ministry of Health, Sarajevo, 2007.

<sup>25</sup> "Multiple Indicator Cluster Survey of social and health situation of children and women in Republika Srpska in 2006", Ministry for Health and Social Welfare of Republika Srpska, May, 2007.

## Article 11: work, pensions and social welfare

### Rights based on employment

233. The applicable laws of labour and employment in BiH prohibit any discrimination on the basis of the right to work and employment. BiH is a party to 81 International Labour Organizations' Conventions in the field of labour (ILO), and 77 of them are in force.

234. The Law on Labour in the Institutions of BiH ("Official Gazette of BiH", 26/04, 07/05, 48/05, and 50/08) regulates the rights, obligations, responsibilities, salaries and other remuneration in the institutions of BiH, and the Law on Civil Service in the Institutions of BiH ("Official Gazette of BiH", 19/02, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, and 43/09) regulates the legal status of civil servants.

235. The Agency prepared amendments to the Law on Amendments to the Law on Civil Service in the Institutions of BiH. The amendments were adopted by the Parliamentary Assembly of BiH ("Official Gazette of BiH", 43/09). The amendments relate to achieving equal gender representation in commissions for appointing civil servants, misdemeanour liability of civil servants in the case of discrimination, gender-based violence or violence based on sexual orientation, gender-based harassment or sexual harassment, and the incorporation of gender sensitive language.

236. Labour Law of Republika Srpska, as well as other legal regulations in the area of labour and employment in Republika Srpska is to the largest extent harmonised with the national and international standards in the gender equality area. In the past period, among others, the following laws were harmonised with the Law on Gender Equality: Law on Voluntary Pension Funds and Pension Plans, Law on Civil Servants, Law on Pension Reserve Fund of Republika Srpska, Law on Volunteering and Law on Amendments to the Law on Incentive for Small-sized and Medium-sized Enterprises.

237. Labour Law of the Federation of BiH and regulations in the Federation of BiH are in the process of harmonisation with the Law on Gender Equality in BiH. Namely, the adoption of the new Labour Law of FBiH is under way. Amendments to the law regulating labour, employment and access to resources concern provisions on prohibition of discrimination based on gender, the forms of discrimination in general and the forms of gender-based discrimination. Amendments also cover provisions on obligations of the competent bodies with regards to planning, implementation and monitoring of measures for improvement of gender equality, as well as provisions on gender sensitive language, gender statistics, and the provisions on obligatory equal representation of genders in appointment of members of certain bodies (board, councils or commissions).

238. Law on Crafts and Related Activities of FBiH<sup>26</sup> is fully harmonised with the provisions of the Law on Gender Equality in BiH, and the Federal and Cantonal Employments Bureaus generally point out that in carrying out their regular activities they follow the principle of protection of human rights and non-discrimination. The following laws in the Federation of BiH are harmonised with the Law on Gender

<sup>26</sup> "Official Gazette of FBiH", 35/09.

Equality: Law on Tourism Organisations of the Federation of BiH and the Law on Hospitality of the Federation of BiH. The process of amending the Labour Law of the Federation of BiH has begun.

239. The analysis of rights relating to labour and rights based on employment showed that the majority of laws in this area is harmonised with the standards of gender equality. However, the analysis of practical application of these laws shows two key findings: inspections are extremely inefficient, and weak sentencing policy results in a large number of employers, both private and public entities, to consider the payment of penalties much smaller expense than a regular compliance with legal obligations of reporting and payment of pension and social contributions for employees.

240. There are numerous violations and obstacles in exercising the right to maternity leave. Women, exposed to various pressures, for fear of losing their jobs, return to work after 1-2 months of maternity leave, although the national legislation provides for the possibility of a year of absence. A large number of women return to work much before the expiry of maternity leave because the benefits are insufficient and discouraging, which is partly the cause of low birth rate in BiH.

241. A particular problem is the trend of reporting part-time work, although employees actually work full time. The goal of the employer is to reduce the amount of contributions which are paid according to the formally acknowledged working hours. On the other hand, employees accumulate less pension years, thus needing twice the time to realise their right to full pension. This situation particularly affects women, who, because of reduced possibility of finding work agree to this kind of contracts.

242. The discriminatory practices of advertising or employing only one gender are noticeable, as well as dismissals during pregnancy or maternity leave. Girls and young women are often exposed to direct discrimination in the process of finding work because they are being asked impermissible questions on their plans regarding family and possible pregnancy.

243. With the aim of implementation of the Law on Gender Equality, the Agency drafted, published, and distributed the Recommendations of the Working Group for the Implementation of the Law on Gender Equality in BiH in the Field of Labour and Employment.

244. With the aim of determining causes and real effects of discrimination of women in the labour market, the Agency conducted first survey on differences in salaries of men and women in BiH "Gender Gap in Income in BiH", in accordance to the Recommendation No. 34 CEDAW/C/BiH/CO/3 (Annex V). The analysis of gender gap in income in BiH was prepared on the bases of the analysis of the results of the Labour Force Survey (ARS), 2006, the To Live in BiH Survey, 2001-2004 and the available data from the Statistical system of BiH. These surveys show that for each employed woman, there are almost two employed men.

245. Analysis also show that the age structure of employed persons in BiH is equal for both genders, but a closer inspection shows that the percentage of younger women in the labour market is lesser compared to their male colleagues. The most frequent reasons for such situation are: leaving work because of the child care, bigger demand for younger work force, the lower pension age of women, etc. The analysis of gender gap according to income brackets shows that men are more

present in the labour market of BiH, i.e. that the labour market is men-oriented. Although there is approximately the same number of employed men and women in the highest (over BAM 2,500.00) and the lowest (up to BAM 200.00) income bracket, in all other income brackets the number of employed men is larger than the number of employed women.

246. On average, women have higher education than men in the BiH labour market. If we compare the structure of employed women and men, the rate of women employed with completed secondary school, further and higher education is bigger compared to men. Among persons with completed secondary school lasting 4 to 5 years, women are the most represented category of employed. Among persons with completed secondary school lasting 2 to 3 years, men are the most represented category of employed, because it includes vocational training. This stems from the fact that women in BiH traditionally do not engage in crafts, and they do not attend that type of secondary education.

247. Unlike men with no education who mostly receive salary from BAM 200.00-BAM 400.00 per month, women with no education mostly fall into the lowest income bracket and receive salary under BAM 200.00 a month.

More detailed information can be found in Chart 2 – a, b, and c.

248. Women who have completed university education are moving towards higher income brackets, but men still dominate in the two highest income brackets. This points to the fact that women in BiH, as is the case across the world, have less access to managerial and other highly paid positions in the BiH labour market.

249. The biggest difference in income relates to the category of population without a degree, with the difference in income of BAM 173.09 in favour of men.<sup>27</sup> The gap in income of men and women grows smaller as the level of education grows to the level of secondary school. However, the difference is still considerable: BAM 136.56 for persons who have completed primary school and BAM 112.71 for persons who have completed secondary school. Women who have completed secondary school mostly suffer the negative effects of difference in net salaries in BiH. The biggest difference in income relates to women who have completed primary and secondary school in processing industry, and women who completed secondary school lasting 2 to 3 years working in shops. Their salaries are one third less compared to their male colleagues.

### **Unemployment and the selection of profession**

250. The opportunities of BiH women to respond to the demands dictated by the labour market are considerably limited. Several factors contribute to that, for example a patriarchal perception of a woman's role in family and society, low levels of education and awareness of women in rural areas, favouring men in employment, poor credit rating, etc. Professions are still divided to typically female and typically male in BiH. The stereotypes about desirable occupations and professions for men and women are still very deep.

251. The State has been taking actions to stimulate employment by providing incentives to employers to employ persons registered at employment bureaus, and also initiate programs to employ trainee employees.

<sup>27</sup> The information of To Live in BiH survey in this analysis are for 2004.

252. Taking into account the recommendation No. 40 CEDAW/C/BiH/CO/3 (Annex V), the Agency and the entity gender centres worked on the process of integrating the principle of gender equality into the Development Strategy of BiH, 2008- 2013, and the Social Inclusion Strategy, 2008-2013. The aim of these documents is to ensure the framework for developments and allocation of the governments' funds and other available resources, in order to respond to the needs of the defined priorities. In addition, in the course of monitoring of the implementation of both strategic documents the care will be taken on disaggregation of gender-based indicators.

253. In order to increase employment and the competitiveness of the BiH labour force, the Council of Ministers of BiH adopted the Employment Strategy of BiH for the period 2010-2014, which is fully compliant with the standards in the field of gender equality. The Strategy provides for an increase in the employment rate of women, keeping statistical data on the basis of gender, the establishment of indicators to monitor the effect of implementation of the Strategy on both sexes, the prevention of illegal employment, and similar.

254. Employment Strategy of the Federation of BiH sets out priorities within the employment policy for 2009-2013 and defines strategic and operational goals, programs, measures, and results the achievement of which is expected in the set deadlines. It is focused on unemployed young people, women, older work force, long-term unemployed and inactive, and persons with special needs and the Roma. The part of the Strategy concerning the able-bodied female population aims to increase employment rates of, primarily, inactive women. The plan is to include groups of inactive women into active measures programs; to eliminate gender-based discrimination in the market, to link education and the labour market, and the reconciliation of work and family life.

255. The Government of Republika Srpska adopted the Employment Strategy for Republika Srpska which sets out priorities within the employment policy for 2010-2014. The specific target groups the Employment strategy will focus its measures and activities on are youth, women, older workers, persons who may become unemployed and vulnerable groups such as the Roma, youth with disabilities, and young people on welfare benefits. The Employment Strategy, among others, puts special emphasis on increasing the employment rate for women through focusing on the improvement of access to the labour market and increased opportunities for employment for unemployed and inactive women.

256. In addition to the fact that women comprise 51.7% of the total estimated number of able-bodied population, only 35.6% of employed are women.

257. According to the Agency for Statistics of BiH data for 2008, the unemployment rate in BiH was 23.4% (21.4% for men and 26.8% for women), while in the same period in 2007 it was 29.0% (26.7% for men and 32.9% for women). The unemployment rate was highest among young persons aged 15 to 24, amounting to 47.5% (44.8% for men and 52.3% for women). According to the Agency of Statistics of BiH for 2008, the activity and employment rates were 43.9% and 33.6% respectively, while in 2007 they were 43.9% and 31.2% respectively; the rates were considerably higher for men than for women. The activity and employment rates are somewhat higher in Republika Srpska compared to the Federation of BiH.



258. The activity and employment rates in 2009 were 43.6% and 33.1% respectively, while in 2008 they were 43.9% and 33.9% respectively. The rates are considerably higher for men than for women. The activity and employment rates were the highest in the age group 25 to 49 (69.1% and 53.5% respectively). The structure of employed persons according to their employment status shows that paid employees have the highest representation (72.8%). There were 20.5% of self-employed persons (out of which 27.4% were women) and non-paid assisting members comprised 6.8% (out of which 68.9% were women). The structure of employed persons according to the sector of activities shows that the highest participation is in the services sector – 47.3%, then the industry sector – 31.5% and finally in the agriculture sector – 21.2%. The data on the representation of civil servants in the BiH institution shows that men are represented with 52%, and women with 48%.

Unified data according to age are shown in Annex III – Table 20: Employment rate of men and women and activity rate of women

259. BiH has a pronounced unemployment problem, which is difficult to show in detail because of the lack of reliable statistical data. The difference between officially registered (un)employment and the large number of employees working in the so-called informal “grey” economy. The existing data of the state Labour Employment Agency of BiH indicate that at the end of January 2009 there were 488,498 unemployed persons reported in official records. On the other hand, according to the Labour Force Survey until the end of 2008, which was carried out according to the recommendations and definitions of the International Labour Organization (ILO), there were 272,034 unemployed. Such different data point to the problem of the existence of informal economy in employment.

260. The estimate of the Trade Union of Trade, Hospitality, and Tourism of FBiH indicate that the biggest share of grey economy is in the trade sector (especially of the workers in textile and other goods market and the so-called “flea markets”), and agriculture, but also in the intellectual services provision. This Trade Union estimates that in the trade sector alone there are around 25,000 employed people in such a manner, most numerous of which are women. The work in informal economy affects the realisation and violation of the rights of workers. A particular problem represents the realisation of the right to health, social, and pension benefits of persons who work in such economy. Workers in grey economy realise the right to health care by registering in employment bureaus.

261. Due to pronounced gender division of labour, women prevail among employees in the care related sectors: education, medical, and social work, in the service industry, trade and government administration. Men prevail as employees in all other sectors except working in hotels and restaurants, the only sector where the percentage of women and men is relatively uniform.

The percentage of employed men and women in 2008 according to areas of activities looked like this:

<i>Representation of women</i>	<i>Areas of activities</i>	<i>Representation of men</i>
32.5%	agricultural	30.5%
17.7%	non-agricultural	33.3%
49.7%	service	36.2%

*Source: Agency for Statistics of BiH, 2008. – Distribution of BiH work force according to sectors.*

262. In 2009 in BiH the unemployment rate was 24.1% (23.1% for men and 25.6% for women). The unemployment rate was highest among young persons aged from 15 to 24, amounting to 47.5% (44.8% for men and 52.3% for women). 15.9% of unemployed persons look for job for less than 12 months and as much as 42.8% of unemployed looks for job longer than five years, which is the consequence of post-war situation and the transition of economy in our country. The highest percentage of men and women are looking for job for more than 60 months.

More detailed data on unemployment rate for the period from 2007 to 2010 can be found in Annex III – Table 21, and the numerical indicator of inactive women according to age can be found in Table 22.

263. In the structure of the unemployed population, most of the unemployed have completed secondary school (26.0%), while the least of the unemployed have university education (10.1%). The unemployment rate is higher in the Federation than in Republika Srpska.

264. Poverty is strongly connected also to the employment status of the head of the household. The percentage of poor households is the least if the head of the household is employed (12.9%). Poverty rate reaches 23.4% if the head of the household is unemployed or seeking first employment, and/or 25.5% if the head of a household is a housewife. Out of the total number of households with retired head of the household, there are 19.5% poor or 62.724 households in the country, while the biggest poverty rate is among households whose head is unable to work and amounts to a high 44.4%. The percentage of employed heads of households in 2007 was 45.2%, and those unemployed or seeking first employment 10.4%, while the ratio of household whose head is in the category “other” increased considerably from 3.3% to 4.4%. There are no significant differences compared to the employment status in households whose head was employed. The largest percentage pertains to persons employed fixed-term (60.9% in 2007), followed by self-employed or free-lance (18.8%) and persons employed under a different type of contract (13.6%). The percentage of households whose head was an employer (6.7%) was still small, as it was in 2004.

In Annex III – Table 23 provides indicators of work force according to age groups and gender groups in 2010, and in Table 24 the employed according to profession and gender in BiH.

265. There is a problem of lack of quality and accessible public or private services - nurseries and kindergartens, which should help working mothers. Remunerations and problems with payments limit women in paying both private and public nurseries and kindergartens. This indirectly decreases the number of employed women who withdraw from the labour market to care for children, and later it gets more difficult for these women to find work due to the lack of experience or a long absence from the labour market. This way the trend of discrimination and marginalisation of women is encouraged, because a huge number of women get excluded from the economic, political and public life and social inclusion.

266. There are no special programs for career guidance intended for women, especially young women, who have yet to choose the type of education and occupation for which they will be trained, which would be of great help. Appropriate programs of career guidance would affect a change in the noted gender stereotyping in career choice and work and subsequent advancement.

267. The State has not systematically addressed the issue of adult education and retraining, which proved to be necessary after the closure of the chemical and textile industries.

268. Chances for employment of women over 40 years of age are minimal, because prevailing mindset among employers that the knowledge and skills of these women are limited and outdated, because they left the formal education system a long time ago, and find it hard to cope with radical changes in demand in the labour market. A particular problem represents the “double discrimination” of these women, first because of age, and then gender.

269. ECOS, the Institute for Education of the Foreign Trade Chamber of BiH, in cooperation with the Federal Employment Institute with the support of the Social Inclusion Foundation in BiH (SIF in BiH), launched a project focused on providing training for women over 40 years of age for active participation in the labour market. Through this project 186 unemployed women over 40 years of age participated in two types of training: IT literacy or e-inclusion through the internationally recognized ECDL Start computer school and entrepreneurial training related to the acquisition of skills needed for self-employment and active seeking of employment through the School of Small Business. 158 unemployed women older than 40 years of age passed 4 modules and gained ECDL Start Certificate, and 159 of them passed the final exam in the School of Small Business.

270. Women with disabilities are especially vulnerable to being victims of multiple discrimination in BiH society, particularly in the areas of labour and employment, although BiH adopted the Convention on the Rights of Persons with Disabilities. The State has no special programs for employment, retraining or rehabilitation related to women with disabilities, nor does it have relevant statistics, data, or special measures for protection of women with disabilities in the areas of labour and employment.

271. In the Republika Srpska Government projects, which were implemented in cooperation with the Republic Institute for Employment in 2007 and 2008, more women trainees were employed than men, and in 2008, the number of employed trainees almost doubled compared to 2007.

272. The data for 2009 obtained from the Republic Institute for Employment showed that among the number of unemployed persons with disabilities, the number of men (3,019) is dramatically larger than the number of women (110). Among unemployed persons with disabilities in the category of civilian victims of war, there were 12 women and 39 men registered.

273. According to the data obtained from the Fund for Vocational Rehabilitation and Employment of Disabled Persons of RS for the period 2007-2009, out of the total of 665 disabled people who were directly employed with the help of the Fund’s resources, 41 disabled people were women, or 6.16%, and 624 disabled persons were men, or 93.83%. These data indicate that there is a large number of disabled war veterans among the disabled people, and that among the disabled a small number of women with disabilities seek employment or funds to start their own business.

274. With the aim of promoting the rights of work and employment, the Agency in the cooperation with the Judicial Reform Project Canada – BiH prepared and published a brochure “Are You Aware of Your Rights?”, 2007 and 2008. In the form

of questions and answers the brochure covers the main questions of labour and employment (unemployment, dismissal, remuneration, rights at work, legal regulations), as well as the legal issues in other areas. This way of informing the public of basic rights has proved to be very successful, because the Agency has received many calls from citizens with recommendations to continue with such activities.

275. In March 2008 the Gender Centre of the Serbian Republic, together with the Ministry of Labour and Veterans and Disabled Protection organised a promotion and distribution of a manual titled: “The rights at work and work-related rights – do you know them? A manual for working women and job-seeking women.” The manual is a result of the need that working women and women who are seeking employment become aware of the rights at work and rights related to work, guaranteed to them by the Constitution, laws and binding international documents, as well as the mechanisms for their protection.

276. A publication titled – “Through Women’s Labour Rights” was prepared by the Helsinki Citizen Assembly Banja Luka, a non-governmental organisation, in cooperation with the Gender Centre of RS, with the financial support by UNIFEM. The data presented in the publication show the unsatisfactory position of women in the labour market in BiH, especially for women over 40 years of age, pregnant women and mothers of underage children. The publication contains an overview of major international and domestic norms that regulate the labour and employment sector, as well as concrete illustrated examples from practice. The aim of the publication is to increase the effectiveness of institutions responsible for protecting the rights regarding labour and employment, as well as to animate and inform the public about the protection of labour rights, especially women’s labour rights.

### **Private sector**

277. The largest number of employees in the private sector is concentrated in the areas of retail and wholesale trade, repair of motor vehicles and of personal and household goods, hospitality and manufacturing industry. Men prevail as formally employed in construction, mining and quarrying industries, fisheries, production and supply of electricity, gas and water supply, and agriculture, hunting and forestry. Women are predominantly formally employed in the sectors of financial intermediation, hotels and restaurants, trade, and manufacturing industry, and other sectors.

278. At the proposal of the Ministry for Development, Entrepreneurship, and Crafts of the FBiH, the Government of the Federation of BiH adopted a project titled “Development of Small-sized and Medium-sized Entrepreneurship in the Federation of BiH”. Project objectives are to strengthen the competitiveness of small-sized and medium-sized entrepreneurs and crafts, to increase employment, and to enable small-sized and medium-sized entrepreneurs to become a source of technical and other innovations. The project envisages the realisation of eight strategic objectives, namely: reduction of administrative obstacles, promotion of entrepreneurship, establishment of a central agency for small-sized and medium-sized enterprises, strengthening the business infrastructure, technical development and stimulating entrepreneurs and target groups.

279. When adopting new regulations in their competency, the Ministry for Development, Entrepreneurship, and Crafts of the FBiH respects all rights and

obligations in accordance with the Law on Gender Equality in BiH. The Ministry is also active in establishing the Project of Information System of Small-sized and Medium-sized Enterprises, which would ensure adequate monitoring of the situation in the small-sized and medium-sized sector. This will ensure equal access to information to all interested legal and physical persons. It will also allow the monitoring of statistical indicators relating to, among others, the entrepreneurship of women, with special emphasis on businesses in which women are directors and/or majority owners.

280. Within the Ministry for Development, Entrepreneurship, and Crafts of the FBiH budget, a separate budget line would be introduced for the development of the entrepreneurship of women. Between 2005 and 2008, out of the total of 517 approved projects/programs, women were granted 264 (51%). This percentage has varied from year to year, but generally reflects the gender balance (2005 – 56%, 2006 – 59%, 2007 – 59%, 2008 – 41%).

281. The Strategy for Development of Small-sized and Medium-sized Enterprises in Republika Srpska for the period from 2006 to 2010, which was adopted by the National Assembly of Republika Srpska in 2007, defines operational goals related to the development of small-sized and medium-sized enterprises. The implementation of this goal in the period from 2006 to 2010 was mostly focused on the harmonisation of the legislation of Republika Srpska with the Law on Gender Equality in BiH, and on research related to entrepreneurship in view of gender. However, there was no organised training in the field of entrepreneurship and the application of the Law on Gender Equality in BiH in the field of labour, employment and access to resources, with special emphasis on women entrepreneurs. In the coming period a new Strategy, which will include this goal, will be prepared and adopted.

282. In a country that is still adjusting to the transition to a market economy, there is little information about the obstacles faced by women business owners. Entrepreneurs say they have difficulties with regards to obtaining permits, taxation, and the finance. These represent obstacles to their business success. Numerous household duties and child care are the reasons that women get less involved and do not invest in economic activities.<sup>28</sup>

283. Many women lack self-confidence for getting involved in business activities. Professional organisations tend to be male dominated, with limited participation of women. The lack of powerful associations of business women means that women have not established a connection with network of other business women they could approach to share ideas and knowledge. Female-led business is less developed than the male and gravitates to traditional crafts, handicrafts and service sector, mainly due to low initial capital investment and the qualifications required for these sectors.<sup>29</sup>

284. Women who own businesses spend only 29.2 hours per week on their businesses on average, compared to men who spend 46.9 hours on their businesses. These data indicate that, because of traditional roles, many women probably choose self-employment or quitting the job.<sup>30</sup>

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<sup>28</sup> “The Voice of Women Entrepreneurs in BiH” MI-Bospo, May, 2008.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

285. According to the data obtained from the Health Insurance Fund of RS, women constitute 40% of the total number of entrepreneurs in the RS. There are reports that men formally register their companies to women (wives or relatives), due to the conflict of interest or for other reasons, although they de facto operate and manage the business, but there is still no reliable data on the extent of this phenomenon. It is evident that women account for 35% of the total employment in small-sized and medium-sized enterprises, while men account for 65%.

286. According to the data obtained from the Taxation Authority of Republika Srpska for 2008, the percentage of owners/entrepreneurs was 62%. Out of the total number of owners, 73% were men. Data on income earned from real estate are as follows: 40% of women earned income compared to 60% of men. Income tax was paid by more men, which is consistent with the data on the ownership of enterprises and shops.

### **The right to Pension and Disability Insurance**

287. In order to harmonise regulations in the area of pension and disability insurance with the Law on Gender Equality in BiH, in cooperation with the Federal Institute for Pension and Disability Insurance and the Federal Ministry of Finance, a Draft Law on Amendments to the Law on Pension and Disability Insurance was drafted in cooperation with the Federal Institute for Pension and Disability Insurance and the Federal Ministry of Finance, which was adopted by both Houses of Parliament of the Federation of BiH. In Republika Srpska, the RS Gender Centre separately worked on the harmonisation of the Law on Voluntary Pension Funds and Pension Plans of Republika Srpska and the Law on Pension Reserve Fund of Republika Srpska with the Law on Gender Equality in BiH.

288. There are no complete data at the State level, disaggregated according to gender, on the beneficiaries of old age, disability, and inheritance pensions (especially of family pension). According to the estimates of the Labour Force Survey 2010, the Agency for Statistics of BiH, out of the total number of beneficiaries of age pensions in BiH, 33% were women. In the inactive category, the majority were housewives and pensioners. In the category of pensioners there were 289,000 men and 174,000 women. Of the total number of inactive men, pensioners account for 53% and out of the total number of inactive women, pensioners account for 19.5%.

### **Social welfare**

289. Laws on Social Welfare provide certain rights for persons who are in need caused by war events, natural disasters, the general economic crisis, the mental and physical condition of individuals or other reasons, which cannot be alleviated without the help of another person.

290. The relevant data on the position of women in the poor category are not available, because all surveys related to living standards, income and spending monitor the state of households, not individuals. Excluded groups are, as a rule, presented as the part of the total number of poor people. Their poverty is more often long-term rather than temporary. Differences according to gender can be observed in the use of social services. Men are markedly prevalent when it comes to socially unacceptable behaviour, vagrancy, crime, drug addiction and alcoholism, while there

are more women among those prone to prostitution, although these persons are the least registered.

291. According to the data obtained from the Agency for Statistics of BiH, Thematic Bulletin 4, May 2010, the number of Social Welfare Centres in BiH increased from 114 to 117 from 2003 to 2008. The number of employed persons increased, and the number of female employees is ever increasing and was around 73%.

292. The number of beneficiaries of social welfare in the category of underage and adult beneficiaries, both women and men, increased. In 2008, there were more male underage beneficiaries, and more female adult beneficiaries. In the category of elderly without family care, women were prevalent as beneficiaries of social welfare.

293. In the Federation of BiH, the largest number of underage beneficiaries who receive assistance are from the categories of “vulnerable because of the domestic/family situation”, and “in the need of various social and welfare services.” The largest number of adult beneficiaries is in the category of “beneficiaries without enough income for living” and amounts to 100,475 beneficiaries, out of which 53.9% are women.

294. During 2008 there was a rapid increase of the number of women beneficiaries of subventions in Republika Srpska as well (adult beneficiaries of subsidies for the costs of rent, heating and burial registered at the Social Welfare Centres).

295. The number of girls who are placed in homes for children and adolescents is much higher than the number of boys, while the number of boys who are placed in homes for children and youth with difficulties in mental and physical development is much larger.

296. No information or relevant research is available to document the level of awareness of rights and procedures for exercising the right to social welfare for men and women in BiH. Therefore, the number of female beneficiaries of social welfare services is smaller. There are no data on the number of persons who received information about the possibility of realising the right to social welfare.

### **The Rights of Civilian Victims of War**

297. The Law on Principles of Social Protection, Protection of Civilian Victims of War, and Protection of Families with Children of the Federation of BiH<sup>31</sup> defines the persons who are survivors of sexual abuse and rape as having the status of special category of civil war victims. This amendment which was adopted in 2006 by the Parliamentary Assembly of FBiH represents the implementation of the Recommendation No. 38 CEDAW/C/BIH/CO/3 (Annex V). In territory of Republika Srpska, the war-time victims of sexual abuse and rape realise their right through recognising their status of a civilian victim of war pursuant to the Law on Civilian Victims of War of Republika Srpska.<sup>32</sup>

298. Pursuant to the Law which is in force in RS, the status of a civilian victim of war is awarded by submitting an application within five years from the day of the event in question. The deadline for awarding this right was extended several times

<sup>31</sup> “Official Gazette of FBiH“, 39/06.

<sup>32</sup> “Official Gazette of RS“, 25/93, 32/94, 37/07, 60/07, 111/09, and 118/09.

for persons who were late submitting the application and the final deadline was on 31 December 2007. The process of realising this right requires an assessment of damage to the body of at least 60%, making it difficult to recognize the status of civilian war victims. It is recommended that the assessment include the psychological problems that these victims have. It is necessary that the war-time victims of sexual violence and rape are recognized as a separate category of civilian war victims.

299. In accordance with the laws in force in the Federation of BiH, rape victims are recognized as a separate category of civilian war victims. The evidence needed for the recognition of this status is considered to be medical documentation of treatment issued immediately after the occurrence of injury to the body, as well as adequate proof issued by relevant institutions, as well as documents issued by relevant institutions, including civil associations, NGOs or other authorized organisations engaged in providing assistance to persons victims of rape. According to the Instruction,<sup>33</sup> issued by the Ministry of Labour and Social Policy of FBiH, in FBiH the competency for issuing the Certificate on the Established Status and the Consequences of the Act of Abuse and Rape was entrusted to the association “Women – Victims of War”.

300. The rights that war-time victims of sexual abuse and rape exercise through the status of civilian victims of war include: the right to monthly financial and other material assistance, the right to health care according to the laws on health care, the right to vocational rehabilitation, and in the Federation of BiH also the advantage in employment and psychological and legal assistance. The amount of monthly disability benefits for victims of sexual abuse and rape is not uniform between the entities and ranges between BAM 102.30 paid in RS and BAM 514.00 paid in the Federation of BiH.

301. The Agency organised a round table with organisations of civil war victims under the title “How to realise the rights of civil war victims in BiH.” The aim of the roundtable was the identification of problems and needs of civilian war victims, particularly victims of sexual violence during conflicts and deficiencies in the implementation of existing legislation. Based on this, the ways of cooperation and the possibility of support of the gender institutional mechanisms for solving the problem of civilian war victims were defined.

302. One of the goals of the Action Plan for the implementation of the UN resolution 1325 (2010-2013) is “an improved network of support and help to women and girls who were victims during war conflicts”, with defined activities, responsible institutions, deadlines and indicators for monitoring. The project of the association “Women Victims of War” with the aim of establishing the medical needs of women victims of war was funded by FIGAP.

303. At the State level, the process of developing the Strategy in the field of transitional justice, which will also include the issue of women civilian victims of war and victims of torture, has started. The working group is comprised of the representatives of: Ministry of Human Rights and Refugees, Ministry of Justice, the Institute for Missing Persons of Bosnia and Herzegovina, entities’ ministries of justice, Ministry of Labour and Social Affairs of the Federation of BiH, Ministry of

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<sup>33</sup> **Instruction on the Procedure of Recognising the Status of a Civilian Victim of War (“Official Gazette of FBiH”, 62/06).**



Labour and Veterans and Disable Protection of Republika Srpska, Brcko District of BiH Government, and non-governmental organizations.

304. The Agency has cooperated with the UNDP BiH Transitional Justice Project in the activities related to the assistance to civilian victims of war. In order to improve the situation of women civilian victims of war in BiH, UNHCR launched a project in the municipalities of Gorazde and Ilijas, “Restoring human dignity through the provision of permanent housing” which resulted in the provision of accommodation and the initiation of occupational therapy for women civilian victims of war.

## **Article 12: equal access to health care**

305. Based on a review of the legal framework of health care in the entities and Brcko District, the rights provided for by laws allow free access and exercising the statutory rights to social and health care, regardless of gender. However, detailed analysis of legislation in this area continues to show that there is a difference between the defined rights and opportunities for their realisation in practice, which was particularly true for women from rural areas and women belonging to vulnerable groups.

306. The harmonisation of laws and regulations with international standards in health care has started, however, the changes go slowly and the implementation of the law in practice represents a particular problem.

307. The Rulebook on the manner of realising health care and the Rulebook on the content and scope of the right to health care and participation<sup>34</sup> were adopted in Republika Srpska in 2007, while the Law on Amendments to the Law on Health Insurance was adopted in the Federation of BiH in 2009.<sup>35</sup> These regulations introduce changes to ensure the health protection of children and youth up to 15 and/or 18 years, and young people up to 26 years, if they are in full-time education. Direct insurance of the elderly over 65 years of age, if not otherwise insured, is also provided.

308. The Decision on establishing the basic package of health rights and the Decision on the maximum amount of direct participation of insured persons in the cost of using certain types of health care in the basic package of health rights were adopted in the Federation in 2009,<sup>36</sup> which should contribute to achieving the unification of the realisation of rights in the territory of FBiH. This Decision provides even the uninsured women with health care during pregnancy and childbirth, as well as puerperium and postnatal complications, up to six months.

309. The antenatal period provides significant opportunities to offer pregnant women many interventions that can be vital to their health and well being, and health and welfare of their babies. The content of prenatal examination includes measuring blood pressure, urine testing for the presence of bacteria and protein, blood tests to detect syphilis and anaemia, measurement of weight/height, the test for phenylketonuria, and thyroid hormones. Percentage of all services (included in mandatory prenatal examination) is very high at 99.4%.<sup>37</sup>

<sup>34</sup> “Official Gazette of RS”, 54/07 and 63/08.

<sup>35</sup> “Official Gazette of FBiH”, 30/97, 7/02, and 70/08.

<sup>36</sup> “Official Gazette of FBiH”, 21/09.

<sup>37</sup> Institute for Public Health of FBiH, 18 November 2008.

310. The Department of Health and other services of the Brcko District of BiH submitted the information that the antenatal testing of the foetus was allowed, and that the percentage of 0.5% of abortions after the tests approximate the norms of world statistics. The main reasons for these abortions are foetus mortus in utero, RVP, foerti anomalies, and infections.

311. The Law on the Conditions and Procedure for termination of pregnancy was adopted in Republika Srpska in 2008.<sup>38</sup> This law reaffirms the right of women to independent decision-making and family planning, under conditions and in the manner provided by law. Conditions for termination of pregnancy are standardised according to the rules of the World Health Organization.

312. The harmonisation of legislation in the field of health care with the Law on Gender Equality in BiH implied the introduction of provisions prohibiting gender-based discrimination, provisions on the obligations of competent authorities in terms of planning and measures to achieve gender equality, and the obligation to collect statistics disaggregated by sex.

313. The Strategy for development primary health care of Republika Srpska, the Strategy for development of secondary health care of Republika Srpska, and the Mental Health Strategy of Republika Srpska contain the principles and objectives of gender equality, in accordance with international and national standards.

314. Strategic Plan Development of Health Service in the Federation of BiH 2008-2018 is harmonised with the principles of gender equality, in terms of treating women-specific illnesses (cervical cancer and breast cancer), contraception, protection of mothers and mothers with children, etc. Preparations to begin drafting a strategy on sexual and reproductive health in the Federation BiH are under way.

315. Regardless of broadly defined possibilities to obtain health care, some social groups of the population are not covered by health insurance. According to the data obtained from the Health Insurance Fund of Republika Srpska, in 2008, 19.18% of the population (about 235,000) was unable to extend the health card/booklet validity and to use health insurance benefits. In the Federation of BiH, according to the Institute for Health Insurance and Reinsurance Federation, in 2007, 16.35% of the population was excluded from the health insurance system (about 380,000 people).<sup>39</sup>

316. The aggregate data on the number of insured persons is not disaggregated by gender, although the records are individual and there is a technical option of presenting data in such a manner. Data on the number of people who have health insurance is often not the actual data on the number of people who are able to exercise their right to compulsory health insurance, because there are employers who do not fulfil their obligations towards health-care funds.

317. Employers in the private sector, especially those who employ low-skilled labour force, are among those who do not pay contributions for health-care insurance. There are a number of barriers that prevent access to health care for the people of Bosnia and Herzegovina, among which particularly stand out: the different contribution rates for health insurance, non-payment of contributions by employers, unresolved problems of coordination between the entities, cantons, etc.

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<sup>38</sup> "Official Gazette of RS", 34/08.

<sup>39</sup> "To Universal Health Care in BiH" ICVA, May, 2009.

**Basic statistical data**<sup>40</sup>

318. In the past ten years in BiH, the number of deaths has increased from 25,152 to 34,026 in 2008. The percentage of treated patients increased from 85.7% to 91.5%, which could be one of the indicators of better health care. The average age of deceased persons increased from 66.6 to 70.2 years. The average age of the deceased men was 65 and women 71 years of age. The percentage of deaths among female population is 48% of the total number of deaths.

319. The number of violent deaths ranges from 1,100 to 1,300 a year, always with a larger number of violence, suicides and murders of men, than women. Men die sooner than women and more men die than women, from birth until the age of 74. Women and men usually die from the circulatory diseases, with a slightly higher percentage of women. More men than women die from cancer, injuries and poisoning.

320. According to available data, the life expectancy of women is longer than the life expectancy for men: 73.1 years for women and 67.4 for men. Among live-born babies there are more male, 52% compared to 48% of female infants.

321. The number of stillborn female children changed from year to year, while the number of stillbirths of boys increased from 2006 to 2008, thus in 2008 the rate of stillbirths per 1000 live births was 5.0. The total number of infant deaths in 2008 was 235, out of which there were 104 female and 131 male infants. Mortality is highest, both for boys and girls, for the age of 1 to 6 days; the most common cause being certain conditions originating in the perinatal period. In four women the cause of death was pregnancy, childbirth and the puerperium (the two were aged 15-24 years, and two of 25-34 years) out of 34,347 deliveries in 2008.

**HIV strategy**

322. In BiH, there are 162 registered persons infected with HIV, with 105 of them developing AIDS. Out of the total of 52 people who now live with HIV in the territory of Bosnia and Herzegovina, 39 are from the Federation of Bosnia and Herzegovina, of which 26 are on antiretroviral treatment. Out of the total of 19 centres for voluntary and confidential counselling and testing, 11 were founded in the Federation of BiH, and eight in Republika Srpska. All those who wish to, have free access to these centres, and all services are free for users. In the course of 2008, around 5,500 people were tested in these centres, and by September of 2009 more than 2,100 people.

323. In the FBiH in 2006 there were 12 registered HIV positive people, out of whom 6 had AIDS and two died. The number of registered persons infected with HIV is on the increase as a result of an increased risky behaviour of the population, and improved monitoring and access to diagnostics. In 2008, there were 7 registered cases of HIV infection and 4 cases of AIDS. In Republika Srpska, until the end of 2008 there was a total of 55 persons recorded living with HIV/AIDS, of whom 16 women (29%) and 39 men (71%). A total of 8 people are in therapy, 2 women and 6 men. 14 men and 2 women died of AIDS-related illnesses, while 20 men and 4 women were in treatment.

<sup>40</sup> Agency for Statistics of BiH.

324. Programs and projects aimed at improving sexual and reproductive health of women and youth, for the purpose of prevention were implemented, which is in accordance with the Recommendation No. 36 CEDAW/C/BIH/CO/3 (Annex V). Global Fund finances the UNDP program in BiH titled “Coordinated National Response to HIV/AIDS and Tuberculosis in War-affected and Highly Stigmatized Society”, which includes a gender component. The project, in cooperation with the Agency for Gender Equality, published **“Guidelines for urgent action at State level for women, girls, gender equality, and HIV.”**

325. Infectious disease specialists who work on issues of HIV/AIDS with affected persons are mostly women. Also, more than 90% of counsellors before and after testing were women. Federal Ministry of Health plans to include more men in work with patients, because they are HIV carriers and there is a larger percentage of male AIDS patients.

326. UNICEF and UNFPA in Bosnia and Herzegovina organised training for the representatives of institutions and non-governmental organizations in order to increase knowledge about prevention and treatment of HIV. The representatives of the entity Gender Centres also participated in the training. Modules for training of vulnerable groups were created.

327. In this period, BiH has been faced with a problem of a large number of people infected with hepatitis B and C and tuberculosis.

### **Women’s health**

328. For a certain number of women, the access to information in the field of health care is more open thanks to the regulations governing these issues, the activities of non-governmental organizations and a wide range of communications technology and media. Through the media, they can get information about their rights and their protection as well as gain new knowledge about health and its improvement. However, despite these positive developments, the situation is not satisfactory in practice. There is a low level of awareness of health regulations, not only in women but also in men, because it is an extremely complex and dynamic activity. This activity is regulated by numerous regulations, which require special knowledge. Also, there is no service for informing and protecting the rights of the insured, or patient, to facilitate and alleviate the unsatisfactory situation in this area.

329. The largest number of health facilities, including services for women’s health, is concentrated in cities, and throughout the country there is a big difference in the number of health facilities, personnel and equipment between rural and urban areas. This represents an obstacle in accessing health care for the population of rural areas.

330. On the initiative of the Agency, and within the postgraduate program of gender studies, the Centre for Interdisciplinary Postgraduate Studies in Sarajevo, a group research was carried out titled: Social inclusion – access to health services for women in rural areas in BiH. Based on the research, it was concluded that unemployed women identify health insurance not as their right, but as a privilege (women who pointed out that they were grateful for “the possibility of free treatment, although unemployed”).

331. The results of antenatal care research in entities are uniform. Almost all deliveries were done with the help of professional staff (midwife or doctor), and 99% of pregnant women had at least one exam by a doctor during the pregnancy.

Around 22% of infants up to the age of six months are exclusively breastfed. From 7% to 83% of mothers start breastfeeding their child within the first day after birth. About 22% of infants aged less than six months old are exclusively breastfed. 11% of women breastfeed children up to 11-15 months of age, while about 5% of mothers keep breastfeeding until 23 months. The complementary feeding rate is 32%. About 20% of infants are considered to be adequately nourished.

332. In 2005 and 2006, in the Federation of BiH and in Republika Srpska, a Multiple Indicator Cluster Survey on the health status of children and women was carried out, sponsored by UNICEF, in partnership with the Department of Public Health of the FBiH and the Ministry of Health and Social Welfare of RS. According to this Survey, 40.7% of women used some method of contraception, but only 9.4% used a modern method. The most common method of contraception was coitus interruptus, 19% use condoms 5%, while 4% of women used contraceptive pills.

333. Using both modern and traditional methods of contraception was significantly correlated with the level of female education. One of modern methods are used by 17.6% of women with high or higher education, and only 6.5% of women with primary education. Using modern methods significantly increases with the financial status (4.4% of the poorest compared to 19.9% of the richest).

334. World Health Organization (WHO), whose member is BiH also, provides significant assistance to countries for as complete implementation as possible of the right to health as a fundamental human right, as the key basis of the policy: "Health for All in the 21st century".

335. In cooperation with the Ministry of Civil Affairs, Ministry of Health of Republika Srpska, the Ministry of Health of the Federation of BiH, cantonal ministries of health and public health institutions, it started UNFPA Reproductive Health of Youth Project, which was implemented in this period (2005 to 2009). The aim of the project was to familiarise young people of both sexes with contraceptives and sexually transmitted diseases. Three information centres were open as a part of the project (Bihac, Banja Luka, and Mostar), where 7,299 young people, 3,728 men and 3,571 women received information on sexually transmitted diseases and contraception.

336. In Republika Srpska, the project of the Science Academy of RS and the Health Care Fund of RS titled "Reproductive Health in Republika Srpska", which included a survey, two manuals for children and youth and workshops on reproductive health in schools. Gender Centre of RS was also involved in this Project.

337. When it comes to abortions, the available statistical data indicate the decline in the number of intentional abortions, and that officially in hospitals there were no deaths due to abortion reported in the last eight years. However, this data must be taken with caution, because it does not contain records of private ambulances and clinics that perform these procedures, and there is no estimate of the black figures, and/or abortions which are carried out illegally.

338. There is no aggregate data for the whole country on the number of abortions per year. In Republika Srpska, the Public Health Institute of RS<sup>41</sup> keeps records of this data, while the Department of Public Health in the Federation of BiH has no

<sup>41</sup> The Public Health Institute of Republika Srpska – The Public Health Condition in Republika Srpska in 2008, available at: [http://www.phi.rs.ba/documents/publikacija\\_zdr\\_stanje\\_2008.pdf](http://www.phi.rs.ba/documents/publikacija_zdr_stanje_2008.pdf).

overall statistics on abortions, because the records are kept at the cantonal level. According to an analysis of the Institute for Public Health, the data on abortions in 2006 and 2007 show the following situation: in 2006 there were 1,845 reported abortions, and in 2007, there were 2,140 reported abortions. In 2006 the majority of abortions were unspecified abortions (35%), followed by medically induced abortions (35.3%) and spontaneous abortions (23.5%). In 2007, induced abortions accounted for 36.6%, unspecified for 29% and spontaneous for 22.6%.

339. In the reporting period, promotional campaigns for early detection of breast cancer and cervical cancer were initiated in the entire territory of BiH. Campaigns were very successful and implemented in cooperation with the institutions in charge of health, non-governmental organizations and the media.

340. Access related to family planning has been traditionally focused on women and requires far more commitment and a change of conceptual framework related to this issue as well as long-term change in gender relationship as men and women should share responsibility for family planning. Instant framework for medical documentation, records and reports mean also displaying certain data disaggregated by sex, but have a very limited use in determining the policies and undertaking measures and activities in health care.

341. Gender institutional mechanisms are involved in the project - "Youth and Health in the Balkans", which was implemented in BiH by the Canadian Society for International Health (CSIH), with support from CIDA. The project included a gender perspective in working with target groups of young people. Within the project, the policy of youth health was drafted, as well as a manual for addressing cases of peer bullying, and the work of the counsel for young people in the pilot municipalities was supported.

342. Women comprise the majority in the health-care systems in BiH (health workers, users of health care, etc.), but their presence in positions where health policy is created and decisions are made is extremely reduced, as well as within the management structure in health institutions.

### **Article 13: other areas of economic and social life**

343. BiH is the only country in Europe that has a problem with mined areas. Since this problem significantly affects the safety and quality of life of men and women, de-mining is one of the objectives of the Action Plan implementing UN resolution 1325 (2010-2013). The Agency cooperated with the UNDP and the Centre for De-mining in BiH to incorporate gender components in the Project of integrated anti-mine action in BiH.

### **Bank loans, mortgages and other loans**

344. After 2008, when the global world crisis started, the conditions for obtaining loans tightened. Increasingly it is required to place real estate under a mortgage as a condition for obtaining loans. This particularly affected the women in the patriarchal environment such as BiH, especially in rural areas, because property and other insurance means are often owned by male family members. Non-governmental organization "Infohouse" initiated activities on establishing the Intervention Fund for women's entrepreneurship, whose funds will be used to boost female entrepreneurship.

345. Data on access to financial services and resources, from banks, microcredit and savings and loan organizations, are often not disaggregated and not shown by sex.

**Women: members of minorities**

346. Out of the total of 17 national minorities, Roma constitute the largest minority in BiH. In September 2008 Bosnia and Herzegovina joined the Decade of Roma Inclusion 2005-2015 with the aim to improve the situation of the Roma population. BiH Action plan for addressing the problems of the Roma regarding employment, housing and health care was adopted by the Council of Ministers 2008. The BiH Decade Action Plans include two activities that are specifically related to the Roma women in the field of employment.

347. The position of the Roma women in BiH is extremely difficult. About 90% of Roma women have no access to health care, social welfare or employment. The number of Roma girls who attend primary school is distinctly low compared to the number of boys (ratio is 3:7 in favour of boys). The number of girls dropping out of primary school is higher than that of boys. Although numerous programs are implemented, supported by international organizations and UN agencies, aimed at resolving the problems of the Roma population in BiH, the effective programs to improve education system and employment of Roma girls and women, and their access to health and Social Welfare have not yet started.<sup>42</sup>

348. Association “Rights for all” together with 11 women organizations conducted a field survey. The results have showed that 45% of Roma women which participated in the survey never went or never finished to primary school and only 31% have successfully graduated. 20% of surveyed Roma women graduated from high school and 2,5% graduated from faculty. The percentage of Roma women who get married before the age of 18 is 44%, and they are due to their educational status dependant to other members of the family. Percentage of Roma women unemployed is 81%, 9% said that they worked in the grey market (officially unemployed). Only 8,4% said that they are employed and 7% said that they are street begging to ensure means to survive.

349. GAP BiH is a planned activity aimed at drafting Strategy aimed at meeting obligations from the Recommendation No. 32 CEDAW/C/BiH/CO/3 (Annex V). The proposal which is aimed at establishing a model for vocational training and retraining of Roma women in order to ensure they apply for getting the funds allocated to public calls was supported by the FIGAP funds. Women’s Roma non-governmental organizations have adopted a common platform for action contained in the Strategy document of network of Roma women in BiH.

350. Within the Decade of Roma Inclusion 2005-2015, CARE International NWB Sarajevo, in partnership with the Roma women’s non-governmental organizations from the region launched a regional campaign, “I am a Roma Woman.” The campaign is one of the activities of the three-year regional project “Empowerment of Roma Women” whose goal is the empowerment of Roma women and raising public awareness of their position in today’s society.

<sup>42</sup> Progress in implementation of the Millennium Development Goals in BiH, 2010 - Report of the Ministry of Finance and Treasury and the Team of the United Nations in Bosnia and Herzegovina.

**Returnees and displaced persons**

351. According to the data obtained from the Ministry for Human Rights and Refugees based on the reports of entity institutions and the institutions of Brčko district, 113.642 persons were registered as displaced persons out of which 48.772 persons or 43% in Federation of BiH, 64.624 or 56,8% in Republika Srpska and 246 or 0,3% in Brčko district. 59.135 or 52% of displaced persons are women, and 54.507 or 48% are man.

352. Among 37.408 displaced families in BiH, some 12.000 households are run by women or 32%. There are a number of reasons why the return of these families is slower. First of all it depends on making of the decision to return or to stay in the places they are displaced. Displaced persons make the most of the users of collective housing, with equal representation of women and man

353. Projects implemented by UNHCR in BiH had a very significant contribution to improving the status of displaced women. This relates to the housing projects, occupational therapy and the retraining of women who are refugees, so that they could find a job more easily. UNDP implemented projects of social housing, which are related to the construction of facilities for returnees, where, in the analysis of users, the equal representation of men and women was taken into account.

354. A survey on the state of social exclusion of returnee women – gender sensitive situation analysis, conducted by TPO Foundation has shown that women returnees are faced with numerous obstacles and problems in exercising their rights and ensuring sustainable return. Opportunities for permanent employment are few, mainly because the returnees mainly go back to the places that were essentially destroyed in the conflict and where infrastructure has not been restored after the war. Underdevelopment of services, such as educational institutions and health services and social services particularly complicate the lives of women returnees. Women returnees are often bread-winners, which puts them in a position that in addition to household duties they must earn an income to support their families.

**Persons under international protection**

355. Law on Movement and Stay of Aliens and Asylum stipulates the conditions and the procedure for entry of aliens in BiH and other issues related to the stay of aliens in BiH.

356. Persons under international protection are entitled to an identification document,<sup>43</sup> health insurance and health care,<sup>44</sup> social welfare,<sup>45</sup> education,<sup>46</sup> and work.<sup>47</sup>

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<sup>43</sup> Rulebook on the Identification Documents of Persons Under International Protection in Bosnia and Herzegovina (“Official Gazette of BiH“, 80/09).

<sup>44</sup> Rulebook on Realising Health Insurance and Health Care of Persons with Recognised Refugee Status or Other Form of International Legal Protection in Bosnia and Herzegovina (“Official Gazette of BiH“, 24/07).

<sup>45</sup> Rulebook on Realising the Right to Social Welfare of People Under International Protection in Bosnia and Herzegovina (“Official Gazette of BiH“, 03/09).

<sup>46</sup> Rulebook on Realising the Right to Education of Persons Under International Protection in Bosnia and Herzegovina (“Official Gazette of BiH“, 67/08).

<sup>47</sup> Rulebook on Realisation of the Right to Work of Persons Under international protection in Bosnia and Herzegovina (“Official Gazette of BiH“, 83/08).



357. Psychosocial support is provided to all persons under international protection in BiH. It is carried out through specialized counselling (individually or in groups). In accordance with General Recommendation No. 26 UN CEDAW Committee, the Law on Movement and Stay of Aliens prohibits discrimination, and special attention is paid to high-risk groups (female trauma victims, female victims of various forms of violence, etc.) for which there is a risk of abuse and sexual exploitation. The refugee and asylum centre male and female users are covered by the system of psychosocial assistance from the moment of reception and stay, to leaving the centres.

358. Bosnian Women's Initiative Foundation (BHIŽ) implements projects of assistance to persons under international protection in BiH and asylum seekers in coordination with local authorities, the Ministry for Human Rights and Refugees, Ministry of Security of BiH, other relevant ministries, and UNHCR, the Social Welfare Centres and mental health, health and educational facilities, safe houses, local and international non-governmental organizations and other stakeholders. Since 2008 it has been actively involved in introducing the right to health care of persons under international protection in BiH, and through this project managed to help with health insurance of 113 people, out of which more than a half are women.

### **Sports and culture**

359. In the territory of the Federation of BiH operate 325 sports associations, 41 chess associations, and 55 hunting associations. Sports associations have a total of 38,628 active members, out of which more than 7,436 women and/or 19.3%. The largest proportion of women is in: volleyball (66.5%), badminton (65.9%), and gymnastics (50.0%). The available data show gender stereotypes in certain sports fields. No women were registered to be actively engaged in equestrian sports, ice hockey, bowling, small football and sport aviation. Likewise, there are negligibly small number of women engaged in sport fishing (1.3%), football (1.9%), and boxing (3.4%).

360. Particularly worrying is the fact that out of the total number of registered athletes in basketball, only 17.5% were women, therefore, women's basketball clubs, which had a kind of a tradition in BiH with solid results, do not currently have a sufficient number of women. There is a total of 1,684 employed people in sports organizations, with the proviso that these figures are still not collected or published disaggregated by gender. Chess associations 2,493 have active members, of whom 298 are women, while hunting associations have 17,509 active members, of whom 42 are women.

361. There have been positive developments when in allocating funds to sporting and cultural and art associations the proportional representation of both sexes in these associations is taken into account. Sports associations take care of equality and gender equality in sports development planning, and organising and implementing sports activities. When exercising the right to participation in spending budget funds everyone has the same rights regardless of gender structure, for example, in the Zenica-Doboj Canton criteria in 2008, they are set so that some elements, such as the number of members in the association, is valued for 50% more.

362. One small survey of women in sports organizations was conducted by the Helsinki Citizens Assembly Banja Luka. This study showed that women's sports continue to be promoted less as compared to male sports in all sports activities at all

levels. The biggest difference is reflected in budget allocations for women's sports: the salaries, transfers, donations, sponsorships, allocations by the government and city administration. What is needed is the greater promotion of women's sports among girls in primary and secondary schools. The difference is especially visible in media presentation, where women's sports take up only about 7% of the average airtime devoted to sports.

363. The Agency provided financial support to the women's football club "SFK 2000 Sarajevo", with regards to organising the 8th International football tournament for girls "Sarajevo 2011". RS Gender Centre financially supported the women's football club "Borac" Banja Luka. These events have contributed to promoting the involvement of young girls in sport, and promoting the destruction of stereotypes about women's roles in society.

364. Gender institutional mechanisms, as a part of the UNDP's Culture and Development Project, participated in drafting the Action Plan for implementing the Strategy for culture of Bosnia and Herzegovina. The concept of gender equality is incorporated into this Action Plan. Training sessions were held on the subject of "Gender and Culture in BiH" for the representatives of relevant ministries and other institutions in the field of culture in BiH, which will continue to conduct training sessions at the local level.

365. BiH Council for Science is an advisory and expert body of the Ministry of Civil Affairs and was established with the aim to monitor and improve conditions in the area of science and technology in BiH. When appointing the members of this Council the equal representation by gender was taken into account, so that 8 male members were appointed, 4 female members, and the president of the Council is a man.

#### **Article 14: women in rural areas**

366. Women in rural areas are more exposed to poverty and economic hardship because they are in many ways limited with regards to earning an income. The main factors affecting the possibility of improving the situation of women in rural areas are: limited access to production resources (land ownership), market access, burden of housework and raising children, and the average age and low education level of women. Migration in search of work lead to changes in the demographic picture in the countryside, where mostly elderly people stay behind.

367. Regulations relating to agriculture and rural development are not fully harmonised to national and international normative and legal standards for gender equality. Their gender-neutral form can ultimately lead to ignoring the special needs and issues of importance to the advancement of rural women.

368. During 2009, the Gender Centre of Republika Srpska provided technical and advisory support to the Ministry of Agriculture, Forestry and Water Management in harmonisation of the Strategic Plan for Rural Development of Republika Srpska with the normative and legal standards for gender equality.

369. The analysis was made on the position of women in rural areas of Republika Srpska, with the proposed measures, which was adopted by the Government and National Assembly of Republika Srpska. This analysis indicates the main characteristics of the unfavourable position of women in rural areas, such as

insufficient appreciation and the denial of the role of women in rural areas, the lack of services and programs for family planning and reproductive health, burdened by numerous and difficult tasks in the economy domain, concerns and market economy, many rural women were not recorded in the labour market, not registered as unemployed, access to services and infrastructure is inadequate.

370. The Government of Republika Srpska adopted this briefing paper and a conclusion on the basis of which it drafted and adopted the Action Plan for the Advancement of the Position of Rural Women in Republika Srpska until 2015. This plan is an integral part of the operationalization of the Rural Development Strategy of Republika Srpska 2009-2015 and represents the first such plan in the region.

371. The Government of the Federation of BiH adopted the document: Basic Strategies for Rural Development, which represents only a starting point in the process of developing a strategic plan. A communication plan for drafting of BiH was made, which defines in more detail the tasks and activities of actors in the process of strategic planning.

372. In the Federation of BiH, as a part of the support for rural development, the support to the modernisation of primary agricultural production (machinery) was introduced, which relate solely to purchase of new farm machinery and equipment as well as the support for procurement of equipment for finishing, processing and storage of fruits and vegetables (refrigerators, cold rooms, drying, sorting, packaging). As a part of incentives for rural development in 2007, 2008, and 2009, the representation of women beneficiaries was as follows:

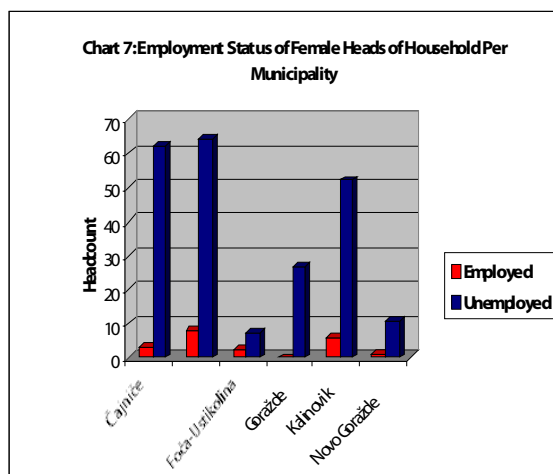
2007 – Supplementary activities (BAM 200,000.00, 57 beneficiaries, 11 women)

2008 – Supplementary activities (BAM 312,000.00, 112 beneficiaries, 28 women)

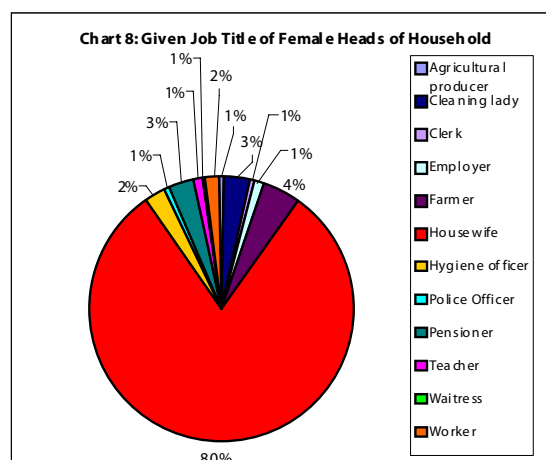
2009 – Supplementary activities (BAM 400,000.00, 618 beneficiaries, 144 women)

373. In the course of 2008 UNDP conducted a survey on women heads of their households in rural areas in six municipalities of eastern Bosnia. Survey has shown that women are in a difficult position because, in addition to looking after the household and children, they must provide the means for the survival of their families. 80% of women have declared themselves as homemakers, including agricultural work as their main source of income. They consider it their additional daily obligation, because it is not regulated or evaluated through formal employment mechanisms. The results of this survey are presented in the charts below.

**Employment status of women heads of households in individual municipalities**



**Occupations of women heads of households in rural areas**



374. A number of NGOs and microcredit organizations (BOSPO, Mi-BOSPO, Women for Women International) supports projects related to education for women from rural areas on human rights issues in the field of health and domestic violence, as well as projects to improve literacy, additional vocational training, self employment and economic empowerment of rural women. This support tends to lack a segment relating to the development of leadership and managerial skills.

375. The problems and needs of rural women do not receive enough media attention. In the whole territory of Republika Srpska since 2009 the continuous campaign of the Gender Centre of Republika Srpska “Equality for rural women”, has been carried out, which, among other activities, commemorates 15th October, International Women’s Day for rural women and promotes the role and importance of rural women.

## Part IV

### Article 15: equality before law

376. According to Recommendation No. 14 CEDAW/C/BIH/CO/3 (Annex V) the Agency and entity Gender Centres have organised a series of trainings for judges and prosecutors. Training topics were gender concept, the Law on Gender Equality in BiH, CEDAW, Concluding Comments and Recommendations of the CEDAW Committee for Bosnia and Herzegovina, etc.

377. In cooperation with the entity Judicial and Prosecutorial Training Centres the modules on the Law on Gender Equality in BiH and domestic violence were included in training programs for judges and prosecutors. It is proposed to incorporate the concept of gender and other thematic units for training which is consistent with Recommendation No. 26 CEDAW/C/BIH/CO/3 (Annex V).

378. Continuing obligation of gender mechanism is to cooperate with the Judicial and Prosecutorial Training Centres for training of judges and prosecutors to achieve, through cooperation and training, a greater use of international and national regulations governing the area of gender equality.

### Article 16: marriage and family relationships

#### Family life

379. In BiH, marriage can be concluded from the age of 18, or exceptionally at the age of 16 years, for both partners. The number of women who concluded marriage aged 15 to 19 is around 13% of the total number of women who concluded marriage, while the percentage of men is 1.3%. There are no data on the changing or keeping the surname upon entering marriage.

380. The structure of the population aged 15 and over according to marital status and sex in 2007 is such that 30.7% of men were unmarried, 21.6% of women were unmarried, 63.8% of men were married, and 59.8% of women were married; 2.6% of women and 1.5% men were divorced or separated and 16.2% were widows and 4.1% widowers.

381. Official statistical data from the Agency for Statistics of BiH, which follow the trends that reflect changes in family structure, show a decrease in the average number of household members, increase in the number of illegitimate children, the increase in the average age of mothers at birth and of first-time mothers, an increase in the age people who get married for the first time, decrease in the number of marriages, and increase in the number of divorces and common-law marriages.

382. In 2007 in BiH there were 1,054,613 households registered, with an average household size of 3.27 members. More than half the households (58.5%) are in rural areas, where the average households are bigger (from 3.40 members compared to 3.08 in urban households).

383. Analysis of household size shows a high percentage of large households. Almost half the households (44.3%) had at least 4 members, and about 1/5, are households with five or more members (20.7%). Households with 4 or more members are mainly those consisting of married couples with two or more children, which represent more than 1/4 of total households.

384. Married couples with three or more children make up 6.9% of all households and represent 1/3 of households with five or more members. Married couples with two children (19.6%) and married couples with one child (13.6%), are quite common types of households. Married couples without children make up 16.7% of households, and in most cases, the head of the household is 65 years of age or older, while households with single parents represent 7.1% of total households. Persons living alone represent 14.8% of total households. In this group, older persons (65 years) represent over 60% of the total and were mostly women: out of 100 persons aged 65 years of age and older living alone, 76 were women.

385. In the structure of households, 71 out of a 100 households have at least one elderly or one younger person. More than one third (37.3%) of total households has at least one elderly person in their household, and in 32% of cases (11.9% of total households) have two or more elderly persons. 41.0% of households has at least one underage person and 5.5% of households have three or more persons under the age of 18. During 2009 in BiH 34,820 children were born, and 34,772 persons died, which, compared to 2008, represents an increase of deaths of 2.32%.

386. In 2008, out of 34,176 live births, 30,457 children were born to married couples, or 89.11%, and 3,719 children were born out of the wedlock, or 10.88%. 162 young women who gave birth under the age of 18 were married, while 314 were not married, which makes up a total of 476. In the period from 1998 to 2008 percentage of live births of illegitimate children increased from 11% to 16% and in 2007 the percentage of single mothers was 5.3% and single fathers 1.2%.

387. The average age of first-time mothers in 2004 was 24.3 years, and in 2007 it was 24.8 years. The average age of mothers giving birth to the second, third and fourth child has increased for one or two years while the average age of mothers giving birth to the fifth child is 34.

388. In 2008 in BiH, 22,146 marriages were concluded, which, compared to 2007 shows a decrease of 5.73% for marriages. Compared to 2000 the number of marriages is higher in the part where the bride's age is 25 years or more, and the number of marriages where the bride is under the age of 25 years was reduced. In 2008, most marriages were concluded where the bride was from 20-24 years of age, which could be due to the economic crisis which prevented girls from getting higher education, thus trying to find a solution to their own existence in a marriage. The average age of first-time brides was 24.9 and of grooms 28.3.

### **Divorce**

389. In 2008 in BiH there were 1,369 divorces, representing a decrease compared to 2007. Most of the divorced marriages were those in which spouses were 40 to 49 years of age. Every year, the highest number of divorces is of childless marriages that have lasted five or more years.

390. Custody of dependent children from marriages are most often awarded to the woman, in over 75% of marriages with dependent children, while the percentage of awarded joint guardianship of husband and wife over the children was around 3%. Divorces are usually filed by mutual consent of both spouses (slightly more than half of all divorces in 2008).

391. As part of the activities of the Centre for Interdisciplinary Postgraduate Studies of the Sarajevo University, the postgraduate gender studies program for the

academic year 2009/2010 a research “Reconciling the Professional and Private Spheres of Life” was conducted. It was found that men do not participate in the private sphere of life as much as they would want and that they would take parental leave if it was envisaged by law, and that younger and more educated men want to have a quality life and to this end actively contribute to establishing a balance between work and family obligations.

392. It turned out that most respondents sometimes/occasionally participate in performing household chores, which particularly depends on the age (younger respondents were more willing to participate in performing household chores), but not the marital status as well. Respondents who have children emphasized that they believe that they do not spend enough time with them, and that they would like to participate more in the lives of their children. However, what the research also showed was that most respondents did not consider that the maternity leave slows down the development of the woman’s career, which points to the need of raising awareness of the existence of this, to women, an extremely important issue.

393. Studies show that 1% of women married before the age of 15, while 10% of women were married before the age of 18. Almost 23% women in the Federation of BiH and 14% in Republika Srpska aged 15 to 19 were married or live with a man, with the partner who is 10 or more years older.<sup>48</sup>

#### **Ownership of Property in Marital Relationships**

394. Under the Land Registration Project funded by the World Bank and Sida/ADA/GTZ, an analysis was made in ten Bosnian courts on the representation of women and men in the ownership of real estate. The results showed that in most cases, ownership of property is shared by spouses. Given that this analysis is based only on the basis of the sample of courts and the sample of owners, it is difficult to assess the accuracy with which the given figures are representative in terms of the actual situation throughout the country.

395. The plan is to continue the activities in the coming years when it is going to be possible to conduct such an analysis in all courts that keep electronic Land Registry provided that the personal identification numbers are entered. The entries for 179,000 (48%) of the said registered persons are of the relatively recent date, where there is also a personal identification number. Analysis of these data indicates that on average 28% of registered persons are female, while 72% are male. The percentage of women owners of property ranges from 23% to 37%.

#### **Single parents**

396. According to the Survey on Household Expenditure in BiH in 2007, the total number of single parent households and households with single parents living in extended families in BiH is 115,640 which represents 10.9% of total households.

397. Of the total number of households, single parent households make up 75,253 or 7.1% at the State level, of which 49,108 in the FBiH (7.5%), 24,849 (6.6%) in RS, 1,296 (% not calculated due to small sample) in BDBiH, while the number of households with single parent living with other relatives are 40,387 or 3.8% at the

<sup>48</sup> Multiple indicator cluster survey of health and social situation of children and women in the RS and FBiH, of the Ministry of Health and Social Welfare and the Federal Ministry of Health.

State level, of which 25,531 are in the FBiH (3.9%), 14,385 (3.8%) in RS, and 471 in BDBiH. Among the total number of single parents 81% are single mothers and 19% single fathers at the State level. Divided by entities the data is as follows: 80.7% of single mothers and 19.3% of single fathers in the FBiH, 81.7% of single mothers and 18.3% single fathers in RS. The poverty rate for single parents is 17.9%. At the State level the poverty rate of the households with female head of household was 22.4% versus 17.3% for households where the man was the head of the household.

398. Some of the Social Welfare Centres in the Federation implemented small-scale projects aimed at single parents. The aim of the projects was to supply the poor with the basic fuel for heating, the basic food and hygiene needs and seeds for spring sowing, and to provide for specific needs such as computer skills and child care training, buying household appliances, greenhouses, providing medical support and social workers' services. The FIGAP programs funded the project "A missing member – legal, economic and psycho-social empowerment of single parents from RS".

399. The Strategy for the development of the family for the period 2009-2014 was adopted in Republika Srpska, which should be the basis for the development of projects that will in future allow for continuous monitoring of the development of the family and provide it with adequate assistance and support.



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IV. Laws, Strategies and Action Plans

V. Recommendations of UN Committee on the Elimination of Discrimination against Women: Bosnia and Herzegovina

## **Annex I – List of laws**

### **Part I**

#### **Article 1: discrimination against women**

The Law on Gender Equality in Bosnia and Herzegovina (“Official Gazette of BiH”, 32/10)

Anti-Discrimination Law (“Official Gazette of BiH”, 59/09)

#### **Articles 2 and 3: measures for eliminating discrimination against women**

The Law on Gender Equality in BiH (“Official Gazette of BiH”, 32/10)

Anti-Discrimination Law (“Official Gazette of BiH”, 59/09)

#### **Article 4: promoting equality between women and men**

The Law on Gender Equality in BiH (“Official Gazette of BiH”, 32/10)

Anti-Discrimination Law (“Official Gazette of BiH”, 59/09)

The Law on Salaries and Fees in Institutions of BiH (“Official Gazette of BiH”, 50/08),

Law on Amendments to the Law on Child Protection RS (“Official Gazette of RS“, 17/08)

#### **Article 5: elimination of stereotypes and prejudices**

The Law on Gender Equality in BiH (“Official Gazette of BiH”, 32/10)

The Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina (“Official Gazette of FBiH“, 22/05 and 51/06)

The Law on Protection from Domestic Violence of Republika Srpska (“Official Gazette of RS“, 118/05 and 17/08)

The Law on Public Broadcasting Service of Bosnia and Herzegovina (Official Gazette of BiH, 92/05, and 32/10)

The Law on Public Broadcasting Service of Bosnia and Herzegovina (Official Gazette of BiH, 78/05, 35/09, and 32/10)

Communications Law (“Official Gazette of BiH”, 31/03, 75/06, and 32/10)

#### **Article 6: trafficking in women and exploitation through prostitution of women**

Criminal Code of BiH (“Official Gazette of BiH”, 8/10)

Law on Movement and Stay of Aliens and Asylum in BiH (“Official Gazette of BiH”, 36/08)

## **Part II**

### **Article 7: political and public life**

The Election Law of Bosnia and Herzegovina (“Official Gazette of BiH”, 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, and 32/10)

Law on Amendments to the Law on Financing Political Parties (“Official Gazette of BiH”, 102/09)

Law on High Judicial and Prosecutorial Council of BiH (“Official Gazette of BiH”, 25/04 and 32/07)

### **Article 8: participation of women in diplomacy and international organisations**

### **Article 9: citizenship**

## **Part III**

### **Article 10: education**

Law on Agency for Pre-school, Primary and Secondary Education (“Official Gazette of BiH”, 88/07)

The Framework Law on Higher Education in Bosnia and Herzegovina (“Official Gazette of BiH”, 59/07)

### **Article 11: labour, pension and social welfare**

The Law on Working in Institutions of BiH (“Official Gazette of BiH”, 26/04, 07/05, 48/05, and 50/08)

The Law on Civil Service in Institutions of BiH (“Official Gazette of BiH”, 19/02, 35/03, 04/04, 17/04, 26/04, 37/04, 48/05, 02/06, 32/07, and 43/09)

Labour Law of Republika Srpska (“Official Gazette of RS”, 55/07)

Labour Law of the Federation of BiH (“Official Gazette of FBiH”, 43/99, 32/00, and 29/03)

The Law on Pension and Disability Insurance of FBiH (“Official Gazette of FBiH”, 29/98, 49/00, 32/01, 73/05, and 59/06)

The Law on Pension and Disability Insurance of RS (“Official Gazette of RS”, 34/03, 64/04, 84/04, 85/05, 101/05, and 63/06)

**Article 12: equality in access to health care**

Law on Amendments to the Law on Health Insurance of the FBiH (“Official Gazette of FBiH, 30/97, 7/02, and 70/08)

Law on the Conditions and Procedure for Termination of Pregnancy of RS (“Official Gazette of RS“, 34/08)

**Article 13: other areas of economic and social life**

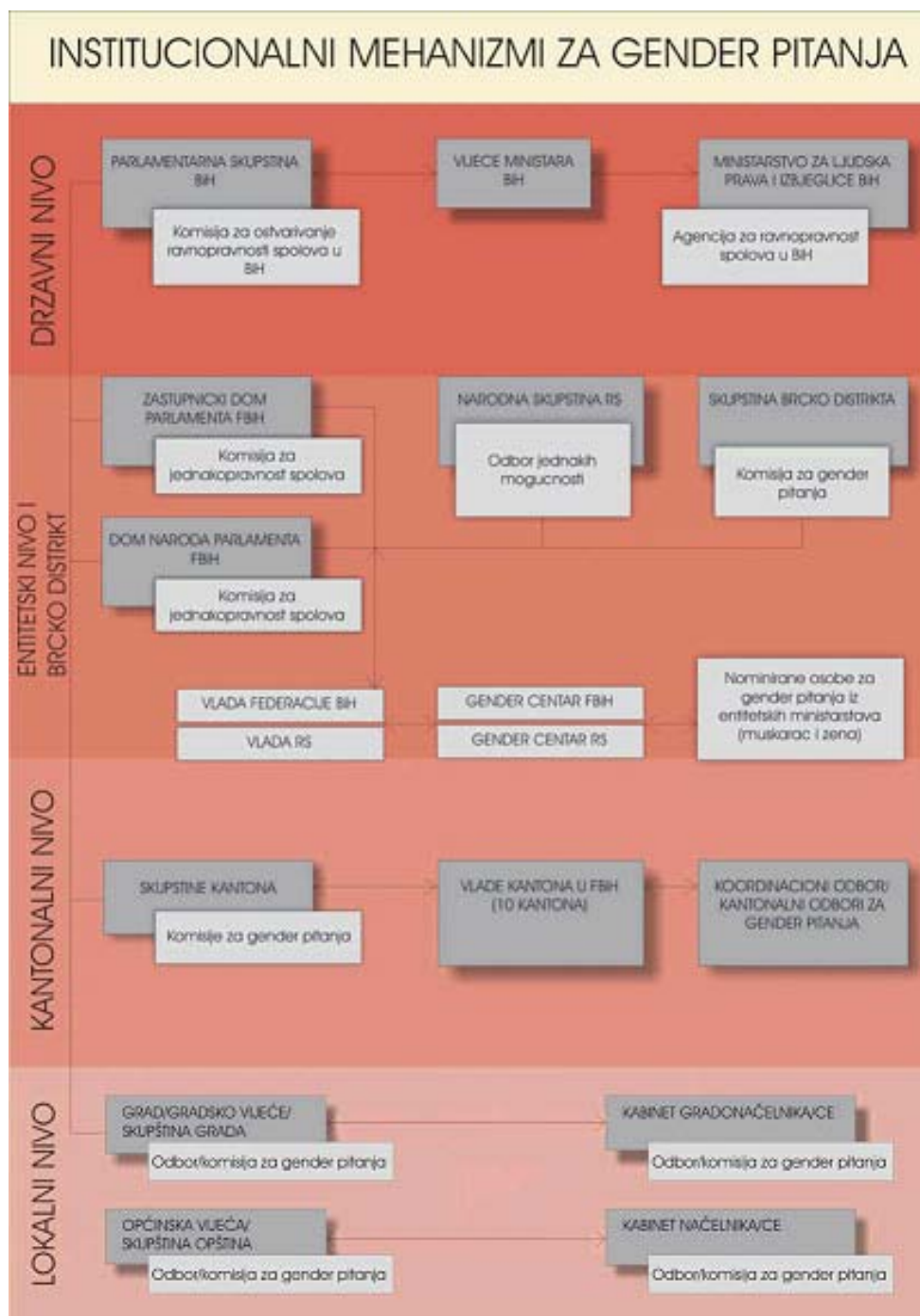
Law on principles of social protection, protection of civilian war victims and families with children in the Federation of BiH (“Official Gazette of FBiH“, 39/06)

Law on the Protection of Civilian Victims of War in Republika Srpska (“Official Gazette of RS, 25/93. 32/94, 37/07, 60/07, 111/09, and 118/09)

Law on Movement and Stay of Aliens and Asylum in BiH (“Official Gazette of BiH”, 36/08)

**Article 14: women in rural areas****Part IV****Article 15: equality before law****Article 16: marriage and family relationships**

**Annex II — Institutional mechanism for gender equality in BiH**



**The Gender Equality Agency of Bosnia and Herzegovina within its jurisdiction performs the following tasks:**

- a) Monitors and analyses the state of gender equality in Bosnia and Herzegovina on the basis of reports produced by the Agency and entity Gender Centres and submits annual reports to the Council of Ministers of Bosnia and Herzegovina. Based on the results of the analysis and monitoring it drafts special reports, opinions, suggestions, and recommendations for referral to the competent authorities at the state level;
- b) Determines the methodology of drafting the report on Gender Equality in Bosnia and Herzegovina;
- c) Initiates and coordinates drafting of the Gender Action Plan of Bosnia and Herzegovina, in cooperation with entity Gender Centres, which is adopted by the Council of Ministers of Bosnia and Herzegovina;
- d) Monitors the implementation and coordinates the activities with all relevant actors in the process of implementing the Gender Action Plan of Bosnia and Herzegovina pursuant to Article 24(2) of this Law;
- e) Cooperates with the institutional mechanisms for gender equality in institutions at the state level;
- f) In the process of preparing the draft and propose laws, by-laws, and other normative documents, strategies, plans and programs, and prior to submission to the Council of Ministers of Bosnia and Herzegovina, it issues the Position paper on the harmonisation of these acts with this Law and international standards on gender equality;
- g) Initiates and participates in drafting laws, by-laws and other legislation, strategies, plans and programs, which pertain to the state level, in order to identify measures to achieve gender equality in all spheres of social life;
- h) Initiates the proceedings for the amendment of regulations in case of non-compliance with the provisions of this Law, domestic and international standards on gender equality;
- i) Receives and processes applications, complaints and petitions of persons and groups of individuals which indicate a violation of any rights under this Law;
- j) Gender Equality Agency of Bosnia and Herzegovina adopts the Uniform Rules for receiving and processing requests, complaints and petitions of persons and groups of individuals under the item i) of this article;
- k) Represents and coordinates activities within its jurisdiction, at the international and regional level;
- l) Supervises the implementation of this Law and in cooperation with the Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Centre of the Republika Srpska and prepares reports on the compliance with the international commitments in the field of gender equality;
- m) Cooperates, within its competence, with nongovernmental organizations working on the protection of human rights and freedoms;
- n) Carries out activities to promote gender equality;

- o) Performs other tasks with the aim of implementing this Law.

Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Centre-Centre for Gender Equality of the Government of Republika Srpska monitor the implementation in the entities and for this purpose specifically perform the following tasks:

- a) Monitor the compliance of laws and other regulations, policies, strategies, plans and programs that are adopted at the entity level, with national and international standards for gender equality;
- b) Provide an opinion on the compliance of laws and other regulations, policies, strategies, plans and programs that are adopted in the entities with the provisions of this Law and other national and international standards for gender equality and initiate harmonisation;
- c) Monitor and analyse the gender equality situation in entities;
- d) Prepare and draft regular and special reports on the situation regarding gender equality in certain areas, prepare the information, opinions and recommendations which they submit to the entity governments and other competent authorities and bodies;
- e) Receive and process requests, complaints and petitions of persons and groups of individuals which indicate the violation of a right under this Law in accordance with the Uniform Rules pursuant to Article 26 paragraph 1, item i);
- f) Cooperate with institutional mechanisms under Article 24(2) of this Law;
- g) Represent and coordinate activities within their jurisdiction, at the regional level;
- h) Cooperate with NGOs working on the protection of human rights and freedoms;
- i) Provide expert and advisory support and assistance to all institutions in the system and to other partners.

The Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Centre of Republika Srpska, as governments' expert service; also perform other tasks related to improving and promoting gender equality in the entities.

In addition to the above mentioned the system of institutional mechanisms for achieving gender equality principles is also comprised of the following bodies:

- The Commission for Gender Equality of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina,
- The Commission for Gender Equality of the House of Representatives of the Federation of Bosnia and Herzegovina,
- The Commission for Gender Equality of the House of Peoples of the Federation of Bosnia and Herzegovina,
- Equal Opportunities Committee of the National Assembly of Republika Srpska,
- Commissions and/or committees for gender equality of the cantonal assemblies and cantonal governments;



- City Councils (the Cities of Sarajevo and Mostar),
- Commission for Gender Equality of the municipal council/municipal assemblies and offices heads of municipalities,
- Commission for Gender Equality of the Brcko District of Bosnia and Herzegovina,
- The appointed persons for gender issues in the state administration bodies.

### Annex III – Statistics

#### Article 4: promoting equality between men and women

**Table 1: The amount of maternity remuneration in the Federation BiH; period 2005 - 2009**

<i>Canton</i>	<i>Year</i>			
	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
UNA-SANA	50% of salary of woman-mother	No data	50% of salary of woman-mother, amounting to 251.00-977.00	50% of salary of woman-mother, amounting to 150.00-1,355.00
POSAVINA	No regulations	No regulations	No regulations	No regulations
TUZLA	60% of salary of woman-mother 55% of average salary in Canton	No data	55% of salary of woman-mother 90% of salary of woman-mother, amounting to 280.00-1,369.00	55% of salary of woman-mother 90% of average salary in Canton, amounting to 280,00-1,340.00
ZENICA-DOBOJ	80% of salary of woman-mother	No data	80% of salary of woman-mother, amounting to 150.00-588.00	80% of salary of woman-mother, amounting to 200.00-639.00
BOSNIAN PODRINJE	80% of salary of woman-mother	No data	80% of salary of woman-mother, amounting to 261.00-888.00	80% of salary of woman-mother, amounting to 359.00
CENTRAL BOSNIA	50% of salary of woman-mother	No data	50% of salary of woman-mother, amounting to 230.00	50% of salary of woman-mother, amounting to 250.00-300.00
HERZEGOVINA-NERETVA	No regulations	No regulations	No regulations	No regulations

Canton	Year			
	2005	2006	2007	2008
WEST HERCEGOVINA	70% of salary of woman-mother	No data	70% of salary of woman-mother, amounting to i 119.00-1,757.00	70% of salary of woman-mother, amounting to 119.00-1,757.00
SARAJEVO	60% of average salary in Canton, amounting to 342.00	No data	60% of average salary in Canton, amounting to 342.00	60% of average salary in Canton, amounting to 360.00
CANTON 10	80% of salary of woman-mother	No data	80% of salary of woman-mother, amounting to 249.00-1.671.00	80% of salary of woman-mother, amounting to 216.00-781.00

Source of data: Federal Ministry for Labour and Social Policies.

**Table 2 The amount of maternity remuneration in Republika Srpska; period 2005 - 2009**

Rights under the Law on Child Protection	Average number of beneficiaries	2005		2006		2007		2008		2009
		Amount in BAM	Average number of beneficiaries	Amount in BAM	Average number of beneficiaries	Amount in BAM	Average number of beneficiaries	Amount in BAM	Average number of beneficiaries	Amount in BAM
Remuneration paid to mothers	1,985	4,015,569	2,355	4,924,122	2,662	6,615,187	3,678	13,724,747	3,736	26,070,686
Remuneration: number of payments = average	12,031:12 = 1,002		14,053:12 = 1,171		16,219:12 = 1,351		21,415:12 = 1,784		22,469:12 = 1,872	
Working ½ working hours	28	55,518.00	32	74,913.00	44	116,023.00	55	255,673.00	60	232,885.00

Source of data: Public Fund for Child Protection of RS.

**Table 3: Differences in the entitlement to maternity leave in BiH**

	Duration of remuneration (% of salary absence (months))	Amount of average remuneration (% of salary of the insured women)	Amount of remuneration for employed (BAM)	Amount of remuneration for unemployed mothers
Republika Srpska	12	100	205	80
Una-Sana Canton	12	50	Min. wage	-
Posavina Canton	-	-	-	150
Tuzla Canton	12	90	256	-
Zenica-Doboj Canton	12	80	200	-
Bosnian Podrinje Canton	12	80	238	78.50
Central Bosnia Canton	12	50	Min. wage	-
Herzegovina-Neretva Canton	-	-	-	-
West Herzegovina Canton	12	70	232	80
Sarajevo Canton	12	60	308	171
Canton 10	12	80	150	-

Source: ALDI Research on the basis of information by competent public service.

## Article 5: elimination of stereotypes and prejudices

**Table 4: Information on hotlines, safe houses and recorded cases of domestic violence in Bosnia and Herzegovina**

	2006	2007	2008	2009
Type of data	RS+FBiH	RS+FBiH	RS+FBiH	RS+FBiH
Hotlines	4+10	5+9	5+10	
Number of safe houses	2+6	3+6	3+6	3+6
Beds in safe houses	30+100	57+119	57+119	60+
Accommodated in SH during the year	206+362 women and children	238+268	339+244	X+317

	2006	2007	2008	2009
Type of data	RS+FBiH	RS+FBiH	RS+FBiH	RS+FBiH
Number of calls to hotlines	2,657+2,673	3,513+2,731	3,249+X	2,619+2,978
Reported to the Police	X+1,384	X+1,093	X+2,272	X+1,631
Reports submitted to the Police	X+639	X+647	X+889	X+689
Domestic violence	609+712	523+775	362+889	
Cases submitted to Prosecutor's Office	554+218	301+X	463+X	

	2006	2007	2008	2009
Type of data	RS+FBiH	RS+FBiH	RS+FBiH	RS+FBiH
Verdicts issued in Prosecutor's Office	233+92	181+X		
Requests for ordering protection measures	X+16	X+18	X+120	X+177
Ordered protection measures	X+1	X+17	X+53	X+32
Submitted to court	338+X	415+X	445+463	1121+X
Adjudicated	274+X	361+X	208+228	548+X
Women killed, victims of violence	-	7+10	-	

*Note:* Table represents pooled data from the reports of the entity Gender Centres, which were prepared on the basis of available data submitted from the relevant institutions at entity, cantonal and municipal levels: courts, prosecutor's offices, police and Social Welfare Centres, and nongovernmental organisations dealing with domestic violence. 'X' indicates the missing data.

## Article 6: trafficking in women and exploitation through prostitution

### Chart 1 - Trends in the total number of identified victims of trafficking

Chart 1-a - The total number of identified victims of trafficking.

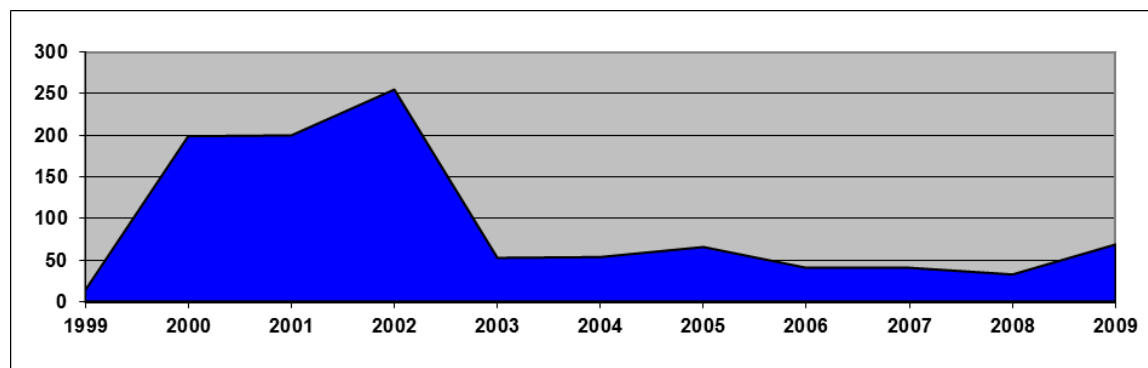


Chart 1-b - The number of identified foreign victims

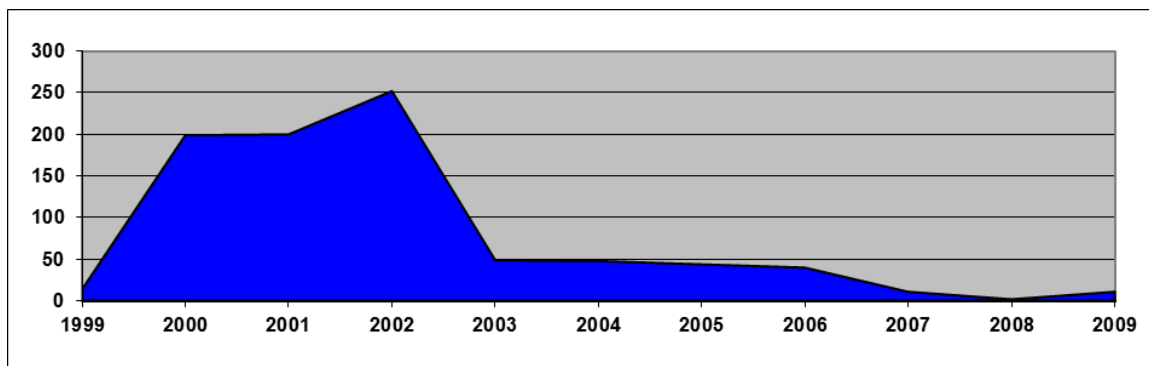
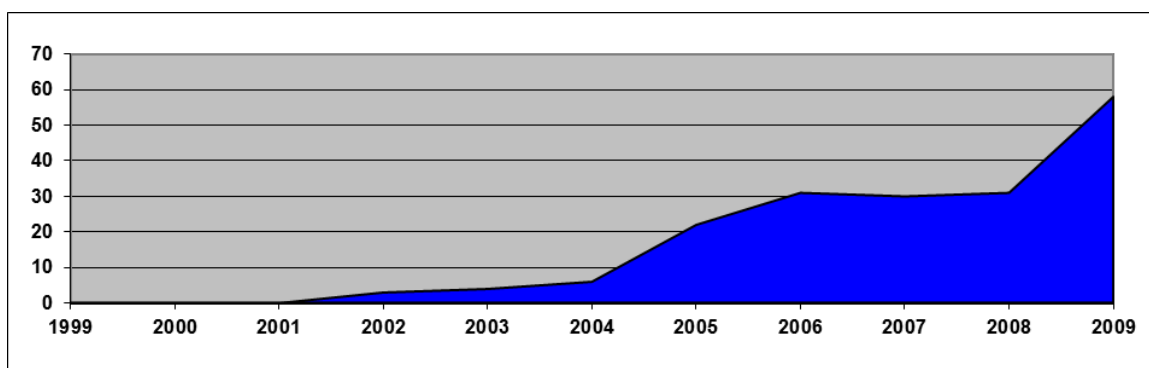


Chart 1-c - The number of identified domestic victims



## Article 7: political and public life

**Table 5: Analysis of election results from 1996 to 2010**

<i>Election year/Level of elections</i>	<i>Candidates m/f and/or women candidates</i>	<i>Elected m/f</i>	<i>% of elected women</i>
Elections 1996	2% of nominated women	-	-
Presidency of BiH	16% m; 0% f	3 m; 0 f	0%
House of Representatives of BiH	9.4% f	41 m; 1 f	2.4%
House of Representatives of FBiH	10.5% f	133 m; 7 f	5%
National Assembly of RS	7.6% f	-	2.4%
Cantons	10.1% f	379 m; 27 f	6.1%
Municipal elections 1997		-	5.4%
National Assembly of RS	11.7% f	-	2.4%
Municipalities	9.6% f	-	5.4%
General elections 1998			
House of Representatives of PABiH	28.8% f	29 m; 13 f	30.2%
FBiH	24.2% f		15%

<i>Election year/Level of elections</i>	<i>Candidates m/f and/or women candidates</i>	<i>Elected m/f</i>	<i>% of elected women</i>
National Assembly	19.5% f		22.9% (19%)
Cantons	24.9% f		18.2%
Municipalities	21.3% f		26.6%
<b>Elections 2000</b>			
House of Representatives of PABiH	28.3% f	39m, 3f	7.1%
House of Representatives of FBiH	36.1% f	116m; 24f	17.1%
National Assembly of RS	31.9% f		18.1% (15%)
Cantons	35.3% f		19.7%
Municipalities	32.9% f	2,718m; 595f	17.9%
General elections 2002	35% f or 2,719	432m; 109 f	20.15%
Presidency of BiH	35% m; 1% f	3m; 0f;	0%
House of Representatives of PABiH	-	36m; 6f	14.28%
House of Representatives of the Parliament of FBiH	34.8% f		21.4%
President and Vice-president of RS	22% m; 2% f	3m; 0f	0%
National Assembly of RS	35.5% f	68+15	18% (16.9%)
Cantonal Assembly in FBiH	35.4% f		21.9%
Local elections 2004	34.05% or 9,583 nominated women	2,731m, 550f	Women in authorities 16.76%
Municipality council, BDBiH Council, City Council of City of Mostar, City Council of Banjaluka	17,055m; 9,551f	2,594m; 547f	17.4% (16.8%)
Municipality Mayors in FBiH, RS, Mayor of Banjaluka	777m; 32f	137m; 3f	2.14%
General elections 2006	36.2% or 2,625 nominated women	428m; 89f	17.21%
Presidency of BiH	20% m, 3% f	3m; 0f	0%
House of Representatives of PABiH	-	38m; 4f	9.5% (14.3%)
House of Representative of Parliament of FBiH	-	-	20.4% (21.4%)
President and Vice-president of RS	15m; 1f	3m; 0f	0%
National Assembly of RS	-	63+20	18% (18.3%)
Cantonal Assembly FBiH	-	-	13.9%
Local elections 2008	35.28% or 10,245 nominated women		
Municipality council, BDBiH Council, City Council of City of Mostar, City Council of Banjaluka	18,371m; 10,189f (35.91%)	2,678m; 469f	15%
Municipality Mayors in FBiH, RS, Mayor of Banjaluka	530m; 36f (6.36%)	136m; 4f	2.85%
For national minorities	106m; 20f (18.87%)	27m; 8f	22.85%

<i>Election year/Level of elections</i>	<i>Candidates m/f and/or women candidates</i>	<i>Elected m/f</i>	<i>% of elected women</i>
General elections 2010	36.82% of 3,035 nominated women		
Presidency of BiH	17m; 2f (10. 5%)	3m; 0f	0%
House of Representatives PABiH	534m; 347f (39. 38%)	34m; 8f	19%
President and Vice-president of RS	18m; 1f (10. 5%)	3m; 0f	0%
House of Representatives FBiH	882m; 560f (38. 83%)	81m, 17f	17.3%
National Assembly RS	979m; 560f (36. 38%)	65m; 18f	21.7%
Cantonal Assemblies of FBiH	2,777m; 1,565f (36. 04%)		

*Note: The analysis was based on the available data of the Central Election Commission reports and entity Gender Centres. The data added in the last column in parentheses, indicate that the changes occurred during the term.*

**Table 6: The gender structure of judges and prosecutors according to the level and type of judicial institutions**

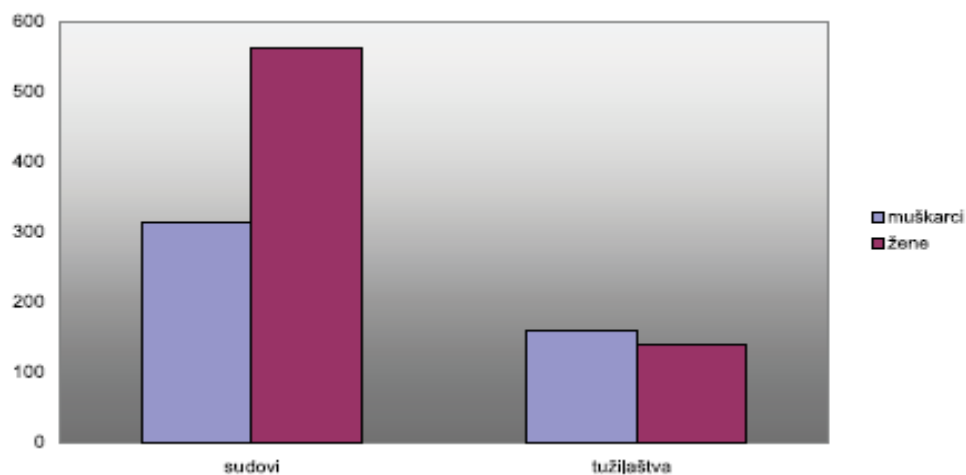
<i>Level</i>	<i>Type of institution</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
BiH		38 (55.07%)	31 (44.93%)	69
	Court	24 (58.54%)	17 (41.46%)	41
	Prosecutor's office	14 (50%)	14 (50%)	27
Breko District		16 (46.6%)	17 (53.30%)	33
	Appellate Court	3 (42.86%)	4 (57.14%)	7
	Prosecutor's office	4 (44.44%)	5 (55.56%)	9
	Basic Court	9 (52.94)	8 (47.06%)	17
Entity FBiH		15 (51.72%)	14 (48.128%)	29
	Court	10 (50%)	10 (50%)	20
Entity	Prosecutor's office	5 (55.56%)	4 (44.44%)	9
Entity RS		11 (52.38%)	10 (47.62%)	21
	Court	9 (52.94%)	8 (47.06%)	17
	Prosecutor's office	2 (50%)	2 (50%)	4
Cantonal		128 (45.23%)	155 (54.77%)	283
	Court	37 (31.36%)	81 (68.64%)	118
	Prosecutor's office	91 (55.15%)	74 (44.8 5%)	165
District		73 (51.41%)	69 (48.59%)	142
	Court	29 (49.1 5%)	30 (50.85%)	59
	Prosecutor's office	44 (53.01%)	39 (46.99%)	83
Municipal	Court	122 (31.77%)	262 (68.23%)	384
Basic	Court	72 (36.55%)	125 (63.45%)	197



Level	Type of institution	Men	Women	Total
Total	Courts	315	563	1176
	Prosecutor's Offices	160	138	

Source: Annual Report of the High Judicial and Prosecutorial Council of BiH for 2009.

**Table 7: The gender structure of judges and prosecutors in BiH**



Source: Annual Report of the High Judicial and Prosecutorial Council of BiH for 2009.

**Table 8: Gender structure of the presidents and chief prosecutor's according to the level of judicial institutions**

Institution	Position	Men	Women	Total
Court of BiH	President of Court	0	1	1
Supreme Courts	President of Court	2	0	2
Cantonal Courts	President of Court	2	8	10
District Courts	President of Court	4	1	5
Appellate Court of Brcko District BiH	President of Court	1	0	1
Municipal Courts	President of Court	15	13	28
Municipal Courts	President of Court	13	5	18
Basic Court of Brcko District of BiH	President of Court	1	0	1
Prosecutor's Office of BiH	Chief Prosecutor	1	0	1
Prosecutor's Office of FBiH	Chief Prosecutor	1	0	1
Prosecutor's Office of RS	Chief Prosecutor	1	0	1
Cantonal prosecutor's offices	Chief Prosecutor	8	1	9
District prosecutor's offices and Special Prosecutor's Office Banja Luka	Chief Prosecutor	5	1	6
Prosecutor's Office of Brcko District of BiH	Chief Prosecutor	1	0	1
<b>TOTAL:</b>		<b>55</b>	<b>30</b>	<b>85</b>

Source: Annual Report of the High Judicial and Prosecutorial Council of BiH for 2009.

## Article 10: education

**Table 9: The gender distribution of pre-school teachers and children in pre-school institutions of BiH**

Year	Number of institutions	Pre-school teachers M+F	Total number of children	Girls	Boys
2006/07	197	56+960	13,384	6,299	7,085
2007/08	194	25+1,044	14,517	6,956	7,561
2008/09	196	123+994	16,260	7,763	8,497
2009/10	209	37+1,159	16,723	8,083	8,640

Source: Agency for Statistics of BiH.

**Table 10: The gender distribution of teachers and children in primary schools in BiH**

Year	Number of schools and schools for children with special needs	Teachers M+F	Total number of children	Female pupils	Male pupils
2006/07	1,885+63	7,265+15,305	367,176	178,843	188,333
2007/08	1,886+63	7,238+16,013	363,438	176,071	165,202
2008/09	1,874+63	7,342+16,439	359,925	174,647	184,320
2009/10	1,853+67	7,566+16,811	351,118	170,897	180,221

Source: Agency for Statistics of BiH.

**Table 11: Number of classes and pupils in primary and regular schools for children with special needs 2009/2010**

	Total number of classes			Pupils							
				Enrolled in first grade				Pupils who repeat grades			
	Total	Non-combined	Combined	Total	Female pupils	I-IV i I-V razred	V-VIII i VI-IX razred	Total	Female pupils	Total	Female pupils
BiH	16,566	14,703	1,863	351,118	170,897	175,271	175,847	36,056	17,546	720	162
Regular primary schools	16,362	14,579	1,783	349,994	170,495	174,708	175,286	35,987	17,527	714	161
Škole za School for children with special needs	204	124	80	1,124	402	563	561	69	19	6	1

Source: Agency for Statistics of BiH.

**Table 12: The gender distribution of students in secondary schools in BiH and the pupils who finished secondary school**

Year	Total number of female students	Total number of students	Female students who finished secondary school	Male students who finished secondary school	Female students who repeat grades
2006/07	80,054	80,443	20,846	21,527	-
2007/08	77,998	79,452	-	-	-
2008/09	72,540	73,147	20,673	21,699	28.41%
2009/10	72,842	74,077	-	-	28.45%

Source: Agency for Statistics of BiH.

**Table 13: The gender distribution of students by type of secondary school and grades 2009/2010**

Total number of students	Students by grades									
			I		II		III		IV	
			Female students	Total	Female students	Total	Female students	Total	Female students	Total
Total	146,919	72,842	43,838	21,173	35,339	17,018	37,410	18,213	30,332	16,438
Gymnasiums	37,495	23,680	10,400	6,492	8,412	5,277	9,032	5,758	9,651	6,153
Technical Schools	75,774	37,764	21,039	10,661	17,113	8,442	17,769	8,790	19,853	9,871
Art Schools	1,369	763	403	219	323	189	308	176	335	179
Religious schools	1,903	926	565	275	431	201	455	228	452	222
Vocational schools	29,990	9,552	11,295	3,476	8,962	2,863	9,733	3,213	-	-
Schools for children with special needs	388	157	136	50	98	46	113	48	41	13

Source: Agency for Statistics of BiH.

**Table 14: Number of institutions and the gender distribution of teachers in secondary schools in BiH**

Year	Number of institutions	Teaching staff F	Teaching staff M	Full working hours F	Shorter working hours F
2006/07	304	6,184	5,230	4,601	1,583
2007/08	305	6,258	5,246	-	-
2008/09	306	6,254	5,311	4,742	1,512
2009/10	310	6,559	5,098	4,811	1,748

Source: Agency for Statistics of BiH.

**Table 15: Gender distribution of regular and part-time students**

Year	Total number of female students	Total number of male students	Regular female students	Regular male students	Part-time students <sup>49</sup> F/M
2005/06	50,352	40,911	37,135	29,821	35%/37%
2006/07	55,155	44,402	39,747	31,381	39%/41%
2007/08	58,624	46,314	44,142	34,368	33%/35%
2008/09	59,032	46,326	47,306	36,838	25%/26%
2009/10	61,396	48,183	50,298	39,008	20%/20%

Source: Agency for Statistics of BiH.

**Table 16: The percentage of graduate female students compared to the total number of graduates**

Year	Total	Graduate male students	Graduate female students	Percentage of women in the total number of graduates
2006	10,003	4,230	5,773	58%
2007	12,199	5,031	7,168	59%
2008	15,013	6,196	8,907	59%

Source: Agency for Statistics of BiH.

**Table 17: The percentage of women who obtained Master's degree compared to the total number of obtained Master's degrees in BiH**

Year	Total	Master's M	Master's F	Percentage of women in the total number of master's
2006	328	188	140	42.6%
2007	428	245	182	42.5%
2008	576	288	288	50%

Source: Agency for Statistics of BiH.

**Table 18: The percentage of women who received Doctorates in relation to the total number of PhD students by years in BiH**

Year	Total	Doctorates M	Doctorates F	Percentage of women in the total number of doctorates
2006	134	80	54	40%
2007	136	91	45	33%
2008	178	119	59	33%

Source: Agency for Statistics of BiH.

<sup>49</sup> Percentage of part-time female/male students compared to regular female/male students.

**Table 19: Percentage of women who graduated, obtained Master's degrees and Doctorates in the previous five years at higher education institutions in BiH**

Year	Total	Doctorate M	Doctorates F	Percentage of women in the total number of doctorates
2006	134	80	54	40%
2007	136	91	45	33%
2008	178	119	59	33%

## Article 11: employment

### Chart 2 – a, b, and c – Gender gap in income

Chart 2 - a: Percentile comparison of men and women in BiH according to income bracket

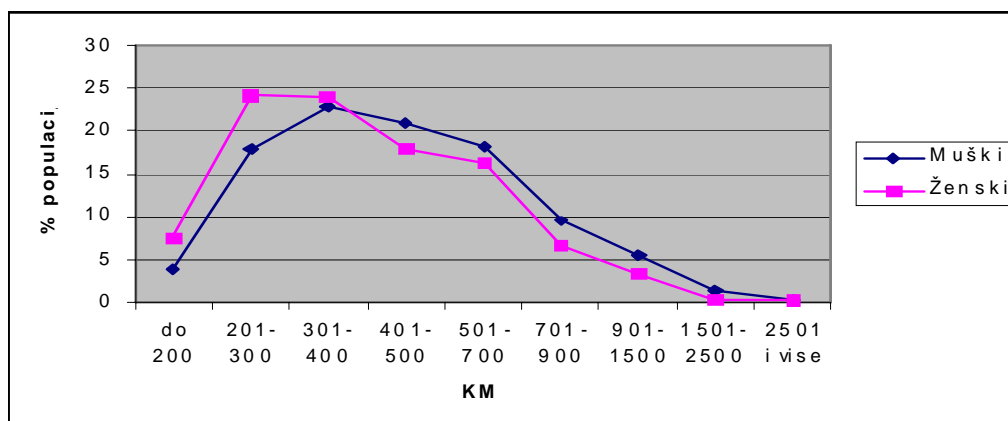


Chart 2 - c: Employed persons in BiH according to the educational structure

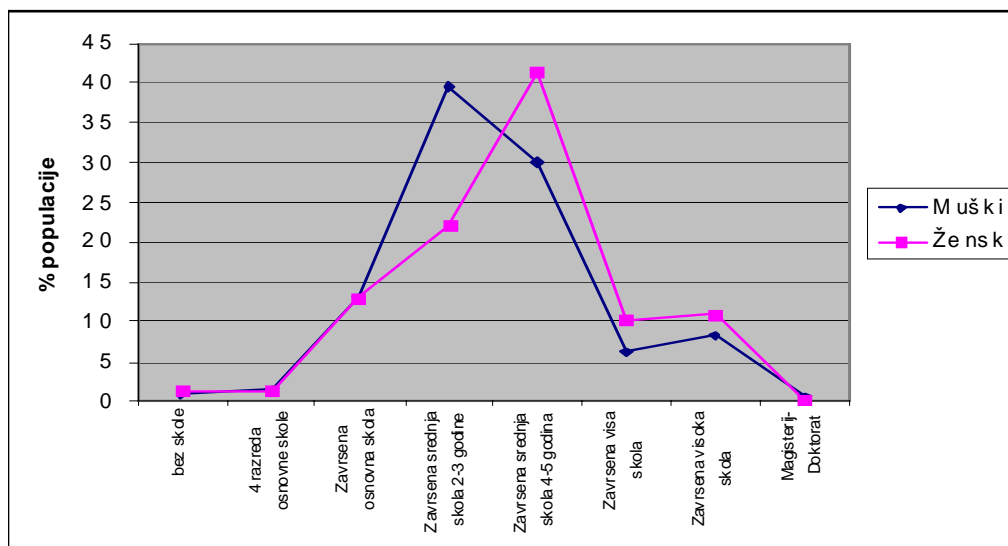
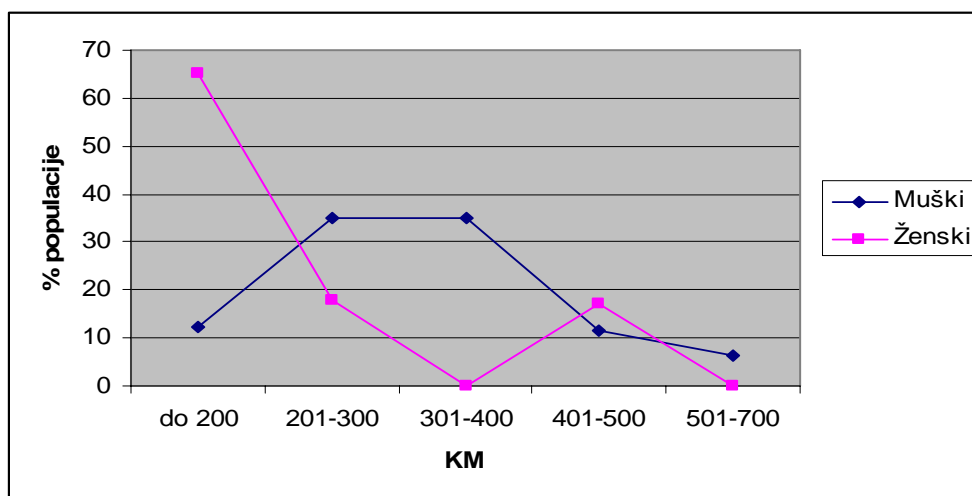


Chart 2 - b: Percentile comparison of men and women in BiH according to the income bracket for 40-hour work for those without primary education



**Table 20: The employment rate of men and women and the rate of activity**

Year	Number of employed F	Number of employed M	Rate of employment F	Rate of employment M	Rate of activity F
2007	258,887	409,426	20.8	42.3	31.0
2008	275,528	426,804	23.1	44.9	31.6
2009	311,000	531,000	23.7	43.2	31.9
2010	279,283	404,116	23.3	42.2	33.2

Source: Agency for Statistics of BiH.

**Table 21: The unemployment rate for men and women and the total activity rate**

Year	Number of unemployed F	Number of unemployed M	Rate of unemployment F	Rate of unemployment M	Total rate of activity
2007	249,117	275,907	32.9	26.7	43.9
2008	245,792	247,613	26.8	21.4	43.9
2009	133,000	183,000	25.6	23.1	43.1
2010	261,746	260,334	29.9	25.6	44.6

Source: Agency for Statistics of BiH.

**Table 22: Numerical indicators of inactive women and men (total<sup>50</sup> and according to age)**

Year	Total number of inactive F	Total number of inactive M	Number of inactive F aged 15-24	Number of inactive F aged 15-64	Number of inactive M aged 15-64
2007	972,000	557,000	176,000	1,128,000	1,107,000
2008	938,000	549,000	157,000	1,071,000	1,048,000
2009	914,000	549,000	158,000	1,057,000	1,031,000
2010	893,000	546,000	153,000	1,058,000	1,044,000

Source: Agency for Statistics of BiH.

**Table 23: Indicators of labour force according to age group and gender in BiH in 2010, in %**

	BiH	FBiH	RS	BD BiH
BiH				
EMPLOYMENT RATE				
MEN				
15-24		17.8	16.7	20.7 (13.1)
15-64		49.6	47.7	53.7 41.8
Total		42.2	40.9	45.0 35.0
WOMEN				
15-24		10.0	(7.9)	(14.9) ((9.8))
15-64		28.6	24.9	36.3 22.1
Total		23.3	20.6	28.6 17.1
TOTAL		32.5	30.4	36.6 25.8
UNEMPLOYMENT RATE				
EMPLOYMENT MEN				
15-24		55.1	58.7	46.5 (62.4)
15-64		26.1	27.6	22.8 (34.5)
Total		25.6	27.3	22.0 (34.1)
WOMEN				
15-24		61.3	68.3	47.3 (64.6)

<sup>50</sup> Inactive population includes all persons aged 15 years and over who during the previous week did not work, and that during the 4 weeks (the reference week and the previous three) did not take any action in order to find employment, as well as persons who are not ready to start work in next two weeks, if a job was offered to them.

UNEMPLOYMENT RATE				
15-64	30.4	32.5	26.9	40.4
Total	29.9	32.3	25.9	40.4
TOTAL	27.2	29.1	23.6	36.4

() – data is less certain if the coefficient of variation (CV) is less than 0.20 but equal to or greater than 0.10 or expressed as a percentage  $10\% \leq CV < 20\%$

(()) – data is uncertain if the coefficient of variation (CV) is less than 0.30 but equal to or greater than 0.20 or expressed as a percentage  $20\% \leq CV < 30\%$

**Table 24: Employed persons by occupation and gender in BiH in 2010, structure in %**

	BiH	FBiH	RS	BD BiH
MEN				
Employees	74.3	79.8	65.6	69.1
Self-employees	23.2	18.4	31.0	(29.8)
Helping members	(2.4)	((1.9))	(3.4)	-
Total (thousands)	531	326	196	(9)
WOMEN				
Employees	72.1	79.8	61.5	86.3
Self-employees	16.8	12.5	22.6	((9.9))
Helping members	11.1	(7.7)	(15.9)	-
Total (thousands)	311	174	133	(5)
TOTAL	843	500	329	14

()data is less certain if the coefficient of variation (CV) is less than 0.20 but equal to or greater than 0.10 or expressed as a percentage  $10\% \leq CV < 20\%$

(())data is uncertain if the coefficient of variation (CV) is less than 0.30 but equal to or greater than 0.20 or expressed as a percentage  $20\% \leq CV < 30\%$

- data is extremely unreliable if the coefficient of variation (CV) equals to or is greater than 0.30 or expressed as a percentage  $CV \geq 30\%$

Source: Labour Force Survey 2010 (ARS), Agency for Statistics of BiH.



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**Annex IV – Laws, strategies and action plans**

- Law on Gender Equality in Bosnia and Herzegovina (“Official Gazette of BiH”, 32/10)
- Anti-Discrimination Law (“Official Gazette of BiH”, 59/09)
- Amendments to the Law on Public Broadcasting Service of Bosnia and Herzegovina (“Official Gazette of BiH”, 32/10)
- Amendments to the Law on Public Broadcasting Service of Bosnia and Herzegovina (“Official Gazette of BiH”, 32/10)
- Amendments to the Law on Communications (“Official Gazette of BiH”, 32/10)
- Gender Action Plan of Bosnia and Herzegovina
- Strategy for Prevention and Combating Domestic Violence in BiH, 2009-2011.
- Action Plan for implementing UN Resolution 1325 "Women, Peace and Security in BiH, 2010-2013.

## **Annex V – Recommendations of the Committee on the Elimination of Discrimination against Women: Bosnia and Herzegovina**

The Committee considered the combined initial, second and third periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/1-3) at its 721st and 722nd meetings, on 16 May 2006 (see CEDAW/C/SR.721 and 722). The Committee's list of issues and questions is contained in CEDAW/C/BIH/Q/3 and the responses of Bosnia and Herzegovina are contained in CEDAW/C/BIH/Q/3/Add.1.

### Principal areas of concern and recommendations

12. The Committee urges the State party to comply with its obligations under the Convention to eliminate discrimination against women without delay, to include women in all political, economic and social transformation processes at the State, entity, cantonal and municipal levels on a basis of equality with men and to make gender analyses an integral part of these processes.

14. The Committee urges the State party to ensure the de facto justiciability of the Convention's rights in all domestic courts and other mechanisms. It calls upon the State party to take additional measures to disseminate information about the Convention and implement programmes for prosecutors, judges, ombudspersons and lawyers that cover the application of the Convention and, in particular, its concepts of direct and indirect discrimination and of equality. It also recommends that sustained awareness-raising campaigns and legal training targeting women and nongovernmental organizations working on women's issues, be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention.

16. The Committee recommends that the State party speed up the process of law harmonisation in order to comply with its obligations under the Law on Gender Equality (art. 30, para. 2), and under all articles of the Convention and that it put in place procedures for the effective implementation and enforcement of these laws.

18. The Committee requests the State party to prioritize data collection and include comprehensive sex-disaggregated statistical data in its next report so as to provide a full picture of the de facto enjoyment by women of their human rights. The Committee also recommends that the penalties foreseen for non-compliance under article 18 of the Law on Gender Equality be applied.

20. The Committee recommends that the State party strengthen the Gender Equality Agency by giving it greater authority vis-à-vis relevant ministries and the Council of Ministers in its assessments of laws, acts and by-laws from a gender perspective, as well as with additional human and financial resources. It also recommends that the State party review the appropriateness of the location of the Gender Equality Agency in the Ministry of Human Rights and Refugees and consider establishing it as a body that would directly report to the Council of Ministers of Bosnia and Herzegovina. The Committee further recommends that the State party continue to raise awareness and build capacity of all Government agencies at the State, entity, cantonal and municipal levels with respect to their collective responsibility to implement the Convention.

22. The Committee recommends that the draft gender action plan be speedily submitted to the Council of Ministers and to the Parliamentary Assembly so that its

adoption may take place before the next election in 2006. The Committee also recommends that the State party immediately undertake efforts to continue gender training of Government officials at all levels and to allocate funds for the Plan's implementation by creating budget lines within the ministries charged with implementation as well as by soliciting international donors.

24. The Committee urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.

26. The Committee calls upon the State party to harmonise the laws of the two entities and to speed up the formulation and adoption of by-laws and the establishment of relevant structures and institutions needed for implementation. In addition, it recommends that concrete measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and are skilled to respond to them in an adequate manner. The Committee also encourages the State party to collect data on incidences of domestic violence against women and, based on such data, continue to develop sustainable strategies to combat this human rights violation.

28. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women and raising awareness so as to eliminate their vulnerability to traffickers, as well as enhancing social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. The Committee recommends that protection be extended to also cover women of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution. It calls on the Government to ensure that traffickers are punished to the full extent of the law and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers before, during and after the proceedings. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls as well as an analysis of emerging forms of trafficking of women into Bosnia and Herzegovina and the measures in place to confront these new developments.

30. The Committee urges the State party to harmonise the election law with the Law on Gender Equality and to strengthen and implement measures to increase the representation of women in elected and appointed bodies and in decision-making positions in public administration, the judiciary and in positions in State-owned companies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also encourages the State party to sensitize private enterprises, trade unions and political parties as to the promotion of women in decision-making positions.

32. The Committee recommends that the reform process be continued in order to ensure consistency in educational opportunities for both sexes in both entities of Bosnia and Herzegovina, including in rural areas, and for marginalized groups of women and girls, in particular of the Roma minority. It also recommends that the State party encourage diversification of educational and professional choices for women and men.

34. The Committee urges the State party to implement the relevant sections of the Law on Gender Equality and the relevant recommendations from the project on implementation of this law and to bring to justice public and private employers who violate equality provisions under the Law on Gender Equality and labour regulations. The Committee also urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women fully benefit from all planned programmes to support entrepreneurship, including through favourable credit conditions. It recommends that efforts be strengthened to increase women's representation in the formal economy and to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men in the public sector; and to ensure women's access to vocational training.

36. The Committee urges the State party to continue its efforts to harmonise and improve the country's health-care regulations and services and to integrate a gender perspective into all health sector reforms so that all women in every part of its territory have equal access to appropriate and adequate health services and that, in particular, maternal mortality rates are reduced. The Committee also recommends that measures be taken to guarantee effective access of women and girls to information and services regarding sexual and reproductive health in order to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners.

38. The Committee urges the State party to explicitly recognize and adequately protect women who were civilian victims of sexual violence during the armed conflict through a State law as well as through the allocation of financial resources for adequate social provisions for them, including health insurance and housing, so that their rights and entitlements are guaranteed in the entire State party at a level comparable to that applicable to military victims of war. It also urges the State party to review its current regulations and plans on accommodation issues for women who are civilian victims of war and displaced persons in order to prevent additional forms of indirect discrimination.

40. The Committee requests the State party to ensure that all national poverty alleviation programmes developed through the midterm development strategy for poverty reduction and implemented by the relevant ministries fully benefit women, in particular marginalized groups of women, according to their needs and circumstances, and to provide in its next periodic report information on the results of the measures taken.

41. The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.