

**Submission from the Internal Monitoring Displacement Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
55th session of the Committee for the Elimination of the Discrimination Against
Women**

(8-26 July 2013)

Bosnia and Herzegovina

24 June 2013

Table of Contents

I. Background on Internal Displacement in Bosnia and Herzegovina	2
II. Main Issues of Concern.....	2
III. Recommendations	7

Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online at www.internal-displacement.org.

I. Background on internal displacement in Bosnia and Herzegovina

1. More than a million people were internally displaced during the 1992 to 1995 war in Bosnia and Herzegovina following the collapse of the Socialist Federal Republic of Yugoslavia. People fled their homes as a result of inter-ethnic violence, human rights violations and armed conflict between Serb, Croatian and Bosnian armed forces and militias.
2. There has been no further large-scale violence since the *General Framework Agreement for Peace in Bosnia and Herzegovina* was signed in 1995. Nevertheless, secessionist and divisive political rhetoric remains intense and the country remains ethnically divided. The underlying causes of instability and displacement are still to be adequately addressed. In the current tense environment further violence and displacement cannot be ruled out.
3. At the end of 2012, the government reported there were still around 103,000 internally displaced people (IDPs). As a result of lingering mistrust, IDPs have mostly remained in areas where they are part of the majority ethnic group.
4. Improved security and the prospect of being able to repossess and rebuild their homes prompted many IDPs to return, but many have experienced continued security incidents and only limited access to roads, water and electricity. Many lack health insurance and struggle to access pensions and social benefits. Only around 360 people returned during 2012.
5. This submission aims to inform the work of the 55th session on the Committee for the Elimination of Discrimination Against Women.

II. Main Issues of Concern

Discrimination of internally displaced women (Article 2 and 13)

6. The adoption of the Law on Gender Equality in Bosnia and Herzegovina (2003) and the Law on the Prohibition of Discrimination (2009) have institutionalized the right to equal treatment amongst men and women as well as providing legal remedies to victims of unfair treatment. Displaced women in particular face challenges to the full realization of their rights, through the continued promulgation of gender stereotypes and prejudices, as well as a lack of equal access to socio-economic resources.
7. Despite legal provisions, discriminatory employment practices including discrimination based on displacement, harassment at the workplace including mobbing (repetitive and humiliating non-physical harassment), limited access to maternity rights are the most common forms of discrimination faced by women and internally displaced women participating within the labour market in Bosnia and Herzegovina.
8. Discrimination against women on the basis of gender contravenes CEDAW Article 2 and 13, which respectively guarantee non-discrimination of women and equal enjoyment

of rights by men and women. Internally displaced women are more susceptible to discrimination based on socio-economical and political vulnerabilities such as, unemployment, social stigmas associated with displacement as well as a gap in political representation.

Violence against internally displaced women (Article 1, 2 and 5 and General Recommendation 12 and 19)

9. Nearly half of women (older than 15) have been subjected to some form of violence at least once during their lifetime and one in ten has experienced violence in the last year. Gender-based violence within Bosnia and Herzegovina is linked in many ways to the legacy of the war, women and men suffering from Posttraumatic Stress Disorder (PTSD) and other war-related mental health problems as well as unemployment, poverty or addiction. As such, internally displaced women, who are often civilian victims of war, are at a higher risk.

10. In 2006, CEDAW called upon 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. As well as develop and implement measures to empower women to report incidences of domestic violence. (CEDAW/C/BIH/CO/3)

11. The first national survey on violence against women in Bosnia and Herzegovina was carried out between 2012-2013 and implemented by the Gender Equality Agency of BiH and the Entity Gender Centers, together with Institutes for Statistics and supported by the United Nations Population Fund (UNFPA) and UN Women. For the first time, factors contributing to the violence against women are documented and include inadequate living conditions, unemployment, financial insecurity, stress, mental disease, drug or alcohol addiction coupled with a patriarchal understanding of relationships between men and women. (A/HRC/23/49/Add.3) However, data specifically addressing violence against internally displaced women is still limited.

12. In 2013, Bosnia and Herzegovina committed to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence and UN Security Council Resolution 1325 through the development of the Action Plan for the Implementation of UN Resolution 1325 on Women, Peace and Security.

13. The government has partially fulfilled the requirements in CEDAW General Recommendation 19 on violence against women through the implementation of the first national survey on violence against women. However the survey should be expanded to include violence against internally displaced women. Continued efforts should be made on developing programmes focusing on women empowerment and training public servants on reporting and supporting victims of violence.

Recognise and Adequately Protect Women who were victims of Sexual Violence during the Armed Conflict (Committee Concluding Observations 38)

14. An estimated 50,000 women were raped during the war. Rapes were often conducted with extreme brutality; many women were held in prison camps, hotels, private houses where they were sexually exploited. Many survivors of rape as a weapon of war remain displaced due to lack of available psychological and physical healthcare in their place of origin.

15. Failure to develop a comprehensive strategy to address the needs of survivors of war crimes of sexual violence, in accordance with international standards guaranteeing the right to reparation and remedy, has resulted in the desire of many survivors to remain displaced rather than return to their place of origin. This is specifically the case for those receiving healthcare and psychological support in Tulza Canton, and whose place of origin is Republika Srpska (RS). Tulza Canton was seen as a “safe haven” where thousands of victims of sexual violence sought refuge.

16. In 2006, CEDAW urged 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 housing for women who are civilian victims of war and displaced persons in order to prevent additional forms of indirect discrimination. (CEDAW/C/BIH/1-3)

17. In 2011, a draft Law on the Rights of Victims of Torture and Civilian War Victims was prepared by the Ministry for Human Rights and Refugees. A working group was established and is currently drafting a Programme for Victims of Sexual Violence in Conflict and Torture 2013-2016.

18. In 2012, the government drafted a state level Transitional Justice Strategy which aims to form a sustainable platform for establishing facts about the past; providing redress for injustice and war-related trauma; protecting individual and collective memory; reforming and regaining trust in institutions.

19. Legal obstacles preventing survivors of war and internally displaced women from receiving adequate healthcare and wartime reparations remain. Compensation to the victims of war crimes of sexual violence can be provided based on the status of a civilian victim of war however the Federation of BiH (FBiH) and Republika Srpska (RS) regulate this issue differently in separate entity laws often leading to unfulfilled government commitments to survivors. In many cases, survivors who are receiving support and care in one location are unable to achieve the same standard of care in their place of origin due to lack of resources or failure by local authorities to implement or acknowledge the responsibility of care outlined in existing legal frameworks.

20. The government of Bosnia and Herzegovina is falling short of its obligations set out in Committee Recommendation 38 explicitly recognising and adequately protecting women who were civilian victims of sexual violence during the armed conflict, and harmonise the laws of the two entities as well as fully implement Annex VII of the Dayton Peace Agreement.

Poor health status of internally displaced women (Article 12 and General Recommendation 24)

21. Women comprise over 51 per cent of the population of BiH, 25 per cent are of reproductive age. Studies conducted on reproductive health of internally displaced women indicate a higher rate of STIs, coinciding with lower awareness levels of sexual health and contraceptives and a decrease in fertility rate due to frequent intentional abortions, usually the only way of family planning.

22. UNFPA BiH and the Council of Ministers of BiH have signed the first BiH Country Programme Action Plan (CPAP) for the period 2010-2014. Implementation of the CPAP 2010-2014 is underway, with coordination provided by the governmental institutions in collaboration with nongovernmental organisations, private sector and the media and with technical support provision by UNFPA.

23. Access to healthcare for internally displaced women remains limited due to lack of resources for public services, unresolved domicile status and complications arising from varying organizational management of health systems in each entity.

24. The government of Bosnia and Herzegovina is falling short of meeting obligations stated in CEDAW Article 12 and General Recommendation 24, which respectively provide for adequate protection and health services for displaced women, and appropriate measures to ensure women access to adequate health care facilities, including information, counselling and services in family planning.

Lack of income generation opportunities for internally displaced women (Article 3 and 14 General Recommendations 16 and 17)

25. Incidence of unemployment as well as underemployment is greater among internally displaced women, with some 80 per cent of internally displaced persons living below the national poverty line. In 2012, the official unemployment rate for women 15-24 years of age was 52.7 with an overall national unemployment rate of 27.6 per cent. An estimated 70 per cent of women are unpaid labourers working in family establishments or on farms.

26. CEDAW raised the issue in 2006 (CEDAW/C/BIH/CO/3) and urged the State 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. In addition, the State party should 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.

27. A review of the implementation practice for incentive programmes for the employment or self-employment of vulnerable population categories including internally displaced women found that women are not informed on programmes and prerequisites they need to meet in order to obtain funds. Often they lack skills needed to apply for these incentives along with such things as property ownership for programmes in rural areas.

28. The government of Bosnia and Herzegovina is falling short of its obligation undertaken in CEDAW Article 3 and 14 and General Recommendations 16 and 17, which requires States Parties to take appropriate measures, including in the economic, social and cultural fields to ensure the full development and advancement of women and their human rights including women in rural areas.

Limited public participation of internally displaced women (Article 7)

29. Following the 2010 elections, 19.3 per cent of the total number of elected representatives at the Parliamentary Assembly of Bosnia and Herzegovina are women, 23.1 per cent at the Parliament of Federation of BiH, and 21.7 per cent at the Republika Srpska National Assembly. 17.1 per cent of women were elected to 143 municipal and city councils (assemblies), seven of local councils/assemblies have no women representatives among their membership, and 5 women are municipal mayors. Internally displaced women remain under represented at the state and local levels.

30. In 2006, CEDAW called on the government of Bosnia and Herzegovina 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. (CEDAW/C/BIH/CO/3) Public participation of internally displaced women is integral to full integration as well as a means of empowering women through representation.

31. At the end of 2009, the Election Law was amended to include a mandatory minimum quota of 40 per cent of women, in accordance with international standards. Despite the increasing number of female representatives, there is continuing concern that the government will not meet its 40 per cent representation target in the legislature and the executive particularly given it has still did not manage to establish mechanisms and strategies for gender mainstreaming.

32. Full implementation of CEDAW Article 7(b), which ensures the right of women to participate in the formulation and implementation of government policy has yet to be realized.

Inadequate living conditions (Article 3 and 14(2)(h))

33. Some 8,500 displaced persons continue to live in collective accommodation. These displaced are among the most vulnerable of populations of concern in Bosnia and Herzegovina. Many are internally displaced women who are physically and mentally

challenged, chronically ill, elderly, without income and/or cannot return to their places of origin due to serious protection concerns.

34. Many Roma in Bosnia live in informal settlements that lack security of tenure. Forced evictions are an ever-present danger, and the government has made no provisions for adequate alternative housing for those who are evicted. Forced evictions have been a particular problem in Mostar. More than 100 Roma in Mostar, many elderly, women and children, faced imminent forced eviction in November 2011 from their homes in a settlement to make room for a housing project sponsored by the city and the Ministry of Human Rights for 18 other Roma families. Alternative housing was not offered and the evictions were not in line with international standards.

35. The 2013 implementation of the Regional Housing Programme is a joint multi-year programme which will provide sustainable housing solutions to 170 vulnerable displaced families. The beneficiaries will be assisted through provision of two types of housing solutions: delivery of building materials and reconstruction of houses. The project will be implemented in up to 16 municipalities, out of which 11 are located in RS and 5 in the Federation.

36. The Parliament of Bosnia and Herzegovina adopted the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement (2010). Implementation is anticipated through 2014 at which point all collective centres are expected to be closed and the current occupants placed in adequate housing units with significantly improved living conditions.

37. The government of Bosnia and Herzegovina is partially fulfilling its obligation undertaken in CEDAW Article 3, which requires States Parties to take appropriate measures, including in the social and cultural fields to ensure the full development and advancement of women and their human rights, and Article 14(2)(h), which requires States Parties to ensure that rural women enjoy adequate living conditions, particularly with regard to housing, sanitation, electricity, water supply, transport and communications. However, further improvements should continue.

III. Recommendations

38. At the 55th session of the Committee on the Elimination of Discrimination Against Women, IDMC invites the Committee to consider the following recommendations to the Government of Bosnia and Herzegovina:

Discrimination

39. Increase human rights education and public awareness programmes as well as gender related sensitisation and capacity building, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles highlighting equal status and responsibilities of women and men in the private and public spheres.

Violence against women

40. Full implementation of the Law on Gender Equality in Bosnia and Herzegovina (2003) and the Law on the Prohibition of Discrimination (2009) through the implementation of public policies that contribute to ensuring equality between men and women in all spheres of life and conditions for implementing gender sensitive practices that restrict the opportunities for discrimination against women as well as eliminating submissive and stereotyped status.

41. Full implementation of UN Security Council Resolution 1325 through the development and implementation of the Action Plan for the Implementation of UN Resolution 1325 on Women, Peace and Security to prevent and combat violence against women and domestic violence.

Recognise and adequately protect women victims of sexual violence during wartime

42. Fulfil the implementation of the Transitional Justice Strategy that aims to ensure access to justice and reparation for all civilian victims of war, including survivors of sexual violence as well the implementation of the Programme for Victims of Sexual Violence in Conflict and Torture.

43. Ensure the harmonisation of laws on civilian victims of war between entities to facilitate equal access to rehabilitation and other measures of reparation for all civilian victims of war, as required under international law, without discrimination on any ground and regardless of where they may live.

Health

44. Full implementation of the UNFPA BiH Country Action Plan CPAP 2010-2014 focusing on the improvement of and access to sexual and reproductive health in the country, particularly for adolescents and both displaced and non-displaced women.

Income generation

45. Increase awareness and education on skills and requirements of incentive programmes generated towards internally displaced women in order to increase women's participation within the labour market.

Public Participation

46. Increase harmonisation of the Gender Action Plan and the Election Law and support more women running for public office to ensure the target of 40 per cent female representation in government, in line with international standards, is achieved. Actively encourage the participation of internally displaced women.

Adequate living conditions

47. Continue implementation of the Revised Strategy of BiH for the Implementation of Annex VII of the Dayton Peace Agreement, to ensure that those who cannot or choose not to return to their pre-war homes are given suitable alternatives.

48. Ensure housing solutions are allocated according to needs and include a gender-based approach taking into account the needs of internally displaced women, specifically

protection concerns.

49. Ensure that Roma evicted from their homes are provided with adequate alternative housing or another remedy in line with international standards on eviction.