

BOSNA I HERCEGOVINA



BOSNIA AND HERZEGOVINA

**STATEMENT BY
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**PRESENTING THE FOURTH AND FIFTH PERIODIC CEDAW REPORTS OF BOSNIA
AND HERZEGOVINA TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN**

Geneva, July 2013

Madame Chair,

Distinguished Committee Members, Ladies and Gentlemen,

It is a pleasure for me to present to you the measures taken by Bosnia and Herzegovina in its efforts to implement the Convention on the Elimination of all Forms of Discrimination against Women. We are looking forward to exchange ideas with this Committee in our joint effort to ensure full equality between women and men and we thank this Committee for its continuous effort to ensure full implementation of this Convention.

I am confident that you are aware that pursuant to the General Recommendation No. 6 of the UN CEDAW Committee, Bosnia and Herzegovina has established a network of institutional mechanisms for gender issues in B-H at all levels of legislative and executive powers. This is why, it is my pleasure to greet you on behalf of the delegation of B-H which is composed of women and men which work daily on gender equality in institutional mechanisms for gender equality of Bosnia and Herzegovina.

War in Bosnia and Herzegovina, which broke out in April 1992, left enormous consequences on demographic picture of B-H. In this period some 2.200,000 persons were displaced from their homes. Changes in demographic picture of population in relation to 1991 census are the results of war cataclysm, exile, migration and emigration. It is also important to emphasise huge economic damages which ravaged the country during the war. It is also important to emphasise huge economic damages which ravaged the country during the war. Today Bosnia-Herzegovina is over-burdened with post-conflict, societal and economic transitions.

Additionally, Bosnia-Herzegovina has a complex constitutional structure which is decentralised to a large extent where in some areas there exist 14 legal orders in areas which are of concern for the implementation of this Convention such as health, education, social welfare and other. The central government has limited competencies, one of the B-H entities is centralised and the other entity has additional 10 sub-legal orders (cantons). However, in the area of gender equality unprecedented cooperation and coordination was achieved among the gender institutional mechanisms.

All gender institutional mechanisms have precisely defined mandate, 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 main-streaming in B-H. These three institutional mechanisms for gender equality are crucial instrument in initiating and implementing activities in the area of gender equality. We need to emphasise that our institutional partners in the legislature are continuously supporting our efforts in achieving de facto and de iure equality.

And in deed, the Convention and the achievements of this Committee continues to be a framework for all efforts in the area of gender equality in Bosnia and Herzegovina. After

this Committee has made its Concluding Comments and Recommendations, Bosnia and Herzegovina has made sure that these Concluding Comments became a priority of the government. The Convention and the General Recommendations made by this Committee were foundations for the adoption of laws and policies which focus on gender equality and empowerment of women.

The main instrument for the implementation of his Convention is the Law on Gender Equality in Bosnia and Herzegovina, which we consider to be a transposition of the Convention in the legal system of Bosnia and Herzegovina since it structurally and content wise follows the CEDAW. In order to translate these commitments into practice the government has adopted the Gender Action Plan of Bosnia and Herzegovina which defines activities, stakeholders and deadlines for all relevant actors and institutions in the society.

The first Gender Action Plan was based on the recommendations made by this Committee and the new GAP adopted by the Council of Ministers will for sure aim to implement the recommendations made by this Committee after this session.

The Agency and the Gender Centres continue to promote the Convention and the work of this Committee among all professionals and the general public. Today the Convention is a part of curricula for the training of judges, prosecutors, police officers, members of the armed forces, civil servants and professionals working in non-governmental institutions.

Since Bosnia and Herzegovina has signed the Optional Protocol to CEDAW, the Agency for Gender Equality of B-H has translated and printed the Decisions of the CEDAW Committee in complaints which were made under this Optional Protocol in 9 different communications in order to promote this important mechanism.

Institutional mechanisms for gender equality aim to cooperate and partner with the civil society organisations active in gender equality. That is why in the course of preparation of this report civil society organisations were consulted in various occasions and the report is an outcome of regular communications with these organisations. We are quite satisfied that representatives of the civil society of Bosnia and Herzegovina which prepared the shadow report are participating in this meeting since we attach great importance in this dialogue with all relevant actors.

Additionally, institutions at almost every level of government have directly or indirectly contributed to the writing of this report. The final version of the Report was compiled by the Agency for Gender Equality and was adopted by the Council of Ministers adopted the Report at the 152nd meeting held on 1 June 2011. At the 14th session held on 24 November 2011 the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina considered and adopted the fourth and fifth CEDAW periodic report of Bosnia and Herzegovina.

Madam chair, Members of the Committee,

Allow me to present major initiatives in Bosnia and Herzegovina since the last review made by this Committee.

Following the adoption of the Gender Action Plan of Bosnia and Herzegovina a dual approach focusing both on gender equality and empowerment of women was adopted. The main strategy within the governments of Bosnia and Herzegovina adopted is gender main-streaming since only strategic and long term efforts can ensure that progress is made when it comes to equality of women and men.

Bosnia and Herzegovina has invested significant resources into developing public policies which aim to ensure gender equality. Gender Action Plan of Bosnia and Herzegovina has created a framework for the adoption of other sector specific public policies in the area of domestic violence, Implementation of UN Resolution 1325 “Women, Peace and Security in B-H”, Status of Rural Women, Gender-Responsible Budget which all contribute to a coordinated approach of different sectors of the government.

To support the financial resources which were necessary for the implementation of these policies a specific Financial Mechanism for the Implementation of the Gender Action Plan in B-H (2010-2014) was created. This mechanism has been supported as governments of Sweden, Austria and Switzerland and is recognised as an example of good practice in the area of local ownership and aid effectiveness. In this way, in addition to regular budgets of the gender institutional mechanisms, funds for implementation of the GAP B-H 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 B-H into regular plans and programmes as well as providing support to NGOs in implementing projects within FIGAP programme. 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.

In the recent decade Bosnia and Herzegovina has made significant steps to eradicate all forms of discrimination and to establish effective mechanisms to ensure that all victims of gender and sex based discrimination can seek remedy. Today all relevant material and procedural legislation contain relevant provisions relating to any form of discrimination. Victims of discrimination can seek protection against discrimination in disciplinary, civil and criminal procedures depending of the type of discrimination. Protection against discrimination was reinforced with the adoption of the Law on Preventing Discrimination in B-H which establishes a system of referring victims of discrimination to available legal remedies for protection of rights provided for in the said laws (lawsuits, competencies, deadlines, burden of proof, victimisation, and other). In the light of the Concluding Recommendation of this Committee this meant establishing of a mechanism for protection of rights guaranteed by the Law on Gender Equality in B-H before competent courts.

However, combating all forms of discrimination and ensuring equal treatment is only one part of our gender main-streaming efforts. The other part focuses on efforts which aim to ensure equal opportunities for women and men, boys and girls of Bosnia and Herzegovina.

Pursuant to the General recommendation No. 25, on article 4, paragraph 1, the amendments made to the Law on Gender Equality in Bosnia and Herzegovina in 2009 have redefined and provided clear guidance on the adoption of temporary special measures. Article 8 of the Law on Gender Equality in B-H allows introduction of special provisional measures aimed at achieving true gender equality, which must be proportionate, appropriate and necessary. In addition, Article 24 emphasises 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 where there is evidence of gender inequalities.

Since the last report the Agency and the Gender Centres have invested lot resources into supporting other institutions in Bosnia and Herzegovina to adopt gender mainstreaming as an approach in their work.

Let me emphasise few examples which can illustrate achievements made in recent year which have included temporary special measures aiming at achieving de facto equality of women and men. Action plan for UNSCR 1325 implementation in Bosnia and Herzegovina passed by Council of Ministers of B&H was the first plan for UNSCR 1325 implementation in South-east Europe. A Coordination Body for Monitoring Enforcement of the Action Plan for the Implementation of the UNSCR 1325 in B-H has been established.

As a result of the activities of this coordination board the institutions in the security and the defence sector have implemented activities which have led to an increased number and improved position of women in both police and armed forces. Most importantly, training organised for armed and police forces includes training on services which are tailored to specific security needs of both men and women in the country and worldwide.

Following the technical and expert support to other institutions gender main-streaming was introduced in new areas such as the: position of women in rural areas of Republika Srpska, with the adoption of the Action Plan for the Advancement of the Position of Rural Women in Republika Srpska until 2015 and the in the area of employment with the adoption of the Action Plan for the Introduction of Gender-Responsible Budget in the Federation, 2010-2012, in the pilot area of "Work and Employment".

Madam chair, Members of the Committee,

Violence against women and domestic violence, being one of the major challenges of Bosnian and Herzegovina society, is a problem that has only recently been transferred from private into public sphere. For long time, partner and domestic violence in Bosnia and Herzegovina had been viewed as a private family thing. Intervention of society has gained

in intensity in the recent decade with development of awareness that prevention of this form of violence is one of the imperatives in terms of protection of human rights.

This change is a result of a strategic approach to prevention and combating violence against women and domestic violence in the recent decade. Since all forms of violence against women and domestic violence were criminalized in 2003 the emphasis in Bosnia and Herzegovina since was on the implementation of entity laws on protection from domestic violence.

Following the Concluding Recommendation this Committee, both laws on protection from domestic violence have been harmonised to the best possible extent, given the different entity and administrative structure. Both laws which were amended during 2012 further sought to incorporate standards enshrined in the Council of Europe Convention on preventing and combating violence against women and domestic violence.

A strategic approach was adopted with the public policies which have aimed at a holistic approach, which has included a multi-disciplinary response and prevention activities. There are ten safe houses and two free of charge help lines which are operated by non-governmental organisations and which are financial supported by public budgets. Additionally, protocols have been developed in order to ensure effective response and cooperation between of all institutions and organisations including the police, judiciary, social welfare centres, health institutions and NGOs.

Bosnia and Herzegovina is currently developing public policies of a second generation focusing our efforts around the implementation of the Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence which Bosnia and Herzegovina has signed in March 2013 and which will be ratified soon. A new Strategy on the state level to implement this Convention is currently being drafted and it is expected that it will be adopted by the end of this year. Both gender centres have developed or are currently developing action plans which aim to improve the institutional response to violence against women and domestic violence.

Despite significant investment in this area violence against women and domestic violence remains prevalent in Bosnia and Herzegovina. A recent survey of prevalence of violence against women, conducted according to UNECE methodology, has showed that more than half of women surveyed (47.2%) experienced at least one form of violence and every tenth in the last 12 months (11.9%). The most frequent form of violence the women are exposed is psychological and combined psychological and physical violence. Highest prevalence has the violence committed against women by their partners (current or former) and seen overall, the sphere of intimate partner and family relationships is by far more dangerous in terms of exposure to violence than broader community.

This significant study has confirmed that gender based violence against women in B-H is not an isolated, sporadic or extreme form of conflict, but stems from systematic gender inequality that are simultaneously established in spheres of public and private life.

That is why Bosnia and Herzegovina remains determined to continue to work on prevention and combating of violence against women and domestic violence and especially in connection with other efforts to achieve gender equality and to effectively combat discrimination and stereotypes.

Madam chair, esteemed Members of the Committee,

Unfortunately, during the 1992-1995 conflict sexual violence and rape was prevalent. Based on the crimes which occurred in Bosnia and Herzegovina the International Criminal Tribunal for former Yugoslavia had to establish standards which would lead to the prosecution of these crimes.

According to the available data there were around 60 out of around 220 final verdicts which dealt with war crimes of sexual violence against women. This is a significant percentage of all war crime cases prosecuted especially if we take into account the stigma which usually follows these proceedings. And although the definition of the rape which occurred during the war is not fully harmonised with the Rome Statute of the International Criminal Court and the ICTY standards, the Court of Bosnia and Herzegovina has on several occasions relied on the case law of the ICTY thus making its contribution to ensure that legal definitions are an obstacle for prosecution of these crimes.

Bosnia and Herzegovina can unfortunately note that, although the B-H judiciary has made unprecedented progress when it comes to prosecution of these cases and to end impunity, much more is needed to ensure that all cases are processed and that all victims receive justice and redress.

At the same time, with the aim of improving the overall situation of women victims of rape Bosnia and Herzegovina has finalized drafting of the document "Program for victims of rape, sexual abuse and torture in B-H 2013-2016", which seeks to improve the position of all victims. One of the program goals within this Program emphasizes the obligation of the state to provide access to programs for victims of war reparations and the need to provide legal and psychological support to victims and/or witnesses in court proceedings and after them.

Madam chair, Members of the Committee,

Despite significant efforts we can still find evidence of progress women remain under-represented in decision making positions. As for the elections for the legislative bodies the election list quota in the Election law was preserved and the percentage for the less represented sex was increased from 33,33% to 40% in 2012.

Under the current election system this quota can be considered a temporary special measure under the Article 4 of the Convention which contributes to the increase of women in the election process. And although these percentages of women candidates do not translate in actual numbers of women elected we can notice a steady increase of the number of women elected and most importantly we can see that the electorate is more

and more inclined to vote for women. The number of women directly elected to the Parliamentary Assembly of B-H in 2010 has almost doubled whereas the number of women elected in local legislatures has increased by 1,5 - 2%. We also note significant change when it comes to substantive representation of women and the general support to gender equality initiatives by the legislature.

In order to motivate political parties to promote women which are running for elections the Parliamentary Assembly of B-H, upon proposal of the Agency, has adopted the **Law Amending the Law on the Financing Political Parties** (Official Gazette of B-H, 102/09) which has mandated 10% of all available funds for political parties to be allocated to those parties which have member of parliament which belong to the under-represented sex.

But legal measures were not the only activities which are being conducted to promote women in politics. Additionally, the Agency and the gender centres continuously work and provide support to the members of parliaments in order to build their capacities to mainstream gender through parliamentary work. A number of activities were implemented to promote female candidates and a number of political academies are being implemented to support women which are active in political parties. The Agency and the gender centres conduct campaigns in the pre-election period aiming to promote women as candidates and a number of programs implemented by the non-governmental organisations are noteworthy.

The situation in the executive is not at a satisfying level. There are no temporary special measures adopted for the under-represented sex and the composition of the governments depends on political consensus. Since women are under-represented in the legislature they lack a critical mass to influence when the legislatures adopt decisions to confirm the proposed members of governments. Only the composition of the Government of Republika Srpska from 2010 and the new government form 2012 (with the first female prime-minister) got close to the 40% requirement from the Law on Gender Equality.

Women make 51% of all civil servants and women make over 35% of senior positions in institutions of Bosnia and Herzegovina. The overall percentage of female judges in B-H is 56.25 % and the overall percentage of female prosecutors in B-H is 48.5 %. Data on gender representation in senior positions, i.e. presidents and chief prosecutors, shows smaller percentage of women (35 per cent) than the overall percentage of women. Women hold the highest positions in the judiciary and the current president of the Court of BaH is a woman and women presided the constitutional courts.

Within the framework of the implementation of the Action Plan for the Implementation of UN Resolution 1325 "Women, Peace and Security in B-H" strategic gender equality benchmarks for the police forces, the armed forces and peace keeping missions were established and although this is a long term process results are already visible.

Madam chair, Members of the Committee,

In the previous years (starting in 2008) the global economic crisis has had its effect on

economy of B-H, and has slowed the economic activities in B-H, and the employment rates are in constant decline. The registered unemployment rate in 2008 was 41,1%, in 2009. 41,7% and in 2010 43,1% and these numbers continued to grow in 2011 and 2012. These global trends have overburdened the efforts of B-H to exit the crisis which was amongst other things caused by the post-conflict situation and the economic, social and political transition.

Although this economic crisis had no despair effect on women it has contributed to the decrease in the budgets allocated for full employment policies and employment regardless of sex.

The public institutions have undertaken activities to stimulate the employment of women through incentive funds for the employers with the aim of employing of women registered in employment bureaus, including the employment of apprentices. It is important to note that all of these strategic documents have recognised women as a vulnerable category in the labour market and activities focusing on inclusion of women in the labour market have been implemented. These activities have recognised the need of an adjusted approach towards women from other vulnerable groups such as women with disabilities, Roma women and women in rural areas.

Agency for Gender Equality of B-H has in 2008 conducted a first research on the differences in income of women and men in B-H „The Gender Pay Gap in B-H. There are no data that women are less paid than men for the work of same value but in the labour market, men dominate. Although the number of employed men and women is almost the same in the highest paying grade, in all other pay grades the number of men is higher than the numbers of women.

Women are more educated than men. According to official statistics in the women are traditionally dominating in the structure of graduating students, and since 2009 women make more postgraduate students and make over 40% of doctors of sciences (PhDs).

If we compare the structure of employed women and men, women with high school, women with under-graduate and women with graduate education are in average more employed than men. Women who have graduated from faculties are moving towards the highest paying grades, but men still dominate in the two highest paying grades.

However, due to the complex structure of the country and the decentralised system of social protection and welfare women do not enjoy equal social protection and services in all parts of the country. Depending of their place of residence employed persons either receive full remuneration of the salary during maternity/paternity leave or only a certain per cent of the average salary. Women who are not employed exercise receive support only to a limited extent.

Madam chair, Members of the Committee,

In the last few minutes I have concentrated on the progress Bosnia and Herzegovina has

made to implement the CEDAW convention but allow me to continue to present new developments and future challenges.

Although we can note significant progress when it comes to the capacities of the Agency and the entity Gender Centres to implement the obligations under the CEDAW Convention these institutions still lack full support from other institutions and parts of the government.

By nature of their mandate the Agency and Gender Centres have responsibility to take necessary actions in all areas, so it is important to stress that they continue to have financial and human resources constraints. The lack of human resources is still a major obstacle, which is a major problem for the implementation of the Law on Gender Equality of B-H and B-H Gender Action Plan. And although the budget allocations have increased they are still not at the level which would ensure that these institutions exercise their full mandate. At the same time the existing gender focal points in various ministries and institutions are appointed to perform this duty additionally to their regular work load which has proven to be troublesome.

At the same time, taking into account the complex structure of Bosnia and Herzegovina, the Agency for Gender Equality, the Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Centre of the Republika Srpska have established a continuous and very successful cooperation and coordination. This coordination has contributed to an improved implementation of the Gender Action Plan and the CEDAW convention in the country and has been recognised as a good model for inter-institutional cooperation.

The new Gender Action Plan which will be adopted in the next few weeks has recognised the need for further investment in a coordinated and multi-institutional approach. The new Gender Action Plan of Bosnia and Herzegovina is based on the experience of the first action plan and other public policies and will serve Bosnia and Herzegovina as an instrument for further efforts to incorporate gender main-streaming in all government activities.

In conclusion we need to re-emphasise the importance of a coordinated approach to gender main-streaming and empowerment of women to which Bosnia and Herzegovina remains devoted.

We are looking forward to your questions and to providing more details on the measures described in our Report.

I thank you,