**Bosnia and Herzegovina’s Compliance with the Convention on Economic, Social and Cultural Rights**

 **The Economic, Social and Cultural Rights of Women**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

**Foundation “Women’s Centre” Trebinje,**

a non-governmental organization

**for the 70th Session of the CESCR**

**27 September–15 October 2021**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates’ Women’s Human Rights Program has published more than 25 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence. The Women’s Human Rights Program also created training modules on access to justice and drafting legislation on violence against women in all its forms for UN Women’s Virtual Knowledge Centre.

**Foundation “Women’s Centre” Trebinje** was founded in 2002 as the “Women’s Center” Trebinje, Association by a group of 20 men and women to help children and women victims of domestic violence. It re-registered in 2016 as the Foundation “Women’s Center” Trebinje. It was established due to the need to speak out about violence against women and children which, until then, was considered a private problem of individual households, and not as a problem that affects the whole society. Deeply rooted stereotypes and patriarchal attitudes about the position and the role of women in society and family have created a certain "taboo" in terms of specific relationships between men and women. Guided by a desire to contribute to solving this global problem, especially in the context of its region, but also at the state level and beyond, the Foundation has conducted its activities in various areas of everyday life and work in order to provide the most appropriate response to this challenge. Although its activities are focused on different areas (for example, social life, health services, social security, economy), and apply different methodologies, there is only one overall aim: 2 improvement of status of women in society of the Republic of Srpska and Bosnia and Herzegovina, primarily through the development of partnerships between men and women in family and in society. The Foundation’s vision is to improve the status of women in society and family, and a life free of violence. Its mission is to fight for children's and women's rights in all segments, and the economic empowerment of women. The Foundation’s work is based on needs assessment so that the results are the product of recognized needs and voluntary contributions to attend to those needs.

**Executive Summary**

1. Domestic violence is a form of discrimination against women and violates women’s human rights. It violates a woman’s right to life, bodily security and integrity, and equal protection.
2. Domestic violence continues to be a widespread problem throughout Bosnia and Herzegovina. More than half of women in the country have experienced psychological or physical abuse from the age of 15.[[1]](#footnote-2) However, significant numbers of women who experienced domestic violence do not seek help.
3. The State party has responded and taken measures to prevent and control COVID-19 in accordance with recommendations from WHO. Nevertheless, the impacts of COVID-19 have disproportionately affected women, as existing gender inequalities have been exacerbated. NGOs have reported that domestic violence incidents have increased during the pandemic due to social distancing, economic hardship, and isolation measures. Furthermore, essential services have been disrupted, increasing risk that individuals are unable to make calls to helplines while in the same space with an abusive partner.
4. **Overview of the legal framework**
5. Bosnia and Herzegovina is composed of two entities, the Federation of Bosnia and Herzegovina (FBiH) and Republic of Srpska (RS), and one self-governing district, District Brčko.[[2]](#footnote-3) The entities are highly autonomous, with separate constitutions, judicial systems, and legislatures.[[3]](#footnote-4) FBiH is further divided into 10 cantons that have autonomy, and some laws are enacted at the level of the Canton.[[4]](#footnote-5) The national legislature has authority over limited issues, as most legislation is passed at the entity or canton level.
6. Economic, social, and cultural rights are guaranteed by the constitutions of the two entities. Also, these rights are regulated by each legislation under the constitutional arrangement of Bosnia and Herzegovina.
7. Although RS has enacted several laws, challenges still exist in their implementation to effectively protect victims and hold perpetrators of domestic violence accountable. The situation in FBiH is even more complicated due to the government structure of the entity.[[5]](#footnote-6) The local legal framework varies across the 10 cantons.[[6]](#footnote-7)
8. **Bosnia and Herzegovina fails to uphold its obligations under the ICESCR**
9. **The State party does not protect women from discrimination and does not promote the equal rights of women (Articles 2 and 3) (List of Issues paragraphs 4-13)**
	1. **Corruption is widespread and women are underrepresented in Politics (List of issues paragraphs 6, 12)**
10. The Committee requested information about “the proportion of persons living below the poverty line and the level of inequality.”[[7]](#footnote-8) In its reply, Bosnia and Herzegovina responds that “poverty is measured by household consumption and not by household income” and that “in its publications, the BiH Statistics Agency does not provide the ratio of the richest decile and the total income of the poorest 40% of the population.”[[8]](#footnote-9)
11. Although the State party has enacted some laws in line with the covenant, the State party has failed to implement the laws effectively. Poverty is a significant problem, and “many citizens live in poverty and face social exclusion.”[[9]](#footnote-10) Approximately 640,000 people live in absolute poverty, and fifty percent of the country is economically vulnerable.[[10]](#footnote-11)
12. The Committee also requested information about anti-corruption efforts.[[11]](#footnote-12) In its reply, Bosnia and Herzegovina responds that “The Agency for the Prevention of Corruption and Coordination of the Fights against Corruption monitors the implementation of the 2015-2019 Anti-Corruption Strategy and Accompanying Action Plan” while the Entities and cantons implement their own strategies.[[12]](#footnote-13)
13. Between 2014 and 2018, the ombudsman received 698 complaints related to the violation of economic, social and cultural rights.[[13]](#footnote-14) The ombudsman claims that the number of complaints has been increasing every year because of the “poor economic and social situation” of the state.[[14]](#footnote-15)
14. The governmental structure is complex and results in burdensome bureaucratic delays, corruption, and lack of transparency.[[15]](#footnote-16) Corruption is common among officials and remains widespread in many public and economic institutions, particularly in the health and educational sectors, public procurement processes, local governance, and public administration employment procedures.[[16]](#footnote-17) The Ombudsman noted that, due to discriminatory practices, some people do not enjoy equal employment opportunities, and legal remedies are not effective to prevent such practices.[[17]](#footnote-18) The European Commission has noted that the State party as not made progress in fighting corruption, which affects people’s daily lives.[[18]](#footnote-19)
15. Law enforcement is insufficient to fight corruption. RS established “Special Prosecution Offices” to investigate corruption allegations, but their effectiveness remains weak.[[19]](#footnote-20) Specifically, pressure and interference in high-level corruption cases is a major concern.[[20]](#footnote-21) Also, case transferring and proceedings reduce the efficiency of the investigations due to frequent conflicts of jurisdiction.[[21]](#footnote-22)
16. Corruption also exists in the judiciary.[[22]](#footnote-23) For instance, the High Judicial and Prosecutorial Council (HJPC) president was accused of being corrupted and biased. These allegations were not effectively investigated, which adversely affected the independence and impartiality of the judiciary.[[23]](#footnote-24) The judicial branch must be strengthened for the branch’s integrity and to regain public trust.[[24]](#footnote-25)
17. Furthermore, women are underrepresented in politics and public life. The Committee requested “information on the impact of legislation, including the Election Law and the Law on the Financing of Political Parties, to improve women’s representation in legislative bodies,” and “information on the measures taken to improve women’s representation in decision-making positions in the public and private sectors and their impact, including relevant statistical data.”[[25]](#footnote-26) In its reply, Bosnia and Herzegovina responds “Since 2018, ‘Women in Elections in BiH’ Project… has been aiming to contribute to a better and high quality of life of citizens through greater participation of women in public life.” Bosnia and Herzegovina state that despite this, “women are still the underrepresented gender in decision making positions in politics and, especially in the legislature at all levels of government in BiH.”[[26]](#footnote-27)
18. According to the law, at least 40% of a political party’s candidates must be women; however, the percentage is often significantly less.[[27]](#footnote-28) In Herzegovina-Neretva Canton, there are no female public officials.[[28]](#footnote-29) The national parliament consists of two chambers; the House of Representatives and the House of People. Approximately 31.3% of representatives are women in the House of Representatives, and 15.4% representatives are women in the House of People.[[29]](#footnote-30) Only 4% of the country’s mayors are women.[[30]](#footnote-31)
19. **Suggested recommendations** relating to corruption and women’s participation in political and social life:
	* Effectively implement the 2015-2019 Anti-Corruption Strategy and Accompanying Action Plan to combat corruption.
	* Increase transparency at all levels of government.
	* Provide strong legislation to ensure law enforcement remain effective when handling corruption cases.
	* Ensure the office of the ombudsman has the resources necessary to handle increased numbers of complaints.
	* Continue efforts with the “Women in Elections in BiH” project, providing adequate funding and personnel.
20. **The State party does not protect against gender-based discrimination in labor and employment (List of issues paragraphs 16, 18)**
	1. **Gender-based discrimination is widespread in employment**
21. The Committee requested information on how “the State party implements the principle of equal pay for work of equal value, particularly as regards work of a different nature but of equal value.”[[31]](#footnote-32) The Committee also requested “information on the complaints mechanisms available to workers wishing to claim their right to just and favourable conditions of work.”[[32]](#footnote-33) In its State party report, Bosnia and Herzegovina responds that “Article 120, paragraph 2 of the Labour Law in the RS provides that employees shall be guaranteed equal pay for the same work or work of equal value for the employer” and ”Different pay for the work of equal value [for the same employer] is not permitted”.[[33]](#footnote-34) Bosnia and Herzegovina also responds “it is prescribed than an employee who considers an employer to have violated certain labour relations right may submit a complaint to the employer, and then requests the protection of his rights before the court, within the statutory deadlines.”[[34]](#footnote-35)
22. Nonetheless, gender-based discrimination remains a problem that exists in all areas of employment.[[35]](#footnote-36) The State party has failed to effectively implement social policy and labor laws, causing challenges regarding “employment, social inclusion and protection [particularly protection against discrimination], and poverty reduction.”[[36]](#footnote-37) Stakeholders were not consulted regarding the labor law of 2016.[[37]](#footnote-38) Labor market participation of women and youth is low, and unemployment rates of those groups are significantly higher than men.[[38]](#footnote-39) Further, the State party does not adequately collect reliable statistical data, particularly gender-segregated data related to employment discrimination cases.[[39]](#footnote-40)
23. Women face challenges in accessing employment.[[40]](#footnote-41) The unemployment rate is 15.7% (13.6% men; 18.8% women).[[41]](#footnote-42) Furthermore, “two out of three inactive persons are women, and almost 60% of the working-age women are inactive,”[[42]](#footnote-43) which is one of the lowest female employment rates in the Balkans.[[43]](#footnote-44)
24. Equal access to employment is inconsistent across the country. For example, RS implemented some programs for vulnerable women (victims of domestic violence, civilian victims of war, rural women, unemployed middle-aged women, etc.) to access employment; however, such programs do not exist in FBiH.[[44]](#footnote-45)
25. The State party has taken steps to adopt laws and anti-discrimination strategies in line with international human rights standards. There has yet to be effective implementation of these laws and strategies.[[45]](#footnote-46) The Ombudsman has documented fifty-two cases related to employment discrimination. That number does not reflect reality, as many individuals avoid seeking judicial remedies out of fear of losing their jobs.[[46]](#footnote-47) Also, most public institutions do not have an internal mechanism to hear discrimination complaints,[[47]](#footnote-48) and judicial procedures usually cause lengthy delays.[[48]](#footnote-49) Provisions of the law relating to maternity leave are inequal and are inconsistent across the country.[[49]](#footnote-50) For instance, there is no official legal mechanism to protect women during maternity leave.[[50]](#footnote-51)
26. Before the COVID-19 pandemic, the State party had made limited progress in establishing a functioning market economy. Since the pandemic began, the economy has been greatly affected and the labor market has rapidly deteriorated.[[51]](#footnote-52) In March 2020, 398,504 (171,398 men and 227,106 women) individuals registered as unemployed persons.[[52]](#footnote-53) COVID-19 has affected firms’ and individuals’ creditworthiness; consequently, accessing credit is a challenge.[[53]](#footnote-54) Women-owned firms have encountered increased challenges when accessing credits from private credit providers because they have relatively limited access to assets/collateral, credit and, networks.[[54]](#footnote-55)
27. Although the State party took proper measures in conjunction with global recommendations to prevent and control COVID-19,[[55]](#footnote-56) the pandemic has disproportionately affected women. According to the United Nations Development Program, firms employing high percentages of females and women-owned firms have been affected more by the economic consequences of the global pandemic.[[56]](#footnote-57) For example, women outnumber men in the tourism, hospitality, and catering services industries. These sectors have been affected more by shutdowns and other restrictions.[[57]](#footnote-58) Moreover, in some industries (agriculture, forestry, fishing, accommodation, and food services), women have been more at risk of being laid off than men in the same industries.[[58]](#footnote-59)
28. **Suggested recommendations** relating to gender-based discrimination in employment:
	* Collect sex-disaggregated data to fully understand how women and men have been socio-economically affected by COVID-19.
	* Ensure social dialogue and stakeholder involvement when developing new labor legislation or other reform measures.
	* Ensure consistent creation and implementation of programs in all entities for vulnerable women to access employment.
	* Introduce new support mechanisms for women’s entrepreneurship, such as guaranteed funds, access to credit, and university scholarships.
	* Provide resources for those disproportionately impacted by COVID-19, taking into account women who have left employment to care for or school children, or who are currently caring for or schooling children while working.
	1. **The State party does not enforce labor regulations**
29. The Committee requested information “on the steps to introduce sanctions for violations of legal provisions that prohibit interference in trade union affairs” and “whether workers in the civil service equally enjoy trade union rights, including the right to strike”.[[59]](#footnote-60) In its State party report, Bosnia and Herzegovina responds “BiH supports trade union organization of employees for the purpose of protecting their rights”, pursuant to “Article 211, paragraph 1 of the Labour Law, employers or association of employers in their own name or through another person, member or agent, shall be prohibited from interfering with the organization and functioning of the trade union”, and “Article 5 of the Labour Law of the BD BiH stipulations that the employees shall be entitled to freely organize a trade union”.[[60]](#footnote-61)
30. Employees have the right to join independent unions, bargain collectively, and conduct legal strikes under the labor laws. Nonetheless, private sector employers often do not respect these rights, instead threatening employees with dismissal if they join a union.[[61]](#footnote-62) The state party fails to enforce applicable laws to protect these rights.[[62]](#footnote-63)
31. The State party also lacks effective enforcement of labor regulations to ensure acceptable safe work conditions. Although both FBiH and RS require mandatory occupational health and safety standards in certain industries, they made limited efforts to improve standards for workers’ safety and security.[[63]](#footnote-64) Workers experiencing unsafe work conditions fear jeopardizing their employment and are unable to terminate their employment.[[64]](#footnote-65)
32. **Suggested recommendations** relating to enforcement of labor regulations:
	* Enforce Article 211, paragraph a of the Labour Law and Article 5 of the Labour law to ensure worker’s rights are protected. Ensure there is an adequate and independent complaint mechanism where employees can register violations of this article.
	* Improve safety standards in workplaces and ensure employers and employees strictly follow safety instructions.
33. **The State party fails to protect women from domestic violence (List of Issues paragraphs 21, 23-24, 26)**
	1. **Domestic violence is common, and victims are not effectively protected**
34. The Committee requested information relating to protection of the family, social assistance to persons living in poverty, the provision of social housing, and the provision of health-care services.[[65]](#footnote-66) In its State party report, Bosnia and Herzegovina responds “pursuant to commitments entered into by the 2013 BiH Parliamentary Assembly’s ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Council of Ministers of BiH, at the 16th session held on 23 July 2015, issued the Decision on Adoption of the Framework Strategy for the implementation of the Convention on preventing and combating violence against women and domestic violence in BiH for the period 2015-2018.”[[66]](#footnote-67)
35. Domestic violence remains prevalent.[[67]](#footnote-68) Nearly one in two women in Bosnia and Herzegovina has experienced some form of abuse.[[68]](#footnote-69) Domestic violence is underreported due to shame, fear of repercussions from perpetrators, the desire to keep families intact, lack of economic independence, lack of information, and distrust of institutions.[[69]](#footnote-70) Women who have economic independence feel more comfortable than other women to report domestic violence.[[70]](#footnote-71)
36. The State party does not protect victims of domestic violence or hold perpetrators accountable. Domestic violence is prosecuted as a felony in both FBiH and RS. Implementation of the law, however, has remained weak. [[71]](#footnote-72) Law enforcement officers are usually reluctant to arrest perpetrators of domestic violence.[[72]](#footnote-73) In cases where domestic violence resulted in prosecution and conviction, perpetrators were usually only fined or given suspended sentences, even when they were repeat offenders.[[73]](#footnote-74) NGOs report that perpetrators are usually returned to their family homes less than 24 hours after a violent incident.[[74]](#footnote-75)
37. The State party does not collect accurate and reliable data on domestic violence cases. Although the Ministry for Human Rights and Refugees and the Gender Equality Agency worked to establish a local-level mechanism to coordinate support for victims, problems still exist due to the absence of coordination between governments and entities.[[75]](#footnote-76) Consequently, women’s organizations in Bosnia and Herzegovina are concerned and disappointed with the lack of communication and advocacy coming from the Gender Equality Agency.[[76]](#footnote-77) Although the RS Ministry of Family, Youth and Sports accurately collects data on domestic violence, there is no equivalent in FBiH.[[77]](#footnote-78)
38. **Suggested recommendations** relating to domestic violence:
	* Undertake training of prosecutors and judges on the dynamics of domestic violence, including recidivism and repeat violence.
	* Undertake training of law enforcement on the dynamics of domestic violence and the relevant laws. Such trainings should be done in consultation with or led by organizations that directly serve victims.
	* Ensure that NGOs that serve victims of domestic violence receive adequate funding and referrals from state actors – including police – to assist victims in remaining safe, particularly in instances where the perpetrators are released with minimal sanctions or returned to the home withint 24 hours.
	* Increase funding for accurate data collection on gender-based violence.
	* Ensure that data is consistently collected across all entities in BiH on domestic violence with the aim of understanding the rates of and responses to domestic violence, as well as gaps in victim protection and offender accountability stemming from the different legal systems and how those gaps may be minimized and closed.
	* Undertake steps toward implementation of multisectoral cooperation among various stakeholders, state agencies, and NGOs on domestic violence, which may include written Memoranda of Understanding and regular meetings to assess gaps in the law and system’s response to domestic violence.
	1. **COVID-19 has exacerbated domestic violence**
39. In general, men do not participate equally in family care. Societal expectations place the burden on women to take care of the home, raise children, and also have a job.[[78]](#footnote-79) Women bear the primary responsibility for cooking, cleaning, washing, and taking care of young children and sick and disabled family members.[[79]](#footnote-80) These responsibilities have grown during the COVID-19 pandemic, increasing women’s vulnerability.[[80]](#footnote-81)
40. Domestic violence incidents increased by 20% during the COVID-19 pandemic compared to the same period in 2019.[[81]](#footnote-82) Loss of jobs and increased income insecurity have caused anxiety and amplified violent behaviors.[[82]](#footnote-83) Notably, the Agency for Gender Equality of Bosnia and Herzegovina pointed out the rise in domestic violence incidents, and it encouraged members of the community to seek help if they experienced or witnessed such violence.[[83]](#footnote-84)
41. In the beginning of the pandemic, victims had less opportunity to flee violence and were often forced to live with perpetrators.[[84]](#footnote-85) In particular, accessing justice and law enforcement agencies was challenging. The HJOC failed to take adequate actions to ensure the continuity of the judicial branch.[[85]](#footnote-86) Domestic violence and divorce cases were postponed, with the first online hearing held on April 30, 2020.[[86]](#footnote-87) Moreover, the transition to an online court system brought new challenges, especially for victims of domestic violence. Although some cantonal courts imposed new procedures (postponing hearings or restricting in-person access to the admission office) and published further instructions, some courts did not notify parties or other stakeholders about new court procedures.[[87]](#footnote-88) For instance, laypersons could not easily follow the instructions, as instructions were worded for legal professionals.[[88]](#footnote-89) Courts and law enforcement agencies expressed a preference for communications via telephone and email. As a result, many victims were deterred from making contact due to the abusers’ constant presence in the home.[[89]](#footnote-90) In line with power and control behaviors inherent in domestic violence, perpetrators controlled and interfered with victims’ access to technology such as telephones and computers.[[90]](#footnote-91) On many occasions, victims were able to call for protection only when their abusers were not at home.[[91]](#footnote-92)
42. **Suggested recommendations** relating to the effects of the pandemic on domestic violence:
	* Collect sex-disaggregated data to fully understand how victims of gender-based violence have been impacted by COVID-19 and what their immediate and long-term needs are
	* Develop a comprehensive plan to mitigate the impacts of the COVID-19, particularly with respect to domestic violence, and promote gender equality in consultation with NGOs that serve victims and best understand their needs.
	* Undertake outreach and other measures to ensure victims and survivors, as well as the NGOs serving them, understand and can access court and legal services that have been modified or otherwise restricted under the pandemic.
	1. **Victims lack adequate support and protection**
43. In its State party report, Bosnia and Herzegovina responds that Article 15 of The Law on Protection from Domestic Violence in RS provides the right to temporary care in a safe house for victims. “The fund for temporary care and accommodation of victims of domestic violence in safe houses shall be provided from the RS budget in the amount of 70%, and from the budget of the local self-government units in the amount of 30%”. Bosnia and Herzegovina also responds “On 17 December 2015, the Gender Equality Agency of BiH signed a Cooperation Agreement with the Safe Network 22, the NGO that brings together all nine safe houses, making progress in establishing a structured and institutionalized partnership with the non-governmental sector”.[[92]](#footnote-93)
44. Despite these advances, the laws do not provide adequate social support and protection for victims.[[93]](#footnote-94) The capacity and location of the current shelters is insufficient. There are8nine shelters throughout Bosnia and Herzegovina, with a total capacity of 178 persons.[[94]](#footnote-95) Six are in FBiH and three are in RS.[[95]](#footnote-96) Based on the country’s population and international standards, there should be 379 shelter beds available.[[96]](#footnote-97)
45. Some safe houses are operated by NGOs. But the government underfunds them and NGOs must rely heavily on donations and staff resourcefulness.[[97]](#footnote-98) Fifty-two people can be collectively accommodated in the three RS shelters.[[98]](#footnote-99) There are five safe houses in FBiH with a capacity of 131 persons, providing accommodation for victims and their children.[[99]](#footnote-100) These safe houses also provide psychological support programming.[[100]](#footnote-101) Seventy percent of clients are unemployed women who are financially dependent on their partners.[[101]](#footnote-102)
46. The location of these shelters and shelter eligibility rules create burdens for victims.[[102]](#footnote-103) The three RS shelters are located in the northern and central part of RS.[[103]](#footnote-104) Also, victims from the RS cannot stay in shelters in the FBiH because of the specific way that shelters are funded.[[104]](#footnote-105) For example, a victim from Trebinje must travel six hours to reach a shelter in RS.[[105]](#footnote-106) Consequently, victims have been forced to remain with perpetrators.[[106]](#footnote-107) One positive development is the decision of the Ministry of Family, Youth and Sports to build a new safe house in Trebinje .[[107]](#footnote-108)
47. Centers for Social Work (CSWs) control access to shelters through a referral system for the RS shelters, and CSWs can restrict shelter access based on funded.[[108]](#footnote-109) According to the law, up to 70% of a shelter’s funds are paid from the RS’s budget, and local governments pay 30%.[[109]](#footnote-110) Yet local governments transfer funds to the CSW, not directly to the NGO operating the shelter.[[110]](#footnote-111) In the FBiH, on the other hand, safe houses rely mainly on donors for financing, with some cantons providing funds.[[111]](#footnote-112)
48. CSWs also deny victims of psychological violence access to shelters because CSWs consistently refuse to recognize psychological violence as a form of domestic violence.[[112]](#footnote-113) According to the prescribed procedure, if a woman calls a shelter for assistance, she must have a CSW referral.[[113]](#footnote-114) NGOs report that CSWs refuse to place victims in shelters to avoid paying the associated costs.[[114]](#footnote-115)
49. Moreover, CSWs determine whether a victim receives a referral to a shelter and decide the number of days she may stay there.[[115]](#footnote-116) In practice, CSWs usually issue decisions for a fifteen-day or one-month stay, instead of allowing more extended periods that would allow for psycho-social treatment and trauma recovery.[[116]](#footnote-117) As a result, approximately 80% of domestic violence victims return to violent households.[[117]](#footnote-118)
50. Although shelters and safe houses continue to provide services to victims during the pandemic, they struggle to provide adequate protection.[[118]](#footnote-119) For example, they had to reduce their capacity as there was not enough space for social distancing.[[119]](#footnote-120) Additionally, Mubera Hodžić Lemeš, manager of the “Foundation of Local Democracy” safe house in Sarajevo, stated that “We have been forced to suspend admission of new beneficiaries, and women who report violence are now unable to receive protection of a safe house.”[[120]](#footnote-121) Shelters and safe houses also faced significant financial challenges; none of the shelters received financial support from any level of government.[[121]](#footnote-122) Consequently, they did not have enough resources to protect victims from the pandemic’s effects or to secure funds for basic needs such as foods, hygiene products, and hand sanitizer.[[122]](#footnote-123) Safe house representatives pointed out that “Previous beneficiaries who have since then begun to rebuild their lives have lost their jobs due to the crisis and find themselves unable to provide for their basic needs.”[[123]](#footnote-124)
51. Shelters have provided legal and psychological support free of charge via phone or other online communication tools during the pandemic.[[124]](#footnote-125) Yet victims may face significant risks in seeking assistance from shelters. For instance, there is a chance that victims may be forced to share their passwords with abusers.[[125]](#footnote-126) The pandemic has exacerbated women’s vulnerability arising out of their socio-economic situation and lack of accessing to essential services.[[126]](#footnote-127)
52. **Suggested recommendations** relating to protection of victims:
	* Increase the number of shelters and safe houses available, in line with international best standards.
	* Eliminate the CSW referral system that acts as a barrier to immediate entry into shelters for victims, and instead allow victims to gain entry to a shelter based on their need for safe housing and protection from harm.
	* Provide adequate financial support to shelters and safe houses on an ongoing basis. Ensure there is adequate financial support for the creation of shelters throughout the entities, particularly in regions where a victim’s residency will preclude her from accessing the nearest shelter in the other entity.
	* Strengthen the Cooperation Agreement with Safe Network 22.
	* Support the introduction and invention of new technologies to support victims of gender-based violence and ensure adequate funding to promote victim and/or service providers’ access to these new technologies.
	1. **Public health insurance and social assistance provide inadequate coverage**
53. The Committee requested information on “the ongoing reform of the health sector and whether the impact on access to heal services in rural areas, as well as the risks of overburdening the primary health-care sector following the abolishment of specialized dental care and women-focused and maternity care, have been assessed”.[[127]](#footnote-128) In its reply, Bosnia and Herzegovina responds that “20 future trainers were trained to train family physicians in family planning” along with adoption of “laws and delegated legislation aimed at improving health care and health insurance for persons with disabilities” and other actions.[[128]](#footnote-129)
54. Despite these actions, there remains a lack of sufficient medical workers as more than 5000 medical workers have left the country since 2013.[[129]](#footnote-130) Further, the country did not develop formal and strategic plans against COVID-19 due to a lack of coordination among complex governmental structures.[[130]](#footnote-131) Specifically, pregnant women have experienced severe psychological problems such as fear of miscarriage due to COVID-19.[[131]](#footnote-132) According to a study, the uncertainty of the pandemic may cause severe consequences for both a mother and a baby, including miscarriages and long-term mental health issues.[[132]](#footnote-133)
55. Also, many individuals are unable to access social assistance programs due to eligibility criteria and the fact that the scope of the benefits differs between entities, districts, and cantons.[[133]](#footnote-134) Despite progress in the RS and Herzegovina-Neretva Canton in the Federation entity, comprehensive and uniform reform is required.[[134]](#footnote-135) Due to the fragmented government structure, there are challenges to identify necessary reforms to implement in education, labor markets, and social policies.[[135]](#footnote-136)
56. **Suggested recommendations** relating to health insurance and social assistance:
	* Ensure that women and vulnerable groups have access to necessary health resources and remove onerous eligibility criteria that preclude vulnerable groups, including victims and survivors of domestic violence, from qualifying for these services
1. OSCE, *Well-Being and Safety of Women*, (2019), p. 13, available at <https://www.osce.org/files/f/documents/3/5/423470_1.pdf> (last visited Aug. 30, 2021). [↑](#footnote-ref-2)
2. OSCE, *Well-Being and Safety of Women*, (2019), p. 23, available at <https://www.osce.org/files/f/documents/3/5/423470_1.pdf> (last visited Aug. 30, 2021). [↑](#footnote-ref-3)
3. OSCE, *Well-Being and Safety of Women*, (2019), p. 23, available at <https://www.osce.org/files/f/documents/3/5/423470_1.pdf> (last visited Aug. 30, 2021). [↑](#footnote-ref-4)
4. Written information provided by Foundation “Women’s Center” Trebinje. (on file with authors) [↑](#footnote-ref-5)
5. Written information provided by Foundation “Women’s Center” Trebinje. (on file with authors) [↑](#footnote-ref-6)
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