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

### **Concluding observations on the sixth periodic report of Bosnia and Herzegovina\***

1. The Committee considered the sixth periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/6) at its 1732nd and 1733rd meetings (see CEDAW/C/SR.1732 and CEDAW/C/SR.1733), held on 30 October 2019. The Committee's list of issues and questions are contained in CEDAW/C/BIH/Q/6, and the responses of the State party are contained in CEDAW/C/BIH/Q/6/Add.1.

#### **A. Introduction**

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/BIH/CO/4-5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It further appreciates the information provided in writing following the dialogue.

3. The Committee commends the State party on its distinguished delegation, which was headed by Mr. Saša Leskovic, Agency for Gender Equality, Ministry of Human Rights and Refugees of Bosnia and Herzegovina, and included Her Excellency, Ms. Nermina Kapetanovic, Ambassador Extraordinary and Plenipotentiary Permanent Representative of the Permanent Mission of Bosnia and Herzegovina to the United Nations Office and other international organizations in Geneva and representatives of the Gender Centres of Republika Srpska and Federation of Bosnia and Herzegovina, the Agency for Gender Equality, Ministry of Human Rights and Refugees of Bosnia and Herzegovina and the Permanent Mission of Bosnia and Herzegovina to the United Nations Office and other international organizations in Geneva.

#### **B. Positive aspects**

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined fourth and fifth periodic reports (CEDAW/C/BIH/4-5) in undertaking legislative reforms, in particular the adoption of the following:

(a) The Amendments to the Law on Prohibition of Discrimination, which includes a definition of harassment and sexual harassment, in 2016;

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\* Adopted by the Committee at its seventy-fourth session (21 October-8 November 2019).

(b) The Law on Providing Free Legal Aid, facilitating women's access to justice, in 2016;

(c) The Law on Foreigners, which provides for support to victims of human trafficking who have been granted temporary residence in the State party, in 2015;

(d) The Law on Asylum, which prohibits discrimination on the grounds prohibited in article 2 (1) of the Law on Prohibition of Discrimination of Bosnia and Herzegovina, including sex, sexual orientation, gender identity and sexual characteristics, in 2016;

(e) The Amendments to the Criminal Code, which define certain forms of sexual violence as a war crime and provide for more stringent sentences for perpetrators of human trafficking.

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The gender action plan of Bosnia and Herzegovina (2018-2022);

(b) The Action plans for the implementation of Security Council resolution 1325 (2000) on women, peace and security (2014-2017; 2018-2022);

(c) The national action plan to counter trafficking (2016-2019);

(d) The framework strategy for the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (2015-2018).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, on 7 November 2013.

### **C. Sustainable Development Goals**

**7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

### **D. Parliament**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites the Parliamentary Assembly of Bosnia and Herzegovina, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

### **E. Principal areas of concern and recommendations**

#### **Visibility of the Convention, Optional Protocol and the Committee's general recommendations**

9. The Committee notes the information provided by the State party during the dialogue on the dissemination of the Committee's previous concluding observations by decision of Council of Ministers. The Committee is concerned, however, about the general lack of

awareness of the Convention, the Optional Protocol and the Committee's general recommendations in the State party.

**10. The Committee recommends that the State party:**

(a) **Intensify its efforts to disseminate the present concluding observations, the Convention, the Optional Protocol and the Committee's general recommendations among all stakeholders in the State party, in particular government officials, politicians, and the judiciary at the entity, district and cantonal levels;**

(b) **Raise awareness among the general public, including men and women, of women's rights under the Convention, the Optional Protocol and legislation prohibiting discrimination against women.**

**Legislative framework and definition of discrimination**

11. The Committee welcomes the amendment to the Law on Prohibition of Discrimination of Bosnia and Herzegovina, which added age, disability and sexual orientation as prohibited grounds of discrimination and revised the definition of sexual harassment. Nevertheless, the Committee notes with concern:

(a) The definition of non-discrimination in article 2 of the Constitution fails to encompass all forms of discrimination against women, in accordance with article 1 of the Convention, and that there was no political consensus during the process of amendment;

(b) The legislation and policies to achieve equality of women and men at the state, entity, district and cantonal levels have still not been fully harmonized;

(c) The disparities in the implementation of legislation on gender equality owing to the decentralized structure of the State party.

**12. In line with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party:**

(a) **Without further delay, amend its legislation to incorporate a comprehensive definition of discrimination against women that covers direct and indirect discrimination in the public and private spheres and intersecting forms of discrimination, in line with article 1 of the Convention, as recommended in its previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 14);**

(b) **Continue its efforts to harmonize legislation and policies at all levels to enhance the enjoyment by women of their rights in all areas covered by the Convention, including with regard to protection from domestic violence, health and rural development;**

(c) **Allocate sufficient human, technical and financial resources to monitoring and assessing the impact of legislation on gender equality at the state, entity, district and cantonal levels.**

**Access to justice**

13. The Committee notes with appreciation the adoption of the Law on Providing Free Legal Aid in 2016 and the training provided for judges and prosecutors on gender equality. However, it is concerned about women's insufficient access to free legal aid, especially for women belonging to disadvantaged groups and in rural areas, who wish to complain about gender-based discrimination and violence. It is also concerned about the limited number of court proceedings where provisions of the Convention have been invoked or directly applied.

**14. With reference to its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Establish legal aid centres in all administrative units of the State party and ensure that adequate human, technical and financial resources, including accessibility to communication and information, are allocated to the provision of free legal aid to women and girls in both criminal and civil proceedings;**

(b) **Raise awareness among women, particularly those in disadvantaged situations and victims of wartime sexual violence, about their rights under the Convention and the remedies available to claim them;**

(c) **Build the capacity of judges and prosecutors on women's rights and gender equality, including by making the application of the Convention a mandatory part of their professional training.**

#### **Women peace and security**

15. The Committee welcomes the adoption of the third action plan for implementation of Security Council resolution 1325 (2000) on women peace and security for the period of 2018-2022. Nevertheless, the Committee notes with concern:

(a) The limited financial resources allocated to the respective government departments for the effective implementation of the action plan;

(b) The reportedly insufficient engagement of district and cantonal authorities and limited participation of civil society organizations that work with women survivors in the development, implementation and monitoring of the third action plan;

(c) The low representation of women in decision-making in post-conflict reconstruction processes;

(d) The slow pace of prosecutions of war crimes, including sexual crimes, and the fact that the draft revision of the National War Crimes Processing Strategy, which defines a timeline to prosecute all war crimes cases by the end of 2023, has not been adopted;

(e) The limited support and assistance provided to victims and witness of war crimes and the lack of reparation for victims.

16. **In line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, Security Council resolution 1325 (2000) and subsequent resolutions on women peace and security, the Committee recommends that the State party:**

(a) **Ensure that adequate resources are allocated to implement the third action plan for the implementation of Security Council resolution 1325 (2000) on women peace and security for the period 2018–2022 in Republika Srpska, all cantons of the Federation of Bosnia and Herzegovina and Brčko District, and provide information on the results of the plan in its next periodic report;**

(b) **Ensure that the authorities at the cantonal and district levels and women's rights organization effectively involve in the implementation, monitoring and assessment of the third action plan, including in its coordination board, and in the development of a subsequent plan and other strategies related to post-conflict reconstruction processes;**

(c) **Ensure the full and meaningful participation of women, including those belonging to disadvantaged groups, at all stages of the peace building process and further increase women's representation in decision-making positions in line with resolution 1325 (2000), and take into consideration the full spectrum of the women peace and security agenda of the Security Council, as reflected in its resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2122 (2013) and 2242 (2015);**

(d) **Adopt without delay the revised National War Crimes Processing Strategy, which establishes a timeline for the prosecution of all war crimes by 2023, so as to accelerate the prosecution of sexual violence cases during the conflict;**

(e) **Establish a fund to provide compensation and other forms of reparation to women victims of war crimes;**

(f) **Strengthen the capacity of Witness Support Offices and Departments to provide adequate protection and support for witnesses of war crimes, including psychological support before, during and after criminal proceedings.**

### **National machinery for the advancement of women**

17. The Committee notes with appreciation that the State party renewed the Gender Action Plan of Bosnia and Herzegovina for the period 2018 - 2022, which incorporates recommendations made by the Committee, and secured funding for its implementation under the Financial Instrument Programme for the Implementation of the Gender Action Plan of Bosnia and Herzegovina for the period 2018–2021. However, it is concerned that:

(a) The progress over the past decades on women’s rights has been slow and the strategic efforts to engage local, national and international stakeholders in this area have been insufficient;

(b) The Gender Equality Agency of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina lacks sufficient human and financial resources;

(c) The State party has not established monitoring and impact assessment mechanisms for the Action Plan and that representatives of civil society organizations did not participate meaningfully in the development of the plan;

(d) Decentralization has resulted in disparities in gender mainstreaming efforts and budget allocations and in a continued dependence on international donor funding.

### **18. The Committee recommends that the State party:**

(a) **Redress the slow progress of women’s rights as a matter of priority and ensure timely implementation of the Convention and the Committee’s concluding observations with adequate financial and technical support both from national and international resources;**

(b) **Provide adequate human and financial resources to the Gender Equality Agency of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and other gender equality bodies including through the Financial Instrument Programme for the Implementation of the Gender Action Plan of Bosnia and Herzegovina (2018-2021);**

(c) **Strengthen cooperation with civil society organizations, in particular women’s organizations, in the implementation of the Gender Action Plan of Bosnia and Herzegovina for the period 2018-2022, and systematically involve them in the development of legislation, policies and programmes on gender equality, at the state, entity, district and cantonal levels;**

(d) **Establish monitoring and assessment mechanisms for the Gender Action Plan of Bosnia and Herzegovina for the period 2018-2022 and provide information on its results in the next periodic report;**

(e) **Intensify its efforts to pursue gender-responsive budgeting in all government departments.**

### **National human rights institutions**

19. The Committee commends that the Institution of Human Rights Ombudsman of Bosnia and Herzegovina was reaccredited with “A” status by the Global Alliance of National Human Rights Institutions in 2017. Nevertheless, it is concerned that the non-transparent appointment and dismissal of the Ombudsman by the Parliamentary Assembly undermines the independence of the Institution and about its insufficient human, technical and financial resources to effectively carry out its mandate to promote and protect women’s rights.

### **20. The Committee recommends that the State party:**

(a) **Adopt the draft amendment to the Law on the Ombudsman in order to strengthen its independence and mandate to effectively carry out its mandate in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles; see General Assembly resolution 48/134, annex);**

(b) **Provide the Institution with sufficient human, technical and financial resources to effectively promote and protect women’s rights.**

### Temporary special measures

21. The Committee welcomes the temporary special measures adopted by the State party to achieve substantive equality of women and men in different areas, in particular in political and public life, the security sector, as well as those targeting rural women under the Strategic Rural Development Plan for the period 2009-2015. The Committee is concerned, however, about the absence of temporary special measures to promote the political representation of disadvantaged groups of women, such as Roma women, returnee women, single mothers, older women and women with disabilities.

22. **Recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Raise awareness among political leaders and the general public of the nature of temporary special measures and the importance of achieving substantive equality between women and men in all areas where women are underrepresented or disadvantaged;**

(b) **Strengthen the application of temporary special measures targeting women belonging to disadvantaged groups, such as Roma women, asylum-seeking and refugee women, returnee women, single mothers, older women and women with disabilities, including in political and public life as well as in the areas of education, employment and health.**

### Stereotypes

23. The Committee recalls its previous concluding observations (CEDAW/C/BIH/CO/4-5, para. 20) and reiterates its concern about the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society. It is particularly concerned about:

(a) The absence of a comprehensive strategy to eliminate discriminatory stereotypes that perpetuate sexist and misogynistic attitudes within society;

(b) Anti-gender discourse and online threats against women politicians, journalists, human rights defenders and women's non-governmental organizations, including by high-level politicians, and the lack of effective sanctions for such acts;

(c) The persistence of sexist portrayals of women in the media.

24. **The Committee recommends that the State party:**

(a) **Develop a comprehensive strategy to eliminate discriminatory gender stereotypes concerning the roles and responsibilities of women and men in the family and in society and harmonise relevant legislation in line with Recommendation CM/Rec (2019) 1 adopted by the Committee of Ministers of the Council of Europe on preventing and combating sexism;**

(b) **Conduct nationwide awareness-raising and education campaigns on gender equality targeting women and men at all levels of society as well as political leaders;**

(c) **Establish a mechanism to monitor the use of sexist and misogynistic language and hate speech in public discourse and sexist portrayals of women in the media, and sensitize journalists and media professionals on the importance of positive portrayals of women as active agents of change;**

(d) **Adopt effective measures for the protection of women politicians, journalists, human rights defenders and women's non-governmental organizations to enable them to freely undertake their important work without fear or threat of violence or harassment.**

### Gender-based violence against women

25. The Committee welcomes the measures adopted by the State party under the Framework Strategy for the implementation of the Council of Europe Convention on

Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) for the period 2015 - 2018. It remains concerned, however, about the continued high prevalence of gender-based violence against women, including domestic violence, in the State party. It is particularly concerned about:

(a) Underreporting of cases of gender-based violence, including domestic violence, by women and girls owing to social stigma and their lack of trust in the law enforcement authorities;

(b) The fact that judges, prosecutors, lawyers, police officers, health professionals and staff of the Centre for Social Welfare who work with victims of gender-based violence lack specialized knowledge on gender issues;

(c) The low prosecution and conviction rates in cases of non-physical violence against women, such as psychological violence, and the lack of disaggregated data of all forms of gender-based violence.

**26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

**(a) Provide women victims/survivors of gender-based violence, including those belonging to disadvantaged groups, with adequate support and assistance, including free legal aid, access to accessible shelters, medical treatment and psychosocial counselling, and provide financial support to civil society organizations that provide assistance to women victims/survivors of gender-based violence;**

**(b) Allocate adequate funding to civil society organizations that operate hotlines for victims/survivors of domestic violence to ensure that they operate on a 7/7 24 hour basis and are confidential and accessible for women in all parts of the State party;**

**(c) Assess the impact of capacity building provided to the judiciary, the police and other law enforcement officers as well as relevant service providers on the strict application of legislation criminalizing all forms of gender-based violence against women and on gender-sensitive investigation and interrogation methods;**

**(d) Ensure that all forms of gender-based violence against women, including domestic violence, are duly investigated and prosecuted, that perpetrators are adequately punished and that victims have access to appropriate redress, including compensation;**

**(e) Establish a uniform data collection system on all forms of gender-based violence in the State party, disaggregated by age, ethnicity, disability, type of violence and relationship between perpetrator and victim.**

#### **Trafficking and exploitation of prostitution**

27. The Committee welcomes the adoption of the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for the period 2016 – 2019 and the establishment of a referral mechanism for victims of trafficking. It further welcomes the State party providing of exit programmes for women wishing to leave prostitution. However, the Committee notes with concern:

(a) The high number of women and girls subjected to trafficking for purposes of sexual exploitation and forced labour, including begging, especially among the Roma population;

(b) That the Criminal Code of Republika Srpska provides for lighter minimum sentences for the crime of trafficking than the other criminal codes of the State party;

(c) The lack of information on witness protection measures;

(d) The lack of specialized shelters to accommodate women and girls victims of trafficking and exploitation of prostitution and the severe understaffing and lack of technical and financial resources of the Centres of Social Welfare.

28. **The Committee reiterates its previous recommendation (CEDAW/C/BIH/CO/4-5, paras. 24 and 26) and urges the State party to:**

(a) **Address the root causes of trafficking by enhancing educational and economic opportunities for women and girls and their families, particularly among the Roma community, thereby reducing their vulnerability to exploitation by traffickers;**

(b) **Assess the impact of the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for the period 2016 – 2019 and adopt a subsequent plan with adequate funding for its effective implementation;**

(c) **Increase the minimum sentences for trafficking in women and children in the Criminal Code of Republika Srpska to harmonize it with the other criminal codes in the State party;**

(d) **Provide information in its next periodic report on witness protection measures in cases of human trafficking and on ensure the application of the Rules on the Protection of Victims and Witnesses of Victims of Trafficking in Persons of Bosnia and Herzegovina Citizens by the judiciary and the police, at the national, entity, district and cantonal levels;**

(e) **Ensure that 7/7 24-hour hotlines for victims and witnesses of trafficking operate in all administrative entities of the State party by establishing new hotlines and adequately funding existing hotline operated by civil society organizations;**

(f) **Increase the capacity of shelters and safe houses for victims of trafficking and exploitation of prostitution by increasing financial support to civil society organizations running such shelters, and provide adequate human, technical and financial resources to the Centres of Social Welfare, including by seeking international assistance if appropriate;**

(g) **Decrease the demand side of prostitution.**

#### **Participation in political and public life**

29. **The Committee reiterates its concerns about:**

(a) **Underrepresentation of women in the parliaments and governments at the national and local level despite the minimum quotas of 40 percent for the representation of women candidates on political parties' electoral lists;**

(b) **The draft amendments to the Election Law of Bosnia and Herzegovina, which introduces a 50-percent quota for the representation of women candidates on electoral lists of political parties, and the draft amendments to the Law on the Council of Ministry of Bosnia and Herzegovina, which introduce a minimum quota of 40-percent for both sexes, have still not been adopted;**

(c) **The introduction of an open list system by the amendment to the Election Law of Bosnia and Herzegovina in 2013, which is disadvantageous for women candidates;**

(d) **The lack of participation of women belonging to disadvantaged groups, including Roma women, in political and public life;**

(e) **The lack of training on political leadership, negotiation and campaigning skills for women candidates and the limited representation of women in the State party in the foreign service, in the judiciary and in international organizations.**

30. **The Committee draws attention to its general recommendation No. 23 (1997) on women in political and public life and target 5.5 of the Sustainable Development Goals, and recommends that the State party:**

(a) **Adopt the amendments to the Election Law of Bosnia and Herzegovina to increase the quota for women candidates on electoral lists of political parties to 50 percent and the Law on the Council of Ministry of Bosnia and Herzegovina to introduce a minimum quota of 40-percent for the representation of either sex on the Council of Ministers;**



(b) **Consider replacing the open list system with a zipper system for the nomination of candidates from both sexes on electoral lists of political parties, ensuring that the first out of every pair of subsequent ranks on electoral lists is given to a woman candidate and introducing reserved seats for women in the parliaments of all entities. In this regard, the Committee recommend that the State party seek technical assistance from international partners, as appropriate;**

(c) **Provide capacity building programmes for women candidates on campaigning and political leadership skills, in particular for women facing intersectional discrimination such as Roma women, and raise among political leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women.**

### **Nationality**

31. The Committee welcomes efforts made by the State party to provide free legal aid to persons belonging to socially disadvantaged groups in the process of birth registration in Federation of Bosnia and Herzegovina. However, it notes with concern:

(a) The limited access to free legal aid by migrant women throughout the State party during the birth registration process;

(b) The lack of birth registration of children whose mothers are undocumented or have manifested their intention to seek asylum but have yet to do so formally.

32. **The Committee recommends that the State party:**

(a) **Ensure that appropriate human, technical and financial resources are allocated for the provision of free legal aid to women and girls belonging to disadvantaged groups, including migrant women, in all parts of the State party to enable them to access to birth registration;**

(b) **Facilitate the birth registration procedures, including by providing for free online birth registration of all children born in the territory of the State party.**

### **Education**

33. The Committee commends the increase of girls' and women's enrolment in scientific fields of study as well as their increased enrolment in higher education. Nevertheless, the Committee is concerned about the low percentage of women and girls who choose non-traditional fields of study and career paths such as mechanical and electrical engineering. It also notes with concern:

(a) The presence of discriminatory gender stereotypes in educational materials and that the decentralized system impedes the uniform use of gender-sensitive teaching materials throughout the State party;

(b) The lack of comprehensive education on sexual and reproductive health and rights and family planning services;

(c) The barriers to accessing quality education at all levels faced by Roma, rural, refugee and asylum-seeking girls, girls with disabilities, girls who are victims of child marriage, gender-based violence and trafficking;

(d) Reports on violence against girls in educational institutions;

(e) The underrepresentation of women in decision-making positions and senior management positions in educational institutions and the low number of women professors.

34. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, as well as target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Encourage further diversification of educational choices of girls and boys and revise school textbooks and educational materials at the entity, district and**

cantonal levels to eliminate gender-stereotyped content from teaching materials at all levels of education;

(b) **Include, without further delay, age-appropriate education on sexual and reproductive health and rights into school curricula throughout the State party;**

(c) **Enhance the accessibility and quality of education for all children and address the disproportionately low enrolment and completion rate at all levels of education among Roma, rural, refugee and asylum-seeking girls, girls with disabilities, and girls who are victims of child marriage, gender-based violence and trafficking, in all parts of the State party;**

(d) **Raise awareness about and investigate and adequately punish cases of violence against girls in educational institutions and ensure that trained school psychologists and the Centres for Social Welfare adequately address the specific needs of girls who experienced violence in educational settings in a gender-sensitive manner and provide them effective remedies, including a system of confidential complaints;**

(e) **Adopt specific measures, including temporary special measures such as preferential recruitment of women, to ensure gender parity in decision-making positions at all levels of education and to increase the number of women professors.**

### **Employment**

35. The Committee is concerned about the continued low representation of women in the labour market. It is particularly concerned about:

(a) The persistent gender pay gap and horizontal and vertical occupational segregation in the State party;

(b) The disproportionately high number of women who are engaged in unpaid work in agriculture and domestic work and the protracted process of ratification of the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO);

(c) The lack of specific employment strategies directly targeting women, particularly those belonging to disadvantaged groups;

(d) The disparity in maternity benefits in the State party;

(e) Unpaid social contributions by employers, which jeopardize women's pension and health insurance benefits;

(f) The report that one out of six employees has experienced sexual harassment in the workplace.

36. **With reference to target 8.5 of the Sustainable Development Goals, the Committee reiterates its previous recommendation (CEDAW/C/BIH/CO/4-5, para. 34) and recommends that the State party:**

(a) **Undertake a comprehensive study of the root causes of the gender wage gap and use the results of the study to develop further measures to close the pay gap;**

(b) **Provide training and incentives to both women and employers to increase women's participation in traditionally male-dominated fields of employment and in decision-making positions, in order to eliminate horizontal and vertical occupational segregation;**

(c) **Intensify its efforts to ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO);**

(d) **Incorporate a gender perspective in employment strategies taking into account the needs of disadvantaged groups of women and introduce targeted measures to create further employment opportunities for these women;**

(e) **Harmonize regulations on maternity benefits and ensure equal maternity benefits and remuneration during maternity leave in all parts of the State party;**

(f) **Introduce effective sanctions against employers who do not comply with their obligation to contribute to the pension fund and the social security system in respect of their female employees;**

(g) **Consider ratifying the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization (ILO).**

### **Health**

37. The Committee acknowledges the low maternal mortality rate in the State party and the progress made in harmonizing laws concerning health care. However, it notes with concern:

(a) Differences between the provisions and regulations on sexual and reproductive health of the different entities, district and cantons;

(b) The inadequate staffing of rural health care centres owing to the brain drain of medical professionals;

(c) The limited access to high-quality health care services for women belonging to disadvantaged groups who are not covered by health insurance, including rural women and women working in the informal sector, women engaged in unpaid domestic work, migrant women and victims of gender-based violence, trafficking and forced marriage;

(d) Reported discrimination and physical and psychological violence against women in maternity wards;

(e) Discrimination against women living with HIV/AIDS by health care professionals.

38. **The Committee recommends that the State party, recalling the Committee's general recommendation No. 24 (1999) on women and health and target 3.7 of the Sustainable Development Goals, with the aim of ensuring universal access to sexual and reproductive health-care services, as well as its previous recommendations (CEDAW/C/BIH/CO/4-5, para. 36):**

(a) **Promote staff retention in rural health care centres through incentives such as higher remuneration;**

(b) **Ensure access to affordable, accessible and high-quality health care, including sexual and reproductive health services, especially for women belonging to disadvantaged groups, by ensuring universal health insurance and by raising awareness among women available health services;**

(c) **Promptly investigate all alleged cases of violence against women by staff in maternity wards;**

(d) **Provide training to all health services staff on the sexual and reproductive health and rights of women, in particular pregnant women and women and girls living with HIV/AIDS.**

### **Economic and social benefits**

39. The Committee acknowledges the measures adopted by the State party to promote women's entrepreneurship in all entities. However, it notes with concern:

(a) The persistent barriers to women's access to financial credit and loans by women due to lack of collateral such as land and housing property;

(b) The underrepresentation of women in decision-making in growing industries such as tourism, food and renewable energy;

(c) The economic emigration of women and girls.

40. **The Committee draws attention to target 5.A of the Sustainable Development Goals and recommends that the State party:**

(a) **Take steps to eliminate obstacles to women's equal access to land and other property, including through awareness raising campaigns on women's equal rights to property and inheritance, so as to enhance women's access to financial credit and loan;**

(b) **Adopt targeted measures and provide training to women to promote their participation in the tourism, food and renewable energy industries, as well as in decision-making in the development and implementation of economic development strategies and policies;**

(c) **Develop and implement a strategy to address economic emigration of women and girls and ensure access to social and economic benefits in both entities and in district.**

#### **Rural women**

41. The Committee notes with concern that rural women and girls carry a disproportionate burden of unpaid work at home and in agriculture, which prevents many girls from completing secondary education. Notwithstanding the application of temporary special measures in Republika Srpska under the Strategic Rural Development Plan for the period 2009 – 2015, the Committee is concerned about the limited focus on rural women's economic empowerment in rural development strategies and plans of Federation of Bosnia and Herzegovina as well as their participation in all spheres of life.

42. **In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Adopt programmes to reduce the engagement of rural women and girls in unpaid work and encourage rural girls to complete their education;**

(b) **Adopt targeted measures to create income-generating opportunities for rural women throughout the State party;**

(c) **Integrate a gender perspective into rural development plans of Federation of Bosnia and Herzegovina and involve rural women in the design, development, implementation, monitoring and assessment of such plans in order to increase their participation in all spheres of life;**

(d) **Increase investments in services for rural women and girls, including health care, education and social protection.**

#### **Disadvantaged groups of women**

43. The Committee welcomes the measures taken to increase access to education and health care for Roma women and girls. It is nevertheless concerned that women who belong to disadvantaged groups continue to face intersecting forms of discrimination, in particular:

(a) Long-lasting social exclusion of Roma women and girls;

(b) The absence of reasonable accommodation and inclusive services for women and girls with disabilities;

(c) The lack of information on the coverage of social protection schemes for migrant women and girls;

(d) The limited access to health care services, including maternal care services, and high levels of sexual violence against refugee and asylum-seeking women and girls in reception centres, as well as the lack of gender sensitive asylum-seeking procedures;

(e) Stigmatization and discrimination faced by lesbian, bisexual and transgender women.

44. **The Committee recommends that the State party:**

(a) **Conduct research on the situation of Roma women and girls in all aspects of life and adopt a plan of action targeting them in order to redress their situation;**

(b) **Adopt a national strategy for women with disabilities and ensure the meaningful participation of organizations of women with disabilities at all stages of its development and implementation;**

(c) **Expand the social security coverage for migrant women and girls;**

(d) **Address the special needs of refugee and asylum-seeking women and girls, including through: (i) provision of delivery and post-natal care in reception centres; (ii) the early identification and prevention of gender-based violence in the centres; and (iii) the introduction of gender sensitive asylum procedures;**

(e) **Ensure the respect of the human rights of lesbian, bisexual and transgender women and ensure that national action plans on gender equality address stigma and discrimination against them in all spheres of life.**

#### **Marriage and family relations**

45. The Committee notes with concern:

(a) That the Family Law of Federation of Bosnia and Herzegovina requires women to undergo mediation before initiating divorce proceedings including in cases of domestic violence;

(b) Family laws do not include a definition of single women in line with the Istanbul Convention, which requires divorced and separated women to initiate court proceedings to obtain alimony payment;

(c) Many single mothers receive no alimony from the fathers of their children;

(d) The high rate of child marriages among the Roma population.

46. **With reference to its general recommendation No. 21 (1994) on equality in marriage and family relations, the Committee recommends that the State party:**

(a) **Repeal any requirement of mandatory mediation in divorce proceedings under the Family Law of the Federation of Bosnia and Herzegovina and include a definition of single mothers in all Family Laws in accordance with the Istanbul Convention;**

(b) **Ensure the recovery of alimony payments from fathers in a timely manner including by introducing penalties for non-compliance with alimony obligations;**

(c) **Continue raising awareness among Roma communities about the harmful effects of child and/or forced marriage on the education, health and development of girls.**

#### **Data collection and analysis**

47. **The Committee recommends that the State party establish a consolidated system for collection, analysis and dissemination of data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status at all levels. It also recommends that the State party establish the Gender Equality Index and monitor, through the Index, the impact of laws, policies and action plans at the national, entity, district and cantonal levels and assess the situation of women and progress towards the realization of substantive equality between women and men in all areas covered by the Convention.**

#### **Beijing Declaration and Platform for Action**

48. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality of women and men.**

#### **Dissemination**

49. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the**

relevant State institutions at all levels (national, regional, local), in particular to the Government, the Parliamentary assembly and the judiciary, to enable their full implementation.

**Technical assistance**

50. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

**Follow-up to the concluding observations**

51. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a), 16 (d), 18 (b) and 24 (c) above.

**Preparation of the next report**

52. The Committee requests the State party to submit its seventh periodic report, which is due in November 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

53. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

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