**Written Information for the Adoption of the List of Issues**

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

Submitted by

**Foundation United Women Banja Luka**

**Helsinki Citizens’ Assembly Banjaluka**

**Initiative “Women Citizens for Constitutional Changes“**

**Prava za sve / Rights for All Sarajevo**

**Sarajevo Open Centre**

**TRIAL International - Office in Bosnia and Herzegovina**

**January, 2019**

**Introductory remarks**

Written information is prepared by coalition of civil society organizations from Bosnia and Herzegovina with aim of turning attention to some key issues that women in BiH are facing with, but which remain unsolved.

Written information covers the period from December 2016 to January 2019 and relies on the **Alternative CEDAW Report** – Report of Civil Society Organizations on Implementation of the Concluding Observations and Recommendations of CEDAW Committee for Bosnia and Herzegovina 2013-2017[[1]](#footnote-1), which was submitted in November 2018.

The Alternative CEDAW Report covers areas where identified problems, violations or discriminatory practices directed against women, could have been confirmed by relevant data, information obtained through the implementation of long-term activities aimed at improving woman’s position, monitoring the implementation of laws and public policies through a practice of institutions, including the experiences of women /women’s groups whose rights are directly threatened and violated, as well as the continuous action on changing discriminatory laws, policies and practices and adoption of new ones in order to protect women’s human rights.

While in the Alternative CEDAW Report the situation of Women's Human Rights in a number of areas is described in detail, in this Information we are addressing only some of them and refer to the changes that have taken place since 2016 to date.

In general, we can say that Bosnia and Herzegovina continues to systematically marginalize the role of women in social, economic and political development .State has made limited efforts to improve and harmonize the legislative framework, public policies, as well as to effectively implement specific systematic gender-responsive affirmative measures to efficiently improve the situation of women and protection of their fundamental human rights at all levels.

The data and conclusions contained in the Alternative CEDAW Report remain the same and we will repeat here just three main recommendations of civil society organizations requiring that the institutions of Bosnia and Herzegovina at all levels of government immediately:

**1. Ensure gender perspective and women’s participation in all reform processes and policies,** particularly in the areas of education, health and labor market, reforms of labor, social and pension system and the processes of accession to the European Union. All these processes should be open and inclusive for women and must integrate different needs and priorities of women, especially of vulnerable groups of women (women with disabilities, returnees and internally displaced women, long-term unemployed women, victims of gender-based violence, single mothers, women in rural areas, Roma women, LBT women and elderly women).

**2. Perform mandatory situation assessment when designing legislation and strategic documents, as well as assessing the impact of measures implemented in all areas important to women and protection of their rights**.

**3. Plan and adopt public budgets at all levels in accordance with the requirements of laws and public policies in the field of women’s human rights.**

We would like to emphasize that the Written Information can also be published on your official web site as well as names of organizations which have participated in preparing the Information.

**List of issues**

**● Women in post-conflict situations**

**COMPENSATION CLAIMS AND STATUTE OF LIMITATIONS**

While the entity Republika Srpska had traditionally for years rejected compensation claims against the entity by applying statute of limitations to compensation claims filed by victims of conflict-related sexual violence (CRSV) and other forms of torture in civil proceedings, the Supreme Court of Federation of BiH had found in 2011 that no statutes of limitations can be applied to those claims, given that the harm results from the commission of war crimes. After the adoption of decisions of the BiH Constitutional Court in 2014, finding that those claims shall be considered time-barred, however, the Federation court was also forced to change their viewpoint by rejecting all compensation claims filed by victims against an entity and/or the state.

With this new change of case-law, coupled with the lack of a law which would provide for their right to compensation by the state and/or responsible entities, victims have been denied the possibility to enforce their internationally guaranteed right to redress.

**Proposed Item to be included in the List of Issue**: Please indicate which measures have been adopted to guarantee that victims of CRSV and other forms of torture obtain by the state and/or responsible entity fair and adequate compensation for the harm suffered, apart from the social benefits scheme currently in place in the entities and Brcko District?

**IMPOSITION OF HIGH COURT FEES AS CONSEQUENCE OF LOSING CIVIL COMPENSATION CLAIMS**

Due to the application of statute of limitations, civil litigation before local courts in BiH now regularly results in the dismissal of compensation claims. In application of the rule that the loser pays the costs of the proceedings, courts have been, in addition to denying the compensation claims of victims of CRSV, also obliging them to pay the very entities they have sued extremely high court fees, making them face repossession of their assets. For many victims of CRSV and other forms of torture, this resulted in disappointment, fear and re-traumatization, sometimes coupled with suicidal thoughts. In March 2018, the BiH Constitutional court established that the rights of one claimant, victim of CRSV were violated due to the imposition of court fees. However, it was emphasized that this decision only relates to specific circumstances of the concrete case at stake, and as such is not a landmark case for other victims. Following this decision, some judges of some ordinary courts in the Federation have applied the same reasoning exonerating victims from the obligation to pay court fees. This seems to remain, however, an uneven practice in this entity, while in the Republika Srpska court fees seem to continuously be imposed. Apart from continuously fueling victims’ fears if in the end their property will be taken away for the sake of payment of fees, this situation has created an unacceptable legal uncertainty.

**Proposed Item to be included in the List of Issue**: Please indicate which measures have been adopted or are envisaged to ensure that victims of CRSV and other forms of torture are being freed from their obligation to pay high court costs to the entities due to the rejection of their compensation claims.

**DEFICIENCIES OF THE REPUBLIKA SRPSKA LAW ON THE PROTECTION OF VICTIMS OF TORTURE**

The Law on the Protection of victims of torture in Republika Srpska has been adopted in June 2018, previewing inter alia monthly social benefits amounts for victims of CRSV. Several organizations have through written and oral comments in the period 2016 – 2018 made their contribution to the improvement of the text of the Law through alignment with relevant international standards. Although most of them had been included in the Law, the Law still contains provisions which could in practice prevent some of the victims to fully access and exercise their rights to reparation measures without any kind of discrimination. At this place, three of them will be presented. Article 16, paragraph 3 limits, for instance, the list of evidence to those issued by Republika Srpska, while those obtained from Brčko District, Federation of Bosnia and Herzegovina and institutions from the state level are excluded, which could create an insurmountable barrier for victims whose cases have been documented by other authorities, not those from Republika Srpska. Another problematic provision is Article 16, paragraph 7 which prescribes that the procedure for determining the status of the victim of torture will be conducted by asking for an opinion from the Union of Detainees or Association of Women Victims of War of Republika Srpska, creating potential problems for victims residing in Republika Srpska whose cases had previously been documented by Associations from the Federation of Bosnia and Herzegovina or Brčko District and not the associations figuring in the law. We also consider that the deadline of 5 years for submitting a request for acquiring the status of a victim of torture, prescribed in Article 38, paragraph 1, is too restrictive, having in mind it may take years for victims to be ready to speak up.

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| **Proposed Item to be included in the List of Issue**: Please indicate which measures have been adopted or are envisaged to ensure that victims of CRSV are being facilitated access to rights under the RS Law on victims of torture without unduly restrictive application of the law which might result in refusals of their claims. Please indicate if you have envisaged measures to follow-up on its implementation and ensure, if needed, the introduction of amendments to the provisions which prove for some victims to be a barrier to access the status of victim of torture and related rights. |

**ENFORCEMENT OF COMPENSATION AWARDS IN CRIMINAL PROCEEDINGS**

Beginning with 2015, courts in BiH have started awarding in criminal proceedings compensation to victims of CRSV. This has happened so far in ten cases at the Court of Bosnia and Herzegovina and two at the entity level. Some courts, like for instance the Banja Luka District Court have not shown readiness to decide upon such claims. But even in positive verdicts, victims have yet to receive the awarded compensation. Namely, perpetrators who are bound in those verdicts to pay the amounts, in general do not have or have hidden the assets needed to compensate the victims, while at the same time there is no mechanism in place for the state or responsible entity to step in and pay the amount. European and international law standards require Bosnia and Herzegovina to establish national mechanisms in case the perpetrators are unable or unwilling to fulfil their obligations.[[2]](#footnote-2) The established mechanism (Fund) would enable that victims receive the compensation granted in criminal proceeding, which would be paid by the state and then the burden would be on the state to seek repayment from the perpetrator. At the same time, additional efforts concerning financial investigations and freezing of assets are needed during the criminal proceedings.

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| **Proposed Item to be included in the List of Issue**: Please indicate which measures are envisaged to ensure that victims are enabled to effectively enforce their compensation award from the state or responsible entity in case of the insolvency of the perpetrator. Please indicate if measures have been envisaged to ensure the creation of a special fund or budgetary line |

**●Constitutional framework (related to Concluding observation number 14):**

During 2017 and 2018 no proposal to amend the BiH Constitution has been sent to parliamentary procedure and the Working Group whose task was to set activities and deadlines to amend the BiH Constitution has never been formed.

By rejecting to amend the BiH Constitution, Bosnia and Herzegovina roughly breaks the obligations that have taken over by ratification of the CEDAW Convention and Optional Protocol as well obligation taken from the Convention for the Protection of Human Rights and Fundamental Freedoms[[3]](#footnote-3). The BiH Constitution remains discriminatory when it comes to women’s human rights (the Constitution does not contain clear definition of gender equality and discrimination ban of women in public and private sphere, it is written in a gender insensitive language) and the matter of rights of unconstitutional nations in BiH (who are precluded from having the right to run for BiH Presidency and be elected in the House of Peoples of the BiH Parliamentary Assembly which isonly allowed to constitutional nations).

A matter of constitutional changes has been entirely marginalized and of civil society organizations, only the Initiative “Women Citizens for Constitutional Change”[[4]](#footnote-4) actively advocates the change of the BiH Constitution with focus on gender perspective. Except incorporating the clear definition of gender equality and ban of women discrimination, the Initiative calls for incorporating affirmative as well to stop further discrimination and marginalization of women in employment, political decision making, decision on reproductive rights and health and in other fields of life in which women in BiH are, according to available data, in unequal position.

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| **Proposed question:** Why in the BiH State Report there is no information on activities taken to implement concluding observation of CEDAW Committee number 14? What measures the State has taken to incorporate in the Constitution a definition of equality between women and men and a prohibition of direct and indirect discrimination against women in the public and private spheres, in accordance with articles 1 and 2 of the Convention? |

**●Violence Against Women**

**Some progress has been identified in harmonization of the legislation in B&H with the international standards on prevention and combating violence against women in Republika Srpska**, which in 2017 adopted new Criminal Code[[5]](#footnote-5) that introduced provisions aimed to harmonize it with the international standards from the CoE Convention on Prevention and Combating Violence Against Women and Domestic Violence (Istanbul Convention) through establishing and managing a special register of persons convicted for criminal offences against sexual integrity of a child, and a new chapter that regulates criminal offences against sexual abuse and exploitation of a child. New criminal offences related to gender based violence are, as follows: female genital mutilation, forced sterilization, stalking, sexual extortion, and sexual harassment, as well as forced marriage. The new RS Criminal Code introduces monetary fine and up to three years of imprisonment for calling, provoking, or inciting violence or hatred directed against an individual or a group because of their national, racial, religious or ethnicity, color of skin, gender, sexual orientation, disability, gender identity, origin or other characteristics.

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| **Proposed Item to be included in the List of Issues**: Please indicate which measures have been adopted or are envisaged to ensure that women survivors of violence have access to support and assistance when testifying during criminal trials for acts of violence, including issuing special protection measures, psychosocial support, free legal assistance, and compensation of non-material damage within trials for acts of violence. |

In 2018, **governmental institutions of Brčko District adopted the Law on Protection from Domestic Violence and adopted Protocol on Cooperation and Procedures in Cases of Violence against Women** and Domestic Violence, aimed to ensure improvements in systemic response on VAW/DV. However, although newly adopted domestic violence law of Brčko District introduces urgent protection measures (a. removal of a perpetrator from an apartment, house, or other common living space, and b. order of restricting approach and communication of perpetrator to a victim) and protection measures (a. removal of a perpetrator from an apartment, house, or other common living space, b. order of restricting approach of perpetrator to a victim, c. prohibition of stalking and spying of a victim, d. mandatory psychosocial treatment of a perpetrator, and e. mandatory treatment of addiction of a perpetrator), **it defines some forms of domestic violence as a minor offence, similarly as domestic violence law in Republika Srpska, which creates a space for lighter sentencing of the perpetrators, and signalizes weakening perceptions of legislators toward domestic violence as serious social danger, and continuous threat to safety and security of women and children as predominant victims**. Bylaws for implementation of the protection measures are yet to be adopted.

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| **Proposed Item to be included in the List of Issues**: Please indicate which measures have been adopted or are envisaged to ensure that subjects of protection from violence in Brcko District BiH (including police, center for social work, health center, judges, and prosecutors) are trained on implementation of the BD Law on Protection from Domestic Violence. |

**In FB&H, no changes have been made in FB&H Criminal Code and FB&H Law on Protection from Domestic Violence in relation to its harmonization with the international standards**, despite continuous pressure of women’s CSOs that are, among other issues, focused on demanding comprehensive reforms toward stricter sanctions for criminal offences of violence against women, recognizing children as protected persons when witnessing acts of domestic violence, recognizing violation of protection measures as criminal offence, defining minimal standards of evidence for issuing protection measures, defining protection measures as unique and urgent form of protection of victims, which does not exclude possibility of initiating criminal offence procedure[[6]](#footnote-6).

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| **Proposed Item to be included in the List of Issues**: Please indicate which measures have been adopted or are envisaged to ensure that subjects of protection from violence in Brcko District BiH (including police, center for social work, health center, judges, and prosecutors) are trained on implementation of the BD Law on Protection from Domestic Violence. |

**● Participation of women in political and public life**

**The results of the last general elections in BiH held in October 2018 again reflect underrepresentation of women in political life.** At the level of Parliamentary Assembly of BiH, out of a total of 42 representatives, there are only 9 women (21,4%); at the level of the House of Representatives of the Parliamentary Assembly of the Federation of BiH, out of a total of 98 representatives, there are only 26 women (26.5%); at the level of the National Assembly of the RS, out of 83 representatives, there are only 17 women (20,5%).

The only positive change from the previous period is a higher number of elected women in the cantonal Assemblies of the Federation. In several cantons, including the biggest Sarajevo Canton, almost 40% of the elected were women, which can be considered a progress from the previous elections for this level of government. However, it remains an open issue whether this positive development would translate into the women's positioning in the executive government branch, because the practice so far shows that women are very rarely appointed at ministerial and other high-level executive positions. This will only be seen in the coming period, as it is still not close to establishing the executive bodies (on the state level, nor on the entity level, and not even close to resolving the increasingly complex political situation that is in direct connection with the implementation Election results).

**The marginalization of women from the EU accession process in the BiH is clearly visible. Exclusion of women from reforms processes continues, e.g. Reform Agenda, EU Accession Process.** Women and women's CSOs are extremely underrepresented in the „Mechanism of Coordination“, the institutional and operational system established to take forward the EU accession process in BiH. The Mechanism of Coordination does not respect the principle of equal representation of the sexes, thus violating the Gender Equality Law in BiH which obligates the representation of at least 40% of one of the sexes in all state and other bodies, including political decision-makers.

In particularly, in the political bodies that make the most important political decisions in the integration process, decisions on issues that could not be negotiated at the lower level of government have only 6.23% of women (the EU Integration Collegium) and 17% of women (the Ministerial conferences)[[7]](#footnote-7). At the same time, in working groups, which essentially bear the greatest burden of work in the EU accession process, starting from preparing the answer to the EC Questionnaire and continuing through the whole negotiation process when the time comes for this, the majority are women. Thus, depending on the group, the percentage of women ranges between 30.56% and 65.63%. However, even here, regardless of the larger number of women member groups; the presidents in most of the formed bodies (62%) are men.[[8]](#footnote-8)

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| **Proposed Item to be included in the List of Issues:** Please indicate which measures will be taken to ensure women's participation in political, reform and EU integration processes in accordance with the Gender Equality Law. |

**It can be concluded that at the institutional bodies that have a high political power has very few women, and how proportionally declining political power for a specific working group growing number of women.** This fully reflects the low political participation of women and participation in the important political decisions. All this is in contradiction to Gender Equality Law. The data clearly indicate the marginalization of women from the positions of making key, political decisions. There is still a "glass ceiling", an obstacle that women stop in advancement and disables them in accessing the positions of genuine political power and decision-making.

**● Employment, labour, social rights of women, related to Concluding recommendation 34 (e) UN CEDAW/C/BIH/CO/4-5**

“Why would I finance the birth rate?” is a question asked in a TV show by an employer who employs women, of which the pregnant ones “as soon as they start to bleed they take sick leave and do not work for nine months”[[9]](#footnote-9). He also said that he was thinking about buying birth control pills for women in the company, otherwise, “his company will collapse.” This is exactly the context in which women in Bosnia and Herzegovina need to earn wages for mere survival, and the context in which they need to work up the courage to report discrimination.

No safe and confidential system for complaints file with regards to gender based discrimination and sexual harassment was established in BiH. On the contrary, a research conducted in the second half of 2018[[10]](#footnote-10) showed as follows:

► There is a fear to report discrimination, but also there is the lack of understanding what is gender based discrimination and how to recognize it and who to report.

In an on-line poll[[11]](#footnote-11) nearly a half of women (50,9%) who did not report sexual harassment experience at work place thought they should have taken care of it by themselves; 26,4% were afraid to lose a job, and 24,5% said they were ashamed/embarrassed to report discrimination. Only 10,5% of them told they reported an experience of discrimination to their manager.

►That data on discrimination at work place are not registered.

Courts data bases do not recognize a sub-category of discrimination in labour dispute and the Ministry of Human Rights and Refugees still has not developed the Central Database on discrimination cases in BiH.

►That there is no court practice to process cases of discrimination.

Courts are faced with the lack of practice and knowledge of how to estimate the process of proof, i.e. a burden of proof to switch to respondent as the law prescribes. Court proceedings last long and are expensive, and during that time, women continue to endure discrimination, are exposed to victimization or simply they remain without job.

►That there is vagueness in view of certain institutions (labour inspections declared not being authorized to act by reports of discrimination in field of labour and employment).

► That victims of discrimination do not have an adequate access to mechanisms of legal and psycho-social aid (under existing laws, a woman who has any income, does not have the right to free legal aid from public institutions), whilst the range of work of civil society organizations providing free legal aid is limited and often conditioned by project support.

►That the legal frame regulating the sex-based discrimination in the field of labour and employment in BiH is fragmented and inconsistent in practice.

Gender based discrimination in labour relations exists in all segments: from vacancy notice (when young and good looking female workers are wanted), to a job interview (when women are asked questions related to their marital status, family planning issue, pregnancy, etc.) to the roughest form of discrimination in labour relations – smaller wage for the same work in comparison to male colleagues, layoffs due to pregnancy, sexual harassment, not being able to make a move in career, mobbing. All these mentioned forms of discrimination happen both in public (state institutions and public companies) and private sector.

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| **Proposed question:** What has been done to speed up the process of establishing Central data base on discrimination, including gender based discrimination in labour and employment and what measures the state conducts to a) raise awareness and inform the male/female citizens about protection measures in labour and employment and b) ensure consistent enforcement of BiH Law on Discrimination Ban and BiH Law on Gender Equality in this field? |

**●Disadvantaged groups of Women: Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People Based on Sexual Orientation or Gender Identity**

In 2016, BiH adopted an amendment to the Law on Prohibition of Discrimination of BiH, which completely protects the human rights of LGBTI people and women, by prohibiting discrimination in every area of life.[[12]](#footnote-12) According to the Law, laws on all levels (state, entity and canton), as well as legal acts of public bodies and other legal entities, must be harmonized with this law. But in practice, implementation of the Law is often avoided.

There is a vast number of issues in LGBTI community, but in this report we will focus on the current and most common issues LGBTI community is faced with.

**Hate crime, hate speech and hate-related incidents**

In the BiH legal system, hate crimes have been differently regulated in the entities (FBiH and RS) and BD. Criminal codes of RS and FBiH penalize hate crimes motivated by sexual orientation or gender identity, but there is a lack of action when it comes to conducting investigations in cases of crimes and other incidents on grounds of sexual orientation and gender identity. In 2017, the Sarajevo Open Centre documented 83 cases of hate speech and incitement to hatred and violence, and 31 cases of criminal offenses and incidents motivated by prejudice on grounds of sexual orientation or gender identity. The growing trend of domestic and peer violence against LGBTI people is concerning. From 31 documented cases of offenses, 11 have been domestic violence cases. In 2017, there were 8 cases of homophobic and transphobic peer violence.[[13]](#footnote-13)In 2018, SOC established cooperation with Social Welfare Centre of Canton Sarajevo in order to provide better support for the victims of SORI based violence. Also, as a result of training for prosecutors, a point of contact-cantonal prosecutor-was appointed for LGBTI hate crime victims.

Incitement to hatred is omnipresent in our society, especially when the LGBTI community is mentioned. That is why it is extremely important to amend criminal codes of FBiH and Brčko District, since the Criminal Code of RS already penalizes incitement to hatred based on sexual orientation and gender identity.

**Proposed Item to be included in the List of Issue**: Have appropriate measures been taken in order to combat all forms of hate speech against LGBTI persons, primarily by amending criminal codes of FBiH and Brčko District in a way to penalize incitement to hatred motivated by one’s sexual orientation or gender identity?

**Freedom of peaceful assembly**

Sarajevo Open Centre faced with many cases of discrimination when it comes to the right to peaceful assembly, even though they respected every administrative procedure. One of those cases happened in 2017 when SOC planned on commemorating International Day against Homophobia and Trans phobia. Ministry of Traffic failed to respond to the request of SOC and their administrative silence led to the violation of freedom of assembly.

Another case of violation of this right was recorded in March 2018, when SOC asked for permission to hold a public event on the square in front of BBI Centre. The event was supposed to commemorate International Transgender Day of Visibility. The permission was denied even though SOC had already organized an event in front of the BBI Centre without any security concerns. In September 2018, Academy of Fine Arts gave its permission for organizing an exhibition of queer artists, but after a while, the permission was withdrawn without any explanation.

On the 19th of December 2018, the Constitutional Court of BiH adopted an appeal of Sarajevo Open Centre, which was submitted in November 2016 regarding an attack which occurred in 2014 on the participants of Merlinka festival. State ascertaining that responsible institutions have violated the freedom of assembly of the LGBTI community by failing to protect Merlinka festival makes this a significant victory for the LGBTI community.

**Proposed Item to be included in the List of Issue**: Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity? Has a legislative been adopted which uniformly regulates public assembly for all cantons and envisage only one competent authority for the decision-making?

**Recognized same-sex union**

BiH is one of many signatories of the European Convention on Human Rights, and according to the Convention, a document with the legal power of the constitution, every individual has the right to respect of their private and family life. As a member state, BiH should ensure that rights and obligations of married and unmarried couples apply in a non-discriminatory way to both same-sex and different-sex couples. In October 2018, BiH finally recognized the importance of dealing with this issue when the Federal Government accepted the opinion of the Ministry of Internal Affairs concerning the need for legal regulation of same-sex partnerships due to the increased number of requests for recognizing same-sex unions from abroad in the legal system of BiH. The government will form a working group which will be drafting the Law on same-sex partnerships. Sarajevo Open Centre contacted the Ministry of Justice in order to be included in the working group regarding the law, but the formation of the working group is still in process.

**Proposed Item to be included in the List of Issue**: Have laws been adopted and implemented in all administrative units to legally recognize same-sex partnerships and define the rights and obligations of cohabitating same-sex couples?

**Rights of trans and intersex persons**

The main issue regarding human rights of transgender people is a change of gender marker in their documents. According to the law, a transgender person is obligated to undergo a full medical transition before being able to change their gender marker in official documents and their unique identification number. But what makes this even harder, is that transgender persons have to go abroad for endocrine therapy and surgical procedures, since these cannot be performed in BiH and the health insurance does not cover the costs.

Intersex people are a vulnerable social group and there is not enough information about them and the way their human rights are violated. In 2016, Sarajevo Open Centre that one in 2000 new-borns is an intersex person. One of the institutions SOC contacted stated that parents and children are often being sent to Belgrade in order to perform conversion therapies. It is important to make information about intersex new-born accessible and prohibit medically unnecessary surgical procedures without full consent of the intersex person.

**Proposed Item to be included in the List of Issue**: Have provisions been abolished which condition the change of gender marker in documents by the complete medical transition, and by that ensure that legal gender recognition is accessible for transgender people on the basis of self-determination?

1. The Rpoert in pdf is available on: <http://rightsforall.ba/wp-content/uploads/2018/12/CEDAW-ENG-web-novi.pdf>

   or: <http://hcabl.org/wp-content/uploads/2016/11/CEDAW-ENG-web.pdf> [↑](#footnote-ref-1)
2. TRIAL International. *Effective Enforcement of Compensation for Victims of War Crimes within the Criminal Procedure in Bosnia and Herzegovina*. 2017. [↑](#footnote-ref-2)
3. In addition to “Sjedic and Finci” and “Zornic” verdicts, European Human Rights Court in Strasbourg has broughttwo more verdicts (Pilav and Šlaku, 2016) requesting from the state of BiH to remove discriminatory regulations from the Constitution and enable all citizens to equally participate in political life of the country, regardless of ethnic belonging or place of residence. By ratifying the Convention for the Protection of Human Rights and Fundamental Freedoms, Bosnia and Herzegovina accepted the authority of the European Court for Human Rights to decide on applications/ files of any natural person, a non-governmental organization, a group of individuals or other state member claiming to be the victim of violation of rights set in the Convention that are committed by Bosnia and Herzegovina. Besides, the obligation of respecting the rights guaranteed by the Convention is prescribed in article II of BiH Constitution and the Convention is directly applicable in Bosnia and Herzegovina, giving the priority to it above all other laws. Taken from web site of Ministry of Human Rights and Refugees: <http://www.mhrr.gov.ba/ured_zastupnika/o_uredu/default.aspx?id=171&langTag=bs-BA> [↑](#footnote-ref-3)
4. https://womencitizensforconstitutionalreform.wordpress.com/ [↑](#footnote-ref-4)
5. Criminal Code of the RepublikaSrpska, Official Gazette of RS, no. 64/17 [↑](#footnote-ref-5)
6. Aleksandra Petrić and DženanaRadončić, Analysis of Monitoring of Criminal and Minor Offence Proceedings in the Area of Protection from Gender Based Violence, March 2017, Foundation United Women Banja Luka, Center for Legal Assistance for Women from Zenica [↑](#footnote-ref-6)
7. Representation Women established in accordance with General elections 2014-2018 and still in force, as the new election results are still not implemented in this section. [↑](#footnote-ref-7)
8. More on:<http://rightsforall.ba/wp-content/uploads/2018/11/Engleska-verzija-How-to-ensure-gender-equality-trough-the-process-of-EU-integration_finalna-verzija.pdf> [↑](#footnote-ref-8)
9. In a TV show ‘Stav’ on Prnjavor TV K3, Marinko Umičević, technical director of Bema Footwear Factory, councilor in the Banja Luka City Assembly, member of the SNSD main committee and RS senator, strongly criticized gynecologist and pregnant female workers. Available at <https://www.youtube.com/watch?v=OPxNpGEvdlk>, last accessed 20 January 2019. [↑](#footnote-ref-9)
10. Research on discrimination at labor market has been conducted as part of regional project “Empowering CSOs in Combating Discrimination and Furthering Women’s Labour Rights”, funded by the European Union. Helsinki Citizens’ Assembly Banjaluka, as one of the partners in this project, has been tasked to conduct a research in BiH that included: analysis of legal frame, analysis of replies received from more than 100 institutions, including courts, interviews with victims of discrimination and an on-line poll. [↑](#footnote-ref-10)
11. In an on-line poll, conducted in November 2018, within research on gender based discrimination at labour market as part of the project *Empowering CSOs in Combating Discrimination and Furthering Women’s LabourRights,* participated 547 examinees across BiH of whom 81.4% were women. [↑](#footnote-ref-11)
12. Law on Prohibition of Discrimination, article 2, paragraph 1: “For the purposes of this Law, discrimination shall be considered to be any different treatment including any exclusion, restriction or advantage based on actual or assumed grounds against any person or group of persons and those who are with them in a relative or other relationship based on their race, skin colour, language, religion, ethnicity, disability, age, national or social origin, political or other beliefs, property status, union membership or other association, education, social status and sex, sexual orientation, gender identity, sex characteristic, as well as any other circumstance having the purpose or effect of preventing or threatening to recognize, enjoy or exercise on an equal basis, rights and freedoms in all areas of life to any person.” [↑](#footnote-ref-12)
13. Monitoring of the Implementation of Committee of Ministers’ Recommendation CM/Rec (2010)5 on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity, 2018, Sarajevo Open Centre [↑](#footnote-ref-13)