



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-fifth session

Summary record of the 722nd meeting

Held at Headquarters, New York, on Tuesday, 16 May 2006, at 3 p.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second and third periodic report of Bosnia and Herzegovina (continued)
(CEDAW/C/BIH/1-3, CEDAW/C/BIH/Q/3 and CEDAW/C/BIH/Q/3/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Bosnia and Herzegovina took places at the Committee table.*

Articles 7 and 8

2. **Ms. Zou** Xiaoqiao, while welcoming the Law on Gender Equality and the Election Law of Bosnia and Herzegovina, the latter of which stated that at least one third of candidates on election lists should be women, said that major efforts were needed to ensure that those Laws were reflected in reality. There were few women in senior positions, especially at the federal and national levels, and in some important bodies, such as the council on reform of the police and the constitution, women were not represented at all. She would like to know what measures would be taken to correct that imbalance and whether appropriate training programmes existed for women. Welcoming the increase in women's participation in certain government institutions owing to the introduction of quotas, she asked whether the use of quotas would be extended to other areas of government, such as defence and diplomacy.

3. Noting from the replies to the list of issues and questions (CEDAW/C/BIH/Q/3/Add.1, para. 16), that persons belonging to national minorities were barred under the Constitution from the highest levels of political participation, and that the Constitution did not grant basic opportunities and rights to minority women, she asked whether there were plans to revise the relevant provisions of the Constitution.

4. **Ms. Šimonović**, referring to paragraphs 100 and 101 of the report (CEDAW/C/BIH/1-3), noted that while women had accounted for 30.2 per cent of the members elected to the House of Representatives of the Parliamentary Assembly in the general elections of 1998, there had been a dramatic drop in the number of women elected in 2000. She asked how the Office of the High Representative in Bosnia and Herzegovina

had responded to that development. She would also like to know what action would be taken to ensure the full implementation of article 15 of the Law on Gender Equality, which related to the equal representation of women in public life, and what the role of the High Representative would be in that regard.

5. **Ms. Gaspard** said that the low level of female participation in decision-making processes in the political, economic and social spheres was an indicator of the existence of discrimination against women and of the persistence of stereotypes. While the report suggested that women were unwilling to vote for other women, recent studies in a number of countries had shown such assertions to be untrue. She would like to know whether the Government was doing anything to combat such gender stereotypes.

6. Noting that the survey on the position of women in political parties had highlighted the parties' reluctance to put forward female candidates, she asked what was being done to encourage the parties to address the imbalance. It would be difficult to apply the law if there were no penalties in place for non-application.

7. **Ms. Popescu** asked what was being done to encourage political parties to promote and empower women. She would also welcome more information on the specific recommendations of the various working groups set up to increase the number of women in public and political life, in application of the Law on Gender Equality.

8. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that in the recent elections there had been a slight increase in the number of women elected to legislative bodies. Efforts were under way to encourage networking among female politicians at various levels and to raise awareness of United Nations Security Council resolution 1325 (2000). Action was being taken in the Republika Srpska, in accordance with the Law on Gender Equality, to increase the number of female candidates and to ensure equal media representation of female candidates during election campaigns. Efforts were also being made to improve the competence of female candidates and to expand opportunities for women in politics.

9. The Office of the High Representative in Bosnia and Herzegovina was not involved in the implementation of the Law on Gender Equality for,

since the adoption of the Law, the Office's department for gender issues had been closed.

10. Since no female politicians were involved in the major reform processes currently under way, steps had been taken to draw the attention of all politicians to Security Council resolution 1325 (2000). Efforts were under way to develop a procedure under article 21 of the Law on Gender Equality for the conduct of cases relating to discrimination. Many women had requested assistance from the Gender Equality Agency in that regard.

11. Turning to the issue of minorities, she said that a committee for minorities had recently been established in Parliament. In her view, the Constitution should be amended to eliminate distinctions based on ethnicity, but there was currently no will on the part of the main political parties to do so .

Article 10

12. **Ms. Tavares da Silva**, noting the striking imbalance between boys and girls in terms of subjects studied at educational institutions, said that she would like to know why the imbalance was more marked in Bosnia and Herzegovina than in other countries in the region. Unless that problem was addressed urgently, it would have a profound impact on women's job prospects. Measures should be taken to diversify educational choices for girls and to raise parents' awareness of the issue, so that girls would be able to enter professions not traditionally open to women. Such measures were particularly important for girls belonging to minority groups. She asked whether the parliamentary committee for minorities would take account of the gender dimension in education and other areas.

13. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) agreed that a more proactive approach was needed to address the gender imbalance in education. Under a project involving the United Nations Development Programme (UNDP), non-governmental organizations (NGOs) were being provided with grants for activities designed to implement the Law on Gender Equality, particularly in terms of education for girls and women.

14. Efforts would be made to ensure that the committee for minorities took the gender dimension into consideration in its work. Action was already being taken to ensure a gender balance in the

representation of minorities in local government. The Advisory Board for Gender Equality of the Roma Population would take action to address the particular discrimination faced by Roma girls in education. Measures to address the needs of minorities were always drawn up in conjunction with the individuals and groups concerned.

15. Efforts to encourage teachers to discuss the issue of gender stereotypes with parents, particularly with regard to choice of profession, had achieved some success. The imbalance between boys and girls in education was mostly due to the country's economic situation and the lack of access to schools.

Article 11

16. **Ms. Schöpp-Schilling**, referring to articles 11 and 13, expressed deep concern regarding the high rate of unemployment among educated women; and the apparent lack of programmes targeted specifically towards women — for example, to retrain them, award them microcredits or support them as business owners. The situation seemed to be even worse for women in the Republic of Srpska. She requested precise clarification of the recommendations drawn up for the Mid-Term Development Strategy, how they related to the recommendations and actions proposed in the Gender Action Plan, and what the strategy was for ensuring that those recommendations were implemented. It was also troubling that so many women worked in the grey economy, where their work did not entitle them to any social security or health insurance. Specific answers to those questions should be provided.

17. **Ms. Khan**, echoing the concerns voiced regarding the tendency among employers to terminate the contracts of female employees in preference to dismissing male employees, asked whether government jobs were contract-based; whether the employees in question were employed under short-term contracts; what the Government's recruitment policy was; and how it was possible that Government employees could be dismissed on the basis of gender or as a result of other kinds of discrimination. It would be helpful to know whether the Government awarded pensions to short-term employees or made other kinds of unemployment benefits available. She also asked whether there was a labour inspectorate which could monitor such unlawful termination of contracts and

whether any complaints had been reported to the Ombudsperson; if so, what had been the result.

18. Recalling that certain specific policies had already been implemented under the Gender Action Plan, she asked whether any special quota had been introduced at the decision-making level for women in public sector employment. It would also be useful to know whether any special resources — such as special loans or credits — had been allocated to women, particularly for entrepreneurship development.

19. **Ms. Patten** said that she shared the concerns raised by the two previous speakers. Despite the fact that the labour legislation of Bosnia and Herzegovina enshrined the principle of equality, in reality women did not enjoy the same employment rights and opportunities as men. Not only was the Law on Gender Equality not being adequately implemented, but it lacked the mechanisms necessary to ensure its implementation; the supervisory bodies of the International Labour Organization (ILO) had expressed similar concerns. The Government should indicate what it was doing to allay those concerns. The next report should include information and gender-disaggregated data on specific measures adopted for the different groups experiencing difficulty finding or retaining employment — young women, elderly women, ethnic minorities and persons with disabilities — and the extent to which women were aware of their labour rights. It would also be useful to know how many women belonged to unions and whether they occupied senior positions within those unions.

20. Likewise, it would be helpful to know whether the Government supported child-care facilities financially or otherwise; whether it envisaged establishing a network of child-care facilities; and what percentage of employers provided such care. Lastly, the Government should provide information on what it planned to do to tackle the very serious problem of occupational segregation.

21. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that the recommendations relating to the Mid-Term Development Strategy covered 22 different areas and had been drawn up with the assistance of a variety of experts. Problems had arisen as a result of the fact that those representing the national institutional mechanisms for gender issues did not speak the same language as those involved in

development of the Strategy. The Gender Action Plan was a major strategy document for Bosnia and Herzegovina, which was intended to serve also as a set of guidelines for the international community. The United Kingdom Department for International Development (DFID) was giving financial support for the implementation of the Strategy. The recommendations regarding employment, of both the Mid-Term Development Strategy and the Gender Action Plan involved vocational training and continuing education, particularly for unemployed women.

22. Referring to the questions regarding special resources for women entrepreneurship, she drew attention to the replies to the list of issues and questions (CEDAW/C/BIH/Q/3/Add.1, para. 25). Future developments relating to the issue of gender-based termination of employment would be closely monitored. The reform of the Government was certain to lead to a reduction in the number of posts, and it was important to ensure that women were not targeted for dismissal. She emphasized, however, that male and female civil servants were equal before the law. The Government was working with ILO in organizing training for civil servants to promote awareness of international labour conventions. Monitoring of the labour legislation was the responsibility of the Labour Inspectorate and the Ombudspersons. However, as emphasized previously, the latter tended to consider that discrimination was more often linked to corruption and other factors than to gender.

23. With regard to the employment situation of highly educated women, she said that the statement in paragraph 170 of the report (CEDAW/C/BIH/1-3), to the effect that women with a higher level of education had greater difficulty finding employment than those with lower levels of education was incorrect. In fact, the reverse was true. The data that had been used as the basis for the report would be provided on request. As for the question concerning women and trade unions, she said that so-called “Forums of Women” operated within the trade unions and that several leaders of branches of trade unions were female. The Government’s policy was to involve and foster ties with trade unions representatives.

24. Childcare was not as well organized as it had been before the war for a number of facilities had been destroyed. The State was willing to — and, indeed did — support childcare facilities but it did not always

have the necessary funds. The Government hoped to come up with further recommendations on ways of reconciling family responsibilities with work.

Article 12

25. **Ms. Shin**, referring specifically to health problems among war victims, noted that during the Second World War, many women in Korea and in other parts of Asia had become the victims of repeated rape and sexual slavery. They had received no social support, and had been unable to speak of their experiences until 50 years later. The Law on Social Protection, Protection of Civilian Victims of War and Families with Children did not give female victims — of whom there were at least 3,000 and possibly 10 or 20 times that number — proper recognition as civilian victims of war. Such recognition was crucial in order to help them recover from the trauma of torture and rape. She asked whether there were any plans to address that issue. Such women also needed special programmes for psychological care and therapy.

26. **Ms. Dairiam** said that it was her understanding that, in practice, access to health care seemed to be guaranteed only to those in legal employment. Given that context, she asked whether the Gender Action Plan covered all the health-care issues raised. In view of the serious problem of lack of data, the State party should indicate whether the Gender Action Plan included an assessment of the impact of the health-care reform on women and the components to be addressed. She also asked how comprehensive the health component of the Gender Action Plan was, and whether the Plan was to be mainstreamed through integration into the Mid-Term Development Strategy.

27. **The Chairperson**, speaking in her personal capacity, said that it was disturbing that abortion was being used as a family planning method, particularly since abortion was clearly a cause of maternal mortality. She wished to know what measures were being taken by the Government to remedy the situation.

28. At the same time, it was encouraging that women had the legal right to choose to have an abortion prior to the tenth week of pregnancy and that they could seek assistance in primary health-care centres. She wondered whether State health services were free and whether post-abortion care was available. It would also

be interesting to know whether rape victims could have an abortion after the tenth week of pregnancy.

29. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that the Government had had some difficulty collecting data on abortions performed in private clinics but that the efforts were being made to do so.

30. With respect to sex education and adolescent reproductive health, the Federal Ministry of Education, Science, Culture and Sport had been requested to include those subjects in the curriculum. A publication containing information on sexually transmitted diseases, had already been disseminated in the schools. Efforts were also being made to raise adolescent awareness of HIV/AIDS and other sexually transmitted diseases.

31. Anyone seeking an abortion after the tenth week of pregnancy required the approval of a commission; however, abortions for rape victims were usually approved. Access to health-care services in general was complex, because citizens could not use the services of a clinic located in another canton, without permission from the cantonal ministry of health. That caused particular problems for women living in rural areas. All legally employed persons and their families and all students had health insurance coverage.

32. As regards civilian victims of war, steps were being taken to amend the Law on Social Protection, Protection of Civilian Victims of War and Families with Children and to ensure that civilian victims of war received legal and psychosocial assistance. Such victims were currently treated in private clinics or by doctors working for non-governmental organizations.

33. The Gender Action Plan gave priority to women's health, particularly with respect to reproductive health, maternal mortality, the dissemination of information on sexually transmitted diseases and neonatology. A council for adolescent health had also been planned.

Article 14

34. **Ms. Tan**, noting that trafficking in women, particularly for the purpose of prostitution, had recently increased, and that poor women in rural areas were generally more vulnerable, said that it would be useful to know what measures the State was taking to educate them about the modus operandi of traffickers, safe migration and the legal rights of trafficked

women. She would also appreciate further information on the steps being taken to address the problem of police officers who collaborated with traffickers.

35. **Ms. Coker-Appiah** asked what was being done to remedy the situation of rural women, as regards health insurance, access to health care and education and whether efforts were being made to change social attitudes regarding traditional roles, especially in rural areas.

36. **Ms. Patten** said that although the report had recognized the plight of rural women, the Government did not appear to be taking concrete measures to address it. She wondered whether there was a national ministry for rural development and whether a national policy on rural women had been developed. She would also like further information on what was being done to ensure that rural women actually participated in development projects, as called for under article 14, and whether there was a social security programme specifically for rural women, including special categories of rural women, such as the elderly or the disabled. Finally, she would appreciate further information on provisions for rural housing, sanitation, electricity and water supply, none of which had been mentioned in the report.

37. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that additional information on the situation of rural women would be included in the following report. The Government had launched five pilot projects in semi-rural areas to train women and encourage their participation in the presentation of development proposals. The report had not mentioned rural housing and water supply because infrastructure remained a major problem. Such services were usually provided by the State, with minimal contributions from the municipality and the canton. In fact, the main problem facing the rural population was mines.

38. The Government had taken no direct action to combat trafficking in women and girls, the most vulnerable of whom were those in urban areas. There were, however, plans to develop a legal literacy strategy, whereby each municipality would have a small information department to inform women about that issue and about their rights under the law, in particular their property rights.

39. One large project, run by the Ministry of Agriculture with IFAD cooperation, financed entrepreneurship by rural women while providing the

services of a gender adviser, and had been particularly successful. Another project funded by the World Bank also sought to encourage women, especially in rural areas, to set up businesses; and such activities had also been included in the Mid-Term Development Strategy.

Articles 15 and 16

40. **Ms. Tan** noting that the courts apparently did not enforce their own child-support decrees (CEDAW/C/BIH/1-3, para. 268), asked if they ever acted under article 238 of the Family Law to protect children by penalizing parents who had failed to provide child support (report, para. 276). The Family Law provisions cited in paragraph 271 of the report regarding illicit extramarital relations with a minor seemed to suggest that there was no protection at all for children under the age of 14; it was, moreover, surprising that marriage was deemed to legitimize illicit sexual relations with a minor. Also, she asked what had been done to educate both men and women in refugee and internally displaced communities about non-discrimination against women and about family rights and obligations under the Family Law.

41. **Ms. Bokpé-Gnacadjá** observed that, indeed, marrying a minor seemed to have become a way of avoiding prosecution for illicit sexual relations. On the question of marital equality, she would like clarification of the distinction between a wife's rights as signer of the legal documents relating to property and the husband's rights as owner of that property. Furthermore, since the man apparently managed any business registered in his wife's name and the wife had no decision-making power, she wondered if the wife was held legally responsible for mismanagement by her husband. Also, given the very broad legal definition of a family, it was not clear how property and inheritance rights were legally distributed when a wife or a concubine died, and exactly what traditions came into play. She would like to know more about the disparities between the three different family laws that were in force, and how the equality of women was protected under each one.

42. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that the Government had set up a working group with non-governmental organizations to discuss the various family laws, which did indeed define the concept of a family very broadly and sought to govern all relations within the extended family that was the norm in her country.

43. The new legislation now mandated the equal division of property between men and women. Regarding ownership as opposed to management of a business, there had indeed been cases where the woman had been prosecuted and jailed for tax irregularities admittedly committed by her husband as manager. Efforts, however, were being made to teach women not to take on such legal responsibilities in the first place, or at least to insist that their husbands take out loans in their own names.

44. Refugees and displaced persons were being given the same education about non-discrimination as were all others. Finally, although she would have to verify the provisions of the law in question, she believed that 16-year-olds needed parental consent to marry, and that no minor under 16 was allowed to marry.

45. **Ms. Dairiam** asked again whether the Gender Action Plan had been included in the Mid-Term Development Strategy.

46. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that the Gender Equality Agency had tried to persuade the Government to mainstream the Gender Action Plan in the Mid-Term Development Strategy, but had been shocked to find that the budget made no specific provision even for the Agency itself, and she intended to fight for that and for mainstreaming of the Plan.

47. **The Chairperson** invited general comments from the Committee.

48. **Ms. Gaspard** said that a very constructive dialogue had been established, and that the Committee would count on the delegation to convey the Committee's comments on the report and on conditions in the country to all the political authorities who would be responsible for giving effect to them.

49. **Ms. Schöpp-Schilling** expressed concern that most programmes for women were being financed entirely by international donors, whereas the Government itself should be providing funding for them. She wondered, for example, if the various ministries had set up a specific budgetary allocation for the Gender Action Plan that would soon come into effect.

50. **Ms. Filipović-Hadziabdić** (Bosnia and Herzegovina) said that the Gender Action Plan was a huge five-year project that could not be realized solely by relying on government funding, but that certainly a

start had to be made on national budgeting. The Gender Equality Agency and the Gender Centres, after a study of best practices, had developed good budget strategies; the problem now was to get the Government to adopt them. The Agency needed help in persuading each ministry to develop its own gender budgeting.

51. Finally, she said that she hoped that the next report would show that the Committee's suggestions had been fully implemented.

The meeting rose at 5.05 p.m.