

## Bosnia and Herzegovina

Bosnia and Herzegovina consists of two entities – the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH) – and one district under the jurisdiction of the State – the Brčko District of Bosnia and Herzegovina (BD). Only a small number of laws are adopted at the State level, and the RS, the FBiH and the BD each have their own political, legislative and judicial authority.

Committees on gender equality have been established within legislative powers at all levels of government: at the State level, the Commission for Gender Equality of the Parliamentary Assembly of Bosnia and Herzegovina; the entity level, the Commissions for Gender Equality of the House of Peoples and the House of Representatives of the Parliament of the FBiH, and the Equal Opportunities Committee of the National Assembly of the RS. The Cantonal Assemblies in the FBiH have established Committees for Gender Equality (CEDAW, 2011).

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

Women have the same rights as men to enter into marriage in Bosnia and Herzegovina (Family Law of FBiH, art 7 & 8; Family Law of the RS, art. 3 & 15; Family Law of the BD, art. 4 & 6). While no specific legal provisions prohibit or define forced marriage, both parties must be consenting and have reached the legal age of marriage (18 years old for both women and men) to enter into marriage. Marriage is recognised only as a heterosexual marriage, i.e. between a woman and a man. The above-mentioned Family Laws provide for the official registration of customary marriage, but not for religious marriage nor for informal or *de-facto* unions.

#### b) Child marriage

The legal age of marriage for women and men is 18 years (Family Law of FBiH, art. 15; Family Law of the RS, art. 23; Family Law of the BD, art. 26). The court may allow entering marriage with 16 years if it finds is justified and if there are reasonable grounds that the person is physically and mentally capable of exercising the rights and obligations arising from marriage, as well as that the marriage in question is in the interest of both the woman and/or the man. The parent or guardian of the woman or man entering marriage at the earlier age, i.e. 16 or 17 years, must also give consent to this marriage, but their consent is not the primary condition for the marriage to take place, which rests with the courts' ability to justify the marital union.

Child marriage is not explicitly void as it is not specifically prohibited by the legal framework. However, the law defines that the legal age of marriage is 18 years. Although there are no specific public measures that generate social support for the enforcement of laws on the minimum age of marriage, it is common that Centres for Social Work will take interest in such potential cases, and will monitor those families (UN Women, 2015). There are no legal sanctions for those who would facilitate the marriage of individuals who are younger than the prescribed legal age for marriage, nor are there awareness-raising or educational programmes on the legal age of marriage.

Child marriage is a common practice among the Roma population, in particular as the majority of Roma communities do not officially register marriage but practice customary law marriages. "A survey carried out in 2010 by a Roma NGO found that of women who were interviewed, 44% had married before the age of 18; most of these women had married between the ages of 14 and 16." (UNFPA, 2014) The same UNFPA study concluded that child marriage among the Roma population is linked to lack of education among young Roma people.

### **c) Household responsibilities**

The legal framework does not make a distinction between male and female heads of households, nor are there any specific legal discriminatory obligations that women have towards their husbands, such as obeying their husband. The legal framework also prescribes that couples in marriage, or in informal union, mutually agree on the choice of the location of their future life together (Family Law of FBiH, art. 30; Family Law of the RS, art. 27; Family Law of the BD, art. 29).

Mothers and fathers have the same rights and obligations towards their children, regardless of whether the child was born in or out of wedlock (Family Law of FBiH, art. 129, 130 & 137; Family Law of the RS, art. 67, 68 & 72; Family Law of the BD, art. 112, 113 & 120).

Results of the 2016 Bosnian Labour Force Survey showed that women perform 68% of the unpaid domestic and care work in the country, including unpaid agricultural labour (Open Democracy, 2016).

### **d) Divorce**

The law provides women with the same rights as men to initiate divorce, and women have the same requirements as men to finalise a divorce or annulment (Family Law of FBiH, art. 41; Family Law of the RS, art. 219; Family Law of the BD, art. 39). The Family Law of FBiH, Chapter 8 on Divorce (Art. 41-52) sets no discrimination between husband/wife during the divorce process. Additionally, the law provides women with the same rights as men to be the legal guardians of their children after divorce and the law provides women with the same rights and responsibilities as men with regards to their children after divorce (Family Law of FBiH, art. 129, 130, 142 & 304; Family Law of the RS, art. 79, 85 & 272; Family Law of the BD, art. 112, 113 & 275).

There are no customary, religious or traditional practices or laws that discriminate against women's legal rights to initiate divorce. The legislation prevents the man from initiating a divorce in case the woman is pregnant or prior to the child reaching three years of age.

There are no customary, religious or traditional practices or laws that discriminate against women's legal rights to be guardian of their children after divorce. In mutually agreed divorces, the parents come forward with a proposal of whom they want to be the legal guardian of the children, while in other cases (if they are suing one another) it is the court in cooperation with Centres for Social Work who makes the decision in the interest of the child and gives guardianship to one or both of the parents and define the obligations of the parent who is not the legal guardian towards the children as well as the time allotted to spend with the children. In more than 75% of court decisions, regardless of whether the decision is made by parents in consent or whether it is decided by the court, legal guardianship is assigned to mothers (RS Statistic Institute, 2010).

### e) **Inheritance**

The legal framework provides daughters with the same rights as sons to inherit land as well as non-land assets, and surviving female spouses have the same rights as male surviving spouses to inherit land and non-land assets (Law on inheritance of the FBiH, art. 3 & 10; Law on inheritance of the RS, art. 3 & 9). The law takes precedence over customary, traditional or religious laws that promote discriminatory inheritance practices towards women and girls and disinheritance of the surviving spouse is prohibited (Law on inheritance of the FBiH, art. 28 & 29; Law on inheritance of the RS, art. 30 & 31). The law provides women with the same rights as men to make a will (Law on inheritance of the FBiH, art. 62; Law on inheritance of the RS, art. 6).

Despite efforts of the gender mainstreaming mechanisms of Bosnia and Herzegovina and non-governmental organisations (NGOs) to raise the awareness of the same rights of women and men in inheritance procedures, it is still customary that sons inherit land and non-land assets (house, company, etc.) rather than daughters (Agency for Gender Equality, 2014).

## 2. **Restricted Physical integrity**

### a) **Violence against women**

The Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was ratified at the State level in 2013 and entered into force in 2014.<sup>1</sup> The Law on Gender Equality in Bosnia and Herzegovina (2003, revised in 2010) at the State level also prohibits gender-based violence (art. 6) as defined in the Beijing Platform for Action. It provides for a comprehensive approach to address violence against women with specific provisions for investigation, prosecution and punishment of the perpetrator (art. 29) and protection and support services for the survivors (art. 6).

The Bosnia and Herzegovina Framework Strategy for the Implementation of the Istanbul Convention for the period 2015-2018 defines the strategic measures and institutional commitments to support the implementation of the legislation addressing violence against women in the country. This Strategy is overseen by mechanisms at the country and entity levels, includes specific targets and benchmarks and mandates budgetary commitments.

### b) **Domestic violence**

Domestic violence is a criminal offence and the penalty foreseen for domestic violence ranges from financial penalties to up to 15 years in jail (Criminal Code of the FBiH, art. 222; Criminal Code of the RS, art. 208). The Law on Protection from Domestic Violence was adopted in 2005 in the FBiH and in the RS. It covers all forms of abuse foreseen by the Beijing Platform for Action, Objective D, i.e. violence from former partners, within the family, physical, sexual, psychological, and economic violence (Law on Protection from Domestic Violence, art. 6). It does not explicitly forbid mediation in

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<sup>1</sup> Bosnia and Herzegovina experts and government representatives to the Council of Europe were members of the CAHVIO - Ad Hoc Committee on Preventing and Combating Violence against Women that met since 2008 until they finalised the text of the Istanbul Convention, <http://www.coe.int/en/web/istanbul-convention/cahvio>.

case of violence against women, but since domestic violence is a criminal act, the law does not prescribe mediation. The Criminal Codes of the FBiH (art. 47, 225 and 228) and the RS (art. 221, 283 & 299) prescribe specific provisions for investigation, prosecution and punishment of perpetrators of domestic violence.

The policies and action plans that include specific provisions for the prevention of domestic violence include the Framework Strategy for the Implementation of the Istanbul Convention and the Bosnia and Herzegovina Gender Action Plan (2013-2017). At the entity level, the prevention of domestic violence is addressed in the FBiH Strategy to Prevent and Combat Domestic Violence (2013-2017) and the RS Strategy to Prevent Domestic Violence (2014-2019). These include plans for the establishment of services for women and girls survivors of violence, in particular: emergency shelters (called Safe Houses in Bosnia and Herzegovina and run by seven NGOs including a total of 156 beds - still below the standard number of beds per of population number as prescribed by the Istanbul Convention); health services that are provided through existing but not specialised medical institutions (except for some NGO services) that do not necessarily have staff sensitised or trained to work with women and girl survivors of violence; hotlines (called SOS phone lines in Bosnia and Herzegovina) do exist at FBiH and RS level, but are not available on a 24 hour basis in all parts of the country (depending on whether there are NGOs and Centres for Social Work that are available to manage those hotlines); there are adopted FBiH and RS Entity protocols on the procedure in cases of domestic violence; funding for the prevention, combating and protection from domestic violence is mostly fund-raised by the gender mainstreaming mechanisms and NGOs running Safe Houses, although the two entity (FBiH and RS) ministries with the mandate for social protection also provide some limited funding to the Safe House NGOs.

Despite Bosnia and Herzegovina's efforts to combat domestic violence, its prevalence remains high. It is considered as a private family matter and thus widely underreported (UN Women, 2013). The inconsistent application of the legislation throughout Bosnia and Herzegovina undermines women's trust in the judicial system (CEDAW, 2013).

### c) Rape

The Law on Gender Equality addresses sexual violence under art. 6. Rape is a criminal offense and is punishable of imprisonment of one to ten years (Criminal Code of the FBiH, art. 203; Criminal Code of the RS, art. 193; Criminal Code of the BD, art. 200). The law is based on lack of consent. However, it does not recognise marital rape (even though a wife can file a complaint) and requires proof of physical force, resistance and penetration (Criminal Code of the FBiH, art. 203; Criminal Code of the RS, art. 193; Criminal Code of the BD, art. 200). The law provides for increased penalties for aggravated forms of rape and sexual violence, notably in case of repeated rape, and/or more than one perpetrator participating in the act of rape. There are also minimal penalties foreseen for specific aggravated forms of rape. For instance, in case of the rape of a minor, the penalty is at least three years of jail, or in case of repeated rape of a minor at least five years in jail, and in case rape has caused death or severe medical condition at least five years of jail.

Bosnia and Herzegovina does not have any rape crisis centres or centres for victims of sexual violence, and the entire legal and policy frameworks developed to provide services for women and girls survivors of sexual violence are more focused on preventing and eliminating domestic violence, thus

there is less attention on sexual violence. Although there are legal frameworks addressing sexual violence (Law on Gender Equality) and rape is a criminal offense (Criminal Codes of FBiH, RS and BD), there are no specialised services as part of the health protection institutions that can provide adequate services for survivors of sexual violence. Some NGOs do provide some of the services, but they cannot issue certain documentation that is necessary for the survivors if they are to pursue a court case, as those documents can be provided only by government health protection institutions. These NGOs are often located in urban centres and are not available throughout the country.

#### **d) Sexual harassment**

The Bosnia and Herzegovina Law on Gender Equality is the core legal framework that provides legal protection from sexual harassment (art. 5), which includes civil remedies (art. 23) and criminal penalties (art. 29). The definition of sexual harassment includes harassment that takes place at the workplace, in educational and sporting establishments and public places (art. 2). The Bosnia and Herzegovina Framework Strategy for the Implementation of the Istanbul Convention (2015) as well as the two entity Strategies on the Prevention of Domestic Violence include actions to support the implementation of the legislation on sexual harassment, but there is no specific national action plan on this issue.

Despite the legal measures, sexual harassment appears to be a serious issue in Bosnia and Herzegovina. NGOs reported that victims rarely file complaints because they are unaware of their legal right to be protected against it (US Department of State, 2016).

#### **e) Female genital mutilation**

There is no specific criminal law addressing female genital mutilation (FGM) as a harmful practice in Bosnia and Herzegovina. There is no evidence to suggest that FGM is practiced in Bosnia and Herzegovina (US Department of State, 2016).

#### **f) Abortion**

Abortion on request is legal in Bosnia and Herzegovina up to 10 weeks of pregnancy, without any restrictions (Law on the conditions and procedures for Abortion of FBiH, art. 10; Law on the conditions and procedures for Abortion of RS, art. 8). Abortions can be provided in a Health Centre or in the offices of a gynaecological specialist (who holds specialisations in the health protection of women and emergency health assistance). In exceptional cases, abortions can also take place in health institutions that have full gynaecological wards (including surgery and blood transfusion facilities) for pregnancies up to 20 weeks, while for pregnancies that are beyond 20 weeks, the abortion can take place in health clinics, health institutes, or health clinical centres. The exceptional cases for abortion include the medical proof that the pregnancy is detrimental to the health of the mother, that there is medical proof that children born will have severe physical or mental disabilities, if the pregnancy has occurred as criminal act of rape, or if there are other psycho-social indications for the termination of the pregnancy. Women require the approval of a medical practitioner to seek legal abortion and they need to submit the request for abortion in writing, but unless they are a minor they do not require the permission of a parent or guardian to seek a legal abortion. "Older minors" (women who are 16 or older) also do not need permission from parents or guardians for a legal abortion.

## More

During the war in Bosnia and Herzegovina (1992-1995), rape and forced pregnancy were systematically used as a weapon of war and of ethnic cleansing by all sides in the conflict (Amnesty International, 2009). An estimated 20,000 Muslim, Croat and Serbs women and girls have been affected (OSCE, 2015). Survivors who suffered rape and/or other forms of sexual violence during the conflict continue to face stigma and discrimination, and are denied access to the health services and financial and psychological support they are entitled to (Amnesty International, 2009; OSCE, 2015). Many of them have not reported the crimes they were subjected to, for reasons that include possible feeling of shame, social stigma attached to being a victim of sexual violence and mistrust of judicial authorities. Considerable obstacles continue to prevent delivering of justice to the victims, including the lack of availability of evidence and suspects, the lack of gender sensitivity in managing and conducting investigations and the inadequate definition of acts of sexual violence as war crimes and crimes against humanity (OSCE, 2015; CEDAW, 2013).

Bosnia and Herzegovina is a country of origin, destination and transit for trafficking in human beings, in particular women and girls, for purposes of sexual exploitation (US Department of State, 2017).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Bosnia and Herzegovina has not ratified ILO convention 169 concerning Indigenous and Tribal Peoples in Independent Countries. Regarding land, property and other non-land assets, the law provides married women with the same rights as married men to own, use, make decisions and use as collateral (Law on Property Rights of the FBiH, art. 3 & 6; Law on Property Rights of the RS, art. 3 & 6; Law on Ownership and Other Property Rights of the BD, art. 2 & 7). These laws provide women and men with the same rights after divorce or separation and they apply to all groups of women.

Furthermore, regarding marital property, a married woman has the same rights as a married man to administer, and spousal consent is required for major transactions (Family Law of the FBiH, art. 251 & 252; Family Law of the RS, art. 171 & 174; Family Law of the BD, art. 228 & 229). The law provides for joint land titling for land used or acquired by married couples and informal unions (Family Law of the FBiH, art. 251, 252 & 263; Family Law of the RS, art. 171, 174 & 191; Family Law of the BD, art. 228, 229 & 240).

While women and men have the same legal rights to land and assets ownership, traditional practices often favour male ownership (World Bank, 2015).

#### **b) Secure access to formal financial resources**

Discrimination when providing credit and other forms of financial services is prohibited (Law on Gender Equality, art. 15; Law on Protection of users of financial services of the FBiH, art. 5; Law on Protection of users of financial services of the RS, art. 5 & 7). Married women are not required to obtain the approval (signature) of their husbands in order to open a bank account. Access to credit is equally accessible to both unmarried/married women and unmarried/married men.



The Bosnia and Herzegovina Gender Action Plan 2013-2017 foresees measures to draft and implement programmes to eliminate gender-based discrimination in access to economic resources (Measure I.3.2) and to collect sex-disaggregated data on access to credit (Measure I.3.3).

There are no customary, religious or traditional laws that discriminate against women's legal right to obtain credit, however, in practice, women rarely own the property or assets required to provide as collateral (World Bank, 2015).

### c) Workplace rights

Bosnia and Herzegovina has ratified ILO Conventions 100 (Equal Remuneration), 111 (Discrimination in Respect of Employment and Occupation) and 156 (Workers with Family Responsibilities). The Law on Gender Equality mandates non-discrimination on the basis of sex in employment (art. 2, 12, 13, 14 & 15), specifically covering: job advertisements, selection criteria, hiring, terms and conditions of recruitment, promotions, trainings, assignments and termination of contracts. This Law also mandates equal remuneration for work of equal value (art. 13).

Discrimination on the grounds of sex in employment is also prohibited by the Labour Laws of FBiH (art. 8 & 10) and RS (art. 19 & 20). However, women are not legally entitled to work the same night hours as men: pregnant women starting from the sixth month of pregnancy and mothers with a child up to two years of age cannot work at night (Labour Law of the FBiH, art. 41; Labour Law of the RS, art. 73). In the FBiH, the latter also applies to adoptive parents and persons entrusted with childcare until the child has turned two years of age (art. 41). Pregnant women, mothers and/or adoptive parents of children under three years of age, single parents and single adoptive parents of a child under six years of age cannot work overtime unless their written request to do so is approved by their employer (Labour Law of the FBiH, art. 38; Labour Law of the RS, art. 64). In the FBiH, women are not allowed to perform underground labour, unless they hold a managerial position which does not require physical labour, or they unless work in a healthcare or welfare service (Labour Law of the FBiH, art. 59).

The right to paid maternity leave is regulated at the entity level. In the FBiH, the percentage of wage paid during maternity leave is regulated at the cantonal level (Labour Law of the FBiH, art. 68) and differs in all ten cantons, varying from 50% to 80%, thus creating inequalities between women depending on their places of residence (CEDAW, 2014). In the RS, the percentage of wage paid during maternity leave is 100% and it is paid from the Government Fund for Maternity Leave (Labour Law of the RS, art. 112). In the BD, the percentage of wage paid during maternity leave is 45% (Labour Law of the BD, art. 51). The same conditions are applied to parental leave, which may be granted to one of the adoptive parents or a person entrusted with childcare (Labour Law of the FBiH, art. 70; Labour Law of the RS, art. 109; Labour Law of the BD, art. 46). Fathers are entitled to seven days of paternity leave in the FBiH (Labour Law of the FBiH, art. 53) and in the RS (Labour Law of the RS, art. 107).

The Bosnia and Herzegovina Law on Gender Equality protects a woman's employment security when she is on maternity leave (art. 13). The law prohibits employers asking about a woman's pregnancy or her intention to have children during the recruitment or promotion process (Labour Law of the FBiH, art. 60; Labour Law of the RS, art. 28 & 105; Labour Law of the BD, art. 43).

Women in Bosnia and Herzegovina are not required by law to have permission from their husbands to choose a profession, occupation or work, or to register a business, and this applies to all groups of women.

The specific bodies tasked with receiving, investigating, and enforcing complaints based on sex discrimination in employment include the gender mainstreaming mechanisms, the Ombudsman and courts at all levels of government. The Bosnia and Herzegovina Anti-Discrimination Law (adopted 2009 and revised 2016) prescribes financial penalties for companies and institutions that discriminate against women in all spheres of life, in particular in employment (art. 19). Penalties range from 1,500 KM to 10,000 KM (art. 19).

In spite of their high level of education, women are considerably under-represented on the labour market and disproportionately affected by unemployment, especially disadvantaged groups such as internally displaced women, rural women and Roma women. Women are predominantly employed in health care, education and agriculture and working in the informal sector (CEDAW, 2013). Entrenched gender stereotypes continue to negatively affect women's economic participation. Traditional perceptions of women as mothers, housewives and housekeepers are still prevalent among men as well as women. Some employers still consider some professions to be better suited for men and others for women (World Bank, 2015). Factors contributing to this situation include insufficient child care facilities, gender segregation in education, the poor enforcement of the legislation prohibiting gender-based discrimination and sexual harassment at work, and the 12 different existing maternity leave schemes (CEDAW, 2013). The uneven sharing of domestic responsibilities within households also constrains women (World Bank, 2015). The 2017 Labour Force Survey revealed that 70% of unpaid family workers are women and that 27% of working-age women stay at home and care for their families, while virtually no men do (Bosnia and Herzegovina Agency for Statistics, 2017).

## 4. Restricted Civil liberties

### a) Citizenship rights

Married/unmarried women have the same rights as married/unmarried men to acquire, change, and retain their nationality (Bosnia and Herzegovina Law on Citizenship, art. 5 & 10; FBiH Law on Citizenship, art. 4 & 9; RS Law on Citizenship, art. 5 & 12). Marriage with a foreign citizen does not have an influence on the change of a woman's citizenship except in those cases where she wishes to take on the citizenship of the husband (under the conditions prescribed by the law of the State which the husband comes from). There are also no legal differences between men and women when it comes to their right to confer their nationality to their children, or to register the birth of their children, for both married and unmarried couples (Bosnia and Herzegovina Law on Citizenship, art. 6; FBiH Law on Citizenship, art. 5; RS Law on Citizenship, art. 6). There is no evidence to suggest that there are customary, traditional or religious practices that discriminate against a woman's right to citizenship in Bosnia and Herzegovina.

The Constitution does not recognise multiple or intersectional discrimination but establishes that women and men shall enjoy equal rights and freedoms (art. 2.4).

The Law on Identity Cards of Citizens of Bosnia and Herzegovina (art. 8) and the Bosnia and Herzegovina Law on Travel Documents (art. 3) provide equal rights to married/unmarried women and



married/unmarried men to apply for identity cards and passports for themselves and for their minor children. Married/unmarried women are granted with the same rights as married/unmarried men to travel outside the country (Constitution, art. 2).

There is no legal discrimination regarding citizenship rights and the right to apply for passports/identity cards, and there are no practices which may restrict those rights. However, universal birth registration is poorly implemented, in particular among Roma women and girls, which places them at risk of statelessness and hinders their access to basic services such as education, social services or health care (CEDAW, 2013).

### **b) Voting**

The Bosnia and Herzegovina Election Law (art. 1.5) grants married/unmarried women the same rights as married/unmarried men to vote. Campaigns are organised by both gender mainstreaming mechanisms and NGOs to encourage women and men to participate in their civil decision making opportunity and to vote, and these campaigns are part of the Bosnia and Herzegovina Gender Action Plan 2013-2017.

Women with disabilities, as well as men with disabilities, can in practice be discriminated against in the voting procedures as some voting locations are not accessible physically and as voting equipment and printing material is not provided in an accessible form for those who have impaired hearing or sight (Ombudsman of Bosnia and Herzegovina, 2016).

### **c) Political voice**

The Law on Gender Equality regulates, promotes and protects gender equality in the participation of women in all forms of political participation: legislative, executive and judiciary at all levels of government. It prescribes equal representation of women and men in all State bodies (legislative, executive and judicial authorities, political parties, legal persons with public authorities, legal persons that are in the State's property or under the State's control, entities, cantons, cities or municipalities whose work is under control of a public body), which exists when one sex is represented with at least 40% in these State bodies (art. 20).

The Bosnia and Herzegovina Election Law (art. 4.19) prescribes representation of both male and female genders. The number of representatives of the least represented gender shall be at least equal to the total number of candidates on the list, divided by three and rounded up to the closest integer (art. 4.19). The Election Commission is responsible for reviewing the candidates lists and certifying or rejecting candidates on the list (art. 4.21). If the quota is not fulfilled, candidate lists will not be certified. In addition, 10% of public funds are distributed to parties in proportion to the number of seats held by the least represented gender (Bosnia and Herzegovina Law on Political Party Financing, art. 7).

Although there are no specific legal measures to provide training for women to support their effective participation in political and public life, the Gender Action Plan (Measure I.2.4) foresees the organisation of trainings to help strengthen the capacities of political parties in order to increase the number of women in public life at all levels of decision making. These are funded to a large extent by the Financial Mechanism for the Implementation of the Gender Action Plan (FIGAP - a government

programme which supports activities and projects that work to facilitate the implementation of the Law on Gender Equality and the Bosnia and Herzegovina Gender Action Plan).

The persistence of patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in the society constitute a significant barrier to women's participation in political and public life (CEDAW, 2013). Women are still underrepresented in both spheres, in particular in high level executive and legislative government positions. The only exception is the judicial government, where gender balance is almost attained among judges and attorneys, even though women are still underrepresented as heads of courts or attorney offices (Sarajevo Open Centre, 2015).

#### **d) Access to justice**

The Constitution of Bosnia and Herzegovina, as well as all other legislation that protects gender equality, ensures and protects women's and men's equal access to justice, regardless of their marital status. Women and men have the same rights to sue and the same capacity to be sued, and women's and men's testimonies carry the same evidentiary weight in all types of court cases (civil, criminal, family court and tribunal) regardless of their marital status (CEDAW, 2011). However, the national and international norms on gender equality are insufficiently applied in Bosnia and Herzegovina, and the training of judges and prosecutors is ongoing (CEDAW, 2011).

Free legal aid is not systematically available across the country. Its provision remains fragmented and mainly done by NGOs (CEDAW, 2014). The lack of free legal aid disproportionately affects vulnerable groups such as refugees, single mothers, Roma, people living with disabilities, victims of domestic and gender-based violence or victims of human trafficking (UNDP, 2017).

The Law on Gender Equality protects from violence women engaged in political and public life (art. 6), but no legislation or other measures specifically address violence and harassment of human rights defenders.

The Agency for Gender Equality is the government body, established by law, tasked with monitoring gender equality in Bosnia and Herzegovina (Law on Gender Equality, art. 26). The Agency, as well as its two entity counterparts - FBiH and RS Gender Centres - have the power to receive and resolve complaints on discrimination from women victims of discrimination, to monitor compliance of national laws and policies with international human rights standards that concern gender equity and equality. The CEDAW committee (2013) noted the limited cooperation between gender equality bodies and relevant ministries, the unclear division of responsibilities among the competent bodies and the limited visibility of the Agency for Gender Equality.

#### **More**

The Law on Gender Equality mandates the collection, archiving, analysis and presentation of statistical data disaggregated by gender (art. 24). The Bosnia and Herzegovina Agency for Statistics and its two entity counterparts publish bulletins dedicated to gender statistics. The Bosnia and Herzegovina Agency for Statistics publishes the biannual Special Bulletin on Women and Men in Bosnia and Herzegovina, compiling available data on education, employment, social protection, political and private spheres, disaggregated by gender (Bosnia and Herzegovina Agency for Statistics, 2016).

However, the CEDAW Committee (2013) noted that the lack of statistical information disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background created gaps and impaired the efficiency of legislative reforms undertaken on gender equality.

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