**QUESTIONNAIRE**

**“NON - DISCRIMINATION AND EQUALITY IN FAMILY AND CULTURAL LIFE”**

In accordance with its mandate, the UN Working Group on the issue of Discrimination against Women in Law and Practice (hereinafter “the Working Group”) developed this questionnaire to gather information on how laws and practices discriminate against women within the family and cultural life. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men within the family and in cultural life.

Regarding family life, the questionnaire focuses on issues of equality in marriage and rights and responsibilities within the family. In relation to cultural life, the questionnaire addresses issues linked with the right to have access, participate in and contribute to all aspects of cultural life, including arts, sports and cultural activities.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations”[[1]](#footnote-1). It also establishes the obligation to modify the socio-cultural patterns and gender stereotypes to eradicate all practices based on the inferiority or superiority of either of the sexes as well as to ensure that family education recognizes the common responsibility in the upbringing and development of children.[[2]](#footnote-2) Moreover, the Convention reaffirms the State obligation to eliminate discrimination and guarantee equality in the cultural sphere.[[3]](#footnote-3)

In addition, the International Covenant on Economic, Social and Cultural Rights recognizes the right of all people to enjoy their cultural rights in conditions of equality as well as the right to enjoy the benefits of scientific progress.[[4]](#footnote-4) Furthermore, the Human Rights Committee in its General Comment 28 on the *Equality of Rights Between Men and Women* also reaffirms that the right to equality before the law include equal status within the family and regardless of marital status.[[5]](#footnote-5)

The UN Working Group wishes to thank all stakeholders for responding to this questionnaire by **31 July 2014.**

**Questionnaire**

**General**

1. What status/hierarchy does your Constitution gives to international human rights treaties versus domestic law?

Please explain.

Bosnia and Herzegovina (BiH) has achieved significant progress in creating preconditions for achieving gender equality goals. By adopting Law on Gender Equality in 2003, the legal standards of gender equality as identified in the Convention on the Elimination of All Forms of Discrimination of Women and objectives defined in the Beijing Declaration and Platform for Action have become integral parts of legal system in Bosnia and Herzegovina. This Law has identified all forms of gender equality and protection mechanisms against discrimination that are at present available in disciplinary, civil and criminal proceedings.

Constitution of Bosnia and Herzegovina guarantees the highest level of internationally recognized human rights and fundamental freedoms as it incorporates 15 most important human rights protection instruments, including the Convention on Elimination of All forms of Discrimination against Women, thus obliging Bosnia and Herzegovina to implement the highest internationally recognized human rights standards. Constitution of Bosnia and Herzegovina provides that “The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities”. In addition, it prohibits discrimination and guarantees enjoyment of rights and freedoms protected under this document to all individuals irrespective of any basis, including gender.

The CEDAW is the main framework for action in the area of gender equality. All Concluding Comments and Concluding Observations of the CEDAW committee become a basis for action and priority of Bosnia and Herzegovina. Gender Action Plan of BiH identifies such comments and observations as activities of the responsible institutions of government with clearly set deadlines, and particularly through adoption of annual operational plans.

1. Has your State ratified international human rights treaties with reservations to provisions dealing with equality in family life?

Yes ( ) No (  x )

If yes, are there plans to withdraw these reservations?

Yes ( ) No ( x )

Please explain.

1. Are the principles of non-discrimination on the basis of sex/gender and equality between men and women established in the Constitution of your State?

Yes ( x ) No ( )

If yes, please provide references, describe how they are defined (name the specific articles) and whether they cover family and cultural life.

The Constitution of Bosnia and Herzegovina in its Article II which is fully devoted to human rights, under paragraph 4 contains the provision on prohibition of discrimination regarding recognition, enjoyment and protection of human rights. “Enjoyment of rights and freedoms envisaged under this Article or international agreements listed in the Annex of this Constitution, shall be guaranteed to all persons in Bosnia and Herzegovina without any form of discrimination such as: gender, rase, language, religion, political or other opinion, national or social background, connection to national minority, property, birth or any other status.”

The Constitution of BiH also confirms the equality of women and men under its provision on prohibition of discrimination, but also directly through the international instruments for human rights. Pursuant to Article II, paragraph 2: “Rights and freedoms are envisaged in the European Convention for Protection of Human Rights and Fundamental Freedoms and its Protocols that are directly applicable in Bosnia and Herzegovina. These acts also have precedent above all other Laws.”

1. Are there any specific anti-discrimination or gender equality laws in your State?

Yes ( x ) No ( )

If yes, please provide references and briefly describe the content of this law(s), in particular whether it covers family and cultural life.

Bosnia and Herzegovina (BiH) has achieved significant progress in creating preconditions for achieving gender equality goals. In Bosnia and Herzegovina was adopted Law on Gender Equality in 2003, which has identified all forms of gender equality and protection mechanisms against discrimination that are at present available in disciplinary, civil and criminal proceedings.

Amendments to the Law on Gender Equality in BiH adopted in 2009 particularly emphasized and clarified the obligations of various bodies at all levels of government in the process of achieving the objectives of gender equality.

The Parliamentary Assembly of BiH adopted the Law on Prohibition of Discrimination in Bosnia and Herzegovina setting up a framework for providing equal rights and opportunities to all individuals in BiH and defining the system of protection against discrimination.

1. Have there been any recent legal reforms in your State to guarantee non-discrimination and equality between men and women in family and cultural life?

Yes ( x ) No ( )

If yes, please explain and provide examples.

Starting from the fact that the Constitution of BiH and Entity Constitutions state equality as one of the human rights, the definition of discrimination included into the Law on gender equality in Bosnia and Herzegovina, facilitate recognition of situations in practice when a person is put into different postion or is differently treated based on gender.

This Law regulates, promotes and protects the equality of genders, and guarantees equal opportunities for all citizens, both in public and private sphere of life. This way the standard of protection of guarantees of human rights is raised, particularly regarding women who are the most common victims. It is stated under Article 2 of this Law:

“Genders are equal.Full equality of genders shall be guaranteed in all spheres of life, particularly in education, economy, employment and work, social and health protection, sports, culture, public life and media, regardless of marital or family status.

1. Are there any customary, religious law or common law principles/provisions that discriminate against women in family and cultural life?

Yes ( ) No ( x )

If yes, please explain and provide examples.

1. Are there any good practices that you can share regarding the elimination of sex discrimination in family and cultural life in your State?

If yes, please explain and provide examples.

Depending on the form of discrimination, the legal system of BiH identifies several specific ways of protecting against all forms of discrimination.The Law on Gender Equality in BiH and the Law on Prohibition of Discrimination in BiH are mutually harmonized also in the part that advises the victims of the possibility to use legal mechanisms for protection of rights protected under the said laws (types of complaints, responsibilities, deadlines, burden of evidence, victimization, et cetera). In this way, a legal mechanism has been established that provides for protection of rights guaranteed under the Law on Gender Equality in BiH and other rights protected by other laws before the national courts. Anybody who believes they are a victim of discrimination or that any of their rights have been violated by discrimination may seek protection of that right in proceedings where the decision is made on the right as the main issue, and they may also seek protection in separate proceedings for protection against discrimination, in accordance with the Law on Prohibition of Discrimination of BiH.

1. What actions have been taken by your State to eradicate negative gender stereotypes, including in the media?

Please provide examples.

Working with the Commission for Achieving Gender Equality of Parliamentary Assembly of BiH, Gender Equality Agency of BiH started the initiative to harmonize the Law on Public Broadcasting Service, Law on the Public Broadcasting System and the Law on Communications with the Law on Gender Equality in BiH. The purpose of these amendments is to introduce equal representation of genders in leading structures of the radio and TV system in BiH, equal opportunity at employment, equal representation of interests of both genders in the programs, as well as prohibition of offensive, stereotypical and humiliating presentation of men or women on the basis of their gender. The Broadcasting Code that applies to radio and TV stations that was adopted by the Regulatory Agency for Communications of BiH, stipulates under Article 4: Hate Speech, among other things, that radio and television stations shall not broadcast programs that contain or incite discrimination and/or violence on the basis of belonging to an ethnic group, sex/gender, sexual orientation, or incite any harassment or sexual harassment.

The Press Code of BiH is intended as the foundation of system of self-regulation that shall be considered morally binding for reporters, editors, owners and publishers of newspapers and periodicals. Its general provisions state that the printed media shall develop the awareness of gender equality and respect of individual particularities as integral parts of human rights.

Women are represented as journalists, reporters, editors and programme directors in almost all major media in BiH. Most private and public media in BiH do not have any editorial policies that would support the preparation and broadcasting of programme which involves protection of women’s human rights and gender equality. Different research has shown that women are statistically and qualitatively less present in the media than men. Media still use gender stereotypes and a gender unbalanced language. During the Election campaigns

1. Are tribunals upholding the principles of equality and non-discrimination in matters relating to family and cultural life?

Yes ( X ) No ( )

If yes, please provide any relevant case-law/jurisprudence.

The Parliamentary Assembly of BiH adopted the Law on Prohibition of Discrimination in Bosnia and Herzegovina setting up a framework for providing equal rights and opportunities to all individuals in BiH and defining the system of protection against discrimination. The Law on Gender Equality in BiH and the Law on Prohibition of Discrimination in BiH have been made mutually harmonized also in the part where the victims of discrimination notified of the possibility of using legal mechanisms for protection of rights that are provided for under the said laws (types of complaints, responsibilities, deadlines, burden of evidence, victimization, etc.). This has established the legal mechanism of protection that enables protection of the rights guaranteed by the Law on Gender Equality of BiH and other rights that follow from other laws before the courts of jurisdiction.

1. Are there any other mechanisms to monitor draft legislation, specific provisions in draft legislation or reverse decisions discriminating against women in family or cultural life?

Yes ( x ) No ( )

If yes, please provide any relevant examples.

A network of institutional mechanisms for gender issues has been established in Bosnia and Herzegovina that includes all levels of legislative and executive power. Key responsibility of these mechanisms is implementation and monitoring of the implementation of the Law on Gender Equality in BiH and the implementation of international gender equality mechanisms, primarily the UN Convention on Elimination of All Forms of Discrimination against Women and the Beijing Declaration and Platform for Action

Gender Equality Agency and the Gender Centres investigate alleged violations of the Law on Gender Equality in BiH on the basis of applications submitted by individuals, groups of people or on its own initiative. Rules for Investigating Violations of the Law were adopted and they include the application form. Upon completion of the procedure, recommendations are issued in order to fix the violations of law. These recommendations rely on international obligations Bosnia and Herzegovina has undertaken in the area of gender equality (in particular, the CEDAW) and articles of the Law on Gender Equality in BiH, and they propose measures for remedying causes of violations of the Law on Gender Equality in BiH. Such measures mostly include proposals for amending laws, eliminating violations of the Law or proceeding in accordance with the Law, and adopting provisional measures. Such recommendations, though not legally binding, achieve the effect of protection of rights, as well as educational, preventive and awareness-raising effects.

**Family Life ­- Equality within marriage**

1. Is there a legal designation of head of household?

Yes ( ) No ( x )

If yes, is the head of household the male member of the family? What rights or obligations are attributed to the head of household?

1. Do women have the same rights as men in your State in relation to:

( yes ) The minimum age for marriage – if the age of marriage is different for men and women, please provide information

( yes ) The right to enter into marriage

( yes ) The freedom to choose a spouse and to express consent

1. With permission or authorization from parents/guardians/courts, at what minimum age can men and women marry in your State? What enforcement measures are provided by law in this regard?

The age limit for entering into wedlock is determined by law and it is 18 years for both women and men. Out of justifiable reasons, the authorized court can, in out-of-court procedure, allow minors older than 16 to enter into marriage, if it determines that the party in question is physically and mentally capable for exercising the rights that result by marriage. The law establishes the obligation to enter into marriage in an official registry office.

1. Is there a reference to dowry in the legislation of your State, for example, in marriage contracts or in traditional practice?

Yes ( ) No ( x )

If yes, please explain.

1. Are forced marriages prohibited in your formal and customary laws?

Yes ( x ) No ( )

According to the laws that are implemented in Bosnia and Herzegovina (Family Law in Republika Srpska and Family Law in Federation of Bosnia and Herzegovina) it follows that they, in their provisions, to a great extent, ensure Equality of genders, that is men and women that intend to enter into wedlock, who are married, as well as those that are in the process of divorce or are divorced. It should be stated, above all, that this law does not allow for polygamy, and the women have been given the right to decide, just like men, whether they would get married, when and to whom they would get married. This type of normative approach actually presents forced marriages.

If yes, please provide any relevant references.

1. Are forced marriages or arranged marriages practiced in your State?

Yes ( ) No ( x )

If yes, please explain.

1. Is polygamy illegal in your State?

Yes ( x ) No ( )

If no, is it legal for both men and women?

1. Is the registration of marriage compulsory in the following cases?

( yes ) civil marriage

( yes ) religious marriage

1. Are same sex-marriages allowed in your State?

Yes ( ) No ( x )

If yes, please provide references.

1. Are same-sex relations criminalized in your State?

Yes ( ) No ( x )

If yes, please provide references.

1. Is equality guaranteed between husband and wife in law and practice with respect to:

( yes ) The right to choose a family name

( yes) The right to choose a profession and occupation

( yes ) The right to choose the place of residence

( yes ) The right to have and retain one’s nationality

( yes ) The freedom of movement (including the right to travel abroad)

Please provide references.

The articles of laws ( regulate personal rights and duties of marital partners, so it is prescribed that marital partners are equal in marriage, that they are responsible to mutually help and respect one another, to determine their place of residence by mutual consent, decide by mutual consent on the raising of their children, and how they would organize their relationship and perform joint work related to marital, that is, family community, and that marital partners also agree on their last names.

1. Do both spouses have the same rights in law and practice with respect to:

( yes ) ownership of property and land

( yes ) management and administration of property and land

( yes ) enjoyment and disposition of property and land

According to the laws that are implemented in Bosnia and Herzegovina (Family Law in Republika Srpska articles 269-271 and Family Law in Federation of Bosnia and Herzegovina, articles 269- 271) :

As far as the property of marital partners is concerned, it can be separate and joint. The property that the marital partner has at the time of entering a marriage remains his or her separate property. Property that was obtained by marital partners by working during their marital community, as well as the earnings from this property, constitutes joint property.

The presents of third parties made during marital community (in money, kind, assistance through work, etc.) enter into joint property, regardless of which marital partner received them, unless the intent of the present shows otherwise, or it can be concluded form the circumstances at the moment in which the present was given tat the gift giver wanted to assign the gift to only one of the marital partners. The property that during marital community one of the marital partners obtains by some other legal basis is his or her separate property.

The marital partners by mutual consent dispose with their joint property. With his or her participation in the joint property, one marital partner cannot independently handle nor burden it with the legal business among living without the consent of the other marital partner.

Please provide references.

1. Are women who get married subjected to any form of male guardianship?

Yes ( ) No ( x )

If yes, what are the specific conditions of this guardianship and what kind of restrictions does it impose on women?

1. Do parents have same rights and responsibilities regarding to:

( yes ) Deciding the number and spacing of children

( yes ) Guardianship, wardship and trusteeship

( yes ) Adoption of children

( yes ) Care of children

( yes ) Education of children

( yes ) Alimony

As far as the provisions of the Family law regulating (Family Law in Republika Srpska articles 79-93 and Family Law in Federation of Bosnia and Herzegovina articles 129-142) parental right are concerned, they place both parents into equal position. The mother and father are equal in performing parental rights and duties. A parent cannot wave his or her parental right.

The duties of the parent are: care and nurturing of their adolescent children, of their life and health, of their education, which includes the regular education of children, as well as the duty and right of a parent to, in accordance with their capabilities, provide further schooling of their children, paying attention to their capabilities, tendencies, and justifiable desires. Parents, also, have the right and the duty, to represent their adolescent children. If the parents do not live together, and the adolescent child needs to be handed or informed about something, this can be legally done through the parent with which the child lives.

The parental right is, by mutual consent, exercised by parents, and in case of parents’ disagreement, the body of guardianship decides on the exercising of parental right. From the above-mentioned legal provisions, it follows that the parents are formally and legally equal in performing duty and exercising rights concerning their adolescent children.

Provisions of articles 231 to 262 of the Family law regulate the supporting of children, parents and other relatives. Parents have the completely same rights and duties as far as the supporting of children is concerned, and children, regardless whether they are male or female, have the same duties related to the supporting of their parents. In relation with the mutual supporting of marital partners, the law does not make any distinctions based on gender.

Please provide references.

1. Are de facto unions recognized in law in your state?

Yes ( x ) No ( )

If yes, please explain in which law(s) and how this is defined.

According to the family laws that are implemented in Bosnia and Herzegovina, de facto unions equated with marriage on the right to mutual aliment and other property law terms.

1. Do men and women have the same legal rights with respect to dissolution of marriage?

Yes ( ) No ( x )

The Amendments to the Family Law in FBiH was deleted article 43. because was rated as discriminatory. According to this Article, husband is not allowed for divorce when women is pregnant or their child is younger than 3 years old.

According to Family Law in Republika Srpska, husband is not allowed for divorce when women is pregnant or their child is younger than 1 years old.

If yes, please explain in which law(s) and how this is defined.

1. Do men and women have the same rights in law and practice when a marriage or union ends in terms of:

( yes ) Equal share of the marital property and land

The division of joint property of marital partners is regulated by articles 255 to 257 of the Family law of Federation of Bosnia and Herzegovina and articles 272 to 277. Family Law of Republika Srpska. Marital partners can by mutual consent divide the property, so that they determine portions in the entire property, or one part of the property or on an individual thing, as well as decide that every marital partner gets certain things or rights from this property, or that one marital partner pays the other one the monetary value of his or her share.

Each marital partner can demand through an appeal that the court determines what is his or her portion in the joint property or one part of that property, or on the individual thing form that property. In these types of cases, the court determines the size of the portion of marital partner according to their contribution in obtaining the joint property, paying attention not only to personal income and earnings of each marital partner, but about work in the household and family, about care and nurture, as well as the raising of the children, as well as about all other form of work and cooperation in the management, maintenance, and increase of joint property.

( yes ) Custody of children

During the divorce of marriage or end of parents’ life together, the child-children is, according to the decision of the court, entrusted to one of the parents to be raised, cared for, and supported, with the obligation of the other parent to contribute to this support( articles 304- 307 of the Family Law in FBiH and articles 85-93 of the Family Law in Republika Srpska). When determining the financial assistance, the court takes into account the child’s age, the income of the parent who is responsible to provide assistance, as well a his or her own needs .

( yes ) Remarriage

Both man and woman can be into second marriage, after divorce or [annulment](http://www.eudict.com/?lang=engcro&word=annulment) of marriage.

Please provide any references.

1. Is it contemplated in the legislation of your State that, in the event of a divorce, women should remain in the family or common household?

Yes ( ) No ( x )

If yes, please explain in which law(s) and how this is defined.

1. Are legal provisions guaranteeing non-financial contributions, including care of children, the sick and elderly in the family, taken into account in the division of marital property upon divorce?

Yes ( x ) No ( )

If yes, please provide references.

According to family laws all martial property is divided equaly among partners. Any spouse who believes to have right to a larger share of martial property can initiate a judicial proceeding to prove this fact. In this proceeding the court takes into account all financial and non financial contributions of both spouses.

Are rights of widow(er)s the same for women and men in terms of:

( yes ) Custody of children

( yes ) Property and land distribution

( yes ) Remarriage

( yes ) Freedom to choose residence

Please provide references.

Family laws does not discriminate between man and woman about death of spouse

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1. Do women have access to legal aid in relation to family matters?

Yes ( x ) No ( )

In terms of accessibility of legal aid to victims of violence, different levels of authority in BiH have adopted relevant laws on free legal aid. Republika Srpska, District Brčko and individual cantons in the FBIH have laws on free legal aid and institutions tasked with tits provision. With the help of UNDP, a Network of Providers of Free Legal Aid was established in BiH, comprising NGOs and institutions providing free legal aid. Some of these organizations are dealing specifically with free legal aid to victims of domestic violence and violence against women, including victims of trafficking in women and asylum seekers and persons under temporary protection in BiH.

If yes, please explain.

**Equality within the family**

1. What is the legal definition/concept of “family” in your State?

Family relations in Bosnia and Herzegovina are determined by civil law. In FBiH, the family law of BiH taken over from SRBiH is in force. The new family law of RS came into force in 2002. This law deals with the issue of marriage, family relations, adoption, and guardianship. The family is not defined by the Constitution of BiH and the constitutions of the Entities, but the part about human rights and basic freedoms, the right to private and family life, home, and correspondence is ensured. The family is, in the sense of the above-mentioned Family law, defined as the “life community of parents and children and other relatives”. The family, as a rule, consists of marital, or extramarital partner, child – in wedlock, out of wedlock, adopted, stepchild, and child taken in to be supported, father, mother, stepfather, stepmother, grandfather, grandmother (on both father’s and mother’s side), and brothers and sisters of spouses. The protection of family with children, in the sense of the valid laws in BiH, is the securing of the family through material and other resources with the aim of helping in raising, educating, and taking care of children, as well as their training for independent life and work, all in the best interest of the child.

1. In law (including customary law) are men and women equal in the family in your State?

Yes ( x ) No ( )

If yes, please provide any references.

Constitution of Bosnia and Herzegovina provides that “The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities”. In addition, it prohibits discrimination and guarantees enjoyment of rights and freedoms protected under this document to all individuals irrespective of any basis, including gender.

According family laws (Article 30. of Famliy Law Federation of Bosnia and Herzegovina and article 39. of Famly Law of Republika Srpska) both spouses are equal in marriage.

1. Do men and women have the same social status within the family in your State?

Yes ( x ) No ( )

If yes, please provide any references.

Family law also gives the same rights and responsibilities to women as well as men for the duration of the marriage, as well as in case of its termination, whether this happened due to divorce or death. The parents of children, regardless of whether they are born in wedlock or outside of it, have equal status, that is, the same rights and obligations as far as their children are concerned. In custody and adoption procedures, and as far as raising and caring for children is concerned, parents’ responsibilities do not differ.

Family law also allows for Equality of women and men in the choice of reproduction and the right to means for the achievement of this choice. The law forbids the practice of coercion or forced and violent pregnancy, as well as abortion and sterilization.

The law does not limit marital spouses in their selection of profession, occupation, or last name.

1. Does your State have data on the number of hours spent by women and by men on functions in the home or in care for family members, including children and the elderly?

No

If yes, please explain.

1. Do men and women in the family have the same rights, in law and practice, with regards to inheritance (including equal rank in the succession)?

Yes ( x ) No ( )

If yes, please explain. In addition, is there evidence of waiver of inheritance rights by women?

1. Does family education in your State include a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of the children?

Yes ( ) No ( x )

If yes, please provide any references.

1. If equality is guaranteed in law and practice, does this apply in all different types of families?

Yes ( ) No ( )

If yes, please provide any references.

Traditional gender division of roles and duties still exists in Bosnia and Herzegovina. Division of work related to care and raising of children is balanced between the partners although women still do most of the care of elderly persons and children in the family, that is, they still have the role of the informal guardian.

**Violence within the family and marriage**

1. Are there any of the following traditional practices in your State ?

( no) Female Genital Mutilation

( no ) Honour Killings

( no ) Son Preference

( no ) Dowry Deaths

(no) Polygamy

( no ) Prohibition of work or travel without the permission of a guardian

( no ) Other

If yes, is there legislation prohibiting such practices in your State?

Please provide any information on other actions taken to eradicate these practices.

1. Is/are there any anti-domestic violence legislation/regulations in your State?

Yes ( x ) No ( )

If yes, please provide any references.

For the purpose of ensuring adequate response to challenge about violence against women and domestic violence i, entity laws on protection against domestic violence and strategies at the level of state and entities have been adopted. Law on Protection against Domestic Violence of Republika Srpska identifies measures and mechanisms of protection in cases of domestic violence. In addition to the constitutional and legal frameworks, institutions of BiH and its entities have passed a series of policies in the form of strategic documents that are oriented exclusively or indirectly towards prevention of violence against women. Importantly, one should mention the Strategy for Preventing and Combating Domestic Violence of FBiH and Strategy for Combating Domestic Violence of RS as narrowly specialized documents particular for this area that define the directions of prevention against violence and protection of victims and processing of the perpetrators through coordination of all relevant stakeholders.

Bosnia and Herzegovina is the sixth Council of Europe member state that had submitted instruments of ratification of the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence. A Strategy for Implementation of Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence in Bosnia and Herzegovina has been adopted as a comprehensive framework that defines the method for implementing the Convention in BiH and harmonizing legal and institutional frameworks with provisions of the Convention, priorities in the area of preventing and combating violence against women and domestic violence, institutions responsible, as well as the framework for monitoring implementation and reporting on implementation of the Strategy and as a result, of the Convention.

1. Does your State have a legal definition of discrimination which covers gender-based violence or violence against women, which includes domestic violence?

Yes ( x ) No ( )

The Law on Gender Equality in Bosnia and Herzegovina defines that gender based violence is a form of discrimination in Article 3: Discrimination may occur in different forms: direct, indirect, harassment, sexual harassment, incitement to discriminate and gender based violence.

1. Does your State have a national policy to eliminate gender-based violence or violence against women, including domestic violence?

Yes ( x ) No ( )

In addition to the constitutional and legal basis, the institutions of BiH and its entities have adopted a number of policies in the form of strategic documents focused solely on the prevention of violence against women. Here, it is particularly important to mention the Strategy for Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in BiH (adoption under way), and the entity Strategies for Prevention and Combat against Domestic Violence in the FBIH and the Strategy for Combat against Domestic Violence in RS that course of action in terms of prevention of violence, the protection of victims and prosecution of perpetrators

1. Is marital rape considered a crime in the legislation of your State?

Yes ( x ) No ( )

Nisam sigurna za obrazlozenje, te traze da treba uraditi.

1. Is adultery considered a crime in the legislation of your State?

Yes ( ) No ( x )

If yes, is it equally punished for men and women?

Please provide any references and further explanation.

45. Are there any public campaigns in your State to raise awareness that violence against women and girls is a human rights violation?

Yes ( x ) No ( )

If yes, do they attempt to change the attitudes of men?

Institutional mechanisms for gender equality and NGOs have been continuously implementing awareness raising campaigns, and those aimed at the reduction of tolerance for violence. Particularly significant is the "16 Days of Activism against Gender-based Violence", as well as a number of other media and citizens’ campaigns aimed at raising awareness about violence as a form of violation of human rights and to the promotion of protection mechanism. Campaigns “Family without Violence” and “White Ribbon – Men Say No to Violence against Women” have been continuously implemented in the territory of Republika Srpska, most intensively in the period from 25 November to 10 December of the world-known campaign known as “16 Days of Activism”. The „White Ribbon” campaign is conducted every year in the Federation of BiH, bringing together male representatives of legislative and executive authorities at all levels, which wear the ribbon during the campaign thus demonstrating their support to non-violent behaviour.

46. What measures have been taken in your State to raise awareness among law enforcement officials regarding violence against women and girls, including domestic violence?

In terms of education as preventive activity, the education on gender equality, prohibition of discrimination and combat against violence against women and domestic violence has been systematized for judges and prosecutors in the Centres for Education of Judges and Prosecutors of the FBIH and RS within the framework off themes that relate to criminal law, family law and human rights. Furthermore, special modules have been defined related to the prevention and combat against gender-based violence within the institutions for the education of police in the FBIH and RS. Programs of continuous professional training have been developer, or are in the process of development, for healthcare and social workers for the prevention and combat against domestic violence as well as the training programs for the teaching staff.

Please explain and provide examples.

47. Are there special law enforcement units to respond to complaints of violence against women and girls, including domestic violence?

Yes ( ) No ( x )

If yes, do these include female law enforcement officers? Ja mislim da nema, mada postoji planirano da se uradi u entiretskim strategijama.

48. Please provide information on the incidents/complaints of domestic violence, sexual assault including rape, and child abuse against women and girls in your State.

Statistical data provided to the Gender Equality Agency of BiH indicate that domestic violence is the most frequent criminal offence of all those that have an element of violence against woman, adjudicated by the courts in BiH in 2012. Although they represent almost one half of the cases of domestic violence, cases that are next on the ranking list are those against security, while the third position, three times lower in number, is held by the cases of rape. In terms of their number, these were followed by criminal offences of sexual assault, sexual harassment/sexual intercourse with children, and solicitation of prosecution. Although not as numerous, there follow the cases of sexual intercourse with elderly persons, abuse of children and minors for pornography, human trafficking and trafficking for the purpose of prostitution, sexual intercourse by the abuse of position, incest, and illegal abortion.

Data provided by competent courts in the Federation of BiH for 2011 show that of the total number of suspects – perpetrators of criminal offences of domestic violence, there were 96% of men and 4% of women. Of the victims of these criminal offences, there were 86% of women and 14% of men. There were 53 children who were the victims of domestic violence, out of which 55% girls and 45% boys.

Pursuant to Article 222 of the Criminal Code of the Federation of BiH (Domestic violence), in 2011, most of the verdicts were suspended sentences, 75%, followed by prison sentences 16%, fines 6%, and others 3%. The number of prison sentences was higher than in comparison with 2010, when this sanction was pronounced on 11% of cases, while fines dropped from 12% to 6% cases.

According to the available data for 2011, which were provided by the police, municipal and district courts and district prosecutor’s offices, in Republika Srpska, compared with the data for 2011, for criminal offence referred to in Article 208 of the Criminal Code of RS (Domestic violence and violence committed in family) and for the offence referred to in Article 6 of the Law on Protection against Violence Committed in Family of RS, the number of reported and the number of adjudicated cases in 2011 is almost at the same level as those for the same period of 2010.

49. Are there shelters or safe houses for women and girls who are victims of gender-based violence, including domestic violence in your State?

Yes ( x ) No ( )

If yes, are these available to women and girls living in rural and remote areas?

In BiH, there are 9 safe houses that can accommodate 173 individuals. In the Federation of BiH, there are 6 safe houses that can accommodate 126 victims of domestic violence, which operate within NGOs.

**Participation in cultural life**

50. Are men and women equally entitled in law and practice to interpret cultural traditions, values and practices in your State?

Yes ( x ) No ( )

If yes, please describe and provide examples.

Law on gender equality in Bosnia and Herzegovina in part eight, article 19. regarding on sport and culture, provides (1) Everyone has equal rights and opportunities to participate in and have access to sport and cultural life regardless of gender. (2) The relevant authorities, institutions and juristic persons are required to undertake all possible measures to prevent discrimination on the grounds of gender and to ensure equal opportunities for: a) access to branches of sport or culture; b) the development and provision of support for individual branches of sport or culture; c) the granting of community awards for outstanding achievement in sport and culture within the same branch of sport or culture. 51. Are there restrictive dress codes for women which do not apply to men?

no

If yes, please describe and provide examples.

52. Are women in the country allowed to be a member and fully participate in cultural and scientific institutions in your State?

Yes (x ) No ( )

If yes, please describe and provide examples.

53. Are women entitled in law and practice, independently of their marital status, to decide freely whether or not to participate in certain cultural events, traditions and practices in your State?

Yes ( x ) No ( )

If yes, please describe and provide examples.

54. Are there any specific actions to recognize and value the contributions of women to culture in your State?

Yes ( ) No ( )

If yes, please describe and provide examples.

55. Do you have data regarding the participation of women in arts, science, sports and in the proportion of public funding allocated to women in these activities?A systematic and comprehensive researches of women in sport in Bosnia and Herzegovina were not conducted yet.

In the territory of the Federation of BiH operate 325 sports associations, 41 chess associations, and 55 hunting associations. Sports associations have a total of 38,628 active members, out of which more than 7,436 women and/or 19.3%. The largest proportion of women is in: volleyball (66.5%), badminton (65.9%), and gymnastics (50.0%). The available data show gender stereotypes in certain sports fields. No women were registered to be actively engaged in equestrian sports, ice hockey, bowling, small football and sport aviation. Likewise, there are negligibly small number of women engaged in sport fishing (1.3%), football (1.9%), and boxing (3.4%).

There have been positive developments when in allocating funds to sporting and cultural and art associations the proportional representation of both sexes in these associations is taken into account. Sports associations take care of equality and gender equality in sports development planning, and organising and implementing sports activities. When exercising the right to participation in spending budget funds everyone has the same rights regardless of gender structure, for example, in the Zenica-Doboj Canton criteria in 2008, they are set so that some elements, such as the number of members in the association, is valued for 50% more.

One small survey of women in sports organizations was conducted by the Helsinki Citizens Assembly Banja Luka. This study showed that women's sports continue to be promoted less as compared to male sports in all sports activities at all levels. The biggest difference is reflected in budget allocations for women's sports: the salaries, transfers, donations, sponsorships, allocations by the government and city administration. What is needed is the greater promotion of women's sports among girls in primary and secondary schools. The difference is especially visible in media presentation, where women's sports take up only about 7% of the average airtime devoted to sports.

The Agency provided financial support to the women's football club "SFK 2000 Sarajevo", with regards to organising the 8th International football tournament for girls "Sarajevo 2011". RS Gender Centre financially supported the women's football club "Borac" Banja Luka. These events have contributed to promoting the involvement of young girls in sport, and promoting the destruction of stereotypes about women's roles in society.

If yes, please provide information.

56. Has your State developed any temporary special measures to enhance the participation of women in arts, science, sports and any other cultural activity?

Yes ( x ) No ( )

Gender institutional mechanisms, as a part of the UNDP's Culture and Development Project, participated in drafting the Action Plan for implementing the Strategy for culture of Bosnia and Herzegovina.

The concept of gender equality is incorporated into this Action Plan. Training sessions were held on the subject of "Gender and Culture in BiH" for the representatives of relevant ministries and other institutions in the field of culture in BiH, which will continue to conduct training sessions at the local level.

The Law on Sport in Republika Srpska and the Law on Museums in Republika Srpska are harmonized with Law on Gender Equality of Bosnia and Herzegovina.

With aim to increase the participation of women in science, every last Thursday in April is marked as the day of girls in information and communication technologies.

If yes, please provide specific examples of these temporary special measures.

57. Are women allowed and encouraged by your State to participate in all sports?

Yes ( x ) No ( )

Gender institutional mechanisms supported the organization of the international football tournaments for women in Banja Luka and Sarajevo. Agency for Gender Equality BaH supported female Football club “SFK Sarajevo” and Gender Centar of Republika Srpska supported female Football club “Borac” from Banja Luka. This events contributed to promotion of the involvement young women in sport, and promotion of the demolition stereotypes about the roles of women in society

If yes, please describe and provide examples.

58. Is any special dress code provided in the legal regulations for all women exercising sports in your State?

Yes ( ) No ( x )

If yes, please describe and provide examples.

59. Are there any differences in your State in conditions for women’s access, to museums, parks, theaters, sports stadiums and other facilities where culture, sports and science are disseminated in comparison with men?

Yes ( ) No ( x )

If yes, please explain and provide examples.

60. Is your State promoting the participation of women in the arts?

Yes ( x ) No ( )

If yes, please explain and provide examples.

In the previous period with aim to promote and increase the number of women in the arts, many conferences and exhibitions were held, and various projects were supported.

Activities aimed at promotion of gender equality and changing gender stereotypes in the areas sports, culture, arts, ICT which are equally important for overall development and progress of society, were carried out . In March of 2011, the Gender Center of Republika Srpska supported the organization of the exhibition "Creative Women" and a roundtable discussion on improving the situation of women innovators, in cooperation with the Association of Women Innovators NOVA in Bosnia and Herzegovina..

Training sessions were held on the subject of "Gender and Culture in BiH" for the representatives of relevant ministries and other institutions in the field of culture in BiH, which will continue to conduct training sessions at the local level.

61. Have there been any cases in your State in last decade of women artists prosecuted for the performance of art, allegedly violating public authority or morals?

Yes ( ) No ( x )

If yes, please describe.

1. Article 16, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-1)
2. *Ibid* art. 5. [↑](#footnote-ref-2)
3. Article 1, and 13(c), UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-3)
4. International Covenant on Economic, Social and Cultural Rights adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force on 3 January 1976. [↑](#footnote-ref-4)
5. UN Human Rights Committee, General Comment No. 28 on article 3 “Equality of Rights between Men and Women”, adopted on 29 March 2000 (HRI/GEN/1/Rev.9 (Vol. I)). [↑](#footnote-ref-5)