

# GUIDELINES

for monitoring of  
implementation of  
the **Convention** on  
the Elimination of All  
Forms of  
Discrimination  
against Women





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Introduction

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**G**uideline was made out of necessity and desire to include as many non-governmental organizations in Bosnia and Herzegovina in the process of monitoring the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and to offer them a tool that can facilitate their field work. This Convention is the most important international instrument for the protection of women's human rights. Up to now it was signed, ratified or acceded to by 188 countries, including Bosnia and Herzegovina. The Convention is an integral part of the Constitution of BH (Annex 1), and its full implementation is not only international, but also a constitutional obligation of the state of BH.

As shown many times, NGOs can have a significant impact on the application and compliance with the provisions of the Convention. By monitoring and reporting on progress in the implementation of the provisions of the Convention, they detect specific problems, address responsible for not solving the problems and propose measures to improve the situation.

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Non-governmental reports assist the Committee for the Elimination of Discrimination against Women (CEDAW Committee) to clearly perceive the actual situation and needs of women in a country, and to formulate requirements and recommendations that respond to those needs. It is therefore important that as many women's NGOs that work with different groups of women and who have specific knowledge in certain fields, get involved in the monitoring process and to integrate their knowledge, testimonies and experience into the reports that are presented to the CEDAW Committee, supervisory body for monitoring of the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. Only the reports from which the real life experiences of women "speak" have the authenticity and the power to change things.

Non-governmental organizations in BiH, so far, on three occasions, wrote their "shadow report" on the situation of women in the country. The last report was presented in June 2013 before the CEDAW Committee. Wishing to encourage NGOs to be involved in the preparation of the next report to be submitted at 2017, we have prepared this Guideline which provides clear guidance for monitoring of implementation of the Convention and



raises a number of questions to be answered in the assessment of the legal and actual status of women when reporting under the Convention.

In the first part the Guideline we briefly observed the history of the UN Convention on the Elimination of All Forms of Discrimination against Women and described the competence of the CEDAW Committee. These are followed by explanations on why is it important that the NGOs are involved in the monitoring process of the Convention and a description of the new rules of reporting that should provide a simpler and better insight into the human rights situation in each country for various supervisory authorities for monitoring of the international human rights conventions.

In the second part the Guideline we give a Table with indicators, sources (where and by whom we are looking for answers) and methods (as we seek answers) for monitoring of the Concluding Comments and recommendations of the CEDAW Committee from 2013, as well as several examples of methods that can be used, which we hope will significantly facilitate and assist non-governmental organizations to obtain the necessary data. At the end we attached the document - Final comments and recommendations of the CEDAW Committee in 2013.

The guideline was developed under the project "Localization of CEDAW", which was financially supported by UN Women, and contribution to the creation of Table, which is a key part of the Guideline, was provided by the following organizations: Sarajevo Open Centre, Foundation Lara, Bijeljina, Zdravo da ste, Banja Luka, Women to Women, Sarajevo, Rights for All, Sarajevo, Association Budućnost, Modriča, organization of women with disabilities IMPULS, Bijeljina, MyRight, Sarajevo, and the Helsinki Citizens' Assembly Banja Luka.



About Convention

2

**T**he **Convention on the Elimination of All Forms of Discrimination against Women** is one of the most important international documents for the protection of women's human rights. It was adopted at the UN General Assembly in December 1979 and came into force on 3 September 1981, as a global and comprehensive legally binding international treaty, after being ratified by 20 countries. The term contract is used because international document must be signed and ratified by the State as contracting party to have legal effect. A key feature of international treaties on human rights lies in the fact that its provisions shall determine and regulate the legal obligations between the state and the people who live in that country, and are aimed at rights of people<sup>1</sup>.

By April 2015, the Convention on the Elimination of All Forms of Discrimination against Women was signed, ratified or acceded to by 188 countries, members of the United Nations.

The purpose of the Convention is the recognition de jure of equal human rights, but also their de facto realization which is achieved by eliminating all forms of discrimination against women committed by any person or organization in all areas of life.

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<sup>1</sup> GUIDE FOR REPORTING OF NGOS TO: Committee for monitoring of the implementation of the Convention on the Rights of Persons with Disabilities (UN) and the Committee on the Elimination of Discrimination against Women (UN) (2013). Sarajevo: ICVA and Rights for All.

***Article 1 of the Convention***

*For the purposes of this Convention, the term "discrimination against women" means any distinction, exclusion or restriction made on (the) sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, regardless of their marital status, on basis of equality of men and women.*

The Convention consists of a preamble and thirty operative articles of which sixteen are related to discrimination and the rights of women in a particular area. The first part deals with the articles of the Convention (1 to 6) relating to discrimination, policy of eliminating discrimination against women, development and advancement of women, temporary special measures and measures for maternity protection, stereotypes about the roles of men and women and combating trafficking of women and exploitation of prostitution of women. The second part of the Convention (Articles 7-9) refers to the participation of women in politics and public life, representation at the international level and citizenship. The third part of the Convention covers the area of education, employment, health, economic and social life of women in the country (Articles 10 to 14), while the fourth part of the Convention refers to equality before the law and marriage and family relations (Articles 15 and 16).

Convention is the only international treaty on human rights that affirms the reproductive rights of women and focuses on the culture and tradition as important factors shaping gender roles and family relations. It affirms women's rights to acquire,

change or retain their nationality and citizenship of their children, and the Member States are obliged to take all appropriate measures against all forms of exploitation and trafficking of women.

The system of protection of Convention rights has been further strengthened by the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted in 1999 and entered into force in December 2000. The Optional Protocol introduces the countries that accept it with additional international monitoring of the protection of Convention rights which conducts Committee on the Elimination of Discrimination against Women.

Bosnia and Herzegovina has ratified the Convention in 1993. The Convention is an integral part of Annex I of the Constitution, and the full implementation of the provisions is a constitutional and international obligation of the state of BiH. The Optional Protocol to the Convention was ratified in 2002.

By signing and ratifying the Convention and the Optional Protocol, the state has committed to harmonize national legislation, but also practice with the standards defined in this document. But despite these commitments, the Convention is directly applicable at the state level, at least should be<sup>2</sup>.

Until now, the state of BiH has been reporting to the CEDAW Committee on two occasions. The combined initial, first and second report, was submitted in 2006, and the third and fourth periodic report in July 2013<sup>3</sup>.

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<sup>2</sup> GUIDE FOR REPORTING OF NGOS TO: Committee for monitoring of the implementation of the Convention on the Rights of Persons with Disabilities (UN) and the Committee on the Elimination of Discrimination against Women (UN) (2013). Sarajevo: ICVA and Rights for All.

<sup>3</sup> The combined third and fourth report of the State of Bosnia and Herzegovina is available on the website of the Agency for Gender Equality of BiH: [http://arsbih.gov.ba/wp-content/uploads/2014/02/110531\\_CEDAW\\_BiH\\_FINAL.pdf](http://arsbih.gov.ba/wp-content/uploads/2014/02/110531_CEDAW_BiH_FINAL.pdf). Accessed on 9 April 2015.

About Committee

3

**T**he Convention on the Elimination of All Forms of Discrimination against Women, along with other international treaties of the United Nations in the field of human rights, makes fundamental human rights system of the United Nations, whose application is monitored by contractual boards or committees.

International monitoring mechanism for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women is the Committee (or the Board) on the elimination of discrimination against women.

The Committee monitors how the Convention is applied through the consideration of reports that the signatory countries are obliged to submit on the legislative, judicial, administrative and other measures that they have taken or adopted for the implementation of the Convention. The initial report is submitted by the State within a year after accession or ratification of the Convention, and thereafter they submit periodic reports every four years.

After considering the report, the Committee issues its observations, comments and recommendations that Signatory countries need to implement and report on progress in the next reporting period.

Although Concluding recommendations vary from country to country, they often contain some standard recommendations that urge states to widely distribute the Final Recommendations of the Committee, to involve national parliaments in the debate on the report and concluding recommendations, and to report on the implementation of other relevant international instruments of which particularly significant for the Committee are the Beijing Declaration and Platform for Action.

In addition to information from the state itself, the Committee receives information from the representatives of UN agencies and non-governmental organizations which monitor the position and rights of women at national level. They submit their “shadow reports” which indicate their view on (non)implementation of the Convention to the Committee.

The competence of the Committee includes also handling of the Optional Protocol. After all the procedures of protection in front of the local institutions had been used, the Committee shall receive and consider individual and group applications for violations of



the provisions of the Convention and can implement investigation procedure for systemic or severe violations of women's human rights.

*In 2003 the Committee started the first investigation procedure on the complaint of NGO Equality Now regarding the large number of unexplained disappearances, rapes and murders of women in Ciudad Juarez, Mexico, where, starting from 1993, more than 230 young women and girls who worked in the factories were killed, and the perpetrators were not identified. Given that Mexico ratified the Optional Protocol, the Committee had the authority to conduct investigations. Two members of the Committee visited the Signatory country, wrote a report and recommendations which were sent to Mexico in January 2004. Although Mexico pledged to take measures to shed light on the killings and disappearances, and although several people were arrested, disappearances and killings have not stopped.*

Radi boljeg razumjevanja i tumačenja pojedinih odredbi, Komitet je usvojio i 31 Opštu For a better understanding and interpretation of certain provisions, the Committee also adopted 31 general recommendations. In order to, in the example shown, clearly address the issue of violence against women, they adopted a General Recommendation No. 12 which requires Signatory countries to include in their reports information on the circumstances and all forms of violence against women, while General Recommendation

No. 19 presents the first "key" recommending that violence against women, whether it is performed by a civil servant or a private person, in public or private life, is clearly defined as sex discrimination and a violation of internationally guaranteed human rights. The last general recommendation number 31 refers to the prevention and elimination of harmful practices and procedures that are applied on women and girls (female genital mutilation, crimes committed "in the name of honor", forced marriages of children and polygamy), and represents the first joint general recommendation adopted by two UN oversight bodies to monitor the application of international conventions - Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child<sup>4</sup>.

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<sup>4</sup> For the first time two UN monitoring bodies have joined forces and issued a comprehensive interpretation of the obligations of states to prevent and eliminate harmful practices and procedures that are applied to women and girls. See: <http://reliefweb.int/report/world/joint-general-recommendation-general-comment-no-31-committee-elimination-discrimination>.

Summary of other so far adopted general recommendations can be found at: <https://www1.umn.edu/humanrts/gencomm/onwomen.htm>. Accessed on: 20th of April 2015.

Why is it  
important for NGOs  
to monitor the  
implementation of  
the Convention

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**M**onitoring the implementation of this Convention helps organizations justifiedly **assess** status of women, **determine** the extent to which the Convention applies and **propose** measures for the advancement of women.

To assess, determine and propose, it is necessary for organizations to develop tools for monitoring the implementation of the Convention, which mainly involves data collection, analysis and presentation.

The Convention itself is a "tool" that organizations can use to advocate for respect and protection of women's rights, to which they can refer, or on the basis of which they can denounce the government and ask them to take action for the advancement of women, where identified as necessary. Convention granted women international legal instrument in the fight against gender-based discrimination which is only powerfull if you get familiar with it and use it in your work<sup>5</sup>.

In order to facilitate the work of NGOs on the field, but also to include as many organizations in the monitoring process, we have prepared a guideline that provides clear guidance for monitoring implementation of the Convention and for reporting and raises a number of questions to be answered in the assessment of the legal and actual status of women when reporting under the Convention.

In addition the role of the Guideline is to promote knowledge and awareness on gender equality, to affect the implementation of the provisions of the Convention, to encourage effective dialogue between the institutional mechanisms for the implementation of gender policies, civil society organizations and the general public, and to serve as a reminder of the obligations which authorities, by ratifying the Convention and its Protocol took upon themselves, with the aim of eliminating all forms of discrimination against women.

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<sup>5</sup> Šimonović, Dubravka, ed. (2004). BRIEF guide through CEDAW - Convention for Elimination of All Forms of Discrimination against Women its application in the Republic of Croatia. Zagreb: Croatian Government Office for Gender equality.

In the Guideline we attach the table in which are presented:

- Recommendations (or requirements) of the Committee,
- Indicators which should show whether the State has met the requirements of the Committee,
- Sources (where and from whom we seek answers)
- Methods (how do we look for answers and information that we need in order to know whether the requirements are met or not).

Following the table any civil society organization can be involved in the process of monitoring and reporting on the implementation of the Concluding recommendations of the Committee for the elimination of discrimination against women. The experiences of women on the field and their testimonies are valuable sources, and often, speak louder than mere statistics.

We encourage you to use the Table and the Guideline, to follow and argument the violation or non-compliance with the provisions of the Convention and thus influence the international level to hear your voice, but also to combat discrimination and improve the actual situation of women on local and / or national level. In addition, in the last part of the Guideline we have given concrete examples of several methods that can be used to collect the necessary data that can illustrate the state of gender equality or discriminatory practices against women in certain areas.



Reporting

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**C**ommittee, which consists of 23 members of high moral character and competence, in order to be as efficient as possible, constantly considers the possibilities of improving reporting. They brought instructions for state on how and in what way they can make their reports, which have so far been revised several times.

The committee meets twice a year. At the sessions Signatory countries and of NGO present their reports. So, in addition to submitting written alternative or shadow report<sup>6</sup>, the Committee envisages the possibility of the oral presentation of reports by the representatives of NGOs. Committee greatly appreciates the assessments and views of non-governmental organizations, as in state reports, the problems are often either not mentioned or minimized and blur.

Non governmental reports assist the Committee to draw up a realistic recommendation, based on an objective assessment of the answers received, the arguments and description of the state that was presented by the state and representatives of NGOs.

Reporting to the Committee is not merely a procedural matter, but should serve as "a dynamic force for change in the Signatory country". While preparation of the report provides a review of domestic laws, policies and practices in order to determine the extent to which the standards of the Convention, so far reporting to the Committee has the following objectives<sup>7</sup>:

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<sup>6</sup> NGOs Report can be made in the form of so-called Shadow Report or Alternative report. Shadow Report is published and produced in response to a published state report, a Shadow Report should be submitted to the Committee before the government report was prepared and published and thus can serve as a kind of pressure on the government to draw up a report. See: A GUIDE FOR NON-GOVERNMENTAL ORGANIZATIONS REPORTING TO: Committee for monitoring the implementation of the Convention on the Rights of Persons with Disabilities (UN) and the Committee on the Elimination of Discrimination against Women (UN) (2013). Sarajevo: ICVA and Rights for All.

<sup>7</sup> Part of the objectives of the report is taken from the publication "Assessment of the status of women - Instructions for writing the report under the Convention on the Elimination of All Forms of Discrimination against Women," published by the UN in 2003. The publication can be downloaded at AWC: <http://www.womenngo.org.rs/images/CEDAW/uputstvovozapisanjecedawizvestaja.pdf>. Accessed on April 18, 2015.



- To achieve a comprehensive review of national legislation, administrative rules and procedures and practices;
- To ensure that Signatory countries regularly monitor the current situation by any particular provision of the Convention, so that they are aware of the extent to which various guaranteed rights can be enjoyed by all women;
- That the Signatory country provide the basis for the development of clearly defined and planned policies, which includes priorities in accordance with the provisions of the Convention;
- To authorize the public to control government policy and to encourage the involvement of different sectors of society in the formulation and review of these policies;
- To provide a basis, which will serve as a standard in relation to which the Signatory countries and the Committee will be able to assess the extent to which they progressed towards the realization of obligations under the Convention;
- To enable to Signatory countries to develop a better understanding of the problems and shortcomings encountered in the implementation of the objectives of the Convention;
- To enable the Committee and signatory countries as a whole, with exchange of information, development of a better understanding of common problems faced by the country, as well as a more complete appreciation of the types of measures that could be taken to promote the effective exercise of the obligations under the Convention.

And when it comes to instructions on how and in what form to write a report, it is necessary to follow the harmonized guidelines for the preparation of reports of Signatory countries of various international instruments which the United Nations hereby issues in 2006.

States that have ratified a UN convention are obliged to submit the report to bodies which monitor the implementation, which consists of two documents:

1. Common basic or key document (the common core document - CCD), which should include a review of the basic geographic, demographic, economic and political characteristics and circumstances in the Signatory country, but also, what is more important, describes the laws and policies relating to the protection of Human Rights and protection from discrimination. The common core document should reflect the image of what is being done to raise awareness of the public and the relevant authorities of the rights contained in the various instruments for the protection of human rights. This document is submitted to the Office of the High Commissioner for Human Rights and distributed to all UN treaty monitoring bodies when considering the report of the country concerned. By 2006, this document was not binding for the signatory countries.
2. The second document (the treaty-specific document) is a report concerning the implementation of exactly defined international conventions or treaties that the country has ratified.

This innovation enables CSOs to prepare their Shadow Report, in the form of a "common core document" (CCD), with an overview of the political and legal situation in relation to discrimination and respect for women's human rights to be submitted to all other supervisory bodies to monitor international human rights treaties. This enables lobbyists and women's human rights defenders to expand their influence, showing that they understand the responsibility of the government for the implementation of international instruments, to understand the purpose of international treaties and to clearly recognize gender discrimination and gender aspects of international agreements.

"The common core document in the shadow" NGOs can submit independently and without filing of a special report (the treaty-specific document) relating to the implementation of precisely defined international conventions or treaties that the country has ratified. CCD is submitted to the secretariat of the Office of the High Commissioner for Human Rights, and

should be submitted prior to the date for which the next review of the state is scheduled before any UN monitoring body<sup>8</sup>.

The most important change in the structure of "common core document" concerns the obligations of signatory countries to include information about the adopted or undertaken programs and measures relating to the prohibition of discrimination and promotion of equality in all aspects of social life<sup>9</sup>.

Changes in the structure of CCD give the possibility to NGOs to draw attention to discrimination against women in the framework of any international agreement that their country has ratified. In this context, non-governmental organizations in the common core document should illustrate what is done in the signatory country or is being done in order to eliminate discrimination against women, and to offer answers to the following questions that may arise:

- Is the principle of non-discrimination and gender equality built into the Constitution of the country and if not, whether the country has taken measures to correct it?
- Are the definitions of discrimination in domestic laws in accordance with the definition provided by the Convention? Does the definition include violence against women?
- Which formal laws or measures guarantee women equal rights to participation in public, political, economic and cultural life?

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<sup>8</sup> For example, if the reports of signatory countries is scheduled for examination of the CEDAW Committee in January 2016, and its report before the CERD Committee in August 2016, it is necessary to submit the "common core document in the shadow" prior to the examination of the CEDAW Committee, and then again before the examination of CERD Committee. See: <http://www1.umn.edu/humanrts/iwraw/CCDmanual-09.html>. Accessed on April 20, 2015

<sup>9</sup> Explanations were taken from the New guide for reporting under international human rights conventions, prepared by International Women's Rights Action Watch - IWRAP. IWRAP provides trainings and support for non-governmental organizations worldwide, in order to assist them in more quality and professional preparation and presentation of their shadow reports before CEDAW Committee. See: <http://www1.umn.edu/humanrts/iwraw/CCDguideline-09.html>

- Are there any laws, regulations or rules governing the behavior of official institutions, public bodies and public officials toward women?
- How many cases of discrimination based on sex has been before the courts a year? How were they resolved?
- Are the procedures for filing complaints of human rights violations or discrimination simple, accessible and quick?
- What stereotypes and negative attitudes towards women prevalent in society? What cultural or traditional practices contribute to the strengthening of those stereotypes and attitudes? What and how many laws and measures has government adopted to eliminate these stereotypes? Etc.

## 5.1 The supervisory bodies for monitoring of international human rights treaties

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The new harmonized guidelines on reporting, as noted, offer the possibility to countries and non-governmental organizations, to approach to all UN monitoring mechanisms through a "common core document".

There are 10 supervisory bodies to monitor the implementation of key international documents on the protection of human rights composed of independent experts who are elected, typically, every four years, and they are<sup>10</sup>:

1. The Committee for Human Rights - CCPR is responsible for monitoring the implementation of the Convention on Civil and Political Rights and its Optional Protocol
2. The Committee on Economic, Social and Cultural Rights - CESCR, monitors implementation of the Convention on Economic, Social and Cultural Rights

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<sup>10</sup> United Nations Human Rights. Monitoring the core international human rights treaties: <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx> . Accessed on April 20, 2015

3. The Committee on the Elimination of Racial Discrimination - CERD, is in charge of monitoring implementation of the Convention on the Elimination of All Forms of Racial Discrimination
4. The Committee on the Elimination of Discrimination against Women - CEDAW, is responsible for monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol
5. The Committee against Torture - CAT, monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment
6. The Committee on the Rights of the Child - CRC, is in charge of monitoring implementation of the Convention on the Rights of the Child and its Optional Protocol
7. The Committee on Migrant Workers - CMW monitors implementation of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
8. The Committee on the Rights of Persons with Disabilities - CRPD, is in charge of monitoring the implementation of the Convention on the Rights of Persons with Disabilities
9. The Committee on Enforced Disappearances - CED, monitors implementation of the Convention on the Protection of All Persons from Enforced Disappearance
10. Sub-Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - SPT, established pursuant to the Optional Protocol with a mandate to visit places of detention to prevent torture or other cruel, inhuman or degrading treatment or punishment.



Shadow report

6

The first Shadow Report on the state of women's human rights in Bosnia and Herzegovina was developed by NGOs, in cooperation with Global Rights, in 1999. 16 bosnian NGO's participated in the preparation of the second shadow report from 2004, and the last Alternative report with annex was presented before UN Committee for elimination of discrimination against woman in july 2013<sup>11</sup>.

In the last, Alternative report (2010), NGO's focused the analysis of the situation on the key recommendations of the CEDAW Committee in 2006, updating the data and findings from previous reports and analysis of specific positive aspects, difficulties and challenges in the protection and fulfillment of women's rights in practice. The report was specifically focused on the situation in the areas of employment, public and political life, violence against women and trafficking of women and the exercise of the rights of Roma women in BH. In annex to the Report (2013) the position and rights of women with disabilities, rural women and LBT women (lesbian, bisexual and transgender / transsexual women) in Bosnia and Herzegovina was further analyzed.

The state of Bosnia and Herzegovina should submit its next progress report on the implementation of Concluding comments and recommendations of the CEDAW Committee from 2013 in four years, ie 2017. In the meantime, BiH has an obligation to submit written information on the measures taken for implementation of the recommendations contained in paragraphs 10 (a) to (d) and 34 (a) to (h) to the Committee by the end of June 2015, which are related to women in post-conflict situations and the rights and position of women in employment.

Non-governmental organizations in Bosnia and Herzegovina have relatively sufficient time prepare their fourth Alternative report until the beginning of 2017 and demonstrate a commitment to consistent monitoring of the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women. It is an opportunity to get into track and report involving large number of organizations, in order to join forces, experience and specific knowledge that they have, to strengthen their capacity for monitoring international treaties, strengthen the credibility of the public and to ultimately put pressure on the authorities at all levels to the provisions of the Convention taken hold in practice.

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<sup>11</sup> Alternative Report with annex can be downloaded from:  
<http://www.civilsocietylibrary.org/CSL/634/Alternativni-izvjestaj-Dodatak-3-Alternativnom-izvjestaju-o-implimentaciji-CEDAW-konvencije-i-zenskim-ljudskim-pravima-u-Bosni-i-Hercegovini>.



Table

7

**T**he table <sup>12</sup> presents recommendations (or requirements) given by the Committee, the indicators should show whether the country has met the requirements of the Committee, sources (where and from whom we seek answers) and methods (how do we look for answers and information that we need in order to find out if we have met the requirements or not).

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<sup>12</sup> Sarajevo Open Centre, Foundation Lara, Bijeljina, Zdravo da ste, Banja Luka, Women to Women, Sarajevo, Rights for All, Sarajevo, Association Budućnost, Modriča, Organisation of women with disabilities IMPULS, Bijeljina, MyRight, Sarajevo, and the Helsinki Citizens' Assembly Banja Luka have actively participated in creation of table and indicators.

# Women in post-conflict

## The Committee recommends that the State party:

CEDAW Committee recommendations	Indicators	Sources	Methods
<i>10 (a) Speed up the implementation of the National War Crimes Strategy and increase the number of prosecutions of war crimes cases by allocating more financial resources and investigative capacities to address the large backlog of cases</i>	<ul style="list-style-type: none"> <li>- The average duration of the process</li> <li>- Number of resolved / adjudicated court cases</li> <li>- Trends in the amount of fines</li> </ul>	Reports and statistics of the courts and HJPC, reports and analysis of national and international non-governmental organizations monitoring the trials, analysis of the OSCE Mission, statements of women	consultations with victims, focus groups, interviews, data analysis
<i>10 (b) Amend all relevant Criminal Codes to include a definition of wartime sexual violence in line with international standards, including a specific definition of rape as a war crime and as a crime against humanity</i>	<ul style="list-style-type: none"> <li>- (Non) compliance with the definition of the criminal laws of sexual violence as war crimes and crimes against humanity</li> </ul>	Criminal law and criminal procedure, official gazette in which amendments / new Criminal code are (not) published	analysis of the law; monitoring of the work plan / agenda of Assembly sessions, committee
<i>10 (c) Expedite the adoption of pending draft laws and programmes designed to ensure effective access to justice for all women victims of wartime sexual violence, including adequate reparation</i>	<ul style="list-style-type: none"> <li>- Adopted Law on the rights of victims of torture, Program (s) for victims of sexual violence and Strategy of transitional justice;</li> <li>- Planned budgetary funds for financing the rights of victims</li> </ul>	Official gazettes, state and entity budgets, studies and research, report on the work of the BH Ministry for Human Rights and Refugees and other relevant ministries	analysis of the law enforcement and consultation with women victims of conflict, monitoring of the work plan / agenda of Assembly sessions, committees
<i>10 (d) Ensure the effective implementation of the new Law on Witness Protection Programme and establish sustainable and operational witness protection measures at district and cantonal levels</i>	<ul style="list-style-type: none"> <li>- Experience and the number of women who have gone through witness protection programs</li> </ul>	Law, statements of women	analysis of law enforcement and consultations with women, witnesses
<i>10 (e) Develop a comprehensive approach to improve the status and position of all women victims of the war, including by combating stigma attached to sexual violence, and expand the provision of compensation, support and rehabilitation measures and benefits</i>	<ul style="list-style-type: none"> <li>- Changes in laws,</li> <li>- Adoption of programs, measures and / or regulations for the support and rehabilitation of victims,</li> <li>- Availability of mechanisms of compensation to victims</li> <li>- Perception of women / their individual opinion on the approach to solving their problems</li> </ul>	Official gazettes, state and entity budgets, reports and statistics of the courts, reports and analysis of national and international non-governmental organizations, statements of women	consultations with women victims through focus groups or interviews, analysis of laws, programs, measures

# Action Plan for implementation of UN Resolution 1325

CEDAW Committee recommendations	Indicators	Sources	Methods
<p>12. <i>The Committee recommends that the State party ensure the full implementation of Security Council Resolution 1325 (2000) through the State party's Action Plan</i></p>	<p>- Implementation of the Action Plan, with emphasis on the involvement of women in the creation of laws / programs that affect their position</p>	<p>Reports of the Agency for Gender Equality and the Gender Centres of entities, Independent monitoring results (if they were made) and NGOs on the field</p>	<p>questionnaire for the Agency and gender centers, consultations with NGOs and field data collection</p>

## Constitutional and legislative framework

CEDAW Committee recommendations	Indicators	Sources	Methods
<p>14. <i>In light of the constitutional review process, the Committee recommends that the State party specifically incorporate in its new Constitution a definition of equality between women and men and a prohibition of direct and indirect discrimination against women in the public and private spheres</i></p>	<p>- Proposed and adopted gender-sensitive amendments to the Constitution</p>	<p>Records from meetings of the Parliamentary Assembly and the Parliamentary Committees, the reports of NGOs, official Gazette</p>	<p>collecting qualitative data on the process of amending the Constitution and the inclusion of women in the process (focus groups, interviews, consultations), Media Monitoring</p>

# Legal complaint mechanisms

## The Committee recommends that the State party:

CEDAW Committee recommendations	Indicators	Sources	Methods
<i>16 (a) Provide systematic and mandatory training to judges, prosecutors and lawyers on the Gender Equality Law and the Law on Prohibition of Discrimination, as well as on the Convention, its Optional Protocol and the Committee's general recommendations</i>	<ul style="list-style-type: none"> <li>- Number of mandatory trainings for judges and prosecutors</li> <li>- The representation of training on these laws and the Convention in the curricula of law schools</li> <li>- The number of judgments that have referred to the Convention</li> <li>- Representation of the CEDAW in the national examinations</li> </ul>	Centers for Education of Judges from RS and FBH, court statistics on Judgments, HJPC, the curricula of law schools, NGO reports	interviews with judges and prosecutors about the quality and impact of the trainings, the questionnaire for faculties and Civil Service Agency, interviews with teachers
<i>16 (b) Increase women's awareness of their rights and the available remedies</i>	<ul style="list-style-type: none"> <li>- Number of campaigns conducted by the State</li> <li>- Number of trainings on the availability of legal remedies</li> <li>- Awareness of women about their rights</li> <li>- The number of applications and / or complaints of violations of women's human rights submitted to the competent courts or Ombudsman</li> </ul>	The Agency for Gender Equality, the Gender Centres, the body for gender equality in the legislature, the Ombudsman (the number of cases of discrimination based on sex), trade unions, reports of NGOs and international organizations	analysis of funds from FIGAP, public opinion research, online surveys
<i>16 (c) Expedite the adoption of the Draft Law on Legal Aid aimed at unifying the provision of free legal aid in the State party</i>	<ul style="list-style-type: none"> <li>- Availability of free legal assistance / adopted law / and the Legal Aid</li> </ul>	The centers / offices / Cantonal Institutes for free legal aid, Legal Aid Office of Brčko District of Bosnia and Herzegovina, annual reports of centers for free legal aid, reports by NGOs that provide free legal aid, The network for the coordination of free legal aid BH, law / s	gender analysis of the Law on Legal Aid, the analysis of municipal decisions on legal aid through a random sample survey on the availability and quality of legal aid, the analysis of the reports of NGOs that provide free legal aid

# National machinery for the advancement of women

CEDAW Committee recommendations	Indicators	Sources	Methods
<p><i>18. The Committee calls on the State party to establish effective cooperation mechanisms between the gender equality bodies and the relevant ministries in order to increase gender mainstreaming in all areas and at all levels, including with regard to disadvantaged groups of women.... as well as to introduce effective monitoring and accountability mechanisms at all levels in the context of its system for gender mainstreaming, including sanctions for non-compliance.</i></p>	<ul style="list-style-type: none"> <li>- The existence of an effective mechanisms of supervision and accountability, including sanctions for non-compliance;</li> <li>- Established mechanism of cooperation / coordination</li> <li>- Gender Action Plan in compliance with the UN Convention on the Rights of Persons with Disabilities</li> <li>- Gender-sensitive budgets</li> </ul>	<p>Budgets, annual reports of gender centers and agencies, prosecutors' offices (if the investigation against authorities who had violated the Law on Gender Equality was ever opened)</p>	<p>analysis of the decision or the Rules of Parliament (how much money is allocated for the work of the Gender equality commissions and the composition of the Commission), the analysis of the efficiency of work and the impact of the Agency and of gender centers (can Ministry of Human Rights bring a solution that has the executive power during administrative proceedings); case studies, the report analysis of mechanisms for gender equality, analysis of the judgment (if any) for failure to fulfill obligations</p>

# Stereotypes

## The Committee urges the State party to:

CEDAW Committee recommendations	Indicators	Sources	Methods
<i>20 (a) Remove, as a matter of priority, gender stereotypes from educational textbooks and teaching materials</i>	- (non) existence of stereotypes in the current textbooks	Textbooks for primary and secondary schools and universities, reports and analysis of NGOs and other bodies which deal with the contents of textbooks from a gender perspective	analysis of textbooks, Questionnaire for pedagogical institutions on understanding of gender stereotypes
<i>20 (b) Disseminate the principles of non-discrimination and gender equality throughout the educational system, both formal and informal, with a view to enhancing a positive and non-stereotypic portrayal of women, by incorporating human rights and gender equality into training and educational materials and by providing training on women's rights to teaching staff</i>	<ul style="list-style-type: none"> <li>- The existence of training for teachers on gender equality (number and content of education)</li> <li>- Gender equality is an integral part of the curriculum at the Faculty of Education</li> </ul>	The programs of the ministry of Education and the Education and pedagogical institutes, NGO reports	analysis of the work program of educational pedagogical institutes and relevant ministries (there is a manual for teacher training on the rights of women, including women and vulnerable groups, how many permits has ministry issued for the implementation of various programs related to promoting the principle of gender equality and non-discrimination), questionnaires for schools (whether they have staff, plan and program for gender equality, in which way do they work on this topic within classes, how the subject of Democracy and Human Rights addresses the issue of gender stereotypes and stereotypes based on disability), consultations with the target groups

CEDAW Committee recommendations	Indicators	Sources	Methods
<p><i>20 (c) Develop a comprehensive wide-ranging strategy across all sectors, with pro-active and sustained measures, targeted at women and men, girls and boys, to overcome patriarchal and gender-based stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, in particular in areas where women are in the most disadvantaged position such as public and political life and employment</i></p>	<p>- Overall strategy to combat gender stereotypes</p>	<p>Action Plan for the implementation of Resolution 1325, the Gender Action Plan, a strategy for combating gender-based violence, Strategy for Combating Human Trafficking, codes of the Communications Regulatory Agency and the Press Council, Employment Strategy</p>	<p>analysis of the listed documents to determine whether they predict measures to combat gender stereotypes</p>
<p><i>20 (d) Intensify its cooperation with civil society and women's organizations, political parties, education professionals, the private sector and the media, and disseminate information to the general public and to specific audiences, such as decision-makers, employers, youth, and disadvantaged groups of women, on women's rights in the private and public spheres</i></p>	<p>- The level and quality of cooperation</p>	<p>Results of testing attitudes</p>	<p>examining the attitudes of organizations that have cooperated with the institutions on the type, the dynamics and the quality of cooperation, comparative analysis of previous research and analysis of the quality of cooperation between NGOs and state</p>



# Violence against women

## The Committee recommends that the State party:

CEDAW Committee recommendations	Indicators	Sources	Methods
<p>22 (a) Establish effective institutional mechanisms to coordinate, monitor and assess the effectiveness of the impact of the strategies developed and measures taken with a view to ensure the consistent application of the laws at all levels</p>	<ul style="list-style-type: none"> <li>- Harmonization of domestic legislation with the Convention CAHVIO</li> </ul>	<p>The laws, strategies, action plans to combat violence against women, strategies to combat violence against children, reports of non-governmental organizations working with domestic violence and victims of gender-based violence</p>	<p>analysis of the legal framework</p>
<p>22 (b) Encourage women to report incidents of domestic violence by destigmatizing victims and raising awareness about the criminal nature of such acts and intensify its efforts to ensure that all reported cases of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of the crime</p>	<ul style="list-style-type: none"> <li>- Number and positions of women who reported violence</li> <li>- Territorial distribution of reports of violence</li> <li>- Number of convictions for violence and the structure of the sanctions imposed</li> <li>- Number of reported cases of sexual violence (rape, etc.) and incest</li> <li>- Number of trainings for employees of subjects of protection on the necessity of ensuring maximum protection of victims and their privacy</li> </ul>	<p>The experience of non-governmental organizations, the experience of the safe houses, government reports, reports from courts</p>	<p>consultations and interviews with women victims of violence and organizations that work with victims</p> <p>case study (girl raped by her brother, who was stigmatized as family destroyer, will probably change her statement; what did the state do to help this girl whose brother started molesting her at age of 10)</p> <p>analysis of cases of domestic violence where members are women with disabilities</p>
<p>22 (c) Collect statistical data on domestic violence, including femicide, disaggregated by sex, age and relationship between victim and perpetrator, and undertake research on the extent of all forms of violence against women and its root causes</p>	<ul style="list-style-type: none"> <li>- Number and types of available records</li> <li>- Methodology of recording domestic violence</li> <li>- Unique database on violence against women</li> <li>- Existence of regulations on records</li> <li>- Collection of data, including femicide</li> <li>- Conducted research on all forms of violence, including research on the root and causes of violence</li> </ul>	<p>Agency and gender centers, ministries, departments of public health, the Institute of Public Health of the RS statistical institutes</p>	<p>analysis of data obtained from sources</p>

CEDAW Committee recommendations	Indicators	Sources	Methods
<p>22 (d) Provide mandatory training for judges, lawyers and law enforcement officers on the uniform application of the existing legal framework, including on the definition of domestic violence and on gender stereotypes</p>	<ul style="list-style-type: none"> <li>- Number of trainings for judges and prosecutors (whether training covered judges of the higher courts - District, senior, supreme, etc.),</li> <li>- Number of trainings for police officers and lawyers on the existing legal framework</li> </ul>	<p>Police Academy programs, programs of the Centers for education of judges and prosecutors, the Chamber of Advocates (if they have any training concerning the procedure in cases of domestic violence), the interior ministry, reports data from NGOs and associations of policewomen</p>	<p>questionnaire</p>
<p>22 (e) Provide adequate assistance, protection and rehabilitation to women victims of all forms of violence, including by strengthening the capacity of existing shelters and by enhancing cooperation with and funding for NGOs providing shelter and rehabilitation to victims</p>	<ul style="list-style-type: none"> <li>- The state of capacities of the existing shelters</li> <li>- Resources and continuity in financing of NGOs which have safe houses,</li> <li>- The number of victims placed in shelters (under the decision, and no decision)</li> <li>- The availability of rehabilitation of victims of violence</li> <li>- Number of protective measures for perpetrators of violence</li> <li>- Adjustment of safe houses for women with disabilities (physical accessibility, personal assistance)</li> </ul>	<p>Regulations on financing and standards of safe houses, reports of non-governmental organizations which have shelters, reports of the Centers for social work and mental health centers, existing research of NGOs, Regulations for the construction of facilities and provision of physical accessibility for unhindered movement of persons with disabilities, the entity laws on protection from domestic violence, the Protocols of the actions and cooperation between competent authorities on the protection of victims of domestic violence (in the communities in which they are signed), the Ordinance on the implementation of Mandatory psychosocial treatment</p>	<p>consultation with victims and employees of shelters, analysis of regulations (whether facilities are adjusted to women with disabilities, and if not whether they planned resources for adaptation and adjustment of safe houses to women with disabilities), consultations with representatives of relevant ministries, centers for social work and courts, analysis of protective measures for the perpetrators of violence</p> <p>EXAMPLE: 300 perpetrators of violence had passed without sanctions, because the prosecution has refused to deal with the cases in misdemeanor proceedings, the prosecution submitted the proposal for constitutionality and legality of the Constitutional Court of the Republic of Srpska to review the constitutionality of the Law on protection from domestic violence from the aspect of their obligation to act in misdemeanor proceedings</p>

# Trafficking and exploitation of prostitution

## The Committee recommends that the State party:

CEDAW Committee recommendations	Indicators	Sources	Methods
<i>24 (a) Amend the Criminal Codes of both Entities and of Brcko District to harmonize them with the relevant provisions of the Criminal Code of Bosnia and Herzegovina in order to ensure that acts of trafficking are adequately prosecuted</i>	- Harmonization of laws	laws, official gazette in which the amendments / new CC are (not) published	analysis of the harmonization of laws, monitoring of the work plan / agenda of session of the Assembly, Board ...
<i>24 (b) Ensure the effective implementation of the new legislative framework and the timely prosecution and punishment of traffickers, as well as review its sentencing policy in trafficking cases</i>	<ul style="list-style-type: none"> <li>- Number of investigations initiated,</li> <li>- Number and type of sanctions imposed,</li> <li>- Number of identified victims,</li> <li>- Experience of organizations working with victims</li> </ul>	Ministry of Security; Strategy and Action Plan to combat human trafficking, the reports of the Task Force for combating human trafficking, the US State Department report, the report of GRETA, courts, the report of NGOs involved in the fight against human trafficking	analysis of documents, consultations with the organizations working in this field
<i>24 (c) Provide mandatory and gender sensitive training for judges, prosecutors, police officers and other law enforcement officers on applicable legal provisions, including regulations on the protection of witnesses of trafficking</i>	- Number of mandatory trainings for judges, prosecutors and other officials	Programs of the training centers for judges and prosecutors, police academy programs	analysis of programs, consultations with law enforcement officers, questionnaire
<i>24 (d) Strengthen mechanisms aimed at early identification and referral of victims of trafficking, with a special focus on Roma and IDP women, as well as preventive measures such as raising awareness on the risks of trafficking for disadvantaged groups of women</i>	- Number and types of preventive measures taken to familiarize vulnerable groups of women with the risks and the phenomenon of human trafficking	SIPA, the Ministry of Security, Agency and gender centers, reports of local and international organizations	questionnaire
<i>24 (e) Ensure adequate funding for anti-trafficking activities undertaken by non-governmental organizations</i>	- Amount and dynamics of financial allocations for non-governmental organizations fighting against human trafficking	Budgets, reports of NGOs	analysis of budget expenditures of relevant authorities

# Sexual exploitation / prostitution

## The Committee calls on the State party to:

CEDAW Committee recommendations	Indicators	Sources	Methods
<p><i>26 (a) Amend its legislation to ensure that women victims of prostitution are no longer punished by a fine, ensure the investigation, prosecution and punishment of those who exploit prostitution, and take measures to discourage the demand for prostitution</i></p>	<ul style="list-style-type: none"> <li>- Changes to the law on public order and peace (is punishment of prostitution as a misdemeanor expelled)</li> <li>- Number of convictions for the perpetrators / organizers of prostitution</li> <li>- Number and type of measures taken to prevent the demand for prostitution</li> </ul>	<p>The law on public order and peace, court statistics, statistical institutes, the report of PROI, official gazette in which amendments / new Law on Public Peace and Order are (not) published</p>	<p>analysis of the law; monitoring of the work plan / agenda of session of Assembly, committee ...</p>
<p><i>26 (b) Pursue a comprehensive approach to addressing the exploitation of prostitution, including by developing strategies to support and provide rehabilitation for women who wish to leave prostitution, and provide, in its next periodic report, comprehensive information and data on the prevalence of exploitation of prostitution</i></p>	<ul style="list-style-type: none"> <li>- (non) existence of a system for the rehabilitation of women who leave prostitution</li> <li>- Report on the situation of this target group of women</li> </ul>	<p>Laws, centers for social work and mental health centers, NGOs</p>	<p>analysis of laws and regulations, questionnaire for NGOs, earlier analysis</p>

# Participation in political and public life

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

CEDAW Committee recommendations	Indicators	Sources	Methods
<p><i>28 (a) Develop effective mechanisms for the application of quotas in order to increase women's political representation, by placing women in winnable positions and establishing benchmarks with a concrete timetable and sanctions for noncompliance</i></p>	<ul style="list-style-type: none"> <li>- Harmonization of laws and regulations with the Law on Gender Equality (40%)</li> <li>- The application of sanctions for non-compliance</li> <li>- Number of administrative cases and complaints on this basis</li> <li>- Trends concerning the representation of women in the last 20 years</li> </ul>	<p>BiH Election Law, the Law on Financing of Political Parties, the Law on Ministerial and Government Appointments, the law on public administration, research on women's participation in the electoral process, composition of the Council of local communities; Reports and analysis of NGOs</p>	<p>consultations with women who have been in the electoral process, the analysis of the Law on financing political parties of Bosnia and Herzegovina, the Law on Political Parties, Law on political organizations, the analysis of the statute of political parties and the instructions concerning the conduct of elections for the advisory boards of the local community</p>
<p><i>28 (b) Introduce procedures to ensure the implementation of article 20 of the Gender Equality Law at the State, Entity, district and municipal levels to promote, inter alia, the participation of Roma women and rural women in elected office and appointed bodies; and promote women in leadership positions in the executive branch and in the public service, through the use of temporary special measures where appropriate</i></p>	<ul style="list-style-type: none"> <li>- Roma women and rural women in decision-making</li> <li>- The number of women in management positions in the executive power</li> </ul>	<p>Reports of gender mechanisms and non-governmental organizations, institutes for statistics</p>	<p>analysis of reports</p>
<p><i>28 (c) Increase its efforts to provide training and capacity-building for women to enter public office and enhance awareness-raising campaigns on the importance of women's full and equal participation in political and public life, including activities targeting leaders of political parties</i></p>	<ul style="list-style-type: none"> <li>- Number of trainings conducted by the Agency and gender centers or other public authorities</li> <li>- Number of heads of political parties included in education and campaigns</li> </ul>	<p>Reports of state authorities, agencies, gender centers, political parties</p>	<p>questionnaire; consultations with women</p>

CEDAW Committee recommendations	Indicators	Sources	Methods
<i>28 (d) Continue providing incentives for political parties to nominate equal numbers of women and men as candidates, and harmonize their statutes with the Gender Equality Law</i>	- Number of political parties that complied statutes with the Gender Equality Law and appointed an equal number of women and men as candidates	Statistics of Electoral Commission, the statutes of political parties	analysis of election lists and statutes
<i>28 (e) Encourage the media to ensure that female and male candidates receive equal visibility, especially during pre-election campaigns, including by fully implementing the relevant provisions of the Law on Public Broadcasting Service regarding equal appearance and representation of both men and women in programming content and programming policy</i>	- The existence of provisions on gender equality in the Law on Public Service	The Law on Public Service, reports with the results of the monitoring of the media during election campaigns	monitoring of public services

# Nationality

## The Committee calls on the State party to:

CEDAW Committee recommendations	Indicators	Sources	Methods
<p><i>30 (a) Ensure that all children born on the territory of the State party, in particular Roma children, are registered at birth, as a means of preventing statelessness and to ensure their access to education, social services, health care and citizenship, and develop measures to identify unregistered children and ensure that they are provided with personal documents</i></p>	<ul style="list-style-type: none"> <li>- Adjusted entry into civil registration for this sensitive category of children</li> <li>- Existence of a system for identification of unregistered children</li> </ul>	<p>Laws and regulations Social work centers Civil Registry The Ministry of Human Rights and Refugees Domestic and foreign NGOs that have had activity in this area (UNICEF, UNHCR, Your rights, some Roma organizations, etc ...)</p>	<p>analysis of regulations for entries into civil registration, earlier analysis (reports on the state of children's rights), consultations with women (eg. with Roma women) on the existing obstacles</p>
<p><i>30 (b) Strengthen its public awareness-raising campaigns to ensure that Roma women are aware of the importance of birth registration and of the procedural requirements to obtain certificates, and ensure their access to registration services and procedures</i></p>	<ul style="list-style-type: none"> <li>- Existence and quality of campaigns to raise awareness about the importance of birth registration of children</li> </ul>	<p>The Ministry of Human Rights and Refugees Report on the implementation of the Action Plan for Roma NGO</p>	<p>analysis of reports, questionnaires</p>

# Education

## The Committee recommends that the State party:

CEDAW Committee recommendations	Indicators	Sources	Methods
32 (a) Further encourage young women to choose non-traditional fields of study and professions and implement programmes aimed at counselling boys and girls on educational choices	<ul style="list-style-type: none"> <li>- Number of initiatives and programs of counseling on career choice for girls and boys</li> </ul>	Statistics on registered, Pedagogical Institutes, the Ministry of Education and Culture, bureaus of statistics, bureaus of employment	questionnaire for institutes and ministries (if they have occupational therapy programs, and how to motivate girls _ to choose non-traditional fields of study and professions)
32 (b) Implement the recommendations developed by the Federation Ministry of Education, in collaboration with the Education Ministers in the Federation, with a view to eliminating the mono-ethnic school system	<ul style="list-style-type: none"> <li>- Status / implementation of recommendations of the Ministry of Education of the Federation on the Elimination of mono-ethnic schools</li> </ul>	The Ministry of Education of the Federation, reports of NGOs	analysis of existing reports, questionnaires
32 (c) Promote access of Roma girls to education and their retention at all levels of education, by raising awareness on the importance of education as a human right and as the basis for the empowerment of women, and strengthen the implementation of re-entry policies enabling Roma girls who drop out to return to school	<ul style="list-style-type: none"> <li>- The number of campaigns conducted</li> <li>- Conducted measures from the Action Plan for Roma</li> <li>- Number of enrolled Roma girls and number of those leaving education</li> </ul>	Report on the implementation of the Action Plan for Roma, Statistics on registration, census, NGO reports, including Roma NGOs	analysis of reports, consultations with NGOs that work on improving the situation of Roma women



# Employment

## The Committee urges the State party to:

CEDAW Committee recommendations	Indicators	Sources	Methods
<p><i>34 (a) Adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, aimed at achieving de facto equal opportunities for women and men in the labour market, including disadvantaged groups of women, and establish special training programmes and counselling for different groups of unemployed women, including by promoting women's entrepreneurship</i></p>	<ul style="list-style-type: none"> <li>- The adoption of temporary special measures</li> <li>- Training programs for different groups of unemployed women</li> </ul>	<p>Employment strategy, work programs of Employment Service, Ministry of Agriculture, Ministry of economy / trade, the Law on Employment Mediation, programs of the agencies for development of small and medium-sized enterprises, chambers of commerce, bureaus of statistics, guarantee funds</p>	<p>analysis of laws and regulations, surveys of employment agencies (which training programs they have for unemployed women, which affirmative measures they implement to increase the rate of employed women), questionnaires for Agency for Small and Medium Enterprises (how funds are allocated for the promotion of female entrepreneurship, number and amount of incentives)</p> <p>Analysis of reports by NGOs that through its program activities deal with social entrepreneurship as a form of possible ways to achieve the income of vulnerable groups of women (women with disabilities)</p>
<p><i>34 (b) Take effective measures to integrate disadvantaged groups of women and women working in the "grey economy" in the formal labour market</i></p>	<ul style="list-style-type: none"> <li>- Existence of measures to deal with the integration of vulnerable groups of women in the labor market</li> </ul>	<p>Laws on entrepreneurial activities, the legal framework concerning self-employment, labor inspection</p>	<p>analysis of relevant laws</p>
<p><i>34 (c) Closely monitor the working conditions of women in the informal sector and those employed with temporary contracts, by strengthening labour inspections, and ensure their access to social services and social security, and consider ratifying ILO Convention No. 189 (2011) concerning decent work for domestic workers</i></p>	<ul style="list-style-type: none"> <li>- Existence of a mechanism for monitoring the working conditions in the informal sector</li> <li>- Status of employees with fixed-term contracts is the same as employees for an indefinite period</li> </ul>	<p>Labor laws, records of the number of contracts issued / signed with domestic workers, labor inspection reports, research dealing with gender differences in income</p>	<p>analysis of relevant laws, regulations and reports</p>

CEDAW Committee recommendations	Indicators	Sources	Methods
<i>34 (d) Adopt effective measures, including temporary special measures, to eliminate occupational segregation both horizontal and vertical, based on stereotypes related to gender</i>	<ul style="list-style-type: none"> <li>- Adopted measures to eliminate gender segregation in professions</li> </ul>		
<i>34 (e) Develop a confidential and safe system for filing complaints related to gender-based discrimination and sexual harassment at the workplace, and ensure that victims have effective access to such means of redress</i>	<ul style="list-style-type: none"> <li>- Efficient system for filing complaints</li> <li>- Level of awareness of women and availability of legal aid</li> </ul>	Laws, information services for legal assistance (trade unions, NGOs, other services), court statistics	public opinion research, consultation / interviews with women who have filed complaints of discrimination, monitoring media coverage of these cases
<i>34 (f) Enhance the availability and affordability of childcare facilities to help women exercise their right to work in order to increase women's access to the labour market</i>	<ul style="list-style-type: none"> <li>- Degree of coverage of children in kindergartens</li> <li>- Availability of and criteria for enrollment of children in kindergartens</li> </ul>	Statistics of preschool institutes, reports on the implementation of children's rights and the report of Committee for Protection of the rights of children, the statistics on the coverage of children in kindergartens, reports of the Ombudsman, the framework law on pre-school education	analysis of reports and statistical data
<i>34 (g) Ensure that the implementation of the framework law regulating the social sector results in the harmonisation of pregnancy and maternity protection in the State party in order to guarantee paid maternity leave for all women</i>	<ul style="list-style-type: none"> <li>- The existence of a framework law that regulates the social sector</li> <li>- Implementation of laws governing the protection of pregnant women and mothers at lower levels</li> <li>- Funds for financing the maternity leave</li> </ul>	Laws, relevant ministries, public budgets, reports of governmental authorities and NGOs	consultations with women, case studies - layoffs to pregnant women
<i>34 (h) Conduct awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities between women and men and provide incentives to encourage men's active participation in such responsibilities, e.g. by introducing special non-transferable paternity leave</i>	<ul style="list-style-type: none"> <li>- The number of fathers who have used the right to maternity leave</li> <li>- The number of campaigns that promote sharing of family tasks and responsibilities</li> </ul>	Family law, labor laws, funds for child protection, statistics, reports of the Agency and gender centers, NGOs reports	analysis of laws and reports

## The Committee recommends that the State party:

CEDAW Committee recommendations	Indicators	Sources	Methods
<p><i>36 (a) Intensify its efforts to harmonise its health care system and to integrate a gender perspective into all health sector programmes and reforms, in order to ensure that women, including disadvantaged groups of women, have equal access to health care services and adequate health insurance coverage throughout the State party</i></p>	<ul style="list-style-type: none"> <li>- The number of gender sensitive normative acts regulating the health care system</li> </ul>	<p>Laws, acts and regulations in the field of health care, reports of international organizations (WHO, UNFPA, UNDP) and NGOs</p>	<p>analysis of normative acts, analysis of rights of persons insured by health care</p>
<p><i>36 (b) Raise awareness of and enhance effective access to affordable modern contraceptive methods, including in rural areas, so that women and men can make informed choices about the number and spacing of children</i></p>	<ul style="list-style-type: none"> <li>- The level of awareness of sexual and reproductive health</li> <li>- Data on the use and cost of modern methods of contraception</li> <li>- The number of abortions</li> <li>- The number of teenage pregnancies</li> <li>- The number of HIV positive</li> <li>- The accessibility of services and counseling for reproductive health and women with disabilities</li> </ul>	<p>Laws and regulations in the field of health, the law on evidence in the field of health care, funds for public health, statistical institutes, Gynecology and Obstetrics Clinic, relevant Ministries, reports of local and international organizations</p>	<p>surveys, consultations with medical professionals, consultations with women</p>
<p><i>36 (c) Introduce age-appropriate education on sexual and reproductive health and rights in the school curricula, including issues of gender relations and responsible sexual behavior with the aim of preventing early pregnancies and the transmission of sexually transmitted diseases, including HIV</i></p>	<ul style="list-style-type: none"> <li>- Established education on sexual and reproductive health in school curricula</li> </ul>	<p>Curricula, pedagogical institutes, ministries of education and culture, reports and analysis of non-governmental organizations</p>	<p>the questionnaire for Relevant Ministries and pedagogical institutes, the questionnaire for schools</p>

**CEDAW Committee  
recommendations****Indicators****Sources****Methods**

*36 (d) Undertake systematic gender impact assessments of current strategies and policies and include such information in its next periodic report*

- Gender impact assessment done on the current health strategy and policy

Relevant Ministries, the Agency and gender centers, reports of non-governmental and international organizations

analysis of current strategies and policies, whether they recognized the specific needs of women and men

# Disadvantaged groups of women

CEDAW Committee recommendations	Indicators	Sources	Methods
<p>38. <i>The Committee calls upon the State party to take effective measures to eliminate discrimination against Roma women, internally displaced women and minority returnee women, rural women, older women and women with disabilities, particularly in the areas of education, health, employment and in political and public life, by developing targeted strategies, including temporary special measures to increase equality in those areas. The Committee also recommends that the State party increase its cooperation with civil society organisations in this regard and requests that it include detailed disaggregated data and information on the situation of disadvantaged groups of women in its next periodic report.</i></p>	<ul style="list-style-type: none"> <li>- Systematized information on the position and forms of discrimination of different groups of women at risk (Roma women, disabled women, rural women, LBT women, returnees and displaced women, older women)</li> <li>- The type of measures taken to reduce or abolish discrimination against vulnerable women:</li> <li>- The number of adopted strategies at all levels of government to encourage and promote the participation of women with disabilities in key areas of education, health, employment and political and public life</li> <li>- The number of programs that have been initiated and funded by various levels of government and relevant authorities in order to prevent stigmatization and all forms of violence against girls, young women and women with disabilities</li> <li>- The number of women with disabilities and other vulnerable groups have representatives at different levels</li> <li>- The number of concrete steps to make the relevant authorities to facilitate access to health services for sexual and reproductive health of women with disabilities</li> </ul>	<p>the strategy of social inclusion of women, the census, report on the implementation of the Action Plan on improving the situation of women in rural areas, rural development strategies, reports and statistics of relevant levels of government, ministries, pedagogical institutes, NGO reports (My right, CRS, Caritas, CARE, Roma associations , etc.), the Strategy for improving the social status of persons with disabilities in RS and the Federation of Bosnia and Herzegovina, information about employees of various executive and legislative bodies</p>	<p>consultations with affected groups, tracking statistics, analysis of laws and policies, quantitative and qualitative analysis of social inclusion policies, analysis of the minutes of the meetings of the various bodies; case studies</p>
	<p><b>NOTE:</b> next report should include information about the position of women affected by the floods</p>		

# Marriage and family relations

## CEDAW Committee recommendations

*40. The Committee recommends that the State party develop comprehensive measures to combat the practice of early marriage and to raise awareness among Roma communities about the legal prohibition of child marriages, as well as on their negative effects on girls' health and completion of education, notably by establishing cooperation with community leaders.*

## Indicators

- The existence of measures to combat the practice of early marriages
- Number of campaigns / programs to raise public awareness in order to combat the practice of early marriages

**NOTE:** Given that Family law, except marriage, regulates the issues of divorce and custody of children, the report should include the status of single mothers who are not recognized by law and who are faced with specific problem of the inability to collect alimony. It is necessary to examine the status of mothers with disabilities, who are faced with divorce if become disabled later in marriage.

## Sources

The report on the implementation of the action plan for the Roma, the competent authorities (SIPA and social welfare centers), a report on the Rights of the Child, a special report of the Ombudsman on taxes, the report on the implementation of the Lanzarote Convention

## Methods

analysis of family law (how much are family law sources of prejudice and discriminatory practices)  
consultation with associations of single parents (increase in the number of associations, the number of children whose parents do not participate in their raising, alimony fund, etc.).

# Data collection and analysis

CEDAW Committee recommendations	Indicators	Sources	Methods
<i>42. The Committee urges the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, as required by Article 22 of the Law on Gender Equality, including with respect to disadvantaged groups of women, in order to assess the progress toward de facto equality, the impact of measures taken and the results achieved. The Committee also calls on the State party to ensure all relevant bodies to strictly comply with Article 22 and requests that such data be included in its next periodic report.</i>	- Number of state, entity, local reports in which the information are disaggregated by sex and on other grounds (women with disabilities, Roma, etc.).	Local government	random sampling - choose several municipalities and check whether they classified information by gender

# Beijing Declaration and Platform for Action

## CEDAW Committee recommendations

*43. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.*

## Indicators

- Level of knowledge / awareness on the existence of the Beijing Declaration and Plan for Action
- In each field see what was outlined in the Beijing platform that needs to be done "by governments, regional organizations, the United Nations, other international organizations, research institutions, women's and youth organizations and non-governmental organizations, as appropriate ..."

**NOTE:** This is a recommendation that should be taken as a reminder of the Beijing Declaration with platform as a tool that state can use from de jure to de facto to enable the enjoyment of rights that CEDAW provides, including the protection of rights and compensation, and not as a separate recommendation

## Sources

Relevant provisions of the Platform for Action in "each of the critical areas of concern" - depending on the field - used as a tool for each of the above listed recommendations

## Methods

questionnaire and / or consultations with women's and other actors at local and other levels



# Dissemination

<b>CEDAW Committee recommendations</b>	<b>Indicators</b>	<b>Sources</b>	<b>Methods</b>
<p>44. <i>The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. It urges the State party to give priority attention to the implementation of the present Concluding Observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliamentary Assembly and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its Concluding Observations be disseminated in an appropriate form at the local community level, to enable their implementation.</i></p>	<ul style="list-style-type: none"> <li>- Visibility of comments and recommendations of the policies and strategies at all levels</li> <li>- Number of articles / stories on the comments and recommendations of the CEDAW in various media</li> <li>- Number of meetings of the government (at all levels) devoted to the comments and recommendations of the CEDAW Committee</li> <li>- Number of assembly sessions with presented comments and recommendations of the CEDAW Committee</li> </ul>	<p>Agency and gender centers, minutes of the meetings of the government and parliament, NGO reports</p>	<p>The questionnaires for the representatives of government at all levels and civil society organizations, GAP analysis and the Action Plan for the implementation of resolution 1325 (from the standpoint of compliance with the comments and recommendations of the CEDAW Committee)</p>



Methods

8

**I**n order to facilitate the work of organizations on the field in the Guideline we described several methods that can also be used to reach the necessary data or information.

In addition to interviews, online surveys, polls or through a representative sample of the content analysis, for information and data collection, may also be used the possibility of organizing focus groups and sending questionnaires and requests to public authorities for providing information.

### **Making requests to public authorities for providing information**

The request may be made to any public authority in BiH, and under the public authority we refer to the executive, legislative judicial authorities, any other administrative organs, the legal entity that is owned or controlled by a public body and the body that performs a public function appointed or established by law.

The request may be submitted by any natural or legal person, and it can be indicated on the basis of:

- Law on Free Access to Information in Bosnia and Herzegovina (BiH FOIA) as amended and published in the BH Official Gazette No. 28/00, 45 / 06,1002 / 09, 62/11;
- Law on Free Access to Information in the Federation of Bosnia and Herzegovina (FBH FOIA) as amended and published in the Official Gazette of the FBiH No. 32/01 and 48/11;
- Law on Free Access to Information in the Republic of Srpska (RS FOIA) which was published in the RS Official Gazette No. 20/01.

The request is to be submitted in written form in one of the official languages in use in Bosnia and Herzegovina. The request shall be submitted to the authority from whom information is requested, personally or by mail. Some public authorities have already prepared blank requirements, so it is necessary to go to their website, download and fill such a request and submit it in person or by mail.

The request does not have to explain why the information is requested, but it is mandatory to write the full name of the body to which the application is submitted, the full name and address of the legal or natural person requesting the information and sufficient information on the nature and / or the content of the information requested.

The deadline for submitting information is 15 days <sup>13</sup>.

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<sup>13</sup> Taken from web page of Aarhus centers network in Bosnia and Herzegovina:  
<http://www.aarhus.ba/resursi-za-akcije/pravna-pitanja-i-pomoc.html>

# EXAMPLE OF APPLICATION

## Place and time

To: **Name of the public authority to which the request for access to information is being sent**

Center for Education of Judges and Prosecutors in the Federation of Bosnia and Herzegovina  
Street Halida Nazečića 4  
71000 Sarajevo

## Subject: REQUEST FOR ACCESS TO INFORMATION

Dear Sir / Madam,

please tell us, in accordance with the Law on Free Access to Information in the Federation of BiH (FBiH Official Gazette, 32/01 and 48/11), the following information:

1. Is the training on the UN Convention on the Elimination of All Forms of Discrimination against Women integral part of the work program of the Centre?
2. If yes, please give us an answer:
  - 2.1. How many times a year is this training organized ?
  - 2.2. How many judges and prosecutors since the establishment of the Centre by the end of 2014. were trained on the application of the Convention on the Elimination of All Forms of Discrimination against Women in Bosnia and Herzegovina?
  - 2.3. Who were the teachers and educators in these trainings?
  - 2.4. Do you know whether the judges or prosecutors, after the training, directly referred to the Convention in their work?
3. Is the training on the Law on Gender Equality of BiH integral part of the work program of the Centre?
4. If yes, please answer:
  - 4.1. How many times a year you provide training on the Law on Gender Equality in Bosnia and Herzegovina?
  - 4.2. How many judges and prosecutors of the establishment of the Centre by the end of 2014 passed education or training on the application of the Law on Gender Equality?
  - 4.3 Who were the teachers and educators in these trainings?
  - 4.4. Do you know whether the judges or prosecutors, after the training, in their work appealed to this law??

Respectfully,

**NAME OF APPLICANT**

**ADDRESS**

**CONTACT DETAILS**

## QUESTIONNAIRE FOR ELEMENTARY SCHOOLS <sup>14</sup>

1. Is the teaching of equality enshrined in the curriculum?
2. Has the teaching staff passed any kind of education or additional training on gender equality and combating gender stereotypes?
3. How is this issue dealt with in the framework of school classes?
4. Are you aware of the extent to which gender stereotypes (such as describing a woman as a secretary, a nurse and mother, not the director, lawyer or entrepreneur), are present in textbooks which teach children? To what extent are women present as writers / authors, to what the male? Are you aware of any measures or recommendations for expulsion of gender stereotypes from textbooks?
5. Is education about sexual and reproductive health an integral part of school curricula?
6. Do girls and boys participate equally in all school and extra-curricular activities - sport, sessions, prepare school performances, competitions?
7. Is there a statistics at the school level or individual departments on the participation of mothers and fathers to parent-teacher meetings? How many percents of mothers and fathers come to parent meetings or information?
8. Were there any cases of discrimination based on sex or sexual orientation in your school? If so, please list them and describe.
9. How is your school open for cooperation with civil society organizations that fight for the protection of women's human rights? Specifically, did you cooperated with some of them and if so, how?

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<sup>14</sup> The questionnaire in the form of requests for information may be submitted to every primary school individually in a particular local community. The questions listed in the questionnaire are not final and may be modified, added or changed according to the situation and context.

## Guide with questions

### FOR THE FOCUS GROUP WITH WOMEN, RESIDENTS OF SAFE HOUSES

1. Did you know about the existence of safe houses for women and children victims of violence? How were you placed in a safe house?
2. How much were the information on free SOS line for women and children victims of violence and the organizations or institutions that provide legal assistance to women available to you?
3. Do you know that the laws in our country govern the issue of domestic violence?
4. Do you have confidence in the laws and institutions that implement these laws? What is your experience?
5. How satisfied are you with the services you are receiving in the safe house?
6. Do you know the limitations of stay and do you have a choice or a plan where will you go after you leave the safe house?
7. What would you do if \_ a friend confides to be a victim of violence? What would you advise her?
8. How much, in your opinion, is the violence against women present?
9. What would you change in the laws and practices in order to ensure prompt and adequate protection of victims and their right to live without violence??



# Appendix - Concluding Comments and Recommendations of the CEDAW Committee



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

25 July 2013  
Distr.: General

Original: English

ADVANCE UNEDITED VERSION

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

**Concluding observations on the combined fourth and  
fifth periodic reports of Bosnia and Herzegovina<sup>1\*</sup>**

1. The Committee considered the combined fourth and fifth periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/4-5) at its 1146th and 1147th meetings, on 19 July 2013 (CEDAW/C/SR. 1146 and 1147). The Committee's list of issues and questions is contained in CEDAW/C/BIH/Q/4-5 and the responses of the Government of Bosnia and Herzegovina are contained in CEDAW/C/BIH/Q/4-5/Add.1.

**A. Introduction**

2. The Committee expresses its appreciation to the State party for its detailed combined fourth and fifth periodic report, its written replies to the list of issues and questions raised by the Committee's pre-sessional working group, and the responses to the questions posed orally by the Committee.
3. The Committee thanks the State party for its delegation, which was headed by Ms Samra Filipovic-Hadziabdic, Head of the Agency for Gender Equality of Bosnia and Herzegovina, and included the Permanent Representative of Bosnia and Herzegovina to the United Nations in Geneva, as well as representatives of the Agency for Gender Equality, the Ministry for Human Rights and Refugees, the Gender Centres of the Republika Srpska and the Federation of Bosnia and Herzegovina, and the Parliamentary Assembly of Bosnia and Herzegovina and of the Permanent Mission. The Committee appreciates the dialogue that took place between the delegation and the members of the Committee.

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<sup>1</sup> Adopted by the Committee at its fifty-fifth (8-26 July 2013).

## B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration of the State party's third periodic report in 2006 (CEDAW/C/BIH/3) in undertaking legislative reform, in particular :
  - (a) The adoption, in 2009, of the Law on the Prohibition of Discrimination, which includes sex, sexual expression or sexual orientation as prohibited grounds of discrimination;
  - (b) Amendments, in 2009, to the Law on Gender Equality (2003);
  - (c) Amendments, in 2010, of the Criminal Code of Bosnia and Herzegovina, which include a definition of trafficking in line with international standards (article 186);
5. The Committee commends the State party for improving its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as :
  - (a) The adoption of the Bosnia and Herzegovina Gender Action Plan (2006-2011) and the Funding Mechanism for the Implementation of the Gender Action Plan;
  - (b) The adoption of the National Action Plan to Combat Trafficking and Illegal Migration (2008-2012);
  - (c) The adoption of the Action Plan on the Implementation of Security Council Resolution 1325 on Women, Peace and Security (2010-2013) and the establishment of a Coordinating Committee, in 2011; and
  - (d) The adoption of the National War Crimes Prosecution Strategy, in 2008.
6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:
  - (a) The acceptance of the amendment to article 20, paragraph 1, of the Convention, in 2012;
  - (b) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2012;
  - (c) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2012;
  - (d) The Convention on the Rights of Persons with Disabilities, in 2010;
  - (e) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2010;

- (f) The Optional Protocol to the Convention against Torture and other Cruel, or Inhuman or Degrading Treatment or Punishment, in 2008;
  - (g) The European Convention for the Prevention of Torture and Inhumane or Degrading Treatment, in 2008; and
  - (h) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2008.
7. The Committee commends the State party for having adhered to the nine major international human rights instruments. The Committee also welcomes the ratification by the Parliament, referred to during the dialogue, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and notes that the instruments of ratification will be deposited.

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

### **Parliamentary Assembly**

8. The Committee notes with satisfaction that the adoption of the combined fourth and fifth periodic report of the State party was adopted by the Parliamentary Assembly. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage the Parliamentary Assembly, in line with their procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting process under the Convention.

### **Women in post-conflict situations**

9. While recognizing the State party's efforts to improve the situation of women in post-conflict situations, the Committee is deeply concerned about:
- (a) The slow pace of prosecutions and very low level of conviction rates of perpetrators of sexual violence which result in pervasive impunity, despite the implementation of the 2008 National War Crimes Prosecution Strategy;
  - (b) The inadequate definition, both at the State and Entity levels, of acts of sexual violence as war crimes and crime against humanity, in particular the elements of the crime of rape, which are not in line with international standards, the large number of cases at district/cantonal levels, in which rape continues to be prosecuted as an ordinary crime, without taking into account the dimension of the armed conflict, and the parallel applicability of different Criminal Codes

resulting in inconsistent jurisprudence and lenient sentencing practices;

- (c) Long delays in adopting measures to address the needs of a large number of women victimized by the conflict;
- (d) The lack of adequate victim reparation in war crime trials, where victims are being referred to initiate separate civil proceedings, while such claims can be submitted and ruled upon during criminal proceedings;
- (e) The deficiencies of witness protection measures in cases prosecuted at district and cantonal levels, where the Law on Witness Protection Programme is not applicable;
- (f) Women's inadequate and unequal access to compensation, support and rehabilitation measures for violations suffered during the war, including enforced disappearances, such as sustained psychological and medical support, as well as financial and social benefits, which are regulated differently in the Entities; and
- (g) The lack of measures taken to address the systematic stigmatisation faced by women victims of wartime sexual violence, which hampers their access to justice and social reintegration.

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

- (a) Speed up the implementation of the National War Crimes Strategy and increase the number of prosecutions of war crimes cases by allocating more financial resources and investigative capacities to address the large backlog of cases;**
- (b) Amend all relevant Criminal Codes to include a definition of wartime sexual violence in line with international standards, including a specific definition of rape as a war crime and as a crime against humanity, in order to adequately reflect the gravity of the crimes committed and intensify its efforts to harmonize the jurisprudence and sentencing practices of its courts throughout the State party, by establishing effective cooperation mechanisms between prosecutors and courts competent to deal with war crimes at all levels of the State party;**
- (c) Expedite the adoption of pending draft laws and programmes designed to ensure effective access to justice for all women victims of wartime sexual violence, including adequate reparation, such as the Draft Law on the Rights of Victims of Torture and Civilian War Victims, the Programme for Victims of Sexual Violence in Conflict and Torture (2013-2016) and the Draft Strategy on Transitional Justice aimed at improving access to justice;**

- (d) **Ensure the effective implementation of the new Law on Witness Protection Programme and establish sustainable and operational witness protection measures at district and cantonal levels; and**
  - (e) **Develop a comprehensive approach to improve the status and position of all women victims of the war, including by combating stigma attached to sexual violence, and expand the provision of compensation, support and rehabilitation measures and benefits, and ensure equal access to such services for all women victims irrespective of their place of residence.**
11. The Committee is concerned about the lack of effectiveness of the UN Security Council Resolution 1325 Action Plan regarding women's participation in peace, reconciliation and rehabilitation processes.
  12. **The Committee recommends that the State party ensure the full implementation of Security Council Resolution 1325 (2000) through the State party's Action Plan and develop concrete measures to enhance the participation of women in decision-making processes relating to post-conflict policies and strategies, taking into account the needs of women and girls, in particular as concerns their social rehabilitation and reintegration.**

#### **Constitutional and legislative framework**

13. While acknowledging the existing definitions in the Gender Equality Law, the Committee is concerned that the Constitution does not at present include a comprehensive definition of discrimination against women, in line with article 1, and of the principle of equality between women and men, in line with article 2 of the Convention.
14. **In light of the constitutional review process, the Committee recommends that the State party specifically incorporate in its new Constitution a definition of equality between women and men and a prohibition of direct and indirect discrimination against women in the public and private spheres, in accordance with articles 1 and 2 of the Convention.**

#### **Legal complaint mechanisms**

15. In light of the direct applicability of the Convention, the Committee is concerned about the limited number of court proceedings where provisions of the Convention were directly invoked or applied, as well as the low number of complaints related to gender-based discrimination brought before the Gender Equality Agency and the Institution of Human Rights Ombudsmen, which indicates a continuing lack of awareness among women themselves and among the judiciary and legal professions about the rights of women and the available

remedies under the State party's legal framework, the Convention, the Optional Protocol, as well as about the Committee's general recommendations. The Committee is also concerned that the provision of legal aid remains fragmented and unregulated in some cantons of the Federation, that it continues to be largely provided by privately funded NGOs, and that the adoption of a State-level Law on Free Legal Aid is still pending.

- 16. The Committee recommends that the State party:**
- (a) Provide systematic and mandatory training to judges, prosecutors and lawyers on the Gender Equality Law and the Law on Prohibition of Discrimination, as well as on the Convention, its Optional Protocol and the Committee's general recommendations and the views adopted on individual communications, encourage them to refer to the Convention to give it greater visibility, and ensure that they form an integral part of the legal education;**
  - (b) Increase women's awareness of their rights and the available remedies to enable them to seek redress in cases of gender-based discrimination; and**
  - (c) Expedite the adoption of the Draft Law on Legal Aid aimed at unifying the provision of free legal aid in the State party in order to facilitate access to justice for all women, in particular those belonging to disadvantaged groups.**

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

17. While welcoming the continued cooperation between the Gender Equality Agency and the Gender Centre of the Entities and the forthcoming adoption of a new Gender Action Plan (2013-2017), the Committee is concerned about the limited cooperation between existing gender equality bodies and relevant Ministries at all levels; insufficient gender mainstreaming within Ministries at all levels; the resulting weak implementation of the Gender Action Plan owing to, notably, unclear division of responsibilities among the competent bodies; and the insufficient inclusion of disadvantaged women in the formulation of policies and programmes. The Committee also reiterates its concern that the Gender Equality Agency is not sufficiently visible and that its position within one state-level ministry may create obstacles to its effectiveness in working with other ministries. Further, while noting that the mandate of gender equality bodies' includes the submission of opinions prior to the adoption of new laws and regulations, the Committee is concerned about the limited human, financial and technical resources of the national machinery to efficiently promote, coordinate, monitor and evaluate national gender equality legislation and policies in the State party.

- 18. In view of the implementation of the new Gender Action Plan, the Committee calls on the State party to establish effective cooperation mechanisms between the gender equality bodies and the relevant ministries in order to increase gender mainstreaming in all areas and at all levels, including with regard to disadvantaged groups of women. The Committee also calls on the State party to strengthen the Gender Equality Agency by giving it greater visibility and authority vis-à-vis relevant ministries and the Council of Ministers. The Committee further recommends that the State party provide the national machinery with the necessary human, financial and technical resources to improve its effective functioning, in particular by including technical capacity-building activities and capacity for enhanced cooperation with civil society, as well as introduce effective monitoring and accountability mechanisms at all levels in the context of its system for gender mainstreaming, including sanctions for non-compliance.**

#### **Stereotypes**

19. The Committee reiterates its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society at large (CEDAW, C/BIH/CO/3, para. 23). It notes that such attitudes and stereotypes constitute a significant impediment to the implementation of the Convention, as they are root causes of (1) women's disadvantaged position in the State party in political and public life, especially in decision-making positions and elected offices as well as in the labour market (2) the prevalence of violence against women in the State party and (3) gender segregation as reflected in women and girls' educational choices. In addition, the Committee regrets the serious delays in addressing the remaining gender stereotypes found in school textbooks and materials
- 20. The Committee urges the State party to :**
- (a) Remove, as a matter of priority, gender stereotypes from educational textbooks and teaching materials;**
  - (b) Disseminate the principles of non-discrimination and gender equality throughout the educational system, both formal and informal, with a view to enhancing a positive and non-stereotypic portrayal of women, by incorporating human rights and gender equality into training and educational materials and by providing training on women's rights to teaching staff;**
  - (c) Develop a comprehensive wide-ranging strategy across all sectors, with pro-active and sustained measures, targeted at women and men, girls and boys, to overcome patriarchal and gender-based stereotypical**



**attitudes about the roles and responsibilities of women and men in the family and in society, in particular in areas where women are in the most disadvantaged position such as public and political life and employment; and**

- (d) Intensify its cooperation with civil society and women’s organizations, political parties, education professionals, the private sector and the media, and disseminate information to the general public and to specific audiences, such as decision-makers, employers, youth, and disadvantaged groups of women, on women’s rights in the private and public spheres.**

### **Violence against women**

21. While welcoming the State party’s increased efforts to combat domestic violence, the Committee reiterates its serious concern about the high prevalence of domestic violence and the lack of monitoring and accountability mechanisms regarding the implementation of existing strategies, both at State and Entity levels; insufficient data collection to assess the phenomenon of domestic violence; and insufficient support services dependent on NGOs and foreign funding. The Committee is further concerned about the inconsistent application of the laws regulating domestic violence by the courts of both Entities, which undermines women’s trust in the judicial system despite the comprehensive legislative framework in place; as well as underreporting of domestic violence, the limited number of protective measures issued and the lenient sentencing policy, including a large percentage of suspended sentences. In addition, the Committee regrets the absence of information regarding Brcko District and the insufficient information on other forms of violence against women in the State party.

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

- (a) Establish effective institutional mechanisms to coordinate, monitor and assess the effectiveness of the impact of the strategies developed and measures taken with a view to ensure the consistent application of the laws at all levels;**
- (b) Encourage women to report incidents of domestic violence by de-stigmatizing victims and raising awareness about the criminal nature of such acts and intensify its efforts to ensure that all reported cases of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of the crime;**
- (c) Collect statistical data on domestic violence, including femicide, disaggregated by sex, age and relationship between victim and**

**perpetrator, and undertake research on the extent of all forms of violence against women and its root causes;**

- (d) Provide mandatory training for judges, lawyers and law enforcement officers on the uniform application of the existing legal framework, including on the definition of domestic violence and on gender stereotypes; and**
- (e) Provide adequate assistance, protection and rehabilitation to women victims of all forms of violence, including by strengthening the capacity of existingshelters and by enhancing cooperation with and funding for NGOs providing shelter and rehabilitation to victims.**

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

23. While noting the new legislative framework at the State level, the Committee remains concerned about the low number of prosecutions, undue delays in proceedings and the leniency of sentences, despite the growing trend of internal and international trafficking in the State party. It is particularly concerned that the Criminal Codes of the Entities and of Brcko District have not been harmonised with the State Criminal Code and therefore do not allow adequate prosecutions at entity and district level with corresponding punishments and convictions of acts of trafficking, especially internal trafficking. Further, while noting the adoption of regulations protecting victims and witnesses and the development of a new Strategy for Combating Trafficking in Human Beings, the Committee is concerned about the lack of effective victim identification procedures, especially regarding women and girls from Roma communities and internally displaced women who are increasingly affected, and that the provision of adequate services to victims of trafficking, such as shelters are mostly operated by non-governmental organizations which rely on external funding.

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

- (a) Amend the Criminal Codes of both Entities and of Brcko District to harmonize them with the relevant provisions of the Criminal Code of Bosnia and Herzegovina in order to ensure that acts of trafficking are adequately prosecuted;**
- (b) Ensure the effective implementation of the new legislative framework and the timely prosecution and punishment of traffickers, as well as review its sentencing policy in trafficking cases;**
- (c) Provide mandatory and gender sensitive training for judges, prosecutors, police officers and other law enforcement officers on**

**applicable legal provisions, including regulations on the protection of witnesses of trafficking;**

- (d) Strengthen mechanisms aimed at early identification and referral of victims of trafficking, with a special focus on Roma and IDP women, as well as preventive measures such as raising awareness on the risks of trafficking for disadvantaged groups of women; and**
  - (e) Ensure adequate funding for anti-trafficking activities undertaken by non-governmental organizations.**
25. The Committee expresses concern at the fact that the State party remains a country of origin, destination and transit for trafficking in human beings, in particular women and girls for purposes of sexual exploitation. It is also concerned about prostitution being punishable as an administrative offence, the absence of research and data on the prevalence of exploitation of prostitution in the State party and the lack of policies and programmes to address this phenomenon.
26. **The Committee calls on the State party to:**
- (a) Amend its legislation to ensure that women victims of prostitution are no longer punished by a fine, ensure the investigation, prosecution and punishment of those who exploit prostitution, and take measures to discourage the demand for prostitution;**
  - (b) Pursue a comprehensive approach to addressing the exploitation of prostitution, including by developing strategies to support and provide rehabilitation for women who wish to leave prostitution, and provide, in its next periodic report, comprehensive information and data on the prevalence of exploitation of prostitution.**

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

27. The Committee notes with satisfaction that Article 20 of the Gender Equality Law requires the State party to ensure 40% participation of women in political life, that the Electoral Law provides for a mandatory 40% quota of female candidates on political parties' lists, that the Law on the Financing of Political Parties was amended to encourage political parties to promote female candidates running for national parliamentary elections and that the representation of women in the judiciary and in the civil service has increased. However, the Committee notes with concern the stagnant low representation of women in Parliament and in government positions at the state, entity, district, cantonal and municipal levels, particularly at the decision-making level. The Committee is further concerned that female candidates are not given sufficient

visibility by the media and by political parties in pre-election campaigns and that women are often absent from important decision-making processes, such as the on-going discussions about constitutional reforms.

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

- (a) Develop effective mechanisms for the application of quotas in order to increase women's political representation, by placing women in winnable positions and establishing benchmarks with a concrete timetable and sanctions for non-compliance;**
- (b) Introduce procedures to ensure the implementation of article 20 of the Gender Equality Law at the State, Entity, district and municipal levels to promote, inter alia, the participation of Roma women and rural women in elected office and appointed bodies; and promote women in leadership positions in the executive branch and in the public service, through the use of temporary special measures where appropriate;**
- (c) Increase its efforts to provide training and capacity-building for women to enter public office and enhance awareness-raising campaigns on the importance of women's full and equal participation in political and public life, including activities targeting leaders of political parties;**
- (d) Continue providing incentives for political parties to nominate equal numbers of women and men as candidates, and harmonize their statutes with the Gender Equality Law; and**
- (e) Encourage the media to ensure that female and male candidates receive equal visibility, especially during pre-election campaigns, including by fully implementing the relevant provisions of the Law on Public Broadcasting Service regarding equal appearance and representation of both men and women in programming content and programming policy.**

**Nationality**

29. The Committee is concerned about the lack of effective implementation of universal birth registration in the State party, in particular among Roma women and girls, placing them at risk of statelessness and hindering their access to basic services. It notes with concern that the lack of information, as well as administrative and financial obstacles, may prevent Roma women from registering births and obtaining birth certificates.

**30. The Committee calls on the State party to:**

- (a) Ensure that all children born on the territory of the State party, in particular Roma children, are registered at birth, as a means of**

preventing statelessness and to ensure their access to education, social services, health care and citizenship, and develop measures to identify unregistered children and ensure that they are provided with personal documents; and

- (b) **Strengthen its public awareness-raising campaigns to ensure that Roma women are aware of the importance of birth registration and of the procedural requirements to obtain certificates, and ensure their access to registration services and procedures.**

### **Education**

31. While commending the State party for the high level of education of women and girls, the Committee remains concerned about the persistent segregation of fields of study at the post-secondary level, with women concentrated in traditionally female dominated areas and underrepresented in technical-vocational education. The Committee is also concerned about the existing mono-ethnic school system, which discriminates against girls on the basis of their ethnicity and negatively impacts their education opportunities. The Committee further expresses concern about the low enrolment rates and the high drop-out rates of Roma girls at the primary school level.

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

- (a) **Further encourage young women to choose non-traditional fields of study and professions and implement programmes aimed at counselling boys and girls on educational choices;**
- (b) **Implement the recommendations developed by the Federation Ministry of Education, in collaboration with the Education Ministers in the Federation, with a view to eliminating the mono-ethnic school system; and**
- (c) **Promote access of Roma girls to education and their retention at all levels of education, by raising awareness on the importance of education as a human right and as the basis for the empowerment of women, and strengthen the implementation of re-entry policies enabling Roma girls who drop out to return to school.**

### **Employment**

33. The Committee notes that the State party has taken various measures to support the participation of women in the labour market as part of the Bosnia and Herzegovina Strategy for Employment (2010-2014) and the respective Entities' Employment Strategies; that the Gender Action Plan of Bosnia and Herzegovina for the period 2013-2017 gives priority to women's economic participation by

developing measures aimed at facilitating the reconciliation of private and professional life; and that a framework law was enacted in order to unify and harmonise the social sector in the State party, including maternity protection. However, the Committee remains concerned about:

- (a) The outstandingly low participation rate of women in the labour force, in spite of their high level of education, as reflected by the disproportionately high unemployment rate among women;
- (b) The concentration of women in sectors such as health care, education, agriculture, in the informal sector, in the “grey economy” and with temporary contracts; and the exclusion from the formal labour market of disadvantaged groups of women, such as internally displaced women, rural women and Roma women;
- (c) The lack of an institutional framework to enforce the prohibition of gender-based discrimination and sexual harassment at work and the lack of measures to enable the reporting of such acts and to inform women of their rights;
- (d) The lack of childcare facilities, which constitutes an obstacle to the full exercise of women’s right to work; and
- (e) The existing twelve different regimes with different regulations on maternity protection depending on women’s place of residence which negatively impact their ability to participate in the labour force and reinforce the unequal division of family responsibilities between women and men.

**34. The Committee urges the State party to:**

- (a) Adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25, aimed at achieving de facto equal opportunities for women and men in the labour market, including disadvantaged groups of women, and establish special training programmes and counselling for different groups of unemployed women, including by promoting women’s entrepreneurship;**
- (b) Take effective measures to integrate disadvantaged groups of women and women working in the “grey economy” in the formal labour market;**
- (c) Closely monitor the working conditions of women in the informal sector and those employed with temporary contracts, by strengthening labour inspections, and ensure their access to social services and social security, and consider ratifying ILO Convention No. 189 (2011) concerning decent work for domestic workers;**

- (d) **Adopt effective measures, including temporary special measures, to eliminate occupational segregation both horizontal and vertical, based on stereotypes related to gender;**
- (e) **Develop a confidential and safe system for filing complaints related to gender-based discrimination and sexual harassment at the workplace, and ensure that victims have effective access to such means of redress;**
- (f) **Enhance the availability and affordability of childcare facilities to help women exercise their right to work in order to increase women's access to the labour market;**
- (g) **Ensure that the implementation of the framework law regulating the social sector results in the harmonisation of pregnancy and maternity protection in the State party in order to guarantee paid maternity leave for all women; and**
- (h) **Conduct awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities between women and men and provide incentives to encourage men's active participation in such responsibilities, e.g. by introducing special non-transferable paternity leave.**

### **Health**

35. The Committee is concerned by the absence of unified laws and policies in the area of health resulting in unequal access to health care services and health insurance coverage depending on the place of residence of women and the financial capacities of the district and/or canton concerned, which disproportionately affects Roma women and rural women. The Committee is further concerned about the low rate of modern contraceptive use in the State party, resulting in high numbers of teenage pregnancies. While noting the implementation of the Young People's Health Policy (2008-2012) in Republika Srpska and the 2010 Strategy for Improvement of Sexual and Reproductive Health and Rights in the Federation, the Committee is concerned about the absence of information on the measures taken and the results achieved.
36. **The Committee recommends that the State party:**
- (a) **Intensify its efforts to harmonise its health care system and to integrate a gender perspective into all health sector programmes and reforms, in order to ensure that women, including disadvantaged groups of women, have equal access to health care services and adequate health insurance coverage throughout the State party;**

- (b) **Raise awareness of and enhance effective access to affordable modern contraceptive methods, including in rural areas, so that women and men can make informed choices about the number and spacing of children;**
- (c) **Introduce age-appropriate education on sexual and reproductive health and rights in the school curricula, including issues of gender relations and responsible sexual behaviour with the aim of preventing early pregnancies and the transmission of sexually transmitted diseases, including HIV; and**
- (d) **Undertake systematic gender impact assessments of current strategies and policies and include such information in its next periodic report.**

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

37. The Committee expresses concern about the situation of various disadvantaged groups of women, including Roma women, internally displaced women, many of whom continue to live in collective accommodation, so-called minority returnee women, rural women, older women and women with disabilities, who are more vulnerable to poverty and are at risk of intersectional forms of discrimination in relation to education, health care, employment and public and political participation. It regrets the insufficient information provided by the State party in this regard and the limited information on the use of temporary special measures.
38. **The Committee calls upon the State party to take effective measures to eliminate discrimination against Roma women, internally displaced women and minority returnee women, rural women, older women and women with disabilities, particularly in the areas of education, health, employment and in political and public life, by developing targeted strategies, including temporary special measures to increase equality in those areas. The Committee also recommends that the State party increase its cooperation with civil society organisations in this regard and requests that it include detailed information, including disaggregated data and information on the situation of disadvantaged groups of women in its next periodic report.**

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

39. The Committee is concerned about the prevalence of the practice of early marriage within Roma communities and about the lack of sustained, systematic and concrete action taken by the State party to address this harmful practice, despite the legal prohibition of such acts.
40. **The Committee recommends that the State party develop comprehensive measures to combat the practice of early marriage and to raise awareness**



**among Roma communities about the legal prohibition of child marriages, as well as on their negative effects on girls' health and completion of education, notably by establishing cooperation with community leaders.**

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

41. The Committee notes that the Law on the Census of the Population, Households and Dwellings in Bosnia and Herzegovina was adopted 3 February 2012 and that, accordingly, a new census will be undertaken in 2013. However, as acknowledged by the delegation, the Committee regrets that insufficient statistical data disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, was provided in many areas covered by the Convention, which has created gaps and inconsistencies in the legislative reforms undertaken, as well as in policies and programmes developed and has misdirected available funding. It notes that such data are necessary for an accurate assessment of the situation of women and for informed and targeted policymaking with regard to all areas covered by the Convention.
42. The Committee urges the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, as required by Article 22 of the Law on Gender Equality, including with respect to disadvantaged groups of women, in order to assess the progress toward de facto equality, the impact of measures taken and the results achieved. The Committee also calls on the State party to ensure all relevant bodies to strictly comply with Article 22 and requests that such data be included in its next periodic report.

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

43. **The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

#### **Dissemination**

44. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. It urges the State party to give priority attention to the implementation of the present Concluding Observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliamentary**

Assembly and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its Concluding Observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and jurisprudence, and the Committee's General Recommendations to all stakeholders.

**Follow-up to concluding observations**

45. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 10 (a) to (d) and 34 (a) to (h) above.

**Preparation of the next report**

46. The Committee invites the State party to submit its sixth periodic report in July 2017.
47. The Committee requests the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 and Corr.1).

**Name:**

GUIDELINE for implementation of the Convention on the Elimination of All Forms of Discrimination against Women monitoring

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