



**Bosnia and Herzegovina's Compliance with CESC
Suggested List of Issues Relating to ESC Rights of Women**

Submitted by The Advocates for Human Rights

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and

Foundation "Women's Centre" Trebinje,

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates' Women's Human Rights Program has published more than 25 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence. The Women's Human Rights Program also created training modules on access to justice and drafting legislation on violence against women in all its forms for UN Women's Virtual Knowledge Centre.

Foundation "Women's Centre" Trebinje was founded in 2002 as the "Women's Center" Trebinje, Association by a group of 20 men and women to help children and women victims of domestic violence. It re-registered in 2016 as the Foundation "Women's Center" Trebinje. It was established due to the need to speak out about violence against women and children which, until then, was considered a private problem of individual households, and not as a problem that affects the whole society. Deeply rooted stereotypes and patriarchal attitudes about the position and the role of women in society and family have created a certain "taboo" in terms of specific relationships between men and women. Guided by a desire to contribute to solving this global problem, especially in the context of its region, but also at the state level and beyond, the Foundation has conducted its activities in various areas of everyday life and work in order to provide the most appropriate response to this challenge. Although its activities are focused on different areas (for example, social life, health services, social security, economy), and apply different methodologies, there is only one overall aim: 2 improvement of status of women in society of the Republic of Srpska and Bosnia and Herzegovina, primarily through the development of partnerships between men and women in family and in society. The Foundation's vision is to improve the status of women in society and family, and a life free of violence. Its mission is to fight for children's and women's rights in all segments, and the economic empowerment of women.

The Foundation's work is based on needs assessment so that the results are the product of recognized needs and voluntary contributions to attend to those needs.

I. Executive Summary

1. Domestic violence is a form of discrimination against women and violates women's human rights. It violates a woman's right to life, bodily security and integrity, and equal protection.
2. Domestic violence continues to be a widespread problem throughout Bosnia and Herzegovina. More than half of the women have experienced psychological or physical abuse from the age of 15.¹ However, significant numbers of women who experienced domestic violence did not seek help. While the entity of Republic of Srpska collects uniform and reliable disaggregated data (such as sex, age, disability, socio-economic background, and ethnicity), there is none in FBiH.²
3. The state party has responded and taken measures to prevent and control COVID-19 in conjunction with global recommendation. Nevertheless, the impacts of COVID-19 disproportionately impacted women, as existing gender inequalities were exacerbated. NGOs have reported that domestic violence incidents increased during the pandemic due to social distancing, economic hardship, and isolation measures. Furthermore, essential services were disrupted, increasing risk that individuals are unable to make calls to helplines while in the same space with an abusive partner.

II. Overview of Legal Framework

4. Bosnia and Herzegovina is composed of two entities, the Federation of Bosnia and Herzegovina (FBiH) and Republic of Srpska (RS), and one self-governing district, District Brčko. The entities are highly autonomous, with separate constitutions, judicial systems, and legislatures.³ FBiH is further divided into 10 cantons that have autonomy and some laws are enacted at the level of the Canton.⁴ The national legislature has authority over limited issues, as most legislation is passed at the entity or canton level.
5. Economic, social and cultural rights are guaranteed by the constitutions of the two entities. Also, these rights are regulated by each legislation under the constitutional arrangement of Bosnia and Herzegovina. (?)
6. Although RS has enacted several laws, challenges still exist in their implementation to effectively protect victims and hold perpetrators of domestic violence accountable. The

¹ OSCE, *Well-Being and Safety of Women*, (2019), p. 13, available at https://www.osce.org/files/f/documents/3/5/423470_1.pdf (last visited Dec. 20, 2020).

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³ Communication with Advocate

⁴ Communication with Advocate

situation in FBiH is even more complicated due to the government structure of the entity.⁵ The legal framework varies across the 10 cantons.⁶ Victims of domestic violence at this time have better protection and care of institutions compared to FBiH.

III. Analysis of Bosnia and Herzegovina's Compliance With the ICESCR

A. List of Issues Related to the Articles 2 and 3

a. Corruption is Widespread and Women are Underrepresented in Politics

1. Although the state party has enacted some laws in line with the covenant, the state party has failed to implement the laws effectively. Poverty is a significant problem, and “many citizens live in poverty and face social exclusion.”⁷ Approximately 640,000 people live in absolute poverty, and fifty percent of the country is economically vulnerable.⁸
2. According to the ombudsman report, 698 complaints were received related to the violation of economic, social and cultural rights between 2014 and 2018.⁹ Furthermore, the ombudsman claimed that the number of complaints have been increasing every year because of the ‘poor economic and social situation’ of the state.¹⁰
3. The governmental structure is complex and causes burdensome bureaucratic delays, corruption, and lack of transparency.¹¹ Corruption is common among officials and remains widespread in many public and economic institutions, particularly in the health and educational sectors, public procurement processes, local governance, and public administration employment procedures.¹² As Ombudsman noted, some citizens do not enjoy equal employment opportunities due to discriminatory practices, and legal remedies are not effective

⁵ Communication with Advocate

⁶ Communication with Advocate

⁷ The institution of Human Rights Ombudsman of Bosnia and Herzegovina, *Report to the Committee on Economic, Social and Cultural Rights (CESCR)*, (July 22, 2019), available at https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/BIH/INT_CESCR_IFL_BIH_35580_E.PDF (last visited Dec. 17, 2020)

⁸ Matthew Cline, *Top 10 Facts About Poverty in Bosnia and Herzegovina*, The Borgen Project, (August 14, 2018), available at <https://borgenproject.org/facts-about-poverty-in-bosnia-and-herzegovina/#:~:text=Bosnia%20and%20Herzegovina%20is%20a,in%20absolute%20poverty%20in%20Bosnia.&xt=In%20rural%20areas%2C%2019%20percent,areas%20is%20only%209%20percent>. (last visited Dec. 20, 2020).

⁹ The institution of Human Rights Ombudsman of Bosnia and Herzegovina, *Report to the Committee on Economic, Social and Cultural Rights (CESCR)*.

¹⁰ The institution of Human Rights Ombudsman of Bosnia and Herzegovina, *Report to the Committee on Economic, Social and Cultural Rights (CESCR)*.

¹¹ Valida Hromadzic, *Call for Submissions: COVID-19 and the increase of domestic violence against women (Bosnia and Herzegovina)*, (June 2020), p. 1, available at https://genderit.org/sites/default/files/covid-19_and_the_increase_of_domestic_violence_against_women_submission_by_valida_hromadzic.pdf (last visited Dec. 20, 2020).

¹² United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*, (2020), available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/bosnia-and-herzegovina/> (last visited Dec. 12, 2020)

to prevent such practices.¹³ European Commission also noted that the state party hadn't made any progress in fighting against the corruption, and this situation has been affecting citizens' daily lives.¹⁴

4. The law enforcement agencies are insufficient to fight against corruption. RS established the “Special Prosecution Offices” to investigate corruption allegations, but their effectiveness remained weak.¹⁵ Specifically, pressure and interference in high-level corruption cases is a major concern.¹⁶ Also, case transferring and proceedings reduce the efficiency of the investigations due to frequent conflicts of jurisdiction.¹⁷
5. Corruption also exists in the judiciary.¹⁸ For instance, the High Judicial and Prosecutorial Council (HJPC) president was accused of being corrupted and biased. These allegations were not effectively investigated, which adversely affected the independence and impartiality of the judiciary.¹⁹ The judicial branch must be strengthened for the branch's integrity and to regain citizens' trust.²⁰
6. Furthermore, women are underrepresented in politics and public life. According to the law, at least 40% of a political party's candidates must be women; however, the percentage is often significantly less.²¹ In Herzegovina-Neretva Canton, there are no women among the public officials.²² The national parliament consists of two chambers; the House of Representatives and the House of People. Approximately 31.3% of representatives are women in the House of Representatives, and 15.4% representatives are women in the House of People.²³ Yet, only 4% of the country's mayors are women.²⁴ (last sentence seems awkward)
7. **Suggested recommendations** relating to corruption and women participation in political and social life:
 - Eliminate all forms of poverty and consider poverty with all aspects and make a comprehensive plan to provide the same opportunities for all citizens to live in dignity.
 - Ensure the impartiality and independence of the judiciary and establish a transparent system to monitor judges' and prosecutors' assets.

¹³ The institution of Human Rights Ombudsman of Bosnia and Herzegovina, *Report to the Committee on Economic, Social and Cultural Rights (CESCR)*.

¹⁴ European Commission, *Commission Staff Working Document: Bosnia and Herzegovina 2020 Report*, (10/06/2020), P. 5, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf (Last visited at 12/17/2020)

¹⁵ European Commission, *Commission Staff Working Document: Bosnia and Herzegovina 2020 Report*, (10/06/2020), p. 24, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf (Last visited at 12/17/2020)

¹⁶ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

¹⁷ European Commission, *Commission Staff Working Document*, p. 24.

¹⁸ The European Commission Report, *Commission Staff Working Document*, p. 17.

¹⁹ The European Commission Report, *Commission Staff Working Document*, p.17.

²⁰ The European Commission Report, *Commission Staff Working Document*, p. 5.

²¹ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

²² European Commission, *Commission Staff Working Document*, p. 10.

²³ OSCE, *Well-Being and Safety of Women*, (2019), p. 10.

²⁴ OSCE, *Well-Being and Safety of Women*, (2019), p. 10.

- Establish a transparent system in governmental institutions, take measures to enhance human capital, build stronger institutions, and strengthen the rule of law.

B. List of Issues Related to the Article 6, 7, and 8

a. Gender-Based Discrimination is Widespread in Employment

8. Gender discrimination is a problem that exists in all areas of employment.²⁵ The state party failed to effectively implement social policy and labor laws, which caused challenges regarding “employment, social inclusion and protection [particularly protection against discrimination], and poverty reduction.”²⁶ Social dialogue and stakeholder involvement have not been developed regarding new labor law or other policies development process.²⁷ Participation of women and youth is low in the labor market, and unemployment rates of those groups are significantly higher than men.²⁸ Further, the state party doesn’t adequately collect reliable statistical data, particularly gender-segregated data related to employment discrimination cases.²⁹
9. Women face challenges in accessing employment.³⁰ Unemployment rate is high, which is 15.7% (13.6% men; 18.8% women).³¹ Furthermore, “two out of three inactive persons are women, and almost 60% of the working-age women are inactive,”³² which is one of the lowest female employment rates in the Balkans.³³
10. Equal access to employment is inconsistent across the country. For example, RS implemented some programs for vulnerable women (victims of domestic violence, civilian victims of war, rural women, unemployed middle-aged women, etc.) to access employment; however, such programs do not exist in FBiH.³⁴
11. The state party has taken steps to adopt laws and anti-discrimination strategies in line with international human rights standards. There has yet to be effective implementation of these laws and strategies.³⁵ The Ombudsman documented fifty-two cases related to employment discrimination. That number does not reflect the real situation as many individuals avoid seeking judicial remedies out of fear of losing their jobs.³⁶ Also, most public institutions do not have an internal mechanism to hear mobbing and discrimination complaints,³⁷ and judicial

²⁵ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

²⁶ European Commission, *Commission Staff Working Document*, p. 87.

²⁷ ILO, *About the ILO in Bosnia and Herzegovina*, https://www.ilo.org/budapest/countries-covered/bosnia-herzegovina/WCMS_471903/lang--en/index.htm (last visited Dec. 19, 2020)

²⁸ The European Commission Report, *Commission Staff Working Document*, p. 52

²⁹ The European Commission Report, *Commission Staff Working Document*, p. 31.

³⁰ OSCE, *Well-Being and Safety of Women*, p. 11.

³¹ The European Commission Report, *Commission Staff Working Document*, p.88.

³² The European Commission Report, *Commission Staff Working Document*, p. 89.

³³ ILO, *About the ILO in Bosnia and Herzegovina*.

³⁴ **From the organization**

³⁵ The European Commission Report, *Commission Staff Working Document*, p. 31.

³⁶ The European Commission Report, *Commission Staff Working Document*, p. 89.

³⁷ The European Commission Report, *Commission Staff Working Document*, p. 90.

procedures usually cause lengthy delays.³⁸ Provisions of the law relating to maternity leave are inequal and are inconsistent across the country.³⁹ For instance, there is no official legal mechanism to protect women during maternity leave.⁴⁰

12. Before the global pandemic, the state party had made limited progress in establishing a functioning market economy. Since the pandemic began, the economy has been greatly impacted and the labor market had rapidly deteriorated.⁴¹ In March 2020, 398,504 (171,398 men and 227,106 women) individuals registered as unemployed persons.⁴² COVID-19 impacted firms and individuals' creditworthiness; consequently, accessing credits is a challenge.⁴³ Women-owned firms encountered increased challenges when accessing credits from private credit providers because they have limited access to asset/collateral, credit and networks compared with men.⁴⁴
13. Although the state party took proper measures in conjunction with global recommendations to prevent and control COVID-19,⁴⁵ women were disproportionately impacted. According to the United Nations Development Program report, firms employing high percentages of females and women-owned firms were impacted more by the economic consequences of the global pandemic.⁴⁶ For example, women outnumber men in the tourism, hospitality and catering services industries. These sectors were impacted more by the shut downs and other restrictions.⁴⁷ Moreover, in some industries (agriculture, forestry, fishing, accommodation, and food services), women were more at risk of being laid off than men in the same industries.⁴⁸
14. **Suggested recommendations** relating to gender-based discrimination in employment:
 - Take effective steps to prevent gender-based discrimination in all area of employment, and support women-owned small and medium enterprises.
 - Collect sex-disaggregated data to fully understand how women and men are socio- economically affected by COVID-19.

³⁸ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

³⁹ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁴⁰ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁴¹ The European Commission Report, *Commission Staff Working Document*, p. 6.

⁴² Valida Hromadzic, *Call for Submissions* (citing the Agency for Statistics BH), p. 2.

⁴³ United Nations Development Program, *Economic Impact Assessment of COVID-19 in Bosnia and Herzegovina*, (May 28, 2020), p. 47, available at

https://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/library/publications/EconomicImpactAssessment.html (last visited Dec. 18, 2020).

⁴⁴ United Nations Development Program, *Economic Impact Assessment of COVID-19 in Bosnia and Herzegovina*, (May 28, 2020), p. 16, available at

https://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/library/publications/EconomicImpactAssessment.html (last visited Dec. 18, 2020).

⁴⁵ The European Commission report, *Commission Staff Working Document*, p. 4.

⁴⁶ United Nations Development Program, *Economic Impact Assessment of COVID-19 in Bosnia and Herzegovina*.

⁴⁷ Zlatan Music, *Understanding the Impact of COVID-19 at the Local Level in Bosnia and Herzegovina*, Publisher UN Women (2020), p. 11, available at <https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2020/12/understanding%20the%20impact%20of%20covid-19%20at%20the%20local%20level%20in%20bosnia%20and%20herzegovina.pdf?la=en&vs=4504> (last visited Dec. 19, 2020).

⁴⁸ United Nations Development Program, *Economic Impact Assessment of COVID-19 in Bosnia and Herzegovina*.

- Develop social dialogue and stakeholder involvement when developing new labor legislation or other reform measures.
- Promote flexible work and family-friendly policies in workplaces.
- Introduce new support mechanisms for women's entrepreneurship, such as guaranteed funds and university scholarships.

b. The State Party Does Not Enforce the Labor Regulations

15. Employees have the right to join independent unions, bargain collectively, and conduct legal strikes under the labor laws. Nonetheless, employers in private sectors often do not respect these rights; instead threatening employees with dismissal if they join a union.⁴⁹ The state party lacks effective enforcement of applicable laws to protect these rights.⁵⁰
16. The state party also lacks effective enforcement of labor regulations to ensure acceptable safe work conditions. Although both FBiH and RS require mandatory occupational health and safety standards in certain industries, they made limited efforts to improve standards for workers' safety and security.⁵¹ Despite endangering their health and safety, workers fear jeopardizing their employment and unable to terminate their employment.⁵²
17. **Suggested recommendations** relating to enforcement of the labor regulations:
- Enforce the law effectively to protect the workers' rights.
 - Improve safety standards in workplaces and ensure employers and employees strictly follow safety instructions.

C. List of Issues Related to the Article 10, 11, 12, and 13

a. Domestic Violence is Common, and Victims are not Effectively Protected

18. Domestic violence remains a prevalent issue.⁵³ Nearly one in two women in Bosnia and Herzegovina has experienced some form of abuse since at the age of fifteen.⁵⁴ Furthermore, domestic violence incidents are underreported due to shame, fear of repercussions from perpetrators, the want to keep their families intact, lack of economic independence, absence of information, and distrust in institutions.⁵⁵ Women who have economic independence feel more comfortable than other women to report such violent events.⁵⁶

⁴⁹ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁵⁰ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁵¹ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁵² United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁵³ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁵⁴ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁵⁵ OSCE, *Well-Being and Safety of Women*, p. 61.

⁵⁶ OSCE, *Well-Being and Safety of Women*, p. 62.

19. Victims of domestic violence are not protected and the perpetrators are not held accountable. Domestic violence is prosecuted as a felony in both FBiH and RS. Implementation of the law, however, has remained weak.⁵⁷ RS further aligned its legislation on protection against family violence with the Istanbul convention; however, enforcement of the law is still an issue.⁵⁸ Officers are usually reluctant to handle domestic violence events by arresting offenders.⁵⁹ If an instance of domestic violence resulted in prosecution and conviction, perpetrators were usually only fined or given suspended sentences even for repeat offenders.⁶⁰ NGOs reported that perpetrators were usually returned to their family homes less than 24 hours after a violent incident.⁶¹
20. The state party does not collect accurate and reliable data on domestic violence cases. Although the Ministry for Human Rights and Refugees and the Gender Equality Agency worked to establish a local-level mechanism to coordinate support for victims, problems still exist due to the absence of coordination between governments and entities.⁶² Consequently, women's organizations in Bosnia and Herzegovina are concerned and disappointed with the lack of communication and advocacy coming from the Agency.⁶³ Although the RS Ministry of Family, Youth and Sports accurately collects data on domestic violence, there is no equivalent in FBiH.⁶⁴

21. **Suggested recommendations** relating to domestic violence:

- Improve the criminal justice system so that perpetrators are held accountable for the offenses they commit.
- Continue to increase the quality of data collection with respect to domestic violence and work with NGOs to identify deficiencies in data collection and work to remove those deficiencies.
- Increase funding for data collection on gender-based violence
- Organize and implement information and education campaigns, in particular to deal with gender stereotypes.

b. The Impacts of the COVID-19 on Domestic Violence

22. Men do not participate equally in family care. Society expects women to take care of their home, raise their children, and also have a job.⁶⁵ Women are the main care providers cooking,

⁵⁷ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁵⁸ **From the organization**

⁵⁹ OSCE, *Well-Being and Safety of Women*, p. 56.

⁶⁰ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁶¹ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁶² OSCE, *Well-Being and Safety of Women*, p. 14.

⁶³ **From the organization**

⁶⁴ OSCE, *Well-Being and Safety of Women*, p. 13.

⁶⁵ OSCE, *Well-Being and Safety of Women*, p. 19.

cleaning, washing, taking care of young children and sick and disabled family members.⁶⁶ These responsibilities grew during the COVID-19 pandemic, increasing women vulnerability to several other consequences in socio-economic wellbeing.⁶⁷

23. Domestic violence incidents have increased by twenty percent during the global pandemic compared to the same period in 2019.⁶⁸ Loss of jobs and increased income insecurity caused anxiety and amplified violent behaviors.⁶⁹ Notably, the Agency for Gender Equality of Bosnia and Herzegovina pointed out the rise in domestic violence incidents, and the agency encouraged the community to seek help if they experienced or witnessed such violence.⁷⁰
24. In the beginning of the pandemic, victims had less opportunity to flee from the violence and were often forced to live with the perpetrators.⁷¹ In particular, accessing justice and law enforcement agencies was challenging. The HJOC failed to take adequate actions to ensure the continuity of the judicial branch.⁷² Domestic violence and divorce cases were postponed, with the first online hearing held on April 30, 2020.⁷³ Moreover, the transition to the online court system brought new challenges, especially for victims of domestic violence. Although some cantonal courts imposed new procedures (postponing hearings or restricting in-person access to the admission office) and published further instructions, some courts even didn't notify recent court procedures.⁷⁴ For instance, ordinary people could not easily follow the instructions; the instructions' language was designed for legal professions.⁷⁵ Phone and email were preferred methods of contacting courts and law enforcement agencies. Many victims lacked opportunities to contact the courts or law enforcement agencies due to the abusers' constant presence.⁷⁶ The perpetrators controlled and interfered with victims' technological devices such as phones and computers.⁷⁷ On many occasions, victims were able to call for protection when the abusers were not at home.⁷⁸

25. Suggested recommendations relating to the impacts of the pandemic on domestic violence:

⁶⁶ OSCE, *Well-Being and Safety of Women*, p. 11.

⁶⁷ Zlatan Music, *Understanding the Impact of COVID-19 at the Local Level in Bosnia and Herzegovina*, p. 15.

⁶⁸ Domestic Violence Surges During Covid-19, CNN, available at <https://www.cnn.com/interactive/2020/10/world/coronavirus-impact-domestic-abuse-global/> (last visited Dec. 20, 2020)

⁶⁹ Valida Hromadzic, *Call for Submissions*, p. 2.

⁷⁰ Valida Hromadzic, *Call for Submissions*, p. 4.

⁷¹ Valida Hromadzic, *Call for Submissions*, p. 3.

⁷² The European Commission report, *Commission Staff Working Document*, p. 17.

⁷³ Valida Hromadzic, *Call for Submissions*, p. 9.

⁷⁴ Valida Hromadzic, *Call for Submissions*, p. 6.

⁷⁵ Valida Hromadzic, *Call for Submissions*, p. 6.

⁷⁶ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*, (July 9, 2020), available at <https://eca.unwomen.org/en/news/stories/2020/7/violence-increased-during-the-coronavirus-pandemic-women-and-girls-need-psychological-support> (last visited Dec. 19, 2020).

⁷⁷ Valida Hromadzic, *Call for Submissions*, p. 8.

⁷⁸ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

- Collect sex-disaggregated data to fully understand how victims of gender-based violence were impacted by COVID-19.
- Develop a comprehensive plan to mitigate the impacts of the COVID-19.
- Ensure court and legal services are easily accessible to all.

c. Protection of Victims

26. The law does not provide adequate social support and protection for victims.⁷⁹ The capacity and location of the current shelters is insufficient. There are nine shelters throughout Bosnia and Herzegovina, with a total capacity of 178 persons.⁸⁰ Six of them are in FBiH, and three of them are in RS.⁸¹ Based on the country's population and international standards, there should be 379 shelter beds available.⁸²
27. Some safe houses are operated by NGOs. However, they are underfunded by the government and must rely heavily on donations and staff resourcefulness.⁸³ Fifty-two people can be collectively accommodated in the three RS shelters.⁸⁴ There are six safe houses in FBiH with a capacity of 131 persons, providing accommodation for victims and their children.⁸⁵ These safe houses also provide programming for psychological support.⁸⁶ Seventy percent of clients are unemployed women who are financially dependent on their partner.⁸⁷
28. The location of these shelters and rules create burdens for victims to access the shelters.⁸⁸ The three shelters are located in the northern and central part of RS.⁸⁹ Also, victims from the RS cannot stay in shelters in the FBiH because of the specific way that shelters are funded.⁹⁰ For example, a victim from Trebinje must travel six hours to reach a shelter in RS.⁹¹ Consequently, victims have been forced to stay with the perpetrators.⁹² Though, as a positive development, building a new safe house in Trebinje has been decided by the Ministry of Family, Youth and Sports.⁹³

⁷⁹ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

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⁸² Information from Foundation "Women's Center" Trebinje.

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⁸⁶ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

⁸⁷ Ibid. (the written contribution)

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⁹⁰ Information from Foundation "Women's Center" Trebinje.

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⁹³ Information from Foundation "Women's Center" Trebinje.

29. Centers for Social Work (CSW) controls access to shelters by referring the victims to the shelters in RS, and further can restrict to access the shelters because of the way shelters are funded.⁹⁴ According to the law, up to 70 percent of shelters' funds are paid from the RS's budget, and the local governments pay 30 percent.⁹⁵ However, local governments transfer the funds to the CSW, not directly to the NGO operating the shelter.⁹⁶ In the FBiH, on the other hand, the financing of safe houses is mainly from donors, with some cantons providing funds, in contrast to the RS regulations.⁹⁷
30. CSW also denies access to the shelters for victims of psychological violence as the CSW consistently refuses to recognize psychological violence as a form of domestic violence.⁹⁸ According to the prescribed procedure, if a woman calls shelters for assistance, she must be referred by the CSW.⁹⁹ NGOs reported that CSW refuses to place victims in shelters to avoid paying the associated costs, and the CSW usually plans the number of victims to be placed in safe houses during the year with no intentions of increasing.¹⁰⁰
31. Moreover, CSW determines whether a victim receives a referral to a shelter and decides the number of days she may stay there.¹⁰¹ In practice, CSW usually issues decisions for a fifteen-days or one month stay, instead of allowing more extended periods that would allow for psycho-social treatment and trauma recovery.¹⁰² As a result, approximately 80 percent of domestic violence victims return to violent households.¹⁰³
32. Although shelters and safe houses continued to provide services to the victims during the pandemic, they struggled to provide adequate protection.¹⁰⁴ For example, they had to reduce their capacity as there was not enough space for social distancing.¹⁰⁵ Additionally, Mubera Hodžić Lemeš, manager of the “Foundation of Local Democracy” safe house in Sarajevo, stated that “We have been forced to suspend admission of new beneficiaries, and women who report violence are now unable to receive protection of a safe house.”¹⁰⁶ Shelters and

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⁹⁵ United States Department of State, *Bosnia and Herzegovina 2019 Human Rights Report*.

⁹⁶ Information from Foundation “Women’s Center” Trebinje.

⁹⁷ Communication with Advocate

⁹⁸ Information from Foundation “Women’s Center” Trebinje.

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¹⁰⁰ A. Petric, *Absence of Systemic Protection and Secured Access to Justice*, p. 9 and n. 15, 2016 (citing Experiences from the safe house managed by Fonacija Udružene zene Banja Luka and Fondacija Lara Bijeljina). Also available online at http://rightsforall.ba/wp-content/uploads/2016/10/brosura1-NASILJE_ENG_web.pdf (last visited Dec. 20, 2020)

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¹⁰³ Information from Foundation “Women’s Center” Trebinje.

¹⁰⁴ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

¹⁰⁵ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

¹⁰⁶ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

safe houses also faced significant financial challenges; none of the shelters received financial support from any level of government.¹⁰⁷ Consequently, they did not have enough resources to protect the victims from the pandemic's impacts and secure funds for basic needs such as foods, hygiene products, and hand sanitizer.¹⁰⁸ Safe house representatives pointed out that "Previous beneficiaries who have since then begun to rebuild their lives have lost their jobs due to the crisis and find themselves unable to provide for their basic needs."¹⁰⁹

33. Shelters provided legal and psychological support free of charge via phone or other online communication tools during the pandemic.¹¹⁰ However, seeking assistance from shelters may pose a significant risk for the victims. For instance, there is a chance that the victims may have been forced to share communication tools' passwords with abusers.¹¹¹ Therefore, the pandemic heavily affected women's socio-economic situation such as poverty, social distancing, and lack of accessing to essential services.¹¹²

34. **Suggested recommendations** relating to protection of victims:

- Improve institutional response to gender-based violence, including on protective measures, victim support, legal aid and safe accommodation.
- Provide adequate financial support for shelters and safe houses.
- Ensure safety for women and children, protect them from repeated violence, and allow for their recovery and subsequent life free from violence.
- Support the introduction and invention of new technologies to support victims of gender-based violence, such as SOS applications and other systems.

d. Many People are not Covered by Public Health Insurance and cannot be Benefited for Social Assistance

¹⁰⁷ UN Women Europe and Central Asia, *Women's shelters in Bosnia and Herzegovina fight to keep doors open during the COVID-19 pandemic*, (May 1, 2020), available at <https://eca.unwomen.org/en/news/stories/2020/5/womens-shelters-in-bosnia-and-herzegovina-fight-to-keep-doors-open-during-the-covid-19-pandemic> (last visited Dec. 18, 2020)

¹⁰⁸ UN Women Europe and Central Asia, *Women's shelters in Bosnia and Herzegovina fight to keep doors open during the COVID-19 pandemic*, (May 1, 2020), available at <https://eca.unwomen.org/en/news/stories/2020/5/womens-shelters-in-bosnia-and-herzegovina-fight-to-keep-doors-open-during-the-covid-19-pandemic> (last visited Dec. 18, 2020)

¹⁰⁹ UN Women Europe and Central Asia, *Women's shelters in Bosnia and Herzegovina fight to keep doors open during the COVID-19 pandemic*, (May 1, 2020), available at <https://eca.unwomen.org/en/news/stories/2020/5/womens-shelters-in-bosnia-and-herzegovina-fight-to-keep-doors-open-during-the-covid-19-pandemic> (last visited Dec. 18, 2020)

¹¹⁰ UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

¹¹¹ Valida Hromadzic, *Call for Submissions*, p. 8.

¹¹² UN Women Europe and Central Asia, *Violence increased during the coronavirus pandemic, women and girls need psychological support*.

35. The country is facing a lack of medical workers; more than 5000 medical workers have left the country since 2013.¹¹³ Further, formal and strategic plans against COVID-19 were not developed due to a lack of coordination between all government and complex governmental structures.¹¹⁴ Specifically, pregnant women have experienced severe psychological problems such as fear of miscarriage due to the COVID-19.¹¹⁵ According to a study, the uncertainty of the pandemic may cause severe consequences for both a mother and a baby, including miscarriages and long term mental health issues.¹¹⁶
36. Also, many individuals are unable to access social assistance programs due to eligibility criteria and the fact that the scope of the benefits differ between entities, districts and cantons.¹¹⁷ Despite progress in the RS and Herzegovina-Neretva Canton in the Federation entity, comprehensive and uniform reform is required.¹¹⁸ Due to the fragmented government structure, there are challenges to identify and necessary reforms to implement in education, labor markets, and social policies.¹¹⁹
37. **Suggested recommendations** relating to health insurance and social assistance:
- Ensure that women and vulnerable groups have access to necessary health resources.
 - Eliminate unnecessary bureaucracy to access social assistance and make clear the eligibility criteria.

¹¹³ Valida Hromadzic, *Call for Submissions*, p. 5.

¹¹⁴ Valida Hromadzic, *Call for Submissions*, p. 5.

¹¹⁵ Slavica Tutnjevic and Sinisa Lakic, *Psychological impact of the COVID-19 pandemic on pregnant women in Bosnia and Herzegovina and Serbia*, p. 4.

¹¹⁶ Slavica Tutnjevic and Sinisa Lakic, *Psychological impact of the COVID-19 pandemic on pregnant women in Bosnia and Herzegovina and Serbia*, p. 4.

¹¹⁷ European Commission, *Commission Staff Working Document*, p.4

¹¹⁸ European Commission, *Commission Staff Working Document*, p. 89.

¹¹⁹ ILO, *About the ILO in Bosnia and Herzegovina*.