

Universal Periodic Review of Bosnia and Herzegovina

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Sarajevo Open Centre, founded in 2007 (SOC) advocates the full respect of human rights and social inclusion of lesbian, gay, bisexual, trans* and intersex (LGBTI) people and women.

Sarajevo Open Centre is an independent feminist civil society organization that strives to empower lesbian, gay, bisexual, trans* and intersex (LGBTI) people and women through community empowerment and activist movement building. SOC also promotes the human rights of LGBTI people and women publicly and advocates on national, European and international level for improved legislation and policies in Bosnia and Herzegovina. By working on European integration issues, SOC is improving human rights in general and encouraging further the development of civil society.

And



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Formed in 2006, the Sexual Rights Initiative (SRI) is a coalition of organisations including Action Canada for Sexual Health and Rights (Canada), Akahata (Argentina), CREA (India), Coalition of African Lesbians (South Africa), Egyptian Initiative for Personal Rights (Egypt) and the Federation for Women and Family Planning (Poland), with an office in Geneva. The SRI partners advocate together for the advancement of human rights related to sexuality, gender and reproduction at UN Human Rights Council

Key Words: gender-based discrimination and violence, abortion, contraception, sexuality education, employment equity, labour rights, maternity and parental leave, healthcare, biomedically assisted procreation, assisted reproductive technology.

Executive Summary

1. The complex political system and governance lead to legal gaps and challenges in harmonization of laws, policies and practices affecting human rights of women. The political and ethnic/national divisions within the political system also lead to large discrepancies in the position of women. This situation is visible between the state level and the entities themselves where the legislation, policies and practices vary between Republika Srpska and Federation of BiH. For instance, Republika Srpska has established a fund through which the alimonies and maternity benefits/salary compensations are paid while in Federation this issue remains unresolved. In Federation of BiH the maternity benefits/salary compensations vary from one canton to another and all attempts to equalize this at the federal level are refuted for political reasons.
2. Though the legislative and policy framework regarding gender equality and human rights of women in Bosnia and Herzegovina has improved, its implementation still poses a serious challenge that needs to be systematically resolved, especially in cases of gender-based violence and domestic violence, safe houses' sustainability and protecting the right to start a family, parental rights and work-life balance.
3. Relevant institutions need to actively engage in ensuring the full respect of sexual and reproductive rights and bodily autonomy of women, and defend these against growing conservatism within the country and the region. The ministries of interior and the judiciary have to take a stand against public incitement to discrimination and violence on the ground of gender by prosecuting and sanctioning the perpetrators. The public officials need to publicly counter the conservative narratives and right wing backlash against human rights of women and minorities. Proper support systems for the survivors of violence need to be established through coordinated action by the governments, centers for social work and civil society.
4. Human rights education and comprehensive sexuality education must be introduced in schools and other settings; public awareness and sensitization campaigns launched in mainstream and social media and mandatory training for officials working in public institutions on non-discrimination and combatting harmful gender stereotypes and promoting gender equality and human rights of women must be instituted.

I GENDER-BASED VIOLENCE AGAINST WOMEN

Legal and institutional protection from domestic violence

5. Domestic violence in BiH is regulated through the criminal codes of both entities (Republika Srpska and Federation of BiH) and the Criminal Code of Brčko District. Domestic violence is additionally regulated and prohibited by the family laws of both entities, as well as by the laws on prohibition of domestic violence of both entities and Brčko District. Unlike the Law in Brčko District, the entity laws on the prohibition of domestic violence provide more thorough regulations on safe house establishment and financing.¹

¹ Criminal Code of Republika Srpska: <https://advokat-prnjavorac.com/zakoni/Krivicni-zakonik-Republike-Srpske-2017.pdf>; Criminal Law of FBiH: https://advokat-prnjavorac.com/zakoni/Krivicni_zakon_FBiH.pdf; Criminal Lw of Brčko District: <https://advokat-prnjavorac.com/zakoni/Krivicni-zakon-Brcko-Distrikta-BiH.pdf>.

6. The Law on protection from domestic violence of Brčko District adopted in 2018, includes provisions on financing the running costs of safe houses for survivors of domestic violence, but it does not reference their establishment.² The Law on protection from domestic violence in the Federation of BiH adopted in 2013, regulates that seventy percent of the running costs must be covered by the Federation of BiH, and the balance must be funded by sources in the jurisdiction where the safe house is established.³ Similarly, the law on protection from domestic violence in Republika Srpska, adopted in 2012, regulates that the services and accommodation of survivors in safe houses have to be covered by the entity government in the amount of 70% and local authorities in the amount of 30%.⁴
7. Alongside the existing laws, the entities have adopted policies to combat domestic violence, Strategy for prevention and combat against domestic violence in Federation of BiH for the period 2013-2017 was extended to 2020; and the Strategy for prevention of domestic violence in Republika Srpska for the period 2014-2019.
8. Both Federation of BiH and Republika Srpska have developed electronic databases on domestic violence which integrate the data received by the centres for social work, safe houses, SOS lines and the police. However, the database in Federation of BiH still has some technical and dissemination issues and not all of 88 centres for social work or 10 cantonal ministries of interior use it. The representatives of the safe houses believe the database would be a powerful and useful tool in combating domestic violence and providing a transparent and effective reporting procedure to the survivors (since all of the institutions would have access to cases without the need to repeat the procedures several times) but they fear it will end up unsustainable and unsupported by the relevant institutions like all other similar projects in this area.⁵ This belief is based upon the lack of engagement from the ministries of interior to actually use the database, even the ones using it do not do so on regular basis. The concern also exists regarding the sustainability of the database since it was funded by the donor resources, and it's development can be attributed to the Mission of the OSCE to BiH, meaning once it is given over to the government, the cantonal governments and the Federation of BiH will have to cover the costs of its maintenance.
9. The database in Republika Srpska is used by the Ministry of family, youth and sport to produce half-year reports with the statistic data regarding domestic violence and sentencing of the perpetrators. From January to July of 2018 out of 423 cases reported to the police, centres for social work and safe houses, only 199 were forwarded by the police to the prosecutors' office in charge. The trend continues from the year before because from January to July 2017 out of 514 reported cases only 154 were forwarded to the prosecutors' office.⁶
10. The under reporting of the cases of domestic violence can be attributed to the highly patriarchal and conservative BH society, as well as to the existing gender inequality. BiH, is not excluded from global and regional tendencies, and as such has seen the rise of anti-rights, populist rhetoric in the society, which focuses on blaming women and minorities for the "moral demise of the society". The political parties heavily influenced by religious and nationalist tendencies, also emphasize the role of women in the family. The stereotypes and prejudices towards women are also very present leading to obvious inequality and discrimination, last Census in 2013 showed that in BiH more women have attained

² Law on protection from domestic violence in Brčko District: <https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20zas--titi%20od%20nasilja/001%2007-18%20Zakon%20o%20zas+titi%20od%20nasilja%20u%20porodici%20u%20Brc+ko%20distriktu%20Bosne%20i%20Hercegovine.pdf>.

³ Law on protection from domestic violence in FBiH: https://advokat-prnjavorac.com/zakoni/Zakon_o_zastiti_od_nasilja_u_porodici_FBiH.pdf.

⁴ Law on protection from domestic violence of Republika Srpska: https://advokat-prnjavorac.com/zakoni/zakon_o_zastiti_od_nasilja_u_porodici_RS.pdf.

⁵ The Orange Report, the Annual Report on the State of Women's Rights in Bosnia and Herzegovina: http://soc.ba/site/wp-content/uploads/2016/02/ENG_narand.izv_FINAL_web.pdf

⁶ The report of the Ministry of family, youth and sports of RS: <https://bit.ly/2TdYQos>

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higher levels of education (both high school and university education) than men, but also that more women are unemployed. Almost 48% of people in BiH live on the poverty line, while 17,9% live in critical poverty, in this kind of climate it is unreasonable to expect that women can, on their own, be empowered to report domestic violence, seek help and provide economic support to their families. As previously mentioned the existing safe houses work beyond their capacities to provide support for the survivors of the domestic violence, but their resources are limited and coordinated systematic response is needed to tackle this issue and provide adequate support to these women and their families.

11. Though the entity laws on protection from domestic violence stipulate the obligation of the entity and local institutions to financially support the work of the safe houses for the survivors of domestic violence, these regulations are rarely implemented. In the Federation of BiH since the adoption of the Law in 2013 until 2018, the authorities have never fully fulfilled their financial obligations towards the safe houses and the survivors of domestic violence situated there. The financial means from the federal budget are awarded at the end of the year for the current year. In Republika Srpska the situation is similar, financial payments for the safe houses and their proteges are always late and are being awarded retroactively, through a public call opened four times a year.
12. In Bosnia and Herzegovina, there are currently 8 active safe houses, 3 in Republika Srpska with the accommodation capacities for 55 persons and 5 in Federation of BiH with accommodation capacities for 126 persons. During 2016 one of the safe houses (there were previously 6 of them in Federation of BiH) closed. Due to the actual prevalence of domestic violence and the need to accommodate the survivors and provide them with adequate psychosocial support, safe houses yearly house from 25 to 35 survivors of domestic violence each.⁷
13. The civil society organization running safe houses are forced to cover the expenses and ensure the sustainability of their shelters and services through seeking funding from foreign donors and through unpaid work of their employees.

Alignment of laws and practices with the Istanbul Convention and gender-based violence

14. In 2015 the Council of Ministers of BiH adopted a countrywide Framework Strategy for the implementation of the Istanbul Convention. The document was, however, unsupported by Republika Srpska stating that due to political and jurisdictional reasons such strategy should be developed on the entity level. However, the Gender Action Plan as the official gender equality strategy of BiH is also adopted at the state level with appropriate operational plans for its development being adopted at the entity level.
15. The Gender Action Plan for the period of 2018 till 2022 was adopted in October of 2018 and the following state and entity operational plans for its implementation are to be adopted in 2019.⁸ This Gender Action Plan prioritizes prevention and combating gender-based violence, including domestic violence and human trafficking, gender equality in employment and access to economic resources, political and public life participation, as well as strengthening the cooperation on gender equality efforts regionally and internationally.
16. The most notable step in the alignment of existing laws and practices in BiH with the Istanbul Convention is the adoption of the Criminal Code of Republika Srpska in 2017. Through this new

⁷ The Orange Report, the Annual Report on the State of Women's Rights in Bosnia and Herzegovina: http://soc.ba/site/wp-content/uploads/2016/02/ENG_narand.izv_FINAL_web.pdf

⁸ The Gender Action Plan of BiH 2018-2022: <https://arsbih.gov.ba/project/gender-akcioni-plan-bih-za-period-2018-2022-godine/>

Criminal Code, Republika Srpska has partially aligned its regulation of gender-based violence with the standards set out in the Convention at least in the sphere of criminal acts such as genital mutilation, forced sterilization, stalking, sexual blackmail and harassment, mobbing, forced marriages and criminal acts against children. However, most of these acts still demand the existence of an actual dependent relationship between the survivor and the perpetrator in the sense that the perpetrator holds power over the survivor, completely negating that sexual harassment and blackmail can happen in horizontal and seemingly equal relationships, as well as that the perpetrator does not have to know the survivor prior to committing sexual harassment.

17. Criminal laws of Brčko District and Federation of BiH have yet to be aligned with the Istanbul Convention. Though the Parliament of the Federation of BiH has tasked the Government to develop a new Criminal Law for Federation of BiH in 2016, no concrete steps have been taking to develop this draft nor to take into account the amendments regarding gender-based violence submitted by the civil society.
18. No steps have been taken to align the existing laws on protection from domestic violence, nor the labour laws with the standards set out in the Istanbul Convention.
19. Patriarchal attitudes also influence the leniency of the judicial practice, for example in conducting the interviews with survivors of peacetime rape crimes and the analysis of the court ruling in the period from 2011 until 2016, in almost 82% cases of rape the sentences given to perpetrators were lenient or extremely lenient resulting in granting of parole and release of the perpetrators. In all of the 51 rulings that were obtained from all of the courts in BiH, there was no case in which the perpetrator was sentenced given the maximum sentence for the criminal act of rape, regardless of the conditions of the crime. In mitigation of sentencing, the courts have repeatedly held the fact that the perpetrators were “family men” (even if the rape has occurred within the family), that the survivors could have prevented it / should have predicted and avoided the violence, the poor financial and social conditions the perpetrator lives in, the young age of the perpetrator, the behavior of the perpetrator during court proceedings (the adherence to court rules and appearance at the court sessions), or in one case that the survivor has admitted that she was partially to blame for the attempt of criminal act (it was the second attempt by the same perpetrator to rape the same survivor which was stopped by the police).⁹
20. Similar patriarchal attitudes are supported and reinforced by the media. In 2017 and 2018 there was an increase in misogynistic commercials, comedy sketches and public and social media statements by public persons, officials and politicians. These varied from portraying demeaning and sexist stereotypes of women, to inciting rape, violence and hatred against women. The female body and gender expression have been once again under attack and policing, especially through the rules on conduct and dress codes introduced at the University of Sarajevo and University of Mostar.
21. The Dress and Conduct Code at the University of Sarajevo was not adopted after a wide public discussion on all of the faculties that strictly opposed the regulations regarding the dress codes and the regulations regarding the prohibition of criticizing the politics of the University. However, the media during their reporting on the public discussion, chose to shame most of the female students and participants present for their clothes instead of covering the substantive issues¹⁰.
22. The Dress Code of the University of Mostar was adopted without public discussion and it features examples stating which female clothing is appropriate for nightclubs and “striptease bars”, as well as a

⁹ Publication on criminal acts of rape and other sexual violence in BiH: <http://soc.ba/krivicna-djela-silovanja-i-ostalog-seksualnog-nasilja-u-bosni-i-hercegovini/>

¹⁰ A recommendation to Television Sarajevo from the Gender Equality Agency of Bosnia and Herzegovina: <http://soc.ba/en/after-socs-request-the-bih-gender-equality-agency-found-a-violation-of-the-gender-equality-law-in-television-sarajevos-broadcast/>

prohibition of female students wearing headscarves that cover their face to attend the university and the lectures (which should be open to the public without obtaining a permit from the dean first). Such regulations not only affirm the harmful stereotypes that female clothing ‘invites rape, discrimination and violence’; it is also discriminatory on the grounds of gender and religious beliefs according to the Anti-Discrimination Law and Gender Equality Law in BiH.¹¹ The Dress Code has not yet been used in practice as the civil society reacted right after it was adopted.

23. During 2nd UPR Cycle on Bosnia and Herzegovina, Bosnia and Herzegovina received and accepted several recommendations regarding domestic violence. Out of those received, the recommendation received from Hungary regarding the adoption of a strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence., though partially accepted, is the only one that has been fully implemented.
24. The recommendations given by Moldova and Latvia (accepted) and Sierra Leone (partially accepted) concerning strengthening and harmonizing the legislation on domestic violence were not implemented, nor were measures taken to ensure their implementation in the future.
25. The recommendations given by Malaysia (accepted) regarding prosecuting perpetrators of violence, providing victims with adequate assistance and protection, has only partially been implemented due to legal obligation to fund safe houses, however this funding as mentioned above is not regular and jeopardizes the existing system. No new measures were taken to ensure efficiency of the law enforcement and the judiciary in this regard.
26. In 2017 both the Human Rights Committee considering the third periodic report submitted by Bosnia and Herzegovina on the International Covenant on Civil and Political Rights, and the Committee against torture considering the sixth periodic report of Bosnia and Herzegovina on the implementation of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, emphasized the obligation of BiH to provide the survivors of domestic violence adequate protection, support and assistance. Both Committees also stressed the need of the government to ensure prompt and efficient legal procedure, and the sanctioning of the perpetrators.

II SEXUAL AND REPRODUCTIVE RIGHTS OF WOMEN

Right to family life through assisted reproductive technologies or “biomedically assisted procreation (BAP)”

27. The issue of biomedically assisted procreation in BiH is another area problematic because of the lack of harmonization and systematic regulation that would enable equal access to all those in need of such treatment in both entities and Brčko District. In 2018 the Federation of BiH adopted the Law on the treatment of infertility through biomedically assisted procreation, this is the first law of this kind in any of the administrative units of BiH. The issue of BAP in Republika Srpska and Brčko District is regulated sporadically, through the decisions of the government and healthcare funds.¹²
28. The current regulation of the BAP allows access two procedures that will be covered through healthcare funds if the female is up to 40 (in Republika Srpska) and 42 years of age (in Federation of BiH and Brčko District). The only form of assisted reproduction allowed by law, is homologous and heterologous assisted reproduction (including surrogacy or the use of donor sperm or eggs) is not

¹¹ The Dress Code of the University of Mostar: <https://www.sum.ba/sites/default/files/dokumenti/Pravilnik-o-odijevanju.pdf>

¹² The Law on Treatment of infertility through Bomedically Assisted Procreation of FBiH: <https://advokat-prnjavorac.com/zakoni/Zakon-o-lijecenju-neplodnosti-biomedicinski-potpomognutom-oplodnjom-FBiH.pdf>

recognized nor allowed. Only persons in heterosexual marriages or extramarital unions¹³ (with notarial certification of their statements confirming the existence of such union in accordance to the entity family laws) can access these procedures.¹⁴

29. Healthcare insurance funds in BiH only cover up to 50% of the costs of BAP procedures which has the effect of excluding those who are unable to cover the financial gap. This leaves a lot of couples unable to access these services at all or without serious consequences on their financial situation as 17.9 % of the population in Bosnia and Herzegovina live with income lower than 235 BAM (117 EUR/ 135 USD) per month or below the line that indicates the critical poverty. This means that every sixth household in BiH is poor. According to official figures, around 48 percent of BiH's population lives on the poverty line, with monthly income of around BAM 416 (208 EUR/ 240USD).¹⁵
30. In 2015 the Committee for gender equality of the Parliamentary Assembly of BiH initiated the adoption of the Framework law on treatment of infertility through biomedically assisted procreation which would harmonize this issue in all administrative units, however the law was not adopted and the initiative was dismissed due to the issues of jurisdiction of state and the entities, namely Republika Srpska.

Rights to bodily integrity and autonomy in access to safe and legal abortion

31. The current regulation of the access to abortion in BiH enables women to decide on their own whether they want to maintain the pregnancy or terminate it and enables them to access these service solely on their own written request. The cost of the abortion for medical reasons is covered by the healthcare insurance funds, while the cost of the abortion per request is covered by the person requesting it.
32. There is no precise data on the number of women accessing safe and legal abortion in BiH, since the medical institutions providing these services do not keep publicly available data. The access to abortion is granted on person's request in the first 10 weeks of pregnancy if the person is 18 years or older. If the pregnancy is between the 10th and the 20th week, the abortion request is decided on by the committee of the institution providing abortion. Abortion request after the 20th week of pregnancy is decided by the ethical committee of the medical institution providing abortion. If the person needing the abortion is below 18 years old, the request must be submitted by her legal guardians.¹⁶ The laws leave the possibility of conscientious objection to the doctors performing abortions, however the law stipulates the obligations of the medical institution to provide the service and replace the doctor objecting by another willing to provide the service.¹⁷
33. In BiH abortion is performed either through surgical termination of pregnancy (performed in medical institutions) or medically with a pill that induces a termination of pregnancy (only up to 9th week of

13 Extra-marital unions in BiH are unions of life of a man and woman (who are not married) who either live together for three years or less if they have a child together. These unions are recognized by family laws of both entities and are legally given the same rights as the married couples.

14 Analysis of the draft laws on biomedically assisted procreation in FBiH: <http://eu-monitoring.ba/site/wp-content/uploads/2018/02/Analiza-zakona-BMPO.pdf>

15 Almost half of the citizens in BiH live on the poverty line: <https://avaz.ba/vijesti/teme/311917/zabrinjavajuci-podaci-o-stanju-u-nasoj-zemlji-skoro-polovina-stanovnistva-u-bih-zivi-na-granici-siromastva>

16 Law on Conditions and Procedures for Abortion of the Republic of Srpska: <https://abortion-policies.srhr.org/documents/countries/03-Bosnia-and-Herzegovina-Republika-Srpska-Law-on-the-conditions-and-procedure-for-the-termination-of-pregnancy-2008.pdf>

17 How to protect reproductive rights from neoconservative movements: <http://soc.ba/kako-odbraniti-reproduktivna-prava-od-neokonzervativnih-struja/>

pregnancy). The law requires that both of these abortion methods are performed under the supervision of medical professionals.¹⁸

34. A significant barrier in access to abortion lies with the costs associated with it. Different healthcare funds regulate prices for abortions, and this puts women in BiH in legally different positions and creates legal uncertainty.¹⁹ Such legislation makes abortion, though legal and provided, inaccessible to women living in poverty, especially women belonging to minority communities, such as Roma women, women with disabilities and women returnees.
35. The initiatives from neighbouring countries which are either a part or heavily influenced by both regional and global conservative and patriarchal movements, create spillover in BiH and groups demanding the prohibition of abortion have become more publicly visible and active. One such organized anti-choice group is Pokret za život (Movement pro-life) that is heavily influenced by similar organisations in Serbia and the Russian Federation and are actively spreading falsehoods in Republika Srpska on the “dangers and consequences” of abortions and also advocating for the increase in natality. Also, the Croatian nationalist, conservative and Christian movement called Hrast has tried interfering with the policies regulating abortion and biomedically assisted procreation by influencing Croats and their political representatives in BiH through media, criticizing their support to the regulation of this issue, as well as the adoption of the Istanbul Convention. Another two movements Svjetionik – Centar za život (Lighthouse – Centre for life) and Pro-life have established a Wikipedia page on abortion in BiH where they claim they have organized praying sessions before the Clinical Centre of the University of Mostar when abortions are performed.²⁰

Access to contraception and comprehensive sexuality education

36. Medical experts warn that there is no adequate healthcare and sex education accessible to young people and that making a taboo out of sex education and contraception are far bigger problems than the number of abortions in BiH. Female contraception is fairly expensive and inaccessible to all women, and cannot be obtained through healthcare insurance which should be the case.²¹
37. According to the latest Multiple Indicator Cluster Survey of the UNFPA in Bosnia and Herzegovina (BiH), only 12% of women of reproductive age use modern contraception with the highest rate in the richest quintile and educated women. Additionally, 9% of all reproductive age women have unmet needs for contraception. Prejudices, misconceptions and poor knowledge about significance as well as the high price of the modern contraception are key factors for such a low use.²² The contraception in BiH is not covered by the health insurance and most female contraception is issued after a receipt issued by a licensed medical expert.²³
38. Comprehensive sex education is not offered neither in the formal, nor in the informal education in BiH. For now, only the students in the elementary schools in Canton Sarajevo get the opportunity to receive sex education through a subject called Healthy life choices. However, this subject is the elective one, meaning the students that refuse to go to religious courses are offered to choose to attend either

18 Abortion as a decision: <https://bonamag.ba/2017/02/17/abortus-kao-odluka/>

19 Media analysis of access to abortion in BiH: <https://interview.ba/vijesti/item/14948-priziv-savjesti-doktora-samo-za-zene-a-ubicama-i-kriminalcima-nista>

20 Wikipedia article on abortion in BiH written by anti-abortion groups: https://hr.wikipedia.org/wiki/Poba%C4%8Daj_u_Bosni_i_Hercegovini#cite_note-1

21 Media analysis of access to abortion in BiH: <https://interview.ba/vijesti/item/14948-priziv-savjesti-doktora-samo-za-zene-a-ubicama-i-kriminalcima-nista>

22 Statement by Dr. Doina Bologa, UNFPA Representative for Bosnia and Herzegovina: <https://ba.unfpa.org/en/news/statement-drdoina-bologa-unfpa-representative-bosnia-and-herzegovina>

23 Essential drugs lists in BiH do not cover contraception: <http://www.diskriminacija.ba teme/esencijalne-liste-lijekova-u-bih-ve%C4%87inom-bez-kontraceptivnih-sredstava>

Culture of religions where they learn of all religions of the world or Healthy life choices. No other efforts were made to introduce comprehensive sex education in BiH.²⁴

39. In failing to provide affordable modern methods of contraception and equal access to sexual and reproductive health education and service, BiH has failed to implement the recommendation received and accepted during the during 2nd UPR Cycle. The recommendation given by Slovenia states that: All levels of Government in Bosnia and Herzegovina consider providing equal access to sexual and reproductive health education and services, including affordable modern methods of contraception.

III GENDER INEQUALITY, LABOUR RIGHTS AND WORK-LIFE BALANCE

Parental rights and labour/social care legislation

40. Both of the entities' Labour laws stipulate the prohibition of discrimination on the grounds of gender, as well as regulating the prohibition to inquire about the personal life of potential employees especially regarding family planning and pregnancy. The Labour Law of Federation of BiH also explicitly states the prohibition of discrimination on the ground of marital status, family obligations and pregnancy. Both laws prohibit overtime work for pregnant women and married mothers with children up to 3 years of age, as well as single parents/adoptive parents with children up to 6 years of age. They also regulate the prohibition of unequal treatment and position of pregnant women at the workplace with the aim of protection of their rights.²⁵
41. Labour Law of Federation of BiH regulates the mandatory 42-day maternity leave for the mother, after which the rest of the maternity leave (12 months) can be used by either parent according to the agreement between the parents. In the Labour Law, mandatory maternity leave is stipulated at 60 days, after which either parent can take the rest of the leave per their agreement (12 months in case of one child, 18 in case of twins or more children).
42. The parent that takes the leave is entitled to salary compensation. In Federation this compensation is regulated on cantonal level (varying from 60 to 100% of the average salary of the parent) which creates discrepancies and legal inequality between couples in different cantons in Federation of BiH, while in Republika Srpska this compensation is covered by the Public fund for child protection in the amount of the average salary received by the parent taking the leave in the last 12 months.²⁶
43. The maternity benefits for unemployed mother/parents and their regulation pose an equally complex issue and are regulated in a different way in both entities. Some administrative units only ensure one-time payment, while others predict from two to 12 months of payments to the unemployed parent. The payments vary from 40 to 400 BAM (20 EUR/23USD to 200 EUR/230 USD) per month depending on the administrative unit.²⁷
44. Although their rights are protected by the law and the means for the maternity benefits/salary compensation are ensured within the budgets of different governments, the implementation of this regulation is still inadequate and parents, especially mothers have previously protested asking the

24 Sex education in BiH: A path towards violence prevention: <https://www.radiosarajevo.ba/metromahala teme/seksualno-obrazovanje-kao-zastita-od-vrsnjackog-nasilja/306377>

25 Labour Law of Federation of BiH: <http://www.pufbih.ba/v1/public/upload/zakoni/f0787-zakon-o-radu-precisceni-tekst.pdf>; Labour Law of Republika Srpska: <https://advokat-prnjavorac.com/zakoni/Zakon-o-radu-Republike-Srpske-2016.pdf>.

26 The analysis of salary compensation/maternity benefits for employed and unemployed parents in BiH: <https://zenskamreza.ba/u-kojem-dijelu-bih-porodilje-u-najvecem-obimu-mogu-ostvariti-svoja-prava/>

27 The analysis of salary compensation/maternity benefits for employed and unemployed parents in BiH: <https://zenskamreza.ba/u-kojem-dijelu-bih-porodilje-u-najvecem-obimu-mogu-ostvariti-svoja-prava/>

government to adequately regulate their rights, improve the healthcare coverage and enable them free access to prenatal and natal care, as well as basic medications and supplements for pregnant women, new mothers and children.²⁸

Recommendations

45. Governments of Republika Srpska, Federation of BiH and the cantons must implement all the provisions of laws on protection from domestic violence and ensure sustainability of safe houses in BiH in an efficient and transparent way.
46. Ministry of interior of Federation must improve the existing electronic database on domestic violence in the Federation of BiH and introduce it in all the cantons, in cooperation with the centers for social work and the safe house.
47. Governments of Republika Srpska and Federation of BiH need to align the criminal laws, laws on protection from domestic violence and labour laws with the standards set in the Istanbul Convention.
48. Governments of Republika Srpska and Federation of BiH need to regulate and sentence incitement to violence and discrimination on the grounds of gender on social networks, in the public, the institutions and the media.
49. Governments of Republika Srpska and Federation of BiH need to harmonize and advance regulation covering biomedically assisted procreation in all administrative units to ensure the application of highest medical standards and most effective procedures for all the persons seeking this treatment.
50. Governments of Republika Srpska and Federation of BiH need to ensure safe and unobstructed access to abortion for persons who want these services, as well as accessible and free contraception covered by health insurance.
51. Ministries of education of Republika Srpska, Federation of BiH and all of the cantons need to introduce education on human rights and gender equality, as well as comprehensive sexuality education for children and young persons in the formal and non-formal education system.
52. Governments of Republika Srpska and Federation of BiH must harmonize the regulations covering the issue of salary compensation/maternity benefits for new parents (employed and unemployed) among all administrative units in BiH.
53. Governments of Republika Srpska and Federation of BiH must adopt human rights based natality policies/family strategies aimed to achieve gender equality and adequate work-life balance for both women and men ensuring adequate social support and access to necessary social and healthcare services for new parents and children, while respecting the right of women to bodily autonomy.
54. Governments of Republika Srpska, Federation of BiH and its cantons need to combat gender-based violence and rising human rights violation through education and sensitization of public officials and employees of public institutions.

²⁸ The Orange Report, the Annual Report on the State of Women's Rights in Bosnia and Herzegovina: http://soc.ba/site/wp-content/uploads/2016/02/ENG_narand.izv_FINAL_web.pdf