



Date: 15 June 2020

United Nations for Gender Equality and the Empowerment of Women (UN WOMEN)

**Subject: Information relating to the implementation of the UN Resolutions: 73/148, 73/146 and 73/149**

1. Intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment (A/RES/73/148)
  - Measures to address sexual harassment against women and girls, as per resolution 73/148

The Law on Gender Equality in Bosnia and Herzegovina (BIH) prohibits discrimination on the basis of gender and sexual orientation in all spheres of life. In this context, different types of gender-based violence are considered as forms of discrimination, i.e. a violation of human rights.

The Law on the Prohibition of Discrimination in BIH prohibits sexual and every other form of harassment, mobbing, segregation and incitement to discriminate.

Article 9 of the Labour Law of Federation of Bosnia and Herzegovina (FBiH) prohibits harassment or sexual harassment and violence at the workplace, gender-based violence as well as systematic mobbing of workers and persons seeking employment at companies, either by employers or by other employees.

The Labour Law of Republika Srpska (RS) explicitly prohibits sexual harassment, which constitutes any unwanted behaviour intended to violate the dignity of a person seeking employment or a worker and causing fear or creating a degrading or insulting environment.

The Criminal Code of BIH<sup>1</sup> and the Law on Gender Equality of BIH, define certain criminal offences that also relate to the issue of violence against women. These criminal offences relate primarily to the area of exercising rights before the institutions of BIH. They also relate to the areas of gender-based discrimination, war events and the perpetuation of criminal offences as war events and as war crimes, the area of international human trafficking and international solicitation of prostitution and the area of violation of gender equality. The Criminal Codes of the Federation of BIH, Republika Srpska and Brcko District of BIH as well as special Laws of BIH and the entities have an approach to the criminalisation of the following offences: psychological violence, stalking, physical violence, sexual violence including rape, forced marriage, female genital mutilation, forced sterilisation and sexual harassment

**Gender Action Plan of BIH for the period 2018–2022.** contains a special priority area, namely Prevention and Combatting Gender-based Violence, including Domestic Violence, and Human Trafficking. The main goal envisaged in the measure is to prevent and combat violence against women and men in both the public and private sphere as well as all forms of human trafficking through the establishment of an efficient system of protection and prevention.

The Agency for Gender Equality of BiH MHRR BiH prepared and the Council of Ministers of BiH (CoM BiH) adopted in October 2019 the 'Information on Mechanisms for the efficient Prevention and Protection from Harassment on the grounds of Sex

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<sup>1</sup> 'Official Gazette of Bosnia and Herzegovina', nos. 3/03, 32/03 - correction, 37/03, 54/204, 61/04, 30/05, 53/06, 55/06, 8/10, 47/14, 22/15, 40/15 and 35/18.

and from Gender Harassment at the Workplace in the institutions of BiH’, along with the ‘Guide for efficient Measures for the Prevention of Harassment on the grounds of Sex and from Sexual Harassment at the Workplace in the institutions of BiH’. CoM BiH ordered the institutions at the state level to adopt decisions on zero tolerance on sexual harassment and harassment on the grounds of gender by the end of 2020. The CoM BiH also ordered the appointment of advisors for the prevention of harassment on the grounds of sex and gender harassment at the workplace. The Civil Service Agency of BiH was ordered to implement the education programme with regards to sexual harassment and harassment on the grounds of gender at the workplace. This education is implemented on an ongoing basis and it is aimed at civil servants in state level institutions in BiH. GEA BiH MHRR BiH monitored the implementation of the Guide and as of now, 10 state level institutions have adopted the decision on the ‘zero tolerance’ policy also appointing advisors for the prevention of harassment.

- **Impact of the COVID-19 outbreak in regards to violence against women and girls and measures undertake to address those in the short, medium and long-term, particularly in the following areas:**
  - **Impact on the nature and prevalence of violence against women and girls, including violence in private and public spaces, and in online settings**
  - **Use of technology and innovation in responding and preventing to violence against women and girls in the context of COVID-19.**

Although there is still no official data, an increase in the number of incidents of domestic violence has been expected for several reasons:

In emergencies such as the pandemic of COVID-19, victims of violence are faced with particular pressure and challenge. Some are not even able to reach out to anyone, and there is a reasonable reservation concerning the capacity of protection services to deliver sufficient assistance and support in these circumstances, as everyone is expected to focus on measures and activities aimed at controlling the pandemic. The fact that leaving home and contact with others poses a potential risk of infection further discourages victims of violence from going out and seeking much-needed help. Another reason that will increase this form of violence is the growing uncertainty about the future, especially regarding existential issues and economic stability. A large number of redundancies have already been recorded, a recession has been declared and economic activity has been kept to a minimum with an indefinite length of time. In addition, being isolated in quarantine causes different psychological problems, which is an added aspect that will influence an increase in cases of violence against women and domestic violence.

In such circumstances, NGOs experienced in dealing with these issues and particularly those who run safe houses should play a key role in providing help and support for victims of violence. There are currently eight safe houses run by NGOs in Bosnia and Herzegovina. They, however, are also faced with new challenges and problems stemming from this state of emergency.

Immediately after the outbreak of the pandemic in Bosnia and Herzegovina, the Agency for Gender Equality of Bosnia and Herzegovina contacted NGOs responsible for running of safe houses in order to seek their opinion on the priority government measures to combat the increase in domestic violence and to improve the delivery of services.

Based on the information collected from the NGOs and other institutional partners, and in line with the BiH **Action plan on UNSCR 1325 (2018 – 2022)**, the **Gender Action Plan in Bosnia and Herzegovina (2018 - 2022)**, and the emergency measures recommended by the government, the Agency for Gender Equality of Bosnia and Herzegovina developed a **Project Concept, “Support to victims of gender-based and domestic violence in BiH during the state of emergency caused by the COVID-19 virus pandemic”**. The project is part of the Plan from the Ministry of Human Rights and Refugees of BiH and contains a proposal to the government and the international donors to allow re-allocation of the funds to support NGOs who are looking after the victims of violence against women and girls and domestic violence. Additionally, the Agency has developed a Concept Note for Economic Empowerment of Women that is based on the needs identified by non-governmental organisations working in this field. The Agency has initiated specific activities for the reallocation of donor funds within the projects it implements, with the aim of implementing the planned measures outlined in these documents.

The Agency for Gender Equality of BiH sent **Recommendations for the integration of the perspective of gender equality in the process of planning, making and implementing decisions, measures and plans in the fight against the COVID-19 pandemic.** Recommendations were submitted to the Councils of Ministers of Bosnia and Herzegovina, entity and cantonal governments as well as headquarters for civil protection and health at all levels of government.

Also, the Agency for Gender Equality of BiH coordinated with both international organisations and donors the implementation of intervention assistance and planning of the long-term support to alleviate the effects of the COVID-19 pandemic, with the aim of defining common priorities and coordinated action. Since the beginning of the crisis, the Agency has been in contact with the Women's Network and has been collecting information from NGOs on their activities and emerging challenges caused by it.

Several non-governmental organisations in BiH (Members of the Women's Network) have established women online counselling, psycho-social support and other forms of online support for various vulnerable categories, including women victims of gender-based violence.