

## ANNUAL REPORT ON THE STATE OF WOMEN'S RIGHTS IN BOSNIA AND HERZEGOVINA IN 2014

Sarajevo Open Centre

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## ABBREVIATIONS

<b>AP</b>	Action Plan
<b>ARS BiH</b>	Gender Equality Agency of Bosnia and Herzegovina
<b>BD</b>	Brčko District
<b>BHAS</b>	Statistics Agency of Bosnia and Herzegovina
<b>BiH</b>	Bosnia and Herzegovina
<b>CAHVIO</b>	Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (also known as Istanbul convention)
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CoE</b>	Council of Europe
<b>DF</b>	Democratic Front - Željko Komšić (political party)
<b>FBiH</b>	Federation of Bosnia and Herzegovina
<b>GAP</b>	Gender Action Plan
<b>GBV</b>	Gender-Based Violence
<b>KZ</b>	Criminal Code
<b>LBT*</b>	Lesbian, Bisexual, and Trans* Women
<b>NSRS</b>	National Assembly of Republika Srpska
<b>NVO</b>	Non-governmental organization
<b>OCD</b>	Civil society organization
<b>PFBiH</b>	Parliament of the Federation of Bosnia and Herzegovina
<b>PSBiH</b>	Parliamentary Assembly of Bosnia and Herzegovina
<b>RS</b>	Republika Srpska
<b>SDA</b>	Party of Democratic Action (political party)
<b>SDP</b>	Social Democratic Party (political party)
<b>SNSD</b>	Alliance of Independent Social Democrats - Milorad Dodik (political party)
<b>UN</b>	United Nations

## INTRODUCTION

*The Annual Report on the State of Women's Rights in BiH* is being published for the third year in a row. To our knowledge, this is the only report of its kind to be published by a civil society organization that comprehensively covers women's rights, with attention given to a wide variety of issues. The first two issues of the *Annual Report* were independently published by the Sarajevo Open Centre, while this year's edition is the result of cooperation between the Sarajevo Open Centre and CURE Foundation, on behalf of the Women's Network BiH. We are very pleased that this year's edition was written by three young activists - Dalila Mirović, Inela Hadžić, and Edita Miftari.

The 2014 *Annual Report* is based on last year's report to a significant degree. Esther Garcia Fransioli authored the *Annual Report* in 2013, and we would like to thank her for her valuable assistance in the preparation of this year's report. Ms. Fransioli's extensive and thorough research and writing described women's human rights in 2013 and the years preceding 2013. Please keep in mind that this year's report was enriched by information from last year's report. We recommend that readers take both reports into account in order to receive a comprehensive description of the state of women's rights in Bosnia and Herzegovina. Last year's report is available online at: <http://soc.ba/godisnji-izvjestaj-o-stanju-prava-zena-u-bosni-i-hercegovini-tokom-2013-godine/>

2014 can not be characterized by significant progress in regard to women's rights. The general elections, flooding, and the issue of maternity leave benefits are indicators of the relationship between the state, society, and women. In 2015, it will be necessary to systematically work towards improving the position of women in society. This is particularly true of marginalized groups of women, such as returnees, women victims of war, Roma women, women with disabilities, single mothers, victims of domestic violence, and lesbian, bisexual and trans\* women. Each of these groups face serious discrimination, marginalization and – to a certain extent – complete social exclusion.

We hope this report will be useful for all individuals working in the field of women's rights. We look forward to your feedback!

Saša Gavrić  
Executive Director, Sarajevo Open Centre

## 1. WOMEN'S EDUCATIONAL AND ECONOMIC PARTICIPATION

- Insure and implement legislative and other measures aimed at increasing women's employment in order to harmonize their private and public activities;
- Insure the equal representation of both genders at the management level and within the boards of public companies in the manner prescribed in the Law on Gender Equality of BiH, and sanction institutions that do not apply these legal provisions;
- Legally secure equal rights for maternity/parental leave and the regular payment to beneficiaries regardless of their employment status throughout the entire territory of BiH. The right to maternity leave and benefits associated with maternity leave should be regulated within the framework of the health insurance system, and not as a social protection measure;
- Provide public education on how to report gender-based discrimination occurring at places of work and educational institutions;
- Introduce a system of equal pay, as well as other benefits, for the same work performed by female employees and their male colleagues;
- Sanction all legal entities which discriminate against women in employment in relation to their marital status, sexual - reproductive health or age;
- Reform the employment policy, and provide mothers of children with special needs who choose to nurture a child with disabilities employment opportunities with certain benefits (such as working half-time and leave for child care).

### Women's Education

According to BHAS, as compared to 2013, in 2014 there was a notable increase in the number of women in higher education. In the academic year of 2013/2014, of the total number of college graduates, women constituted 60.1%.<sup>1</sup> In a BHAS press release from 12.12.2014, the agency reported that 23,640 children completed the 9-year elementary school program in 2012/2013, of which 11,562 were girls. In 2012/2013, 40,630 students completed high school, of which 19,735 were women.<sup>2</sup> In 2013, from a total of 17,119 college graduates, 10,394 were women and 6,725 were men. The number of working-age women with university degrees is consistently growing (2012: 8.00%, 2013: 8.9%, and 2014: 9.4%).<sup>3</sup> When looking at employment in elementary education, 70.7% of those employed are women. 59.0% of secondary school employees are women. This clearly indicates that women are at the forefront – as compared to men – when we examine employment levels of teachers and professors.

<sup>1</sup> Statistics Agency of BiH: *Statistika obrazovanja*, 2014. Available online at: [http://www.bhas.ba/saopstenja/2014/EDU\\_2014\\_001\\_02\\_bos\\_i.pdf](http://www.bhas.ba/saopstenja/2014/EDU_2014_001_02_bos_i.pdf)

<sup>2</sup> Ibid, p.s 5 and 17

<sup>3</sup> Statistics Agency of BiH: *Anketa o radnoj snazi* 2014, p.s 41 and 201. Available online at: [http://www.bhas.ba/tematskibilteni/LFS\\_2014\\_001\\_01\\_bh.pdf](http://www.bhas.ba/tematskibilteni/LFS_2014_001_01_bh.pdf)

### Women's Participation in the Labor Market

Through an analysis of the BiH labor market, we are provided with different results than those expected. Although more women than men have completed primary/secondary and higher education, data on the working-age population do not reflect this. According to the Labor Force Survey from 2014,<sup>4</sup> women comprise 51.6% of the active labor force with primary, or less than primary, education. Women make up 39.0% of the labor force with secondary education, and 9.4% of those with a college/university degree, master's degree or doctorate. Compared to 2012 and 2013, there has been an increase in working-age women with primary or less than primary education, and a master's degree or doctorate. A 0.6% decrease can be observed among working-age women with a high school education. Interestingly, the highest percentage of working-age men are those with secondary or less than secondary education, at 58.9%. This is followed by 30.2% with elementary or less than elementary education, and 10.9% with a college/university degree, master's degree, or doctorate. The greatest number of women are employed in the service industry (66.4%), followed by agriculture (17.5%, as compared to 19.2% in 2013), and non-agricultural business/industry (16.1%).<sup>5</sup> However, although there has been an increase in the number of women in the labor market, their position has not changed in the context of women's employment, the proportion of women in management positions, better paid positions, or equal treatment in regard to the same level of pay for the same work performed as their (male) colleagues, etc. The greatest number of unemployed women are those with elementary (21.8%) and high school (62.4%) education. It is particularly discouraging that 15.8% of unemployed women are those with the highest level of educational attainment. This number has been steadily rising (2012: 13.2%, 2013: 14.3%).<sup>6</sup> It is alarming that, in addition to the extremely high proportion of unemployed working-age women, the percentage of women in the category of "unpaid family members" is almost 70%.

Women comprise 51.1% of the total population, and 51.8% of the working age population in BiH.<sup>7</sup> Although there are no large differences in the number and proportion of women in the labor force as compared to men, certain parameters such as *better paid positions* and the *proportion of women in management positions* have not changed. According to research conducted by ARS BiH in May 2014,<sup>8</sup> women are represented in the management of companies at a rate of only 15.7%. In the context of women who manage companies and/or are in management positions in such companies, ARS BiH, in a study of BiH's top 100 companies, found that women make up 20% of board members and 15% of supervisory board members in these companies.<sup>9</sup> Based on these results, the agency concluded that there is still an invisible "glass ceiling"<sup>10</sup> that prevents the full equality of women in the labor market.<sup>11</sup>

<sup>4</sup> Statistics Agency of BiH: *Anketa o radnoj snazi 2014*, p.s 41 and 2014. Available online at: [http://www.bhas.ba/tematskibilteni/LFS\\_2014\\_001\\_01\\_bh.pdf](http://www.bhas.ba/tematskibilteni/LFS_2014_001_01_bh.pdf)

<sup>5</sup> Ibid, p. 47

<sup>6</sup> Ibid, p. 56

<sup>7</sup> Gender Equality Agency of BiH: *Stakleni krov na tržištu rada u Bosni i Hercegovini*, 2014. Available online at: <http://arsbih.gov.ba/?p=2544>

<sup>8</sup> Ibid.

<sup>9</sup> Gender Equality Agency of BiH: *Izvještaj o predgeldu napretka u provođenju Pekinške deklaracije i platforme za akciju (1995) i rezultata sa 23. Posebne sjednice Generalne skupštine (2000) u BiH*, 2014, Available online at: [http://arsbih.gov.ba/wp-content/uploads/2014/06/B+20\\_BHS\\_FINAL.pdf](http://arsbih.gov.ba/wp-content/uploads/2014/06/B+20_BHS_FINAL.pdf)

<sup>10</sup> The "glass ceiling" refers to the situation in the labor market in which barriers exist that prevent women from having equal or the same opportunities as men.

<sup>11</sup> Gender Equality Agency of BiH: *Stakleni krov na tržištu rada u Bosni i Hercegovini*. Available online at: <http://>

Mobbing is not a gender-specific problem, but it most commonly affects women. An informal definition of mobbing refers to hostile and unethical communication, which is directed at an individual. It causes the person to be in a position in which s/he is unable to help her/himself. In the annual Report on Discrimination in BiH in 2013,<sup>12</sup> it was noted that only 23% of organizations have internal procedures that regulate mobbing, while most individuals were not even aware that they are protected under law from such behavior. The Department for the Elimination of All Forms of Discrimination of the Institution of Human Rights Ombudsman of BiH received 41 complaints in 2011, and this number grew to 81 in 2012.<sup>13</sup> These statistics suggest that instances of mobbing are increasing. Those exposed to mobbing rarely report it for fear of being unable to find a new job and the subsequent economic degradation that would occur due to loss of employment.

#### Family Life and the Labor Market

There is still a traditional division of labor in which women, in most cases, have lower paid jobs. There are many reasons for such a position for women in the labor market. One of the reasons for this is that employers often avoid employing women due to the challenges of combining their private and family-related needs. More concretely, employers are concerned about possible absence from work due to pregnancy. When we speak about the rights of mothers in the FBiH, it is important to emphasize that there is discrimination against mothers in the private and public sectors. In the private sector, the level of wages to be paid during maternity leave is determined by the employer. In the public sector, however, wages are determined by special collective agreements and paid from the budget and public funds. Discrimination occurs in relation to the required working time prior to maternity leave as a condition for exercising this right (for example, an individual needs to have been employed at least 6 months in the Sarajevo and West Herzegovina Cantons prior to going on maternity leave, while 9 months of work prior to maternity leave are required in Canton 10). There are major discrepancies in regard to the amount of remuneration provided in relation to the salary of the individual taking maternity leave (from 50% in the Una and Central Bosnia Cantons, 60% in Sarajevo Canton, 70% in the West Herzegovina Canton, 80% in the Zenica-Doboj and Bosnia-Podrinja Cantons, 90% in Tuzla Canton, and up to 100% in Canton 10). Posavina Canton does not pay maternity leave benefits to mothers, and in the Herzegovina-Neretva Canton, a one-time assistance fee of 400.00 BAM is paid to all mothers. Minimum and maximum amounts of payment are not defined. Nine Cantons have passed a Law on Social Protection, Protection of Victims of War, and Families with Children. Of these nine, eight of the laws provide payments for new mothers. No maternity leave benefits are provided by law in the Posavina Canton and, as such, are not paid out. The Herzegovina-Neretva Canton does not pay maternity benefits, and the Zenica-Doboj Canton's payments are delayed by several months.<sup>14</sup> In June 2014, the Sarajevo Canton re-

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[arsbih.gov.ba/?p=2544](http://arsbih.gov.ba/?p=2544)

12 The Institution of Human Rights Ombudsman of BiH: *Godišnji izvještaj o pojavama diskriminacije u BiH za 2013. godinu*, p. 18, 2014.

13 The Institution of Human Rights Ombudsman of BiH: *Godišnji izvještaj o pojavama diskriminacije u BiH za 2012. godinu*, p. 15, 2013.

14 Lejla Draginić, Dina Duraković Morankić: *Studija o ekonomskim modelima rješavanja problema statusa trudnica i porodilja u FBiH*, Inicijativa F5 BiH (Initiative F5 BiH), p.10, s.a.

duced payments by 100.00 BAM to all employed mothers, and insignificantly raised the amount paid to unemployed mothers.<sup>15</sup> As this comparison of the figures demonstrates, there are major disparities in terms of legal provisions among the Cantons and the amount of benefits paid.

Initiative F5, a women's advocacy group, presented an analysis that offers various models of levels of maternity leave benefits for employed and unemployed women. They suggested how such payments could be financed. The models are based on the principle of eliminating discrimination. For example, *Model A* proposes that, over a 12-month period, an employed new mother would have the right to 80% of her salary (minimum 350.00 BAM monthly), while an unemployed mother would receive a monthly payment of 300.00 BAM. *Model B* calls for 70% of an employed mother's salary over a 12-month period (minimum 300.00 BAM monthly), and 200.00 BAM monthly for unemployed mothers. *Model C* foresees an even distribution among the public and private sectors, with an employed mother receiving 50% of her salary over a 12-month period (350.00 BAM monthly), and an unemployed mother receiving 300.00 BAM monthly for a period of six months. F5 proposes that maternity benefits be financed, at least in part, from the Health Fund, and that maternity benefits cease to be treated as a social issue.<sup>16</sup>

Maternity leave benefits in the Republika Srpska are regulated by the Labor Law, general collective contracts, the Law on Social Protection, and the Law on Child Protection. Through the Law on Child Protection, a special fund was created that, at the written request of the employer, recognizes the payment of benefits for a mother on maternity leave. The amount of compensation is determined by the average salary the woman was paid during the last three months prior to the start of maternity leave.<sup>17</sup> The problem of disparities in the payment of maternity leave benefits also exists in the Republika Srpska. According to the media, the lowest amount paid last year (2014) was 369.00 BAM, while the highest payment was 17 times higher. The Public Fund for Child Protection of the Republika Srpska believes that the payment of such large maternity leave benefits should be limited.<sup>18</sup>

<sup>15</sup> Oslobodenje: *Zbog smanjenja naknada: Porodilje za četvrtak najavile proteste*, 10.06.2014. Available online at: <http://www.oslobodenje.ba/vijesti/sarajevo/zbog-smanjenja-naknada-porodilje-za-cetvrtak-najavile-proteste>

<sup>16</sup> Edina Nurićić: *Porodiljske naknade u BiH: Kako do novca?*, 29 July 2014. Available online at: <http://diskriminacija.ba/porodiljske-naknade-u-bih-kako-do-novca>

<sup>17</sup> Association Vesta Tuzla: *Pregled izdvajanja za porodiljske naknade u BiH*

<sup>18</sup> Dnevnik 2 BHT, 08.02.2015; Available online at: <http://www.bhrt.ba/vijesti/bih/razlika-u-porodiljskim-naknadama/>

## 2. SOCIAL EXCLUSION OF WOMEN

### 2.1. Roma Women

- Increase funding for the implementation of strategies and APs for the health and housing of Roma women, and improve the monitoring system for the (independent) implementation of strategies and APs;
- Provide financial resources for the implementation of the strategy and APs aimed at improving the education and employment levels of Roma women;
- Require that the Ministry for Human Rights and Refugees adopt a systematic and transparent approach to addressing the health and educational issues of Roma women and girls.

According to data available to the Institution of Human Rights Ombudsman of BiH, which was collected by Roma NGOs, it is estimated that 50,000 Roma men and women live in BiH. However, according to other available information, it is most frequently cited that between 65,000 and 70,000 Roma live in the country. Accurate information will finally be available once the results of the census are released.<sup>19</sup> In its Special Report on the Position of Roma in BiH, the Institution of Human Rights Ombudsmen of BiH reports that the situation of Roma, according to Roma NGOs, has not changed much despite the adoption of the APs for Roma in the areas of employment, housing, and health from 2013-2016.<sup>20</sup>

According to the ARS BiH, 90% of Roma women do not have access to health-care, social protection, or employment.<sup>21</sup> The same statistics show that Roma girls, in comparison to Roma boys, attend primary school at a ratio of 3:7. It is disturbing that the number of Roma girls leaving elementary school is increasing.

Almost 80% of Roma women have not completed elementary school, as compared to 22% of the total population. 4.5% of Roma girls and 9% of Roma boys complete high school.

Although BiH currently holds the Presidency of the Decade of Roman Inclusion 2005-2015, there has been no progress and there is no data available on the number of educated Roma women, which constitute a particularly marginalized group of women. Data presented in the Annual Report on the Human Rights of Women in Bosnia and Herzegovina in 2013<sup>22</sup> pointed to the notorious patriarchal attitude present in Roman communities, which is why Roma women are often subjected to forced marriages between 15 and 19 years of age. This undoubtedly contributes to the exclusion of Roma women in achieving literacy. The needs of Roma women and girls are not specifically addressed in the document entitled "Strategic Instructions for the Development of Education in BiH 2008-2015." The obligations stated in

19 The Institution of Human Rights Ombudsman of BiH: *Specijalni izvještaj o položaju Roma u BiH*, p. 21, Available online at: [http://www.ombudsmen.gov.ba/documents/obmudsmen\\_doc201312101144464bos.pdf](http://www.ombudsmen.gov.ba/documents/obmudsmen_doc201312101144464bos.pdf)

20 Initiative for Monitoring the EU Integration of BiH: *Alternative Progress Report for BiH: Political Criteria*, p. 36, Sarajevo Open Centre, 2014. Available online at: <http://soc.ba/en/alternative-progress-report-2014/>

21 Gender Equality Agency of BiH: *Stakleni krov na tržištu rada u Bosni i Hercegovini*, 2014. Available online at: <http://arsbih.gov.ba/?p=656>

22 Esther Garcia Fransili: *Annual Report on the State of Women's Rights in BiH in 2013*, 2013, Sarajevo Open Centre. Available online at: [http://soc.ba/site/wp-content/uploads/2014/04/Annual-Report-on-Womens-Rights\\_WEB.pdf](http://soc.ba/site/wp-content/uploads/2014/04/Annual-Report-on-Womens-Rights_WEB.pdf)

the “Revised Action Plan on the Educational Needs of Roma” have not been effectively implemented, which is again due to the limitations of budget distribution and unclear divisions in terms of responsibilities among the competent institutions. Funding made available to the competent ministries of education is still insufficient to secure the enrollment, attendance, and completion of school by Roma children.

Due to the dire economic situation, Roma girls and women are at increased risk of trafficking in human beings and domestic violence. However, in the past few years, the competent BiH institutions have not offered adequate protection to Roma girls and women that would serve to improve their position. There is still no effective program that would systematically improve the education and employment of Roma girls and women, as well as improve their access to healthcare and social protection.

The Gender Action Plan<sup>23</sup> foresees activities aimed at CEDAW’s 32<sup>nd</sup> recommendation, which calls for the creation of additional programming that would motivate women and men, particularly members of the Roma community, to stay in school. Although some progress has been made, there is still no systematic approach in BiH to solving the problems faced by female Roma, which constitute a highly marginalized group. We cannot point to a better position for this group as compared to the last year and previous reporting.

## 2.2. Women with Disabilities

- Institutions at all levels are obligated to direct special attention to protecting the rights of women with disabilities in order to ensure the application of national and international standards regarding equal treatment and opportunities for people with disabilities, and in particular women with disabilities as an especially vulnerable and marginalized category of the population;
- Provide an institutional mechanism to assess the status of women with disabilities and adopt common criteria for assessing the status of women with disabilities. Such a mechanism should be for all people with disabilities, and should not take the cause of the disability into account;
- Ensure that all public spaces and facilities, as well as all public information, are accessible to women with disabilities through the implementation of existing legislation and/or the introduction of new legislation;
- Develop and implement special measures and programs in the areas of education, health, employment, and social inclusion bearing in mind the specific needs of girls and women with disabilities;
- Ensure equal access to and equal provision of health services for women with disabilities (particularly gynecological and breast examinations).

During 2013 and 2014, the state failed to initiate special programs for women with disabilities. There are still no relevant data or special measures for protecting women with disabilities in terms of employment, education, social inclusion, healthcare, and the elimination of discrimination.

Women with disabilities still face serious problems in accessing their rights in all

<sup>23</sup> Ministry for Human Rights and Refugees, Gender Equality Agency of BiH: *Gender akcioni plan Bosne i Hercegovine za period 2013-2017*. Available online at: [http://arsbih.gov.ba/wp-content/uploads/2014/01/GAP\\_BIH.pdf](http://arsbih.gov.ba/wp-content/uploads/2014/01/GAP_BIH.pdf)

fields of life, as well as in the fight against discrimination.

The *Report of Five Coalitions of Organizations for People with Disabilities from Bosnia and Herzegovina – 2<sup>nd</sup> Cycle of the Universal Periodic Review*<sup>24</sup> included three levels of monitoring in BiH during 2012 and 2013, and was published in March 2014. The report states that in BiH, which ratified the UN Convention on the Rights of People with Disabilities in 2010, “the impact of this act is minimal, and did not lead to any reform in a legal or regulatory framework. There is not an appropriate definition of disability or disabled people, and there were no attempts to move concrete reform processes forward through strategies or Action Plans.”<sup>25</sup> Furthermore, when it comes to the UN’s recommendations given in the 2<sup>nd</sup> cycle of the Universal Periodic Review (i.e. to ensure the implementation and/or introduction and efficient implementation of supplementary law that specifically prohibits discrimination based on disability), we can actually note a regression because the Law on Prohibition of Discrimination, which entered into force in 2009, did not recognize disability as one of the 18 unacceptable bases through which discrimination is prohibited.

In the 2014 Alternative Progress Report, published by the Initiative for Monitoring the European Integration of BiH, it is noted that in the past year, the process of evaluating the implementation of the adopted Strategy for the Equalization of Opportunities for Persons with Disabilities in the Federation of BiH began. 79 relevant Federal and Cantonal institutions participated in this process by providing information about the degree to which the adopted strategy has been implemented in their areas of competence. The government of the FBiH adopted the *Regulation on the Establishment of the Office of the FBiH Government for Disability Issues* as a mechanism of institutional support in the implementation of this strategy. At the same time, however, legislative solutions continue to be proposed that actually bring about further discrimination against persons with disabilities, and also refer to the cause of the disability.<sup>26</sup>

Specific recommendations and strategies – whether by any level of government or non-governmental organizations – relating exclusively to women with disabilities and their specific needs remain absent.

### 2.3. Refugees and Internally Displaced Women

- Develop and implement affirmative action programs for the employment of refugees and internally displaced women;
- Increase financial allocations and implement rehabilitation measures for the areas affected by flooding in May 2014, with a special focus on solving the problems of women who became internally displaced as a result of the flooding. Women's specific needs should be kept in mind.

Returnees and internally displaced women in BiH are still marginalized and

<sup>24</sup> MyRight - Empowers People with Disabilities – Office in BiH: *Izvještaj per koalicija organizacija osoba s invaliditetom iz Bosne i Hercegovine za drugi ciklus Univerzalnog periodičnog pregleda*, str. 5, 2014. Available online at: [http://iclotos.org.ba/index.php?option=com\\_docman&task=cat\\_view&gid=35&Itemid=37](http://iclotos.org.ba/index.php?option=com_docman&task=cat_view&gid=35&Itemid=37)

<sup>25</sup> Ibid.

<sup>26</sup> For more information, please see: Initiative for Monitoring the EU Integration of BiH: *Alternative Progress Report for BiH: Political Criteria*, p. 36, Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_ENG\\_za-web.pdf](http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_ENG_za-web.pdf)

often confronted with discrimination, social exclusion, and poverty. Regarding the implementation of the 2010 Strategy for Supporting Returnees and Internally Displaced Persons at their Pre-war Places of Residence,<sup>27</sup> no progress was made during the past year. As was noted in the previous Annual Report on the Human Rights of Women in Bosnia and Herzegovina, based on the findings of the UN Millennium Development Goals<sup>28</sup>, 7,500 individuals currently live in collective centers. More than half of these individuals are women, who are often faced with multiple problems related to their physical and mental health, age, and a lack of means of support or the support of their families. Many of these women cannot return to their previous places of residence for fear of personal safety.<sup>29</sup>

Female refugees, other displaced women – including internally displaced women, immigrants, migrants, and even some women who migrate for employment reasons – are systematically ignored. This is evident from the BiH GAP for the period of 2013-2017.<sup>30</sup>

In May 2014, catastrophic flooding occurred in our country, as well as in Serbia and Croatia. According to the Ministry for Human Rights and Refugees, as per information delivered to the Council of Ministers on 10 September 2014, flooding and landslides in BiH caused the displacement of 89,981 people, the complete destruction of 1,943 housing units, and damage to 41,306 housing units. This represented a total of 43,249 housing units, or the number of families in need of housing.<sup>31</sup> From these conclusions, it can be drawn that women comprise at least half of those displaced and now suffer from additional social oppression in addition to the economic crisis, the high rate of unemployed women, gender inequalities, and discrimination already present prior to the flooding. Although the BiH Ministry for Human Rights and Refugees prepared an Action Plan for Solving the Problems Caused by Flooding in BiH,<sup>32</sup> this plan in no way directly refers to solving the problems of women who became internally displaced due to the floods or their specific needs.

#### 2.4. Sex Workers and Drug Addicts

- Via the GAP, provide financial support for projects that will ensure an improved quality of life for sex workers and drug addicts, as well as mechanisms for systematically monitoring the state of their human rights.

Sex workers, drug users, and users of other addictive substances are still one

27 Human Rights Watch: *World Progress Report: Bosnia and Herzegovina 2013*. Available online at: <http://www.hrw.org/world-report/2013/country-chapters/bosnia-and-herzegovina>

28 UN: *Millennium Development Goals Report for BiH 2013*

29 Esther Garcia Fransoli: *Annual Report on the State of Women's Rights in BiH in 2013*, 2013, Sarajevo Open Centre. Available online at: [http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_ENG\\_zaweb.pdf](http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_ENG_zaweb.pdf)

30 Ministry for Human Rights and Refugees, Gender Equality Agency of BiH: *Gender akcioni plan Bosne i Hercegovine za period 2013-2017*. Available online: <http://www.forumzena.org/wp-content/uploads/2014/02/gap-bih.pdf>

31 Oslobodenje: *Vijeće ministara BiH: Usljed poplava i klizišta u BiH raseljena 89.981 osoba*, 10.09.2014. Available online at: <http://www.oslobodjenje.ba/vijesti/bih/vijece-ministara-bih-uslijed-poplava-i-klizista-u-bih-raseljena-89981-osoba>

32 BiH Ministry of Human Rights and Refugees: *Akcioni plan za rješavanje problema uzrokovanih poplavama u BiH*, 2014. Available online at: <http://www.mhrr.gov.ba/PDF/Akcioni%20plan%20Ministarstva%20za%20ljudska%20prava%20i%20izbjeglice%20za%20rjesavanje%20problema%20uzrokovanih%20poplavama%20u%20BiH1.pdf>

of the most invisible and extremely marginalized groups of women. In BiH, there aren't any adequate statistics or any efforts by the competent institutions to document and protect the human rights of sex workers and drug users. In addition to being in an extremely difficult economic situation, women in these categories are exposed to sexually transmitted diseases, abuse, and violence. The media has, to some extent, sounded the alarm regarding these problems. In March 2014, the daily newspaper *Oslobodenje* published an article entitled "Testimony from Escorts: We (even) Bought Work in State Companies."<sup>33</sup> The article was about the difficult position women who provide sexual services are in, the neglect of the state and society, and 'clients' who made use of the escorts' services, including politicians, doctors, and successful businessmen. The article pointed to corruption on all government levels. One of the sex workers interviewed for the article explained how she – through acquaintances gained as an escort – was able to get a job in a state company and repay her employer in sexual favors.

The theme of begging drug addicts also appears frequently in the media and is closely associated with corruption. In one case, a beggar, S.B., was harassed with racketeering by a police officer. According to allegations printed in the daily newspaper *Dnevni Avaz*,<sup>34</sup> the same police officer regularly took a certain sum of the money the beggar earned in exchange for not writing out misdemeanor charges since begging is legally an offense. The police officer is now allegedly facing criminal prosecution for abuse of authority, as well as receiving gifts and other benefits.

Although such problems occur frequently, the government has not taken any measures to ensure that these marginalized groups have equal access to legal protection in cases of discrimination and violence, as well as the conditions for an adequate standard of living.

According to the information we received from the Drop-In Center organization PROI (which covers Sarajevo and Zenica), in 2014, 755 sex workers turned to the Drop-In Center for assistance. This is a large number of women given the limited area the Drop-In Center covers. The most common forms of assistance offered to this population are the distribution of hygienic packets, the distribution of condoms and lubricants, education on the prevention of HIV and sexually transmitted diseases, medical assistance (free gynecological examinations, referral for HIV testing, and testing for other forms of infection), and free legal and psychosocial assistance.

In terms of preventing violence against this segment of the population, that state has not made any progress. Over the past year, PROI has implemented a series of trainings for sex workers and drug addicts, police officers, and health workers. Thus, we can only speak about the prevention of violence against this segment of the population to a limited extent because, as PROI reports, some types of violence, for example psychological violence, can be experienced by those who are not the organization's partners, clients, etc.

<sup>33</sup> Oslobodenje: *Ispovjest eskort dame: kupile smo (i) posao u državnim firmama*, 25.03.2014. Available online at: <http://www.oslobodenje.ba/vijesti/bih/ispovjeti-eskortdama-kupile-smo-i-posao-u-drzavnim-institucijama>

<sup>34</sup> Dnevni avaz: *Prosjakinja Sanita Baca: Uzimao je novac svaka dva dana, nisam više mogla trpjeti ucjene*, 05.12.2014. Available online at: <http://www.avaz.ba/clanak/l150641/prosjakinja-sanita-baca-uzimao-je-novac-svaka-2-dana-nisam-vise-mogla-trpjeti-ucjene>

## 2.5. Lesbian, Bisexual, and Trans\* Women (LBT\*)

- The rights of LBT\* women are integrated into existing and future public policy documents, and specialized strategies for improving their living conditions are implemented;
- Adopt the law on same-sex partnerships so that same-sex couples can enjoy the same economic and social rights as all other citizens;
- Enable trans\* women to access medical support covered by their health insurance, and introduce clear and simple procedures for sex adjustment or sex change.

BiH continues to systematically ignore the existence of LBT\* women, given that there is no strategy or program for solving the problems faced by this population. LBT\* women remain completely invisible in BiH society, and gender mechanisms and policies have, to date, completely ignored this group of women.

As was noted in the Annual Report on the Human Rights of Women in Bosnia and Herzegovina in 2013,<sup>35</sup> the most common form of discrimination against LBT\* women continues to occur at the institutional level. This is because the laws of BiH do not allow for marriage or the registration of common law unions between individuals of the same sex. Furthermore, LGBT individuals are not allowed to adopt children, access the social and health insurance of their partners, or inherit their partner's property. In short, they are denied all the rights based on recognition of marriage or common law union that heterosexual couples enjoy.

In addition to institutional discrimination, LBT\* women continue to face societal discrimination, and are often subject to hate speech and hate crimes. One incident of note was the attack on the participants of the International Festival of Queer Film *Merlinka*, which occurred on 1 February 2014. On that date, several masked individuals stormed into the Kriterion Cinema in Sarajevo prior to the festival's first film screening. Two individuals were injured, one of whom was a woman. At this time, the Sarajevo Canton Prosecutor's Office is still carrying out a preliminary investigation related to the identification and prosecution of the perpetrators.

According to data on cases of hate crimes that occurred over the past year as documented by the Sarajevo Open Centre (forthcoming in the 2014 Pink Report<sup>36</sup>), of a total of 19 cases of hate crime, 9 were against LBT\* women. LBT\* women continue to face harassment, hate speech, and discrimination in their everyday lives and in exercising their fundamental human rights.

An additional problem is the lack of medical and financial support for trans\* women. A report entitled "The Rights of Lesbians, Gays, Bisexual, and Trans\* Individuals in Bosnia and Herzegovina: New Approaches?", published in 2014,<sup>37</sup> states that surgical procedures must be performed abroad, and that the public insurance system does not cover these costs. However, once a sex change has been

<sup>35</sup> Esther Garcia Fransoli: *Annual Report on the State of Women's Rights in BiH in 2013*, 2013, Sarajevo Open Centre. Available online at: [http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_ENG\\_za-web.pdf](http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_ENG_za-web.pdf)

<sup>36</sup> Saša Gavrić, et al: *Pink Report: Annual Report on the State of the Human Rights of LGBT Persons in BiH in 2014*, Sarajevo Open Centre, 2015.

<sup>37</sup> Saša Gavrić: *Human rights of LGBT People in B&H: New Approaches? Current situation and guidelines for future actions of institutions and civil society*, Heinrich Böll Foundation Office in BiH, Sarajevo Open Centre and CURE Foundation, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/12/LGBT-OSOBE\\_eng\\_01.pdf](http://soc.ba/site/wp-content/uploads/2014/12/LGBT-OSOBE_eng_01.pdf)

performed, trans\* women and men can legally change their names, personal identification numbers, and identity documents. Only the Registry Law of the Brčko District has yet to recognize “sex change” as a basis for changing one’s personal data.

## 2.6. Women from Rural Areas

- Implement (in the case of Republika Srpska) and develop (in the case of the FBiH) strategies and Action Plans to improve the position and status of women in rural areas;
- Conduct a comprehensive study on the whole territory of Bosnia and Herzegovina about the state of women in rural areas;
- Involve women from rural areas and issues of relevance for them in the overall processes and politics of BiH;
- Develop audit criteria for the awarding of incentives to farms, taking into the account the special position and marginalization of women from rural areas;
- Strengthen, support, and encourage female cooperatives and create programs that promote and protect women's traditional handicrafts.

Women from rural areas form a special category in terms of social exclusion. The rural areas of our country still hold on to traditional gender roles. In the state's progress report on the implementation of the Beijing Declaration (Beijing +20) in BiH, it is stated that more than one-third of women declare themselves to be housewives. The probability that men are employed, self-employed, or work via temporary contracts is two times higher than among women.<sup>38</sup> However, women comprise 40% of employed persons between the ages of 16 and 26, and 30% of those between the ages of 46 and 55, which suggests that significant changes have occurred over the past 30 years.<sup>39</sup> However, women from rural areas make up a small part of employees and self-employed workers in relation to the total number of employed and self-employed workers throughout the country. This indicates significant differences between rural and urban areas.

Although women represent an important factor for the revival of rural areas and rural development, their disadvantageous position, regarding their needs and the problems they face, means that they remain a marginalized population in the overall processes and politics of our country on all levels. Women in rural areas in BiH are often viewed as a passive segment of the population, or as ‘helping’ members of the family, rather than as active participants in the fields of agriculture, rural tourism, and rural development. Very few women own land, and, as such, rarely participate in decision-making about rural development and the diversification of rural activities as a source of income. The fact that women don't own land is of critical importance in the allocation of incentives for farms. As they cannot prove ownership, they are not in a position to seek incentives. However, there have been some positive developments. It is notable that the government of Republika Srpska adopted

<sup>38</sup> Gender Equality Agency of BiH: *Izvještaj o pregledu napretka u provođenju Pekinske deklaracije i Platforme za akciju (1995) i rezultata sa 23. Posebne sjednice Generalne skupštine (2000) u Bosni i Hercegovini*, 2014. Available online at: [http://arsbih.gov.ba/wp-content/uploads/2014/06/B+20\\_BHS\\_FINAL.pdf](http://arsbih.gov.ba/wp-content/uploads/2014/06/B+20_BHS_FINAL.pdf)

<sup>39</sup> Ibid.

an important document called the “Action Plan for the Improvement of the Status of Rural Women in Republika Srpska until 2015.”<sup>40</sup> In this document, a temporary special measure is presented in the form of a “Strategic Plan for Rural Development of the RS for the Period of 2009-2015,” and its implementation is being coordinated by the RS Gender Center. This plan provides specific measures designed to improve the situation and role of rural women. Although the FBiH has not adopted a similar plan, it is important to note the project “Improvement of the Status of Rural Women at the Local Level in the FBiH.” UN Women and the Austrian Development Agency are financing this project. It was first implemented in two municipalities in two Cantons of the FBiH - Gračanica and Tešanj. In 2013, the municipality of Gračanica conducted an analysis on the position of women in rural areas within the municipality, as well as an Action Plan for activities to be carried out between 2014 and 2016 by the organization Vesta.<sup>41</sup> The goal of the project is the creation of prerequisites for strategically improving the position of rural women.

<sup>40</sup> Gender Centre of Republika Srpska: : *Akcioni plan za unapredjenje položaja žena na selu u Republici Srpskoj do 2015. godine*, 2012. Available online at: <http://www.starip.vladars.net/sr-SP-Cyril/Vlada/centri/gendercentrars/media/vijesti/Documents/Izvjestaj%20o%20sprovodjenju%20Akcionog%20plana%20za%20unapredjenje%20polozaja%20zena%20na%20selu%20u%20Republici%20Srpskoj%20za%202011,%20lat.pdf>

<sup>41</sup> Municipality of Gračanica: Analysis Analiza položaja žene u ruralnom području na prostoru opštine Gračanica i Akcioni plan djelovanja za period 2014-2016 godine, 2013. Available online at: [http://vesta.ba/files/ANALITI%C4%8CA%20PODLOGA%20%20AKCIONI%20PLAN\\_%20%C5%BDENE%20%20RURALNI%20RAZVOJ%20\\_%20OP%C4%86INA%20GRA%C4%8CANICA.pdf](http://vesta.ba/files/ANALITI%C4%8CA%20PODLOGA%20%20AKCIONI%20PLAN_%20%C5%BDENE%20%20RURALNI%20RAZVOJ%20_%20OP%C4%86INA%20GRA%C4%8CANICA.pdf)

### 3. WOMEN'S POLITICAL PARTICIPATION AND PUBLIC LIFE

- Political parties should be involved in changing attitudes and awareness about the roles of men and women in society, as well as the acceptance of gender equality as a common value. In this regard, political parties must sign the "Statement of the Commitment of Political Parties to gender equality"<sup>42</sup> and ensure that this is consistently applied. Equal visibility should be assured to female and male candidates during election campaigns and women should be empowered to take on decision-making positions within their parties. A positive climate for women must be created within political parties so that they can freely express their views and opinions. Furthermore, political parties must take responsibility in the future to position women on candidate and voting lists so that they have a greater chance of being elected, as well as position them at the beginning of candidate and voting lists;
- All measures must be taken to ensure that the appointment of women to decision-making positions is conducted equally in comparison to their male colleagues, and in accordance with the Law on Gender Equality. The law foresees a gender quota of 40%. In this regard, conditions must be created for the active involvement of women in all reforms, particularly in the upcoming Constitutional reforms and initiatives to amend laws, so that provisions can be removed that reduce the involvement of women in political life;
- The competent authorities responsible for the implementation of the Law on Gender Equality – the ARS BiH, the FBiH Gender Centre, and the RS Gender Centre – should publicly condemn all violations of the law and do everything they can in order to comply with the norm requiring 40% participation of the under-represented sex in the formation of the FBiH government and the BiH Council of Ministers;
- Amend the Law on Financing Political Parties so that funds are allocated to political parties dependent on the equal participation of men and women as is called for in the Law on Gender Equality.

BiH took a huge step forward in 2013 in terms of harmonizing the BiH Law on Gender Equality with the Election Law - Amendments to the Election Law was adopted<sup>43</sup>, which foresees provisions governing the work of bodies carrying out elections, as well as provisions that regulate the certification and proposal of candidates for elections. Modifications occurred allowing for the introduction of a 40% quota of representatives of the less-represented gender. In relation to the position of women on candidate lists, where the ratio was increased from 30% to 40%, the law now reads "equal representation of both genders exists in the case when one of the genders is

<sup>42</sup> Izjava o opredijeljenosti političkih stranaka za ravnopravnost spolova. Available online at: [http://arsbih.gov.ba/wp-content/uploads/2014/05/GEP\\_opt.pdf](http://arsbih.gov.ba/wp-content/uploads/2014/05/GEP_opt.pdf)

<sup>43</sup> Law on Amendments to the Election Law of Bosnia and Herzegovina was proposed by the representative Ismeta Dervoz in 2012. It was adopted in the House of Representatives on 22.11.2012, on its 36th session, and in the House of Peoples on 26.02.2013 on its 27th session (Službeni glasnik BiH: 18/13). Available at: <https://www.parlament.ba/sadrzaj/zakonodavstvo/usvojeni/default.aspx?id=44561&langTag=bs-BA&pril=b>

represented with a minimum of 40% of the total number of candidates on the list.” Over the course of 2014, there was an opportunity to implement this law for the first time, which occurred during the general elections in October 2014.

When examining the political participation of women in BiH during 2014, a number of significant research projects were carried out. Below, we highlight three of the most important projects.

### *3.1. Women in Parliamentary Parties' Program Documents*

An analysis of the parliamentary parties' program documents in BiH from a gender perspective, entitled “In Search of Lost Time: Stories of Gender Equality through the Prism Party Documents”<sup>44</sup> illustrated that only a figurative place is reserved for women in the fundamental acts of BiH’s largest political parties. These findings are particularly valuable due to the fact that political parties have the majority of power in BiH because the most important political decisions are made by party leaders, and not by particular state/Entity bodies, parliaments, or ministries.

An analysis<sup>45</sup> published by the Association Infohouse considered the program documents<sup>46</sup> of the newly elected parliamentary parties that won the most seats in the 2014 general elections<sup>47</sup> and which are publicly available on their official websites. The author of this analysis came to the conclusion that a large number of program documents from the leading political parties do not mention women at all.

In the statute and the political party program of the party that received the largest number of mandates in the general elections of 2014 (110 seats of which 17 went to women), the Party of Democratic Action (SDA) clearly defined the populations it believes deserve special attention. The author of the analysis notes that these are protected categories of individuals, including Bosniaks in Sandžak, youth, and even religious communities, but not women. In the documents of this party, women are only mentioned in the context of the party’s Association of Women, which has no real decision-making powers, or in the context of family and raising children. In program Section X, the party states that it insists on “the protection of women – mothers.”

HDZ BiH is the only political party that, on its official website, has program documents that are specifically related to women and women's human rights. These include a brochure, and the Charter and Regulations of the HDZ BiH Women's Association. However, as was the case in the previous example, when taking into account the “Statute Program Declaration” of this party, women are rarely mentioned. When they are mentioned, then it is in the context of one of the sections of the party (Women's Association) or with the terms “mother,” “motherhood,” “maternity leave benefits,” “policies for the support of the prenatal population,” etc. In the Charter

<sup>44</sup> Dženana Aladuz: *U potrazi za izgubljenim vremenom: Priča o ravnopravnosti spolova kroz prizmu stranačkih dokumenata (Analiza programskih dokumenata parlamentarnih stranaka u Bosni i Hercegovini iz rodne perspektive)*, Association INFOHOUSE, 2015. Available at: <http://zenskamreza.ba/u-potrazi-za-izgubljenim-vremenom-prica-o-ravnopravnosti-spolova-kroz-prizmu-stranackih-dokumenata/>

<sup>45</sup> Ibid.

<sup>46</sup> The statutes, manifests, and program declarations – depending on their availability – were analyzed.

<sup>47</sup> The parliamentary parties to receive the largest number of mandates in the 2014 general elections were: SDA with 110 mandates of which 17 went to women, HDZ (within a coalition) with 68 mandates of which 17 went to women, SBB with 56 mandates of which 13 went to women, DF with 46 mandates of which 17 went to women, SDP with 43 mandates of which 4 went to women, SNSD with 38 mandates of which 8 went to women, and HDZ 1990 with 25 mandates of which 7 went to women.

of the Women's Association, emphasis is placed on women's human rights and the needs of women, and not only on her reproductive functions.

In contrast to the two aforementioned political parties, the strategic documents of the SBB - Fahrudin Radončić do not mention women exclusively in the context of maternity and family. In these documents, women are a category requiring protection, incentives, and special care. The concept of gender equality is not used at all, and equality of the sexes is mentioned only as an integral part of the name of the state-level ARS BiH. On the other hand, on the first pages of document, which outline political positions, goals, and principles, ample space is provided for human rights, women's freedom, gender equality, and female citizens.

In the Manifest of the DF - Željko Komšić, the noun women (or any of its derivatives) is not used on one of the document's 10 pages. The terms gender equality and/or equality of the sexes are nowhere to be found. The author of the analysis states that the Statute of this political party provided a positive surprise in the context of gender-sensitive language in Article 10, in which it states that "the terms in this Statute are used in the masculine gender, which implies and includes that all statements apply to females as well."

The SDP Manifest recognizes women as a valued category in its chapter on "Labor and Social Policy," in which provisions on maternal care and maternity leave benefits are listed. The chapter also refers to the employment of women over 40 years of age and rural women. The concepts of gender equality, equal rights and/or equality of the sexes are not mentioned in the Manifest. In the party's Statute, however, ample space is afforded to the idea of gender equality in multiple sections.

In the SNSD – Milorad Dodik's political program, space is provided for the historical ideas behind the founding of the party, individuals such as Vasa Pelagić, the post 9/11 world, the separation of church and state, family as the basis for society, and vulnerable populations such as people with disabilities. Women, however, aren't mentioned a single time. The document demonstrates absolutely no regard for gender-sensitive language. Women are mentioned a few times in the political party's Statute, while the terms gender equality and equality of the sexes never appear.

At the very outset of the HDZ 1990's Program Declaration, it is stated that the party is against all forms of discrimination, including those based on gender. However, as the analysis' author writes, this is where the document's treatment of such topics begins and ends. The document is dominated by non-gender sensitive language. In this document, a woman's only functions are to serve her family and increase the birth rate in an attempt to revitalize the Croat population. In this sense, women are just as important as men. The HDZ 1990 Statute indicates the existence of a policy of equal opportunities for both sexes. Although the terms gender equality or equality of the sexes are not used, in Article 9 (a) it is noted that all bodies of the HDZ 1990 should attempt to include at least 30% of its members from the under-represented gender.

One can conclude that if women are mentioned in the strategic documents of the leading political parties in BiH at all, it is often in the highly questionable context of their reproductive function, motherhood, family, and the "giving" of human rights. However, such "giving" is clearly not appropriate because these rights are guaranteed by the BiH Constitution, as well as the numerous conventions that BiH

has signed and ratified. The analysis' author note that, if one were to attempt to judge the orientation (left, right, center, etc.) of the political parties based on their positions on women and the amount of attention given to women in their party documents, it would be impossible to determine the orientation of any of the parties. Furthermore, gender-sensitive language is fully ignored in these documents. The author notes that the use of gender-sensitive language is reduced to a single article in one of the party's documents in which it is stated that terms written in the masculine gender refer to both men and women.

### *3.2. Media Coverage of Female Candidates in the 2014 General Elections*

An analysis produced by the Association Infohouse on reporting by print media on female candidates in the 2014 general elections in BiH demonstrated that female candidates were not provided with ample media coverage during the pre-election campaign.<sup>48</sup> Female candidates were not to be found on the front pages of newspapers, and their presence certainly wasn't dominant on other pages. They were almost always referred to in a secondary or tertiary manner as compared to male candidates. The authors of this analysis found that the print media wrote about only 176 of the total 3,276 female candidates from 98 political parties, or that coverage was only given to 5.37% of the women who were candidates in the 2014 general elections.

The analysis is based on 576 articles and photos that mention female political candidates from 144 issues of daily newspapers and nine issues of weekly newspapers. Of the total number of articles analyzed, 231 (40%) were about a single woman – SNSD candidate for the BiH Presidency Željka Cvijanović. Of all the published articles about female candidates, the authors found that 90% described female candidates in a neutral or positive manner. However, female candidates were the primary focus of only 25% of the analyzed articles. *Oslobodenje* provided the most coverage on female candidates (26% of all published articles), followed by *Dnevni List* (22%), and *Nezavisne Novine* (20%). 28% of all articles were printed on one-eighth of a page, while only 9% took more than a single page of text. Female candidates only made the headlines 12 times, and of these 12, 10 headlines were about a single woman – RS Prime Minister Željka Cvijanović.

In terms of photographs, the analysis' authors found that 40% of all articles were published with an individual or group photo of political representatives. Of the total number of analyzed articles, female candidates were the texts' primary focus only 25% of the time. In 72% of the analyzed articles, female candidates were only a secondary or tertiary focus. Reporting on female candidates in the 2014 general elections was most commonly found in the column *Izbori* (Elections), from which a total of 245 texts were derived. This represents 45% of the total reporting on female candidates. In the *Politika* (Politics) column, only 1% of the published texts were about female candidates. Most coverage on female candidates was only a few sentences in length. The largest number of texts (161) on female candidates was awarded the smallest amount of space in newspapers (one-eighth of a page for text/

<sup>48</sup> Emina Bećić and Dženana Aladžu: *Žene u politici – Da li je veličina važna? (Analiza načina izvještavanja štampanih medija o kandidatkinjama na Općim izborima 2014. godine u Bosni i Hercegovini tokom predizborne kampanje)*, Association INFOHOUSE, 2014. Available online at: [http://ba.boell.org/sites/default/files/zene\\_u\\_politici\\_-da\\_il\\_je\\_velicina\\_vazna\\_-mail-web.pdf](http://ba.boell.org/sites/default/files/zene_u_politici_-da_il_je_velicina_vazna_-mail-web.pdf)

photo). 71% of published texts and photography had a maximum of up to ½ a page of text. Only 9% of texts about female candidates were more than one page in length. In terms of the attitude presented by the media in its reporting on female candidates, 90% of cases were found to be either positive or neutral. There was not a single text – other than those about Željka Cvijanović – in which a female candidate was directly ‘accused’ of something or ‘called out.’ In terms of the way in which female candidates were represented by the media, 59% of politicians were presented primarily as candidates. 32% of women were presented as members of parties even though they were general election candidates.

Gender-sensitive language is not unknown to the media, and the analysis' authors found that it was used in 69% of texts. It was not used in 26% of texts. This variable was visible in 5% of the analyzed material. On the other hand, the same newspaper published texts in which gender-sensitive language was used, and at other times, not used. This led the authors to the conclusion that the use of gender-sensitive language is still not a professional standard. The greatest number of texts written without regard to gender-sensitive language appeared in *Glas Srpske*, which was the only paper to have a larger number of articles printed without gender-sensitive language than with it. The only printed media to consistently and correctly use gender-sensitive language – without a single instance of insensitive language – was the weekly magazine *Dani*.

### *3.3. Women's Political Participation in the 2014 General Elections*

The third important research project was conducted by CURE Foundation. This research followed the participation and situation of women on the candidate and voting lists, as well as the results of the 2014 general election.<sup>49</sup> The author of this study analyzed the participation of women on candidate and voting lists, and the proportion of women elected according to the final results of the 2014 general elections. In the context of women's participation on candidate and voting lists, the analysis' author points out that, in 2014, there were three major problems: (1) in general, the 2<sup>nd</sup> place on the list was reserved for women, (2) in comparison to men, a disproportionately small number of women could be found near the top of candidate lists, and (3) men were consistently at the top of voting lists. According to this analysis, 98 political parties/subjects with a total of 7748 candidates participated in the 2014 general elections. Of this total, 3276, or 42%, were women. Although this represents an improvement as compared to previous election cycles, when the proportion of women on candidate lists did not exceed 36.8%, the author explains that this is still problematic. The Law on Amendments to the Electoral Code of 2013 legally imposed this increase. Thus, the 42% of female candidates in the 2014 general elections represents the current legal minimum.

#### *Results of the 2014 General Elections*

According to the previously mentioned analysis, 19.03% of women were elected during the 2014 general elections to all levels of government. Despite various efforts

<sup>49</sup> Edita Miftari: *Women's Political Participation in BiH in the Context of the 2014 General Elections*, CURE Foundation, Sarajevo Open Centre, 2015. Available online at: <http://soc.ba/politicka-participacija-zena-u-bosni-i-hercegovini-analiza-ucesca-zena-na-stranackim-listama-i-konacnih-rezultata-opcih-izbora-2014/>

to increase women's representation in the government, in 2014 it was not possible to reach the record proportion of elected women that occurred in 2002 (20.15%). Reaching 40% female representation in government still seems impossible. In consolation, at least we can point to an upward trend considering that the percentage in 2006 was 17.21% and 17.37% in 2010.

17 candidates ran for the Presidency of BiH, of which only one was a woman. She ran for the Serb seat of the Presidency and was not elected. This, however, is not surprising given the representative structure of this body. Since independence and the first general elections in 1996, BiH has never had a female Presidency member and there have been very few female candidates. 40.96% of the total number of candidates for the House of Representatives of the Parliamentary Assembly of BiH were women, and only 10.57% of candidate lists put women in the first position. 10 women (23.81%) were elected to the Parliamentary Assembly of BiH, of which six women were directly elected, and four received their positions as a result of party mandates. 43.60% of the candidates for the Parliament of the FBiH were women, and only 16.04% of the candidate lists had women in the first position. 21 women were elected to the FBiH Parliament (21.43%), of which 12 women were elected directly and nine received their positions via party mandates. 42.42% of the candidates for the National Assembly of the Republika Srpska were women, and only 10.30% of the lists had women in the top position. 13 women (15.66%) were elected to the National Assembly of the Republika Srpska – five directly and seven via party mandates. One received her position as a result of a redistributed mandate. In terms of women's representation in Cantonal Assemblies, the largest number of women were elected to the West Herzegovina Canton's Assembly (seven of 23 or 30.43%). The smallest number – 1 woman – was elected to the Livno Canton Assembly (one of 25 or 4%).

The analysis' author came to the conclusion that, at all levels of government, the most women were elected from the Democratic Front - Željko Komšić. Of 46 mandates received, 17 went to women (36.95%). In comparison to the number of mandates won, the smallest number of women were elected from the SDA. Of a total number of 110 mandates, only 17 women received positions (15.45%). Among the leading political parties, the SDP has the lowest proportion of women at all levels of government. From a total of 43 mandates, only four (9.30%) were awarded to women. This party does not have a single female representative in seven representative bodies.

#### *Government Formation Following the 2014 General Elections*

There are two major problems when it comes to forming the government in BiH. The first is that there are no legal deadlines for this. The Election Law of BiH did not define deadlines for the implementation of election results, although the BiH and FBiH Constitutions have clearly defined when government must be formed following elections in BiH. Respecting these constitutions would imply rapid government establishment.

The second problem is the lack of representation of women in government. The BiH Law on Gender Equality (Article 20), as well as international documents that BiH has signed and ratified, call for the equal representation of genders as a mandatory norm. In terms of equality, the less represented gender is to be represented at a

minimum of 40%. Since the 2014 general election, only two governments have been formed – one at the Entity level and one at the Cantonal level. With the formation of the Republika Srpska government in December 2014, Željka Cvijanović was confirmed as Prime Minister. However, in examining the number of female ministers, no progress is visible. To the contrary, the RS government had five female ministers during its previous mandate and the new government has only three.

In Goražde during the first half of January 2015, representatives in the Assembly of the Bosnia-Podrinja Canton (BPC) adopted a decision confirming the Canton's government. This was the first Canton in BiH to form its government following the general elections in October 2014. Of eight ministerial positions, only one was awarded to a woman. Radmila Janković was once again confirmed as Minister for Justice, Administration, and Labor Relations. Two former female ministers were not awarded their previous positions, and were replaced by male colleagues. In this way, the number of female ministers in the BPC fell from three to one, which represents a serious step backward in terms of gender equality.

Neither of the two newly formed governments have 40% female representation as required by the Law on Gender Equality. The RS government has 18.75% female ministers, while the BPC government has 12.5%. This would not be such an overwhelming fact if it didn't represent a decreasing trend in terms of women's representation in both cases.

In several press releases and open letters during October and November 2014, the BiH Women's Network and the Initiative for Monitoring the EU Integration of BiH called on political parties and institutions to respect the provisions of the Law on Gender Equality and not exclude half of the country's population from political processes. Unfortunately, exclusion has occurred once again and the law is not being respected. Civil society organizations are currently considering the possibility of initiating a collective suit against the state and its Entities so that this violation of the law can have an epilogue in court.

## 4. GENDER-BASED VIOLENCE

- Implement the strategies and APs for improving the status and position of women who are victims of sexual violence, for example, the AP for Implementing UNSCR 1325 in Bosnia and Herzegovina for the Period of 2014-2017.<sup>50</sup> Measures of compensation, support, and rehabilitation for victims should be introduced;
- Ensure adequate and continuous psychosocial counseling for women and girls who are victims of abuse;
- Secure adequate and continuous financing for safe houses providing accommodation to victims of domestic violence from the Entity and Canton budgets.

BiH has a high quality international and domestic legal framework for creating conditions for the prevention of violence against women and domestic violence. In addition to international legal documents – which are an integral part of the BiH Constitution – other international legal acts and documents have been signed and ratified that create a legal basis for the general prevention of violence against women and domestic violence.

### *Istanbul Convention*

The CoE Convention of Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention, entered into force in BiH on 1 August 2014. BiH is one of the countries that signed and ratified this convention. The convention is the first international and legally binding instrument open to countries throughout the world to offer a comprehensive set of measures for preventing and combating violence against women and domestic violence. It foresees punishments for perpetrators.

The ARS BiH and the BiH Ministry for Human Rights and Refugees developed a Framework Strategy for the Implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence in Bosnia and Herzegovina for the Period of 2014 – 2018,<sup>51</sup> which presents a comprehensive framework that defines the implementation of the Istanbul Convention in BiH. The strategy includes the harmonization of legal and institutional frameworks with the provisions of the convention. The strategy was developed for the period from 2014 through 2018, and is currently awaiting the opinion of the RS government. Following this, the strategy will enter the adoption procedure of the BiH Council of Ministers.

According to data obtained through research and case studies conducted by ARS BiH and UN Women in 2014 on violence against women in BiH, with the goal of developing indicators for monitoring the implementation of the Istanbul Convention, not all of the services foreseen by the convention are currently available in BiH. However, the majority of services do exist and are generally provided by centers for social welfare and women's civil society organizations. The police and health institutions provide necessary personal protection and medical assistance. Social welfare

<sup>50</sup> Available online at: [http://arsbih.gov.ba/wp-content/uploads/2014/07/AP1325\\_bhs.pdf](http://arsbih.gov.ba/wp-content/uploads/2014/07/AP1325_bhs.pdf)

<sup>51</sup> BiH Ministry of Human Rights and Refugees: *Okvirna strategija za provedbu Konvencije o prevenciji i borbi protiv nasilja nad ženama i nasilja u porodici u Bosni i Hercegovini za period 2014 - 2018*, s.a. Available online at: [http://www.1325.arsbih.gov.ba/wp-content/uploads/NACRT\\_STRATEGIJA\\_CAHVIO.pdf](http://www.1325.arsbih.gov.ba/wp-content/uploads/NACRT_STRATEGIJA_CAHVIO.pdf)

centers are the key providers of services, particularly in cases where women's civil society organizations aren't present. However, they are generally too limited and do not have specialized units or experts exclusively responsible for protecting women and girls from violence and domestic violence. Women's civil society organizations, which were the first to offer these services and have the necessary expertise, have not yet been recognized by the government as partners in this process.

In addition to this research, in 2015 CoE and UN Women will work on a study of mapping and analyzing the services currently available for preventing and combating gender-based violence available for women victims of violence in Albania, BiH, Macedonia, Turkey, and Georgia.

#### *Exposure of Women to Violence*

According to 2013 results from research conducted by the Statistics Offices of the FBiH and RS, at the request of ARS BiH, 47% of women ages 15 and older have been exposed to at least one form of violence.<sup>52</sup> The research suggests that psychological violence is the most common form of violence that women are exposed to, followed by the combination of psychological and physical violence. Partners (current or former) are most commonly those behaving violently. Young women are more exposed to violence than older women, and rural women tend to be victims of violence more often than urban women. Disabled women and those with poor health are not spared from violence. They experience the same rates of violence as healthy women and those without disabilities.<sup>53</sup>

Women seek accommodation in safe houses due to psychological, physical, and/or economic violence. There are nine safe houses on the territory of BiH, which can accommodate 173 individuals. In the FBiH, there are six safe houses with accommodation for victims of domestic violence. These safe houses are run by non-governmental organizations. In addition to the small number of individuals who can be accommodated, a significant problem is the financing of temporary assistance to victims of violence in safe houses. 30% of financing in the FBiH comes from the budget of the Canton where the safe house is located, while the remaining 70% comes from the budget of the FBiH. Assistance for victims of domestic violence in safe houses is regulated by the Law on Protection from Domestic Violence in the Republika Srpska in a similar, but somewhat more precise, manner. The payment of the costs of temporary assistance for victims of domestic violence in safe houses is provided from the Republika Srpska budget via the relevant ministry. Payment of the costs for assisting victims of domestic violence in safe houses is ensured via the budgets of local administrative units and carried out by centers for social. This law envisages the establishment of a governmental Council for Combating Domestic Violence, which would monitor and evaluate the implementation of policies and measures designed to prevent and combat domestic violence.<sup>54</sup>

When it comes to the prevention of violence against women and domestic violence, it is important to mention work with perpetrators of violence. In 2010, the

<sup>52</sup> Gender Equality Agency of BiH: *Rasprostranjenost i karakteristike nasilja nad ženama u Bosni i Hercegovini 2013*, 2013. Available online at: [http://arsbih.gov.ba/wp-content/uploads/2014/01/studija\\_prevalanca.pdf](http://arsbih.gov.ba/wp-content/uploads/2014/01/studija_prevalanca.pdf)

<sup>53</sup> Diskriminacija.ba: *Nasilje nad ženama u BiH: žrtve ostaju bez potrebne podrške*, 17.03.2014. Available online at: <http://diskriminacija.ba/nasilje-nad-%C5%BEenama-u-bih-%C5%BErtve-ostaju-bez-potrebne-podr%C5%A1ke>

<sup>54</sup> Maida Zagorac: *Sigurne kuće u Bosni i Hercegovini*, 30.10.2014. Available online at: <http://soc.ba/sigurne-kuce-u-bosni-i-hercegovini/>

Association *Budućnost* (Future) formed a Men's Center<sup>55</sup> that works to prevent and raise awareness among men about non-violent conflict resolution. In cooperation with UNFPA, this association is currently establishing minimum standards for the implementation of psychosocial treatment for perpetrators of domestic violence, which will be used at the Entity level in Republika Srpska.<sup>56</sup>

In practice, it has been demonstrated that there are numerous problems in achieving justice for victims of violence, which may, but must not be, related to the legal framework of our country. There have also been problems with the level of tolerance demonstrated by employees of the competent institutions responsible for addressing gender-based violence. Furthermore, penal legislation – which is to a large extent comprehensive – due to its pervasive gender neutral character and the overall perception and understanding of gender roles, ignores certain crimes perpetrated against women. This primarily refers to marital rape, forced marriage, and genital mutilation. However, there are other reasons for such a lenient penal policy, and one of these is that the rate of reporting violence against women and domestic violence is very low.<sup>57</sup> However, even when such attacks are reported to the police, it is very often the case that police officers do not recognize these acts as crimes, but rather personal and private women's problems. Prosecutors tend to associate less stringent punishments with such cases. This shows that an inadequate level of awareness has been raised among the relevant institutions and their employees concerning this problem.

<sup>55</sup> For more information, please see: <http://www.buducnost-md.com/muski-centar/>

<sup>56</sup> Gender Equality Agency of BiH: *Progress Report on the Implementation of the Beijing Declaration and Action Platform (1995) and Results of the 23<sup>rd</sup> Special Session of the General Assembly (2000) in BiH*, 2014. Available online at: [http://www.unece.org/fileadmin/DAM/Gender/publication/Bosnia\\_Herzegovina\\_BeijingPlus20\\_National\\_Report.pdf](http://www.unece.org/fileadmin/DAM/Gender/publication/Bosnia_Herzegovina_BeijingPlus20_National_Report.pdf)

<sup>57</sup> Ibid.

## 5. WARTIME SEXUAL VIOLENCE

- Amend the BiH Criminal Code by removing the following from the definition of rape as a crime against humanity: *coercing another person by force or by threat of direct attack upon his/her life or body or the life or body of a person close to him/her;*
- Harmonize the laws on civilian victims of war throughout the country so as to introduce amendments and additions in the Republika Srpska that would create a special category for individuals who suffered from rape or other forms of sexual violence during the war without stipulating time limitations for its implementation. Unify the status of rights for survivors of wartime sexual violence across the territory of BiH;
- Adopt the Law on Victims of Torture at the state level.

### *UN Recommendations*

In January 2011, the UN Committee against Torture issued a recommendation to BiH in which, among other things, it sought an amendment to the BiH Criminal Code in the section relating to rape.<sup>58</sup> The definition of rape was to be harmonized with international standards within a one-year period. The necessary amendment has been incorporated in the Draft on Amendments to the BiH Criminal Code, but has yet to be adopted by the Parliamentary Assembly of BiH.

In July 2013, the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) issued conclusions for BiH<sup>59</sup> and expressed its deep concern over the “long delays in the adoption of measures for addressing the needs of a large number of women victims of war.” The Committee found that women do not have “adequate and equal access to benefits, support, and rehabilitation measures, or financial and social assistance, which are regulated differently among the Entities.” In accordance with these findings, the CEDAW Committee recommended that BiH accelerate the adoption of draft legislation that would ensure effective access to justice for all women who are wartime victims of sexual violence. At the time this report was published, no progress had occurred in this area. On 26 July 2015, BiH is required to inform the CEDAW Committee about the measures taken in regard to these issues.

### *National Legislation*

In 2012, the BiH Ministry for Human Rights and Refugees launched an initiative to create a Draft Law on the Rights of Victims of Torture, which was submitted to the competent Entity-level authorities for their review. After the Joint Committee on Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics of the Parliamentary Assembly of BiH rejected the draft twice with a negative opinion, this law was not adopted. A suggestion was made that the BiH Council of Ministers assign the task of preparing and submitting a new draft law to the

<sup>58</sup> UN Committee against Torture: *Concluding observations of the Committee against Torture: Bosnia and Herzegovina, CAT/C/BIH/CO/2-5*, 2011.

<sup>59</sup> UN: *CEDAW/C/BIH/CO/4-5, Concluding Recommendations of the CEDAW Committee in the combined 4<sup>th</sup> and 5<sup>th</sup> Periodic Report for BiH*, 2013. Available online at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBIH%2fCO%2f4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBIH%2fCO%2f4-5&Lang=en)

Parliament within 90 days. This was not done and the process remains at a standstill.

Although the definition of rape as a crime against humanity is not in accordance with international standards, in practice the Court of BiH relies on such standards and recognizes that the coercive circumstances of the act can negate consent and the victim's resistance is not required (for example, please see the first instance verdict in the Simšić case, no. X-KRŽ-05/04 from 2004).<sup>60</sup> However, in order to be in agreement with international standards and introduce unified judicial practice throughout the country, it is necessary for BiH to adopt the proposed amendments to the BiH Criminal Code.

According to the existing laws in both Entities, the category of war victims who survived concentration camps face numerous problems in accessing their rights to compensation for damages suffered because they are not recognized as a special category of war victims. Additionally, the current legislation in Republika Srpska foresees a legal limit for submitting an application for recognition as a civilian victim of war. There is also a condition requiring 60% physical disability, while psychological damage is not taken into account when determining this status. As a result, survivors of rape and sexual violence find it impossible to obtain the status of civilian victims of war. Thus, victims residing in the Republika Srpska are at a disadvantage vis-à-vis those victims residing in the FBiH.<sup>61</sup>

It is estimated that between 20,000 and 50,000 women and girls were systematically raped, tortured in concentration camps, and detained in their own homes during the war in BiH.<sup>62</sup> Research on the long-term consequences of war rapes in BiH conducted by Medica Zenica and Medica Mondiale showed that, 20 years after the war, the physical and psychological status of rape survivors is extremely alarming. 57% of the women surveyed – who are all victims of wartime rape – have PTSD 20 years following the end of the war. 70.2% believe the experience of rape completely changed their lives. 65% of interviewees report taking medication. Almost every woman surveyed (91%) is using psychiatric medications. More than 58% of the women interviewed noted the presence of four or more gynecological problems and 11% of women reported that they have suffered from cancer in recent years.<sup>63</sup>

The survey also revealed long-term trauma and the respondents confirmed that the government has failed to contribute to a better living situation for survivors. The presence of stigmatization, a lack of witness protection, and insufficient sensibility towards survivors are the main reasons why rape survivors remain silent. Among other things, the study found that it is necessary for BiH to pass the Law on the Rights of Victims of Torture at the state level, harmonize the existing laws at the Entity level, Cantonal level, and in Brčko District, and provide equal rights to survivors of sexual violence.<sup>64</sup>

BiH is one of the 155 countries that has signed the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. The protocol

<sup>60</sup> Court of BiH: *Case of Boban Šimšić*. Available online at: <http://www.sudbih.gov.ba/index2.php?opcija=predmeti&id=10&jezik=e>

<sup>61</sup> Initiative for Monitoring the EU Integration of BiH: *Alternative Progress Report for BiH: Political Criteria*, Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_ENG\\_za-web.pdf](http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_ENG_za-web.pdf)

<sup>62</sup> Medica Zenica: *Još uvijek smo žive; Istraživanje o dugoročnim posljedicama ranog silovanja i strategijama suočavanja preživjelih u BiH*, 2014.

<sup>63</sup> Ibid, p.s 71-79

<sup>64</sup> Ibid, p.s 137-144

requires member states to strengthen domestic legislation so that they can responsibly and reliably process crimes of sexual violence in conflict within and outside the state where the crime was committed. In this regard, the main purpose of the protocol is to promote accountability for crimes of sexual violence under international law. Although the protocol is not binding in character, it can serve as a tool to facilitate national and international practitioners in the fields of justice and human rights in documenting crimes of sexual violence in an effective and protective manner under international law – as war crimes, crimes against humanity, and acts of genocide.<sup>65</sup>

<sup>65</sup> Gender Equality Agency of BiH: *Predstavljen Međunarodni protokol o dokumentovanju i istraživanju slučajeva seksualnog nasilja u konfliktu*, 20.11.2014. Available online at: <http://arsbih.gov.ba/?p=2695>

## 6. TRAFFICKING IN HUMAN BEINGS

- Secure financial resources so that the Prosecutor's Office of BiH can take an active role in finding and prosecuting individuals suspected of involvement in trafficking in human beings;
- Develop effective procedures for the identification of victims, particularly Roman women and girls and internally displaced women;
- Harmonize the Criminal Codes of the Entities and Brčko District with the BiH Criminal Code in order to ensure adequate prosecution with appropriate penalties at the lower judiciary levels.

As stated in the majority of reports,<sup>66</sup> BiH is a transit country for women, men, children, and people with developmental disabilities who are subjected to trafficking in human beings for the purposes of sexual exploitation and forced labor. Civil society organizations in BiH often issue reports on this problem and sound the alarm. They also report individuals and criminal groups involved in the forced labor of Roma girls and boys, forced begging, and forced marriages.

As noted in the Annual Report on the Human Rights of Women in Bosnia and Herzegovina in 2013,<sup>67</sup> BiH's authorities fail to comply with even the minimum standards for the elimination of trafficking in human beings for the purposes of sexual exploitation and forced labor is prohibited in BiH in Article 186 of the BiH Criminal Code, which states that this criminal offense is punishable with between three and 10 years of imprisonment.

The United States' 2014 report on trafficking in human beings notes that in 2013, the BiH Prosecutor's Office launched an investigation against six individuals suspected of trafficking in human beings.<sup>68</sup> In 2014, the BiH Prosecutor's Office filed an indictment in a case against 13 individuals suspected of trafficking in human beings for the purposes of exploitation in Azerbaijan. The indictment refers to more than 600 victims, primarily citizens of BiH, Serbia, and Macedonia.<sup>69</sup> In 2014, the BiH Prosecutor's Office had 24 cases in the application and investigation phases related to the offense of trafficking in human beings, and the majority of these cases are criminal offenses as described in Article 189 of the BiH Criminal Code, which is related to human smuggling and illegal immigrants. According to the information we received from the Court of BiH in 2014, not a single verdict (either of guilt or an acquittal) was delivered related to the crime of trafficking in human beings.

According to the report of the US State Department on trafficking in human beings in 2014, in 2013 the authorities identified 16 victims of trafficking in human beings, which represents a sharp decrease from the 39 identified victims in 2012. Of

<sup>66</sup> US Report on trafficking in human beings in 2012: *2012 Trafficking Report*, Available online at: <http://www.state.gov/documents/organization/192594.pdf>; Report of the women's organization 'Lara Bijeljina': *Trafficking in human beings in BiH Jurisprudence*. Available online at: <http://www.ring.ba/files/brosura.pdf>; Report of the OSCE Mission to BiH: *Trafficking in human beings and the Response of the Domestic Criminal Justice System*, 2009.

<sup>67</sup> Esther Garcia Fransoli: *Annual Report on the State of Women's Rights in BiH in 2013*, Sarajevo Open Centre, 2013. Available online at: [http://soc.ba/site/wp-content/uploads/2014/04/Annual-Report-on-Womens-Rights\\_WEB.pdf](http://soc.ba/site/wp-content/uploads/2014/04/Annual-Report-on-Womens-Rights_WEB.pdf)

<sup>68</sup> US Embassy in BiH: *Izvještaj o trgovini ljudima u 2014. godini*. Available online at: <http://bosnian.sarajevo.usembassy.gov/trgovina-ljudima-2014a.html>

<sup>69</sup> BiH Prosecutor's Office: *Podignuta najveća optužnica u historiji pravosuda BiH za trgovinu ljudima i organizovani kriminal*, 27.06.2014. Available online at: <http://www.tuzilastvobih.gov.ba/?id=2517&jezik=b>

the identified victims, 13 were subjected to forced labor and three were victims of trafficking in human beings for the purpose of sexual exploitation. Nine of the 16 identified victims were children, five were adult women, and two were adult men. Government experts have noted that the number of identified victims is significantly lower than the suspected total number of victims of trafficking in human beings. During the reporting period, seven non-governmental organizations received small grants from the government to address the basic needs of trafficking victims. NGOs have reported on the lack of transparency in terms of distributing finances, in particular in terms of Roma victims. The government sent three victims of trafficking in human beings to shelters, while child victims of trafficking were returned to their families<sup>70</sup>.

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70 Ibid.

## 7. WOMEN IN FLOOD-AFFECTED AREAS

- Equal participation by all groups in all processes related to decision-making on how the rehabilitation of areas affected by flooding should be carried out, and assistance to survivors;
- Fair and transparent restitution of land, housing, and other facilities for men and women from areas affected by floods, with precisely defined criteria and procedures;
- Economic empowerment for women from flood-affected areas.

The May 2014 floods had catastrophic consequences for agriculture, industry, and the rural and urban areas of our country. The flooding directly or indirectly impacted over one million people in BiH.<sup>71</sup> Of these one million, at least half are women. Research by the government of BiH, the World Bank, the European Union, and the UN identified the needs of the areas affected by the natural disaster in order to determine the individual losses of citizens, their needs, and an assessment of the costs of recovery. UN Women contributed an analysis on the special needs of women from these areas, which made specific recommendations about how to address these issues in a way that would ensure gender equality.<sup>72</sup>

Given the lack of differentiated, quantitative data on the damage and losses caused by the floods in terms of men and women, UN Women conducted qualitative research on the needs of women by conducting interviews with women representatives of NGOs and government bodies in 15 locations affected by the floods in May. Its analysis and recommendations are based on the answers received during the interviews. In their findings they state that, at the outset when lives were being saved, there was no gender-based discrimination. There was also not an increase in violence against women despite concern on the part of civil society organizations that the flooding could bring about an increase in the risk of exploitation of labor, trafficking in human beings, women's forced migration, and internal displacement. The greatest losses and damages were suffered by property owners and farmers, given that about 27% of the homes in the FBiH and almost 40% in the Republika Srpska are registered under women's names. Furthermore, more women than men work in agriculture.<sup>73</sup> These farms were often a family's only source of income, and it is necessary to establish the same criteria for restitution for both men and women.

In its report, UN Women stated that more women (mostly elderly) than men were housed in collective centers. Prior to the flooding, these collective centers housed a total of 28 internally displaced (as a result of the war) families, of which 80% were single mothers, or widows. One of the largest problems for women in collective centers is the lack of privacy and personal security, particularly for breastfeeding mothers.

It is important to note that the flooding caused great damage to the safe house for women and child victims of domestic violence maintained by the women's organization/foundation 'Lara.' All of the individuals accommodated in the safe house had moved and were temporarily accommodated in private homes.

<sup>71</sup> UN Women: *Gender Equality in Post-Disaster Needs Assessment in Bosnia and Herzegovina*, p.2, 2014.  
Available online at: <http://www.mreza-mira.net/10472-floods-bih-reports-gender-aspects/>

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

As indicated by UN Women's research on the needs of women from flood-affected areas in BiH, it is clear that – at the local level – women and women's civil society organizations face the challenge of ensuring their inclusion and being accepted as equal partners in decision-making processes about renovation and assistance. It's unlikely that the assistance and benefits intended for the populations in these areas will be equally accessible to men and women, given that there is a masculine-dominant system in place when it comes to the distribution of funds. There is a real danger that the majority of financial assistance, small grants for businesses and renovation, and the funds for employment that were collected during the period following the flooding will be distributed to men, despite the fact women's economic needs – particularly for those who head their households – are enormous.<sup>74</sup>

There were hundreds of voluntary activities designed to assist citizens living in flood-affected areas, and the solidarity displayed by citizens during this crisis was commendable. In addition to activities directed towards the populations of these areas, there were also those who offered exclusively to assist women given their specific needs. One example of this was a group of activists that started a fund to assist women victims of wartime sexual violence in BiH who were impacted by the flooding and landslides in May 2014. The fund was launched to ensure that women who survived sexual violence during the war would not have to face yet another traumatic experience alone and without any support. As part of this project, assistance in the form of food, hygienic products, clothing, and funds for temporary housing (in the event that women were not able to return to their homes) was provided. Furthermore, furniture, electrical equipment, and reconstruction services were also made available.<sup>75</sup>

Another local initiative aimed exclusively at assisting women from flood-affected areas was initiated by the web portal zenskaposla.ba and the organization 'Nahla.' The initiative was called "Woman to Woman."<sup>76</sup> With the slogan "Girls, Women, Mothers – We know best what our needs are and we can't do without," women prepared individual packages of basic necessities (sanitary napkins, tampons, wipes, tissues, soap, antibacterial soap, antibacterial hand gel, razors, hand and face cream, toothpaste, toothbrushes, brushes, chapstick, shampoo, underwear, and pain killers). These packages were gathered at collection points and distributed to women in flood-affected areas.

When it comes to the measures that have been taken by the authorized institutions after the floods, the Gender Centre of RS has made *Action Plan for Gender Equality in disaster conditions in the Republika Srpska for the period May-December 2014*<sup>77</sup>. Bearing all this in mind, the Gender Centre of RS was prompt to launch an initiative for networking with local institutions, organizations, and women associations. According to available data, the Gender Centre of the Federation of BiH has not made a similar action plan in 2014.

Unfortunately, there are no statistics on the current situation of women from flood-affected areas, or information about what happened to them during the second half of 2014.

<sup>74</sup> Ibid.

<sup>75</sup> For more information, please see: <https://solidarityfundforwomen.wordpress.com/>

<sup>76</sup> For more information, please see: <http://www.zenskaposla.ba/content/poplave-akcija-zena-zeni>

<sup>77</sup> For more information, please see: <http://ravnopravnors.com/>

## 8. GENDER-RESPONSIVE BUDGETING

At this time, it is not possible to estimate the approximate proportion of the national budget used for the promotion of gender equality and women's empowerment because BiH does not have a centralized budget system. The GAP was adopted in September 2013 and one of its mandatory principles is to analyze the impact of the budget on the different needs of women and men (gender-responsive budgeting).<sup>78</sup> BiH has just begun the process of drafting a budget in line with the principles of gender equality. ARS BiH and the Entity level Gender Centers have launched a series of activities designed to introduce a gender component into all budget-related processes.

The government of the FBiH adopted an Action Plan for the Introduction of Gender-Responsive Budgeting in the FBiH 2010-2012 in the Pilot Area "Labor and Employment."<sup>79</sup> An analysis of gender-responsive budgeting in the sectors of agriculture and rural development in the Republika Srpska has been written, and continuing activities related to the education of all ministries on the concept of gender-responsive budgeting are being implemented.

It is important to note that, due to the increased capacity of the Ministry of Finance during 2013, the Budget Management Information System (BMIS) in BiH (at the state and Entity levels) was upgraded during 2014. A gender module was integrated into the system in June 2014. The Office for the Coordination of Public Administration Reform (PARCO)<sup>80</sup> developed this module in cooperation with UN Women and the European Union.

Progress was also made in terms of instructions for budget users at the state and Entity levels in the form of the development of framework budget documents. These documents now require that the impact of policies, strategies, and priority programs be evaluated regarding the extent to which they promote gender equality. Once these instructions are applied, it will be possible to assess the commitment of BiH's institutions to gender equality.

<sup>78</sup> BiH Ministry for Human Rights and Refugees and the Gender Equality Agency of BiH: *Gender akcioni plan Bosne i Hercegovine za period 2013-2017*, 2012. Available online at: <http://www.forumzena.org/wp-content/uploads/2014/02/gap-bih.pdf>

<sup>79</sup> Government of FBiH: *Akcioni plan za uvođenje gender odgovornih budžeta u Federaciji BiH 2010-2012 u pilot oblasti „Rad i zapošljavanje”*, s.a. Available online at: <http://www.gcfbih.gov.ba/txt.php?id=101>

<sup>80</sup> For more information, please see: <http://parco.gov.ba/latn/>

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This publication is part of the Human Rights Papers series, which is published by the Sarajevo Open Centre. Publications in the Human Rights Papers series include general and thematic reports, and other relevant publications, on the state of human rights in Bosnia and Herzegovina. These reports and publications are the basis for continued advocacy activities vis-à-vis the state of Bosnia and Herzegovina and international bodies.

Saša Gavrić is the editor of the Human Rights Papers. In this series, the following reports and publications have been published to date:

Saša Gavrić (author): Prava lezbejki, gejeva, biseksualnih i trans\*osoba u Bosni i Hercegovini: novi pristupi? Trenutno stanje i smjernice za buduće djelovanje institucija i civilnog društva. Sarajevo: Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/12/LGBT-OSOBE\\_bos\\_01.pdf](http://soc.ba/site/wp-content/uploads/2014/12/LGBT-OSOBE_bos_01.pdf)

Saša Gavrić (author): Human Rights of Lesbian, Gay, Bisexual and Trans\* People in Bosnia and Herzegovina: New Approaches? Current situation and guidelines for future actions of institutions and civil society, Sarajevo: Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/12/LGBTOSOBE\\_eng\\_01.pdf](http://soc.ba/site/wp-content/uploads/2014/12/LGBTOSOBE_eng_01.pdf)

Marina Veličković (author): Stranke, izbori, parlamenti: Žene u politici u Bosni i Hercegovini. Priča u brojkama. Sarajevo: Sarajevo Open Centre, 2014. Available online at: <http://soc.ba/site/wp-content/uploads/2014/09/marina-bos.pdf>

Marina Veličković (author): Parties, Elections, Parliaments: Women in Politics in Bosnia and Herzegovina. A story in numbers. Sarajevo: Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/09/marina\\_eng.pdf](http://soc.ba/site/wp-content/uploads/2014/09/marina_eng.pdf)

Inicijativa za monitoring evropskih integracija Bosne i Hercegovine. Alternativni izvještaj o napretku 2014: politički kriteriji. Sarajevo: Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_BHS\\_zaweb.pdf](http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_BHS_zaweb.pdf)

Initiative for the monitoring of the European Union integration of Bosnia and Herzegovina, 2014 Alternative Progress Report. Sarajevo: Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014\\_ENG\\_zaweb.pdf](http://soc.ba/site/wp-content/uploads/2014/07/Alternativni-izvjestaj-2014_ENG_zaweb.pdf)

Esther Garcia Fransioli (author): Godišnji izvještaj o stanju prava žena u Bosni i Hercegovini tokom 2013. godine. Sarajevo: Sarajevo Open Centre. Co-publishers: Prava za sve and CURE Foundation, 2014. Available online at: <http://soc.ba/site/wp-content/uploads/2014/04/Godisnji-izvjestaj-o-stanju-ljudskihprava-zenau-BiH-u-2013.pdf>

Esther Garcia Fransioli (author): Annual Report on the State of Women's Rights in Bosnia and Herzegovina 2013. Sarajevo: Sarajevo Open Centre. Co-publishers: Prava za sve and CURE Foundation, 2014. Available online at <http://soc.ba/site/wp-content/uploads/2014/04/Godisnji-izvjestaj-o-stanju-ljudskihprava-zena-uBiH-u-2013.pdf>

Edita Miftari (author): Economic and Social Rights of Women in Bosnia and Herzegovina in 2012-2013. Sarajevo: Sarajevo Open Centre, 2014. Available online at: <http://soc.ba/ekonomski-i-socijalna-prava-zena-u-bosni-i-herzegovini-2012-2013/>

Darko Pandurević (author): Konkretne preporuke za poboljšanje položaja trans\* osoba u Bosni i Hercegovini. Sarajevo: Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2015/01/TRANS-PAPER\\_BOS\\_NOVI\\_08.01.2015.\\_web.pdf](http://soc.ba/site/wp-content/uploads/2015/01/TRANS-PAPER_BOS_NOVI_08.01.2015._web.pdf)

Darko Pandurević (author): Recommendations for improving the position of trans\* people in B&H – concrete guidelines. Sarajevo: Sarajevo Open Centre, 2014. Available online at: [http://soc.ba/site/wp-content/uploads/2015/01/TRANS-PAPER\\_BOS\\_NOVI\\_08.01.2015.\\_web.pdf](http://soc.ba/site/wp-content/uploads/2015/01/TRANS-PAPER_BOS_NOVI_08.01.2015._web.pdf)

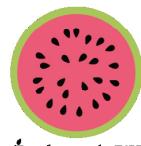


**Women's Network BiH** is an informal group of civil society organizations and individuals who represent and work on women's rights and encourage gender equality, that promotes anti-discrimination, freedom of decision-making, equality, non-violence and anti-militarism, through acceptance of feminist values of action – peace, solidarity, trust, fellowship, equality and diversity. Women's Network BiH (WNBiH) was adopted and began operating on September 12th in 2009, at a conference by the same name, as a part of the fourth PitchWise Festival of Women Arts and Activism BiH.

**CURE Foundation** is a feminist activist organization that advocates for positive social change through advocacy, educational, artistic and cultural and research programs. The ten member team of CURE works since 2005 for gender equality across BiH and the Western Balkans region. Providing affirmative action we celebrate the strength and power of women, and working to empower people to become drivers of social change in BiH and abroad.

**Sarajevo Open Centre** has been recognized by our beneficiaries, but also by BiH civil society organizations, the media, public institutions, and international partners as one of the leading human rights organizations in Bosnia and Herzegovina. Sarajevo Open Centre (SOC) advocates for the full respect of human rights and the social inclusion of LGBT people and women. Sarajevo Open Centre is an independent, non-partisan, and non-profit organization that empowers LGBT (lesbian, gay, bisexual, and trans\*) people and women through community and movement building. SOC also promotes the human rights of LGBT people and women publicly, and advocates on the national, European, and international level for improved legislation and policies in Bosnia and Herzegovina.

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Zenska mreža BiH



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