

# THE ORANGE REPORT 2016

---

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

**THE ORANGE REPORT 2016  
ANNUAL REPORT ON THE STATE OF WOMEN'S RIGHTS  
IN BOSNIA AND HERZEGOVINA**

Sarajevo, February 2016

Sarajevo Open Centre's *Human Rights Series*  
Series editor Emina Bošnjak  
Publication Number 47

Title: THE ORANGE REPORT 2016  
ANNUAL REPORT ON THE STATE OF WOMEN'S RIGHTS  
IN BOSNIA AND HERZEGOVINA

Authors: Saša Gavrić (Chapters which are not specified as other authors')  
Inela Hadžić (Education and Participation in the Workforce, Trafficking)  
Emina Bošnjak (Political Life and Decision-Making)  
Maida Zagorac (Gender-Based Violence)  
Adrijana Hanušić, Trial (Conflict-Related Sexual Violence)  
Meliha Lekić (Healthcare)

Editor: Saša Gavrić

Reviewers: Ismeta Dervoz and Jelena Milinović

Proofreading BCS: Elvir Kapić

Translation BCS-ENG: Marina Veličković

Layout and design: Dina Vilić

Publisher: Sarajevo Open Centre, [www.soc.ba](http://www.soc.ba)  
Helsinkiški parlament građana Banjaluka, [www.hcabl.org](http://www.hcabl.org)

For Publisher: Saša Gavrić, Dragana Dardić

© Sarajevo Open Centre/Authors

Any non-commercial multiplication, photocopying or any other means of reproducing the complete publication or its part is desirable, with prior notice to the publisher sent to: [office@soc.ba](mailto:office@soc.ba).

The Report covers the period of January 2015-January 2016.

This publication is a product of work on women's human rights and gender equality within several projects in the Sarajevo Open Centre, which are supported by (alphabetically): The Embassy of the Kingdom of Norway, The Embassy of the United States of America, The Embassy of the Swiss Confederation, Foundation Friedrich Ebert, Foundation Heinrich Boell, The Open Society Fund BiH and the Swedish International Development Agency (SIDA).

This publication is a part of a project financed by the Embassy of the Kingdom of Norway. The publisher is solely responsible for the publication and it is in no way reflective of the general attitude of the donor.

ISSN 2490-2160



**THE ORANGE REPORT 2016.  
ANNUAL REPORT ON THE STATE OF WOMEN'S RIGHTS  
IN BOSNIA AND HERZEGOVINA**

Sarajevo, February 2016

# Content

LIST OF ACRONYMS	6
FOREWORD	8
CURRENT EXAMPLES OF HUMAN RIGHTS VIOLATIONS	9
The irresponsible attitude of institutions towards the financing of safe houses in the Federation of BiH	9
Inequality faced by women in the forming of of governments at all levels	10
GOOD PRACTICE	12
The adoption of the Framework strategy for the implementation of the Istanbul Convention	12
PRIORITY MEASURES TO BE UNDERTAKEN	13
Improving the legal framework for gender equality in the Executive and in the Legislature	13
Strengthening capacities and mechanisms and implementing programs for gender equality in cantons	13
Ending discrimination in access to maternity/paternity leave in Federation of BiH	14
Showing commitment to implementation of the Istanbul Convention	14
1. THE LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR GENDER EQUALITY	15
The Constitution and the key laws	15
Institutional mechanisms for gender equality	15
Parliamentary working bodies on gender equality	16
Public policies for gender equality	17
Guidelines for Action	19
2. EDUCATION AND PARTICIPATION IN THE WORKFORCE	20
Education – what do the statistics say?	20
Participation in the workforce	20
The new Entity Labor Laws	21
Family life and the workforce	22
Guidelines for Action	23

3. HEALTHCARE	24
Treating Infertility and Assisted reproductive technology	24
Access to healthcare	26
Guidelines for Action	27
4. POLITICAL LIFE AND DECISION-MAKING	28
Women in party bodies	28
Women in Legislature	28
Women in the Executive	30
Women in the Judiciary, the Armed Forces and the Police	32
Guidelines for Action	33
5. GENDER-BASED VIOLENCE	34
Legislative regulation for combating violence against women and domestic violence	34
The Work and Financing of Safe Houses in BiH	35
Challenges in 2016: The fight to save the safe houses in FBiH	37
Guidelines for Action	38
6. CONFLICT-RELATED SEXUAL VIOLENCE	39
Changes to the Criminal Law BiH	39
Compensation awarded to victims of conflict-related sexual violence within criminal proceedings	39
Law on the Victims of Torture BiH	40
Change in the Law on claiming the status of victim of conflict-related sexual violence	41
A Study on the position of Serb women victims of sexual violence	41
Guidelines for Action	42
7. HUMAN TRAFFICKING	43
Guidelines for Action	44
APPENDIX	45
Political System of Bosnia and Herzegovina	45
The achievements of the Sarajevo Open Centre in 2015	46
Authors	47

## LIST OF ACRONYMS

AP	Action Plan
ARS BiH	Gender Equality Agency BiH
ART	Assisted Reproductive Technology
A-SDA	Stranka demokratske aktivnosti (political party)
BD	Brčko District
BHAS	Agency for Statistics BiH
BiH	Bosnia and Herzegovina
BPS	Bosanskohercegovačka patriotska stranka (political party)
CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
CoE	Council of Europe
CSO	Civil Society Organizations
DF	Demokratska fronta – Željko Komšić (political party)
DNS	Demokratski narodni savez (political party)
FBiH	Federation of Bosnia and Herzegovina
FIGAP	Financial Mechanism for the Implementation of the Gender Action Plan BiH
GAP	Gender Action Plan
GBV	Gender-Based Violence
GC	Gender Centre (of Republika Srpska or Federation of BiH)
HDZ BiH	Hrvatska demokratska zajednica Bosne i Hercegovine (political party)
HDZ 1990	Hrvatska demokratska zajednica 1990 (political party)
IVF	In Vitro Fertilization
LBT*	Lesbian, bisexual and trans* women
NDP	Narodni demokratski pokret (political party)
NGO	Non-Governmental Organizations
NS	Nova stranka (political party)
NSRS	National Assembly of Republika Srpska
NSRzB	Narodna stranka – Radom za boljitak (political party)
OS BiH	Armed Forces of BiH
PDP	Partija demokratskog progresa (political party)
PD PSBiH	House of Representatives of the Parliamentary Assembly BiH
PFBiH	Parliament of the Federation of BiH
PSBiH	Parliamentary Assembly BiH
PUP	Partija ujedinjenih penzionera (political party)
RS	Republika Srpska
SBB	Stranka za bolju budućnost (political party)
SBiH	Stranka za Bosnu i Hercegovinu (political party)
SDA	Stranka demokratske akcije (political party)
SDP	Socijaldemokratska partija (political party)
SDS	Srpska demokratska stranka (political party)
SIPA	State Investigation and Protection Agency

SNSD	Savez nezavisnih socijaldemokrata – Milorad Dodik (political party)
SOC	Sarajevski otvoreni centar
SP	Socijalistička partija (political party)
SRS	Srpska radikalna stranka Republike Srpske (political party)
SzP	Savez za promjene (coalition of political parties)
UN	United Nations
WHO	World Health Organization
ZoRS	Gender Equality Law BiH
ZZD	Law on Prohibition of Discrimination BiH



## FOREWORD

This is the fourth year we have compiled and published the Annual Report on the State of Women's Rights in Bosnia and Herzegovina. This is also the only report we are aware of which is published by the civil society organizations and which addresses a wide spectrum of rights in an attempt to cover as many issues from this area. The first two reports were a product of Sarajevo Open Centre's work, while the third report was a product of collaboration between the Sarajevo Open Centre and the CURE Foundation, on behalf of the Women's Network BiH. This report is, once again, a product of Sarajevo Open Centre's independent work.

We are incredibly pleased that the authors of the report are young activists, members of the Sarajevo Open Centre team - Emina Bošnjak, Inela Hadžić and Maida Zagorac. They are joined by our colleagues Adrijana Hanušić (Trial in BiH) and Meliha Lekić (a professor at the Faculty of Medicine at the University of Sarajevo), long-term activists and women's rights advocates, who are authors of two chapters.

This report is in large part a continuation of last-year's work. Keeping that in mind, this report compliments the information contained in last year's reports and we recommend that it be read in conjunction with the 2014 and 2015 reports, in order to get a complete picture of women's rights in Bosnia and Herzegovina. These reports are available on: <http://soc.ba/en/publications/human-rights-papers/>

2015 has not been a great year in terms of progress in the field of women's rights. 2016 should see a more systematic approach to improving women's place in society, and especially, the position of the marginalized groups of women like returnees, women victims of war, Roma women, women with disabilities, single mothers, women victims of violence, lesbians, bisexual and trans\* women, which often face discrimination and are sometimes even completely shunned.

Finally, I want to thank the authors and the reviewers - Ismeta Dervoz and Jelena Milinović, whose comments and suggestions have contributed to the quality of this report. I also want to thank Dragana Dardić and the Helsinki Citizens' Parliament Banja Luka, who are co-publishers of this report. We are also grateful to all the collaborators and partners of the Sarajevo Open Centre, regardless of whether they are members of women's associations, other civil society organizations, institutional mechanisms for gender equality, political parties, parliaments, the Government or the international and donor community. We believe that we have learned and grown through our joint cooperation and that the results of that progress are apparent in this report.

We hope that this report will be of use to all those who are working on advancing women's rights. We look forward to your feedback, corrections, criticism and comments!

February 2016.

Saša Gavrić

Executive Director, Sarajevo Open Centre

## CURRENT EXAMPLES OF HUMAN RIGHTS VIOLATIONS

### *The irresponsible attitude of institutions towards the financing of safe houses in the Federation of BiH*

The legislative framework for the systematic fight against domestic violence and violence against women has been improved following the adoption of the new Law on Combating Domestic Violence in the Federation of BiH 2013. Article 35 of the Law posits that the Federation of BiH and the cantons will fund safe houses in a 70-30 split (70% of the expenses will be covered by the Federation of BiH and 30% by the cantons). The Law imposes a clear obligation to pass sub-legislation which would regulate the establishment, work and financing of the safe houses, and which would set standards for accreditation of safe houses and their eligibility for state support. Unfortunately, this obligation has not been met in the last three years and so the work of the six existing safe houses has been left to self-regulation. The existing safe houses have independently conducted an assessment of the annual costs of running a safe house. It is estimated that the work and the programs of one safe house with the capacity of 25 places costs a minimum of 240,000 KM a year. On the other hand the support for the safe houses on entity level, from the Federation of BiH Government, from 2008 until now has never surpassed 200,000 KM. Therefore, one can conclude that the allocated 200,000 KM can only cover the costs of one safe house in the Federation of BiH, and that if this is split between the six safe houses each can only get an amount that covers between 10-15% of each safe house's total expenses. The Government of the Federation BiH has therefore been in breach of the law for years and has failed to meet its obligation to finance 70% of the safe house expenses.

Instead of addressing this issue seriously the Government of the Federation of BiH has decided to amend Article 35 in 2015, arguing that the existing provision is 'unclear.' Without asking the Parliament FBiH for the interpretation of the contentious Article the Government suggested that in the future safe houses can only be 'institutions' (according to the 1993 and 1994 Law on Institutions) and that their coming funding will be allocated according to the number of people settled there, based on the pre-determined cost of accommodation. The existing safe houses, which are foundations or citizen associations, have to change their legal personality into that of an institution, or they will not be able to get the government funding. The Government FBiH has addressed the wrong issue - the legal status of the safe houses, instead of focusing on the sub-legislative acts and its obligation to cover 70% of the funding expenses. In December 2015 the Changes and Amendments to the Law Combating Domestic Violence FBiH have been submitted to the Parliament, without a public consultation pro-

cess. The consultation process will be conducted only because the civil society organizations pressured the Parliament into opening up the process.

It is important to point out that this is addressed well in Republika Srpska, in the sense that the safe houses still have the status of a foundation or an association and that they are, as such, entered into the register of safe houses of the Government of RS and so receive 70% of their funds from the Government. This is a clear example that safe houses do not need to have the legal personality of an institution.

In addition to the suggested legal changes, it is disconcerting that in 2015 the Government of the Federation of BiH has not set aside a single KM towards the existing safe houses. A budget of only 160,000 KM for all of the six safe houses in the Federation has been passed for 2016, which does not cover even a 70% of funding for a single safe house. A safe house in Mostar, ran by Žena BiH, has been on the verge of closing for months, unable to accept the victims of violence, due to the Government carelessness.<sup>1</sup>

### *Inequality faced by women in the forming of of governments at all levels*

The General Election in October of 2014 resulted in the formation of Parliaments at all levels of government, the establishment of the Cantonal and Entity governments and the Council of Ministers BiH followed in 2015.

And, similarly to the results of every General Election in the last 20 years (from the first post-war election in 1996 until today) the formed governments do not have the minimal required number of female ministers in their establishment. Cantons, entities and the State have yet again breached the international standards set by the UN CEDAW Committee and the Council of Europe, and the Bosnian and Herzegovinian legal requirement of at least 40% of the less represented gender in the Executive, prescribed in Art. 20 of the Gender Equality Law BiH.

Although the Council of Ministers BiH has two female ministers (and seven male ministers) for the first time after two mandates, which has taken us out of the group of countries like Saudi Arabia, or Pakistan that do not have a single woman in government, it is important to emphasize that at other levels of the government, like the Government of Republika Srpska the number of female ministers has gone down. The worst examples are the Government of the Zeničko-Dobojski Canton and the Government of the Hercegovinačko-Neretvanski Canton, which do not have a single female minister and are instead single-sex executive bodies.

This is clear proof that legislative norms need to be tightened and that gender quotas need to be introduced in the laws regulating the Executive, specifically, in the laws which regulate the election of gov-

ernments on all levels, in order to stop the future formation of governments which do not have an equal number of men and women. It is encouraging that the Commission for Gender Equality of the House of Representatives of the Parliament BiH has accepted the proposal made by the Sarajevo Open Centre and the Gender Equality agency BiH at the special parliamentary session in September 2015. The House of Representatives has put the Amendments to the Law on the Council of Ministers BiH in the parliamentary procedure in December of 2015. This Law will be on the agenda in the House in February 2016. If the amendments are passed, the Council of Ministers will not be formed after the 2018 General Election, unless (and until) it satisfies the 40% gender quota requirement.<sup>2</sup>

## GOOD PRACTICE

### *The adoption of the Framework strategy for the implementation of the Istanbul Convention*

The Council of Ministers BiH adopted the Framework strategy for the implementation of the Istanbul Convention on the Prevention and Fight against Violence against Women and Domestic Violence in BiH, for the period 2015-2018 in July 2015.

Bosnia and Herzegovina was one of the first countries in Europe to have passed a policy document for the implementation of the Convention, which obligates the state to combat violence against women and domestic violence. The Gender Equality Agency BiH spearheaded the process and showed strong strategic leadership in public policy development and advancing gender equality.

In order to improve the current situation the commitment of the entities and cantons will be of prime importance. Entities and cantons need to reform their legislature, strengthen their judicial, prosecutorial, social and police capacities and provide the essential support for the work of the safe houses and for the programs for the victims' economic empowerment.

Republika Srpska withheld its support for this document, considering it a matter under Entity and not State jurisdiction. Despite this, the Strategy was adopted by the Council of Ministers. We hope that it will be implemented in the entire state.

The Convention on the Prevention and Fight against Violence against Women and Domestic Violence was adopted on 11 May 2011 in Istanbul. The Convention is the first legally binding document by the Council of Europe in the field of prevention and combating violence against women, following a series of recommendations made by the Council regarding the prohibition of gender-based discrimination and protection from violence, which were not legally binding and instead aimed to define common goals and establish minimum standards for members states.

On 7 November 2013 BiH became the sixth member state of the Council of Europe to ratify the Convention, and so the State bound itself to implement legislative and other changes in order to establish the legal, institutional and organizational framework for prevention of violence against women, protection of the victims of violence and punishment of the perpetrators.

## PRIORITY MEASURES TO BE UNDERTAKEN

### *Improving the legal framework for gender equality in the Executive and in the Legislature*

The existing legal provisions - the gender quota for at least 40% of the less represented gender on the electoral lists (Article 4.19, Electoral Law BiH), the general and sanction-free provision on equal participation of women and men in the Government (Article 20 Gender Equality Law) have garnered progress, but they do not have the potential to ensure a significant increase in the number of elected women. For this reason alternative measures are necessary. In order to achieve equal participation of women and men at least two changes are needed.

The first change refers to the Electoral Law BiH and it would introduce a gender quota of 50% (the so-called zipper system)<sup>3</sup> as well as additional measures to give mandates to members of the less-represented gender (e.g. through the award of mandates from the compensatory electoral lists). The second change addresses amendments of laws that regulate the election of cantonal and entity governments and the Council of Ministers BiH. These laws need to be harmonized with Article 20 of the gender Equality Law BiH and they need to include a provision according to which the future governments could not be confirmed unless the minimum representation of 40% of both men and women is fulfilled.

### *Strengthening capacities and mechanisms and implementing programs for gender equality in cantons*

The existing legal, political and institutional framework has ensured improvement in terms of gender equality in those areas that fall under the State and Entity jurisdiction. Unfortunately, in the Federation of BiH cantons have often been left behind, despite the constitutional guarantee of their jurisdiction over many of the key issues of importance for men and women in the Constitution of the Federation of BiH. Therefore, it is not surprising that there has been little progress in areas of employment, healthcare or education, because cantons do not have the adequate bodies/offices, nor public policies (strategies or action plans). For an example, the Gender Action Plan is not systematically implemented on cantonal level, because the Gender Centre of the Federation of BiH does not have the capacity to focus on this. On the other hand, unless public policies are developed and bodies for gender equality formed, significant progress in these areas cannot be expected.

It is essential to strengthen cantonal capacities in order to enable the cantons to work on improving gender equality in areas which are within their jurisdiction. Cantons need to establish offices or bodies within the government, to work alongside the gender equality commissions, which operate within the cantonal assemblies on the development of public policy for

gender equality and its implementation. Naming a contact person in the cantonal governments is essential, as it would be their task to maintain open lines of communication between the canton and the Gender Centre of the Federation, therefore ensuring good gender equality programs.

### *Ending discrimination in access to maternity/paternity leave in Federation of BiH*

Multiple analyses in 2015, including the last special report by the Institution of the Ombudsman for Human Rights in BiH,<sup>4</sup> confirmed that the issue of discrimination of new mothers in the Federation of BiH is persistent. Maternity leave is regulated differently and child support varies according to women's employment status, employment sector and the canton in which she resides. Some cantons do not have a fund for maternity benefits at all, which is particularly disconcerting. In the majority of other cantons the benefits are often behind schedule.

In order to adequately resolve this the best solution would be to transfer jurisdiction over maternity benefits from cantons to the Federation of BiH and to pass a new law establishing a Fund for Maternity Benefits in order for all expectant and new mothers to have the same rights regardless of the sector in which they work and the canton in which they live. As a part of this reform it is also necessary to regulate the rights of unemployed women.<sup>5</sup>

### *Showing commitment to implementation of the Istanbul Convention*

Statistics in the crime reports and the grim financial situation of safe houses in the Federation of BiH are just some of the indicators that confirm that all levels of government in BiH have a long road ahead, in terms of combating gender-based violence. Recent political support, which manifested itself in the speedy ratification of the Istanbul Convention in 2013 and the adoption and implementation of the Framework Strategy in July 2015, needs to be transformed into practical work in order to advance the institutional mechanisms for tackling domestic and gender-based violence, at all levels of government. Cooperation with the civil society organizations is a necessary part of this process, especially since women's organizations were the ones who removed domestic violence from the purview of the "private" and into the public domain – on the parliamentary and government agenda. It is therefore good news that in August 2015 the Gender Equality Agency has signed a Memorandum of Understanding with the Safe Network BiH,<sup>6</sup> a coalition of civil society organizations – including all nine safe houses in BiH – which are working on combating gender based violence. In addition to this, the Gender Equality Agency, through the proxy of the Ministry of Human Rights and Refugees, established cooperation with the USAID mission in BiH, in October 2015. As a result of this cooperation the Agency will, as of 2016, supervise a program for implementation of the Istanbul convention worth 750,000 USD.<sup>7</sup>

# 1. THE LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR GENDER EQUALITY

## *The Constitution and the key laws*

The Dayton Peace Agreement recognizes the prohibition of discrimination on the basis of gender and it stipulates direct application of the European Convention on Human Rights and the CEDAW Convention. Unfortunately, despite the civil society initiatives the Constitution still does not recognize gender equality as a basic constitutional value in Bosnia and Herzegovina.<sup>8</sup> BiH is one of the first countries in the Western Balkans to have passed a **Gender Equality Law (ZoRS)**.<sup>9</sup> After it was passed in 2003 the Law was amended once, and the amended version was adopted in 2010.<sup>10</sup> The Law guarantees gender equality and equality of opportunity in all spheres of life.

The Gender Equality Law BiH: a) prohibits discrimination (direct and indirect) and recognizes specific forms of discrimination (harassment, sexual harassment, incitement of discrimination);<sup>11</sup> b) prohibits gender-based violence (including domestic violence); c) guarantees equal opportunity in education, employment and work, access to social care and healthcare, sport, culture, the media and other spheres of life. The Law sets solid foundations for gender equality, but its practical application is limited, because most laws have not been harmonized with it, and the ones which have been, have mostly not been implemented, which is demonstrated by the low number of women on executive boards of institutions at all levels of government.<sup>12</sup>

Although ZoRS stipulates the possibility of filing discrimination complaints to the Institutional Mechanisms for gender equality (ARS BiH, GC RS and FBiH) the number of complaints is consistently very low and has not surpassed 10 in any single year. If this is compared to the similar statistics in other countries of the Western Balkans we can conclude that it is not an accurate reflection of reality.

Gender discrimination and sexual harassment are also prohibited in the 2009 Law on the Prohibition of Discrimination (ZZD). The 2015 data is not yet available,<sup>13</sup> but the 2013 and 2014 data indicates that these mechanisms are not being used. In 2013 and 2014 there was only one registered case of sexual harassment and only 39 cases of discrimination based on gender (and social standing). Therefore, the possibility of legal protection through the Institution of the Ombudsman needs to be better communicated to the public, and made more accessible to citizens.

## *Institutional mechanisms for gender equality*

The Gender Equality Law BiH prescribes **institutional mechanisms for gender equality**. The key institutional mechanisms are the Gender Equality Agency of Bosnia and Herzegovina (ARS BiH) at state level



and Entity bodies: The Gender Centre of the Federation of BiH and the Centre for gender Equality of Government of Republika Srpska.

These mechanisms have played an important part in 2015, by providing opinions on whether Executive acts in compliance with the Gender Equality Law BiH and by working on proposals of specific policies which aim to improve the position of women and men in the BiH society. Gender Equality Agency BiH and the Gender Centers of the Federation and Republika Srpska have conducted campaigns and research projects, organized trainings, published studies and developed international and regional cooperation. In July 2015 ARS BiH provided the follow-up information to the CEDAW committee, in line with the 2013 Concluding Observations, and so they continued their reporting on international documents.<sup>14</sup>

However, there is still **not enough understanding within the Executive as to why institutional mechanisms for gender equality are even necessary**. The fact that the existing mechanisms have so few employees is disconcerting. For an example, the ARS BiH has only six full-time employees, which significantly limits the scope of their work. In June 2015 information surfaced in the media that the Gender Centre of the Federation of BiH will be closed down,<sup>15</sup> as a part of the wider reform of Federal institutions and bodies. All three Gender Equality institutional mechanisms do not have sufficient funds for programs and public policies. For an example, the implementation of the Gender Action Plan is completely contingent on the Financial Mechanism for the Implementation of the Gender Action Plan (FIGAP), a mechanism that depends in its entirety on the support of international development agencies. On the other hand gender equality is still not sufficiently included in the work and policies of other institutions and therefore there is still need to work towards gender mainstreaming, as well as capacity building in the existing institutional mechanisms for gender equality.

2015 was yet another year that **did not see the establishment of permanent gender equality bodies at the level of cantonal government**.

Only two cantons have a government coordination board. Taking into consideration the fact that cantons are the ones in charge of some of the vital questions like employment, education and healthcare it is particularly disconcerting that there are no contact persons and no bodies in charge of gathering and analyzing data, proposing measures and supervising their implementation with the aim of improving the lives of women and men. It is apparent that the Gender Centre of the Federation of BiH cannot address all of these issues due to their limited capacities, and so a more systematic solution at cantonal level is needed.

### *Parliamentary working bodies on gender equality*

After the General Election in 2014 **Parliamentary Gender Equality and Equal Opportunity Commissions/Boards were established** in the legislative bodies at state, entity and cantonal level.

However, the levels of activity of these commissions/boards vary. So, for an example the Cantonal Assembly Gender Equality Commissions only meet once a year, while the Gender Equality Commission of the House of Representatives of the Parliamentary Assembly BiH did not meet its quorum three times in a row and so could not reach decisions in the second half of 2015. The Gender Equality Commission in the House of Peoples of the Parliament FBiH was only formed at the end of September 2015, a year after the general election in 2014.

However, despite the issues with the inactivity of its members the Gender Equality Commission in the House of Representatives of the Parliamentary Assembly BiH maintains contact with the civil society organizations and frequently makes specific proposals for improvement of the position of women and men in our society. This Commission is one of the few to have its own legislative proposals, which is uncommon since most laws are proposed by the Executive, party clubs or the MPs themselves. In December 2015 the Commission unanimously adopted a proposal of the Law on Changes and Amendments of the Law on the Council of Ministers BiH, which introduces a gender quota for the Executive. Work on regulating of artificial insemination has been started at the same Session.

### *Public policies for gender equality*

The Second periodic Gender Action Plan for Bosnia and Herzegovina for the period of 2013-2017 was adopted in 2013 in order to achieve the set gender equality goals. The Plan relies on the Gender Action Plan for BiH 2006-2011, the State and Entity development strategies, the EU Strategy for equality of men and women and other relevant Council of Ministers, EU and UN strategic documents. This document covers all areas of private and public life, but it also defines priority and the transversal areas and measures intended for strengthening the system, mechanisms and instruments for achieving gender equality, and for strengthening cooperation and partnership. Obligations of institutional mechanisms for gender equality and responsibilities of ministries and institutions in each of the priority areas are clearly defined. The Gender Action Plan addresses the key issues faced by women and men in BiH and it presents a great example of a public policy document which the state can use to advance gender equality in the society.

Due to a delay in naming of the members to the Executive Board of GAP BiH, which has only been established in 2015, there were no Operative Plans for the implementation of the Gender Action Plan in the period 2013-2015, which would have specified the measures for improving the position of women and gender equality. During this period the programs and measures from the GAP have been implemented through other public policies, plans and programs by the Agency and the Entity Gender Centers, in line with the agenda of the Council of Ministers and

Entity Governments. The plans on state and entity levels have only been developed in the second half of 2015, for 2016.

Republika Srpska adopted its **Annual Operative Plan** first (in December 2015), while the Federal and State plans are expected at the beginning of 2016. It is impossible to plan specific measures and budgetary obligations, and therefore to work on improving women's rights and gender equality without those plans. However, it is worthy of praise that all three institutional mechanisms **have recognized the need to work on LGBT (lesbian, gay, bisexual and trans\*) rights** and that they have included measures adequately addressing the needs of this marginalized group in their Annual Operational Plans for 2016. The ARS BiH, GC FBiH and GC RS are following the established practice of institutional mechanisms for gender equality in the Member States of the EU and they are becoming the pioneers in the struggle for rights of sexual and gender minorities in BiH. Rights of Roma women, women in rural areas and women with disabilities have to be better addressed in institutional mechanisms' future work.

In addition to the Gender Action Plan, the ARS BiH, GC FBiH and GC RS are also **conducting other important public policies**: Action Plan for the Implementation of the UN Resolution 1325 in BiH (2014-2017), Strategy for combating domestic violence (2013-2017) FBiH, Action Plan for Advancing the Position of Women in Rural Areas RS until 2015, Strategic Plan for the introduction of Gender Responsible Budgeting in the Budget of the Federation of BiH 2013-2015, Action Plan for Gender Equality in circumstances of natural disasters, and they are supporting the introduction of the gender dimension in the sector strategies. Republika Srpska will mainstream all of its gender equality activities through its Annual Operative Plan in line with GAP, while FBiH will still be producing multiple public policy documents.

It is disconcerting that the GC FBiH does not have the capacity to work with cantons on the development of the Annual Operative Plans, while the cantonal governments are not showing interest in working on this on their own. Due to this, **the Gender Action Plan was not implemented on cantonal level at all in 2015**, nor have the measures necessary for its implementation in 2016 been undertaken.

At local level (municipalities and cities) significant progress in terms of gender equality has not been achieved. Although a substantial number of municipalities and towns have Local Gender Action Plans (LGAP; between 2012-2015 47 plans were drafted and adopted in FBiH and 22 in Republika Srpska), the situation on the ground is the complete opposite.<sup>16</sup> Research from 2015,<sup>17</sup> which covered more than 50% of Bosnian and Herzegovinian municipalities and towns shows that there are almost no municipalities/towns which understand their jurisdiction, and so they are not undertaking the measures necessary for advancing gender equality. There are no public debates, or ongoing research, local priorities are not being set, nor are gender equality and women's specific needs being considered during the planning and implementation of programs and budgets.

*Guidelines for Action*

- The Gender Equality Law BiH needs to be harmonized with EU standards, either through Changes and Amendments to the Law, or by passing a new law;
- Legal protections from discrimination on the basis of gender and sexual harassment need to be promoted more clearly and made more accessible;
- All levels of government need to strengthen the existing institutional mechanisms for Gender Equality (ARS BiH, GC FBiH, GC RS), focusing on human capacities and financing of the programs of these mechanisms from State and Entity budgets;
- Cantonal governments and municipal and town authorities need to establish and strengthen permanent institutional mechanisms for gender equality by naming coordinators or coordination boards for gender equality in the Executive;
- Gender Centre of the Federation of BiH has to strengthen its capacities in order to be able to coordinate the Cantonal Gender Equality Mechanisms;
- It is essential to strengthen, and by establishing a Council for the Civil Society, to formalize the cooperation between the civil society organizations and the institutional mechanisms for strengthening gender equality at entity and cantonal levels;
- The State, Entities and Cantons need to start implementing the Gender Action Plan urgently. Annual Operative Plans need to be developed, adopted and implemented at the level of entities and cantons, with the budgetary allocation of funds;
- Civil society organizations need to establish independent monitoring mechanisms which will follow and report on the implementation of the Gender Action Plan in order to pressure the governments into supporting the key provisions of this document;
- Municipalities and towns need to develop and start implementing periodic Local Gender Action Plans and they need to report to the Entity Gender Centers and the Gender Equality Agency on their implementation Cooperation with local civil society organizations is key during the process of drafting and implementation;
- The State, the Entities and cantons have to give support to the establishment and the financing of the Financial mechanism for the implementation of the Gender Action Plan for the period after 2015.

## 2. EDUCATION AND PARTICIPATION IN THE WORKFORCE

### *Education – what do the statistics say?*

The latest available data on education of women was published by the Agency for Statistics BiH, like in previous years, and it has demonstrated the following: 36,939 students completed their primary education in 2014/2015, 18,246 of who were girls; 43,991 students completed their secondary education in 2014/2015, 21,402 of who were girls. 71,786 girls are attending secondary education in 2014/2015, out of the 143,881 students on the territory of the entire BiH. **Therefore it is fair to say that girls and boys participate in primary and secondary education equally.**

The situation is somewhat different in higher education. Out of the 96,425 students who entered higher education in 2014/2015, 53,599 were women and 42,826 were men. In 2014, out of the total of 16,351 graduates, 9,740 were women, and in 2014/2015 59% of the graduating class was made up of women. When it comes to postgraduate studies there are more women than men, while there are less women in doctoral degree programs. Out of the 3,364 masters' students, 2,001 were women, and out of the 301 doctoral students, 116 were women. The data on masters and doctoral students for 2015 is still not available.

**Women are also more numerous when it comes to teaching positions.** 70.7% teachers in primary schools are women, while that number is 59% for secondary schools.

**Gender equality is still not a topic covered in primary and secondary education.** Gender equality is not mainstreamed through the education system; stories about men dominate the curricula (men are the authors, historical figures, scientists, etc.) and there has been little effort to eliminate stereotypical portrayals of women and men in public and private life. Out of all the minority communities and women experiencing different facets of discrimination, Roma girls and youth, and boys and girls with disabilities are experiencing the most difficulties. They are almost completely excluded from education.

### *Participation in the workforce*

As in the previous years, **data on women's participation in the workforce is disappointing.** The rate of women's employment in the second quarter of 2015 was merely 41.3%.<sup>18</sup> By comparing the trends in women's education and employment we can notice that, as in previous years, the rate of women's employment remains very low. According to the data from the *Workforce Survey for 2015*,<sup>19</sup> women make up 49.4% of the active workforce of workers with only primary education, 41.7% of workers with secondary education and only 9.0% of workers with higher

education, masters or doctoral degrees, and the numbers are within the same range as in previous years with at most 2% deviations. Although there is a slight downwards trend of women in certain sectors like services and agriculture, the highest number of women still works in the services sector (65.5%) and in a slight increase from last year 17.7% of women are not in agriculture, and 16.8% are. If we look at data from the Cantonal Employment Offices in FBiH more women were seeking employment in December, as compared to January of the same year.<sup>20</sup>

**The position of women in rural areas is still difficult.** In 2015 the Government of Republika Srpska implemented the Action Plan for the Improvement of the Position of Women in Rural Areas until 2015. The goals set in the Action Plan were the improvement of the economic status of women in rural areas, improvement in living conditions, access to public services, empowerment of women's social status and raising awareness of women's role, significance and contribution to society.<sup>21</sup> The Government of FBiH had not had special policies aimed at improving the status of women in rural areas, but this question was addressed in the Annual Operative Plan for 2016, which was drafted on the basis of the Gender Action Plan. Employment of women with disabilities remains a significant challenge.

### *The new Entity Labor Laws*

**Both Entities passed new Labor Laws in 2015, through emergency parliamentary procedure.** Unlike the Labor Law of RS, The Labor Law of FBiH explicitly prohibits discrimination on the basis of, among other things, marital status, family obligations and pregnancy. Overtime work for pregnant women, mothers of children younger than 3 years of age, single parents and adoptive parents of children younger than 6 years of age are prohibited. Although the Labor Law FBiH considers the ban on employment of women in underground workplaces a form of protection, both Laws similarly approach the prohibition of unequal treatment of women and the status of women during pregnancy and birth. The FBiH Law specifies that at the beginning of their employment workers cannot be asked for information irrelevant to their employment, while the RS Law specifies that the employer cannot ask for information on their family/marital status and that they cannot condition the employment on taking a pregnancy test, unless the job itself would present a risk for the mother and the child. Both laws address **mobbing**. Women are frequently victims of mobbing, but due to fear of losing their job very few cases reach the courts.

*Family life and the workforce***When it comes to the rights of new mothers on the territory of FBiH and the differences in maternity allowance based on the canton in which they live and the sector they are employed in, the situation is almost unchanged.**

Discrimination of mothers in the private and the public sector is still present because in the private sector the employer is left to cover the difference in pay, while in the public sector this provision is specifically defined in a collective contract and funded from the public budget. Discrimination is based on a) the time when the right to maternity leave can be claimed (from 6 months in Canton Sarajevo and Zapadnohercegovački Canton, to 9 months in Canton 10), b) the amount of the allowance compared to pay (from 50% in Unsko-Sanski Canton and Srednjobosanski Canton; 60% in Sarajevo Canton; 80% in Zeničko-Dobojski and Bosansko-Podrinjski Cantons; 90% Tuzla Canton and 100% in Canton 10). Hercegovačko-Neretvanski Canton makes only a one-off payment of 400 KM to all new mothers.

In the Special Report on the state of the protection of mothers and motherhood in FBiH the Institution of the Ombudsman concluded that the failure of Hercegovačko-Neretvanski Canton to regulate the protection of families with children is a breach of basic rights and that the one-off pay given to new mothers cannot be considered adequate compensation during maternity leave.<sup>22</sup> Eight cantons passed cantonal laws on the Basic of Social Protection, the Protection of Victims of War and the Protection of Families with Children. In September 2015 the Government of Posavski Canton also passed an Order on Maternity Allowance, which the Canton had not been paying until then.

**The Labor Law of RS regulates the question of child support by setting up a Public Fund for the Protection of Children RS.** The allowance is determined by the average pay the woman had claimed in the 12 months before the start of her maternity leave (Art. 111 and 123). Based on the provisions of the Labor Law RS and the Law on the Protection of Children RS a special fund was established, which recognized employers' right to funds to be paid as maternity allowance of the net pay to the mother on maternity leave, upon the employer's written request. In 2014 2651 women and one man claimed this right.<sup>23</sup> Although their rights are legally recognized and their pay included in the budget, in new mothers are being denied their rights. In 2015 new mothers started peaceful protests to demand the government end the census on child support so that every child can receive at least 100 KM, take the PDV off the basic baby supplies and make the essential medications for expectant and new mothers free.<sup>24</sup> A petition asking for the minimum of 100 KM child support was also organized.<sup>25</sup>

### *Guidelines for Action*

- It is essential to use the Gender Action Plan and the Annual Operative Plans to mainstream gender equality in education (school curricula, teaching plans, textbooks, plans for education and further education of teaching staff);
- It is essential to arrive at a political agreement on legislative regulation of maternity allowance for working mothers and parents (if the father is the one using paternity leave) in the Federation of BiH and to establish a public fund for maternity allowance in order to regulate this right and end discrimination based on the place of employment and habitation;
- Sanction all legal personalities which discriminate against women in employment and in the work environment and ensure proactive work inspections;
- End censorship of child support in RS and secure the basic needs for the child and the mother, including the essential medications.



### 3. HEALTHCARE

The 1995 Constitution of Bosnia and Herzegovina, The Resolution on Politics of Health for all Citizens of Bosnia and Herzegovina,<sup>26</sup> and the Gender Equality Law in Bosnia and Herzegovina all set standards and offer guidelines for organization of a healthcare system that will provide adequate help and protection to all citizens, aiming to improve the standard and quality of health and life, for everyone equally. Reproductive health, as defined by the World Health Organization (WHO), is a state of physical, mental and social wellbeing in relation to all aspects of the reproductive system, throughout one's life. The Strategy on Reproductive Health published by the WHO in 2004 defines 5 main focus areas in reproductive health: improvement of health in pregnancy, childbirth and health of newborns; offering high-quality family planning services, including the services of treating infertility; eliminating unsafe abortions; tackling sexually transmitted infections, and promoting sexual health.<sup>27</sup>

#### *Treating Infertility and Assisted reproductive technology*

The estimates are that in Europe more than 15% of couples of reproductive age are infertile, or experience difficulties in conceiving. It is evident that the increase in infertility is causing negative demographic trends in Europe. In warning of the importance of treating infertility the European Parliament in cooperation with the European Society for Humane Reproduction and Embryology (ESHRE) gave, in 2008, the key guidelines for the tackling this problem by creating conditions in which diagnosis and treatment of infertility (including the assisted reproductive technology) are widely available and of good quality.<sup>28</sup> Since the right to family life is a human right,<sup>29</sup> it is recommended that assisted reproductive technologies (ART) be incorporated in population policies of all European states.

The official statistics show a worrying trend that in Bosnia and Herzegovina only 83 babies are born for every 10,000 inhabitants and that **Bosnia and Herzegovina has the lowest birthrate in the region.**<sup>30</sup>

According to the data from the Agency for Statistics BiH 21,141 newborns were registered in the first nine months of 2015, which shows a 2.16% decrease in the birthrate from the 2014's 21,607 live births. This alarming information demonstrates that the birthrate is declining in Bosnia and Herzegovina and it is becoming clear that without specific, medical, social and political steps this problem will worsen.<sup>31</sup>

The biggest issue is that there is no Law on Treatment of Infertility by Assisted Reproductive Technology on state-level, and so this is regulated differently in FBiH, RS and Brčko District. In RS according to the Law on Assisted Reproductive Technology the Health Insurance fund covers two ART treatments for women up to the age of 40 and for women aged 41-42 the Fund covers 50% of the expenses. The health

insurance refunds women who are older than 42 years only if they give birth through ART. In the first eight months of 2015 a total of 270 requests for ART were approved.<sup>32</sup>

Assisted Reproductive Technology/IVF were included in the Brčko District's Financial Plan of the Health Insurance for 2015. The Fund covers at most two attempts for each married couple, as well as cohabitating couples. The Fund covers the IVF costs of up to 4,000 KM for the first attempt, and up to 3,000 KM for the second attempt, for women of up to 42 years of age.<sup>33</sup>

**There is no law regulating Assisted Reproductive Technology in FBiH.** By a decision on the basic right to healthcare in FBiH it was determined that Cantonal Health Insurance Institutes can fund up to two attempts of ART, for women aged up to 37 years of age.<sup>34</sup> However, the implementation of this decision is not uniform in all cantons and depends on the available financial means in each canton. For an example, in accordance with the Financial Plan of the Health Insurance Institute of Tuzla Canton for 2015, funding was secured for married couples, and cohabitating couples for at most two IVF treatments.<sup>35</sup> In Zeničko-Dobojski Canton co-financing of IVF of up to 2,000 KM was approved, for each married couple. In Canton Sarajevo the patients have the possibility of buying the medications that are on the list of essential medications at half-price.<sup>36</sup> The Health Insurance Institute of Unsko-Sanski Canton co-financed 20 couples for up to 3,000 KM. With the necessary medical documentation the key criteria are two years of marriage and the woman has to be younger than 42 years of age. It is important to note that couples are not limited as to where they can do the medical procedure itself.<sup>37</sup>

On Federal level couples with disabilities have the right to one free procedure and the funds are secured from the Solidarity Fund FBiH within the program Humane Reproduction of Persons with Disabilities. In accordance with the **Strategy for advancement of sexual and reproductive health and rights in FBiH 2010-2019**,<sup>6</sup> the Federal government wrote the Draft Law on Treating Infertility through Technologically Assisted Reproduction,<sup>38</sup> and in June 2014 submitted it to the Parliament through the emergency procedure. The House of Representatives of Parliament FBiH did not support its passage and it never made it to the House of Peoples FBiH.

In BiH ART is done at several private clinics: one in RS (Banja Luka) and six in FBiH (three in Sarajevo, two in Tuzla and one in Mostar). Many couples who are facing some form of infertility have to set aside vast amounts of money for IVF treatments. According to some estimates one IVF treatment costs between 4,000 and 8,000 KM, depending on the medication used to stimulate the ovaries.

At the initiative of the **Commission for Gender Equality of the Parliamentary Assembly BiH**, a group of experts created a draft of the state **Framework Law on Treating Infertility by Assisted Reproductive Technology**. The first discussion of this framework law was held in Sarajevo on 19 October 2015. The aim of this law was to enable offspring

and family planning for married and cohabitating couples and women who are infertile through Technologically Assisted Reproduction while ensuring quality and safety in all procedures in line with the achievements of biomedical science, and in accordance with EU regulations.<sup>39</sup> This question will continue to be debated and it will be decided in 2016 whether the Commission for Gender Equality will be proposing this law. It has also been unofficially stated that one of the opposition parties will put a similar law in procedure in FBiH Parliament in 2016.

### *Access to healthcare*

Decentralization of health insurance and healthcare in BiH, as well as variations in economic power of entities and cantons make the availability of healthcare unequal, in terms of both primary healthcare (rural/urban areas, differences between entities and cantons) and the more specialist health services.

The problems in the use of healthcare faced by the population of rural areas are: distance from healthcare providers, cost of transportation, time necessary to see a physician, the cost of appointments and interventions in private clinics and the price of medicine. The majority of the population in rural areas has to travel to cities for specialist appointments, dentists' appointments and to buy medication.

On 12 February 2015 the Department of Humanitarian Aid and Civil Protection of European Commission (ECHO) donated two mobile gynecological clinics to UKC Tuzla and JZU Dom Zdravlja Doboje as a part of the UN Flood Recovery Programme "Today for us." The mobile clinics are equipped with a gynecological chair, mobile ultrasound and other necessary apparatus that will enable the provision of essential reproductive health services to women in rural and remote areas of Tuzla and Doboje regions.<sup>40</sup>

Persons with disabilities are facing particular difficulties in using healthcare services in BiH. In the majority of cases the healthcare providers are not accessible to this population. **Women with disabilities are particularly discriminated.** Although they have the same health, reproductive and sexual needs, as well as rights and freedoms as women without disabilities, they are still facing physical and psychological obstacles in realizing their rights. Healthcare providers are still not sufficiently accessible to women with disabilities. Inaccessibility, which is based on building design, includes the unadjusted access to buildings, lack of elevators, accessible changing rooms and toilets. Written information, like admission forms and educational materials for patients are not available in alternative formats (e.g. in Brail, audio tapes, enlarged print). One of the key obstacles is also the lack of adequate equipment, such as tables for gynecological checkups and delivery for women with disabilities and mammograms that do not require the patients to stand. According to the available information, a very small number of public healthcare providers in BiH have the adequate equip-

ment for checkups and delivery aimed at women with disabilities. It has also been documented that medical staff shows a lack of sensitivity towards women with disabilities.<sup>41</sup>

With the aim of improving the state of health services when it comes to their use by persons with disabilities the Agency for Quality and Accreditation of Healthcare FBiH (AKAZ) included persons with disabilities in the review of the Standards for the general practitioners and centers for mental health. Swedish non-governmental organization My Right signed a Memorandum of Understanding with the Agency for Certification, Accreditation and Improvement of quality of healthcare services in RS (ASKVA) and they are hoping to achieve similar results as soon as the revision of the RS standards begins.<sup>42</sup>

An informal group of citizens DRIP conducted research on women's experiences of deliveries in RS, in February 2015. Out of the 539 women who gave birth in one of the 13 public and one private delivery ward, 59% of interviewees responded that if they could choose they would not give birth again in the same ward. Around 60% of women stated that the atmosphere in the delivery rooms was not comfortable and 85% expressed dissatisfaction over the lack of privacy during the delivery. Almost 80% of women stated that they did not participate in the medical decision-making regarding the way in which they delivered.<sup>43</sup>

The fact that the majority of Roma women and girls still do not have access to adequate healthcare is alarming, as is the fact that funds aimed at rectifying this have been decreasing, rather than increasing in recent years.

### *Guidelines for Action*

- The responsible institutions need to conduct campaigns for raising awareness of the wider public on the importance of reproductive health in all stages of life, and these questions need to be included in primary and secondary education;
- It is necessary to pass the Framework Law on Treating Infertility by Assisted Reproductive Technology at state level, in order to finally establish a legal framework for implementation of the guidelines with the aim of ensuring quality and safety in all IVF treatments in line with EU regulation and ensuring equality in access to funding for IVF treatments for all citizens of BiH;
- Increase access to preventive healthcare and promote health in remote and rural areas;
- Enhance healthcare provision and improve access to services for persons, and especially women, with disabilities, who live in rural areas;
- Implement the solutions set out in the document Politics in the Area of Disability in BiH and which address family and private life.

## 4. POLITICAL LIFE AND DECISION-MAKING

### *Women in party bodies*

**Women are underrepresented in the main bodies of the key political parties in BiH.** Extreme examples are two parties (SDA and SDS) in which the party president and all the vice-presidents are male. In other political parties women hold at least one vice-presidential seat, which amounts to representation of 10-20% (depending on the number of seats). Special measures of naming 5 women as members of the Executive Committee of SDA resulted in only 10% representation, due to the large board membership. In SBB the requirement is for 25% of women as members of the Executive board. Although political parties are organized on different principles, the one thing they have in common is that women are also underrepresented in other party bodies, specifically that instances of equal representation of at least 40% are an exception rather than the rule. The representation of women is somewhat higher in the more numerous party bodies, while it is usually around 20% in the key decision-making bodies.<sup>44</sup>

Research conducted by Infohouse in 2015,<sup>45</sup> which assessed gender equality in politics and activities of political parties in BiH demonstrated that gender equality is not adequately regulated through the parties' political documents. Special measures for ensuring gender equality within the parties show the lack of harmonization of party documents and policies with the Gender Equality Law: they entail discriminatory provisions and there are no provisions for including the less represented gender in the process of governance, decision-making and advocacy. Women's organizations within the parties are a resource, although underutilized, for change of internal and external party politics in the area of gender equality. All of this contributes to low participation of women in Legislatures and the Executive.

### *Women in Legislature<sup>46</sup>*

98 political subjects participated in the General Election in 2014. Out of the 7,748 candidates, 3,276 were women - 42% - which is an increase compared to the 36.82% of women candidates in the previous election, and a direct consequence of the harmonization of the Electoral Law with the Gender Equality Law BiH.

According to the official and final results, ten women (23.81%) were elected to the **House of Representatives PSBiH**, which is a higher percentage than the ones achieved in the Entity Parliaments. Of the ten, six women were elected directly, and four were awarded seats through compensatory mandates. The highest percentage of women (60%) were elected from the Demokratska Fronta - Željko Komšić (DF) electoral lists. The political party that gained the highest numbers of

seats (11), SDA, had only one woman MP, who got her place through a compensatory mandate. SBB with four and SDP with three mandates do not have a single MP in the House of Representatives BiH and neither do the four political parties/coalitions, which won one mandate each (BPS, A-SDA, PDP-NDP and DNS-NS-SRS). HDZ 1990 is an exception – they have a woman in the one mandate they won. Out of the 15 delegates in the House of Peoples BiH only two were women, making up mere 13.33% (and both are from the Club of Croats).

21 women were elected to the **Parliament of the Federation of BiH** (21.43%). The highest proportion is from Laboristi BiH's list (100%), then Stranka za BiH (33.33%), followed by DF (28.57%), SBB and BPS with 25% each. Numerically, the highest number is from SDA (6 women representatives), followed by SBB and DF (4 women representatives each) and the coalition led by HDZ BiH (3 women representatives). SDP, BPS, Stranka za BiH and Laboristi BiH each have one woman representative in Parliament FBiH. On the other hand HDZ 1990 has four mandates, A-SDA has two and Naša stranka has one, and no women MPs. In the **House of Peoples FBiH** there are a total of 54 delegates (Club of Serbs was never completely formed and still only numbers 13 instead of 17) and only eight are women, making up 14.81% of delegates. Eight delegates are split in Clubs: two women out of the 17 delegates in the Club of Bosniaks, two women out of the 17 delegates in the Club of Croats, and three women out of the 13 delegates in the Club of Serbs. There is only one woman in the Club of The Others, and she is a member of SDP BiH.

13 women were elected to the National Assembly of Republika Srpska, making up 15.66% of the representatives. Five were elected directly, seven through compensatory mandates and one through a shuffle of mandates, since there was one mandate less for the Croat representatives. In terms of percentages, the highest number of women was elected from the DNS-NS-SRS coalition lists (25%), and the least from PDP (0%). Numerically, the highest number of women were elected from SNSD (six representatives), then from the DNS-NS-SRS and the SDS-PUP-Radikali SRS RS coalitions (two representatives each), while one woman was elected from the Coalition Domovina, Narodni Demokratski Pokret and the Socialist Party. The only political option that does not have a female representative in the National Assembly is PDP, although they have won seven mandates. Compared to the second House of Parliament FBiH the **Council of Peoples of Republika Srpska** has almost twice as many women. Out of the total of 28 delegates there are eight women, making up 28.57% of representatives, which is also the highest percentage of women in any of the Houses of Parliaments at Entity and State levels. In the Club of Serbs and the Club of Bosniaks from the total of eight delegates in both Clubs only two are women. In the Clubs of Croats and The Others, there are three women delegates each.

**The percentage of women in newly-formed Cantonal Assemblies is 18.71%** and varies between cantons. The lowest percentage of wom-

en is in the Assembly of Livanjski Canton where women make up only 4% of the Assembly members (24:1 in favor of men) and the highest percentage of women is in the Assembly of Zapadno-Hercegovački Canton where women make up 30.43% Assembly members (16:7 in favor of men). Sarajevo Canton, Zeničko-Dobojski Canton and Bosansko-Podrinjski Canton are the only ones with women at the head of the Assembly.

After the General Election of 2014 there were a total of 19.90% women in legislature, at all levels of government. Despite different attempts to increase the representation of women the 2002 record of participation of 20.15% was not met, and 40% still seems unachievable. It is comforting that we can at least speak of an upward trend since this percentage was 17.21% in 2006 and 17.37% in 2010.

The Parliamentary Assembly BiH **formed a working group in 2015**, to work on the changes to the Electoral Law. It has been noted that during the group's work there was no mention of equal participation of women and men in political processes. Sarajevo Open Centre organized a press conference in front of the Parliamentary Assembly BiH in January 2016, and put the amendments to the Electoral Law that aim to rectify the current shortfalls in parliamentary procedure. The Commission for Gender Equality of the House of Representatives PSBiH will soon discuss the amendments, which propose the equal number of women and men on electoral lists and a "zipper system."

Women who experience multiple forms of discrimination (Roma women, LBT women, women with disabilities) are completely excluded from political life.

### *Women in the Executive*

**Following the General Election in 2014 the process of forming the government lasted for almost a year**, and the political discussions over membership to the Council of Ministers BiH, the Entity and Cantonal Governments were marred by inter-party and party quarrels over posts, instability of the Government in the Federation of BiH and the withdrawal of Demokratska Fronta (DF) from the government at state and entity level. During this turbulent period the **question of gender equality and participation of women in the most powerful branch of the government was secondary** for political parties. The few reactions which addressed the fact that the formation of the government was in breach of the goals set out in Article 20 of the Gender Equality Law came from the Civil Society Organizations and parliamentary bodies and Institutional mechanisms for gender equality.

In the current session of **the Council of Ministers BiH** women are at the head of two out of the nine ministries (22.22%). Semiha Borovac (SDA) is the Minister of Human Rights and Refugees and Marina Pendeš (HDZ BiH) is the Minister of Defense. None of the deputy ministers in the Council of Ministers are women.

In the Government of the Federation of BiH four women were named to the Executive branch following the dissolution of the SDA and DF coalition and the inclusion of SBB in the government: the Minister of Finance and the Deputy Prime Minister is Jelka Miličević (HDZ BiH), the Minister of Education and Science is Elvira Dilberović (SDA), the Minister of Culture and Sport is Zora Dujmović (HDZ BiH) and the Minister of Environment and Tourism is Edita Đapo (SBB).

Željka Cvijanović (SNSD) was named the Prime Minister of the RS Government, which has three women ministers: the Minister of Government and Local Self-Government is Lejla Rešić (DNS), the Minister for Urban Planning, Development and Ecology is Srebrenka Golić (SNSD), and the Minister for Family, Youth and Sport is Jasminka Davidović (SP). Participation of women in the Government of RS is at 23.53% at the same level as their participation in the Government of FBiH.

Not a single woman was named the Prime Minister of any of the cantonal governments while the percentage of women ministers was 17.5% (the number varies from 0-20% depending on the Canton). The most extreme examples are the Governments of **Zeničko-Dobojski** and **Hercegovacko-Neretvanski** Cantons in which no women were appointed. In the Government of **Unsko-Sanski Canton** there is one woman minister and the same is true for the governments of **Srednjobosanski Canton**, **Livno Canton** and **Bosansko-Podrinjski Canton**. Two women were appointed ministers (15.35%) in the governments of **Sarajevo Canton** and **Tuzla Canton**. Two women were also appointed ministers in **Zapadno-Hercegovacki Canton** and **Posavski Canton** (20%).

**The total number of Women holding ministerial posts at all levels of government is 23.** The highest number of ministers in the Executive comes from HDZ BiH (eight), while the lowest number (one each) are from the following parties: DNS, SP; ASDA, SBiH, and NSRZB. SDA, SBB and SNSD have three Women in ministerial positions each. **In the Council of Ministers BiH and the Government of the Federation of BiH there has been an increase in the representation of women in comparison to the previous electoral cycle, while there has been a decrease in the Government of Republika Srpska and the Cantonal Governments.**

It is clear that in the 2014-2018 mandate women are holding ministerial positions in areas of Judiciary, Justice, Governance, Education, Work and Social policy, Ecology, Urban planning, Human Rights and Family – areas which are generally considered to be in women's purview and fields in which women have already achieved progress (for an example in the Judiciary).

The Commission for Gender Equality of the House of Representatives PSBiH proposed the Law on Changes and Amendments of the Law on the Council of Ministers BiH, on the initiative of the Gender Equality Agency and the Sarajevo Open Centre. The proposal envisages the introduction of the 40% quota into the law itself. This is a positive example of cooperation between the institutions working towards achieving gender equality and an example of how it is possible to achieve specific legisla-



tive proposals for achieving gender equality. The proposed Changes and Amendments to the Law should be discussed at the February session of the House of Representatives of the Parliament BiH.

### *Women in the Judiciary, the Armed Forces and the Police*

**Women in BiH are represented more in the judiciary than in any other branch of the government.** However the number of women working in the judiciary is substantially larger than the number of women who are in higher positions within the judiciary or in the higher courts. Women are still faced with the glass ceiling when it comes to positions of power and decision-making.<sup>47</sup> Women make up 59.64% of the judiciary, yet they only hold 42.46% of leadership positions in courts and 35% in the Prosecutor's Offices.<sup>48</sup>

In January 2016 the Council of Ministers BiH adopted the Report by the Ministry of Human Rights and Refugees on the implementation of the Action Plan for the Implementation of the UN Resolution 1325 on Women, Peace and Security, in BiH, for the period of 31.7.2014 – 31.7.2015. This report offered an overview of the current situation. It claimed that there is an apparent increase in women's interest to join the Army – from the 23 candidates who responded to the first recruitment ad in 2008, to 595 who responded to the penultimate ad in 2014. Although there has been a low level of participation in different education workshops by the members of the Armed Forces BiH (due to the necessary requirements of: rank, regiment, proficiency in foreign languages, and other) there has been a noticeable increase in participation of women in these educational workshops, and there has been a decrease in the number of obstacles faced by women interested in participating. Further, this report states that the implementation of the strategic measures through the Action Plan for the Implementation of resolution 1325 has led to the **creation of a more favorable environment for the increase of women in the Police and the Armed Forces**, although the increase is still the most prominent in the lower positions. The representation of women in the Armed Forces according to the information in the Action Plan for the Implementation of Resolution 1325 is summarized below.

MD/AF BiH	2011. % Women	2012. % Women	2015. % Women
Employees in the Ministry of Defense (MD) BiH	36,4	35,6	36
CL in AF BiH	23,8	23,8	24
PVL in AF BiH	3,8	4,8	5,4
Members of the armed forces (AF) BiH	5,4	6,5	6,6
Members of Peace Missions		3,5	

Table: Representation of women in the Sector of Defense.

According to the reports of the members of the Network of Women Police Officers,<sup>49</sup> **women make up 10% of each police agency**, which is very low considering the total number of police officers. The percentage of high-ranking women in law enforcement agencies in BiH is only around 0.5%.<sup>50</sup> The data on the participation of women in police forces that is available in the Report on the Implementation of the Action Plan for the Implementation of Resolution 1324 only covers SIPA. From the total of 737 employees, 191 are women and 546 are men.

SIPA	2012. (% Women)	2015. (% Women)
The total number of employees	23,50	25,9
Police officers	12,82	13,47
State officers	50	47,56
Employees	57,14	58,04
Members of Peace Missions		10

Table: Representation of Women in SIPA.

### *Guidelines for Action*

- Political parties need to secure equal participation of women in the processes of governance, decision-making and representation within the parties, and especially in the executive bodies;
- Political parties needs to ensure equal visibility of male and female candidates during the electoral campaigns, take responsibility and place women on electoral and compensatory lists so that they have a greater chance of being elected;
- Change the Law on Financing of Political Parties BiH in order to better support the Parties which have above-the-average number of elected women;
- It is essential to undertake measures that would ensure that appointment of women to positions of decision-making is equal to that of men and in accordance with the Law on Gender Equality and the gender quota of 40%. The Electoral Law BiH, The Law on the Council of Ministers, the Law on the Governments of Entities and Cantons and the Law on the Local Self-Government in BiH need to be amended and harmonized.
- Ensure further implementation of Action Plan for Implementation of Resolution 1325 which will lead to a higher rate of participation by women in the Armed and Police Forces.

## 5. GENDER-BASED VIOLENCE

Women and girls are frequently exposed to serious forms of violence, especially physical and verbal violence, violence in the family, psychological violence, sexual violence and rape. These and other forms of violence against women are a serious breach of women's human rights and are the main obstacles to achieving gender equality.<sup>51</sup> Statistics show that one in three women in the world is a victim of violence and that the perpetrators are frequently their current or former partners. The situation is similar in Bosnia and Herzegovina where violence against women and domestic violence have been considered a private issue for years, the attitude that is still widespread today. 52.8% of women over the age of 15 in Bosnia and Herzegovina have experienced some form of violence.<sup>52</sup> In 2013 a study on the incidence of violence against women in BiH and its characteristics,<sup>53</sup> was conducted on a sample of 3,300 households. The study found that one in every four women was a victim of violence and that one in every ten had been a victim of violence in the past year. This study found that women aged 18-24 are the most frequent victims and that women from rural areas are disproportionately affected. It is also important to note that women frequently cannot identify that violence is being perpetrated against them and they do not perceive themselves as victims – only 5.5% of those exposed to violence ask for help and support. The research also found that **psychological violence is the most frequent form of violence women are exposed to**, as well as a combination of psychological and physical violence.

### *Legislative regulation for combating violence against women and domestic violence*

In 2003 violence against women was for the first time recognized as a crime in the Criminal Law FBiH Art. 222. Similar changes were achieved in Republika Srpska and Brčko District. In 2005 the Law on Combating Domestic Violence **FBiH** was passed, and it was changed and amended in 2013. Law on Combating Domestic Violence FBiH from 2013 prescribes protective measures and stipulates for the victims to be placed in safe houses. The Law on Combating Domestic Violence of Republika Srpska was adopted in 2005. The Family Law in FBiH and Republika Srpska also tackle this issue. The Law on Combating Domestic Violence has still not been passed in Brčko District in 2015.

BiH ratified the Istanbul Convention – the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence – in 2013, as one of the first states to sign and ratify the Convention. The Convention is the first international legally binding document which offers a wide-ranging set of measures for prevention and combating of violence against women and domestic violence, and which stipulates punishment of the perpetrators. **In July 2015**

**a Framework Strategy for the Implementation of the Convention on the Prevention and Combating Violence against Women and Domestic Violence in BiH was adopted** for the period 2015-2019.<sup>54</sup> The Strategy presents an exhaustive framework that defines the implementation of Istanbul Convention in BiH and the steps necessary for harmonization of the legislative and institutional mechanisms with the provisions of the Convention. Unfortunately, the Government of RS had not approved the passage of Framework Strategy. Implementation of the Istanbul Convention will be one of the great challenges of 2016. It is therefore good news that in August 2015 **the Gender Equality Agency has signed a Memorandum of Understanding with the Safe Network BiH**,<sup>55</sup> a coalition of civil society organizations – including all nine safe houses in BiH – working on tackling gender-based violence. In addition to this, the Gender Equality Agency, through the proxy of the Ministry of Human Rights and Refugees, established cooperation with the USAID mission in BiH, in October 2015. As a result of this cooperation the Agency will, as of 2016, supervise a program for implementation of the Istanbul convention worth 750,000 USD.<sup>56</sup>

### *The Work and Financing of Safe Houses in BiH*

*When I was giving the statement to the Police the police officer literally asked me – How could you have four children with him when he is so violent? How could I sleep with him?... I came to the Centre for Social Work for the second time and asked why they hadn't visited my children. And the social worker told me – What do you mean, you saved your own ass! In these words! Saved our own ass,... you want him to attack my (son), to hit him, and you hid your own kids! The social worker is backing off because she is afraid of him, as an abuser. I come to court and ask if the trial has been schedule and they tell me – You can ask the judge. And I come to the judge and she tells me – What do you want me to do; I didn't pick him for you! You picked your own husband! And you're coming here and pestering people! The judge told me that! Ha!*  
(Female victim of violence, Mostar)

In the commentary to the Istanbul Convention it is stated that specialized safe houses for women are the best way of caring for victims of violence. These houses are best equipped and their functions are far broader than just securing accommodation – they offer psychosocial help and rehabilitation to the victims of violence, which is supposed to enable the victims to carry on with their everyday lives.<sup>57</sup>

**On the territory of BiH there are nine safe houses** with a total of 199 spaces for women and children victims of violence.

Name of the safe house	Capacity	Number of victims accommodated in 2015
Žena BiH, Mostar	28	Despite our best efforts we could not get in touch and obtain the information.
Žene sa Une, Bihać	16	Despite our best efforts we could not obtain the information.
Medica, Zenica	25	57 victims of violence (18 women, 39 children and one man)
Vive žene, Tuzla	22	87 victims of violence (51 women and 36 children)
Fondacija lokalne demokratije. Sarajevo	35	79 victims of violence (22 women and 57 children)
Mirjam Caritas, Mostar	15	This safe house was not in operation last year due to the lack of funds.
Fondacija Lara, Bijeljina	18	7 victims of violence (5 women and 2 children)
Budućnost, Modriča	16	140 victims of violence (48 women and 92 children)
Udružene žene Banja Luka	24	56 victims of violence (22 women and 34 children)
Total:	199	

Table: Overview of accommodated victims in 2015.

**There are six safe houses in the territory of the Federation of BiH** which are ran by NGOs and serve to accommodate victims of domestic violence. In the Law on Combating Domestic Violence FBiH the financing of safe houses is regulated so that 70% of the expenses are covered by FBiH and the other 30% is covered by cantons. **The Law prescribes an obligation to adopt Acts which will regulate the establishment, operation and financing of safe houses, but they have yet to be passed.** The assessment made by the safe houses is that 240,000 KM is necessary annually to support the work of one safe house. According to the information for the last seven years between 300 and 350 victims of violence are housed in safe houses of FBiH each year. Until **now the Federation of BiH has only provided up to a tenth of the necessary funds.** In 2015 the Federation of BiH did not allocate a single KM for the work of the safe houses. The rest of the funds were received from donations, but this makes the survival of the safe houses uncertain. **The survival of the two safe houses in Mostar is uncertain since they have not been able to accommodate victims of violence since 2015.**

The situation in Republika Srpska is much better. In this Entity the formation and financing of safe houses is regulated by the following legislative and sub-legislative acts: Law on Combating Domestic Violence of RS, Rulebook on the Standards for the realization of a safe house,

Rulebook on the financing of safe houses. There are **three safe houses in RS** with the capacity of 52 places. Despite the adequate regulation there is **not a single house in the entire region of Eastern Bosnia/Eastern Republika Srpska** (from Zvornik in the North to Trebinje in the South). The Law prescribes that the funds for temporary care and accommodation of victims are secured from the budget of Republika Srpska (70%) and from the units of local self-government (30%) according to a determined amount. These funds are awarded according to the number of decisions issued for accommodation of the victim in the safe house. The decisions are issued by the Centre for Social Work and the amount necessary to house one victim for one month is 1672 KM.

### *Challenges in 2016: The fight to save the safe houses in FBiH*

Although the Law on Combating Domestic Violence FBiH makes provisions for funding of safe houses in Article 35, FBiH has not yet fulfilled its legal obligation to fund 70% of the safe houses' expenses. In 2015 the Government of FBiH determined that the provision in Article 35 is unclear. Instead of requesting the interpretation of this provision the Government formed a working group to analyze the Article 35 and draft a proposal of the Law on Changes of the Law on Combating Domestic Violence. The working group specified two possible solutions as a legal basis to establish safe houses in FBiH: a) establishing them in accordance with the Law on Institutions in BiH, or b) establishing them in accordance with the Law on Foundations and Associations in BiH and FBiH.

Although three members of this working group were opposed the Government of FBiH decided to propose the Law on Changes and Amendments of the Law on Combating Domestic Violence of the Federation of BiH on the basis of a decision by the Ministry of Justice and the Ministry of Work and Social Policy, so that safe houses have to be registered as institutions and so that their funding would be approved according to each victim they house in the amount that only covers accommodation and therefore does not reflect the real expenses the safe houses incur.<sup>58</sup>

This proposal is justified on the basis that oversight of the work of the safe houses is difficult and that it could be normalized if the safe houses were to have a status of an institution. The representatives of the organizations that run the safe houses claim that the state already has oversight over their work. It should be mentioned that in Republika Srpska safe houses work successfully under the banner of associations and foundations, in line with the law and sub-legislative acts.

**The Draft Law** on Changes and Amendments to the Law on Combating Domestic Violence FBiH was adopted on **2 December 2015**, following a dynamic discussion in the House of Representatives PFBiH and it was then forwarded to the public discussion. If this Draft is passed it will lead to an increase in the administrative procedures for the existing

safe houses and it will make their functioning more difficult. Eventually it will also lead to the impossibility of funding (because there are no provisions for fixed costs) and therefore to the closing down of the safe houses. By insisting that safe houses be institutions an additional burden is imposed on the NGOs – to have twice as much bureaucratic work, without any promises that the Government will in fact secure funding.

This Draft was opposed by the civil society organizations and the BiH public. **The Civil Society Organizations proposed an alternative solution at the end of 2015.** The solution envisages that provisions enabling the formation of safe houses according to both the Law on Institutions BiH and the Law on Foundations and Associations BiH and F BiH be added to the Draft Law on Combating Domestic Violence BiH. This solution would enable the existing safe houses to continue their work, but it would also allow for the establishment of new safe houses in accordance with the Law on Institutions. In 2016 the civil society organizations will continue working on this question in order to reach the most acceptable solution for everyone.

#### *Guidelines for Action*

- Urgently harmonize the legislative and institutional frameworks with the Istanbul Convention;
- Through the changes and amendments to Article 35 of the Law on Protection from Family Violence F BiH safe houses have to be enabled to keep functioning and at least 70% of their expenses need to be covered, including staff costs and general costs of safe houses.

## 6. CONFLICT-RELATED SEXUAL VIOLENCE

### *Changes to the Criminal Law BiH*

**In May 2015 the Parliamentary Assembly BiH adopted the Changes and Amendments to the Criminal law of Bosnia and Herzegovina,**<sup>59</sup> which finally harmonized the definition of rape and other forms of sexual violence committed as war crimes against the civilian population or crimes against humanity, with **international standards and jurisprudence of the international criminal courts.** "Forcing the other person by using force, or threat of direct attack on their life or body, or life or body of another" was taken out of the definition of the elements of the crime. The old definition implied that the use of force or the threat of use of force were the only means available to determine that rape or other sexual activities occurred without consent. On the other hand international jurisprudence developed an approach according to which coercive circumstance can indicate the lack of consent, and the circumstances can be inherent in certain situations, for an example – in armed conflict. Such circumstance imply lack of consent to the sexual activities when it is clear that the person was in a state of coercion which precluded the very possibility of exercising their sexual autonomy. This is an example that needs to be followed not just in cases of conflict-related sexual violence, but also in instances of sexual violence during peacetime. In this way the number of perpetrators who can be prosecuted in the future is widened, because the obstacle of proof of this crime is removed. This change is also important in the context of deterrence from committing the crime in the first place, and so it has long-term potential and preventive functions.

### *Compensation awarded to victims of conflict-related sexual violence within criminal proceedings*

In June 2015 the Court of Bosnia and Herzegovina reached significant although appealable judgments in two cases (against Slavko Savić,<sup>60</sup> and Bosiljak and Ostoja Marković<sup>61</sup>) in which it was decided that in addition to jail time for the perpetrators, they were also obligated to pay the two **victims of conflict-related sexual violence awards for the non-material damage they suffered.** In one case the sum was 30,000 KM and in the other it was 26,500 KM, for the psychological harm suffered due to the restriction of liberty or rights of personality and harm suffered as a consequence of reduced life activity. This was the first decision of this kind reached in a war crimes trial. **These judgments represent a key precedent for the wider region and not just for Bosnia and Herzegovina.** Until these decisions not a single victim of conflict-related sexual violence, nor victims of war crimes in general had managed to get their right to compensation recognized within criminal cases, despite the



rights they were given through the relevant provisions of the Criminal Law of Bosnia and Herzegovina on Realizing Property-Legal requests. As a consequence of such system the majority of the survivors and especially the survivors of rapes and other forms of conflict-related sexual violence who are not receiving any support from the state, give up their basic rights to compensation, because the civil procedures require them to spend additional funds, testify again and live through the associated re-traumatization. It also reveals their identities, which are generally protected during the criminal trials. These are the basic reasons why these decisions are a significant victory for victims of war in BiH and how they can serve to strengthen the survivors' trust in the judicial institutions and their ability to implement legislative provisions. In addition to this, such decisions have the potential to aid the survivors' recovery and to strengthen their perception of their own position within criminal procedure – as active participants who can claim their basic rights to compensation and reimbursement, instead of mere witnesses who are used and re-victimized for the purpose of establishing the criminal responsibility of the accused.

### *Law on the Victims of Torture BiH*

On 26 June 2015 the Joint Commission for Human Rights of the Parliamentary Assembly BiH held the first special sessions for International Day in Support of Torture Victims. It was concluded that the Council of Ministers BiH should prepare and put in the parliamentary procedure the Draft Law on the Rights of Victims of Torture by the end of 2015. **A working group was formed in 2015**, for this purpose, and the work on the draft proposal was started under the guidance of the Ministry for Human Rights and Refugees BiH. **The draft was, however, not forwarded to the Council of Ministers BiH and neither was it submitted to the Parliamentary Assembly BiH.** The Programme of Work of the Ministry of Human Rights and Refugees and the Programme of Work of the Council of Ministers BiH for 2016 both predict drafting a new text on the rights of victims of torture. A similar law has also been announced in Republika Srpska.

Judicial practice across Bosnia and Herzegovina was not uniform in the proceedings the victims of war crimes started in 2015 due to the absence of this law. The most troubling trend is the refusal of claims for compensation based on war crimes due to the temporal lapse in the statute of limitations. In addition to claims being thrown out, 2015 was also marked by multiple executive actions by Republika Srpska against the victims of war crimes with the aim of getting them to pay for the court expenses. This situation is particularly troubling because it is a source of re-victimization and re-traumatization for the victims of conflict-related sexual violence and torture, which is why the establishment of a collective administrative mechanism addressing the issue of damages systematically is of prime importance.

### *Change in the Law on claiming the status of victim of conflict-related sexual violence*

Although a wide-ranging and systematic reform of the Social Services Sector in the Federation of BiH have been announced, the Government of FBiH started working on changing and amending the existing Law on the Basics of Social Protection, Protection of Civilian Victims of War and the Protection of Families with Children FBiH. The Draft Law envisages the formation of a special Commission by the Federal Ministry for Work and Social Policy, which would issue opinions on whether the claimant is a victim of sexual violence. This serves to introduce a new, unnecessary body, into the procedure, rather than using the existing mechanisms – e.g. the official Institute for Medical Assessment of Health in the Federation of BiH. In addition to this, the entire process of reform of the Social Services Sector has been conducted behind closed doors, without communicating the details to the civil society organizations and their representatives.

### *A Study on the position of Serb women victims of sexual violence*

In 2015 the National Assembly of Republika Srpska discussed the findings and recommendations made in the study conducted by the Gender Center of Republika Srpska on the position of Serb women who were victims of the war crime of sexual violence in BiH. Many civil society organizations welcomed this study, since this question has been almost completely marginalized. On the other hand, the civil society organizations also pointed out that the findings of the study only related to the victims of a single ethnicity and not to all victims living in the territory of RS.<sup>62</sup>

*Guidelines for Action*

- 
- It is essential to carry on the good practice of deciding property-legal requests of victims of conflict-related sexual violence within the framework of criminal procedure by relying on the judges and the prosecutors to enforce the existing legislative provisions;
- The Council of Ministers BiH and the Parliamentary Assembly BiH have to draft and adopt the Law which will regulate the rights of torture victims in BiH;
- Republika Srpska has to exempt the victims of wartime torture from paying the court fees which have been imposed as a result of the refusal of their claims due to statutory limitations;
- It is necessary to leave out the new provision on the process of recognizing the status of victims of conflict-related sexual violence from the proposed draft of the law on Changes and Amendments of the Law on the Basics of Social Protection, Protection of Civilian Victims of War and the Protection of Families with Children FBiH, which were put into the Parliamentary procedure in 2015.

## 7. HUMAN TRAFFICKING

BiH is a country of origin, destination and transit for women, children and men who are victims of human trafficking. The poor socio-economic situation helps proliferation of trafficking-related crimes, but the Report on Human Trafficking in 2015 by the US also cites corruption within police structures as a contributing factor.<sup>63</sup>

When we speak of norms, which are the first requirement for adequate prevention and punishment of crimes of trafficking, we can conclude that the Criminal Law of FBiH is not harmonized with the Criminal Law of BiH. Due to the lack of adequate regulation in FBiH the Federal Prosecutor still prosecutes persons accused of trafficking for the purpose of sexual exploitation based on the provisions of Article 210 "forced prostitution" of the Criminal Law of FBiH. According to the Entity Law provisions the police can treat underage persons aged 14 and older as minors involved in prostitution, rather than as rape victims or victims of trafficking.

As the aforementioned Report on Trafficking states, the institutions responsible for offering help sent 14 victims to three safe houses run by the NGOs and one victim to a care home for abandoned children. The Centers for Social work assisted 21 victims, while 13 victims have not received any form of help, because they had not requested it. The decisions on offering help to children who are victims of trafficking are made either by their guardians or by social workers, depending on the circumstances. Local victims do not have to stay in the safe house in order to have access to services essential for their reintegration. Both women and men are placed in shelters, although the number is higher for women. The victims are not allowed to leave the shelters unaccompanied.

A positive improvement was the adoption of the **Action Plan for Combating Trafficking in Bosnia and Herzegovina for the period 2016-2019**, which was adopted by the Council of Ministers BiH on 30 December 2015. The Action Plan is strategically directed towards the system of support for combating trafficking in BiH, efficient prosecution of perpetrators of trafficking and related offences and preventing trafficking by reducing the risks and establishing a system of efficient protection and help for the victims. It also focuses on strengthening partnerships and cooperation between the actors involved in combating trafficking and including the state organs at state, entity and cantonal level, and in Brčko District.<sup>64</sup> It is important to emphasize that this Plan is accordance with the domestic and international gender equality standards.

As stated in the Action plan women and girls from Bosnia and Herzegovina are being sexually exploited in apartments, motels and gas stations. Families and local organized crime groups are **forcing Roma girls and boys to beg in the streets and work as domestic servants in forced marriages**. Women and girls from European coun-

tries are also victims of sexual exploitation in Bosnia and Herzegovina. Victims from Bosnia and Herzegovina are victims of trafficking for sexual exploitation and forced labor in construction and other sectors across Europe, including Azerbaijan, Montenegro, Croatia, Serbia and Austria.

*Guidelines for Action*

- Harmonize the Criminal Law of FBiH with the Criminal Law of BiH and the Protocol on Trafficking from 2000 so that all forms of trafficking would be explicitly prohibited and so that appropriate prosecutions and punishments should be vetted out;
- Work actively on implementing the activities from Action Plan for Combating Trafficking in Bosnia and Herzegovina for the period of 2016 and 2019.

## APPENDIX

### *Political System of Bosnia and Herzegovina*

The political system of BiH is highly complex and asymmetric. BiH consists of 13 federal units. BiH is organized into two entities (the Federation of BiH and Republika Srpska) and Brčko District. Republika Srpska is made up of municipalities and towns, while the Federation of BiH has 10 cantons, each of which is made up of at least 3 municipalities/towns. The responsibilities and interrelationships between the state, entity and Brčko District are regulated in the Constitution BiH, but the daily political interpretations of these provisions result in laws and other public policy documents (strategies/action plans) (not) being passed. The State and both entities have their own Constitutions and different government and political systems. Brčko District has its own regulatory system and its own Statute (as the supreme legislative act) and in terms of jurisdiction it is almost on par with the entities.

At State level there is a three-member Presidency, which is made up of one Bosniak, one Croat and one Serb member who rotate every eight months. The Executive is made up of the Council of Ministers with one Presiding Member and nine ministries. The State institutions are responsible for foreign, financial and monetary policies, supervision and governance of borders, foreign trade, immigration, refugees and regulation of asylum. One of the ministries within the Council of Ministers BiH is the Ministry for Human Rights and Refugees within which the Gender Equality Agency BiH operates. The Institution of the Ombudsman for Human Rights operates at the level of BiH and its three Ombudsmen are responsible for all levels of government. The Legislature (Parliamentary Assembly) is bicameral and consists of the House of Representatives, as the Lower House and the House of Peoples as the Upper House. The Commission for Gender Equality operates within the House of Representatives, while the Constitutional-Legal Commission is the specialized gender-equality body in the House of Peoples.

Both Entities have a President and two Deputy Presidents. The Entity Governments have one Prime Minister and 16 Ministers. Although the positions of the Upper Houses are not identical in Republika Srpska and the Federation of BiH, both can be classified as bicameral, each with a 'house of representatives' and a 'house of peoples.' Both entities have Gender Centers and the Entity Parliaments also have bodies for gender equality/equality of opportunity.

Cantons within the Federation of BiH (ten of them) are guaranteed substantive autonomy. The cantons have their governments and single-chamber parliaments. Although the cantons are the third level of government from the top they have the status of federal units and therefore they have matters within their jurisdiction (like education, employment, healthcare) for which they legislate and produce public policies. Although the Federation of BiH has higher authority than can-

tons, it frequently happens that cantons pass legislation, which is contradictory to the Federation of BiH regulations and laws, or they fail to implement the existing legislation. The cantons do not have offices/institutions for gender equality within their governments and only two cantons have a coordination board for gender equality (a working group whose members are representatives of different ministries). Brčko District is practically equal to the entities in terms of jurisdiction, despite the fact that it is also a form of a local unit. The District is governed by a mayor who presides over the government with 10 units. The Assembly of the District passes laws and regulations. Brčko District does not have an office/institution for gender equality within its government, but there is a Commission for gender equality in the Assembly. The highest judicial offices are the three Constitutional Courts – one for each Entity and One at State-level. BiH does not have a Supreme Court. The Police is under the supervision of the Entities and the District and there are ten Cantonal Police Forces in the Federation of BiH.

### *The achievements of the Sarajevo Open Centre in 2015*

The General Election in 2014 resulted in changed composition of legislative bodies at all levels of government. Getting in touch with the new representatives enabled new forms of cooperation and opened up new possibilities for changes and improvements to our existing work. In this context the Sarajevo Open Centre continued to work towards its mission – advocating for the full respect for human rights and social inclusion of LGBT persons and women.

Sarajevo Open Centre as an independent, nonpartisan, nonprofit organization worked on empowering LGBT persons and women through community building and advocacy. SOC continued to publicly promote human rights of LGBT persons and women and to advocate for the improvement of legislation and for better policies in BiH on State, European and International level.

Here, we will only mention some of the achievements made in terms of gender equality and women's rights.

In 2015 in cooperation with the Friedrich Ebert Foundation we conducted a program called The Academy of Equality which was a great way to start cooperation with many representatives. In addition to many successes in terms of LGBT rights we want to point out our work on the Law on Prohibition of Discrimination BiH and the Law on Ombudsman for Human Rights BiH. Through our work we have managed to participate in drafting of these laws, which the Council of Ministers confirmed in 2015 and sent to the parliamentary procedure.

In the field of gender equality we worked with the Gender Equality Agency BiH and the Commission for Gender Equality PD PSBiH on a proposal of the Law on Changes and Amendments of the Law on the Council of Ministers BiH, which was officially put into the parliamentary procedure in December 2015 with the aim of setting the minimum nec-

essary representation of women MPs in the Council of Ministers BiH. We were the only organization to draft and propose changes to the Electoral Law BiH focusing on achieving gender-equal participation. A detailed overview of all of our activities and achievements will soon be available in our Progress Report for 2015 which will be published at: [www.soc.ba](http://www.soc.ba) -> About us -> Izvještaji.

### *Authors*

**Adrijana Hanušić Bećirović** (Bijeljina, 1984) got a Distinction in Masters of Public International Law at the University of Strasbourg, as a French Government Scholarship recipient. She attended classes at the Humboldt University in Berlin during a summer semester in 2008 and in 2007 she graduated from the University of Sarajevo. She gained her work experience in a law firm, the Venice Commission of the Council of Europe, the German Bundestag, the Parliamentary Assembly of BiH and as a legal expert at the UNDP BiH and in the Institution of the Human Rights Ombudsman. She currently works as a legal advisor in the NGO TRIAL. In addition to that she works as a consultant and conducts research for other NGOs. She also publishes papers on international human rights standards, transitional justice, Constitutional and Anti-Discrimination Law. E-mail: [adrijana.hanusic@trial-ch.org](mailto:adrijana.hanusic@trial-ch.org)

**Emina Bošnjak** (Zenica, 1983) is a feminist and an LGBT activist. She has been working as a Program Coordinator at Sarajevo Open Centre on different project related to LGBT rights since 2012. In June 2014, she became a Program Manager. In this position, she contributes to the management of the organization, international advocacy, and the production of annual reports on the state of the human rights of women and LGBT people in Bosnia and Herzegovina. E-mail: [emina@soc.ba](mailto:emina@soc.ba)

**Inela Hadžić** (Tuzla, 1988) graduated from the Faculty of Law of the University of Sarajevo in 2011. During her studies, she helped implement a project called *Individual and Justice, Citizen – That's Me* on behalf of the Youth Initiative for Human Rights. She completed her two-year apprenticeship at a law firm, where she acquired knowledge and skills from different areas of law. She has been part of the Sarajevo Open Centre team since May 2014. E-mail: [inela@soc.ba](mailto:inela@soc.ba)

**Maida Zagorac** (Sarajevo, 1992) graduated from the Faculty of Law of the University of Sarajevo in 2014. She has attended numerous conferences and trainings where she gained additional knowledge of human rights of marginalized groups, which shaped her future interests and professional focus. She is a first-generation alumna of the Feminist School Žarana Papić. She is a contributing author for the online portal [zenskamreza.ba](http://zenskamreza.ba), writing articles on gender equality. She has been a member of the Sarajevo Open Centre team since September 2014, first



as a volunteer, then as a program assistant and now she is a program coordinator for projects on gender equality. E-mail: maida@soc.ba

**Meliha Lekić** is a full time professor at the Faculty of Medicine of the University of Sarajevo. She has also taught at other faculties during her career. She has participated in implementation of 21 interantional and domestic research projects as either a member of the team or a leader. During the XIV Winter Olympics SARAJEVO '84 she supervised a laboratory for the control of doping which was accredited by the International Olympic Committee. Since 2004 she has been a consultant at the Institute for Accreditation BiH, working as a technical evaluator in the field of accrediting the laboratories for testing animal source foods and waters. From 2007-2012 she was the supervisor of the Quality Control Board of the Faculty of Medicine of the University of Sarajevo. She retired in 2012. She works on developing public policies focusing on sexual and reproductive health within SDP BiH Women's forum. E-mail: melihalekic@gmail.com

**Saša Gavrić** (Tuzla, 1984) graduated from the Faculty of Political Science in Constance, Germany in 2007, and gained his masters degree in international relations and diplomacy at the University of Sarajevo. From 2005 to 2011 he worked in the Goethe Institute. Together with his colleagues he founded Sarajevo Open Centre, an organization he still runs. He has published a great number of journalistic works and professional and scientific articles and has edited numerous books. He is researching the political systems of Bosnia and Herzegovina, and is very interested in human rights and cultural policies. E-mail: sasa.gavric@gmail.com, sasa@soc.ba

This publication is a part of the *Human Rights Series* published by the Sarajevo Open Centre. In the *Human Rights Series* we publish reports, articles and publications on human rights of women, lesbians, gay, bisexual, transgender and intersex persons. Sarajevo Open Centre has so far published three reports on the status of human rights of women in Bosnia and Herzegovina:

Dalila Mirović, Inela Hadžić, Edita Miftari (2015)  
*Annual Report on the State of Women's Rights in Bosnia and Herzegovina in 2014.*  
Sarajevo: Sarajevski otvoreni centar, Fondacija CURE

Esther Garcia Fransioli (2014)  
*Annual Report on the State of Women's Rights in Bosnia and Herzegovina in 2013.*  
Sarajevo: Sarajevski otvoreni centar/Fondacija CURE/Prava za sve

Edita Miftari (2013)  
*Economic and Social Rights of Women in Bosnia and Herzegovina in 2012-2013.*  
Sarajevo: Sarajevski otvoreni centar.

- 1 Sarajevo Open Centre and Medica Zenica have conducted an analysis on the topic of formation and financing of safe houses which was published in December 2015. Available at:  
[http://soc.ba/site/wp-content/uploads/2015/12/HRP\\_sigurne-kuce\\_final\\_10.12.2015.\\_za-web-1.pdf](http://soc.ba/site/wp-content/uploads/2015/12/HRP_sigurne-kuce_final_10.12.2015._za-web-1.pdf)  
 Further:  
<http://soc.ba/vlasti-u-federaciji-bosne-i-hercegovine-ne-brinu-o-sigurnim-kucama-zrtve-nasilja-uskoro-bi-mogle-ostati-bez-jedinog-utocista/>
- 2 Overview of recent developments:  
<http://soc.ba/programi/gender/zagovaranje/politicka-participacija/>
- 3 Sarajevo Open Centre submitted this initiative in January 2016 to the Parliamentary Assembly of BiH:  
<http://soc.ba/uedite-kvotu-za-izborne-liste-od-50/>
- 4 Special Report available at: [http://www.ombudsmen.gov.ba/documents/ombudsmen\\_doc2015102111102085bos.pdf](http://www.ombudsmen.gov.ba/documents/ombudsmen_doc2015102111102085bos.pdf)
- 5 The initiative „Građanke za ustavne promjene“ (NGO coalition) is proposing to include the right to healthcare in the Rights Catalog of the BiH Institution (Art.II (3)) including maternity benefits and treatment of infertility.
- 6 ARS BiH news:  
<http://arsbih.gov.ba/potpisan-sporazum-izmedu-agencije-za-ravnopravnost-spolova-bih-i-sigurne-mreze/>
- 7 ARS BiH news:  
<http://arsbih.gov.ba/potpisan-memorandum-o-grant-sredstvima-izmedu-usaid-a-i-ministarstva-za-ljudska-prava-i-izbjeglice/>
- 8 Find out more about the initiative “Građanke za ustavne reforme” at: <https://gradjankezaustavnepromjene.wordpress.com/>
- 9 The only commentary on the Gender Equality Law is available at: [http://www.hcabl.org/wp-content/uploads/2011/06/komentar-prelom\\_web.pdf](http://www.hcabl.org/wp-content/uploads/2011/06/komentar-prelom_web.pdf)
- 10 The amended version is available at:  
<http://arsbih.gov.ba/?project=zakon-o-ravnopravnosti-spolova-u-bih>
- 11 Combating gender-based discrimination never really reached its full potential. Although gender-based discrimination is pervasive it is worrying that the Gender Equality Agency and the Gender Centers only investigated breaches of ZORS in 11 instances in the period 2011-2014. Therefore, this mechanism needs to be re-evaluated especially in the context of passing the Law on Prohibition of Discrimination on the basis of which the Institution of the Human Rights Ombudsman BiH has a special role in combating discrimination, including sex-based and gender-based discrimination.
- 12 Good overview can be found in the Progress Report on the Beijing Declaration:: <http://arsbih.gov.ba/project/izvjestaj-pekings-20/>
- 13 Annual Report on Discrimination, by the Institution of the Human Rights Ombudsman, is published in Spring each year.
- 14 Information given to the CEDAW Committee is available at:  
<http://arsbih.gov.ba/informacija-bosne-i-hercegovine-un-cedaw-komitetu/>
- 15 From Dnevni Avaz: <http://www.avaz.ba/clanak/183628/koje-institucije-novalic-u-fbih-planira-ukinuti?url=clanak/183628/koje-institucije-novalic-u-fbih-planira-ukinuti>
- 16 Overview of several LGAPs: <http://arsbih.gov.ba/oblasti/>

- lokalni-akcioni-planovi/
- 17 The Research is available at:  
<http://soc.ba/ravnopravnost-spolova-u-opstinamaopcinama-i-gradovima-u-bosni-i-hercegovini/>
  - 18 Agency for Work and Employment BiH: Statistički informator. available at: [http://www.arz.gov.ba/publikacije/statisticki\\_informatori/default.aspx?id=2012&langTag=bs-BA](http://www.arz.gov.ba/publikacije/statisticki_informatori/default.aspx?id=2012&langTag=bs-BA)
  - 19 Agency for Statistics BiH: Anкета o radnoj snazi 2015. available at: [http://www.bhas.ba/ankete/LFS\\_saopcenje-bos.pdf](http://www.bhas.ba/ankete/LFS_saopcenje-bos.pdf)
  - 20 Reports of the Cantonal Employment Offices, Available at:  
<http://www.fzzz.ba/sarajevski-godine/godina-2015-kanton-sarajevo>,  
<http://www.fzzz.ba/tuzlanski-godine/godina-2014-tuzlanski-kanton-2>,  
<http://www.fzzz.ba/unsko-sasnki-godine/godina-2015-unsko-sanski-kanton>
  - 21 Vlada Republike Srpske. Available at: [http://www.vladars.net/sr-SP-Cyrl/Vlada/centri/gendercentarrs/media/vijesti/Pages/Usvojen\\_Akcioni\\_plan\\_za\\_unapredjenje\\_polozaja\\_zena\\_na\\_selu\\_u\\_RS\\_do\\_2015\\_godine.aspx](http://www.vladars.net/sr-SP-Cyrl/Vlada/centri/gendercentarrs/media/vijesti/Pages/Usvojen_Akcioni_plan_za_unapredjenje_polozaja_zena_na_selu_u_RS_do_2015_godine.aspx)
  - 22 Institution of the Human Rights Ombudsman BiH: Special Reports available at: [http://www.ombudsmen.gov.ba/documents/obudsmen\\_doc-2015102111102085bos.pdf](http://www.ombudsmen.gov.ba/documents/obudsmen_doc-2015102111102085bos.pdf)
  - 23 RS Institute for Statistics, Women and Men in RS, pg. 34. Available at: [http://www2.rzs.rs.ba/static/uploads/bilteni/zene\\_i\\_muskarci/Zene\\_i\\_muskarci\\_u\\_RS\\_br8.pdf](http://www2.rzs.rs.ba/static/uploads/bilteni/zene_i_muskarci/Zene_i_muskarci_u_RS_br8.pdf)
  - 24 Available at: <http://www.banjaluka.com/drustvo/2016/01/19/majke-i-trudnice-vratite-nam-dostojanstvo-foto/>
  - 25 Available at: <http://4plus.rs.ba/novisajt/?p=308>
  - 26 Resolution on the politics of health for all citizens of BiH adopted in 2002: (Službeni glasnik BiH, No. 20 12/2002)
  - 27 WHO Assembly (WHO, 57 Session, 2004) passed the Global Strategy for reproductive health with the aim of speeding up the progress towards achieving Millennium Development Goals, especially in terms of improved sexual and reproductive health.
  - 28 Ziebe S, Devroy P. Assisted reproductive technologies are an integrated part of national strategies addressing demographic and reproductive challenges. Hum Reprod Update 2008;14: 583–92.
  - 29 United Nations: Report of the International Conference on Population and Development. 1994. <http://www.un.org/popin/icpd/conference/offeng/poa.html>.
  - 30 News: bh.novinska agencija Patria, 19.08.2015, available at: <http://nap.ba/new/vijest.php?id=15208>
  - 31 News: Večernji list BiH, 30.12.2015, available at: <http://www.vecernji.ba/rodeno-500-djece-manje-nego-u-2014-1048331>
  - 32 News: BiH: Vantjelesna oplodnja preskupa, Mondo - izdanje BiH, 31.10.2015, available at: <http://mondo.ba/a609484/Info/Drustvo/Tretmani-vantjelesne-oplodnje-preskupi-BiH-nema-uskladjene-odredbe-u-finansiranju-tih-pokusaja.html>
  - 33 News: [www.drbalic.ba/index.php/o-nama/novosti-iz-centra/218-refundacija](http://www.drbalic.ba/index.php/o-nama/novosti-iz-centra/218-refundacija)
  - 34 Decision on the elementary rights to health FBiH: („Službene novine Federacije BiH”, broj 21/09)

- 35 [http://www.zzotk.ba/index.php?option=com\\_content&view=article&id=340:za-vod-finansira-postupak-asistirane-reprodukcije&catid=34:novosti&Itemid=1](http://www.zzotk.ba/index.php?option=com_content&view=article&id=340:za-vod-finansira-postupak-asistirane-reprodukcije&catid=34:novosti&Itemid=1)
- 36 News: BiH jedina u regiji koja nema zakon o vantjelesnoj oplodnji: pravo na roditeljstvo ne smije biti privilegija bogatih, 05.12.2015, available at: [faktor.ba/stav-bih-jedina-u-regiji-koja-nema-zakon-o-vantjelesnoj-oplod](http://faktor.ba/stav-bih-jedina-u-regiji-koja-nema-zakon-o-vantjelesnoj-oplod)
- 37 News: Biscani.net: ZZO USK sufinansira vantjelesnu oplodnju, 12.11.2015, available at: <http://www.biscani.net/zzo-usk-sufinansira-vantjelesnu-oplodnju/>
- 38 Government of the FBiH: Proposal of the Law on ART, March 2014, available at: [http://predstavnickidom-pfbih.gov.ba/upload/file/sjednice/30\\_sjednica\\_bs/7.pdf](http://predstavnickidom-pfbih.gov.ba/upload/file/sjednice/30_sjednica_bs/7.pdf)
- 39 News: Slobodna Bosna, 01. 11. 2015: Pogledajte novi prijedlog Zakona o bio-medicinski potpomognutoj oplodnji, available at: [http://www.slobodna-bosna.ba/vijest/24665/sb\\_objavljuje\\_pogledajte\\_novi\\_prijedlog\\_zakona\\_o\\_biomedicinski\\_potpomognutoj\\_oplodnji.html](http://www.slobodna-bosna.ba/vijest/24665/sb_objavljuje_pogledajte_novi_prijedlog_zakona_o_biomedicinski_potpomognutoj_oplodnji.html)
- 40 News: UN: Tuzli i Doboju dodijeljene dvije mobilne klinike za zdravlje žena, 13.02.2015, available at: [http://ba.one.un.org/content/unct/bosnia\\_and\\_herzegovina/bs/home/presscenter/tuzli-i-doboju-dodijeljene-dvije-mobilne-klinike-za-zdravlje-ena.html](http://ba.one.un.org/content/unct/bosnia_and_herzegovina/bs/home/presscenter/tuzli-i-doboju-dodijeljene-dvije-mobilne-klinike-za-zdravlje-ena.html)
- 41 Laura Hershey: Women with Disability: Health, Reproduction, and Sexuality, available at: <http://www.cripcommentary.com/women.html>
- 42 News: Blijesak.info: Zdravstvene ustanove nisu prilagođene invalidima: Žene ne mogu kod ginekologa, djeca kod zubara, 17.06.2015, available at: <http://blijesak.info/rubrika/sci-tech/clanak/zdravstvene-ustanove-nisu-prilagodene-invalidima-zene-ne-mogu-kod-ginekologa-djeca-kod-zubara/122967>
- 43 News: Gordana Katana: Reproduktivna prava osoba sa invaliditetom: I mi želimo biti majke, Oslobođenje 26.03.2015, available at: <http://www.oslobodjenje.ba/vijesti/bih/reproduktivna-prava-osoba-sa-invaliditetom-i-mi-zelimo-biti-majke>
- 44 Data was taken from the publication: Mapa ravnopravnosti spolova. Prijedlog planova za postizanje ravnopravnosti spolova unutar političkih stranaka u Bosni i Hercegovini, available at: <http://infohouse.ba/doc/maparavnopravnosti.pdf>
- 45 Results of the research are available at: <https://ba.boell.org/sites/default/files/50nijansisive.pdf>. Documents and practices of the parties with the highest number of votes in the General Election 2014 were analyzed: SDP, DF, SDA, SBB, HDZ BiH, HDZ 1990, SNSD i SDS.
- 46 Data on participation of women in the legislature are taken from the publication: Politička participacija žena u Bosni i Hercegovini: Analiza učešća žena na stranačkim listama i konačnih rezultata općih izbora 2014, available at: [http://soc.ba/site/wp-content/uploads/2015/02/Mapa\\_Politiccka-participacija\\_Edit\\_a\\_Knjizni-blok\\_Za-stampu.pdf](http://soc.ba/site/wp-content/uploads/2015/02/Mapa_Politiccka-participacija_Edit_a_Knjizni-blok_Za-stampu.pdf)
- 47 <http://www.gcfbih.gov.ba/project/ucesce-zena-u-javnom-i-politickom-zivotu/>
- 48 Annual Report by the VSTV-a for 2014, available at: [http://vstv.pravosudje.ba/vstv/faces/pdfservlet?p\\_id\\_doc=30135](http://vstv.pravosudje.ba/vstv/faces/pdfservlet?p_id_doc=30135)
- 49 The Association "Mreža žena policajaca" (The Network of Women Police Officers) with its headquarters in Sarajevo was officially registered at the

- beginning of 2012 and it gathers police officers from 15 police agencies in BiH (Direction for the Coordination of Police Bodies BiH, SIPA, Border Patrol BiH, Federal Police, Police of Brčko District and 10 Cantonal MUPs)
- 50 <http://www.klix.ba/vijesti/bih/suvada-kuldija-nema-puno-zena-na-rukovodnim-funkcijama-u-policiji/151115013>
  - 51 Maida Zagorac: Pravne mjere sprečavanja i borbe protiv nasilja nad ženama, 28.10.2014, available at: <http://soc.ba/pravne-mjere-sprjecavanja-i-borbe-protiv-nasilja-nad-zenama/>
  - 52 <http://www.gcfbih.gov.ba/project/nasilje-nad-zenama/>
  - 53 Available at: [http://www.gcfbih.gov.ba/wp-content/uploads/2014/01/studija\\_prevalenca.pdf](http://www.gcfbih.gov.ba/wp-content/uploads/2014/01/studija_prevalenca.pdf)
  - 54 Available at: [http://arsbih.gov.ba/wp-content/uploads/2015/10/CAHVIO\\_Strategija.pdf](http://arsbih.gov.ba/wp-content/uploads/2015/10/CAHVIO_Strategija.pdf)
  - 55 News: <http://arsbih.gov.ba/potpisan-sporazum-izmedu-agencije-za-ravno-pravnost-spolova-bih-i-sigurne-mreze/>
  - 56 News: <http://arsbih.gov.ba/potpisan-memorandum-o-grant-sredstvima-izmedu-usaid-a-i-ministarstva-za-ljudska-prava-i-izbjeglice/>
  - 57 Sarajevski otvoreni centar, Finansiranje i osnivanje sigurnih kuća u Federaciji BiH - Ka boljim rješenjima, pg. 3, 2015. available at: <http://soc.ba/finansiranje-i-osnivanje-sigurnih-kuca-u-federaciji-bih-ka-boljim-rjesenjima/>
  - 58 Sarajevski otvoreni centar, Finansiranje i osnivanje sigurnih kuća u Federaciji BiH - Ka boljim rješenjima, pg. 12, 2015. available at: <http://soc.ba/finansiranje-i-osnivanje-sigurnih-kuca-u-federaciji-bih-ka-boljim-rjesenjima/>
  - 59 Službeni glasnik BiH, br. 40/15.
  - 60 Slavko Savić, Sud BiH S1 1 K 017213 14 Krl, 29.06.2015. Apelaciono vijeća Suda BiH je potvrdilo ovu odluku 2016, available at: <http://diskriminacija.ba/vijesti/potvr%C4%91ena-presuda-za-ratno-silovanje-u-predmetu-savi%C4%87>
  - 61 Marković Bosiljko i dr., Sud BiH S1 1 K 012024 14 Kri, 24.06.2015
  - 62 <http://womenorganizingforchange.org/izjave/otvoreno-pismo-narodnoj-skupstini-republike-srpske-povodom-rasprave-ns-rs-o-informaciji-o-nalazima-i-preporukama-studije-o-polozaju-srpskih-zena-zrtava-ratnog-zlocina-seksualnog-nasilja-u-bih/>
  - 63 Trafficking in Persons Report. Available at: <http://photos.state.gov/libraries/sarajevo/30982/pdfs/2015-tip-eng.pdf>;
  - 64 Vijeće ministara BiH: Akcioni plan suprostavljanja trgovini ljudima 2016-2019. Available at: [http://msb.gov.ba/PDF/Nacrt\\_Akcionog\\_plana\\_TLJ2016-2019-210.pdf](http://msb.gov.ba/PDF/Nacrt_Akcionog_plana_TLJ2016-2019-210.pdf)