

# SOC EQUALITY DEMANDS

## WHAT ARE THE REQUESTS REGARDING WOMEN'S RIGHTS AND GENDER EQUALITY IN BiH? (2019/2020)

### 1. INTRODUCING THE 40% QUOTA TO THE LAWS ON GOVERNMENTS IN BiH

Even though the BiH Gender Equality Law, in the article 20, requires that the (1) State bodies on all levels... will ensure and promote equal gender representation in governing, decision-making process and representation... (2) Equal gender representation exists when one of the sexes is present with minimum 40% in the state bodies from the paragraph (1) of this article... not one of the 14 governments in BiH, since the Law was adopted in 2003, has ever been appointed implementing this provision of the Gender Equality Law. During the 2014-2018 mandate, the participation of women in the executive was cca 20%. The government that does not consist of 40% women ministers is not legal, nor can be legitimate or representative.

- It is necessary to amend all the laws on governments in BiH, with the double guarantee of the minimum representation for the less represented gender, with 40%

### 3. BIO-MEDICALLY ASSISTED FERTILIZATION

BiH is still the only country in the region that does not have this law on all levels of government, and the patients are currently left to the mercy of the private clinics whose prices are extremely high, and the public sector is not able to compete with the private one. Not adopting this law has often been justified by the insufficient amount of money that would finance the treatment, which is unfounded if we take into account the fact that the BiH entity Republika Srpska and some cantons regulate this issue and enable its citizens two bio-medically assisted fertilization procedures at the expense of the compulsory health insurance.

- It is necessary to harmonize the bio-medically assisted fertilization regulation in BiH
- There is need for improvements of the current Federation BiH Law on Bio-Medically Assisted Fertilization that was adopted in June 2018

### 5. GENDER SENSITIVE LANGUAGE

BiH Gender Equality Law establishes prohibition of discrimination, among others, via language. In many European countries there is practice to use gender sensitive language in the state institutions, in order to avoid discrimination of women and promote gender equality, and it is also used in the BiH Parliamentary Assembly since 2013.

- It is necessary to amend the Rules for Creating Legal Documents in the Federation BiH Parliament, based on instructions made by expert linguists – for using gender sensitive language while creating legal documents, rules of procedure, in official communication, internal documents and materials, and while appointing officials to the Parliament

### 2. INTRODUCING THE 50% QUOTA TO THE BiH ELECTORAL LAW

The BiH Electoral Law defines the 40% quota for the less represented gender for all the electoral lists, and the mandatory sequence of candidates of the less represented gender on the specified places of the electoral list – one among the first 3 candidates, two among the first 5 candidates, three among the first 8... and in this manner to the end of the list. Having in mind the 2013 Census results (50,94% of women living in BiH), the only true gender equality on electoral lists is 50%.

- It is necessary to amend the BiH Electoral Law that will introduce the 50% gender quota for the electoral lists, with the mandatory sequence of male and female candidates

### 4. BALANCING PROFESSIONAL AND FAMILY LIFE

Women in BiH are still discriminated on grounds of sex, which is especially manifested in the labour field, and in balancing work and family life. On state and entity (Federation BiH) levels there is need to improve the protection of the rights of workers related to motherhood, fatherhood (parenthood) and childcare, in order to create better conditions for achieving gender equality in family and social life.

- It is necessary to adopt amendments to the Federation BiH Labour Law regarding termination of the contract in context of pregnancy and parenthood; parental leave; the obligation to return to the same workplace; improve the provisions of the Law regarding equalization of the rights as is done in the laws of the Republika Srpska and Brčko District

- It is necessary to improve the Federation BiH Labour Law by introducing the principle of special protection during pregnancy, child birth and childcare; prohibition of the request for information on family/ marital status or family planning

- It is necessary to adopt the amendments to the State Institutions Labour Law that would introduce parental leave as the right of both parents; special protection of women during pregnancy, child birth and childcare; prohibit termination of employment during pregnancy