

WRITTEN SUBMISSION OF THE BIH WOMEN'S NETWORK  
FOR THE EUROPEAN UNION PROGRESS REPORT 2014  
ON BOSNIA AND HERZEGOVINA

**THE STATE OF WOMEN'S RIGHTS IN BOSNIA AND HERZEGOVINA**

*Submission has been written by the following BiH women's and human rights organizations and groups, in the name of the BiH Women's Network:*

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Women in Bosnia and Herzegovina are still **facing multiple layers of discrimination** and are not equal to men in their abilities to access and exercise their rights.

***Legislation and policy***

Over the past years, formal **legislative and public policy frameworks** related to the protection of women's rights in Bosnia and Herzegovina **have significantly improved**. There is a Law on Gender Equality (2003, 2009 with consolidated version from 2010) and a new Gender Action Plan (2013-2017) at the BiH level (adopted in September 2013); a 40% gender quota has been included in the BiH Election Law (April 2013), and there is new entity-level legislation and public policies for preventing and combating domestic violence. In addition, Bosnia and Herzegovina has signed and ratified all major international documents in the sphere of women's human rights, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (**Istanbul Convention**) in 2013 (as one of the first countries in whole Europe).

However, **real change in practice is very slow**; women remain deprived of the possibility of enjoying human rights in both the private and the public sphere, and the dialogue and partnership between the government and nongovernmental organizations to advance and protect women's human rights is still far from satisfactory.

***Economic participation and education***

There is a serious problem of **gender-based inequalities and discrimination in women's access to the labour market**, combined with structural stereotyping and the problem of unpaid work, which affects women disproportionately. The current employment strategies do not seriously address the issue of female participation in the labour market, the improvement of which would contribute to reducing poverty.

All these combined factors are reflected in the **lowest level of female participation in the workforce in Southeast Europe**: only around one third (37.3% in 2013) of all the employed people in BiH are women, which means that there was not a significant

improvement in 2013 in comparison with previous years. It is also alarming that there are twice as many women than men with university degrees who are unemployed.

According to the 2013 available data from the Agency for Statistics of BiH women are the one with a higher low-level but also a higher high-level qualification comparing to man (21.6% women (and 18.5% men) have low-level qualifications, i.e. primary education or less; 54.5% women (66% men) have medium-level qualifications, i.e. secondary school; while 23.9% women (15% men) have high-level qualifications, i.e. college, university degree, masters or PhD)<sup>1</sup>.

The situation of **parental rights also remained stagnant**, since maternity leave is regulated differently in different parts of BiH and there are places where women don't even have access to maternity leave pay or are left jobless after becoming pregnant. The problem is that some cantons (like Posavski Canton and Hercegovina-Neretva Canton) have neither the provision nor the budget for material benefits regarding maternity leave, while in other cantons these benefits are inadequate and/or unbalanced and the data obtained from institutions is unclear and poorly processed<sup>2</sup>.

### ***Minorities and social inclusion***

In the public and political sphere, women are still underrepresented; the situation is even worse for women that belong to any of the various groups that face **double discrimination and are at higher risk of social exclusion**. For these groups of women, there is still the significant problem that the available quantitative and qualitative gender data is disaggregated (e.g. there is no data available regarding women with disabilities).

It is also alarming that in 2013, the needs of women were not specifically expressed in many of the existing action plans that were revised and that still have not been granted sufficient funds for their implementation (e.g. Revised Action Plan of BiH on the Educational Needs of Roma from 2010).

The position of **Roma women** in BiH society is extremely difficult and hasn't improved much in the last years despite the fact that BiH has adopted (Revised) Action Plans for Roma in the areas of employment, housing and health care 2013-2016 (December 2013) and the (Revised) Plan of Action of the Educational Needs of Roma (2010), as well as joining the Decade of Roma Social Inclusion 2005-2015. Almost 82% of Roma women were unemployed, 9% were working in the informal sector and 7% were begging for survival. In the public sector, very few Roma (2-3%) were employed<sup>3</sup>. The needs of Roma women and girls are not specifically addressed in the "Action Plan of BiH on Roma Educational Needs"<sup>4</sup>. In the "Revised Action Plan for Roma in the Areas of Employment, Housing and Health Care for 2013-2016" Roma women are mainly seen as mothers with an important role to play in the health of their family and the inclusion of Roma children in the education system.

**Female returnees** are often the bread winners, which puts them in a position that, in addition to household duties, they must earn an income to support their families.

The government has undertaken no measures to ensure female **sex workers and/or drug users** have equal access to protection of the law in matters neither of

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<sup>1</sup> Agency for Statistics BiH: Data Labour Force Survey.2013.

<sup>2</sup> Prava za sve/ICVA: Izvještaj o isplaćivanju porodijskih naknada u kantonima FBiH, 2013. Nacrt. (Report on the payment of maternity benefits in the cantons of FBiH 2013. Draft).

<sup>3</sup> 3<sup>rd</sup> Alternative Report on the implementation of CEDAW and women's human rights in BiH (2010).

<sup>4</sup> The Action Plan is available at

[http://www.mhrr.gov.ba/ljudska\\_prava/djeca\\_bih/Revidirani%20Akcioni%20plan%20Bosne%20i%20Hercegovine%20o%20obrazovnim%20potrebama%20Roma.pdf](http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Revidirani%20Akcioni%20plan%20Bosne%20i%20Hercegovine%20o%20obrazovnim%20potrebama%20Roma.pdf)

discrimination or violence nor to their right to adequate living conditions<sup>5</sup>. Within the Financial Mechanism for the Implementation of the BiH Gender Action Plan (FIGAP) no single project has been supported focused on improvement of life quality of female sex workers and/or drug users.

BiH authorities neglect the presence of **LBT women**, ignoring their existence in the society. According to a 2013 analysis of the results of a research project on the needs of the LGBT community in Bosnia and Herzegovina, lesbians aged 20 to 30 are the most exposed to discrimination, with 74% of this age group having experienced some form of discrimination<sup>6</sup>.

### ***Political participation and public life***

Examining the percentage of women in ministerial positions and parliaments, Bosnia and Herzegovina can be compared with countries such as Saudi Arabia and Cambodia, since the BiH Council of Ministers is exclusively composed of male members, while the representation of women in the Parliament is imperceptibly better. Nevertheless, positive examples are the appointment of 5 (31%) women to the Government of the Republika Srpska, and the appointment of the first woman as the Prime Minister of the Republika Srpska Government, elected in March 2013.

In 2013, a 40% gender quota was introduced into the Election Law of Bosnia and Herzegovina, an increase from 33%<sup>7</sup>. Real progress will be seen if this law is properly implemented in the 2014 elections because currently, women are underrepresented in all political fields. The following initiatives took place in 2013: the women's caucus of the House of Representatives of the FBiH was established (March 2013), several NGOs created the Women's Platform for Constitutional Reform from a Gender Perspective and the first Memorandum of Understanding to monitor the implementation of Action Plan of the UNSCR 1325 was signed (October 2013). The results of these initiatives will be observed in the next few years.

Women face discrimination at different levels, and **violations of the Law on Gender Equality are not isolated cases**. For example, in October 2013, the Council of Ministers of the BiH Parliament<sup>8</sup> appointed seven members for the Council of the Communications Regulatory Agency of Bosnia and Herzegovina. Among those seven members, no women were included despite the fact that the second ranked candidate on the list that was prepared by the Parliamentary Ad Hoc Committee to implement the procedure of appointment of the Council of the Communications Regulatory Agency of BiH was a woman, Marija Milić. The Council of Ministers didn't take into account equal gender representation, which is regulated by the Law on Gender Equality in Bosnia and Herzegovina. Also the state Gender Equality Agency does not react on violations of the Gender Equality Law. Also, the Ombudsmen for Human Rights Institution in BiH registered fourteen cases of discrimination based on social status and gender in 2014<sup>9</sup>.

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<sup>5</sup> Association PROI: Vulnerable and Invisible, Report on Violence and Discrimination against female sex workers and women who use drugs in BiH. 2013, available at [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BIH/INT\\_CEDAW\\_NGO\\_BIH\\_13145\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BIH/INT_CEDAW_NGO_BIH_13145_E.pdf)

<sup>6</sup> J. Čaušević: Numbers of life. Analysis of the results of the research on needs of LGBT community in Bosnia-Herzegovina, Sarajevo Open Centre, 2013, available at: <http://soc.ba/numbers-of-life/>

<sup>7</sup> The Law on Amendments to the Election Law (Official Gazette of BiH, number 18/13), Article 1 and 2

<sup>8</sup> Session 66 of the Council of Ministers held in Sarajevo on 23.10.2013

<sup>9</sup> Institution of the Human Rights Ombudsman in BiH: Annual report on discrimination in BiH. 2012. Available at: [http://parlamentfbih.gov.ba/dom\\_naroda/bos/parlament/propisi/EI\\_materijali/Godisnji%20izvjestaj%20o%20diskriminaciji%202012.pdf](http://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/EI_materijali/Godisnji%20izvjestaj%20o%20diskriminaciji%202012.pdf); Because the Ombudsman Report for 2013 is still not published, we have got the data for 2013 based on the direct contact with the Head of Cabinet of the Ombudsman Institution.

Only 35% of senior positions in BiH institutions are covered by women.

### ***Violence against women and girls***

On November 7 2013, the Parliament of Bosnia and Herzegovina ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Bosnia and Herzegovina is amongst the first eight countries that ratified the Istanbul Convention.

Violence against women and girls continues to be a serious issue in BiH. New research data<sup>10</sup> available starting in 2013 in the field of domestic violence will hopefully provide a good basis for future prevention and intervention measures with survivors. Findings indicate that almost half of the women in BiH older than 15 have been subjected at least once in their lifetime to some kind of violence and that women are exposed to a high risk of violence, first in her immediate, intimate environment of relationships with her partner and family, and then in the broader community.

In Bosnia and Herzegovina double standardization of domestic violence acts is at work, it is treated as a felony as well as a misdemeanour, which creates additional uncertainty and lack of confidence in institutions. Additionally, in spite of all trainings, police continues, as reported by non-governmental organizations that work on issues of domestic violence, non-reacting in a manner prescribed by law, simply by not reporting domestic violence acts and justifying it.

Sustainability of safe houses for women and children who are victims of gender-based violence is still not ensured, there is no support or a sustainable strategy for women and children who leave shelters or safe houses, and the protective measures provided by laws on protection against domestic violence are inapplicable in practice. Bosnia and Herzegovina still does not have unique database of victims of domestic violence, even though CEDAW Committee recommended it back in 2006. When it comes to judicial verdicts for cases of domestic violence cases, there are still significantly more probation and fines while the imposition of prison sentences for perpetrators of violence remains in the domain of rarities.

### ***Wartime sexual violence***

Another long-lasting and serious issue for BiH is the wartime sexual violence suffered by tens of thousands of women twenty years ago. These women are still in need and seek justice and reparation.

The visit in 2013 of the United Nations Secretary General's Special Representative for Sexual Violence in Conflict confirmed that BiH has made scandalously little progress in dealing with these cases and there is a need to develop a comprehensive approach to improve the status and position of all female victims of the war, including by combating stigma attached to sexual violence, and expand the provisions of compensation, support and rehabilitation measures and benefits, and ensure equal access to such services for all female victims irrespective of their place of residence.

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<sup>10</sup> Prevalence and Characteristics of Violence against Women in BiH, 2013. Conducted by the Agency for Gender Equality and Statistical Agency and with the support of UNFPA and UN WOMEN. Available at [http://www.vladars.net/sr-SP-Cyrl/Vlada/centri/gendercentarrs/media/vijesti/Documents/prevalency\\_study.pdf](http://www.vladars.net/sr-SP-Cyrl/Vlada/centri/gendercentarrs/media/vijesti/Documents/prevalency_study.pdf)

Also, the CEDAW Committee concluded in its observations in 2013 that there is a clear need to address issues related to wartime sexual violence, such as accelerating the implementation of the National War Crime Strategy Law<sup>11</sup>.

In Republika Srpska, victims of rape are not recognized as a special category of civilian victims of war and they are excluded from receiving social benefits.

### ***Human Trafficking***

Regarding human trafficking, effective victim identification procedures – especially concerning women and girls from Roma communities and internally displaced women, who are increasingly affected – is a pending issue. Cooperation between state institutions and nongovernmental organizations engaged in prevention of human trafficking has not improved in the last years.

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<sup>11</sup> Concluding observations on the combined fourth and fifth periodic reports of Bosnia and Herzegovina. CEDAW Committee. 2013. Available at: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/cedaw\\_c\\_bih\\_co\\_4-5.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/cedaw_c_bih_co_4-5.pdf)