

RESPONSE TO A QUESTIONNAIRE TO GOVERNMENTS

Part I: REVIEW OF ACHIEVEMENTS AND CHALLENGES IN IMPROVEMENT FOR EQUALITY OF WOMEN AND AFFIRMATION OF WOMEN

- a) Bosnia and Herzegovina has made a progress in respect to the situation as of 1996, particularly so in terms of creation of needed legislation framework for women protection.

The Bosnia and Herzegovina Constitution Article 11, which is fully dedicated to the human rights, stipulates in its paragraph a ban on discrimination concerning recognition, exercise and protection of human rights - as addressed by this Article or international agreements referred in the Annex to the Constitution - and ensuring to all persons in Bosnia and Herzegovina non-discrimination on any grounds, such as gender, race, language.

The B-H Law on Gender Equality, enacted in May 2000, allows easier recognition in practice the situations where persons are brought into different position, i.e. are subject to different treatment on basis of their gender. The Law prescribed calls for setting-up a state-level agency for gender equality. The agency was established in February 2004 and its competences were defined as follows:

- Development of periodical National Plan for promotion of Gender Equality;
- Monitoring of implementation and coordination of activities with all relevant subjects from the State plan;
- Preparation of annual report on implementation of activities on prevention of discrimination on the grounds of gender in Bosnia and Herzegovina;
- Analysis of legislation and regulations and general enactments adopted by the Council of Ministers of Bosnia and Herzegovina aimed at monitoring gender equality realisation, and initiating of procedures for changes and amendments, upon Ministry for Human Rights and Refugees proposal, of the existing legislation in B-H in line with the international agreements and EU regulations;
- Development of methodology for evaluation of state gender equality policy and programmes effectiveness;
- Carrying out other gender equality promotion activities and responsibilities, in addition to the law implementation monitoring.

The above mentioned developments followed the signing of the B-H Gender Equality Project Agreement between the Governments of Bosnia and Herzegovina and Republic of Finland, in late 1999, the implementation of which helped creation of conditions in B-H for policy making and implementation in the area of gender equality and women affirmation.

The basic goal of the project was the creation of conditions for gender mainstreaming in Bosnia and Herzegovina. As a part of that endeavor, the desired results are following: gender integrated legal and political framework, B-H awareness raising on the need of equal opportunities for men and women in all aspects of social life, capacity building of statistics institutions and media to promote gender equality, as well as fostering institutional framework for gender mainstreaming implementation.

The Federation of B-H Gender Centre and Republika Srpska Gender Centre formed thereby, raised an initiative, in coordination with the non-governmental sector for development of the state level law on Gender Equality in Bosnia and Herzegovina, as

a framework law, which presumes an obligation for signatories at all levels of authority to align their relevant laws with this one.

- b) After the Fourth Global Conference on Women took place, National Plan was developed, serving as a basis for designing FB-H and RS Gender Centres mandates.

In 2003, the FB-H and RS Gender Centres initiated a series of activities to develop the Draft National Action Plan, in accordance with the Beijing Declaration and Platform, once Entity national plans are developed and joint draft national plan defined and submitted to the competent authorities.

The agreement is that the Draft national plan – which preparation engaged the representatives of both governmental and non-governmental sector in B-H - should be presented to the Ministry of Human Rights and Refugees in September 2004.

- c) The FB-H and RS Gender Centres took part in preparation of the UNDP Human Resources Development report, which was devoted to the Millennium Goals for B-H in 2003. Gender centres were active on all eight Objectives, particularly the Objective 3 on gender equality.

They had a key role in development of additional indicators to follow progress in B-H context within the Objective 3. These indices are as follows:

Universal Indicators:

Indicator 9: Ratio of men and women through all levels of education;

Indicator 10: Literacy rate of men and women of age 15-24;

Indicator 11: Women's share in paid employment in non-agrarian sector;

Indicator 12: Percentage of women in parliamentarian seats;

Additional indicators for B-H:

- Registered unemployment rate among women, employment rate among women (as a part of total female population), economically active women rate, women's participation in executive authority, and ratio between men and women aged over 15 in literacy.

- d) In the course of 2003, the B-H Ministry for Human Rights and Refugees and both Gender Centres, including both legislative and executive all-level authorities representatives, prepared Entity and State reports, under the Convention on Elimination of All kinds of Discrimination against Women - the B-H State Initial Report.

These reports are consisted of an estimation of women's status in all areas addressed by the Convention, as well as of the conclusions indicating necessary measures to be taken for the improvement of women's position in specific areas (changing of the existing and development of new regulations in specific areas). Here, we need to mention that subject to one of the UN Committee on Elimination of Discrimination against Women recommendations, a positive measure has been incorporated into the B-H Election Law, adopted by the B-H Parliamentarian Assembly, in 2001. This Law obliges all political subjects to take part in the electoral process for all-level legislative bodies to include in their lists of candidates one third of women candidates.

- e) The core achievements of legislation and decision making in gender equality promotion and affirmation of women over the past decade are as follows:
 - Adoption of B-H Law on Gender Equality;

- Adoption of B-H Election Law which sets all political subjects taking part in electoral process to propose in their lists of candidates also one third of the minority gender in relation to their overall list, which in case of B-H thus far have been women;
- Definition of the term of family violence as a criminal offence in the Entities Criminal Codes, as well as of criminal acts against sexual freedom and moral and in cases where a persons is exposed to mistreatment on the grounds of his/her gender or sexual inclination;
- A pre-draft law on family violence prevention is in the process of preparation, and the initiators for such notion are gender centres that included some NGOs.
- The FB-H Labour Law sets forth that persons cannot be placed into less favourable position based on their gender in respect to engagement, education, promotion, employment requirements and conditions, cancellation of work contracts or other employment issues.
- The RS Gender centre initiated changes to the RS Law on Employment and Law on Pension-Disability Insurance, thus incorporating provisions of the state Gender Equality Law relating to obligation on competent Law implementation authorities to comply with the gender equality and act in a non-discriminatory fashion.
- The RS Law on Education should also undergo some RS Gender Centre initiated changes, intended for harmonisation of the same with the Gender Equality Law, which were adopted as amendments at the meeting of the RS National Assembly Committee for Social Position of Women and Gender Equality, but are still pending the Assembly procedure.

Similar provisions are included in the cantonal laws on elementary and secondary education in the Federation of B-H.

- f) Subject to their 2004 Work Programmes, the Entity Gender Centres will carry out training for budget officers in some institutions of various levels, with the aspects of incorporating the gender component into the budgets in following years. To date, data suggest that no major progress has been made in that respect. We are informed of the activities undertaken within the OSCE Mission in B-H aimed at training as larger number of women as possible for budget analysis from the aspect of gender equality. The gender centres plan to include this activity into already established mechanisms of addressing gender issues.
- g) The central issue, addressing women, is the issue of trade with women and this is addressed within state executive and legislative authority. The mentioned activity is subject to sanctions under the Criminal Codes f B-H, FB-H and RS. The state level authorities enacted the action plan for prevention of human trafficking, including the trade with women.

Gender equality parliamentarian commissions at State, Entity and Cantonal levels, present their proposals and opinions on documents (regulations and similar), subsequently to be considered by relevant legislative bodies, also on certain forms of gender in some aspects of social life.

Various parliamentarian commissions and executive authorities at all levels are informed of the position of women in areas addressed by the Convention on Elimination of All Forms of Discrimination against Women trough relevant Report under the Convention.

The family violence area is among very important issues to which adequate solutions are tried to be found, especially concerning the victims and adequate sanctions against offenders. Therefore, an initiative has been raised to develop the Law on protection against Family Violence with the participation of both government and non-government sectors.

h) In the post-war period, the donor-supported non-government sector started activities on inclusion of women's issues into the reconstruction and rebuilding processes (building-up provisions for small entrepreneurship regulations, change of legal regulations on ownership over immovable property, establishment of associations with the policy of reconciliation among ethnic groups and wider region).

The gender centres were directly involved in the preparation of the B-H Defence Law, as they applied gender analysis methods to the draft law, especially recalling the UN General Assembly resolution 1325.

i) Changes in Bosnia and Herzegovina, characteristic for majority of transition countries, have had a negative trend in women's affirmation (e.g. in enterprise dissolving, women are the first to lose employment) and application of gender equality principle. Steps taken in the Gender Equality Law implementation would certainly contribute to curbing-up the negative trend in women's affirmation.

In Bosnia and Herzegovina women represent 37.2% of the employed, which is an extremely low rate having in mind the fact that women in B-H represent 60% working able population.

Also, a phenomenon of the "glass ceiling" is present in B-H, i.e. women in B-H are very rarely promoted above a certain level of hierarchy, and even such trends change when it comes to executive and legislative authority, there are highly paid positions in B-H still unavailable to women.

The issue of balance between professional and family life of women is opened for debate. The new Labour Law opened possibilities for a mother (or father if mother works a full time) to work half time up to three years, after a child turns one, if additional care is required.

j) The Ministry for Human Rights and Refugees of B-H, in cooperation with Entity Gender Centres, have submitted the B-H Gender Equality Law implementation project to the UNDP. The UNDP has also supported the project implementation financially, which basic aim is to help develop action plans for promotion of gender equality and affirmation of women in all areas of social life and recognise some aspects of discrimination and determine ways for elimination of the same through regular activities of competent authorities.

To date, the gender centres have undertaken significant activities in view of integration of gender aspects into the education system in B-H.

Also a notion was made to organise the Gender Division with the Centre for Multidisciplinary Post-graduate studies in Sarajevo.

k) From its establishing to-date, the gender centres have arranged regular joint meetings with NGOs representatives, reviewing the related topics from some aspects of social life. These deliberations transformed into concrete remarks

and suggestions for development of some regulations (e.g. Criminal Code etc.). One of joint activities was also initiation on and development of Pre-draft Law on Protection from Family Violence.

The NGOs also had their share in development of State Action Plan on Gender Issues and other processes of development of policies and legislation promoting gender equality.

The activity on-going is starting with development of strategy which basic aim is the establishing and strengthening municipal services for free legal assistance to women, a swell as literate of women through Bosnia and Herzegovina.

- I) Unlike other international interventions, gender centres have continuously engaged men and women equally. So, for instance, persons designated for gender issues from state and entity institutions are always a men and women, as in the case with commissions and committees at all levels.

Despite these measures, however, participation of men has never exceeded 30% rate.

New measures and actions too include men more often in gender equality promotion processes will continue.

PART II – PROGRESS IN IMPLEMENTATION OF KEY INTEREST AREAS OF THE BEIJING PLATFORM FOR ACTIONS AND FURTHER INITIATIVES AND ACTIONS ESTABLISHED AT THE 23RD SPECIAL SESSION OF THE GENERAL ASSEMBLY

A. Examples of successful policies, legislative changes, programmes and projects

- a) Having regard of the fact that the State Action Plan for Promotion of Women's position in under preparation in Bosnia and Herzegovina for the first time, and it is yet to be adopted, but also some significant moves should be mentioned, in addition to the results already made concerning improvement of women's position and protection of basic rights in the area defined under the Beijing Platform for Action.

The Gender Equality Law adopted in Bosnia and Herzegovina defines both direct and indirect discrimination, gender-based violence, disturbance and sexual disturbance and introduces sanctions against offenders. Also the Law defines and enacts further general elements of proceedings in institutions and subjects within the institutions in order to observe gender equality principles in the areas referred to unit the, Law as follows:

- education, work and access to all kinds of resources,
- social protection,
- health care,
- sports and culture,
- public life,
- media,
- ban on violence.

Further, the Law sets forth obligations of the all-level competent authorities to adopt programmes and measures for achievement of gender equality in all areas, together with new laws or amendments to the existing ones for the reason of their harmonisation with the Gender Equality Law provisions.

Concerning the legal aspects and the fact that the Gender Equality Law was adopted as late as June 2003 and that its implementation is the initial phase, and that the State Action Plan is not adopted yet, one cannot say that the reform has been implemented in the areas of Law and Beijing Platform, but it can be certainly said that the gender equality increasingly considered as a criterion in designing policy, strategy, work programmes, laws etc.

Since early 2004, the gender centres employed PR officers with a responsibility to promote activities and results of gender mainstreaming in Gender Equality Law implementation. Also, we believe that the gender equality topics are more and more exploited by media. The gender centres have also prepared a special strategy for integration of gender issue into media, while actions such as education and awareness raising of media staff are already underway.

When it comes to pilot projects and programmes, it should be noted that through the Ministry for Human Rights and Refugees and the then Ministry for European Integration, Bosnia and Herzegovina signed the agreement with the Republic of Finland in 2000 on GEEP Project implementation, funded by the Finish Government, which implementation started in 2001 and is scheduled to be completed in 2005.

Project coordination and implementation is entrusted to the Entity Gender Centres, and the executing agency is the Independent Bureau for Humanitarian Issues in Bosnia and Herzegovina (IBHI BH). The general aim of the project is arriving at a situation where conditions exist for gender equality as prerequisites for democracy and prosperity of a society.

The project purpose is the integration of the gender issue as a strategy and development of a method and tools for gender equality, with the ultimate goal of effective use pf human resources available in a society. A large portion of activities and results explained in answers to specific questions from the questionnaire are implemented within the GEP Project implementation.

The second, chronologically but not by importance, is the Gender Equality Law Implementation Project or capacity building and development of partnerships between government and civil society, aimed at realisation of gender equality in B-H. The projects are financially supported by UNDP and Japanese Government, and implementing agencies are gender centres and B-H Gender Equality Agency.

The general development objective of the Project is the developed institutional capacity with the government of B-H working in close coordination with non-governmental sector on gender equality promotion and implementation of Gender Equality Law. The aim of the project is the protection and maintenance of gender equality, which should contribute, through the Gender Equality Law implementation, to a just, effective and human rights focused development process. The Project is designed to last two years.

The NGOs in B-H also implemented numerous projects within their human rights and gender equality mandates and activities. Government do not posses information on such actions, as NGOs are not obliged to report to the Government on the projects implemented, but it can be estimated that most commonly implemented projects are those addressing electoral process and participation in government, women education and awareness building, family violence, trafficking, women's entrepreneurship etc.

- b) Bosnia and Herzegovina has not adopted the state Action Plan, so we cannot refer to fulfilment of obligations assumed or eventual outputs of its implementation. Yet, we believe that a lot has been triggered in

terms of improvement of women's position, GEEP project generating results and activities, passing and implementation of the Gender Equality Law.

- c) Bosnia and Herzegovina tries to make the gender equality principle a significant criterion in all activities it carries out. Many conferences and meetings attended by B-H representatives are tried to be used for highlighting women issues and eventually pointing out at discrimination and some solutions to enable more balanced gender relations. Guidelines and recommendation from such conventions find their way through competent institutions to gender centres.

B. Obstacles Encountered, Remaining Gaps and Challenges

- d) As already mentioned, Bosnia and Herzegovina has no the state Action Plan in place a, so we cannot relate to obstacles to its implementation. In stead, we can point at some issues in general, in all areas, which can be regarded as obstacles in terms of the Gender Equality Law implementation. These would be as follows:

- We do not have experts for this area, as there are no organised gender studies;
- No comprehensive statistics kept in B-H, therefore no data classified by gender exist because no census has been carried out in the post-war Bosnia and Herzegovina, which appeared to be a deficiency for CEDRAW Convention reporting purposes;
- B-H citizens are not gender-sensitive yet and not aware of the discrimination in some areas;
- Textbooks and education work plans and programmes still contain stereotypes on traditional role of men and women, with some improvements already made;
- There is still small number of women representatives in B-H authorities, under some decisions, programmes, strategies and legal regulations are different form the expected ones non-gender-sensitive.

C. Lessons Learned

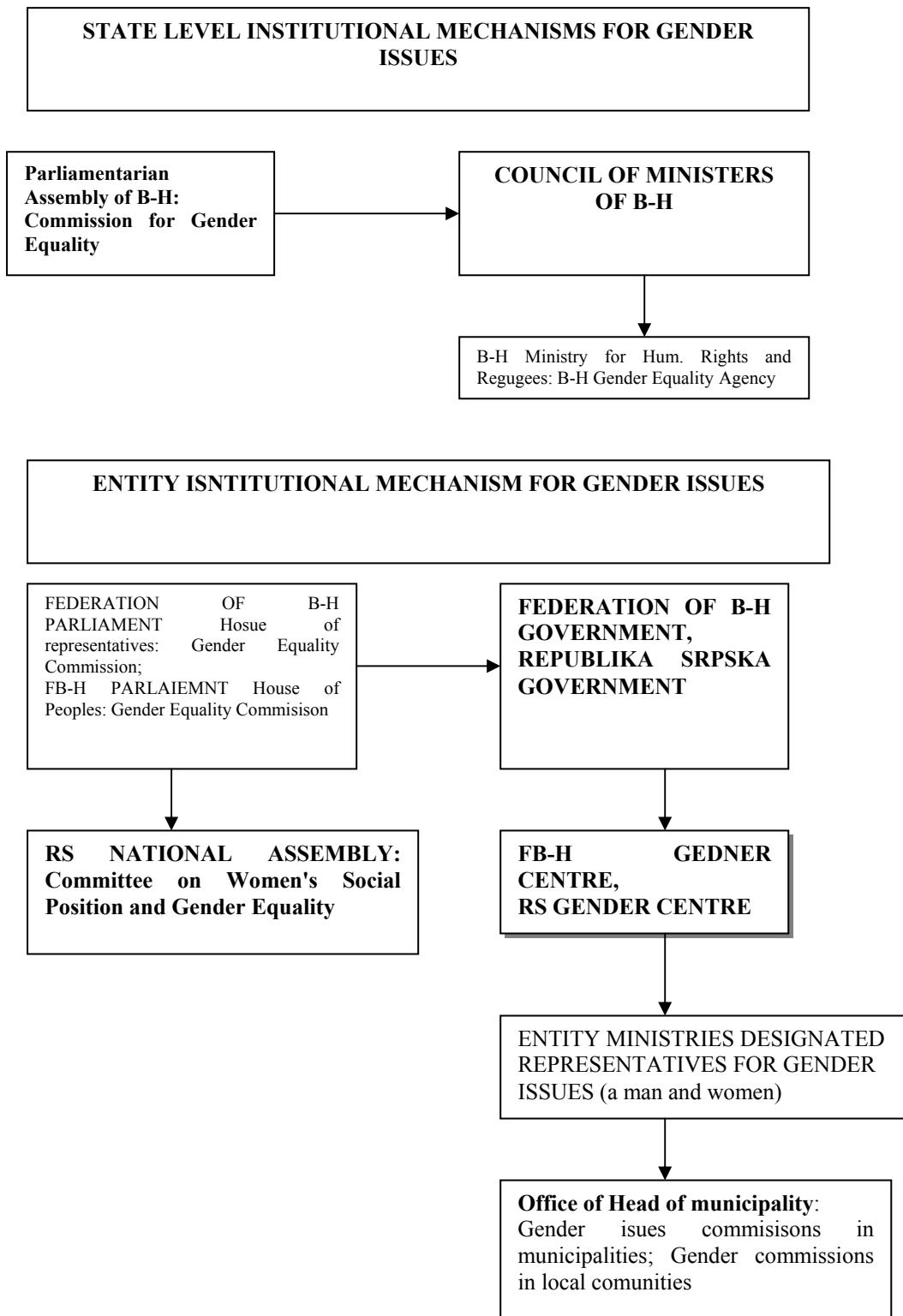
- e) The state Action Plan has not been adopted, so we cannot speak of its implementation.

The lessons learned refer to the GEEP Project incited processes. The GEEP Project introduced into this region considerations and actions deemed for promotion of women's position and gender equality in a way it is done in EU. Activities and results within the Gender Equality Law implementation are the following:

- institutional gender-relevant mechanisms are already in place in B-H and should be further supported, strengthened through enhancing capacities and awareness on gender issue;
- gender awareness building;
- improvement of relevant statistics, without which adequate specific actions are no possible;
- elimination of women trafficking in the region;
- fostering of social infrastructure in order to facilitate child raising and work;
- gender issue media promotion;
- women's health improvement.

PART III – INSTITUTIONAL DEVELOPMENT

- a) Within their mandates, gender centres are obliged to work on establishment of institutional mechanisms for gender issues at all levels of authority in B-H. According to the Law on Gender Equality in B-H, the Ministry for Human Rights and Refugees is responsible for the Gender Equality Agency, formed as independent unit. In line with the above, the following is the review of institutional mechanisms established to date.



From the presented above, it is obvious that the legislative and executive authorities at all levels in B-H have established bodies in charge with gender issues, i.e. gender equality implementation.

Basic tasks for such bodies, as parts of legislative authority, are consideration and issuing of opinion to all draft regulations and other documents, particularly from the point of view of harmonisation of those with the Gender Equality Law. These bodies also work on connecting all women elected to a certain legislative body regardless of their political affiliation and coordination with gender centres, NGOs and similar executive bodies.

Parliamentarian commissions dealing with the gender issues have at their disposal all resources, including office space, financial and human resources, like any other parliamentarian commissions.

Opinions, remarks, suggestions are in the form of reports presented to the Parliament under the established procedures.

From the table presented, it is noticeable that gender issues mechanisms (gender centres, coordination boards, designated officers within ministries and similar) exist in all executive authorities in B-H.

The basic tasks for these centres are to participate in the preparation documents from the ministries' competences and to take due care of harmonisation of these documents with the Gender Equality Law.

In the regular execution of duties of cantonal coordination boards, most often difficulty is the lack of resources, because cantons neither budgeted for provided for financial resources for these purposes.

Previously, the Federation of B-H Government provided for some funds to gender centres. The positive practice is their coordination with the cantonal assemblies' commissions with the aim at carrying out joint actions.

- b) Ministries at all levels of authority designated two persons – a men and women – to deal with gender issues, and gender centres engaged gender experts for the training of the persons designated.
- c) Some mechanisms to monitor progress in gender equality promotion have been worked out.

The most important subjective indicator of awareness building is the Gender Barometer qualitative study, applied biannually, in cooperation with the B-H Statistics Agency and Entity Statistics institutes.

The progress is assessed at joint meetings of the mentioned institutional mechanisms by way of reporting on both results achieved and problems spotted and by joint undertaking of the specific problem-solving measures.

The gender centres, in cooperation with the B-H State and Entity statistics institutions and renowned sociologists, prepare other kinds of qualitative studies (sexual disturbing at universities, family violence, women mangers etc.)

The gender centres support Entity statistics institutes in development of annual quantitative analyses, such as "Women and men in RS" and "Men and Women in FB-H".

We deem this is the area where the newly established Gender Equality Agency, in cooperation with gender centres, should promote the existing mechanisms for monitoring of the situation in the gender equality field.

- d) The improvement of gender mainstreaming continues through:

- national mechanisms, i.e. trainees who completed their training in gender awareness building and gender analysis, including plans development,
 - NGO sector, student organisations, designated persons for gender issues who completed gender awareness building training,
 - Union – Women’s Forum – cooperation realised, and training completed.
- e) Entity Gender Centres have undertaken a series of actions in previous years concerning the statistic research programmes implemented in both Entities which objective is identifying statistical data kept and whether they are classified by gender.

Findings to date point at conclusion that the statistics institutions in their regular work do not keep statistics necessary for monitoring and assessment of women’s position in the areas addressed by the Convention on Elimination of All Kinds of Discrimination against Women or Beijing Declaration, and this was particularly noticeable in case of preparation in both Entities of the report under the mentioned Convention.

In order to overcome the existing situation, the Ministry for Human Rights and Refugees undertook a number of activities to establish a single database. Gender centres meet regularly with statistics institutes representatives, pointing at a need for keeping certain statistics and their classification by gender (e.g. statistics institutes keep statistics on numbers of criminal verdicts or on numbers of managers of education, health care and other institutions, but the results are not classified by gender).

Gender centres launched a number of researches - the most important was the B-H Gender Barometer - conducted by statistics institutes, but the practice has not become the regular task.

It is important to note that a joint statistic group has been formed to propose statistics institutes which data should be collected and classified by specific aspects of life.

In 2002, a Gender Equality Project officer made the analysis of four statistics publications in B-H and the existing classification by gender. The analysed publications contain data classified by gender, primarily in the following areas: economy and salaries, health care, criminal offences, and decision-making processes. The classification, as it is, does not address many issues from the list of statistical data or identified in gender issues indicators. Some of the key omissions are:

1. Rural – urban population ratio;
2. Descriptive statistics on households (composition, gender of householder etc);
3. Data on wages and salaries classified by gender.

The usual statistics publications, produced by all institutions, contain various degrees of gender classification. However, all three institutions produced the publications titled “Women and Men in ...”, containing different versions of gender classification of data found in other publications. This means that all three institutions dispose of the capacity to classify by gender their existing data, and that future efforts should be focused to mainstreaming gender classification and standardisation of data collection and presentation in order to address more effectively the issues identified in the gender indicators and statistics list.

- e) The b-h legislative authorities should, within their competences, take care that all issues they consider also contain the gender component, and adopt needed measures to improve women’s position in some areas.

A special role within Parliaments is on the gender equality commissions, as parliament working groups.

The previous experiences show that the process of training of members of parliament, and particularly gender equality commissions' members, should be continued to the effect of a more effective incorporation of gender component in their work. As mentioned already, gender centres have included the non-governmental sector in their activities, and launched an initiative for designating at a regional level a person from the non-governmental sector to act as a contact point between non-governmental sector and gender centres. The Agreement on Cooperation was signed between the non-governmental and governmental-sector.

The non-governmental sector was also engaged in the development of the Report under the Convention on Elimination of all Forms of Discrimination against Women and in preparation of the National Action Plan.

PART IV: MAJOR CHALLENGES AND WAYS TO ADDRESS THEM

Bosnia and Herzegovina has not adopted the National Action Plan for Improvement of Women's Position yet. Its wording is drafted at the Entity level and all proposals and suggestions will be compiled by a coordinator into a single document for Bosnia and Herzegovina. As planned, the National Action Plan is to be adopted during 2004, and we believe that Bosnia and Herzegovina would be able to implement the same in the course of next year, and the implementation results are to be expected accordingly. The National Action Plan will cover all areas addressed in the Beijing Platform, thus the B-H Parliament and Government would be proposed the strategic action. The National Action Plan is termed for five years.

In respect to the previous work of the competent and all other institutions towards the improvement of women's position and gender equality, the priorities would be set as follows:

- creation of conditions for the Gender Equality Law implementation, including building of government capacity and institutional mechanisms relating to the issued of gender and civil society in general;
- harmonisation of all laws at all levels with the Gender Equality Law;
- improvement of statistics available on all aspects of life and work as classified by gender;
- continued process of introduction of gender component into all-level education;
- gender issues media promotion and awareness building of media staff;
- general gender equality awareness building targeting both men and women in light of its relevance for future prosperity of a society in a whole;
- support and promotion of women politicians.