

Final Report

Monitoring Implementation of
UN SCR 1325
in Bosnia and Herzegovina

Žene Ženama

Sarajevo, October 2007



FINAL REPORT

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ŽENE ŽENAMA is a self-organized women's group which contributes to development of civil society through empowerment of women and women's groups and advocates for respect of women's human rights in all spheres of private and social life.

The mission of the organization is a guideline for everyone whose social needs can be satisfied through the organization's work. The mission is everlasting and came as a result of common work of the members, volunteers and beneficiaries. Motives of women who established the organization Žene Ženama were different. Some of them wanted a safe space for articulation of war and post-war experiences; others wished for a creative space in which they will reexamine their knowledge through feminist theory and practice and plan actions in order to make changes in BiH society in area of human rights and male/ female relations.

Collective diversity, expressed through individual creativity in interaction of knowledge, experience and needs, defined the mission which is recognized as "Domestic concept of empowerment".

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Executive Summary

In Bosnia & Herzegovina (BiH) the civil society sector is generally familiar with the UNSCR1325 and its importance for women's participation in all levels of society. Women's organizations have contributed to the implementation of the Resolution in a number of official and informal trainings, consultations and networking with governmental institutions. The women's organization Žene Ženama implemented the monitoring project in BiH. The monitoring report is a result of an ongoing work since 2005 and provides an assessment of the implementation of the UNSCR1325 in BiH, with the aim of ensuring successful ongoing advocacy of gender issues at the national level. These efforts have been supported by UNIFEM through its programme: "Implementing UNSCR1325 on Women, Peace and Security". The findings are outlined here in sections defined by the UNSCR1325 as key areas of obligation.

Inclusion of women in decision-making: The legacy of economic crisis and the war continues to undermine women's participation in public life. Gender inequality is apparent in all sectors of public life in BiH. Only an estimated 5-7% of women hold executive positions at a local level and no woman holds an executive position at a national level.

Although a quota system and the gender mainstreaming mechanisms have increased women's participation in political life overall, the actual numbers of women leaders and decision-makers in executive areas in all levels of government has not increased. Only 14% of the elected deputies in the Parliament of BiH are women, there is only one female in the ten-person Council of Ministers and only two of the Vice-Ministers are women. The weak nature of politics in BiH under international administration means that gender is a less important focus than solving issues such as ethnically-based nationalism, poverty and unemployment.

Gender perspectives in the security sector: The gender training of police, judges, prosecutors, health-care officials and teachers is defined within the National Gender Action Plan but delivery of programmes is reliant on close cooperation between governmental and civil society actors. The lack of reference to gender in police reform indicates the scant attention it receives in current police training, and the treatment of gender-specific concerns by local police and the treatment of women remain erratic and uneven. International defence forces operating in BiH are governed by the command of their State and there is a wide variation to what degree members of these forces have received training on gender issues. NATO considers that the implementation of UNSCR1325 is not within its mandate of the position.

Human rights of women and girls: The frequent occurrence of domestic violence and human trafficking in the post-conflict environment of BiH calls for a continuous attention to those issues. While NGOs widely report on incidences of violence against women, the Law on Protection from Domestic Violence is not thoroughly integrated with other legislation on crime and it has not yet been comprehensively implemented. Trafficking of women and girls is another assault on women's human rights in BiH. The prevalence of discrimination against women, unemployment, poverty and the unresolved problem of the displacement of large numbers of persons, continue to exacerbate the likelihood of

1 See appendix 1.

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human trafficking. Both state and UN actions to combat trafficking in BiH have been inadequate. In addition, in BiH, current legal definitions do not recognise rape survivors as civilian victims of war, and women are thus often denied support services and benefits, even if UNSCR1325 requires states to prosecute rape as a war crime. Finally, international organizations do not specifically address the issue of needs and rights of returnee women and girls.

Gender perspective in UN reports: International representatives from United Nations agencies and offices tend to see gender inequality as an issue in BiH that is less important than “bigger problems”, or as an issue that could be solved by solving economic inequality and human security issues derived from political instability, police and judicial reform. The Office of the High Representative (OHR) is the most glaring example of this lack of accountability. The OHR has no policy on gender. In 2001 the gender policy advisor position was cancelled and since then the OHR only responds to gender issues on an ad hoc basis.

Overall, the international community has failed to make a significant contribution to institutionalizing the promotion of a gender perspective into its activities and its own structures. UNSCR1325 is not specifically promoted within the international organisations consulted in the monitoring exercise. International legal obligations derived from UNSCR1325 have not been adopted and are not promoted as a basis for gender awareness or mainstreaming activities.

The monitoring report concludes that governmental institutions, international organisations and UN missions in BiH still do not pay enough attention to the UNSCR1325; and hence a gender perspective is lacking within their structures. The BiH government has adopted many institutional mechanisms for implementation of gender perspective but most of these institutional mechanisms have been insufficiently or inconsistently implemented at all levels of government. In 2007, the realization of women's human rights in BiH remains extremely difficult. A combination of patriarchal tradition, social and economic poverty, war-related trauma and nationalistic politics work against many women and youth being able to enjoy even basic human rights.

Key Lesson Learned

The comprehensive implementation of UNSCR1325 and related human rights treaties requires the integration of a gender perspective and explicit reflection of the provisions of these international agreement in domestic policies and institutions in BiH, with the complete and accountable cooperation of government, civil society and international agencies.

Introduction³

The **UN Resolution 1325 Women, Peace and Security (UNSCR 1325)**, adopted by the UN Security Council on October 25th 2000, represents a significant achievement for all women and women's groups who work to prioritise gender and women's rights in the context of conflict prevention and resolution, peace-building and reconstruction.

The 2007 monitoring project undertaken by Žene Ženama in conjunction with partners and in close collaboration with UNIFEM assessed the implementation of the Resolution 1325 in BiH in order to assure successful advocacy for UNSCR1325 at national level.⁴ This Report builds on preliminary surveys by Žene Ženama about the implementation of UNSCR1325 completed in 2005-2006 and additional interviews and research in 2007. It must be understood within the context of research and analysis of the implementation of all human rights treaties, especially including *International Covenant on Economic, Social and Cultural Rights* (1966); the *Convention on the Elimination of All Forms of Discrimination Against Women* (1979) and such recent projects in 2007 as the *Stimulation of civil participation in protection of human rights and Approach to justice in cases of war crimes in Bosnia & Herzegovina*.⁵

Acknowledging previous reports, this 2007 monitoring project on UNSCR1325 began with the assumption that women and women's organizations as well as BiH citizens are reasonably familiar with the UNSCR1325 and willing participants in its practical implementation. The 2007 monitoring project surveyed each of the sectors with specific

responsibilities to implement the UNSCR1325: civil society; governmental institutions at all levels; the international organizations involved in the reconstruction of BiH, including the United Nations and Office of the High Representative; as well as the military and policing mechanisms responsible for law and order.

The Report begins with an overview of the social-economic and political situation of women and men in BiH since 1995 and then addresses the actors responsible for the implementation of UNSCR1325. It discusses the findings of the monitoring exercise in sections, which are defined by the UNSCR1325 as key areas of obligation:

- Inclusion of women at all decision-making levels;
- Gender perspective and training of police and military personnel;
- Protection and respect of human rights of women and girls;
- Inclusion of gender perspective in UN reports.

Bosnia and Herzegovina today

Bosnia and Herzegovina (BiH), in the western Balkans, has an estimated population of 4,207,000 people, 51.2% female and 48.8% male.⁶

The Dayton Peace Accords in 1995 provided the framework for the cessation of hostilities but since its signing, it has proved "insufficient for the

3 This report updates and extends the 2005 report on *The Implementation of UN Security Council Resolution 1325 'Everything and nothing: nothing and everything'* produced for Žene Ženama.

4 Žene Ženama worked with nine women's organizations, the Gender Equality Agency in BiH and Gender Centers in FBiH and RS in the initial design process of the monitoring strategy in 2005.

5 Funded by the Spanish Agency for International Collaboration and Development in 2006-07.

6 Data are based on estimates as the last census was 1991 and movements and migrations as well as loss of life during the war have not been conclusively recorded

creation of long-term sustainable peace, particularly with regard to political and economic stability.”⁷ It is this current situation of *human insecurity* that any discussion of UNSCR1325 must first address. For example, in the four years following the signing of Dayton in 1995:

- Hundreds of thousands of persons (the exact number has not yet been established), out of a population of 4.4 million, were dead or missing
- Raped women numbered in the tens of thousands
- Bosnian GDP had decreased to US\$500 per capita, about 20% of its pre-war level.⁸ (In 2002, gross income per capita remained at US \$1263)
- Two-thirds of the industrial potential and half the homes and social welfare state facilities were demolished
- Half the Bosnian population was displaced
- The poor and uneducated rural population fled to the cities (mostly women, children and the elderly)
- The better educated city population had left the country
- In December 1995, 1.2 million Bosnian citizens were refugees.

The levels and types of violence against women during the war suggest underlying and profoundly entrenched patriarchal values. Yet the war period was also marked by the creation of a number of women’s NGOs. Their work, which included participation in humanitarian action, provision of psychological support and political education programmes for women as well as programmes for the empowerment of women in the communities and the organization of forums and round tables, and advocating for human rights, provided for many a profound experience in organizing, advocacy, the assumption of responsibility and skills development. It also helped develop the net-

works that are a legacy for the NGOs currently active throughout the region.

In many communities it was women who were the strongest link between families, providing shelter and aid to war-affected women, caring for widowed refugees and their children, and organizing income-generating activities, the schooling of children and the care of the basic needs of the elderly. The experience was a testing ground for the emergence of a re-evaluated role and status for women in society in BiH and for the formation of experience and knowledge of an embryonic civil society sector that was to grow in strength after the end of the war.

Activist links with international women’s networks helped a critical mass of women in BiH to move into the development and reconstruction phase of post-war activities, empowering them to become equal partners and actors in the process and not just victims of war. Yet the war and immediate post-war reconstruction period focused national and international attention on the importance of ethnic, regional and religious equality in BiH, sidelining issues of gender equality and relegating women to the margins of public and political interest. NGOs today are essentially divided into either service-providers or development NGOs, substituting for the state in services it is unable or unwilling to support – and democracy NGOs striving to advance the political agenda and inform policy and decision-makers.

Political and administrative structures

Following the Dayton Accord, BiH peace was achieved with the installation of an expensive, complex and numerous internal administrative structures which shaped the state into two entities and an administrative district – Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBH), and Brcko District.⁹ The

7 Women’s Participation in the International Criminal Tribunal of Former Yugoslavia (ICTY): Transitional Justice for Bosnia and Herzegovina, Women Waging Peace Commission, July 2004

8 World Bank Report (1999a) p.vi.

9 See Appendix 5.

FBiH is administratively divided into 10 cantons; cantons are divided into municipalities. There are 85 municipalities. Republika Srpska is administratively divided into 62 municipalities with the Brcko District as a separate administrative unit. In total BiH has 14 Constitutions, 14 governments and 14 Parliaments, therefore 14 different legislative bodies. This, in itself is a substantial impediment to comprehension of, and access to, services and redress, particularly by the urban and rural poor and isolated communities. This has a particular impact on women.

Socio-economic conditions

The post-war period has been marked by "two parallel processes", firstly reconstruction following the peace agreement and secondly, "economic revival and restructuring as part of a comprehensive transition from a planned socialist economy to a market economy".¹⁰ Yet, in 2007 BiH remains the second poorest country in the region on a per capita basis

The modern face of BiH is characterized by an extremely difficult economic situation, poverty and mass unemployment, slow privatization, widespread corruption and organized crime. Insufficiently developed institutions and the lack of the rule of law further deepen the dislocation. And while the international community has invested enormous funds in the reconstruction effort, the economy has yet to rebound. At the same time, the state itself is financially incapable of responding to its international treaty commitments to provide various forms of social protection and assistance during this difficult economic

transition, as it too lacks the resources to pay for even the most urgent of interventions.¹¹

Poverty in BiH is pervasive. The number of social welfare beneficiaries has increased between 2000 and 2005.¹² An average salary in FB&H between September-November 2004 amounted to 535.12KM¹³ whereas consumer expenses for basic nutritional purposes, not including toiletries/hygienic products, education or cultural and other needs, amounted to 451.36KM. In Republika Srpska the situation is worse. In June 2004¹⁴ consumer's expenses amounted to 473.90KM whereas the average net salary for the same month amounted to 427KM. In 2006, the IMF ranked BiH at 69/179 countries with an annual GDP estimated in relation to PPP of \$US 9253, an improvement from 7,032 in 2004.¹⁵

Estimates vary regarding levels of poverty, with some indicating that 50% of the populations in both entities live below the poverty line and are in constant danger of sinking deeper into poverty.¹⁶ Some assessments indicate that women live in poverty more frequently than men. With women heading 25% of all households and 16% of the entire population living in women-headed households this statistic is of particular significance. These women are mainly widows (83%), close to retirement (20%) or retired (60%).¹⁷ During the war many families lost their head of household which has left women not only responsible for sustaining the family economy but also for children's education, and all the domestic maintenance tasks and decisions previously shared with male family members.

10 Shadow Report On the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina, Presented to the United Nation's Committee On The Elimination Of Discrimination Against Women (CEDAW), January 2004, p. 11.

11 Ibid, p. 12.

12 Bosna I Hercegovina Agencija za statistiku Bosne I Hercegovine, 2007, p. 60

13 Agency for Statistics in Federation of B&H: www.bhas.ba

14 Republican Statistical Office: www.rzs.ba

15 International Monetary Fund, World Economic Outlook Database, October 2007, for the year 2006, see <http://www.imf.org/external/index.htm>

16 Report on Human Rights Conditions in B&H, period January-December 2004" Helsinki Committee for Human Rights in B&H

17 Bosnia and Herzegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Herzegovina*

Women in rural households that have lost male family members to work the land are particularly affected by poverty. Unemployment, poor infrastructure and a lack of institutions that would provide assistance to women compound the difficulties.

The poverty gap between men and women is largely attributable to their ability to access economic resources and the labour market. Women in the 16-64 age group constitute only 35% of the B&H labour force.¹⁸ As women age, their possibility of employment decreases, despite the proportion of women responsible for maintaining households. At 45 years a woman is commonly considered “old” whereas a man is likely to be considered in his prime or most productive period. Elderly women in rural areas are especially hard hit, often lacking a pension or any kind of income. Men remain the traditional owners of property regardless of equality before the law with regard to property inheritance and transference.

BiH has the lowest female share of the labour market in South East Europe; at only 37.2%.¹⁹ The limited access to education during much of the 1990s has had a profound effect on women’s access to employment.

- Women in the 18-35 year age group with no more than a primary education are generally excluded from the labour market.
- That demographic makes up 42.9% of the entire population.
- Men with only a primary education excluded from the labour market represent only 20.4% of the population.²⁰

Primary education is free and compulsory. But

that is not the issue, rather the limited number of rural schools and the distances to be travelled. This coupled with persistent stereotypes about male and female roles and responsibilities favours the educational preference for sons.

Women make up 45% of the unemployed, most of them having little education.²¹ Half are designated as unqualified labourers and only 20% have a secondary education. As economic conditions decline the ratio of unemployed, and therefore those dependant on an overburdened social welfare system increases.

Low levels of education and experience and traditional discrimination prevent women’s full participation in the labour market. This is further complicated by the expense of child care facilities – crippling for single parents – and reinforces the stereotype of a woman’s place being in the home, caring for children and robs women of true equal opportunities. The cycle of discrimination and poverty becomes impossible to break without the provision of affordable child-care facilities. Thus women’s economic independence is stifled.

While there is no official data it seems likely that the informal, unregulated and unprotected ‘grey market’ provides economic opportunity for far more women than men. Women promote and sell a great variety of products in this market – but the management-structures remain male dominated and it is they who reap the bulk of the profits.

Private property

Traditionally men are owners of private property and in spite of rights to joint ownership in marriage; title is usually listed in the man’s name. On divorce women often lose joint property assets

18 UNDP; 2003 MRC p 15

19 Goal 3, BiH Millennium Development Goals

20 Bosnia and Herzegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Herzegovina*

21 UNDP, CCC Development Indicators 2002

because, in spite of disposition within the law for sharing joint assets, judicial processes are lengthy which results in men selling the property and pocketing the profits – without consequence.

Lacking title to property, it is also very difficult for women to secure loans for private business. A lack of collateral, low levels of education and lack of entrepreneurial experience prevent women entering into this market.

BiH remains in a transition phase which has brought with it numerous problems and economic upheaval. The privatization process, an essential part of economic reform, with its shift away from unsustainable and uneconomic businesses supported by the socialist economy has inevitably led to bankruptcies and layoffs and promoted further discrimination against women. Economic reform has contributed to a loss of jobs available and a commensurate increase in the percentage of women in the overall unemployment statistics. Many workers need to re-qualify for new positions and the labour market is becoming extremely difficult, particularly for women unable to keep up with economic trends.²²

Privatisation

The privatisation process itself is dominated by men and has provided an opportunity for directors of state-owned companies (where men are in the majority) to acquire state capital which they have then been able to invest in and control most small and medium-sized enterprises. The banking sector has demonstrated similar characteristics with few women having any real influence and power.

Women's access to the commercial sector has been hindered by the traditions of male exclusivity in business and employer associations, which are locations for conducting business, exchanging information, accessing training or loans and securing support – the collegiality of business groups – women are excluded from these networks which further limit their access to information and resources.²³ Deprived of opportunity women persistently lack the training and skills to qualify them for management positions.

Taken together, these inequalities demonstrate that women are excluded from nearly all influential policy-making jobs or other positions that could influence Bosnian society in broad terms."²⁴

Today BiH exemplifies the common transition feature of deterioration in the social, economic and political position of women. Loss of previously reserved places for women has led to a decline in the role of women in political life and a decrease in the number of women in legislative and executive authorities. Reforms have also had a negative impact on the social rights acquired under socialism (length of maternity leave, family benefits, public social service network, etc).²⁵ Women in B&H have not generally achieved equality with men in their ability to participate in public and political life. Despite the promulgation of gender equality laws, there are still only limited opportunities for most women to participate in public life and therefore women are largely excluded from being a political influence.

22 Bosnia and Herzegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Herzegovina*

23 Bosnia and Herzegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Herzegovina*

24 Op.cit.

25 See "...Because we are women: socio-economic status of women in BiH," Star Network, 2002

Part One

Respondents to the Monitoring Exercise

1. International organizations, institutions and legal frameworks

Gender disaggregated information about the personnel and operations of international institutions and agencies in BiH are not available. The following information builds upon 2004/5 statistics and official sources. UNSCR325 has not been specifically publicised or promoted within the international organisations operating in BiH. In some cases, despite awareness at an individual level, UNSCR1325 has not been adopted or promoted as a basis for gender awareness or mainstreaming activities. Only key international organisations and agencies with gender-sensitive programmes have been discussed below.

(a) The Office of the High Representative in BiH and EU Special Representative

The Office of the High Representative (OHR) is the premier civilian peace implementation agency in BiH. The office was established by the Dayton Peace Accord, which mandated the High Representative to coordinate and monitor the implementation of the civilian aspects of Dayton on behalf of the international community and parties to the Accord. The OHR co-ordinates the activities of civil society groups and agencies that operate in the BiH. The mandate of the High Representative is outlined in Annex 10 of the Dayton Peace Accord, which declares the OHR to hold absolute authority to interpret Dayton for the civilian implementation of the Accord.²⁶ The OHR has no authority over the NATO-led military Stabilisation Force (SFOR). The OHR now lacks a gender office or designated adviser. The current High

Representative is Miroslav Lajčák; the sixth High Representative of the International Community in Bosnia and Herzegovina.

(b) The Organisation for Security and Co-operation in Europe (OSCE)

The OSCE mission to BiH was established in 1995 by the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP); the Dayton Agreement. Its immediate post-war mandate was to assist BiH to make the "transition into a stable, secure and democratic society".²⁷

OSCE is based in Sarajevo, and maintains regional offices in Banja Luka, Mostar, and Tuzla, as well as a Team in Brcko and about 20 field offices in rural areas that work with local counterparts at all levels of society and government.

In 1995, the Ministerial Council of the OSCE in Budapest, the Foreign Ministers of the participating States, defined its mandate to "establish a Mission to Bosnia and Herzegovina. . . ."to further implement "elections, human rights monitoring, and [to] facilitate the monitoring of arms control and confidence- and security-building arrangements." In 1997, the Permanent Council extended the mandate to emphasise continuing work on "human rights, democratisation, media development and regional stabilisation." In 2007, OSCE's work in BiH concentrates on the four thematic areas typical of its work throughout South-eastern Europe: Democratisation, Education, Human Rights and Security Cooperation.

²⁶ The Peace Implementation Council (PIC) elaborates the OHR's mandate as necessary. The Steering Board of the PIC nominates the High Representative, which is then endorsed by the UN Security Council. The PIC is a group of 55 countries and international organisations that fund and participate in the peace implementation process.

²⁷ See <http://www.oscebih.org/overview/mandate.asp?d=7>

(c) United Nations Development Programme UNDP

'Gender equality' is stated to be a core operating principle of UNDP. In BiH, UNDP has contributed to gender mainstreaming by helping to establish a network of Gender Focal Points and key national partners in order to improve the capacity to implement gender-sensitive policies and programmes. Specifically UNDP tries to integrate gender in its own operations "through a series of multi-sectoral and cross-thematic interventions" that include staff training and the setting of specified performance indicators and dialogue about gender issues between government and civil society organizations. Recently, UNDP has initiated programmes to support the implementation of gender equality policies and practices. UNDP argues that the promotion of gender equality is a "basic prerequisites for the membership of the European Union ... as defined in the EU Framework Strategy on Gender Equality. Successful EU candidacy necessitates institutional capacities."²⁸ Capacity-building is the objective of the Gender Law Implementation project, which is a collaborative project with BiH government counterparts. The project is staffed by the BiH Gender Agency and the two entity level Gender Centres. The UN Gender Group (UNGG) supports the project and the initiative is said to be "an exemplary case of inter-agency collaboration under UNDAF/CCA in BiH." In BiH, UNDP liaises closely with BiH governments to support capacity development longer term. The Sub-regional Gender Equality Program was developed to promote gender equality throughout BiH and Serbia and Montenegro by training a critical mass of gender competent professionals in important sectors such as the rule of law, health, education and the media.

(d) The United Nations Children's Fund UNICEF

UNICEF has worked with local counterparts on a number of gender issues including most promi-

nently, domestic violence. Domestic violence was only criminalised in BiH with the advent of the gender equality law in 2003. Prior to this, the police could only intervene in domestic violence only if the assault was considered a public disturbance. UNICEF cooperates with Medica Zenica, a key NGO partner to address domestic violence, since joint research has revealed that at least "23 percent of women have been beaten by their partners, while 20 percent have been threatened with violence, often repeatedly."²⁹

With Medica Zenica, UNICEF works on capacity building around gender-based violence to specifically improve the knowledge and skills of over 300 professionals from the police, the judiciary, social work and the media. Sponsored roundtable discussions with professionals have raised awareness of those working with victims of domestic violence. UNICEF also supports assessments of local child protection mechanisms in 15 municipalities. The assessments include reviewing legislation, local policy practices and the views of service providers from the governmental and non-governmental sectors.

(e) The Office of the UN High Commissioner for Refugees (UNHCR)

Bosnia and Herzegovina (BiH) is a State party to the 1951 Refugee Convention and its 1967 Protocol relating to the Status of Refugees. Through Annex I of its Constitution, BiH is also a party to other relevant international and regional instruments. The legal framework for the institution of asylum in BiH is further defined on the Law on Movement and Stay of Aliens and Asylum [LMSAA], 2003. Following the entry into force of the LMSAA the BiH Ministry for Security (MoS) issued the first By-law on Asylum in the region on 15 April 2004. The provisions of the Law on Administrative Procedure apply to all procedural matters which are not otherwise regulated by the LMSAA or By-Law on Asylum.³⁰

28 See the reports on <http://gender.undp.ba/>

29 See <http://www.unicef.org/bih/>

30 See <http://www.unhcr.ba/protection/as@refugee/BNasylum&refugees.htm>

In accordance with the LMSAA, the authorities of BiH undertake to "cooperate with UNHCR in accordance with Article 35 of the 1951 Convention." Furthermore, the LMSAA stipulates that "asylum applicants shall be given the opportunity, at all stages of the procedure, to communicate with UNHCR and vice versa. The Ministry of Human Rights and Refugees is, obliged by Article 1 of the Law on Changes and Amendments to the Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina, and is responsible for "taking care of rights and issues of refugees in BiH after determination of their status". UNHCR BiH's capacity-building team implemented the 'Support to Asylum Management Capacities in Bosnia and Herzegovina' project which was co-financed by the EC through the National 2005 EC CARDS programme and UNHCR. The overall aim of the project is to assist the authorities in BiH in building national capacity to ensure that all asylum seekers have access to the territory and to a fair and effective refugee status determination procedure, and that they benefit from national legislation and regulations conforming to international and EU standards.

2. International Legal Framework

As a part of the EU enlargement process and a member of the Council of Europe, BiH is obliged to conform with requirements for the promotion of gender equality promoted by the Council of Europe and built on the EU Community Framework Strategy on Gender Equality (June 2000). The strategy covers all aspects related to equality in economic, social and civil life, equality in decision-making and gender roles and stereotypes with the aim of promoting good gender-equality practice, enhancing the understanding of gender discrimination and helping key players in the fight against gender inequality. Members also must demonstrate their capacity to enforce equality legislation.

The Council of Europe Members must also en-

sure that their institutions are capable of enforcing equality legislation. Furthermore, the state shall ensure to all persons subject to its jurisdiction the free and full exercise of their rights, without any interference. The government also has the obligation to adopt affirmative action-style measures to promote and protect those rights and meet the requirements in compliance with international and regional instruments recognised as human rights standards. Any distinction, exclusion or restriction on the basis of sex, among others, is forbidden, and is contained in a major number of human rights instruments. The objective is to identify the main barriers for equal participation of women, in relation to men, in the political, social, economic and cultural fields.

In 2004, the Council of Europe defined the Strategy on Gender Equality as the reform, development and evolution of political processes in a way that the gender concept is mainstreamed into the policies at all levels and in all phases in terms of planning, drafting and adopting the political recommendations. Implementation of gender equality legislative mechanisms requires firstly the creation of gender-sensitive policies in all areas of governance, paralleled by the establishment of institutional and operational mechanisms for gender mainstreaming at levels of government. Importantly the setting up of organisational structures to mainstream gender equality must be supported by adequate funding for the implementation of policies.

Finally, BiH is party to all the major international human rights and humanitarian law treaties and protocols.³¹ The most recent report from the Human Rights Committee at its eighty-eighth session in Geneva, 16 October-3 November 2006 on the International Covenant on Civil and Political Rights noted twenty-seven areas of concern about BiH's protection of human rights. Amongst its principle areas of concern are the persistent problems of domestic violence and trafficking in women, which are discussed below. The Concluding comments on Bosnia and Herzegovina by

31 See UN Treaty Body Database, Bosnia-Herzegovina, 2007 <http://www.unhchr.ch/tbs/doc.nsf>

the CEDAW Committee also in 2006, noted,³²

... That in the postwar period women's enjoyment of their human rights has been negatively affected by several factors: the lack of a gender analysis of the consequences of the armed conflict and the lack of women's participation in and gender analyses of the peace, reconstruction and transformation processes. The Committee is also concerned that the creation of a constitutional framework as well as of political and administrative structures based on ethnicity as the determining factor has contributed to a limited recognition and implementation of gender equality principles.

3. National institutions, legal and policy mechanisms

The general view of respondents working within government was that the obligations under UNSCR1325 and major human rights treaties are not adequately understood, despite the sophisticated legislative mechanisms achieved since 2004. As the (first women) Vice President of the People's Assembly in Republika Srpska commented³³

Governmental institutions do not pay enough attention to this resolution (1325) and there is no existing understanding of its content amongst professional in governmental levels.

The national legal framework for the achievement of gender equality in BiH consists of the following:

- Constitution of Bosnia and Herzegovina
- Gender Equality Law of Bosnia and Herzegovina

vina

- Criminal Code (there is a provision in this Code, which stipulates prohibition of discrimination based on gender as a criminal act, as well as domestic violence as criminal act)
- Family Law
- Law on protection against domestic violence.

1. **The Constitution of BiH** states that BiH shall ensure the highest level of internationally recognized human rights and fundamental freedoms. Article II of the Constitution of Bosnia and Herzegovina determines that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols thereto shall apply directly in Bosnia and Herzegovina. These documents have priority over all other laws.

2. Article II paragraph 3 of the Constitution of Bosnia and Herzegovina, includes the following human rights:

- The right to life,
- The right not to be subjected to torture or to inhuman or degrading treatment or punishment,
- The right not to be held in slavery or servitude or to perform forced or compulsory labor,
- The rights to liberty and security of person,
- The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings,
- The right to private and family life, home, and correspondence;
- Freedom of thought, conscience, and religion,
- Freedom of expression,
- Freedom of peaceful assembly and freedom of association with others,

32 Committee on the Elimination of Discrimination against Women, Thirty-fifth session, Concluding comments of the Committee on the Elimination of Discrimination against Women: Bosnia and Herzegovina, 15 May-2 June 2006, pp. 2-8.

33 Nada Tešanović interview, September 2007.

- The right to marry and to found a family,
- The right to property,
- The right to education,
- The right to liberty of movement and residence.

Bosnia and Herzegovina and both its Entities have committed to ensure the highest level of economic, social and cultural rights protected by domestic and international regulations. The Constitutions of Bosnia and Herzegovina and both its Entities prohibits discrimination on any grounds (the Constitution of Bosnia and Herzegovina, Article II. 4.)

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

4. Gender Equality Law of Bosnia and Herzegovina (GEL)

In 2003, the Parliament of BiH adopted the Law on Gender Equality (GEL). The law explicitly promotes and protects gender equality and guarantees equal opportunities for all both in the private and public domains. Importantly, it prohibits direct and indirect discrimination on the grounds of gender. The achievement of the GEL resulted from the support of the UN Gender Group (UNGG), and lobbying by NGOs in BiH. The EU Community Framework Strategy on Gender Equality explicitly encourages the development of institutional capacities to devise and implement gender equality legislation; the BiH State Law on Gender Equality was hailed as a timely recognition of the need to address gender discrimination. The Law highlights the roles and responsibilities of various gender equality institutions in monitoring the implementation of the law, and these roles and the obligations of the GEL are described below.

5. Definition of Discrimination:

The GEL provides that sexes shall be equal (Article 2, paragraph 1) and prohibits discrimination based on sex and sexual orientation (Article 2 paragraph 3). Furthermore, the draft GEL defines discrimination as follows:

Gender discrimination is any distinction, exclusion, restriction or preference based on gender, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and freedoms in all spheres of society under equal terms.

Discrimination may be direct or indirect. Direct discrimination is any situation wherein an individual has been or is or may be treated less favourably than another individual in a similar situation, on the basis of sex. Indirect discrimination is any situation wherein an apparently neutral legal norm, criterion or practice, equal for all, puts persons of one sex at a particular disadvantage compared with persons of the other sex.

Prohibited discrimination will not exist if a provision, criterion or practice could be objectively justified by achieving a legitimate aim, which is proportionate to the necessary and justified measures undertaken. In accordance to paragraph 4 of this Article, special measures are allowed in order to promote gender equality and to eliminate the existing inequality.

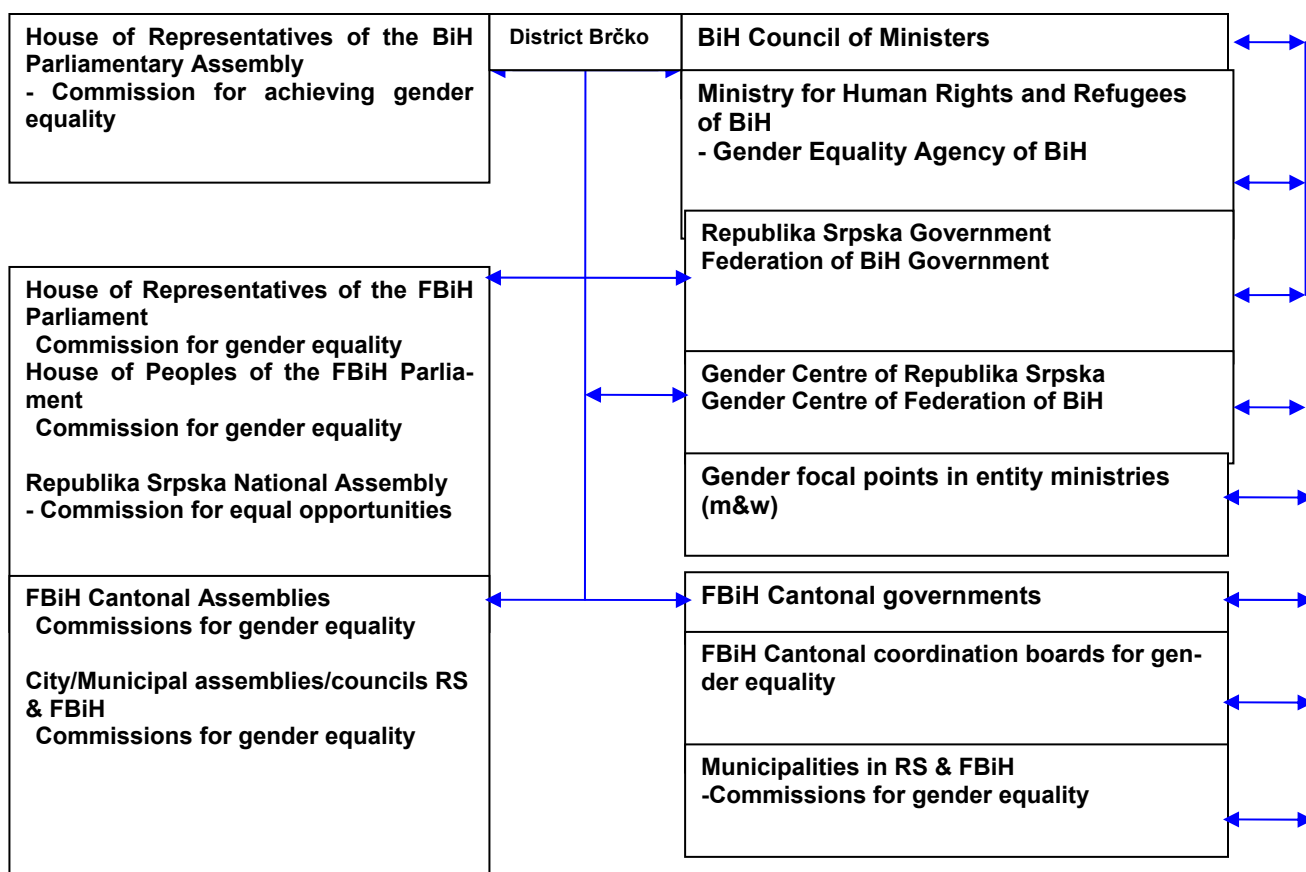
The Gender Equality Law provides definitions of sexual discrimination in Article as follows:

gender based violence: any act causing physical, mental, sexual or economic damage or suffering, as well as threats of such actions, which interferes with the enjoyment of rights and freedoms based on gender equality, in public and private life, including trafficking in human beings for the purpose of forced labour, and any restriction or arbitrary deprivation of liberty, for persons exposed to such acts;

harassment: any situation where an unwanted conduct related to gender occurs, with the purpose or effect of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating, offensive or similar situation;

sexual harassment: any situation where by any form of verbal, non-verbal, physical or psychological unwanted conduct based on sex occurs, with the purpose or effect of violating the dignity of a person, or creating an intimidating, hostile, degrading, humiliating, offensive or any similar situation, motivated by the fact that the individual is of the opposite sex or of different sexual orientation;

National mechanisms for gender mainstreaming in Bosnia and Herzegovina ³⁴ begin within the executive authority, at state level, the Gender Equality Agency has been established; at entity level, Gender Centres as expert bodies, directly reporting to entity Prime Ministers, and focal points nominated in each entity ministry, at cantonal level of the Federation of BiH, Cantonal Co-ordination Boards for gender equality have been established; at municipal level, Commissions for gender equality have been established. The Gender Agency of Bosnia and Herzegovina was established in February 2004. and the Director of the Agency (former director of Gender Center of the Federation Bosnia and Herzegovina) was appointed in December 2004, when the Agency officially became functional. The political and public administrative structures for mainstreaming gender equality can be shown thus:



34 See Appendix 6

The mandate of the Gender Agency of Bosnia and Herzegovina includes:

- Preparation of the periodical State Action Plan for the promotion of gender equality based on the proposals from all state level ministries, the plan of the Gender Center of the Federation of B&H (hereinafter Gender FBiH) and the plan of the Gender Commission of RS (hereinafter Gender RS), to be submitted by the Ministry for Human Rights and Refugees to the Council of Ministers for adoption, once a year every year;
 - Monitoring of implementation and coordination of activities with all the relevant subjects in the implementation of the State Plan referred to in paragraph 1 of this Article;
 - Preparation of an annual report for the Council of Ministers of B&H, on the gender status in B&H, based on reports from Gender FB&H and Gender RS;
 - Evaluation of laws, acts and bylaws adopted by the Council of Ministers, in order to monitor the effectiveness of equality and equal gender representation, and proposals to the Ministry for Human Rights and Refugees to initiate procedures for changes and amendments of existing legislation in B&H in accordance with the international agreements and regulations of the European Union;
 - Development of methodology for evaluating the effectiveness of state policy and programs related to gender equality;
 - Other tasks and duties related to the promotion of gender equality and realization of the purpose of this Law.
- To participate in the law drafting procedures, and other regulations and documents, as well as, to participate in the procedures for adoption of the measures by the competent ministries in order to ensure affirmation of equal rights for women and men in this process;
 - To advocate and promote equal rights and opportunities for woman and man, and to organize professional debates and similar discussions on this topic;
 - To collect the initiatives related to amendment of the legislation in terms of gender aspect;
 - To provide technical assistance in bilateral and multilateral relationships relating to gender policies, establishing cooperation with local and international nongovernmental organizations, and to coordinate implementation of internal and international programs;
 - To coordinate reporting activities of the authorized bodies on adopted conventions and other documents relating to gender concept, as the obligation towards international institutions.

mandate of Gender Centres of Federation of BiH and Republika Srpska is:

- To perform monitoring of the status of women and implementation of the women rights guaranteed by the internal and international legislation, and to coordinate the actions and tasks in collaboration with Gender Equality Commissions of both Houses of the Parliament of the Federation of Bosnia and

- Herzegovina, and with the Equal Opportunity Commission of the People's Assembly of the Republika Srpska;

The Director of the Gender Centre in Banja Luka described the Centre's work like this

The Gender Centre in the Republika Srpska from the beginning of its work until today, has performed many activities on raising awareness for various target groups, and also trainings for employees in the Republic's state bodies and local levels on the implementation of Gender Equality Law in BiH, especially training about basic gender concepts, gender mainstreaming, international and domestic legislative frameworks for gender equality, the Law on Gender Equality in BiH, implementation and international conventions on women's rights and equality, especially reporting according to CEDAW. We have implemented trainings for each depart-

ment on gender equality principles, integration in the area of education, work and employment, health, social care, entrepreneurship, media, statistics, domestic violence, budget management, political and public life, specific trainings for system of justice, and trainings for local commissions for gender equality, as well as specific trainings for university students. Our target group is the high officials in republic state bodies, local bodies and gender equality commission officials in cities and municipalities, employees in media, judges, prosecutors, supervisors and teachers in schools within all levels, students of Law faculty and Social Work faculty.³⁵

There are over 150 Gender Focal Points are located in all ministries, at all levels.

Mandate of Commissions for gender equality within cantonal assemblies (legislative authority):

The Commissions' main task is to consider all drafted and proposed legal regulations and legal acts, for which the Cantonal Assembly is responsible. The Commission provides opinion, suggestions, and initiatives related to the harmonisation of domestic laws with international conventions on gender equality. Commissions are also tasked to evaluate the situation of women's rights and to propose measures for the elimination of the consequences of discrimination in the areas of economy and employment, health and social protection, political and public life, and education in the light of respect of human rights. The Commissions work on the development of Cantonal Reports in relation to the obligations under the Convention on Elimination of all forms of Discrimination Against Women. They also gather such information as is important for the integration of gender analysis in policies and programmes of the Assembly. Finally, the Commissions are mandated to co-operate with all

relevant bodies in the Canton, FBiH and BiH, trade unions, NGOs, etc.

Within each municipal executive authority or mayor' office, the mandate of bodies dealing with gender issues is as follows:

- co-ordination of work of the municipal services on elimination of gender-based discrimination and achievement of gender equality in all issues that are responsibility of municipal bodies,
 - participation in preparation of municipal regulations, with the aim of their harmonisation with the Gender Equality Law in BiH,
 - co-operation with non-governmental organisations from a municipal area, in order to gather their gender oriented initiatives, which are within the scope of municipal bodies' activities and in order to undertake joint activities;
 - Give suggestions for measures and activities to municipal authority bodies (e.g. Article 21 of the gender Equality Law in BiH), in order to achieve gender equality in all fields at municipal level.
 - co-operation with the working body of the Municipal Council, whose mandate contains gender issues;
- Co-operation with a cantonal board for gender issues, the Gender Equality Agency and Gender Centres of the FBiH and the RS.

Mandate of the Commissions for gender equality, as working bodies of the Municipal Councils (legislative authority):

- Monitoring and reporting to the Municipal Council on the position of women in a municipality and on implementation of their rights, which are guaranteed by law,
- promotion of equal rights and opportunities for men and women,
- consideration of proposals by citizens, associations of citizens, institutions and organisations for promotion of gender equality and re-

35 Spomenka Krunić interview October 2007.

porting on these to the Municipal Council, with proposals of measures and activities that should be undertaken,

- consideration of drafts and proposals of decisions and other acts brought by the Municipal Council and providing opinion to the Council from gender aspect,
- establishment of co-operation with other working bodies of the Council,
- Suggestions to the Council regarding measures and activities on elimination of identified infractions of gender equality,
- Animation of women in local communities,
- Establishment of co-operation with the Commission for gender equality of the municipal executive authority, cantonal board and the Gender Centres.

In 2006 the Women's Anti-Discrimination Committee at the United Nations were told by Samra Filipovic-Hadziabdic, the Director of Bosnia and Herzegovina's Agency for Gender Equality that "despite limited financial resources and coordination among government offices, Bosnia and Herzegovina was making progress in harmonizing laws and action plans to end discrimination against women, achieve gender equality in education, health care and employment, and implement the various articles of the Convention on the Elimination of All Forms of Discrimination against Women".³⁶ Filipovic-Hadziabdic reported on several areas of concern; she stated that courts remain overloaded with discrimination cases; there is still poor coordination between government departments on gender equality; and that the public-sector was generally under-staffed and unable to ensure implementation of existing gender equity programmes. The Committee responded by expressing additional concerns, including the need for gender disaggregated social research data; more reporting on the Gender Equality Law and legislation on equity in education, employment and health care. Concern was also voiced on the need for increased punish-

ment for rapists, traffickers of women and girls, and perpetrators of domestic violence.

In summary, with the exception of those international agencies such as UNDP, UNICEF and UNHCR and the diplomatic offices of some states whose operational practices include attention to gender equality principles, representatives of international and national governmental organizations and institutions interviewed for the monitoring project in 2007, tended to either lack information about the UNSCR1325 or do not fully understand its intentions and obligations. In some cases, UNSCR1325 is seen as either less significant than or indistinguishable from the basic principles of CEDAW, which is generally better known. Most government representatives have a basic understanding of BiH's Gender Equality Law 2004 but consider the laws are insufficiently implemented at the present time, and remain ineffective, especially at canton and municipal level. Commenting on the vagueness that surrounds the implementation of UNSCR1325 in government processes, an Advisor for Public Relations in the Presidents' Office stated³⁷

...several times I was involved by the president [in giving advice on UNSCR1325], but it is not a synchronized process...it is ad hoc, there is no systematic approach. It is an improvisation which is not good.

Ironically, institution building is a key mechanism established by the BiH Gender Law in Article 23 of the Gender Equality Law, which prefigures the state-level Gender Agency created to monitor the implementation of the Law under the state-level Ministry of Human Rights and Refugees (MHRR). At Entity-level, the Gender Centre of the Federation of BiH (GC FBiH) and Gender Centre of Republika Srpska (GC RS) monitor and implement the Law in cooperation with NGOs, and report annually to the MHRR. The Agency for Gender

36 See <http://www.un.org/News/Press/docs//2006/wom1557.doc.htm>

37 Đorđe Latinović interview, September 2007

Equality of Bosnia and Herzegovina (BiH Gender Agency), officially launched in May 2005 (preparations for its establishment started from February 2004, while it started to operate in December 2004), coordinates implementation of the Law. While most representatives of governmental structures profess to understand the complex governmental structures, many of those interviewed could not clearly explain how the Gender Laws effectively implement UNSCR1325 or other related human rights treaty bodies, including CEDAW. In addition they see their own roles as not necessarily integrally involved in the implementation of gender mainstreaming. This is particularly the case for political analysts in the Office of the High Representative, who maintain that gender-mainstreaming is irrelevant within the OHR structure and is a peripheral aspect in the governance of BiH. Further, they commented that the networking of women's groups and the activism of civil society in BiH is weak and unable to influence government policy-making. The Gender Centers of the Federation and the Republika Srpska (RS) on the other hand, report generally supportive working relationships with the OHR and productive mutual links with women's organizations. However, the Director of the Gender Agency reports frustration at the failure of the Office of High Representative to implement gender equality issues. She commented that the Agency cannot access the High Representative because the post of senior adviser on gender equality closed in 2001.

It is the general viewpoint of respondents from international organisations that institutional incorporation of gender mainstreaming mechanisms has improved the overall capacity of the Gender Agency; both Federation and RS Gender Centers, Parliamentary gender commissions and some civil society organizations (CSOs). However, the interviews also show that an informed implementation of gender-mainstreaming is rather more haphazard and somewhat reliant on individual leadership, rather than a thorough ar-

ticulation of Gender Equality Laws (and thereby UNSCR1325) into governmental structures. Commenting on women's participation in public institutions in BiH, an associate from the Department for Business development in the District of Brčko said³⁸

...the slow process of the implementation of gender law in BiH pushes women down and puts them into the margins of the decision-making process. Although, in the postwar period there is an existing campaign to include more women in certain segments of social and public life, and in spite the fact that Election law, thanks to NGOs, and international organizations like OHR; OSCE and other, has forced the quota of women to secure higher participation, the women's representation is still unsatisfying. Truly, there is a number of women named onto more important positions, but this number is not remarkable, in relation to higher political functions (places in parliament, Ministry Council, premiere, and so on, where you can find only men). We need to make a statement that we have institutional mechanisms for monitoring and removing unequal treatment of women (Law on gender equality, Gender Centers, Commission on gender equality on entity and state level, women representatives on legislation level elected by general elections), and we still need to continue with the education of women, and establishing women's networks and movements.

At the present time, the harmonization of existing legislation in BiH with the Gender Equality Law, and with the regional and international legal documents and regulations of the EU is, in theory at least, a significant achievement. The role of the Gender Agency to initiate procedures that will establish gender equality processes in close cooperation with the Gender Centres of FBiH, the

38 Sanja Alatović interview, September 2007.

Gender Centre of RS as well as civil society organizations has resulted in important amendments to existing legislation. The creation of the BiH Gender Coordination Board; the BiH Gender Mainstreaming Strategic Plan and the BiH Gender Action Plan (GAP) is the vehicle for that achievement. However, the uneven cooperation between some international and governmental institutions and civil society women's groups tends to undermine future potential for shared advocacy. Better and more informed cooperation from international and governmental institutions is needed to make possible new policy initiatives both for BiH citizens and within the missions and organizations of UN, EU, and EUPM working in BiH.

“We are puppets in the hands of our leaders. Our influence is very low.” (A woman in Srebrenica).

5. Military and policing institutions

The transition in December, 2004, from the NATO Stabilization Force (SFOR) mission in BiH to a European Union force (EUFOR) is generally considered to be successful in terms of moving from a protection and demilitarisation oriented mission to one more concerned with contributing to a secure and just environment that will help shape Bosnia-Herzegovina's movement towards European integration. NATO's small headquarters in Sarajevo is the focal point for approximately 220 U.S. forces, who advise on defence reforms, counterterrorism efforts and apprehending war crimes suspects.³⁹ Interviews with gender advisers show that their primary attention is upon the gender appropriate conduct of military personnel serving in BiH and that more than this is considered outside the mandate of military institutions in BiH. Some attempts are evident to liaise with community groups, including women's organisations, but usually only after such community groups initiate an approach. The gender ad-

visor considers that workshopping the implementation of human rights instruments is not within the mandate of the position, and that the responsibility for training about UNSCR1325 lies with the command level of national military personnel stationed in BiH. In the interviews, very few comments were made about the operations of the military, although some discussed allegations of international military involvement in human trafficking and organised crime.

The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) commenced in January 2003, following on from the UN's International Police Task Force. Reflecting the Dayton Agreement, the aim of the EUPM is to 'establish sustainable policing arrangements under BiH ownership' in line with European and international standards of practice. Its main tasks are monitoring, mentoring and inspection of trainee police officers who are drawn from more than thirty countries. In agreement with the BiH authorities, the EU has established a refocused EUPM, of about 200 international staff who will serve until the end of 2007 (in November 2007, the mandate was extended). This mission continues the police reform process to develop and consolidate local capacity for policing and contributes to the regional fight against organised crime. Interviewees in governmental, international and civil society sectors reported that the harmonization of police and reform of policing practices in Bosnia-Herzegovina are critical issues at present. Civil society representatives commented that the lack of public consultation by leaders of BiH's political factions is of concern because the police standards are uneven and the lack of harmonization undermines public confidence in the policing of law and order, especially in gender-related matters. In addition, it was generally noted in the interviews that reform is required to fulfil key EU policing principles; state-level legislative and budgetary competencies; to ensure there is no political interference in operational policing; and

39 Julie Kim, *Report: Bosnia and the European Union Military Force (EUFOR): Post-NATO Peacekeeping*. (Jan. 2006) <http://italy.usembassy.gov/pdf/other/RS21774.pdf>. See also Julie Kim: *Bosnia: Overview of Current Issues* (Dec. 2006) <http://www.usembassy.it/pdf/other/RS22324.pdf>

to enable establishment of police zones based on professional rather than entity criteria. It was their view however, that lack of reference to gender in police reform indicates the scant attention it receives in current police training, and although there is gender content, the treatment of gender-specific concerns by local police and the treatment of women, remains erratic and uneven.

From the viewpoint of civil society groups, the comment in 2005 by Besima Borić, from the Sarajevo Canton Gender Commission, remains true in 2007 "...we look today at police reform and there is no woman involved in the negotiations and so we have a problem – political women are not talking about these things. They are not only excluded by men, but we women don't touch it, it's a man's issue."⁴⁰

The Chief of Staff and Logistics in the Police at Sarajevo Canton commented that "when it comes to women's participation in decision-making places [in the police]; women have no impact because they are a minority. The Main Inspector is a man, there are about three hundred women employed but all at lower levels, so they are not able to make any important decisions".⁴¹

6. Civil society

UNSCR1325 is widely known throughout the NGO sector largely as a result of the women's NGO network, spearheaded by Žene Ženama. At the same time, many grassroots women activists working to promote women's human rights have only lately become aware of the resolution, while the work they have undertaken for years has, unknowingly, included direct implementation.

Žene Ženama is a network in the forefront of coordinating much of the educative and support

work that fulfils the responsibilities of UNSCR1325. Žene Ženama is recognized in the entire area of BiH as⁴²

- The organization which reacts to daily problems of women by encouraging them to gain knowledge and skills through different educational programs in order to lead good civil advocacy processes which will make changes in private and public life
- The organization which creates and disseminates documents and information which are the basis for empowerment of women and their inclusion in wide public discussions about equal possibilities for women and men
- A resource center for women and women's civil engagement, used equally by NGOs, governmental institutions, international organizations and the media
- Information center for all citizens whose rights are jeopardized
- The organization with a potential to mobilize public, educate specific professional groups, student population and leaders of women's groups in the area of approach to human rights from gender perspective. For example, we made a long-term agreement with Cantonal Center for social work on capacity building of their staff in order to improve their work with beneficiaries and beneficiary groups; students of Faculty of political science, Department for social work, volunteer for the organization in order to gain practical experience necessary for understanding of their theoretical knowledge; students of master studies use the organization as a base for their scientific work, students through their voluntary work in the organization gain experience in different areas and transfer it to the school structures and curriculums

40 Cited in the *2005 Draft Report: Implementation of UN Security Council Resolution 1325*, Žene Ženama, Sarajevo, BiH, p. 38.

41 Sada Campara, interview, September 2007.

42 Žene Ženama Annual Report, 2006.

- The organization that is a part of all advocacy campaigns led in BiH related to: changes of social programs; Election Law, social welfare protection and all other laws and legal acts in order to harmonize them with Gender Equality Law
- The organization that provides advisory services to women's NGOs all over BiH in the area of organizational development and organizational culture, strategic planning, advocacy, communication skills and management. More than 50 organizations are partners to Žene Ženama in implementation of the vision of women's civil engagement through different activities, especially the activities of the project "Women and Women's organizations in BiH." Devotion and trust that other organization, institutions and media feel for Žene Ženama are best reflected through the success of the Conference "Women's civil scene in BiH, 10 years after Beijing," held in Sarajevo in November 2005.

In 2007 its main four areas of work included promotion of the Gender Action Plan for to prompt the implementation of the Gender Equality Law. Advocacy for the social change programmes of NGOs to scrutinize and comment on the role of the State in eliminating discrimination and protecting minimum rights for all citizens, working on poverty alleviation and equal access to public services. Thirdly, advocacy for the harmonization of laws and sub-legal acts, especially Election Law, with Gender Equality Law. Finally, for Žene Ženama engaged in public advocacy for the implementation of the SCR 1325 in BiH and coordinated the work for this monitoring exercise.

While most NGO groups recognize the problems defined in UNSCR1325 they sometimes do not know how to act or where to seek assistance. This is compounded in the rural areas by the enormous economic hardship, isolation and the difficulty of expressing opinions publicly. Interviews in 2004 and in 2007 revealed that there is widespread disillusion with official structures mandated to empower women and promote and protect their rights. Local Gender Equality Com-

missions are accused of inactivity, lack of power and authority and being infiltrated and diverted by political interests. Meanwhile stereotypical patriarchal attitudes persist that obstructs local authorities from understanding women's needs and respecting their activities.

Information on UNSCR1325 in the general population varies from one canton to the next and NGOs have taken on the responsibility to run publicity campaigns. In some cases the results have been astonishing – getting a woman elected as Mayor in Drvar (1 of 2 women mayors out of total of 143 in BiH). They have also drawn attention to out of date and defective laws, "legislative chaos," and forced amendments, in this way changing awareness of their rights and ensuring 1325 is implemented.

Reports of research into domestic violence and trafficking have forced the government to engage in these key issues of such importance to women's lives. NGOs have responded to the practical needs of women through projects for women with children who are victims of violence, in need of shelter. They have pressured the government to take on responsibility for raped women and to improve their status in society as well as provide mechanisms to help them.

"Our organization was built with involved women whose rights had been violated. We realized that together at the local level we can achieve our goal. We also realized that a big problem is criminality and corruption which are obstacles to the law and are without sanction." (Woman from East Bosnia).

Many women within civil society groups have worked for years lobbying, advocating for women's rights, running training and awareness sessions, focussing in many cases on the rural areas where communication is more difficult and women live in isolated locations, unaware of the rights or how to access or exercise them. Cooperation with international authorities such as the Swedish Embassy, working through Kvinna til

Kvinna, and also the Canadian Embassy and the Spanish Office for Cooperation have become more common since 2005. The First Secretary of the Swedish Embassy described the work of his office like this

We support gender incorporation in civil society, through Kvinna Till Kvinna, who has been fully supported by SIDA since 1995. We are also a part of Gender Action Plan, and support Gender Studies, which is a part of the Gender Action Plan. Right now, we are working or trying to find a process to work with the Agency for Gender Equality. This process should end up with a project proposal for donors. The aim of this process is to help the state to take account and to respect gender issues more seriously. So in the future the main actor should be the state achieving a budget for gender equality. Gender mainstreaming is a constitutional part of all projects we support. For example during the development cooperation, last year we rebuilt over 16,000 houses for around 60,000 people and returnees. We also provided training on agriculture so the returnees; when they go back to their houses, have a way to survive. And we also have kind of programs aimed at civil society regarding human rights and democracy. Our new strategy for the period of 2006-2010, is to support institutions through building a sustainable state (capacity building), to support GAP and the justice sector. Secondly, is the area of economical development, like micro-credit, agricultural banking and so on.⁴³

Civil society groups typically use innovative tactics to educate recalcitrant men; knocked repeatedly on the doors of government structures that have failed to inform the population about the new laws; conducted needs assessments of women's economic problems; secured amendments to discriminatory labour laws; they have worked across ethnic lines to bring about reconciliation. Publicity has been used as an effective

tool by women working in research NGOs, particularly where the focus has been on promoting women's rights. Through forums, press conferences, round tables and film showings they have publicised their research findings, provided space for public discussion and education and brought critical issues to public attention.

With the primary aim of promoting peace, research has been used to focus on policy and advocacy; specifically where legal sanctions have not been exercised in connection with the Gender Equality Law. UNSCR1325 has been used as an argument for increasing numbers of women in decision-making as a vital factor in how decisions are made with regard to war and peace. Without representation, women are silenced on such discussions.

Women emphasised that it is crucial at this juncture in Bosnia's history for direct and indirect connections to be made to UNSCR1325 at all levels. It is absolutely necessary for the future, as Bosnia engages in accession talks with the EU for UNSCR1325 to be used as an advocacy tool. It was felt that in a very short time there will be new challenges facing Bosnia on this path, with renewed potential threats to multi-ethnic stability and security. Women will continue to have a tremendous role to play.

"Often gender equality policies and activities are seen as competitors with other important issues rather than as an integral part of the solution." (Kofi Asomani, UNHCR).

In summary, the majority of interviewees from the civil society sector⁴⁴ are familiar with the UNSCR1325 and its importance for women's participation in all levels of BiH society. These activists understand the connection between the four main areas covered by the Resolution and the other international legal agreement aimed at improving women's human rights: CEDAW, MRC, the Beijing Declaration and Plan of Action. It is commonly accepted by women activists in BiH

43 Joakim Molander, interview October 2007.

44 From the interviews completed in 2005-06 by Žene Ženama, Sarajevo, BiH.

that their participation in activities, which extend knowledge of the UNSCR1325 and the areas of action which needed to advocate for its ongoing implementation in BiH. However, women in the civil society sector emphasize that the government and international organizations often do not engage in actively promoting and applying the standards of the UN Resolution 1325 in the daily life of women in BiH. They see this problem as particularly acute because of the return, since the Dayton Agreement, of 'patriarchal society' and an upsurge in 'radical nationalism,' which in BiH typically undermines the social position of women.⁴⁵

Women's organizations in civil society have contributed to the implementation of UNSCR1325 in a number of official and informal trainings, consultations and networking with governmental institutions, although much of this has not been fully acknowledged, especially by internationals. As Memnuna Zvizdić puts it "To talk about women activists in BiH means to talk openly about women whose names are partly known, their activities mostly media-invisible and their contribution disregarded or more often forgotten within the dynamic and complex civil society scene. Activists are passionate, devoted, articulated, emotional, revivable, open, hardworking. They "speak forward" according to civil society theoretician Alberto Melucci."⁴⁶ The Gender Agency of BiH consults regularly with NGOs, and the gender centres set up at the entity level help implement the Gender Equality Law and provide a conduit for NGO feedback and lobbying.

The relationship between the international community operating within BiH and the NGO sector does not always assist the implementation of UNSCR1325. Since the previous report, international funding is declining and this curtails some of the activities of the NGO based sector. This in

turn pressures those women's organisations with long-term and ongoing commitments to their civil society roles in monitoring and advising government. From the interviews, it is apparent that some international offices advising government view the NGO sector as driven by the funding of donors rather than their being actively involved in social processes and issues. In terms of the implementation of UNSCR1325 this means that the work of groups such as Žene Ženama and its many partners is not as recognised as it deserves to be and thus insufficiently recognised in terms of potential partnerships with government.

Part Two Obligations of UNSCR1325

The four key areas of responsibility defined the UN Resolution 1325 form the basis of the report's structure and discussion of findings:

- Inclusion of women at all decision-making levels;
- Maintaining a gender perspective in the training of political and military personnel;
- Protection and respect of human rights of women and girls;
- Inclusion of a gender perspective in UN reports.

(1) Inclusion of women at all decision-making levels

UNSCR1325 in Article one "*Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.*"

45 This phenomenon has also been noted in the *2007 UNDP National Report: Social Inclusion in Bosnia-Herzegovina, 2007*; p.23.

46 Memnuna Dvizdic, *Women NGO Scene in BiH- 10 Years after Beijing declaration and Platform for Action*, The 10th anniversary of Žene Ženama, Sarajevo, BiH, April, 2007.

The legacy of economic crisis and the war continues to undermine women's participation in public life, including politics and the economy. Inequality between women and men is apparent throughout all sectors of public life in BiH. Only an estimated 5-7% of women hold executive positions at a local level, no woman holds an executive position at a national level. While women are 68% employed in the legal sector,⁴⁷ women's participation in political life has decreased 10% overall, from 2004.⁴⁸

The Law on Gender Equality in Article 15 establishes the principle of equal gender representation in public life. State election law, from April 2006, requires 30% of candidates to be women. Within the context of open lists, every third person must be a woman. The incorporation of gender mainstreaming mechanisms in political institutions at all vertical levels of legislative and executive power reinforces the probability that women will be present throughout the political system. In total there are 14 legislative-level bodies: the Gender Equality Boards of the House of Representatives of the BiH Parliament, House of Representatives and House of Peoples of FBiH Parliament, Equal Opportunities Board of RS People's Assembly, and ten gender equality boards of the cantonal parliaments. Gender commissions within the 115 Municipalities are intended to ensure a gendered perspective on public policy making, and that women's groups and individuals are able to participate in the political processes of BiH.

Various *complementary* initiatives work together with the principles enshrined in the Law on Gender Equality to improve public awareness of the role of women parliamentarians. For example, the Stability Pact Gender Task Force aims to increase "public awareness of women's political participation in elections and political processes in general; reform existing electoral systems and legislation....to promote gender equality"⁴⁹ This networking, together with internationally funded conferences to promote 'gender equality' as a working principle for parliamentarians and collaborations with civil society groups has enhanced awareness about women in government.⁵⁰ Although the quota system and the gender mainstreaming mechanisms have increased women's participation in political life overall, the actual numbers of women leaders and decision-makers in executive areas in all levels of government has not increased. In 2006, 46.2% of the eligible voters were female, however only 14.29% of the elected deputies in the Parliament of BiH are women. There is only one female in the ten-person Council of Ministers and only two of the Vice-Ministers are women. The Gender Agency of BiH recently encourages female politicians of all levels to network together. The Agency is advocating that political parties include women on their candidates list, and also lobbying for better promotion of female candidates in the media during election periods.⁵¹ With prompting from the Agency and lobbying by civil society groups, the Parliamentary Assembly has amended the Election Law to require that all electoral bodies provide gender-disaggregated statistical records.

47 Female employment in the administration of Justice in 2005 at all levels, from country courts to The Supreme and Constitutional Courts of BiH constituted 68.12% female. However, within the prosecutor's offices females were 40%. See Bosnia and Herzegovina Agency for Statistics, Thematic Bulletin: Gender, 2007.

48 In 2002, women held only 16.7 percent of positions in BiH Parliament; this was a significant reduction from 1986 levels.

49 'Working table 1: Gender', Stability Pact for South Eastern Europe, at www.stabilitypact.org/gender/default.asp

50 For example the 'There Are More of Us, Let's Vote' campaign in 1998; the 'Partnership in Parliament, Strategic Steps towards Gender Equality' Conference, Sarajevo 2001; collaborations with local women's NGOs and USAID and the OSCE; the 'Political empowerment of women in BiH', and the 'Promotion of gender equality through advocacy and representation of the implementation of the gender Equality Law in BiH- Gender sensitivity for Gender perspective' Žene Ženama, 2006, and numerous other initiatives.

51 See responses by Samra Filipovic-Hadziabdic, Director of Bosnia and Herzegovina's Agency for Gender Equality to the Committee on Elimination of Discrimination against Women 721st & 722nd Meetings: Bosnia-Herzegovina, May 2006 www.un.org/News/Press/docs/2006/wom1557.doc.htm

The interviewees commented frequently on the weak leadership offered by women in public office, particularly politicians. Many felt that women elected to government at any level tended to be relatively unprepared and impotent to work for the substantial changes needed. A member of the Electoral Commission commented⁵²

Women are led by tradition and fear to take over 'big' responsibilities. There is still a lack of self-confidence.

Although specific examples were not always offered, clearly the participation of women in parliament often does not meet the expectations of voters, who point to problems of poverty and unemployment as pressing issues. Gender discrimination against women is reflected in bodies representing BiH at the international level. Of the thirty-nine ambassadors representing BiH internationally, only nine are women. Only two women have been appointed Consuls-General out of seven available posts. Within lower-level diplomatic or consular postings, as well; as within administrative and technical postings, out of a total of 261 world-wide postings only 31% are held by women.⁵³

Many interviewees commented that international support for women's participation in political processes was not adequate for the empowerment of women in BiH. Some respondents noted the vast differences in lifestyle opportunities between rural and urban women, disabled women, war widows and refugees. Some respondents commented optimistically on the generational differences in political awareness between young, urban educated women and their parents' age group. However, other interviewees argued that the weak nature of politics in BiH under international administration meant that gender was a less impor-

tant focus than improving the calibre of politicians generally and solving issues such as ethnically-based nationalism, poverty and unemployment.

The political area is not the only sector where women are under-represented. Women are largely absent as heads of hospitals, primary health care centres or clinics. In tertiary education, there are no women deans of educational faculties, although women are disproportionately represented at primary and secondary education sectors. Further gender-disaggregated statistical data on employment sectors in BiH is not available.

While the state has taken steps to promote gender equality, including in political and public life, the results are disappointing. Women remain marginalized, lack access to power and policy and decision-making fora and remain excluded from major bodies engaged in far-reaching reforms. While men and women are entitled to equal constitutional rights and to participate in political and public life, there is a significant lack of equality of outcome. The GEL is generally promoted as the domestic solution that will ensure equality of rights and considerable effort is being put into its dissemination and implementation, particularly by the Gender Agency, Gender Centres and the UNDP-sponsored project on implementation of the Gender Equality Law (GEL). The following section of the report provides some examples of attempts to promote the inclusion of women in decision-making roles and public life generally. It is important to note that with very few exceptions, knowledge of the existence; much less the significance of UNSCR1325 was confined to the NGO sector. In both 2005 and 2007, many of those interviewed in both government and international institutions (UNHCHR is a notable exception) reported that UNSCR1325 was

52 Lidija Korać interview, September 2007.

53 Bosnia and Herzegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Herzegovina*

only brought to their attention by the letter of invitation for this report.

The goal of the Gender Centres is to mainstream gender, integrate it into the regular work of all the ministries from Environment to Health to Finance. Examples exist of where municipal bodies have been attentive to women's needs and concerns and responded appropriately:

The Commission for Gender Equality of Travnik Municipality was established in 2001 by the municipal mayor. The Commission works on the promotion of gender issues through public education/information and training of municipal council members in co-operation with NGOs, as well as the inclusion of greater numbers of women in the work of local communities' organs. One of the results is the adoption and financing by the Municipal Assembly of two projects proposed by local women:

- a) Solution of the garbage problem
- b) Electrification of a local community

The Municipal Commission in Visoko (established at the beginning of 2005) is another example. Their suggestion to include a greater number of women in local community councils was adopted by the Municipal Council.

The Municipal Commission Široki Brijeg (established in the beginning of 2005) initiated amendments of the Law on catering activities at FBiH level, so that only adults in the catering industry – because it was noticed that minors were working in bars and had easy access to alcohol and prostitutes.

In 2004, a significant deterrent to the implementation of the GEL *remains* the lack of institutions and infrastructures in BiH, which has resulted in a partnership between UNDP, government bodies and NGOs to develop a platform and activity plan that is concrete. In 2007 much of this infrastructure has been set in place. Working Groups have analysed all the provisions of the GEL, addressing the requests for their implementation

and support to the government and NGOs. Laws have been analysed and recommendations made to government to bring them into harmony with the GEL – for example, recommendations were made to the government and the media outlets for amendments to media laws to ensure gender-sensitive regulations in the media industry.

The project has analysed institutional frameworks in order to recommend responsibilities for implementation of the GEL; training of NGOs and state and entity structures and developing a pool of trainers, both men and women who can train in their own environment and create models for implementing the law.

Ultimately, implementing such a body of law requires a new cultural attitude – “using old established know-how and the creation of new institutions.” (*Klelija Balta, UNDP*) But it also means women and men working together as equals and not in opposition, alongside radical proposals such as legislation to guarantee equal numbers of women and men in BiH delegations to international events. Attitudinal work is slow and while there are significant achievements in the structural and processual support for gender equality in law and policy, implementation remains uneven.

Some successes are claimed in the realm of education. In an effort to change awareness and the problem “in our heads” the Gender Centres have worked to include gender sensitivity within the education system starting at the pre-school level. The primary goal is for gender to be integrated into all subjects from Class 1. All managers have been trained to ensure a pedagogy that eliminates stereotypes. Print curricula has been developed to be gender sensitive and to encourage discussion on gender roles and responsibilities. By this route the Centres hope to indirectly reach parents, School Boards and political party members. Ultimately the Ministry of Education should be responsible for institutionalizing and making compulsory gender appropriate materials and staff training at all levels.

Respondents almost unanimously concluded that women have not yet achieved adequate representation in any legislative body and consequently cannot exercise political influence. The first post-war elections resulted in less than 3% of women in parliament. The percentage increased when the Election Law was revised to set principles on the required gender-integration of candidate lists for political parties, creating election quotas for the “less represented gender.”⁵⁴ This stipulated that candidate electoral lists must have 30% women. Quotas and a closed system saw women’s representation rise to 26% in 1998. But the change was short-lived. Further experimental changes in electoral methods – from closed to open lists and election quotas saw a decrease in representation by women from 26% to 14.28% in the BiH parliament. This is far from the prescribed 30%.

The same numerical inequality exists at entity level:

- House of Representatives of FBiH parliament = 21.42%
- National Assembly of RS = 16.8%⁵⁵

In Parliaments at local level (local elections in B&H were held in October 2004) there are 18% women and out of 140 mayors, only 3 are women. Commenting on women’s participation in decision-making positions in the Eastern Ilidža municipality, the Mayor said

Regarding our situation here, among four representatives there is one woman. Women participate, as equal partners in the Municipality Assembly. We do think that there are too few women and younger people, and we are working on their participation. In the municipality structure there are five women, two of them are department chiefs, and there are eight women in

assembly structure, they are very important members for making decisions about the municipality development.⁵⁶

The Election Law guarantees equal representation in the media to all political parties and independent candidates. According to Helsinki Parliament of Citizens, during an observed 7-day period of media activity one week before the 2004 municipal elections, not a single woman appeared in debates between parties on Radio Television in RS and the maximum representation of women versus men candidates was 12% in the daily newspaper “Oslobođenje.”

Monitoring of TV newscasts showed women as subjects in reports on health and culture (35.7%) education (28.5%), environment (27%) and social issues (23.6%). Women appeared the least in reports on the judiciary, police and military issues (6.3%), and were not represented in reports on state and entity institutions, commissions and agencies (9.1%). In discussions about the economy women appear as analysts and experts rather than as political figures with a decision-making role. Out of a total of 663 reports of interviews in the electronic media, women appear as an expert or competent commentator in 20 reports. Men appeared more than 10 times more often.⁵⁷

Likewise, women’s faces were noted as “exceptions” on political posters.⁵⁸ Within the political parties, which are where decision-making power lies, women are again marginalized. Party leaders are all men. They create party policy, run elections and decide which candidates get on the party list. Commentators frequently referred to the minor role played by within the parties and how “Women are on the lists in order to fulfil the quota of 30%.”⁵⁹

Superficially the political parties embrace equality

54 Election Law of BiH, Article 4.19

55 Number of directly elected women representatives

56 Predrag Kovač interview, September 2007.

57 Women in BiH “Be Seen Be Heard” in 2004, Annual report,

58 Op. Cit

59 “Notes from the Campaign” Helsinki Parliament of Citizens and IKV, “Grafič”, Banja Luka, March 2004

and female membership, but traditional social attitudes towards women participating in public life still dominate. Women politicians face a daunting struggle to be treated as equals and play a full role in policy-formation and influencing party structures. Many are consigned to acceptable 'soft' issues like social welfare or education while the leadership and key decisions are dominated by men. Parties both lack an understanding for the issues of concern to women and deny women the opportunity to speak for the party. No single party has yet emphasised the importance of gender equality in an election campaign and women voters are not treated as a valuable constituency.⁵⁰ Political parties are repeatedly referred to both by civil society and members of government institutions alike, as the biggest obstacle to women's progress, fulfilling only minimal obligations and keeping the door firmly closed to women. This might explain why, as one interviewee commented, "In Zvornik more dead people voted than women."

Surveys show that women politicians have developed various styles of political engagement, but that they are very cautious when it comes to representing women and their interests. Peer pressure exerts its influence and some women politicians find themselves under pressure to conform with the outmoded traditionalists beliefs about women's roles and occupy themselves with 'acceptable' topics like maternity legislation, schooling and social welfare. It was pointed out in the interviews that depending on the party, there are substantial numbers of women members, but membership is different from having power and being in a position to influence policy decisions.

Women politicians consider themselves more active than men, but complain that if no-one from among the male power-brokers proposes them for positions, they will not get them. They see few successful, high quality women in public life.

Many resign, disillusioned and disappointed with the behaviour of political men who consistently distribute power between themselves – while women remain burdened with the dual domestic-public workload.

In the tripartite Presidency of BiH there are no women. No woman has ever served as prime minister on state or entity levels Presidents and vice presidents of RS and FBiH are men. In both parliaments and governments in cantonal as well as entity and state level, participation of women is 0% to 23%.

Women and Men in executive power in B&H⁵¹

	MEN	WOMEN
Council of Ministers BiH	9	1
Government of FBiH	16	1
Government of RS	15	2

Men also dominate in all 10 cantons of FBiH and among 102 cantonal ministers there have only been eighteen women, and those women tend to serve in the traditional portfolios – social welfare and labour, health, education, residential and housing issues.

The gender discrimination evidenced throughout the executive is repeated throughout all political appointments and administrative structures. A recent example of what can be judged reluctance by women to occupy responsible senior level positions was the public announcement by the state Election Commission of vacant positions on that commission. Women's organizations lobbied to get better representation of women in the commission (up to that point 1 woman out of 7 members). However, only one woman applied. There

50 Bosnia and Herzegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Herzegovina*

51 Data from 2005 official website of Ministry Council BiH, Government of FBiH and Government of RS. www.fbihvladea.gov.ba; www.vladars.net; www.vijeceminstara.gov.ba

is no certainty about the reasons for this, but much speculation. Whether this apparent lack of interest is evidence of the fear of being first and breaking the barriers; disinterest at the prospect of the challenges in the job and the male-dominated environment; or the social impediments to women assuming senior positions with long hours and a heavy workload (lack of adequate child care services) – it is only possible to guess. But the absence of candidates – and pre-war BiH had the highest percentage of women PhDs in the region, so there is no lack of qualification – is indicative of the long journey women still need to make to be equally represented in important senior positions in national institutions.

Women are represented more in the judiciary than in other branches of government, their share being around 60%. But gaps remain between the total number and the percentage of women in the most senior level posts in the courts or judicial bodies. The glass ceiling is intact.

- Court of BiH: 3 women judges out appointed of a total of 15
- Supreme Court of RS: 3 women judges appointed out of a total of 13
- Constitutional Court of FBiH – 2 women
FBiH Supreme Court has gender balance among appointed judges

Numbers of women judges increase in the lower echelons of the judiciary where there is numerical equality. Yet among appointed Presidents of Courts there are a disproportionate number of men. The High Judicial and Prosecutorial Council in BiH, while emphasizing “fair representation” of the constituent ethnic groups within the judiciary, fails to consider gender representation as an additional diversity factor. On the Council itself there are 8 members out of a total of 25. The

training of judicial authorities on issues of domestic violence, victim-friendly environments and appropriate handling of trafficking/forced prostitution is the responsibility of the Centre for Education of Judges. The Gender Centres have been involved in gender training.

In terms of the diplomatic levels of government, gender discrimination against women is reflected in bodies representing BiH at the international level. Of the 39 ambassadors representing BiH internationally, 30 are men and nine are women. Only two women have been appointed Consuls-General out of seven available posts. Within lower-level diplomatic or consular postings, as well; as within administrative and technical postings, out of a total of 261 world-wide postings only 31% are held by women.⁵²

The recent Police Reform process also saw women excluded. The reform and realignment of the multitude of police bodies, (required by the constitution) to develop a depoliticized, multi-ethnic, state police force rather than the current system of 15 independent forces has been a major theme over the past year. No women were included as members of the Police Reform Commission, under the Chair of the former Belgian Prime Minister, Wilfried Martens.

The police and military are typically seen as ‘not women’s business.’ Police Reform is a highly sensitive political topic and as such, discussions were confined largely within the political party leadership, where women have little power or influence. This is in spite of lobbying by women within the legislative and executive structures and as members of Gender Commissions.

In both entities ministers and heads of police services are men. In the two entity police forces, the

52 Bosnia and Hercegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Hercegovina*.

State Border Service and SIPA, the Agency for Intelligence and Protection, there are 418 women police, around 10% of the total.

Ministers in all Ministries of Defence are men: in the BiH Ministry of Defence there is one woman deputy minister – but she has not participated in the reform commission processes. Once again, decision-making and command positions are held by men, women generally being confined to administrative/support roles.

The perception of defence, police and security as being “male” issues is widespread. Women generally fill administrative posts and are evident on decision-making boards when the issues are considered “female.” While the trainees at the Police Academy show a relatively equal number of women and men, women are thought to be less likely to make policing a career and it is not clear how many will stay to be promoted to senior decision-making positions within management and investigative bodies. The pressures of patriarchy will need to be resisted for women to accept – and their families to support – being posted away from home, tolerating high-risk activities, working inhospitable hours, spending time alone with male colleagues – and being in positions of authority over men in a male-dominated society.

Accusations are also levelled at the discriminatory and abusive treatment of women in the military. This raises the question of the suitability of BiH forces for future peacekeeping duties where their tasks are likely to involve the provision of protection and security and response to the needs of women victims of war.

“It is particularly important that in addition to the ethnic balance required, gender balance is also achieved, especially in law enforcement agencies.”
Special Rapporteur of the UN Commission on Human Rights for Former Yugoslavia

(2) Maintaining a gender perspective in the training of political and military personnel

UNSCR 1325 Article Seven “Urges” member of

states to increase voluntary financial, technical and logistical support for gender sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia the United Nations Fund for Women and the United Nations Children’s Fund and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies.

The European Union Police Mission (EUPM) took over policing in the country from the United Nations at the start of 2003. The initial phase of its task to provide 'sustainable policing under Bosnian ownership and bring working practices up to EU and international standards' ended in 2005. The BiH authorities invited the EU to establish a 'refocused' EUPM, from 1 January 2006 until the end of 2008. This new phase comprises about 200 international staff and its tasked to support the police reform process and to develop and consolidate local capacity and regional cooperation in the fight against major and organised crime. The mission is headed by BG Vincenzo Coppola.

EUPM personnel themselves receive induction training in their country of origin – which, like all EU, NATO and UN police and troop contributing countries, retain sovereign responsibility for training their personnel prior to deployment to missions. As a result the emphasis on providing a gender perspective in EUPM preparation is very much a subject of national policy, and some contributing states, are far more proactive than others.

The Netherlands, for example, has established a Task Force to oversee implementation of 1325. As a result efforts have been made to further embed gender in foreign policy specifically in support of conflict prevention, management and resolution. A taskforce on women in conflict situations and peacekeeping has also been established.

Such efforts are neither universal nor consistent throughout the EUPM contributing states. Some contributors provide little or no attention to ensur-

ing this gender perspective. This in itself can result in divergent approaches to the task of monitoring police in Bosnia.

In line with UNSCR1325 and other related human rights treaties such as CEDAW, the Gender Agency of BiH has conducted gender impact assessments and harmonized laws at the entity and cantonal level. In 2005, the entity laws concerning protection of domestic violence were aligned with the Gender Equality Law and a National Action Plan on Gender based on the principles set forth in the Beijing Declaration and Platform of Action was devised. Between the entities a different treatment of domestic violence as a criminal act (FBiH) and as a 'misdemeanour' (RS) underlines not only the complexity of attitudes shaping gender-focused legislation but a significant attitudinal difference within BiH towards gender crimes and their policing. The persistence of deep-rooted, traditional patriarchal stereotypes about gender roles and responsibilities is still reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. This affects women's entry into the police force and military, where everyday duties and promotion are still likely to be hindered by prejudice.

Many areas of 'law and order' remain undeveloped in BiH despite the Law on Gender Equality, for example, violence against women requires more attention from the State in both entities because the history of differences continues to produce inconsistent judicial interpretations and penalties despite recent harmonisation. Further, implementation of law is hampered by lack of necessary by-laws and structures that are not consistently gender appropriate. The scarcity of statistical data on gender-specific crimes such as domestic violence means these acts continue to be underreported to the police or viewed as a 'family matter'.

The Ministries of Social Affairs, Justice, Internal Affairs and Health work together to develop by-laws relating to domestic violence laws and best practices. The impetus for educating the public about domestic violence lies with the structures

set up by the Gender Equality Laws; however liaisons with NGOs are often needed as the coordinating point for these educative programmes. The police as yet do not have community based policing programmes that work effectively with local women's organisations. The gender training of police, judges, prosecutors, health-care officials and teachers is defined within the Gender Action Plan but delivery of programmes is reliant on close cooperation between governmental and civil society sectors. For example, the NGO Medica Zenica developed gender training kits to better help the process of evidence collection in cases of gender-based violence in the entities. There are new gender focal points in the cantonal ministries for internal affairs in the Federation of Bosnia and Herzegovina, and this has enabled strategies such as the promotion of an SOS hotline in the Republika Srpska to assist women victims of violence, and the adoption of anti-trafficking strategies such as the creation of a state coordinator against trafficking in human beings and illegal immigration and an expert team consisting of representatives from various ministries and the Office of the State Prosecutor. While some NGOs are working with local police on gender training, this is both erratic and uncoordinated throughout BiH and reflects that it is not seen as a national priority.

Typically, neither the police nor military are regarded as occupations suitable for women. At parliamentary level, planning for police reform is often confined to the political party leaders, where women have little power or influence, despite lobbying by women within the legislative and executive structures and as members of Gender Commissions. In the State Border Service; the Agency for Intelligence and Protection (SIPA) and the police forces of both entities, no more than 10% of all the above and police personnel are women. All police ministers and heads of police services are men. The Ministries of Defence are entirely populated by men. The one female deputy minister in the BiH Ministry of Defence has not participated in the reform commission processes. Generally women are confined to administrative/support roles within the Ministries.

Although policing is widely considered to be a male profession, there are usually equal numbers of female and male entrant trainees at the Police Academy. Interviewees within the civil sector report that female police cadets and graduate officers are subject to discriminatory and abusive treatment. This perception also applies to women in the military. The prejudice that women are less likely to succeed in police careers may well contribute to why relatively few women are available to be promoted to senior decision-making positions within management and investigative bodies.

No detailed information was available for this report on the position of women in the BiH military. The European Union Forces have a designated gender officer who is employed as a legal adviser with a mandate to ensure that the military personnel do not offend local cultural customs and are broadly aware of ethical conduct. International defence forces operating in BiH are governed by the command of their State and in terms of gender appropriate training there is a wide variation in its inclusion and purpose. Some European states contributing military personnel have mandatory trainings on human rights that include cursory training on women's rights and in some cases on UNSCR1325 and CEDAW.

(3) Protection and respect of human rights of women and girls

Resolution 1325, Article Ten *“Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.”*

The Dayton Peace Accord, in Annex 6 states that

“Parties shall secure to all persons within their jurisdiction the highest level of internationally recognised human rights and freedoms” (Article 1). The Dayton Accord does not however make specific reference to women's human rights; women are not specifically mentioned, although the enjoyment of the rights and freedoms extended is to be secured without “the discrimination on any ground such as sex (Article 1.14)”.

The interviews in 2005 and 2007 clearly identified domestic violence as the key security issue faced by women in BiH on a daily basis. Besides domestic violence, the second most prominent problem, and one of the first priorities of gender mainstreaming in BiH, is the vulnerability produced by gender-based economic insecurity. Most interviewees noted women's unemployment or unequal access to jobs as a pressing issue facing women in BiH today. Women constitute 52.2% of the BiH population, but only 40% of women are economically active women. Significant gender inequality in BiH and both entities is apparent in education and political participation as well as women's power over economic resources and activities.⁵³ Women in BiH are half as likely to find paid employment as men. Lack of gender-disaggregated statistics on the workforce prevent a more detailed study, however short qualitative studies suggest that women's poverty tends to be invisible and long-term. Data on poverty in BiH reflects a general perception that poverty levels among women in specific groups (elderly women, single women) have increased. Gender-based violence is directed against women and children five times more often than against men. A similar degree of gender-based discrimination against women is present in employment and education. In BiH, women with disabilities are more severely excluded from society than other women or men with disabilities.⁵⁴

53 This is also confirmed by the calculated Gender Empowerment Measure (GEM) which was 0.496, and shows gender inequality has increased since 2003. *2007 United Nations Development Project National Report: Social Inclusion in Bosnia-Herzegovina*, 2007 p.30.

54 The statistical information in this section sourced from the *2007 United Nations Development Project National Report: Social Inclusion in Bosnia-Herzegovina*, p.33-131.

The gender-specific segmentation of the labour market effectively excludes women from promotion to better paid positions and locks them into less secure employment sectors that are volatile within the economy, such as education, social protection and health. Recently, legislation on work-family harmonization to provide for greater participation of fathers in family life has established paternity leave for either parent at the birth of a child. The labour legislation in both entities grants six months of parental leave, with a further six months that can be financed from the cantonal budgets (FBiH) or municipal budgets (in the RS). However, implementation of this provision remains problematic because of differences for families with newborns between the entities, and between different cantons in FBiH. Maternity leave is only paid in two of the ten cantons. Women are often forced by a promotion promise or threatened job-loss to end their maternity leave as soon as possible. Women whose employment is not legally registered have neither rights nor income protection during their maternity leave, thus pregnancy often means job loss.

Integrating gender mainstreaming into education in BiH has been comparatively successful. Revision of textbooks and curricula in languages, history, philosophy and sociology, has attacked gender stereotyping to promote gender-related issues. In both FBiH and RS working groups in education are included in Gender Centres, and include representatives from pedagogical institutions. In 2006, the first post-graduate course in gender-studies was established at the Centre for Interdisciplinary Studies in Sarajevo. Statistical data points to the existing differences in the overall average number of students, according to gender. While male students enrolled from primary to secondary levels tend to outnumber female, more women graduated from colleges than men (except from religious colleges). Although the rights of girls and women to equal access to education are improving, further issues remain.

For example, the harmonization of laws and regulations in education with the Law on Gender Equality in BiH remains to be achieved, as well as the development of a comprehensive gender-mainstreaming policy in all levels of education. Educational support for girls in rural areas and for disabled children is also required.

In terms of health, reproductive health services for women are less available in the rural areas. Specialist reproductive health services are often available only in the bigger medical and university centres of Banja Luka, Mostar, Sarajevo and Tuzla. Women with disabilities in particular are physically excluded when it comes to health services and medical workers are often insensitive to their problems. Women's organisations are central to the support of poor women, rural and disabled women and girls. However, the work of civil society groups is often not fully recognised and linked into governmental provision of support services and funding

... Even within the framework of human rights protection and analysis, the country's social, economic and political interests, coupled with a tradition of bias, combine to cast women to the side as second-class citizens, or persons of 'special interest'. And while many laws and statistics appear positive, or at least gender neutral, a deeper gender analysis leads to the overwhelming conclusion that women in BiH have not yet attained any true measure of equality.⁵⁵

The frequent occurrence of domestic violence and human trafficking in the post-conflict environment of BiH requires that these issues must continue to receive attention. UNSCR 1325 specifically refers to the need for 'special measures' to protect women and girls from gender-based violence during armed conflict and calls for measures to ensure the protection of and respect for

55 Shadow Report On the Implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina, Presented to the United Nation's Committee On The Elimination Of Discrimination Against Women (CEDAW), January 2004, p. 7.

human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary when negotiating and implementing peace agreements. Domestic violence is a “deeply rooted and widespread social problem.”⁵⁶ Since the end of the war NGO-run women’s SOS hotlines have reported a dramatic increase in violence against women. Interviewees confirmed that domestic violence remains prevalent throughout BiH and commented that it reflects the ‘deeply patriarchal’ nature of BiH society. The incidence of violence against women is widely reported by NGOs but has not been reliably reported and recorded in state or entity level statistics. The parliament of the Federation of Bosnia and Herzegovina and the people’s Assembly of Republika Srpska adopted the Laws on Protection from Domestic Violence, respectively.⁵⁷ This legislation enables police to intervene in what has previously been considered a private or family concern. The Law on Protection from Domestic Violence is limited in its scope because it is not thoroughly integrated with other legislation on crime and it has not yet been comprehensively implemented. Improved inter-ministerial coordination and the gender sensitizing of public officials would improve understanding of the legislation and the possibility of thorough implementation. The competencies and capacity of the criminal justice system needs to be extended. Gender disaggregated data, and mechanisms set in place throughout the entities, are needed to increase reporting of violence against women. Continued efforts to both decrease the levels of domestic violence and implement the law will require concerted and ongoing public advocacy campaigns, ongoing training of the police and judiciary and increased psycho-social counselling and anger management services for offenders. As a contribution to implementation of 1325, there remains a significant role for NGOs in monitoring police responses,

court judgements and convictions and statistical trends in types of offenders and victims as well as incident reporting.

- i) The law defines domestic violence as “any act of inflicting physical, psychological, sexual or economic harm or suffering, as well as threats as regards to aforementioned, and lack of due care and attention which may seriously impede family members from enjoying their rights and freedoms in all areas of public and private life which are based on equality” (Art. 6).
- ii) Article 6 also lists several acts that constitute domestic violence, such as the use of physical force or psychological coercion; acts that result in physical, psychological or monetary damage; certain forms of intimidation; verbal attacks; stalking; sexual harassment (as defined in the Gender Equality Act of Bosnia and Herzegovina); the destruction of joint property, and; a failure by other family members to protect the victim under specified circumstances.
- iii) Part IV provides for several protective measures, including removal from and a prohibition against return to the dwelling; a restraining order; protection of the victim of domestic violence; prohibition against harassment and stalking, and; psycho-social treatment and rehabilitation for the offender.
- iv) Violation of this law is considered a misdemeanour, and anyone who violates a prescribed protective measure may be fined KM 2,000 to 10,000 (Art. 21). An “official person” who fails to report an act of domestic violence as outlined in Article 6(2) may be fined or face a minimum prison sentence of fifty days.⁵⁸

This legislation has been described as “revolutionary” – not least because it allows the police to act in what has previously been consid-

56 Bosnia and Herzegovina, NGO Shadow Report to the UN CEDAW Committee, *Global Rights: Partners for Justice in cooperation with NGOs in Bosnia and Herzegovina*, 2005.

57 See The Law on Protection from Domestic Violence enacted by the Parliament of the Federation of Bosnia and Herzegovina in the session of the House of Representatives held in February, 2005 and the session of the House of Peoples held in March, 2005

58 www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/DV_Law.pdf
www.stopvaw.org

ered a private concern. Significantly, it demonstrates a state commitment to providing a solution to the crisis of domestic violence.

NGOs constantly highlight the lack of social services to victims of domestic violence. No state-funded shelters have been provided and in the most extreme cases of domestic violence victims have found themselves on the street. Throughout BiH there is only one shelter for domestic violence victims, provided by Medica Zenica. Other services, such as "SOS" hotlines legal aid and counselling are generally provided by NGOs and funded by international donors, although an SOS hotline in RS has recently been established. UNSCR1325 requires states to prosecute rape as a war crime. In BiH, current legal definitions recognize rape survivors as civilian victims of war only in the Federation of BiH, i.e. monthly benefits amounting to 514.00 KM are provided to these women, as well as health care to a limited extent. The Institute for Public Health has no data on female victims of war crimes or on pregnancies and abortions during the period of conflict. The Canton of Sarajevo has offered health insurance to women traumatized by war crimes but this is not duplicated elsewhere in BiH. The criminal code of BiH limits 'rape' to only those actions involving coercion by force or threat of immediate violence. This contradicts the Statute of the ICTY, which has amended the definition of rape to include situations in which women are in "circumstances that were so coercive as to negate any possibility of consent." This recent development must be incorporated in the BiH criminal code and harmonized in the entities. Restrictive definitions of sexual assault must be rectified and survivors of sexual violence must be offered adequate justice, health services, social support, housing and financial assistance.

Trafficking of women and girls remains an assault on women's human rights in BiH.⁵⁹ Of concern is the reluctance of many respondents to discuss

trafficking while for others; it is an issue they believe has been largely dealt with. These perceptions sometimes reflect the wide-ranging research efforts and some government and international work on the issue, but do not match the facts about the continuing prevalence of trafficking in BiH and the region generally. The prevalence of trafficking of women and girls for forced prostitution is clear evidence that violence against women in the post-war period has not ended and has shifted in form to include more trafficking internal to BiH. The prevalence of discrimination against women, unemployment, poverty and the unresolved problem of the displacement of large numbers of persons, continue to exacerbate the likelihood of human trafficking. Both state and UN actions to combat trafficking in BiH have been inadequate and there have been cases of public officials, NATO stabilisation forces (SFOR) and International Police Task Force (IPTF) who were complicit in its perpetuation.

The United Nations in 2001 established a special police unit to identify, locate, and apprehend trafficked women and to help return them to their home countries. The state has offered their support to eight NGOs, which function as safe houses for refugees and women victims of trafficking. The safe houses have the capacity for support of a limited number of women. Lack of funding at state level is cited as the prime obstacle to pursuing other measures to combat trafficking and support those caught up in it. In October 2001, an Action Plan for Preventing Human Trafficking was adopted and includes commitments to offer counseling to victims, full border control, and legal reform, with a specific emphasis on the protection of women's human rights. A number of reports since 2001 have documented the lack of enforcement of legal reforms on trafficking because of corruption that includes the direct involvement of police. Only some of the police offi-

59 See Sophie Wittenberg, Security Council Resolution 1325 and CEDAW: Combating gender-based discrimination and violence in Bosnia and Herzegovina www.peacewomen.org/un/ecosoc/CEDAW/35th_Sesssion/SCR1325_CEDAW.html and Committee on CEDAW, Thirty-fifth session, 5 May -2 June 2006, *Concluding comments of the Committee on the Elimination of Discrimination against Women*.

cers involved in trafficking are prosecuted. SFOR and IPTF forces have also been involved in trafficking at all levels. SFOR and IPTF soldiers are immune from criminal prosecution while in BiH and these cases have not satisfactorily been pursued.

The recent trend, with the exit of many internationals, is for trafficking of women and children for sex to include less movement of foreign women through BiH and for more BiH women to be trafficked within the state. However, despite the beliefs of many interviewees, the evidence shows that in BiH trafficking in women remains a significant problem and that BiH is a country of origin, transit and destination for the trafficking of women and children for sex. There are also new forms of trafficking of women into BiH, such as fake arranged marriages. Current protection measures do not apply to women nationals of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution. The prevalence of trafficking of women and girls and the complicity of national and international forces highlights the need for gender-sensitizing training for peacekeeping troops and local officials at all levels. As indicated, the responsibility for gender training lies at the command level of the national defence forces, and is clearly inadequate. More oversight and regulation by national authorities and the international community is necessary. In order to ensure that perpetrators are accountable, trafficking victims must have adequate protection before, during, and after providing testimony. Standardised and comprehensive systems to offer psychological and medical support and rehabilitation to victims of trafficking are also necessary to pre-empt continuing social costs and should be provided by the government. In 2006 plans were set up for the adoption of anti-trafficking strategies and measures, such as the creation of a state coordinator against trafficking in human beings and illegal immigration and an expert team consisting of representatives from various ministries and the Office of the State

Prosecutor. These are yet to be implemented.

Since the adoption of UNSCR1325 in 2000, the situation of returnees has been slow to change. International organizations such as IRC, UNHCR, and CRS have included a focus on returnees in their programmes, as well as house reconstruction, the fund for acquisition of cattle breeding, tractors acquisition funding, road reconstruction, and humanitarian aid. In general, international organisations do not specifically address the issue of needs and rights of returnee women and girls, particularly in relation to sexual and reproductive health and trauma counselling. Returnee women in rural RS areas, who were interviewed in 2005, reported that only local NGOs worked with them to identify and support their specific needs. Many returnee women, who are civilian victims of sexual violence and internally displaced persons in the Federation of Bosnia and Herzegovina, are routinely threatened with eviction from accommodation. Unsurprisingly, returnee women and internally displaced women are sceptical about the implementation of UNSCR1325, because they do not see practical outcomes from the international human rights instruments. In particular, women from Višegrad are the deeply distrustful of the state and international organizations, and are convinced that UNSCR1325 and CEDAW will only be implemented when and if the state, is sufficiently pressured to do so “from above”.

Certainly the plight of returnee women is evident not only to local NGOs who do what they can to support them, but also to human rights workers in BiH and the Committee on CEDAW who recently recommended that the state government more comprehensively recognise the specific suffering of returnee and displaced women in the entities respective legal frameworks for civilian war victims.⁶⁰ The Committee noted the lack of coherent strategies to support such women and that they have only limited or no access to health insurance and financial benefits as well as to general health services, and in some cases to spe-

60 Committee on CEDAW, Thirty-fifth session, 5 May -2 June 2006, *Concluding comments of the Committee on the Elimination of Discrimination against Women*, p. 7.

cific health services relating to trauma.

(4) Inclusion of a gender perspective in UN reports: Advocacy and accountability

Resolution 1325, Article Seventeen “*Requests* the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls”.

International representatives from United Nations agencies and offices who were interviewed in this monitoring exercise, tended to see gender inequality as an issue in BiH that was less important than “bigger problems” or as an issue that could be solved by solving economic inequality and human (in) security issues derived from political instability, police and judicial reform. This prevalent attitude generally also dismisses the idea that women are able and eager to contribute to achieving law and order and social justice in BiH. The Office of the High Representative, the pre-eminent “peace implementing agency” is the most glaring example of this lack of accountability. The OHR has no policy on gender, and following the cancelling of the gender policy advisor position in 2001, lacks a gender policy or representative on gender issues. The OHR responds to “gender requests” on an ad hoc basis and although it liaises with the gender Agency, does not initiate any consultations about gender equality. Most of the senior advisers are women; the senior managers are male.

With the specific exceptions of the Office of the High Commissioner for Human Rights and the UNDP “Gender Equality” project supporting promotion of the GEL, gender mainstreaming is not an evident feature of the UN agency’s activities in BiH. Representatives commented that eradicating gender inequality is the responsibility of the state. Many internationals further commented that in their view, the deeply entrenched patriarchal attitudes in BiH make the achievement of gender equality an impossible task.

Despite pressure exerted by the UNHCHR and UNICEF for a rights-based approach to include gender analysis and mainstreaming in BiH, the international community has failed to make a significant contribution to institutionalizing the promotion of a gender perspective into its activities and its own structures. The Stability Pact’s “Women in Politics” programme led to and supported the appointment of gender focal points in UN agencies and it also stimulated some attention to gender equity in employment and labour in UN and international administrative agencies. However, UNSCR1325 is not specifically promoted within the international organisations consulted in the monitoring exercise. In many cases, interviewees who understand the obligation to include a gender perspective in UN structures and reporting, report that international legal obligations derived from UNSCR1325 or from related human rights treaties such as CEDAW, have not been adopted and are not promoted as a basis for gender awareness or mainstreaming activities.

The Organization for Security and Co-operation in Europe (OSCE), acknowledges UNSCR1325 and CEDAW as foundational documents. OSCE has institutionalized gender-awareness in its staff induction course and developed supporting materials for staff to deal with both the internal and external gender issues. An internal manual provides instruction on how to deal with gender issues including advice about harassment, and a Code of Conduct that prescribes personal behaviour standards. The mission also has specific instructions for staff on trafficking and off-limits locations. However, OSCE’s Human Rights Department does not have a programme on gender mainstreaming or specifically women’s human rights. OSCE’s Rule of Law division maintains a policy of non-intervention with prosecutors and only provides monitoring reports. Thus it does not involve itself in gender specific activities and lacks a specific gender focus in its trial monitoring programme. Staff responsible for trial monitoring receive no gender-specific training, although there is a witness protection programme coordinated with the BiH Court, which supports female witnesses.

OSCE's Democratization Department focuses its gender activities on changes to the Election Law to ensure better gender representation, and in ongoing activities that support women elected to decision-making bodies. Typically, much of the department's work focuses on increasing dialogue and strengthening institutions at the local level, working with municipalities and civil society groups, and includes specifically those who are 'disadvantaged' – "including women" – to guarantee and institutionalise women's representation in those local bodies.

As several commentators have noted, the issue of accountability is raised by the erratic attention that gender mainstreaming receives in international bodies operating in BiH.⁷¹ The administrative power invested in the Office of the High Representative to coordinate democratic state-building, for example, is disconnected from any process of accountability to the population of BiH. International agencies operating in BiH are responsible instead to the bodies that appoint or establish them, in particular the Peace Implementation Council, the Council of Europe, NATO, and the European Court of Human Rights. International administrators cannot be selected or removed by the population of BiH, even when their decisions are contested. While the levels of accountability are complex and in some cases overlapping and specially defined (where emergency measures are required or desirable), greater international accountability to the population and to the responsibilities of international human rights treaties and legal agreements such as UNSCR1325, would enhance the success and standing of international actions in BiH.

"The presence of the international community has helped to provide the context for a series of events which it did not intend to provoke: since 1995, the economy has been characterized by the significant role of organized crime, and the predominance of the black economy. Concomitant with this has been the development of a serious exploitative labour, in particular the sexual exploitation of women and children, commencing primarily through the trafficking of foreign nationals and evolving into a new, semi-regulated form of economic enterprise" (Madeleine Rees: Chief of Mission OHCHCR, Sarajevo).

71 See for example, Richard Kaplan, Who Guards the Guardians? International Accountability in Bosnia, in David Chandler, ed. *Peace without Politics, Ten Years of International State-building in Bosnia*, London: Routledge, 2006; pp. 157-170.

Conclusions

Overall the monitoring exercise has found that governmental institutions, international organisations and UN missions in BiH still do not pay enough attention to the UNSCR1325; and hence a gender perspective is lacking within their structures. The BiH government has adopted many institutional mechanisms for implementation of gender perspective but although UNSCR1325 and related international human rights principles have new awareness about the possibility of significant changes for women's lives, most of these institutional mechanisms have been insufficiently or inconsistently implemented at all levels of government.

Women's groups in civil society are doing considerable and largely unrecognised work to improve women's human rights, peace building and security in BiH. Through advocacy work and by building linkages to government structures and processes, they have developed strategies that are culturally appropriate and able to be applied more widely in the Western Balkans. Indeed, since the previous report, regional coalitions of women's organisations have been used to strategise about issues covered by UNSCR1325 in BiH.

In 2007, the realisation of women's human rights in BiH remains extremely difficult, especially in rural communities. Most of citizens are not familiar with the definition or scope of human rights, and gender-based discrimination is prevalent in all levels and sectors of BiH society. A combination of patriarchal tradition, social and economic poverty, war-related trauma and nationalistic politics work against many women and youth being able to enjoy even basic human rights.

Recommendations

General point: The comprehensive implementation of UNSCR1325 and related human rights treaties requires the integration of a gender perspective and explicit reflection of the provisions of these international agreement in domestic policies and institutions in BiH, with the complete and accountable co-operation of government, civil society and international agencies.

Specifically:

1. **To meet its international human rights obligations the government of Bosnia and Herzegovina (BiH) must do more to ensure that all levels of the government develop policies and practices to adequately resource women's rights and the elimination of discrimination against women in all spheres of life.** There must be increased efforts to ensure that all appropriate legislative and policies measures are taken to enable women to actually enjoy the benefits of equal rights especially including access to employment, resources, credit, vocational training, professional advancement and information.
2. **The government of Bosnia and Herzegovina must undertake appropriate reforms of the legal framework, development of gender sensitive economic policies,** employment policies, training programs, adequate remedies and legal protections against violations by state and non-state actors and, whenever appropriate and possible, measures of positive action to promote *de facto* equality between men and women. Legislative measures to enhance the implementation of gender equality should include, appropriate changes in the BiH Election Law; development of gender sensitive education programs for political parties and government officials at all levels on women's human rights and non-discrimination; awareness raising, development of adequate monitoring and referral sys-

tems; and legal protections and remedies.

3. **The BiH government must attend to the need for regular and periodic compilation of statistics for domestic violence and other forms of gender-based violence;**

awareness raising campaigns in order to eliminate stereotypes in the presentation of women in the media and in the public in general; and co-operation with the non-governmental sector. Appropriate legislative measures to end and prevent all forms of gender-based violence including rape, abuse, sexual assault and sexual harassment in the work place, whether by public or private actors; and to effectively protect victims of such violence must be undertaken in a consistent way and monitored for effectiveness on an agreed periodic basis. Adequate measures should include criminal penalties and civil remedies including compensation for victims; protective measures including restraining orders, counselling, shelter and rehabilitation services for victims of domestic violence or those at risk of violence; and preventive measures including public information and education programs to change attitudes concerning the roles and status of men and women, including for judiciary and law enforcement, but also for other public officials.

4. **Bosnia and Herzegovina must take appropriate legislative measures to effectively investigate, prosecute and sanction the crime of trafficking in persons;**

protect victims of trafficking and prevent trafficking in human beings, in particular, women and girls. Effective measures should include State-level anti-trafficking legislation that includes an effective anti-trafficking action plan, The BiH legal framework must be aligned and fully compliant with international human rights standards and, in particular, with the UN Protocol on Suppression, Prevention and Punishment of Trafficking in Persons, Particularly Women and Children. Operative action plans should be developed in the various levels of government in order to support and advance the im-

plementation of the National Action Plan. There should be increased co-operation with the non-governmental sector in capacity building, education and awareness raising; and development of action plans to combat the causes of trafficking such as poverty, violence against women, and all other forms of discrimination against women, while also addressing factors such as the growth in organised crime and corruption that together create a basis for trafficking activities.

5. **Appropriate steps must enable the regular and systematic compilation of statistics and information about the situation of disabled women.**

The State must also take all appropriate measures, in coordination with members of the disabled community, to ensure that disabled women have equal access to education and employment; health services and social security; and to ensure that they are able to participate in the nation's political, public, economic, social and cultural life without discrimination.

6. **Appropriate steps to must be taken to ensure that education, social welfare and health legislation within the State is reformed in order to include a gender perspective.**

Measures should include removing all barriers to women's access to education, social welfare and health, including reproductive, services; promoting access to health and reproductive education and information; and the elimination of discrimination against women within the education, social welfare and health sectors, taking into account the special needs and perspectives of refugee and displaced women, trafficked women, women-survivors of sexual abuse during the war, elderly women and women with disabilities. Such measures should include policies and processes to prevent and treat diseases and conditions specifically affecting women; ensure that health services are delivered with respect for women's human rights; and ensure that the training curricula for social and health workers, as well as those for teachers,

include comprehensive, mandatory, and gender-sensitive courses on women's health and access to women's social rights, with a particular overview of the causes, consequences and treatment options in cases of gender-based violence.

7. **NGO and international community representatives should be invited regularly and periodically to consult with the Ministry of Defence and the Ministry of Security** to introduce mandatory gender training for the military and the security forces.
8. **Sustained efforts to ensure women included in the decision-making processes within commissions, delegations and all decision-making levels**, and that women representatives throughout BiH should be included in the design of methodology and processes adopted by the commissions, bodies, policies and governments.
9. **Women's civil society groups should be given direct representation to OHR and other international organizations** to consult on all matters that will enable compliance with UNSCR1325, including specific recommendations for action by the OHR, OSCE, EUPM, UNDP, and others.

APPENDICES

- Appendix 1 **UNSCR 1325**
- Appendix 2 **The Dayton Peace Accord 1995**
- Appendix 3 **Institutional Mechanisms**
- Appendix 4 **Respondents to the 2007 Interviews**

Appendix 1

UNSCR1325: <http://www.peacewomen.org/un/sc/1325.html#Full>

UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

Security Council Resolution 1325 was passed unanimously on 31 October 2000. Resolution (S/RES/1325) is the first resolution ever passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace.

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. **Urges** Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. **Encourages** the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. **Urges** the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. **Further** urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. **Expresses** its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. **Requests** the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. **Urges** Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;
8. **Calls** on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and

- girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
9. **Calls** upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
 10. **Calls** on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;
 11. **Emphasizes** the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;
 12. **Calls** upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its Resolution 1208 (1998) of 19 November 1998, and Resolution 1296 (2000) of 19 April 2000;
 13. **Encourages** all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
 14. **Reaffirms** its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
 15. **Expresses** its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
 16. **Invites** the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
 17. **Requests** the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;
 18. **Decides** to remain actively seized of the matter."

Appendix 2

The Dayton Peace Accords⁷²

The Dayton Peace Accords were based on the establishment of two virtually autonomous entities with ‘common institutions,’ the Federation of Bosnia and Herzegovina and the Republika Srpska. In addition to military matters, regional stabilization arbitration, preservation of national monuments, and the establishment of private corporations, the annexes to the Dayton Peace Accords deal with elections, the constitution, human rights, refugees and displaced persons, the civilian implementation of the peace settlement and the international peace force.⁷³

Peace for Bosnia was negotiated by warring parties, national power elites and international diplomats – a dialogue of men with militaristic overtones. No women were present at the negotiation table and only one woman was present among the signatories.⁷⁴ Civil society, which had shown so much energy to alleviate suffering during the war, to maintain dialogue across ethnic lines and to build and consolidate peace, was effectively excluded.

The gender aspects of conflict, and particularly the role of women in the peace process have been well-defined in the Platform for Action and the Beijing Declaration (1995), yet this had no impact on the Dayton Peace Accords when it came to the participation of women at highest levels of decision-making in conflict situations and peace negotiations.

The state institutions stipulated in Articles IV (Parliament), V (Presidency), VI (Constitutional Court) and Article IX (General Provisions) of Annex 4 speak only of the responsibilities of these institutions and their ethnic composition. Nowhere do they express positive measures for the inclusion of women at these highest levels.

For instance, “judges shall be distinguished jurists of high moral standing” (Article VI) could have been enhanced by stipulating the need to promote the appointment of women judges to reverse a negative gender balance in this regard.⁷⁵

Post-Dayton the international community and its funds flooded into Bosnia. Gender was essentially ignored, and the work that was conducted and the voices of women who had struggled and suffered through the war were not heard.

The subsequent Constitution of Bosnia and Herzegovina, based on “human dignity, liberty, equality, peace, justice, tolerance, reconciliation, democratic governmental institutions, and compliance with internationally binding instruments”⁷⁶ fails to explicitly mention women’s rights, does not express positive measures for the inclusion of women in the highest levels of the institutions of government, or to mention proactive measures to promote women on electoral lists.

72 See Appendix 2 for an outline of the Dayton Peace Accord, 1995.

73 Engendering the Peace Process: A Gender Approach to Dayton and Beyond, Kvinna till Kvinna, 2000.

74 The chief of the British negotiation was Ms Pauline Neville Jones

75 Engendering the Peace Process: A Gender Approach to Dayton and Beyond, Kvinna till Kvinna, 2000

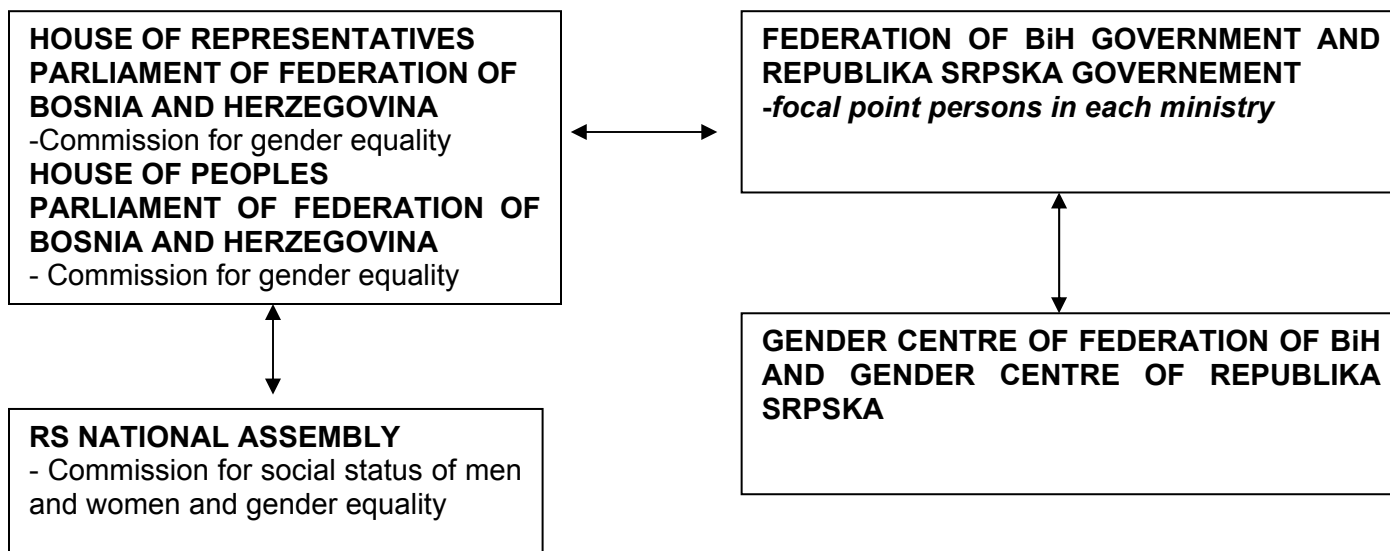
76 Kvinna till Kvinna, Ibid

Appendix 3:

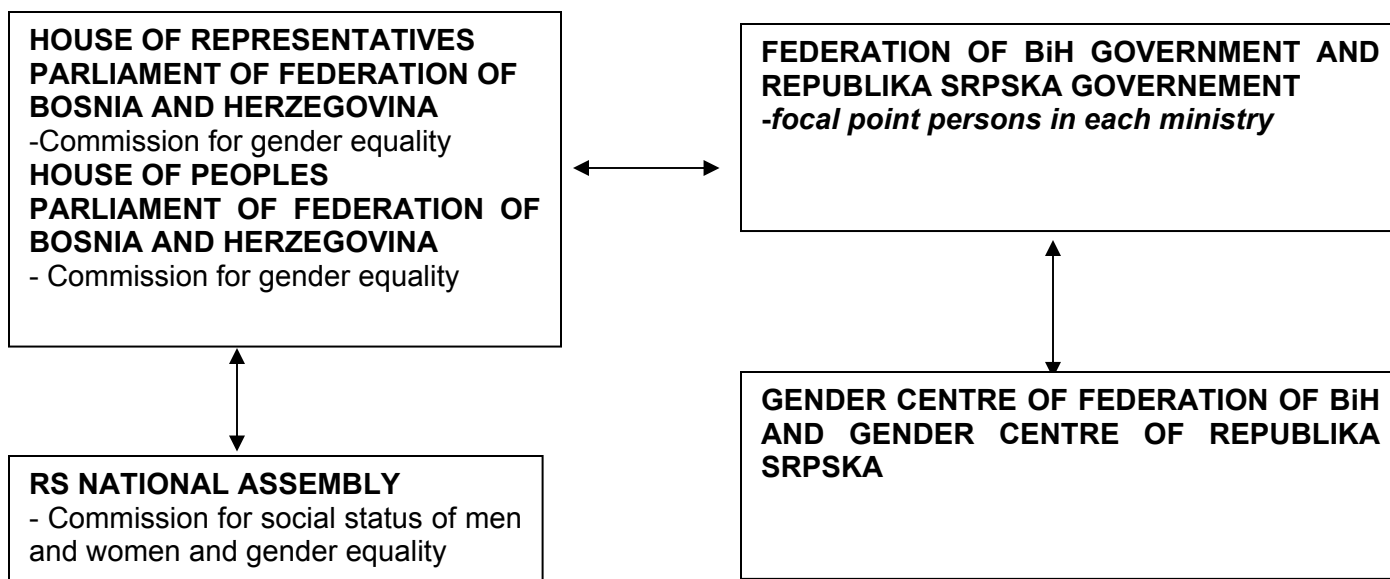
Institutional Mechanisms

STATE, ENTITY AND MUNICIPAL LEVELS

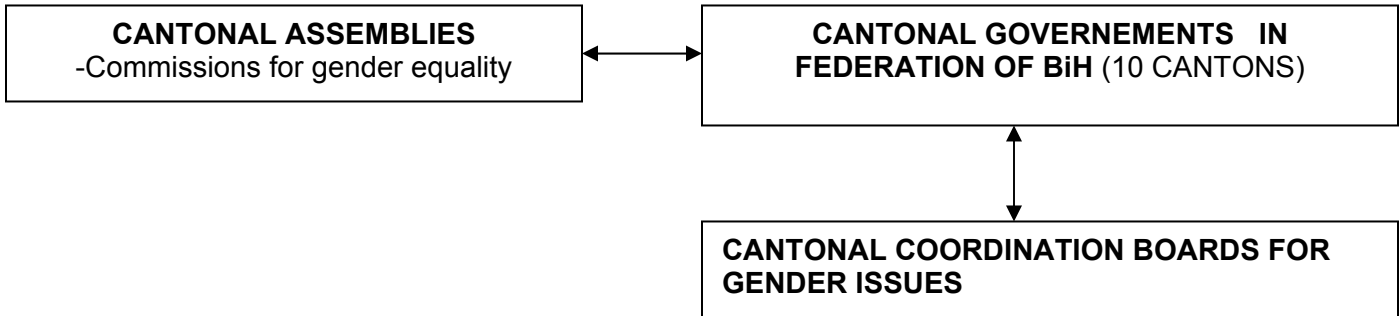
INSTITUTIONAL MECHANISMS FOR GENDER ISSUES AT ENTITY LEVEL



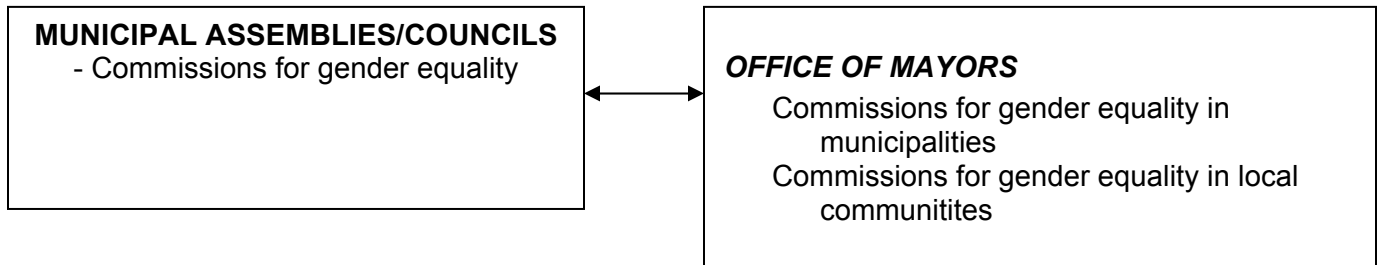
INSTITUTIONAL MECHANISMS FOR GENDER ISSUES AT ENTITY LEVEL



INSTITUTIONAL MECHANISMS FOR GENDER ISSUES AT CANTONAL LEVEL (FBiH)



INSTITUTIONAL MECHANISMS FOR GENDER ISSUES AT MUNICIPAL LEVEL (FBiH & RS)



Appendix 4

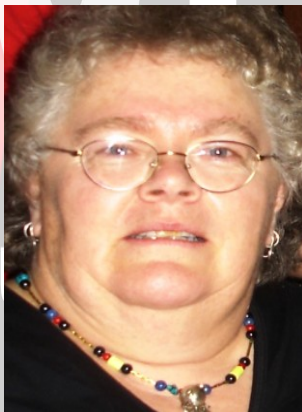
Respondents to the 2007 Interviews

Name	Position/Institution
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Elma Spahić	Agencija za ravnopravnost polova
Ana Vuković	Gender Centar FBiH
Sada Čampara	MUP KS
Suvada Kuldića	MUP KS
Zijad Hasić	Parlamentarna Skupština
Amira Krehić	Centar za slobodan pristup informacijama
Branka Raguz	Ministarstvo pravde
Jasminka Džumhur	ICMP-Međunarodna komisija za nestale
Spomenka Mičić	Predsjedništvo BiH
Almir Tanović	Canadian Embassy-CIDA
Đorđe Latinović	Predsjedništvo BiH
Mirsad Tokača	IDC
Aida Čičić	Parlament FBiH
Zara Halilović	Agencija za Europske integracije
Mirko Pejanović	FPN
Barbara Limanowska	UNICEF
Mirsada Poturković	Kantonalni Centar za soc. rad
Saliha Đuderija	Ministarstvo za ljudska prava i izbjeglice
Matthew Lawson	OHR
Natalie Bergmann	EUFOR
Lucia Dighiero	Sud BiH
Predrag Kovač	Načelnik opštine
Jelica Močević	Načelnik za opštu upravu
Bosa Kalinić	Stručni saradnik za pitanja omladine
Vinka Berjan	Predsjednica komisije za ravnopravnost polova
Milena Šehovac	Direktor - Center for Social Work
Dejan Avram	Načelnik Krim policije
Azemina Njuhović	Ministarstvo za obrazovanje i nauku
Eva Suarez	AECI-OTC
Željka Mudrovčić	UNPFA
Besima Borić	Skupština KS
Spomenka Krunić	Gender Centar RS
Sanja Alatović	Odjeljenje za privredni razvoj, sport i kulturu
Nada Tešanović	Predsjednica Narodne skupštine RS
Lidija Korać	Oslobođenje
Joakim Molander	Sida- Švedska

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Žene Ženama

