

# PARTICIPATION OF WOMEN IN POLITICAL AND PUBLIC LIFE



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This policy paper links to the recently adopted policy for establishing gender equality (EU Gender Action Plan 2016-2020) in the European Union (EU) accession process.

EU Gender Action Plan 2016-2020 was adopted by the European Commission and the EEAS as a new framework for the EU's activities on gender equality and women's empowerment. Its aim is to support partners, especially in developing, enlargement and neighbouring countries, to achieve tangible results towards gender equality which is at the core of European values, as well as the new Sustainable Development Goals (SDGs).

The new framework is divided into four pillars: **Fighting violence of any kind against women and girls; Economic and social empowerment; Strengthening voice and participation; and Shifting institutional culture.**

EU High Representative/Vice-President  
**Federica Mogherini** said:

*“Women’s rights are human rights and human rights are women’s rights. We want to provide our partners with the effective support they need in order to fight violence against women and girls and at the same time to empower them socially and economically, so that women can participate actively in the political, social and cultural life of their countries.”<sup>1</sup>*

1 [http://europa.eu/rapid/press-release\\_IP-15-5690\\_en.htm](http://europa.eu/rapid/press-release_IP-15-5690_en.htm)

# Background

Confirming its desire to advance and promote human rights protection, Bosnia and Herzegovina (BiH) has signed and ratified numerous international human rights documents. A legal framework has been set up to guarantee the rights of women and to secure the highest level of protection of economic social, cultural and political rights as well as their application in practice.<sup>2</sup> All the documents adopted thus far are the result of very pragmatic reasons, since BiH wishes to be and promotes itself as a progressive and credible country and a “regional leader” in promoting women’s human rights.

Despite all this, the rights guaranteed to women in BiH are just a normative ideal, since the application of regulations in practice is very poor. Women suffer discrimination on different grounds in very different areas of life and work, in private and in public life.<sup>3</sup> There are numerous examples proving that the state **adopts laws** that guarantee women’s rights **declaratorily**, aware of the fact that this is a step aimed at international institutions that monitor the adoption of laws in general.

Women are not given trust, no affirmative measures are adopted to equate the power of men and women in the society, in order to contribute to elimination of social injustice towards women. Political participation of women in society is the key to advancing their position and reaching true gender equality. European institutions are particularly powerful to insist on full application of international standards and international laws, especially in the interest of balanced participation of all in the political life of the country.

The rule of law is the central factor of the enlargement strategy. As a potential candidate country, BiH should improve its protection of fundamental human rights and should secure a more effective legal framework, implementation and application of laws, which continue to be uneven.

2 International documents ratified by BiH are a legal obligations. Other documents, such as international guidelines and recommendations, are obliging on the basis of a wide global consensus that established them.

3 Particularly prominent forms of discrimination include: domestic violence, discrimination in labour, employment and access to resources, discrimination in public and political life, particularly the multiple discrimination of women victims of war, victims of violence, women living in rural areas, women with disability, single mothers, Roma women, refugees and displaced persons, women in sports and other groups suffering multiple discrimination. These groups of women suffer both gender discrimination and discrimination based on other features or living circumstances, which further exacerbates their position.

## Continuous marginalisation of women through NON-election into the judiciary and the executive

Women in BiH are traditionally underrepresented in legislative bodies<sup>4</sup> and governments<sup>5</sup> and no government – out of 14 (Council of Ministers, entity governments, cantonal governments and government of the Brčko District) has ever been appointed in compliance with Article 20 of the Gender Equality Law.<sup>6</sup>

The Action Plan for Implementation of Resolution 1325 provides for significant activities at the local level, since safety of a community can only be secured if there is **promotion of participation of women in community life**, if partnerships between different institutions are built and if **women are involved in decision-making processes**.

Following an initiative by civil society organisations (CSO), in late 2015 the Gender Equality Committee of the House of Representatives of the BiH Parliamentary Assembly submitted for parliamentary procedure a **Proposal of the Law on Changes and Amendments to the Law on the BiH Council of Ministers**, which provides that the Council of Ministers shall include no less than 40% of the less represented gender. Adoption of these changes and amendments would practically lead to a situation where the House of Representatives of the BiH Parliamentary Assembly would refuse to confirm a Council of Ministers unless the proposed composition reflected gender equality. The BiH Parliamentary Assembly<sup>7</sup> did not adopt this Proposal, although it served the purpose of harmonisation of all laws with the Gender Equality Law.

4 At the October 2014 election, a total of 19.03% women were elected to legislatures on all levels of governance.

5 The previous BiH Council of Ministers included no women, the FBiH Government had just four female ministers out of 16 ministerial positions, whereas the RS Government appointed a female prime minister and five female ministers. Cantonal governments have no female prime ministers, and the percentage of female ministers in cantonal governments amounts to 175% (the number of female ministers varies from 0% to 37.5%, depending on the canton). Following the 2014 general election, the RS Government appointed a female prime minister and (just) three female ministers.

6 (1) State bodies on all levels of governance and bodies of local self-governance, including the legislature, the executive and the judiciary, political parties, legal persons with public powers, legal persons owned or controlled by the state, the entities, cantons, cities or municipalities, or controlled by public authorities, shall secure and promote equal gender representation in management, governance and decision-making. This obligation is applicable to all the authorised proponents for electing representatives and delegations to international organisations and bodies. (2) Equal gender representation exists when one gender is represented at no less than 40% in bodies referred to in paragraph (1) of this Article.

7 At its 30<sup>th</sup> session on 24 May 2016, the House of Representatives of the BiH Parliamentary Assembly **did not** adopt the proposed changes and amendments to the Law on the BiH Council of Ministers, as proposed by the Gender Equality Committee, although it had been adopted in the first reading at the 28<sup>th</sup> session.

The proposed changes of the BiH election legislation by the Interdisciplinary Working Group,<sup>8</sup> which submitted the Proposal for changes and amendments to the BiH Election Law<sup>9</sup> on 4 April 2016, and which, inter alia, **changes the existing provision (gender quota)** on equal representation of both sexes on candidate lists<sup>10</sup> – were stopped under pressure by the CSOs, and this illustrates the ever present tendency to reduce even further the rights of women to be equally involved in political life and decision-making processes.

The CSOs continue to advocate the position that the state must ensure equal status of women in the society, through implementation of international standards and national legislation.

The issue of women and gender policy is ranked low on the ruling structures' priority scale and the desired goals cannot be achieved **without strong pressure from all the forces available**. Additional pressure over government institutions should ensure affirmative measures aimed at suppressing gender-based discrimination, i.e. promotion of balanced gender participation.

**The legislative framework should be improved and equality of men and women in the executive and the legislature should be ensured by the following:**

- Through changes to the BiH Election Law, so as to ensure additional measures related to granting mandates to the less represented gender (e.g. by granting mandates from compensation lists) and ensure a system that would, irrespective of the vote allocation, lead to no less than 40% female delegates in parliaments;
- Introduce a provision in the Law on the Council of Ministers that ensures that no executive or legislature on all levels of governance can be confirmed without observing the minimum representation of the less represented gender at 40%, pursuant to the BiH Gender Equality Law.

8 A decision to establish the Interdisciplinary working group to propose changes to the BiH election legislation was adopted by both houses of the BiH Parliamentary Assembly (Official Gazette BiH No 40/15 and 45/15).

9 [https://www.parlament.ba/sadrzaj/zakonodavstvo/u\\_proceduri/default.aspx?id=64011&langTag=bs-BA&pril=b](https://www.parlament.ba/sadrzaj/zakonodavstvo/u_proceduri/default.aspx?id=64011&langTag=bs-BA&pril=b)

10 This proposal clearly violates the existing provision (gender quota), which currently prescribes that both sexes must be represented at no less than 40%, but not anywhere on the lists: they must be at least three female candidates in the first three, five or eight places. Thus, for example, according to the new proposal, there can be a list of 20 candidates, but the first twelve may be men and the last eight women, which is a significant set-back.

## Exclusion of women from reform-related and other crucial negotiations on behalf of BiH with different national and international stakeholders

In political negotiations, and particularly in the reform processes on the country's European path, discussions with international financial institutions on issues of crucial importance for BiH's present and future, there are no women, and the responsibility for this rests on the local stakeholders as well as international organisations.

Women's needs, positions and priorities are neither recognised nor included in the major reform processes currently happening in our country. Political party leaders deliberately ignore women, not allowing for their greater political impact. However, it is worrying that **international organisations have not recognised the potential of women, particularly of the civil society sector**, who have contributed significantly to the overall improvement of the position of women in BiH and have proven their ability and credibility for equal participation in all the peace and reform processes.

Women were not included in the official peace negotiations for BiH, despite the fact that during and after the war they secured the survival of their families and cared for refugees. No peace process or negotiations after the 1995 Dayton Peace Accords included women as mediators, negotiators, technical experts or observers. Women remain totally excluded from all the processes of reconstruction and democratic society development, they do not participate in negotiations and reform agendas. One of the key obstacles for more active participation of women in peace processes and independent supervision of their implementation are the institutions that do not recognise the professional capacities of women, particularly those active in the civil society, who have launched numerous initiatives, advocated policy changes, organised boycotts etc.<sup>11</sup>

It is even more concerning that this is merely observed by international institutions. In its 2015 Report for BiH, the European Commission states that the legal and institutional human rights framework should be improved significantly, and that there has been no progress in securing mechanisms for dialogue with the civil society, but also that the **civil society has poor grassroots capacities** to participate in public policy dialogue. The same report ignores the **issue of the position of women**, as well as the fact that the process of designing and adopting

<sup>11</sup> Women in the NGO sector take initiatives, monitor the implementation of laws, action plans, they propose laws and bylaws, they demonstrate...

the reform agenda was entirely non-transparent,<sup>12</sup> as noted by CSOs in their 2015 Alternative Report.<sup>13</sup>

Despite the fact that negotiations were initiated and conducted in the presence of the EU and that the EU itself has certain policies and guidelines<sup>14</sup> related to women in peace negotiations, there were no requests to include women in peace negotiations.

Women in CSOs have demonstrated their potential and readiness to fight for their ideas. This society needs **all the women** who have the courage to think on their own, express their own positions and work on building the future of this country. Understanding that there is no time to wait, as much as been wasted waiting for a “more stable system, weakening of political tensions etc.”, they are decisive in their demand to be involved in all the processes, aware of the strength, knowledge, energy, as well as the vision they have on how to build their communities, in a way that **the current political structures have not wanted to do for the past twenty years.**

*In order to ensure the participation of women in reform-related and other processes important for the future of BiH, it is necessary to do the following:*

- Pursuant to the BiH Gender Equality Law, institutionalise the percentage-based participation of women from political parties, legislatures and executive structures, as well as CSOs, in all the reform processes, by including them in all the formal bodies and mechanisms.

12 The EC report for BiH for 2015 notes that there has been no progress in ensuring mechanisms for dialogue with the civil society, and that some CSOs have tried to strengthen their capacities and join the dialogue for the BiH reform agenda for the period 2015-2018, but that the civil society has insufficient grassroots capacities to take part in public policy dialogue. Therefore, the EC’s conclusion about the under-capacity of civil society to take part in public policy dialogue is, in fact, unfounded, since the process of designing and adopting the reform agenda progressed with no transparency whatsoever. The BiH executive as well as the EC institutions made it impossible for CSOs to access the process of developing the reform agenda.

13 <http://eu-monitoring.ba/site/wp-content/uploads/2015/07/Alternativni-izvje%C5%A1taj-o-napretku-BiH-2015.pdf>

14 ... “to promote the role of women as actors in building peace, by including them in peace negotiations” and “holding regular meetings with local and international women’s organisations, in order to open the space for their participation in policy and governance”.

## **Marginalisation of women in political parties directly leads to insufficient numbers of women in the legislature and the executive**

By adopting the Gender Equality Law, BiH became an example of positive practices and a leader in the region. This law is an important instrument in building awareness of gender equality issues and introducing the principle of gender equality into public policies and regulations. The entire process of harmonising legislation, rules and procedures with the BiH Gender Equality Law has been inconsistent and uneven, which is one of the reasons for the failure to implement this law in practice, particularly at local levels. BiH adopted its second UNSCR 1325 Action Plan (2014-2017) and assumed the commitment to monitor the implementation of laws, removal of structural barriers to equality of women in managerial and supervisory positions.

In March 2014, the BiH Election Law was harmonised with the Gender Equality Law, though only in terms of representation, by increasing the gender quota from 30% to 40% of the less represented gender in municipal committees, election boards and candidate lists.

**The problem is that the quota system is only applied to the candidacy process and does not provide a real opportunity for women to take their place in the legislature and the executive under equal conditions.**

Women in political parties have no power and no major influence in party decision-making bodies, which is why they do not participate in key political processes. Women do not participate in party leadership structures, which excludes them from key political processes. Everything takes place in a closed circle of political leaders. Political parties continue to ignore women, thus creating the largest marginalised group in BiH. Appointment of women to decision-making positions is often accompanied by a generally negative attitude. They are invisible in the election process, often stereotyped by the media, leading to poor election results.

Women are absent or marginally present in party boards and leaderships. This indicates that political leaders as the real “rulers” of parties do not actually want to include women in the decision-making processes, either inside the parties or in the society, once they win.

Under-representation of women in important decision-making bodies indicates that the society is, in fact, ready to ignore the knowledge, talent and experience that women possess. Political representation is directly related to presentation of individuals, and non-inclusion of women is, in fact, disregard for one half of the population. There is no excuse for such actions, although politicians are often heard

saying that women do not want to be part of the processes. No effective measures have been taken on affirmative action to improve a balanced representation of men and women in political and public life.

***The legislative framework for female participation in political parties should be improved by the following:***

- Through changes to the BiH Election Law so as to ensure that in-party quotas require no less than 40% of the less represented gender in all party bodies;
- Introducing legal sanctions for those political parties that fail to observe gender equality provisions, particularly when proposing and appointing governments, by depriving them of budget funds for political party work;
- By introducing affirmative action measures to the Law on Financing of Political Parties, thus requiring political parties to promote and nominate women for election and appointment to offices with political parties, as well as in public and political life.



Gordana VIDOVIĆ holds a law degree from the University of Sarajevo and passed the Bar Exam in Belgrade. She founded the “Budućnost” NGO (1996), which she continues to run to this date. For 20 years she has been actively involved in different peace and human rights initiatives in BiH. She has been part of different expert groups: Gender reference group for Republika Srpska for establishing gender mechanisms – 1998; consultant for developing a multi-disciplinary approach for suppressing domestic violence; national rapporteur for the position of women in political parties; member of the BiH Children’s Council Team of Experts for education, children’s rights, the business sector and social protection. She is also an expert consultant in the field of political participation of women, gender based violence and programmes for offenders. She has created an innovative model for developing referral mechanisms for institutions and local communities in the field of prevention of and protection from gender-based violence.





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**PRAVA  
ZA SVE**

PRAVA ZA SVE is a BiH civil society organisation active in the field of human rights protection and advocacy aimed at creating a fair and democratic society based on human rights principles. PRAVA ZA SVE seeks public responsibility for respect, protection and exercise of human rights for all; seeks justice for victims of human rights violations; promotes equal opportunities for all, irrespective of sex or gender, disability, race or minority status, sexual or gender orientation or any other difference; supports development and empowerment of excluded groups and communities.

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