



WOMEN'S PERSPECTIVES:

ALTERNATIVE RESPONSES TO THE
EUROPEAN COMMISSION QUESTIONNAIRE



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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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ABBREVIATIONS

- Bosnia and Herzegovina (BiH)
- Federation of Bosnia and Herzegovina (FBiH)
- Republika Srpska (RS)
- Brčko District of Bosnia and Herzegovina (BD BiH)
- Sarajevo Canton (SC)
- European Union (EU)
- BiH Gender Equality Law (BiH GEL)
- Law prohibiting discrimination (LPD)
- Gender Action Plan (GAP)
- Civil Society Organisations (CSOs)
- BiH Gender Equality Agency (BiH GEA)
- High Judicial and Prosecutorial Council (HJPC)
- Court of Bosnia and Herzegovina (BiH Court)
- A cooperation agreement between the Council of Ministers and NGO sector in BiH (Agreement)
- Rules on legislative drafting consultations (Rules)
- Regulation on the public participation in the preparation of FBiH regulations and other acts (Regulation)
- Guidelines on public participation and legislative drafting consultations for line ministries and other administrative bodies (Guidelines)

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GENERAL OBSERVATIONS / AREAS OF CONCERN

Enforcement of the anti-discrimination laws in Bosnia and Herzegovina - the BiH Gender equality law (BiH GEL) and¹ the Law prohibiting discrimination (LPD)² is not at a satisfactory level. In general, the legislation is not fully harmonised with international standards and domestic regulations. The core anti-discrimination laws are not harmonised with each other. There is a noticeable lack of responsibility of institutions for the current state of affairs.

Institutional gender equality mechanisms are not effective in exercising the tasks within their remit, as defined in the GEL³. Lack of regular monitoring of implementation of the GEL and policies aimed at improving gender equality remains a concern. The existing mechanisms insufficiently report on gender equality and there are no reports available on implementation of a Financial Mechanism for Implementation of the Gender Action Plan in BiH (GAP). The mechanism does not provide an effective response to observed violations of the GEL and gender inequality. Two patterns of behaviour are evident among the authorities at different levels: they either do not develop or undertake any measures or, when they do, they fail to follow up on the implementation and results of the measures undertaken to improve the position of women, despite the legal obligation to do so⁴. As a rule, institutional gender equality mechanisms are not consulted about the pending regulations, despite the legal requirement imposed on all institutions to do so⁵.

Another concern is the lack of statistics on the status of women in various areas. Namely, institutions neither collect nor publish gender-disaggregated statistics in a uniform, systematic and orderly way. There are problems in data collection methodology, particularly since the methodology lacks data on violation of the rights guaranteed under the GEL. There are no data on the number and structure of proceedings concerning violation of the GEL, and the available statistics on the proceedings conducted under LPD do not provide sufficient information on gender-based discrimination cases. This practice constitutes a violation of legal obligation according to which all the statistics and information collected, recorded and processed must be gender disaggregated and made available to public⁶.

Reports on the use of funds intended to improve the position of different marginalised

1 Gender Equality Law, Consolidated text (Official gazette of BiH 32/10)

2 Law prohibiting discrimination (Official gazette of BiH 59/09 and 66/16).

3 Articles 26 and 27 of GEL

4 Article 24 of GEL

5 Ibid.

6 Articles 22. and 24, paragraph 1, indent d) and paragraph 2, indents a) b) c) of GEL.

groups and the effects of the measures implemented such as for example employment of Roma women, women with disabilities or incentives for women farmers are not available in the whole range of areas.

Measures taken to improve gender equality have little effect. Women are not equal in politics and decision-making, or at the labour market. There is no progress in aligning business and private life or improving the position of marginalised groups of women. Efforts are being made through reforms in the area of social protection and services to shift the burden and cost of care from the state to women and to base it on unpaid women's work. It seems that the executive and legislative authorities generate and maintain systematic discrimination against women without real intention to enforce the laws and policies and thus change practice.

Civil Society Organisations (CSOs) and, in particular, women's rights organisations are not sufficiently involved in the adoption, implementation or monitoring of regulations, policies and reform processes in general. Due to a low level of participation of women in the legislative and executive power, the women's perspectives in Bosnia-Herzegovina's policies are being marginalised. Women are excluded from political, economic and social reforms important for development of the country.

POLITICAL CRITERIA (Democracy and Rule of Law)

V. Civil society

| 66. Are there official bodies for dialogue and cooperation between CSOs and public institutions and if so, how are CSOs represented within them? How is this cooperation working in practice? Is there sufficient administrative capacity and funding in order for the mechanism to achieve its goals? Is the structure sufficiently visible, open and available for CSOs?

BiH does not have a fully-fledged institutional framework regulating relations and the way of cooperation between civil society and government. There has been a deadlock in the development of institutions in BiH required to facilitate cooperation between government and CSOs as well as in the development of supporting documents defining the involvement of civil society in making and implementing public policies and regulations⁷.

⁷ Prof. dr Žarko Papić, prof. dr Dragan Golubović, mr. sci Goran Žeravčić, dr. sci Merdža Handalić Plahonjić i doc. dr Saša Leskovic *Analiza postojeće prakse saradnje vladinih institucija sa organizacijama civilnog društva* (2015. godine) Kronauer Consulting doo, Archive of the organisation PRAVA ZA SVE

A co-operation agreement between the Council of Ministers and NGO sector in BiH (Agreement) was signed in 2007. The agreement never took root. A strategy for creating enabling environment for civil society development in BiH has not been adopted yet nor the Office for Cooperation with Civil Sector and the Commission for civil sector and other bodies planned under the Agreement were established.

Some institutions have bodies for dialogue and co-operation between CSOs and public institutions but their relevance is rather questionable. CSO representatives are often unaware of their existence and competence. CSOs usually establish short-term co-operation with the institutions they need to accomplish their advocacy goals or project activities through their advocacy actions⁸ or within certain projects. A positive example is the Quality Assurance Office at the level of Sarajevo Canton (SC), which is an organisational part of the Sarajevo Canton Government. This Office is a kind of mediator between the CS Government and the CSOs with regard to exchange of information on the regulations circulated for public discussion as well as other relevant information. Funding for the operation of this service is provided by the CS Government.

BiH has a gender mechanism in place at all levels of government. Among others, the BiH Gender Equality Agency (BiH GEA) and Entity Gender Centres were established. These bodies are responsible for co-operation with CSOs, locally and internationally. These mechanisms cannot be said to be a link between women's CSOs and the institutions because they do not co-operate sufficiently with women's CSOs in the struggle for equal status of women in BiH society.

| 67. Please explain how the civil society is involved in the process of public consultation on draft legislation and policies. Is there a structure or mechanism in place, including a web-platform? Are civil society proposals taken into consideration by the relevant authorities? (See also under Public Administration Reform)

Public consultations are governed by the rules of the legislative institutions⁹ which poorly and vaguely regulate the concept of public debates. The rules mainly stipulate

⁸ Examples: At the CS level, there is a coordinating body the responsibility of which is to promote the system of protection against domestic violence. The Body consists of the relevant ministries and the Local Democracy Foundation. The body works very successfully. Also, at CS level, the Local Democracy Foundation and the relevant institutions work together very successfully to improve the system of free legal aid. The above-mentioned co-operation has been initiated, established and supported by the Local Democracy Foundation. There are similar examples in other cantons.

⁹ Public consultations are governed by the following rules: Rules of Procedure of the House of Representatives of the Parliamentary Assembly of BiH; Rules of Procedure of the House of Peoples of the Parliamentary Assembly of BiH; Rules of Procedure of the Council of Ministers of BiH; Rules of Procedure of the House of Peoples of the Parliament of FBiH; Rules of Procedure of the RS National Assembly and Rules of Procedure of the FBiH Cantonal Assemblies, the Rules of procedure of FBiH Government, Rules of procedure of RS People's Council. The Government of RS and cantonal governments in the FBiH have not regulated public consultations.

obligations of the public debate organisers with respect to the Parliament i.e. Assembly, while the obligations towards public participating in the public debates are defined vaguely, if at all.

Publication titled “*Public discussions in BiH – from a formality to the essence*”¹⁰, containing the results of a comprehensive analysis of public consultation mechanisms in BiH, identified the following problems: the rules of procedure contain no criteria for assessing which regulations is of public interest and which regulation must be referred to public debate, and consequently, the Parliament decides on this in each individual case; the rules of procedure do not stipulate an obligation to comply with the standards of timely and transparent informing of public about the laws planned for public debate; different rules prescribe different length of public debate, and only some rules in addition to the length prescribe the minimum duration of a public debate; the rules contain no criteria to assess the success of public debates, i.e. when a public debate is deemed unsuccessful and when it should be repeated; the rules partly regulate the way of handing the results of a public debate – there is obligation to submit public debate results only to the Parliaments i.e. Assemblies, but not to other participants in the public debate.

Although it is the duty of the Parliament i.e. Assembly to organise public consultations, they often delegate this duty to relevant ministries. Public debate organisers insufficiently and inadequately use websites. Information on public consultations is commonly published in the form of news in the section „News“, which is why it is commonly eclipsed by newly posted information. A small number of institutions have a special link on which they publish information on public debates and provide the possibility of commenting through website or e-mail. None of the website of the institutions organising public discussions provide reports on comments made in the discussion. Neither CSOs nor any other participants in public debates are provided with a report on public debates conducted or feedback as to why their comments and proposals have not been adopted.

The organisers of public discussions do not make sure that representatives of relevant women’s organisations are invited to the debate. This is a problem because in this way women’s CSOs are deprived of opportunity to influence the adoption of regulations and to point out the possible problems with the regulation and effects thereof on women.

From April 2016 the website of the Ministry of Justice of Bosnia and Herzegovina, offers a web-platform *eConsultations* through which it informs the citizens on the

10 Public discussions in BiH – from the form to the essence: Centres of Civic Initiatives, Tuzla, Bosnia and Herzegovina, available at: http://www.cci.ba/dokumenti/Javne_rasprave_u_BiH.pdf (30.5.2017)

process of passing regulations. The platform provides for posting comments on the proposed state level regulations. According to data available, over the past period, a total of 66 consultations have been carried out on the *eConsultations* platform. According to statistics, 20 people participated in the consultations, posting 70 comments and 99 proposals. One proposal has been adopted. Other than statistics, the website offers no report on submitted comments and proposals.

The data indicate that the system of public consultations is inefficient and that certain measures need to be taken to increase the number of persons participating in the consultations and make available feedback on the proposals received. It is indicative that only one out of 99 received proposals has been adopted.

Another disadvantage of the *eConsultations* platform is that it does not include entity level regulations. This is a huge problem since most of the regulations governing the lives of citizens are passed at Entity level and lower levels of government.

| 68. Are laws, bylaws, strategies and policy reforms effectively consulted with CSOs (in terms of adequate access of information, sufficient time to comment, selection and representativeness of working groups, acknowledgement of input, feedback etc.)?

Consultations in the process of development, drafting and monitoring of implementation of public policies at the level of BiH are regulated by the *Rules on consultations in legislative drafting process*¹¹ (Rules). The participation of the interested public in the Federation of BiH (FBiH) is regulated by the *Regulation on Rules for Participation of the Public in the Process of Preparing Federal Regulations and Other Acts (the Regulation)*. In Republika Srpska (RS) public consultation in the process of enacting laws and other regulations and general acts is regulated by *Guidelines on public participation and legislative drafting consultations for line ministries and other administrative bodies (the Guidelines)*.

Unlike public debates, these documents define fairly well the process of participation of the public concerned, including women's CSOs, in consultations at the earliest stage of legislative drafting. However, even though there are documents in place that fairly well regulate this process, the effects thereof in the field are not visible. CSOs are not adequately involved in the consultation process. No attention is paid to involving women's human rights organisations in order to incorporate affirmative action for women in the regulations. Organisations have no adequate

11 Rules on Consultations in legislative drafting process (Official Gazette of BiH, 81/06) and Rule on Changes and Amendments to the Rules on Consultations in legislative drafting process (Official Gazette of BiH, 80/14).

access to information on the forming of working groups, which are most often formed without relevant civil society representatives, and let alone representatives of women's organisations.

A Report on implementation of the Rules¹² indicates that in most cases the state-level institutions did not fulfil the obligations arising from the Rules. According to data from this report, only four state-level ministries have fulfilled their obligations with respect to minimum consultations, another four ministries have no internal procedures for implementation of the Rules in place, five ministries do not have consultation co-ordinators, and only three ministries have lists of stakeholders interested in taking part in consultations. Unlike the state level, no reports on the implementation of public consultations are available at Entity level.

Research results published in the publication *Political dialogue between the government institutions and civil society organisations in Bosnia and Herzegovina*¹³ point to the problem of a weak institutionalisation of consultation mechanism. As a result, involvement of CSOs in the consultation process often depends on individuals in the government institutions rather than on the political will to establish a true dialogue with civil society.

The same research has shown that institutions have limited financial and human resources to conduct public consultations. Also, they often have inadequate education programmes for civil servants.

CSOs usually learn about consultations from other organisations and through personal contacts. Very few organisations are consulted through direct calls and mailing lists of public institutions. State-level gender mechanisms do not inform women's CSOs about the formation of working groups and do not co-operate with them on these matters.

An important source of information on consultations is the institution's website but this way of gathering information takes a lot of time if we have in mind the number of institutions, different structure of their websites, updating routine and completeness of information provided on them.

It is emphasised in the *Report on the enabling environment for Civil Society Development in BiH* for 2013 that the institutions do not provide on a regular basis feedback

12 BiH Ministry of Justice, Report on implementation of the Rules of consultations in the legislative drafting process in the institutions of BiH (2014) available at: http://www.mpr.gov.ba/organizacija_nadleznosti/planiranja_koordinacija/strateska_planiranja/strategija/20%201%20Izvjestaj%20o%20provodjenju%20Pravila%20za%20konsultacije%20-%20BJ.pdf (30.5.2017)

13 Dr. Žarko Papić i Dr. Tarik Jusić *Politički dijalog institucija vlasti i organizacija civilnog društva u Bosni i Hercegovini* (2015.god.) Kronauer Consulting, available at: https://europa.ba/wp-content/uploads/2015/05/delegacijaEU_2015022412471384eng.pdf (30.5.2017)

to organisations that participated in the consultation process about the status of their proposals and comments. The situation is still very similar when it comes to providing feedback following public consultations¹⁴. Again, the organisations are not provided with timely and proper feedback. Most of the consultations are organised only as a formality, merely to satisfy the legal requirements, while in reality they have no substantial effect.

VI. Public Administration

B. Policy development and coordination

| 84. Are impact assessments (fiscal, regulatory, etc.) systematically prepared for draft legislation and policy proposals? What is their quality? What mechanisms exist to monitor the effective implementation of legal acts by public bodies (e.g. reporting requirements, administrative oversight, and inspections)?

BiH has established a legal framework that imposes an obligation on the institutions to systematically carry out an impact assessment of legislation, including draft and proposed legislation and policy proposals. Gender equality is, in that sense, a part of the legislation impact assessment, in particular the effects that the various options offered by these regulations might have on men and women.

Despite the established rules and obligation to carry out a legislation impact assessment, the assessment takes place in reality only sporadically and with a lot of problems¹⁵. Legislation impact assessments are not carried out systematically but are often project-oriented, depending on the financial and technical support of international and domestic organisations¹⁶. It seems that the competent institutions do not have the capacity to carry out these assessments¹⁷. There are still no appointed persons in the ministries to carry out „a legislative impact analysis“ and/or impact analysis of other regulations, nor have they established dedicated analytical departments to

14 Ibid.

15 Voloder, N. (27.4.2017) Policies and Standards: Challenges of Legislative Impact Assessments in Bosnia and Herzegovina. [Web portal: PolicyHub], available at: http://www.policyhub.net/bs/politike-i-standardi/206#_ftn13 (12.5.2017.)

16 For example: The Strengthening Governing Institutions and Processes Project in Bosnia and Herzegovina (SGIP), was funded by USAID, The SUNY Center for International Development and the organisation Prava za sve (Rights for All) as part of the project co-operation 2013- 2016.

17 See: Voloder, N. (27.4.2017) Policies and Standards: Challenges of Legislative Impact Assessments in Bosnia and Herzegovina [Web portal: PolicyHub].; Čilimković, A. i Telić, D. *The effects of the law is one of the unknowns in BiH, working version* (2015.) CCIA. Available at: http://www.cci.ba/dokumenti/ANALIZA_EFEKTI_ZAKONA.pdf (25.5.2017.)

carry out these tasks¹⁸. Impact assessment is hampered or even prevented by the lack of relevant data and statistics collected in a regular, uniform and systematic way¹⁹. Although the legislative assessment implies development of more options for one particular law or policy, as a rule, the choice falls on the options that are financially least demanding for the authorities that will be implementing them. An example of this are the policies and laws in the field of foster care, protection of families with children, social services, etc. Such an approach to legislative drafting process in BiH leads to *frequent amendments to laws resulting from the omissions in law preparation, wrong policy choices or lack of assessment*²⁰.

When it comes to gender equality perspective, the legislative impact assessment often results in mere introduction of a standardised clause in the law such as, for example: *The terms used in the regulation refer to or equally apply to both male and female gender*, i.e. a provision on *equal representation of men and women* is introduced, if the regulation provides for the establishment of a body responsible for its implementation. Laws and policies are being adopted not only without assessing the impact of a draft regulation but also without harmonising them with the existing domestic and international legislation²¹. There is no systematic monitoring of the implementation of regulations and policies from the gender equality standpoint. Problems of or shortcomings in the application of the passed laws, policies and budgets have little impact on the development of new measures aimed at improving the position of women²². Policy making seems to be an end in itself, without any impact on the advancement of women's position.

18 PolicyHub]; Čilimković, A. i Telić, D. *The effects of the law is one of the unknowns in BiH, working version* (2015) Centres for Civic Initiatives.

19 For example: the number of beneficiaries of various forms of social protection and services, the status of (un) employment and the activities of marginalised groups of citizens in the labour market, differences in pay of women and men, lack of data on cases of job loss due to pregnancy and childbirth, non-promotions at work, number of beneficiaries of various (self)employment incentives for groups of women such as Roma women, women with disabilities, women farmers, entrepreneurs, etc.

20 According to the data of the BiH Ministry of Justice, only in the period from 2013 to 2015, a total of 20 laws were adopted at the level of BiH, while the number of amendments to the existing laws was twice as great (a total of 41 amendments to the existing laws). CCI data show that over 40% of core laws adopted in the period 2010-2014 have been amended, some of which have been amended already in the first year of application. According to: Voloder, N. (27.4.2017) Policies and standards: challenges in the legislative impact assessment in Bosnia and Herzegovina [Web portal: PolicyHub].

21 See, as an example, inconsistencies in the core anti-discrimination legislations: the GEL and the LPD, see more in response to Question 288.

22 Moreover, in addition to the policies adopted, including policies aimed at improving gender equality and the spending of resources for this purpose, BiH has been stagnating over the past ten years when it comes to the number of employed women (34% to 37%). The number of women in decision-making and management positions is stagnating or even declining to about 20% of women in the legislative and executive authorities at all levels of the current government. Women are not equal in management and decision-making positions in companies (there are only 15.7% of women in the management structures, out of which 12.5% are chairwomen of the boards. In more than 50% of Boards there is no single woman. The number of women entrepreneurs is also very low (27.3%). There are no indicators for improving the position of women belonging to marginalised groups, etc.

Key policies and reforms are being developed or adopted without ensuring equal participation of women and/or the influence of CSOs dealing with women's rights. The Reform Agenda²³ is the key programme document for growth and development of governments at all levels. In this composition of 14 governments in the country there is only 17% of women, and only one women prime minister. Citizens or CSOs were not consulted in the development of this extremely important document for the country development.

That women are excluded from the process of adopting important policies is also visible in the co-ordination mechanism for implementation of the EU integration process in BiH. Generally, this mechanism is still not fully functional and representatives of different institutions are yet to be appointed to a large number of bodies. What we know so far is that women are under-represented in the key bodies at the political level, while they are somewhat more represented in sub-committees and working groups, which will be responsible for technical preparation of the EU integration process²⁴.

CHAPTER 19 SOCIAL POLICY AND EMPLOYMENT

VII. ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES

B. Equal treatment of women and men

Equal opportunities (Directives 79/7, 92/85, 2004/113, 2006/54, 2010/18 and 2010/41)

| 288. Does the legislation or case law on sex discrimination cover and provide a definition of direct and indirect discrimination, harassment, sexual harassment and instruction to discriminate?

BiH legislation prohibits discrimination on grounds of sex and it defines direct and indirect discrimination. There are two key anti-discrimination laws, the Gender Equality Law (GEL) and the Law Prohibiting Discrimination (LPD), both of which include and define gender-based discrimination, direct and indirect discrimination, harassment, sexual harassment and discrimination. Additionally,

23 BiH Reform Agenda for the period 2015 - 2018 (2015) Council of Ministers of Bosnia and Herzegovina, Government of the Federation of Bosnia and Herzegovina, Government of Republika Srpska, available at: http://www.vijeceministara.gov.ba/home_right_docs/default.aspx?id=20037&clangTag=hr-HR (16.5.2017.)

24 According to the preliminary results of monitoring of EU integration co-ordination process, which the organisation Vaša prava, carries out in 2017.

according to the GEL, sex based violence in the family or household, so-called domestic violence is also recognised as a ground of discrimination.²⁵ This is often neglected, and violence against women and domestic violence are very rarely registered and treated as discrimination. However, the problem with respect to protection against gender discrimination lies in the application of these laws in practice.

Data provided by the High Judicial and Prosecutorial Council of BiH (HJPC) regarding the completed cases of discrimination in the period from 2013 to 2015 show uncertain growth tendencies. Statistically, the increase in the number of civil litigations related to discrimination does not correspond to a significant degree of discrimination present in the society of BiH. In the period from 2011 to 2015 the courts of different level in BiH, in Entities and Brčko District, as well as the Court of BiH have decided a total of 236 cases of different forms of discrimination.²⁶ Underdeveloped case law points to the problem of recognising discrimination and a number of discouraging circumstances such as financial obstacles, fear of victimisation, lack of adequate legal aid, as well as distrust of citizens in judicial institutions.²⁷ Also, it is not possible to determine from these data whether and how many gender-based discrimination cases were prosecuted. In the period from 2010-2014 BiH Ombudsman for Human Rights considered 21 cases of gender-based discrimination and discrimination on grounds of sexual orientation, 7 cases of gender equality violations and 45 cases of discrimination on grounds of social position and gender²⁸.

BiH lack statistics showing to what extent is the gender-based discrimination present in various fields of life and work. There are no valid and regular statistical data on the number of reported or initiated judicial or disciplinary proceedings for harassment or sexual harassment as a form of gender discrimination in various areas, particularly in the area of labour and employment. *At the same time, every tenth person working in the BiH institution believes to have been a victim of gender-based discrimination, and every sixth believes to have been a victim of sexual harassment*

25 GEL, Article 3 (2) Discrimination can be direct, indirect discrimination, harassment, sexual harassment, encouragement to discrimination and gender-based violence; Article 6 (1) Gender-Based Violence is Forbidden. (2) Gender-Based Violence is any act by which physical, psychological, sexual or economic harm or suffering is caused or may be caused, as well as a threat of such action that restricts a person or group of persons from enjoying their human rights and freedoms in public and private sphere of life. (3) Gender-based violence includes, but is not limited to (among other things), a) violence occurring in the family or household.

26 Legal protection against discrimination in South East Europe – regional study (august 2016) Centre for SEELS, str. 52 (table), Archive of organisation PRAVA ZA SVE.

27 Rečjanović, M. et al, Squaring the anti-discrimination triangle in BiH: legislative framework, policies and practice, 2012-2016 (2016), Analitika - Centre for Social Research, p. 14, Archive of organisation PRAVA ZA SVE

28 Report on the occurrences of discrimination in BiH (May 2016) BiH Ministry of Human Rights and Refugees, submitted to the Joint Human Rights Commission of the Parliamentary Assembly of BiH, No. 01-07-07-1715-21 / 2016 of 23 May 2016, archive of organisation PRAVA ZA SVE

in the workplace²⁹. Institutions and companies do not conduct periodic or regular monitoring of the implementation of anti-discrimination laws. The reason for this is inactivity of the BiH Ministry of Human Rights and Refugees and the GEA in meeting their statutory obligations - monitoring the implementation of the law, maintaining a single database of discrimination cases and producing annual and special reports on discrimination, proposing legal and other measures to prevent and combat all forms of discrimination³⁰.

The GEA has adopted Unified Rules for Consideration of Depositions and Complaints submitted by individuals and groups of individuals reporting violations of any right under this Law³¹. We do not know whether and how many complaints have been received or resolved applying these Uniform Rules, although in its report the GEA stated the following: „Although there are not many reported gender-based discrimination cases in the field of employment, labour, and access to all forms of resources, there are indications that in practice, various forms of gender-based discrimination, harassment, sexual harassment by a colleague, a superior or the employer occur.“³²

Due to the fact that no official record of the number of filed reports and the number of initiated or completed gender-based harassment or sexual harassment cases is kept, it is not possible to follow the trend of discrimination on this ground. All in all, this contributes to the creation of a general perception that in reality this type of discrimination in BiH is non-existent or very negligible. In this way, those guilty of gender-based discrimination are being hidden, and this form of discrimination is being systematically minimised. The situation is somewhat different when it comes to domestic violence, because this area is governed by separate Entity laws on the protection against domestic violence. Domestic violence is almost never considered nor is it monitored as a form of discrimination. Data presented by

29 See: Petrić A. et. al. *Alternative CEDAW report: A CSO report on implementation of key observations and recommendations of CEDAW Committee for Bosnia and Herzegovina, 2013 - 2017* (2016) Helsinški parlament građana Banja Luka and Prava za sve, Sarajevo, Employment, Labour and Social Rights of Women. F. Idžaković, p. 83.

30 Minister for Human Rights and Refugees of BiH, Semiha Borovac, in an intervju for portal Discrimination.ba in March 2016 said: „Thus, for the full implementation and enforcement of the Law, The Ministry should establish a central database and to regulate the method of data collection and cooperation among relevant institutions in exchanging data on registered discrimination cases. However, given the complexity of establishing the database, the Ministry is meeting its legal obligations using data from existing records. The database will be established with the support of EU IPA funded project. The project has already began but due to its complexity and the fact that it includes other components of capacity building of the Ministry, it is expected to last until mid-2017.“

31 Article 26 of GEL: The Agency is mandatet to perform following tasks within its jurisdiction: i) Consider depositions and complaints of citizens that point to violation of a certain right from this Law; j) The Agency for Gender Equality of Bosnia and Herzegovina shall adopt Unified Rules for Consideration of Depositions and Complaints of Citizens from paragraph i) of this Article;

32 2012 - 2014 Report on the Status of Gender Equality in Bosnia and Herzegovina (October, 2014), Ministry of Human Rights and Refugees, Agency for Gender Equality, p. 24, available at: http://arsbih.gov.ba/wp-content/uploads/2015/02/Izvjestaj_o_ravnopravnosti_spolova_2012-2014.pdf (15.5.2017)

government institutions and civil society organisations indicate that domestic violence and violent partner relations in BiH continue to be the most widespread form of violence, which mostly affects women and girls. *Violence against women is perpetuated in BiH through a widespread violation of human rights. A very little progress was made in terms of recognising various forms of violence to which women of all ages are exposed on a daily basis throughout their lifetime.*³³

| 289. Which sanctions and remedies can be applied in sex discrimination cases?

Legislation in BiH provides for various sanctions and remedies for gender-based discrimination. The GEL stipulates a prison sentence of 6 months to 5 years for gender-based violence, harassment or sexual harassment³⁴. Fines for legal entities i.e. responsible persons in the legal entities found guilty of gender-based discrimination range from BAM 100 to 30,000³⁵. The LPD stipulates various fines for discrimination, ranging from BAM 550 to 10,000, depending on the severity of violation³⁶. Furthermore, legislation establishes a system of various legal remedies for gender-based discrimination.

There is no information on the amounts of fines imposed on the basis of LPD and GEL.

*Amendments to the LPD made step forward towards establishing a complaints filing system related to gender-based discrimination or sexual harassment in the workplace*³⁷. *As for legal remedies, it is important to point out revision, which is stipulated in Article 13, paragraph 2 of LPD. This Article explicitly stipulates that revision shall always be allowed in cases of discrimination, which means that the requirement of property census is not an imperative here.* However, in the appellate proceedings, the provisions of LPD should be aligned with the relevant regulations relating to the mediation process, notably by recognising the Ombudsman as a mediator³⁸.

33 For more, see Petrić, A. et al. *Alternative CEDAW report: A CSO report on implementation of key observations and recommendations of CEDAW Committee for Bosnia and Herzegovina, 2013 – 2017*. (2016) Helsinški parlament građana Banja Luka and Prava za sve, Sarajevo, Petrić A. Violence against women

34 Article 29 of GEL

35 Article 30 In case of failure to take appropriate measures and effective mechanisms for protection against gender-based discrimination, harassment and sexual harassment; and in case of failure to break down statistical data and information collected, recorded and processed by gender

36 Articles 19, 20, 21, 22 and 23. of LPD.

37 See Petrić, A. et al. *Alternative CEDAW report: A CSO report on implementation of key observations and recommendations of CEDAW Committee for Bosnia and Herzegovina, 2013 – 2017*. (2016) Helsinški parlament građana Banja Luka and Prava za sve, Sarajevo, Employment, Labour and Social Rights of Women. Idžaković,

38 Reljanović, M. Squaring the anti-discrimination triangle in BiH: legislative framework, policies and practice, 2012–2016 (2016), Analitika – Centre for Social Research, p.14.

| 290. Are there any legal provisions concerning damages to be awarded by court in case of discrimination on grounds of sex? If so, are there any upper limits defined by law for such cases?

A victim of discrimination is entitled to indemnification. In general, the amount of compensation for pecuniary and/or non-pecuniary damage depends on the framework of a claim and it varies from case to case. The upper limit is not defined in any of the laws, but due to a very small number of convictions, there is no case law based on which one could determine the amount of indemnification for various forms of discrimination, and in particular discrimination on grounds of sex. Again, we face the problem of having lack of data about violation of rights and form of discrimination most frequently brought before the court, and whether and what amount of indemnification was awarded.

| 291. Is there a system of administrative sanctions in case of discrimination based on sex? If so, please give details.

The GEL as the key law protecting against discrimination on grounds of sex does not establish a system of administrative sanctions in case of discrimination on grounds of sex. However, pursuant to regulations governing the rights, duties and responsibilities of all employees in BiH institutions, acts of sexual harassment and harassment on grounds of sex are defined as a misconduct entailing disciplinary responsibility³⁹. No official information on the number of such proceedings or imposed measures is available, but information thereon occasionally appears on the media, although often in the form of sensational news⁴⁰.

Once again, it is important to highlight that full implementation of the GEL and the LPD requires that records of all discrimination cases on grounds of sex, as well record of all administrative or other sanctions imposed in government institutions and also in private and public companies be kept. This is the only way to establish a

39 Guide for taking effective measures to prevent harassment on grounds of seks and sexual harassment at workplace in the institutions of BiH (2013) Ministry of Human Rights and Refugees of Bosnia and Herzegovina, Gender Equality Agency of Bosnia and Herzegovina, archives of organisation PRAVA ZA SVE

40 *The Inspectorate General of the Ministry of Defense of Bosnia and Herzegovina (MOBiH) received two reports that were qualified as sexual harassment, one in 2015 and another in 2016. All other information pertaining to the status of these reports are kept in the inspectors' file and are under the control of the Inspectorate General of MoD BiH and may be disclosed solely in accordance with the Freedom of Access to Information Act of BiH – said PR of MoD BiH. Boško Šiljegović, a military MP, have told us that there has been another report, which was acted upon. We received a similar report last year int he Basic Training centre in Pazarić. In our report we wrote: harassing a female candidate during the training course in Pazarić. But this case was resolved by transferring the petty officer in question. He was sent to another unit because it was established that he indeed has harassed the candidate at the training, says Šiljegović. M. AŠČIĆ Otkrivamo nove prijavе za seksualno uznemiravanje u oruzanim snagama BiH Dnevni avaz of 19 December 2016. Available at: <http://www.avaz.ba/clanak/268105/otkrivamo-nove-prijave-za-seksualno-uznemiravanje-u-oruzanim-snagama-bih?url=clanak/268105/otkrivamo-nove-prijave-za-seksualno-uznemiravanje-u-oruzanim-snagama-bih> (20.4.2017.).*

database that would give not only information about the scale of discrimination on grounds of sex but also other important information such as the most prominent forms of discrimination, the places where discrimination most frequently occurs, the exercise of which rights is most often subject to discrimination on grounds of sex, etc. Policies and strategies to combat gender-based discrimination should be developed on the basis of all these data, which currently is not the case.

| 292. Are there provisions on the burden of proof concerning court suits and other procedures in cases of sexual discrimination? If so, does the respondent have to prove that he did not discriminate if discrimination can be presumed?

Yes, the Law prohibiting discrimination contains provisions on the burden of proof. It should be noted in this regard that Article 23 of the GEL, which regulates judicial protection, does not mention explicitly the burden of proof, but the victim of discrimination is allowed to seek protection in the proceedings in which that right is decided as the main issue, and can seek protection through a special procedure for the protection against discrimination under the LPD.

However, despite these provisions, in reality there is still problem about proving the case, *especially since courts appear to have different interpretations of the regulations setting the standard of evidence, for example, “to make it probable” or “to corroborate the alleged breach of the prohibition of discrimination.” Imprecise and inconsistent legal terminology undoubtedly jeopardizes the existence of a uniform standard of proof⁴¹.*

Available reports on anti-discrimination court proceedings in BiH show that domestic courts have introduced a very high threshold that a prosecutor has to meet in order to shift the burden of proof to the defendant, and they even completely neglect this important principle, applying the general rules of litigation to cases involving discrimination. The reason for this is largely the lack of understanding of the standard of shifting a burden of proof and its importance for ensuring effective judicial protection against discrimination⁴².

It follows from the analysis of the anti-discrimination procedures conducted by the CSO „VAŠA PRAVA BiH“, that the rule on burden of proof is incorrectly construed as some courts are not familiar with this specific rule and have erroneous

41 Reljanović, M. Squaring the anti-discrimination triangle in BiH: legislative framework, policies and practice, 2012–2016 (2016), Analitika - Centre for Social Research, p. 46.

42 Topić, B. The Burden of Proof of Direct and Indirect Discrimination (April 2015) Analytic, Social Research Centre, p. 2, Archive of organisation PRAVA ZA SVE

understanding of the procedural obligations of the litigants⁴³. Thus, for example, in a verdict on abandonment of the Municipal Court in Zavidovići the Court repeatedly stated that “the plaintiff failed to prove ...”, implying that the court interpreted the procedural obligation of the litigants in the case by inertia through the prism of general rule of the Civil Procedure Code and not through the prism of special provisions of the Law Prohibiting Discrimination⁴⁴. In reality there is still problem about proving the case, especially since courts appear to have different interpretations of the regulations setting the standard of evidence, for example, “to make it probable” or “to corroborate the alleged breach of the prohibition of discrimination”⁴⁵.

| 293. Does the legislation protect individuals against victimisation?

Existing legislation formally protects an individual from discrimination. However, the protection at practical level is at a very low level. Enforcement of the law is very poor and the reasons for this are many, some of which have already been mentioned above. In general, it can be said that the reasons for (not) understanding discrimination as such include judges who are insufficiently knowledgeable about the law or they have been poorly trained to apply the law, exceptionally long and expensive court proceedings (although an urgent procedure is prescribed), and perhaps the most important, a huge mistrust of citizens in the BiH judicial system. This is indicated in a number of CSO reports dealing with protection against discrimination and practical application of law⁴⁶.

Much more professional criticism and constructive discussions of legal practitioners on challenges in law enforcement are needed. Only then will be possible to detect weak links in the law enforcement system, and take the necessary measures of education and training of all those responsible for law enforcement. It should be born in mind that according to the GEL all authorities are under obligation to take all appropriate and necessary measures to enforce the provisions of this law and accompanying policies, and ensure the collection, management, analysis and presentation of gender-disaggregated statistical data as well as gender analysis in

43 Overview of cases considered by the Legal Anti-discrimination Team of NGO Vaša Prava (May 2012) Vaša prava, Archive of organisation PRAVA ZA SVE.

44 Ibid

45 Reljanović, M. Squaring the anti-discrimination triangle in BiH: legislative framework, policies and practice, 2012–2016 (2016), Analitika - Centre for Social Research

46 CSO reports used in the preparation of this document: Overview of cases considered by the Legal Anti-discrimination Team of NGO Vaša Prava (May 2012) Squaring the anti-discrimination triangle in BiH: legislative framework, policies and practice 2012–2016 and many other.

a particular area⁴⁷. The issue of statistics is particularly important. It is virtually impossible to determine the scale of gender discrimination and the effectiveness of certain legal solutions in the practice due to lack of relevant data.

BiH authorities constantly claim to have undertaken all required actions to establish protection against discrimination, completely neglecting an extremely poor rate of implementation of the law in practice. Yet, without having protection at practical level one cannot speak about having a system of protection against discrimination. For this reason, all the responsibility lies on the authorities and the law enforcement authorities to whom, as it appears, the problem of discrimination, including discrimination on grounds of sex is not a priority. Much of the responsibility for this situation is borne by the established institutional gender equality mechanisms whose primary task is to monitor the gender balance in BiH and point to practical problems through regular and special reports.

| 294. Do institutional structures exist for the promotion of gender quality? If so, please indicate their administrative capacity and the guarantees for independent performance of their powers.

In BiH there is a large and diverse structure of institutional gender equality mechanisms at all levels of legislative and executive power. At almost all levels of legislative power gender equality commissions/committees have been established, from the BiH Parliament all way to municipalities. As for executive branch, a Gender Equality Agency was established within the BiH Ministry of Human Rights and Refugees. At the Entity level, FBiH Gender Centre and RS Gender Centre have been established earlier.

However, their efficiency in monitoring and success in establishing gender equality in BiH is highly questionable. In its latest Report on Gender Equality in BiH produced by the Ministry of Human Rights and Refugees, the GEA concluded that, in order to achieve this goal, the institutional mechanisms at all levels of legislative and executive power have to have power, visibility, political recognition, necessary funding and human resources, and that their action must be fully supported by political authorities at all levels of government⁴⁸.

The real question for the Ministry of Human Rights and Refugees and GEA as the most responsible institution for gender equality is what they have done

⁴⁷ Article 24 of GEL

⁴⁸ 2012 - 2014 Report on the Status of Gender Equality in Bosnia and Herzegovina (October, 2014), Ministry of Human Rights and Refugees, Agency for Gender Equality,

so far to overcome these shortcomings, given that this is all well known and has been repeated for many years through numerous international reports and recommendations⁴⁹. The Ministry of Human Rights and Refugees and the GEA could have produced a special report on this issue and presented it to the public and competent institutions of executive and legislative power a long time ago. Such a report should point to key shortcomings in terms of staffing, administrative and financial capacity from the perspective of those responsible for meeting the obligations arising from GEL and specific requirements addressed to relevant institutions for the necessary change. However, so far, neither the Ministry of Human Rights nor the GEA have done anything like that. Instead, they keep repeating what it is already known and referring recommendations to themselves.

For this reason, the impression is that the GEA as well as the Gender Centres in the Entities have, in fact, positioned themselves as non-governmental organisations within the government, and unfortunately, this is how they are perceived by others. Nevertheless, a general lack of political interest and intention to truly enforce the GEL in society should not be neglected.

It is quite clear that a good BiH legislative framework for gender equality, the established institutional mechanisms both at the state and at the Entity levels, numerous gender equality commissions in parliaments and assemblies at almost all levels of government, which operate in concert with one another or in co-operation and with the support of international actors and local CSOs with considerable donor funds have not contributed to strengthening the position of women in political parties nor to a greater number of women in executive and legislative positions and at places of economic decision-making⁵⁰. Lack of specific measures and initiatives in strategic documents and policies aimed at enforcing law in practice, institutional mechanisms for gender equality that do not behave as a part of executive power further impede women's equal participation in political and economic decision-making. Without real political support, which the institutional mechanisms must win within the government system, and without readiness for constructive criticism and willingness to continuously co-operate with all CSOs dealing with gender equality in BiH no legal minimum for gender equality can be ensured.

49 Committee on the Elimination of Discrimination against Women; *Concluding observations on the combined fourth and fifth periodic reports of Bosnia and Herzegovina*, 30 July 2013; National machinery for the advancement of women, page 5/14.

50 See more in BiH Amendments to the 2013 - 2017 CEDAW Report, Participation of Women in Political and Public Life, D. Šehić I G. Vidović, p. 68.

| 295. Is the principle of equal pay for equal work or work of equal value for men and women guaranteed by the Constitution, by Law, and/or by collective agreement?

Yes.

In a broader sense, this principle is enshrined in the BiH Constitution, which guarantees the enjoyment of the highest standards of human rights, the prohibition of discrimination and implies the application of international human rights conventions from Annex 1 to the Constitution including the UN Convention on the Elimination of All Forms of Discrimination against Women and the International Pact on Economic, Social and Cultural Rights.

The principle of equal pay for equal work or work of equal value for women and men is guaranteed by domestic labour legislation. However, just as in other areas, the enforcement of prescribed standards in practice is not at a satisfactory level.

For more details, see response to Question 296.

| 296. Do pay gaps exist between women and men? How is the gender pay gap defined and measured?

Yes.

Occasional reports point to the difference in pay between men and women⁵¹. The 2015 World Bank report points to a visible gender gap in the hourly wages in favour of men that is persistent across levels of education, age groups, occupations and industries⁵². Considering only the population working for salaries or wages, and restricting the ages from 15 to 64 years old, the gender hourly-wage gap is estimated at 9% in favour of male workers (BAM 3.9 for men against BAM 3.5 for women)⁵³.

At the same time, BiH does not have official data on pay gap between women and men collected and published in a uniform, systematic and regular manner. The problems caused by lack of statistics are persistent across the country.

The pay difference is not defined. Data on pay difference within the pay grades in

51 According to: Filipović-Hadžiabdić, S. Memić, F. Somun-Krupalija, L. Abdelbasit, A. *Gender gap in BiH - Income (2006)*. BiH Gender Equality Agency (IBHI, UNDP) "Discrimination affects mostly women with primary school and secondary school qualifications in the manufacturing industry as well as women who have completed 2 to 3 years of secondary school and who work in retail. These women have a one-third lower salary than their male counterparts. Women with university degree move towards higher pay grades. However, men still dominate in the top two pay grades."

52 *Bosnia and Herzegovina: Gender disparities in endowments, access to economic opportunities and agency*, the World Bank, the Agency for Statistics of Bosnia and Herzegovina, the FBiH Statistics Institute and RS Statistics Institute, p. 54, available at: <http://arsbih.gov.ba/wp-content/uploads/2016/03/WB-Rodne-razlike-u-iskoris%CC%8Ctavanju-prava.pdf> (16.5.2017.)

53 Ibid.

individual branches of economy are not available. There is no methodology that can adequately respond to differences in the structure of basic net salary⁵⁴, and in particular since the level of wages can vary depending on the level of education, vocational training and past service, even when the workers perform the same or similar jobs and tasks.

The existing regulations and the way of calculating salary are, at first glance, gender neutral. Gender differences appear to relate to a smaller number of women in decision-making and management positions which are more related to higher pay grades and to employment of women in the areas that are not profitable (e.g. retail trade, social services, education, and so on). However, to adequately assess the differences in salaries between men and women and causes and consequence of this phenomenon, it would be necessary to collect and analyse detailed statistical data on salaries in all pay grades both in the private and the state sector.

| 297. Is direct discrimination forbidden by law in the field of access to employment, training, promotion and working conditions?

Yes.

Anti-discrimination legislation as well as labour and employment regulations prohibit discrimination in the field of employment, training, promotion and working conditions. At the same time, there is a noticeable trend of stagnation and inequality of women in employment⁵⁵. Existing policies have little effect on employment and self-employment of women (Table 1).

BiH has a problem with the way of collecting and structuring statistical data on (un)employment. Differences in data collected through various methods, such as registration in employment services⁵⁶, labour force

54 It is defined by different regulations at different levels of government and it also depends on whether the workers are employees in public institutions and companies or in non-public sector. The net salary consists, as a matter of principle, of the basic salary (base and coefficient, which depends on the post of the employee that is regulated by the internal regulations), additions to salary (past service), awards (incentives) and/or meal allowance and reimbursements, etc.

55 According to the Labour Force Survey of Bosnia and Herzegovina (LFS), which the Statistics Agency and Statistics Bureaus in BiH carry out since 2006 on a sample of 10,598 households in all parts of Bosnia and Herzegovina in accordance with the recommendations and definitions of the International Labour Organization (ILO) and in line with the recommendations of EUROSTAT. According to the LFS, from 2007 to 2016, women's employment ranges from 34% to 37% with a significant fall by 1.4% in 2016 compared to the year before (37.3% in 2015 compared to 35.9% in 2016.); LFS reports are available at: http://www.bhas.ba/?option=com_content&view=article&id=113=ba (21.4.2017.).

56 Data on registered unemployed indicate the number of persons registered in employment services throughout BiH. It should be borne in mind that registration with employment services is a basis for exercising some of the rights, such as health care. Data on registered unemployment are available at the BiH Agency for Statistics http://www.bhas.ba/index.php?option=com_publikacija&view=publikacija_pregled&ids=1&id=2&cn=Tr%C5%BEi%C5%A1te%20rada (21.4.2017).

surveys⁵⁷ and 2013 population census in some years range from 2% to 10%⁵⁸ (Table 2). The difference between formally registered and surveyed unemployment is considered to reflect the share of employees in the “gray” economy.

Discrimination on grounds of sex in the field of work is evident in the process of promotion in the service and appointment to managerial positions in companies and institutions to the detriment of women⁵⁹. 2014 LFS indicates that women were represented by 15.7% in the management structures of the companies, of which 12.5% were in the positions of chairpersons of the boards. Nevertheless, over 50% of the boards have no single woman in their composition⁶⁰.

The LFS points out that there are 31.6% of women in senior management positions (in the management), 24.3% in the position of deputies, while 47.8% of women are holding assistant positions. At the same time, according to the data of the BiH Civil Service Agency, the share of men and women in civil servants population in BiH institutions was 49% and 51% respectively⁶¹.

Available data lead to conclusion that women are not equal in decision-making and management processes in companies. Very worrying is the fact that women in public administration, where they make up a majority of employees according to above mentioned data, are not equal in managerial positions in the administration. These data point to the presence of a “glass ceiling” in BiH. The stereotypical social roles of women, in particular the length of women’s inactivity due to maternity leave and childcare endangers, among other things, the promotion of women to managerial positions. This should indeed be observed from the point of view of the lack of child care services as well as lack of measures aimed at harmonising professional and private life and women and men (for more details, see responses to Questions 307 and 308).

57 Data on the surveyed unemployment were collected through LFS.

58 An illustrative example is from 2013, in order to be able to include the 2013 Census Results. Women’s employment is 37% (surveyed), or 41.3% (registered), and 39% according to the 2013 Census of population, households and dwellings in BiH, Census results (June 2016) Agency for Statistics of BiH; In 2013 women’s unemployment was 40.2% (survey), or 50.5% (registered), and 42% (census).

59 Demir E. Discrimination in the Field of Labour in Bosnia and Herzegovina (2015) Association for Democratic Initiatives Sarajevo; Response of Institutions, Agencies and Enterprises to Discrimination against Women in BiH (2014) ICVA and Land of Children.

60 Representation of Men and Women in the Bodies of 100 Most Successful Business Entities in Bosnia and Herzegovina (2014), BiH Gender Equality Agency This survey is based on the responses of 70 out of top 100 business entities according to the 2013 Business Journal analysis. Report on Realisation of 2014 Gender Action Plan of Bosnia and Herzegovina (December 2015) Ministry for Human Rights and Refugees, Gender Equality Agency of Bosnia and Herzegovina, available at: <http://arsbih.gov.ba/project/izvjestaj-o-realization-gender-action-plan-bih-for-2014-year/> (26.5.2017).

61 Ibid.

| 298. Is there a rule established either by law or jurisprudence that there is no justification whatsoever to ask a woman about pregnancy when applying for a job of whatever kind?

Yes.

Entity Labour Laws explicitly ban asking questions about family or marital status or family planning. Also, they ban the employers to condition the employment of women by pregnancy test or ask any information from a worker that are not directly related to the work.

At the same time, CSOs reported a number of cases of violation of these regulations in practice⁶². Indirectly, the state institutions also point to discriminatory treatment of women in the process of recruitment, reporting that *there are indications in practice of various forms of gender discrimination in this area but not many official data on discriminatory practices ... Including banned questions about family planning and possible pregnancy...*⁶³ Besides, discriminated persons rarely resort to the existing protection mechanisms due to the fear of additional victimisation, as stated in the GEA report⁶⁴.

Institutions have for many years been aware of this kind of behaviour of individual employers. *In 2011 the State reported about evident practices of advertising jobs or short-listing one sex only, as well as terminating employment contracts during pregnancy or maternity leave.* Girls and young women are often exposed to direct discrimination in employment because they are asked questions about family planning and possible pregnancy⁶⁵. It is worrying that the state institutions continue to report on this practice periodically without taking effective measures to prevent and punish employers for such behaviour.

| 299. Does the legislation ensure equal treatment as regards self-employed activity? What is the legal position of spouses of self-employed workers in terms of status, social protection and rights?

Yes.

62 Izić, I. Letić, A. Stojanović, S. Stop discrimination against pregnant and postpartal women in Republika Srpska (2016), Helsinški odbor za ljudska prava u Republici Srpskoj, Are women in BiH protected against discrimination? We have laws and mechanisms in place but no protection. Why? (February 2014) ICVA and Land of Children

63 2012 - 2014 Report on the Status of Gender Equality in Bosnia and Herzegovina (October, 2014), Ministry of Human Rights and Refugees, Agency for Gender Equality, p. 24, available at: http://arsbih.gov.ba/wp-content/uploads/2015/02/Izvjestaj_o_ravnopravnosti_spolova_2012-2014.pdf (24.4.2017.)

64 Ibid.

65 Fourth and Fifth Periodic CEDAW Report of Bosnia and Herzegovina (May, 2011) BiH Ministry for Human Rights and Refugees, BiH Gender Equality Agency), p. 46, available at: http://arsbih.gov.ba/wp-content/uploads/2014/02/110531_CEDAW_BiH_FINAL.pdf (12.5.2017)

Self-employment among BiH citizens, especially women, is exceptionally low. According to existing data in BIH in 2016 only 28.2% of women were self-employed⁶⁶.

This issue should also be considered in conjunction with women's entrepreneurship, which has been specifically analysed in response to Question 307 (i).

Legally, self-employed women have equal rights, including the right to maternity leave. However, by exercising this right the self-employed women are placing themselves in the position of an employer. In RS self-employed women, being simultaneously an employee and an employer, pay themselves net wage for the first month of maternity leave, and for the rest of their leave they only pay contributions for pension and health insurance⁶⁷. In FBiH, the difference between maternity allowance and full salary can be paid by the employer. For self-employed women, this may mean that they pay themselves the difference to the full salary while using maternity leave.

| 300. Is there a general prohibition of night work for pregnant women, or measures ensuring they are not obliged to perform night work?

The Labour Laws of FBiH and RS prohibit night work for pregnant women⁶⁸. The FBiH Law provides for fines for employers who violate these provisions of the law⁶⁹. The Labour Law of the Brčko District of BiH (BDBiH) does not regulate night work for pregnant women. There is currently no information available on whether legal measures are respected in the FBiH and the RS or whether pregnant women in BDBiH work night shifts.

The GEA and Entity Gender Centres as well as other state institutions have no relevant information available on the status of pregnant women and employees using maternity leave. No information is available as to whether women have

66 Labour Force Survey (Sarajevo, 2016) The Agency for Statistics of Bosnia and Herzegovina, the FBiH Statistics Institute and RS Statistics Institute. Available at: http://www.bhas.ba/tematskibilteni/TB_ARS%202016_BS_ENG_.pdf (25.4.2017.)

67 See: Public Institution Public Child Protection Fund of Republika Srpska, available at: <http://www.jfdz.org/sr/page/18/naknada-neto-plate> (25.4.2017.)

68 FBiH Labour Law in its Title Special Protection of Workers Working at Night, Article 41, Paragraph (5) Prohibits night work by pregnant women as of the sixth month of pregnancy, mothers and adoptive parents, as well as a person entrusted with childcare pursuant to a decision issued by the competent authority, until the child has turned two years of age. The Labour Law of RS, in the section 73 regulating work at night and work in shifts night prohibits pregnant women, from the sixth month of pregnancy and mothers with a child up to two years of age to work at night.

69 The FBiH Labour Law, in part titled Penal provisions, Article 171 (1) stipulates that a fine ranging from BAM 1.000,00 to 3.000,00 shall be imposed, and in a repeated misdemeanour BAM 5.000 up to BAM 10.000,00 shall be imposed for a misdemeanor on employer - a legal person, if, inter alia, orders a pregnant woman as of the sixth month of her pregnancy, a mother and an adoptive parent, as well as a person who has been entrusted with childcare by virtue of a decision by the competent authority, up to the child's two years of age, to work night shifts.

initiated proceedings before the courts, and if so, how many, nor is there data on whether women have sought assistance with other institutions. Not even CSOs have relevant information on the position of women when it comes to night work.

| 301. Are pregnant workers protected against dismissal during the time of pregnancy and maternity leave?

Labour laws in a special chapter provide for protection of women during pregnancy, giving birth and maternity in terms of job security, labour rights, salary, remuneration, work experience, health protection and safety, and reduced working hours.

Dismissal during pregnancy and maternity leave is most common in private sector, but there are no relevant data to corroborate this claim. Very few women opt for initiating court proceedings because these proceedings are expensive and lengthy. They have little confidence in the existing protection system and are afraid of additional victimisation. This information is collected from CSOs to which women turn for advice. Organisations have their own internal system of record-keeping and they usually record only the problems that are raised by more persons, but they do not keep track of the number of persons who sought their assistance.

Although it is the obligation of the State to monitor the implementation of the law and collect information on cases of discrimination, there is no official statistics about the number of dismissals during pregnancy or maternity leave. Available reports of state institutions claim that the small number of known cases of dismissals during and after pregnancy does not reflect the actual situation, because pregnant and postpartum women out of fear of additional victimisation rarely resort to the existing protection mechanisms. No research was conducted on this matter to infer such a conclusion; instead everyone relies on informal information obtained from the media and CSOs.

Evidence of laws being violated and women being dismissed is made up of personal testimonies of women, which were published on the web portal⁷⁰ of TV N1 and in the publication titled *„Stop to discrimination of pregnant women and postpartum women in Republika Srpska“* – personal stories of pregnant and postpartum women.⁷¹

70 Hadžimusić, A. *Šta kada se trudnoća i majčinstvo „kaznjavaju otkazom“* Webstranica N1 od 29.03.2017, available at: <http://ba.n1info.com/a145876/Vijesti/Vijesti/Sta-kada-se-trudnoca-i-majcinstvo-kaznjavaju-otkazom.html> (30.5.2017.)

71 The publication was produced as a part of the project „Protection of pregnant and postpartal women against discrimination“, which was implemented by Helsinški odbor za ljudska prava in RS within the second cycle of grants to Civil Society Coalition fighting against discrimination “Equality for All” under the auspices of USAID.

The GEA in its BiH Gender Equality Report for the period 2012-2014⁷² stated that pregnancy affects employment security. In practice, employers, in particular those in private sector, tend not to recruit pregnant women or those who plan family, even they employed them for a probationary period. The same report claims that dismissals during pregnancy and maternity leave are very common. These allegations are not substantiated by an adequate source of information. The GEA does not collect data on women's problems in employment regularly and in a systematic manner, nor does it carry out a relevant research to obtain a full picture of the status of pregnant and postpartum women in employment.

| 302. Do the law or collective agreements forbid the exposure of pregnant or breastfeeding women to agents and working conditions which would jeopardise their safety or health?

The applicable Labour Laws in both Entities and BDBiH stipulate that, on the basis of findings and recommendations of authorised doctor of medicine, women during pregnancy and breastfeeding of a child can be temporarily assigned to other jobs if this is in the interest of their health or the health of the child. If an employer is not able to secure the redeployment of a woman to another job, she shall be entitled to a paid leave of absence. An employer may redeploy woman to another workplace only with her written consent.

The General Collective Agreement of the FBiH stipulates that the collective agreements shall prescribe the conditions and the amount of compensation to be paid to women during pregnancy if she cannot be redeployed to another workplace. General collective agreements in RS and BDBiH have not yet been adopted.

As noted above, there is no official information about these legal provisions being violated, but based on their experience, the CSOs are aware of instances of women being downgraded during pregnancy or even dismissed as redundant.

Organisation Vaša prava u BiH in the article titled *Review of the situation analysis and application of regulations in the field of labour law: The misuse of law and the lack of adequate legal protection*⁷³ claim that pregnant women who had employment contracts for an indefinite period of time have been often dismissed under the pretext of redundancy. In this way, employers conceal the fact that pregnancy is the real reason behind dismissal of women.

⁷² 2012 - 2014 Report on the Status of Gender Equality in Bosnia and Herzegovina (October, 2014), Ministry of Human Rights and Refugees, Agency for Gender Equality,

⁷³ Review of the situation analysis and application of regulations in the field of labour law: The misuse of the law and the lack of adequate legal protection, Vaša prava, available at: <http://www.vasaprava.org/?p=85> (30.5.2017.)

| 304. Does the legislation provide for a continuous period of maternity leave of at least 14 weeks allocated before and/or after confinement, and includes compulsory maternity leave of at least two weeks allocated before and/or after confinement? Are the rights connected with the employment contract and a payment or adequate allowance ensured?

According to the Labour Law of the FBiH and the Labour Law of the BDBiH, women are entitled to a continuous leave of absence for a period of one year, and on the basis of finding of an authorised medical doctor they take their maternity leave 28 days before the expected date of delivery and the maternity leave must not be less than 42 days following the delivery. Analysing this right against the established standards, the Ombudspersons concluded that the existing solution is fully aligned with all analysed obligations of BiH, since it lasts longer than 14 weeks and there is the minimum period of maternity leave set⁷⁴.

The RS Labour Law regulates maternity leave in a similar way. Women are entitled to a year-long uninterrupted leave of absence during pregnancy, childbirth and child care, and in the case of twins and every third and subsequent child, they are entitled to an 18-month long uninterrupted leave of absence. Same as in the FBiH and BDBiH, they can take maternity leave 28 days before delivery but unlike the FBiH and BDBiH laws, this law does not prescribe the minimum period of maternity leave following delivery.

Obviously, the legislation has regulated this matter adequately and the possibility of using maternity leave appears not to be the problem. The problem is about maternity leave allowance. This issue is particularly problematic in the FBiH because the FBiH Labour Law failed to define the right to compensation, merely stating that it should be awarded „*in accordance with the law*“. The amount of maternity allowance is defined by the Law on Basic Social Protection, Protection of Civilian Victims of War and Families with Children of FBiH and the relevant cantonal regulations⁷⁵. The Institution of Human Rights Ombudsman of BiH stated in its Special Report on the status of protection of mothers and motherhood in the FBiH that current solutions relating to the payment of maternity allowance in cantons are not in compliance with the principle of equality before the law, since each canton regulated the amount of maternity allowance differently. The problem is that maternity allowance in some cantons is below the minimum standard of 66% of the salary. Payments of maternity allowance in some cantons are delayed

74 Human Rights Ombudsman Institution of Bosnia and Herzegovina - A Special report on the protection of mothers and motherhood in the FBiH, available at: http://www.ombudsmen.gov.ba/documents/ombudsmen_doc2015102111102085bos.pdf (30.5.2017.)

75 According to the FBiH Constitution, social policy is a shared competence of the Federation of BiH and the cantons. Thus, the competence over regulating maternity allowance is shared between the FBiH and its cantons. As a result of shared competencies, this issue is being governed by one Entity and 10 Cantonal Laws.

for several months, while Herzegovina-Neretva Canton does not have at all regulation governing the rights in the area of protection of families with children. They only provide on-off financial assistance for the newborn child⁷⁶.

Women's CSOs submitted proposals to the Government of the FBiH to resolve the problem of payment of maternity allowance and in co-operation with the Women's Caucus of the House of Representatives of the FBiH Parliament they tabled a concrete legislative initiative⁷⁷ to address this problem. Due to the lack of political will and inter-party arrangements on budget allocation, this issue remains unresolved. The FBiH government argues that this problem remains unresolved due to the lack of funds, as the exercise of this right may increase the costs and incur additional burden on the budget of competent ministries.

The Alternative CEDAW Report, Section titled Employment, Labour and Social Rights of Women⁷⁸, stated the following: *There are cases of fictitious salary increases in the RS for the purpose of applying for a refund of allowances from public fund, and this happens before a woman takes maternity leave, after which the employer unlawfully claims the difference between the maternity allowance and real salary paid.*⁷⁹ *It is very likely that women working for private companies will be asked by their employers to pay their own taxes and contributions from their net salary, although these are refunded to the employer by the state, because they see it as a financial burden.*⁸⁰

| 305. Do the law or collective agreements give an individual right to parental leave of at least 4 months? Is at least one month of parental leave granted on an individual non-transferable basis to both parents? How is this treated/implemented in both public and private sector?

The GEA report⁸¹ states the following: *The Law on Amendments to the Law on labour in BiH Institutions as well as the Law on Amendments to the Law on Salaries*

76 The Institution of Human Rights Ombudsman of Bosnia and Herzegovina - A Special Report on the Status of Protection of Mother and Motherhood in the Federation of BiH.

77 See the example of the initiative launched by the Women's Caucus of the House of Representatives of the FBiH Parliament (2016). See more at: <http://www.klubparlamentarki-pfbih.ba/bs/usvojena-inicijativa-kluba-parlamentarki-o-izjednacavanju-porodiljskih-naknada-u-fbih/> (19.9.2016.)

78 Petrić A. et. al. *Alternative CEDAW report: A CSO report on implementation of key observations and recommendations of CEDAW Committee for Bosnia and Herzegovina, 2013 - 2017*. (2016) Helsinški parlament građana Banja Luka and Prava za sve, p. 84.

79 Đogo M. *Diskriminacija mladih majki* (05.05.2016) portal Nezavisne novine, available at: <http://www.nezavisne.com/index/kolumne/Diskriminacija-mladih-majki/368304> (26.7.2016.)

80 According to UNICEF, it is „estimated that access to pre-school education is currently between 6% and 13%, which is the lowest rate among neighboring countries (relative to Croatia and Serbia with about 45%, Macedonia 25% and significantly below OECD average of 77%)“. Available at: https://www.unicef.org/bih/ba/media_20011.html (1.6.2016.)

81 *Report on the Status of Gender Equality in Bosnia and Herzegovina 2012 - 2014* (October 2014) BiH Ministry for Human Rights and Refugees, BiH Gender Equality Agency:

and compensations in BiH Institutions⁸² both anticipate introduction of the right to parental leave, thus enabling a father of a child to exercise this right. The intention of the legislators was to ensure access to this right under this model for all employees in BiH, regardless of the law on the basis of which they were employed, in order to avoid problems in practice.

According to the FBiH Labour Law after 42 days from the delivery, father of a child may also exercise the right to paternity leave, if the parents so agree. Father of the child may take a yearlong uninterrupted leave of absence in case of the mother's death, if the mother has abandoned the baby, or if she is prevented from using maternity leave for other justified reasons. He is also entitled to work a half of full-time working hours following the lapse of maternity leave.

According to the RS Labour Law, the parents of a child can agree that after 60 days from the birth of the child a father continue to use the leave of absence instead of mother.

In the BDBiH, under the current Labour Law, father of a child may exercise the right to parental leave for up to one year in case of the mother's death, if the mother has abandoned the baby, or if she is prevented from exercising this right.

There are no data on the enforcement of these provisions of the law. It is unknown how often fathers decide to use parental leave and how the employers are reacting to it.

| 306.What provisions on parental leave grant parents the right to return to the previous or equivalent job, protection against dismissal or any less favourable treatment, and the maintenance of acquired rights?

Labour laws of the FBiH and RS do not explicitly prescribe that a woman after maternity leave should return to the previous job or be assigned to other job in accordance with her professional qualifications and working abilities.

The Labour Law of the BDBiH stipulates that a woman, after using a maternity leave, has the right to return to the previous job.

The GEA in its Report on the Status of Gender Equality in BiH in the period 2012-2014 claims that the right of women to use maternity leave is largely respected, but very often they are not allowed to return to previously attained position. This points to another omission on the part of the Entity governments, which can be perceived as "sanctioning" women who exercise the rights guaranteed under the law, and neglecting population policy.

82 Official Gazette of BiH 32/13 of 29 April 2013

It is important to emphasise a specific problem that affects women employed in the police regarding performance appraisal and promotion. Police officers' performance is assessed against results achieved in the previous year⁸³. If an officer wishes to advance in the service, among other criteria, he or she must be rated "good" or better in the last three years⁸⁴. Women who used maternity leave during that period are given a lower rating, which makes them less likely than their male colleagues to be promoted, which is a form of indirect and legally prohibited discrimination against women.

| 307. Please provide information on:

Responses to sub-questions a), b) and c) are consolidated.

a) The activity rates of women and men; b) the employment rates of women and men; and c) the unemployment rates of women and men;⁸⁵

Due to problems in collecting and processing data on working-age population and (un)employment⁸⁶, in further analysis we used data from the Labour Force Survey in BiH for 2016⁸⁷. More detailed data on the activity and (un)employment of women for a period of 6 to 10 years in a row are provided at the end of this document in Tables 1 and 2.

The total number of working-age population in BiH in 2016 was 2,489,000, out of which 51.5% were women. BiH has a large share of inactive persons in the labour market of 1,415,000, of which women account for 61.5%. In the population of discouraged job-seekers, women account for 57.2%⁸⁸.

In Bosnia and Herzegovina there are 801,000 employed people, of whom 35.9% are women⁸⁹.

Over the past ten years, the statistical average employment rate for women is between 34% and 37% which indicates that national employment policies do not

83 Article 80 BiH Law on police officials

84 Article 75, paragraph 2, item 2 BiH Law on police officials

85 Issues concerning women's (un)employment have been partly analysed in responses to Questions 297 and 299.

86 Women's unemployment in 2016 was 45.3% (survey), or 52.7% (registered in December 2016). according to: Demography and Social Statistics: Registered unemployment in December 2016 (Sarajevo, 20 February 2017), Agency for Statistics of Bosnia and Herzegovina, available at: http://www.bhas.ba/saopstenja/2017/NEZ_2016M12_001_01_BS.pdf (26.4.2017.)

87 Labour Force Survey (Sarajevo, 2016) The Agency for Statistics of Bosnia and Herzegovina, the FBiH Statistics Institute and RS Statistics Institute

88 Ibid.

89 Ibid. Out of the total number of employed persons, women in the group of employees account for 36.6%. In the group of self-employed persons, women account for 28.2%, and in the group of assisting members of the family, women make up a majority with 67.9%.

have a significant impact on employment growth (Table 1). What raises concern is a very high share of unpaid women's work, because women make up 67.9% of the population which the Survey identifies as helping family members. Statistically, the unpaid women's work over the last decade ranges between 61% and 63% (Table 1). Results of the 2013 census point to a high number of 440,992 or 98% of women in the group of house-workers.

BiH has a total of 273,000 unemployed persons, out of which 45.3% are women⁹⁰.

The aforementioned survey does not provide enough information on the structure of unemployed people. According to available official data on unemployed persons from December 2016, women who are skilled or highly skilled workers or women with secondary school qualifications are far more represented in the group of the unemployed than unskilled women. There is also a much higher share of unemployed women with university degree (67.1%) compared to unemployed men with the same level of education (32.9%)⁹¹.

Over the past few months, the BiH government claims to have noted a significant growth of employment in the country. Registered employment grew by 4.4% in January 2017, when compared to 1.5% in a year earlier. This means that 30,000 newly recruited persons were registered. At the same time, the number of registered unemployed persons fell by more than 2% (40.6% in January 2017 compared with 42.9% of the unemployed in January 2016)⁹². In the same period (December 2016 - January 2017), the number of employed women increased by 2.7%. There is a slight increase in the number of registered unemployed women, by 0.1%.

These statistics should be taken with caution, since the figures from the Survey point to a dramatically different picture. According to the Survey, the employment fell by 2.6% in 2016. Percentage of working-age population declined by 3.5%, meaning that 90,000 people in BiH are no longer considered to be working-age population. The number of unemployed dropped by 13.3% or 42,000 people. According to the Survey, women's employment declined by 1.4%, while the number of unemployed women increased by 2.1%. The sudden drop in employment and unemployment

90 Ibid. In the group of persons who have been unemployed for 5 months or less, women account for 44.9%; among those who have been unemployed between 6 and 11 months, they account for 45.0%; Between 12 and 23 months, women account for 47.6%; And in the group of unemployed between 24 and 59+ months, women account for 40.0%.

91 *Demography and Social Statistics: Registered unemployment in December 2016* (Sarajevo, 20.02.2017.) Agency for Statistics of Bosnia and Herzegovina

92 For more details see: *EU Candidate & Potential Candidate: Countries' Economic Quarterly (CCEQ), 1st Quarter 2017 (Technical paper 016)* (april 2017) European Commission, Directorate-General for Economic and Financial Affairs, available at: https://ec.europa.eu/info/publications/economic-and-financial-affairs-publications_en (24.5.2017.)

observed during the Survey is worrying and may indicate an increase in the number of “discouraged citizens” who no longer seek jobs or are leaving the country⁹³.

d) part time work for women and men;

Majority of employees, regardless of gender, are full-time employees. However, available data indicate that women more than men are working reduced hours or half-time⁹⁴. Data are not collected regularly in this field nor are there publicly available gender-disaggregated data. Incomplete statistics do not allow for a more concrete analysis of this phenomenon in terms of equal access to rights, and in particular equal pay for work of equal value, contributions, maternity leave and other leaves.

f) share of members of Parliaments (women and men);

Women are not equal in the legislative power.

In this analysis one should bear in mind that the existing parliaments and assemblies are unevenly structured. Parliaments at the level of BiH and FBiH are bicameral. Assemblies at the level of RS and BD BiH are unicameral. Due to the relative comparability of data in a comparative analysis of this issue we used the data on MPs in the Houses of Representatives of the Parliaments of BiH and FBiH i.e. MPs in the RS and BDBiH assemblies.

In the legislative term 2014 to 2018, out of 245 MPs, only 58 MPs or 23.7% are women. This is in contradiction with the standards established by national legislation that require equal representation of women and men in all branches of government, including legislative power, setting the minimum representation of at least 40% of one of the sexes⁹⁵.

Following are the detail information on male and female MPs in legislative bodies at the level of the State, Entities and BD BIH:

93 Ibid.

94 In 2013 there were more women working part-time than men, 10.7 % and 9% respectively, which is the trend that continued in 2014 (9.2% of women as opposed to 7% of men). According to Women and Men in Bosnia and Herzegovina (2015) Agency for Statistics of BiH, available at: http://www.bhas.ba/tematskibilteni/TB_zene_i_muskarci_bh_2015_eng.pdf (14.7.2016.)

95 GEL, Article 20 (1) State bodies at all levels of organizations of authorities, and local self- government bodies, including legislative, executive and judicial authorities, political parties, legal persons with public authorities, legal persons that are in the state's property or under the state's control, entities, cantons, cities or municipalities whose work is under control of a public body, shall ensure and promote equal gender representation in process of managing, decision making and representation. This obligation shall exist for all authorized proponents during elections of representatives and delegations to international organisations and bodies. (2) Equal representation of women and men shall exist in case when one of sexes is represented with at least 40% in bodies from paragraph 1 of this Article. (3) Discrimination on grounds of gender shall be considered situation in which there is no equalrepresentation from paragraph 2 of this Article. (4) Subjects given in paragraph 1 of this Article, in order to achieve equal gender representation areobliged to adopt temporary special measures prescribed with Article 6 of this Law.

Parliamentary assembly of BiH (bicameral): House of Representatives - a total of 42 MPs, of whom 10 are women; House of Peoples - a total of 15 MPs, of whom 2 are women⁹⁶.

The RS National Assembly (unicameral) has a total of 83 MPs, of whom 19 are women⁹⁷.

FBiH Parliament (bicameral): House of Representatives - a total of 89 MPs, of whom 28 are women; House of Peoples - a total of 58 MPs, of whom 8 are women⁹⁸.

The Assembly of BD BiH (unicameral) has a total of 31 MPs, of whom 1 is a woman⁹⁹.

g) share of senior ministers of government (women and men);

Women are not equal in the executive power.

In the legislative term 2014 to 2018, in the fourteen governments at different levels of power in BiH there is only one woman prime minister, namely the Prime Minister of RS. Furthermore, out of a total of 147 ministers in the governments at all levels of government there are only 25 or 17.01% of female ministers. Same as in the case of legislative power, this is in contradiction with the standards established by national legislation that require equal representation of women and men in all branches of government, including executive power, setting the minimum representation of at least 40% of one of the sexes¹⁰⁰.

Following are the detail information on male and female members of government at the level of the State, Entities, BD BIH and cantons:

The Council of Ministers of Bosnia and Herzegovina is made up of a chairperson (male) and nine members (of whom two are female ministers), two of whom serve as deputy chairpersons (both men)¹⁰¹.

The RS government is made up of president (women) and sixteen members (of whom three are female ministers)¹⁰².

The FBiH government has a prime minister (male), and sixteen members (of whom four are female ministers). The prime minister has two deputies (one of whom is a woman), who are also members of the government, i.e. ministers¹⁰³.

96 More about the Parliamentary Assembly of BiH available at: <https://www.parlament.ba/> (25.4.2017.)

97 More about the RS National Assembly at <http://www.narodnaskupstinars.net/?q=ci> (25.4.2017.)

98 More about Parliament FBiH available at <http://www.parlamentfbih.gov.ba/> (25.4.2017)

99 More about the BD Assembly at <http://www.narodnaskupstinars.net/?q=ci> (25.4.2017.)

100 GEL, Article 20

101 More about the composition of Council of Ministers through mandate periods available on: http://vijecceministara.gov.ba/home_right_docs/info/default.aspx?id=24002&langTag=hr-HR (25.4.2017.)

102 Government of RS, available at: <http://www.vladars.net/sr-SP-Cyrl/Vlada/ClanoviVlade/Pages/default.aspx> (25.4.2017.)

103 Government of the FBiH, available at: <http://www.fbihvlada.gov.ba/bosanski/sastav%20vlade/> (25.4.2017.)

In the Federation of BiH there are 10 cantonal governments. They vary in terms of the number of government members, but the prime ministers i.e. presidents of all cantonal governments are men. In the current legislative term, two cantonal governments do not have a single female minister - Herzegovina-Neretva and the Zenica-Doboj Cantons. Other cantonal governments have one or two female ministers¹⁰⁴. Out of 95 cantonal ministers, only 13 or 13.68% are women.

The BDBiH Government has a chair who is also the mayor of the BDBiH (male), the deputy (male) and the chief of the BDBiH Government (male) coordinator and a total of 11 members of the government (3 female ministers, i.e. head of division in the Government of the BDBiH)¹⁰⁵.

h) the gender pay gap between women and men;

BiH does not have official data on pay gap between women and men collected and published in a uniform, systematic and regular manner. The 2015 World Bank report points to a visible gender gap in the hourly wages in favour of men that is persistent across levels of education, age groups, occupations and industries¹⁰⁶. Considering only the population working for salaries or wages, and restricting the ages from 15 to 64 years old, the gender hourly-wage gap is estimated at 9% in favour of male workers (BAM 3.9 for men against BAM 3.5 for women)¹⁰⁷.

For more details, see response to question 296.

i) the proportion of female entrepreneurs;

BiH does not have official data on the number of women entrepreneurs and such data are not being collected and published in a uniform, systematic and regular manner. According to the 2015 World Bank report 27.3% of companies are owned by women¹⁰⁸.

Women who wish to start their own business face barriers which are not purely administrative. It is argued in the report of the RS Government *that the socio-economic*

104 Legislative term 2014-2018 Government of Tuzla Canton - prime minister (male) and 12 members (2 female ministers); Government of Sarajevo Canton - Prime Minister (male) and 12 members (2 female ministers); Government of the Middle Bosnia Canton - Prime Minister (male) and 8 members (1 female minister); Government of Zenica-Doboj Canton - prime minister (man) and 10 ministers (all male); Government of Una-Sana Canton - Prime Minister (male) and 9 members (2 female ministers); Government of Bosnia-Podrinje Canton - Prime Minister (Man) and 8 Members (1 female minister); Government of West Herzegovina Canton - 8 members (2 female ministers); Canton 10 - Prime Minister (male) and 8 members (1 female minister); Government of Posavina Canton - prime minister (man) and total of 9 members (2 female ministers); Government of Herzegovina-Neretva Canton - prime minister (man) and 11 ministers (all male).

105 Government of the BD BiH, available at: <http://www.bdcentral.net/index.php/ba/vlada/lanovi-vlade-brko-distrikta-bih> (25.4.2017.)

106 *Bosnia and Herzegovina: Gender disparities in endowments, access to economic opportunities and agency*, (2015) the World Bank, the Agency for Statistics of Bosnia and Herzegovina, the FBiH Statistics Institute and RS Statistics Institute, p. 54

107 Ibid.

108 Ibid.

*environment is still unfavourable for the development of women's entrepreneurship ... The main reasons for this are the following: Prevailing traditional and stereotypical notions of the role of women in a society governed by patriarchal patterns and strict division of jobs into "male" and "female" jobs; Difficult access to finances, knowledge and other resources necessary for entrepreneurship; And lack of support in terms of balancing family and professional life, and so on.*¹⁰⁹

International organisations rank BiH as 113th out of 144 countries worldwide according to economic opportunities for women and their access to the economy¹¹⁰. It is estimated that a large number of new businesses ran or managed by women do not have a single employee, namely: 30% of newly started businesses i.e. 16% of already established businesses¹¹¹.

In Bosnia and Herzegovina, women are constrained in obtaining funding by a lack of personal capital, property ownership and other collateral that can be used for loans.¹¹² The interest of women to start their own business is estimated at 20%¹¹³.

Though occasional, there are financial and other support programmes for potential women entrepreneurs in BiH. At the same time, there is not enough information about the effects of such programmes on the growth in the number and the status of women entrepreneurs. This issue should also be considered from the point of view of the incentives provided by BiH governments to support farmers, which was analysed in the response to Question 310 (women in rural areas).

j) the availability of childcare facilities.

Institutions and services for children of employed parents are largely unavailable, and BiH has the lowest percentage of pre-school education coverage in Europe¹¹⁴.

109 Progress Report on the Implementation of Normative and Legal Standards for Gender Equality in Labour and Employment in Republika Srpska for the Period 2013-2014 (December 2015) Government of Republika Srpska, Archive of organisation PRAVA ZA SVE

110 Prema *The Global Gender Gap Report 2016* (2016) The World Economic Forum. BiH is ranked 83rd out of the 144 countries analysed. Particularly worrying is the share of women who have access to and economic opportunities, in particular, in relation to women's participation in the labour market (113th out of 144 countries) and earnings (119th out of 144 countries) available on: <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=BIH> (23.4.2017.)

111 Donna J. Kelley, Candida G. Brush, Patricia G. Greene, Yana Litovsky and Global Entrepreneurship Research Association (GERA) *Global Entrepreneurship Monitor: 2012 Women's Report* (2013) Babson College, Universidad del Desarrollo, Universiti Tun Abdul Razak, available at: http://www.cerpod-tuzla.org/images/doc/2012%20GEM%20Womens%20Report_cmp.pdf (24.4.2017.)

112 Ibid.

113 Ibid.

114 *From 2006 to 2012, the rate for early childhood education (ECE) has increased from 6 to 13%. Only about 2% of the children from the poorest fifth (quintile) of the population and Roma children attend pre-school institutions. One UN programme and common budgetary framework for Bosnia and Herzegovina 2015-2019: United Nations Development Assistance Framework, UNDAF, p. 30, available at: http://ba.one.un.org/content/unct/bosnia_and_herzegovina/bs/home/publications/one-united-nations-programme-and-common-budgetary-framework-bosn/ (16.5.2017.).*

This causes serious difficulties for families, in particular for employed women, because in BiH women traditionally take care of children as well as of other family members who cannot look after themselves.

BiH has a negative rate of population growth, which is an important developmental issue¹¹⁵. At the same time, BiH does not have a population policy. For example, after several months of policy making and drafting of the Law on Protection of Families with Children in FBiH which, inter alia, are to regulate the maternity allowance in the territory of FBiH, there is still no political agreement on the arrangement and financing of this right. Violation of the right to maternity/parental leave perpetuates throughout BiH.¹¹⁶ There is no agreed approach to tax policies, credit facilities for young people, child services, and discounts for children's products, etc.

Although the availability of facilities for children or the issue of maternity leave and maternity allowance are not the only elements of the population policy, it is evident that the authorities lack interest in this issue, which has a significant impact on women's equality. Moreover, in the absence of a serious population policy, authorities call on women to give birth and take care of children as if the growth of birth-rate depends on the goodwill of women, not on deliberate and stimulating government measures. It seems that the state is trying to shift the burden and the cost of the necessary government policies to women and to finance it with unpaid women's work.

| 308. What measures are put in place to encourage the reconciliation between professional and private/family life of both women and men?

The BiH GAP for the period 2013-2017 envisages *activities directed at improving measures for the reconciliation of professional and private life, including the protection of maternity and paternity, improving the provision of paid maternity leave, paid parental leave for both parents, as well as specific measures to facilitate the reconciliation of professional and family obligations for employees.*¹¹⁷ At the same time, there has not been any specific progress in practice considering that access to paid parental leave is still a major problem throughout BiH.

There are not enough institutions for pre-school education, especially in small towns or rural areas of BiH. An extended program for elementary school children is available in rare schools in urban areas. These services are not free of charge which

¹¹⁵ When it comes to population growth rate, BiH is ranked as 210th out of 235 countries, with a negative growth of -0.14% according to the World Factbook (2016), the Central Intelligence Agency, available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html> (24.4.2017.)

¹¹⁶ For more details, see response to question 305.

¹¹⁷ *Report on the Status of Gender Equality in Bosnia and Herzegovina 2012 – 2014* (October, 2014), BiH Ministry of Human Rights and Refugees, BiH Agency for Gender Equality, page 26.

to a large extent limits employment and work of certain categories of women who are facing dilemma to either work for salary which is not enough to cover costs of these services or to leave work in order to look after children and family. This kind of dilemma probably impacts the observed, multi-annual statistical trend in the number of women who are inactive in the labour market or women in the group of unpaid family workers (Table 1).

Additionally, women in BiH are burdened with family care in a wider sense which in addition to children includes elderly persons, persons with disabilities, ill persons and other family members. In the 2015 Report of the RS Government it is noted that the biggest obstacles for women in the labour market include, among other things, *a high level of burden on women in unpaid work in the domain of economy of care, which is not valued within the gross domestic product (house work, child care, care for the elderly, care for the sick, care for adult male family members, work in rural households and farms, unpaid work of women as unpaid family workers in family business)*¹¹⁸.

| 309. What measures are put in place to encourage a balanced participation of women and men in economic and political decision-making?

In the GAP Implementation Report,¹¹⁹ a strategic document for achieving gender equality in all spheres of social life and work, it is noted that the percentage of women's participation in public life and decision-making in BiH decreases as the decision-making position gets higher, whether it is in politics and/or public administration. Thus, although the report states that numerous activities and measures to strengthen the position of women have been implemented, it is obvious that the desired change has not been achieved and that there is no increased participation of women in political decision-making positions. Moreover, according to this report, the total participation of women in legislative authorities at all levels is about 20%, and the situation is similar in executive authorities also, if we take into account all levels of power.¹²⁰

It can be concluded from this that the measures and activities implemented in the framework of strategies and policies to promote equal participation of women and men in political and economic decision-making for years have not led to good results, even though significant financial resources have been invested in their

¹¹⁸ *Progress Report on the Implementation of Normative and Legal Standards for Gender Equality in Labour and Employment in Republika Srpska in the period 2013-2014* (December 2015) Government of Republika Srpska.

¹¹⁹ *The GAP Implementation Report for 2015 and 2016* (December 2016), BiH Ministry of Human Rights and Refugees, BiH Agency for Gender Equality; page 4.

¹²⁰ Ibid. page 17

implementation. Insufficient support of political parties for women in the drafting of political programmes and in political affirmation has been noted as a major obstacle against equal participation of women in political life.¹²¹

That this is the key issue is stated in the following recommendation in the report: *“it is necessary to continue activities with political parties in order to recognise the importance of equal participation of both genders at decision-making positions and to participate in the affirmation of women as equal bearers of political functions at all levels of government.”*¹²². *The pronounced and excessive influence of political parties does not allow depoliticisation, departisation and professionalization of public administration, so the level of representation of women in these positions is an indication of dominant political culture within political parties and less the consequence of the absence of women’s interest in public functions. Political parties being closed against massive participation of women in their own decision-making positions within parties generate the same kind of practice at the level of political power.*¹²³

For more information please see responses to Questions 297 and 307 (f) and (g).

The exclusion of women perpetuates through the recently restored EU integration process. Under-representation of women in high political positions and places of economic and other important decision-making directly reflects under-representation of women in all bodies that are established as part of the European integration process. Political, reform and other negotiations do not include female politicians, specialists in certain areas, members of academic community, and women from CSOs. Women’s opinions and perspectives in the process of major social changes are excluded, and women are marginalised. There are no indications that something will change in that sense, that is, that some specific and concrete measures will change this practice.

| 310. What measures are put in place to encourage labour market participation of particular groups of women such as disabled women, single mothers, older women, women living in rural areas etc.?

Women with disabilities

BiH does not have adequate statistics on employment of disabled women. Adopted measures aiming at the employment growth of persons with disabilities are gender-

¹²¹ Although the statutes of political parties do not contain provisions prohibiting women to participate in the work of the bodies of political parties

¹²² *The GAP Implementation Report for 2015 and 2016* (December 2016), BiH Agency for Gender Equality, BiH Ministry of Human Rights and Refugees; page 20

¹²³ Petrić A. et. al. *Alternative CEDAW Report: The CSO report on the implementation of key observations and recommendations of CEDAW Committee for Bosnia and Herzegovina 2013 – 2017* (2016), Helsinki Citizens’ Assembly/Helsinki parlament građana, Banja Luka and Rights for All/ Prava za sve, Sarajevo, Participation of Women in Political and Public Life, D. Šehić and G. Vidović, page 76.

neutral and do not envisage any specific activities focused exclusively on women with disabilities.

At the same time, disabled women find it harder to find employment compared to men, regardless of their qualifications, because *employers give priority to the category of disabled war veterans*¹²⁴. Limited available data from entity-level funds for professional rehabilitation and employment of disabled persons indicate a low level of representation of women in the use of existing employment programmes for persons with disabilities. The RS Fund for Professional Rehabilitation and Employment of Disabled Persons has been reporting for years about nearly an equal percentage of employed women with disabilities of about 6%¹²⁵. There are no such records of employees, the status or structure of employees are not known, there are no available reports on the use of funds intended for these purposes from the RS Fund, which has been operational since late 2005.

The FBiH Fund for Professional Rehabilitation and Employment of Persons with Disabilities in its 2015 Work Report for the FBiH Parliament mentions the total number of 538¹²⁶, or in 2016, of 569¹²⁷ of newly employed persons with disabilities. The reports do not contain information on the number of women with disabilities, although the Fund points out the establishment of a comprehensive database on persons employed through this Fund. In FBiH, employment data for 244 people with disabilities in 2015 indicate that 32.79% of women or 80 disabled women were employed in this way.¹²⁸

Also, available employment and self-employment data such as aggregate employment data for 890 people with disabilities for the period from 2011 to 2014 in the FBiH¹²⁹ do not provide a search or analysis option that would refer to, for example, the duration or structure of employment of disabled women. Considering

124 Ibid.,p. 105.

125 See *Fourth and Fifth periodic CEDAW report of Bosnia and Herzegovina* (May, 2011) BiH Ministry of Human Rights and Refugees, BiH Agency for Gender Equality, p.52, available at: http://arsbih.gov.ba/wp-content/uploads/2014/02/110531_CEDAW_BiH_FINAL.pdf (11.5.2017.) and Petrić A. et. al. *Alternative CEDAW Report: The CSO report on the implementation of key observations and recommendations of CEDAW Committee for Bosnia and Herzegovina 2013 - 2017* (2016), Helsinki Citizens' Assembly/Helsinki parlament građana, Banja Luka and Rights for All/ Prava za sve, Sarajevo

126 *Report on the Work of the FBiH Fund for Professional Rehabilitation and Employment of Persons with Disabilities for 2015* (Sarajevo, March 2016) available at: http://www.parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/EI_materijali_2016/Izvjestaj%20o%20radu%20Fonda%20za%202015%20godinu.pdf (4 May 2017)

127 *Report on the Work of the FBiH Fund for Professional Rehabilitation and Employment of Persons with Disabilities for 2016* (Sarajevo, March 2017) available at [http://www.parlamentfbih.gov.ba/dom_naroda/v2/userfiles/file/Materijali%20u%20proceduri_2017/Izvjestaj_ivaliditetom_finansijski_2016%20\(1\).pdf](http://www.parlamentfbih.gov.ba/dom_naroda/v2/userfiles/file/Materijali%20u%20proceduri_2017/Izvjestaj_ivaliditetom_finansijski_2016%20(1).pdf) (16 May 2017)

128 Information based on counting female names in the results of the call for applications of the Fund in 2015, available at: <http://fprzoi.ba/statisticki-podaci-o-zaposlenim-osobama-sa-invaliditetom-i-poslodavcima-prema-i-javnom-pozivu-iz-2015-godine/> (10 May 2017)

129 Ibid.

that relatively high amounts are allocated for the operation of the Fund¹³⁰ and that the data has been collected since the establishment of the Fund in 2011, it is not clear why official employment statistics are not available and in particular about the employment structure of women.

Roma women

In general, the Roma employment rate is low. In FBiH and BDBiH this percentage is less than 1%, and in RS it is less than 3%. At the same time, the reports indicate that the difference in the unemployment rate between the Roma and the total number of inhabitants has decreased¹³¹. It is also necessary to point out the lack of detailed statistics and/or surveys on (un)employment and activity rate of Roma women. Only one survey from 2011 deals with this issue. This survey, which focuses exclusively on employment and self-employment of Roma women, points to unfavourable general situation of the population in society *regardless of numerous activities undertaken to improve the current position of the Roma national minority, with the majority of women in poor financial situation, with a low level of education, living in multi-member families or households*; Furthermore, long-term unemployment and inactivity are *the dominant problems of these women as well as members of their families without a prospect for change in this status any time soon*¹³².

The existing policies, although mentioning the Roma women as a marginalised group of people, do not envisage any specific measures for (self)employment of the Roma women, which would respond to a low level of employment and long-term unemployment and, at the same time, the strong influence of patriarchal attitudes towards their status, absence of professional skills and experience, absence of property owned by women, etc.¹³³

130 In 2015 the total of BAM 11,135,868.76 was allocated to the FBiH Fund, and in total BAM 6,463,450 was granted for various kinds of employment. According to the *Report on the Work of the Fund for Professional Rehabilitation and Employment of Persons with Disabilities in FBiH in 2015* (Sarajevo, March 2016)

131 *Roma Inclusion Index 2015*. (septembar 2015.) Decade of Roma Inclusion Secretariat Foundation. Quoted in Petrić, A. et al. *Alternative CEDAW Report: The CSO report on the implementation of key observations and recommendations of CEDAW Committee for Bosnia and Herzegovina 2013 – 2017* (2016), Helsinki Citizens' Assembly/Helsinki parlament građana, Banja Luka and Rights for All/ Prava za sve, Sarajevo

132 Survey conducted in 2011 using the sample of 500 women in 20 municipalities throughout BiH. The collected data was analysed by Kali Sara Association(RIC) and FBiH Employment Bureau. According to: *Empowering Roma Women for Employment and Self Employment* (Sarajevo, September 2011) Kali Sara Association-RomaInformationCenter, available at http://bhric.ba/dokumenti/istrazivanje_final.pdf (4 May 2017)

133 For example, in the FBiH, when applying for the existing Roma Employment Programmes, it is required, inter alia, to submit a business plan (description of business activities in accordance with the prescribed form), a certified copy of the evidence of ownership or co-ownership over business premises or a certified statement /contract on the ceding of business premises or land for free use or a lease contract for business premises or land, etc. or when signing a contract on (self) employment it is required to submit, inter alia, an invoice for the purchase of working resources, equipment, raw materials (a payment statement indicating a registered business account or a proper payment slip) and business activity registration costs, in the total amount of BAM 800.

FBiH has its Roma Employment Programme¹³⁴ which provides funds for co-financing of employment with employers and self-employment of unemployed Roma. RS has its Roma Employment Support Project in RS¹³⁵ that envisages *employment of the Roma who actively seek employment and who were registered as Roma in the records of the Employment Bureau on the date of the publishing of the Public Invitation for the Use of Funds*. Both entity programmes are gender-neutral and do not envisage any special measures for (self) employment of Roma women. Unfortunately, there are no reports on the use of the above-mentioned funds. There is no data or analysis on how many Roma women have been employed in this way, whether it was a permanent employment, in which workplaces, etc. The effects of implemented policies and measures are not known in this segment.

Women in rural areas

Women living in rural areas are recognised by government, international and domestic organisations as a marginalised group of women¹³⁶. At the same time, the work of women in family farms is not recognised nor adequately valued. Such employed women often identify themselves as housewives, and the share of such women's unpaid work is not seen in the total gross domestic product of the country. And yet, the authorities do not show any systematic approach to improve the position of women in rural areas. Measures and policies are made periodically, but assessment of their impact on the status of women living in rural areas is absent.

The RS Government adopted a special *Action Plan to improve the position of women living in rural areas in Republika Srpska by 2015*, based on the *Strategic Rural Development Plan of Republika Srpska 2009–2015*, and for a number of years was

134 *Roma Employment Programme in 2016* (Sarajevo, January 2016) FBiH Employment Bureau, available at: <http://www.fzzz.ba/projekti/program-zapoljavanja-roma-u-2016-godini> (4 May 2017)

135 Roma Employment Support Project in the RS in 2017. RS Employment Bureau, available at: http://www.zzzrs.net/index.php/projekat/projekat_podrske_zaposljavanju_roma_u_republici_srpskoj_u_2017._godini/ (4 May 2017)

136 *Rural areas continue to reflect traditional gender roles with more than a third of women describing themselves as housewives and men are more than twice as likely to be employed, self-employed or engaged in contract work. Women in rural areas tend to comprise a smaller proportion of the employed and self-employed workforce than nationally, indicating an even greater rural-urban difference. Male-headed households tend to have higher incomes than those headed by women. Additionally, single female households appear to earn very low monthly incomes...* See: *Rural development in Bosnia and Herzegovina: Myth and Reality* (National Human Development Report for 2013) United Nations Development Programme, pg. 80, available at: http://hdr.undp.org/sites/default/files/nhdr_bih_web.pdf (18 May 2017); *Although women are a vital factor on which village revival and rural development as a whole are largely dependent, their disadvantageous position, their needs and problems that they face remain a marginal issue in the overall processes and policies, from local to state level. In rural areas of Bosnia and Herzegovina, women are often considered as inactive population, i.e. unpaid family workers, and not as active subjects in agriculture, rural tourism, and rural development in general. Very few women are landowners and as such rarely participate in decision making on rural development...* See: *Report on the Status of Gender Equality in Bosnia and Herzegovina 2012 – 2014* (October, 2014), Ministry of Human Rights and Refugees, Agency for Gender Equality of Bosnia and Herzegovina, pages 28 – 30

implementing a promotional campaign Equality for women living in rural areas¹³⁷. The FBiH Government has carried out activities to introduce gender statistics, change the criteria for granting agricultural incentives and modify the criteria for entry into the register of agricultural producers¹³⁸.

In 2014, BiH reported the increase in the number of female beneficiaries of agricultural financial incentives in FBiH from 8.7% to 32% of the applications submitted by women¹³⁹. In the same year, FBiH allocated 61 million BAM for agricultural incentives, while 1 million BAM was secured for *establishing the revolving fund for lending to women in agriculture in rural areas...*¹⁴⁰ The Fund was established with the aim to increase the funds by BAM 1 million per year, which would then be focused on the development of *agricultural farms in rural areas and employment of women as holders of agricultural development*¹⁴¹.

The Gender Equality Agency reports on the growth of allocated incentives in agriculture in FBiH by 89% in 2015 compared to the previous year. It is emphasised that in the period 2013-2015 the number of beneficiaries and approved funds increased, but the data *indicated that there was gender disparity, in the number of beneficiaries and in the amount of approved funds in favour of men*¹⁴². At the same time, there are no available annual financial reports on the manner and structure of the spending of incentives and, in particular, on the impact of these measures on the status of employment or entrepreneurship of women.

A total absence of relevant, available and regularly published data makes it impossible

137 See: Gender Centre of RS Government, projects implemented from 2009 - 2013, available at: http://www.ravnopravnors.com/aktiv_realizovano.html (16 May 2017)

138 Commonly it is a male member of a family who has ownership over a farm, which makes it more difficult for women to apply for agricultural incentives directly.

139 *Report on the Status of Gender Equality in Bosnia and Herzegovina 2012 – 2014* (October, 2014), Ministry of Human Rights and Refugees, Agency for Gender Equality of Bosnia and Herzegovina, page 28-30.

140 *Information from Bosnia and Herzegovina to UN CEDAW Committee according to paragraph 45 of Concluding observations on the combined fourth and fifth periodic CEDAW report of Bosnia and Herzegovina* (CEDAW/C/BIH/CO/4-5), available at: http://www.gcfbih.gov.ba/wp-content/uploads/2015/08/150626_prilog_pisana_informacija_cedaw.pdf (18 May 2017)

141 Information on the initiative of the Women's caucus of the House of Representatives of the FBiH Parliamentary Assembly 2014, available at: <http://www.klubparlamentarki-pfbih.ba/parlamentarne-inicijative/> (18 May 2017)

142 Statistical indicators on granted incentives for 4 cantons in FBiH: in the **Sarajevo Canton** it was recorded that there was a percentage growth in the number of beneficiaries, but the percentage amount of granted funds that beneficiaries received was decreased. The percentage ratio of beneficiaries divided by gender for 2015 is 75% of men and 25% of women. However, if we look at the amount of funds granted, 84% is for men and 16% for women; In **Canton 10**, the percentage ratio is 60% to men and 40% to women, with very small annual variations of 1-2%. However, if we look at the amount of funds granted, 75% is for men and 25% for women; In the **Una-Sana Canton**, the situation is similar and the percentage ratio is 66% compared to 34% in favour of men, and the ratio of granted funds is 76% for men and 24% for women; In the **Posavina Canton**, women continuously receive about 10% of total granted funds, while the share of women beneficiaries is about 11%; *Report on the Implementation of the Gender Action Plan of Bosnia and Herzegovina for 2015 and 2016* (December, 2016) Agency for Gender Equality of Bosnia and Herzegovina, Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

to have a clear picture about the status of women living in rural areas in general and, in particular, about their position in the labour market. Bearing in mind that the entities and the BDBiH in 2015 allocated slightly over BAM 137 million¹⁴³ of incentives for agricultural development it is alarming that there is the lack of publicly available data¹⁴⁴, reports on the use of funds and the impact of granted incentives. There is no information on how much of these funds were granted to women and what the impact is of such investment on the status of women.

143 Public Interest Representation Center, Public Finance Fund, available at: <http://javnefinansije.cpi.ba/budzetski-korisnici/> (18 May 2017)

144 The Federal Ministry of Agriculture has published a list of incentives granted in 2015 on about 2,000 pages. The list does not have a search or filter option. There is no report on the costs and effects of these incentives on the ground and impact of these incentives on the status of women. Agricultural incentive programmes for 2016 and 2017 were adopted but there is no data available about the incentives granted in 2016. The audit report on the work of this ministry states that agricultural incentives amounted to BAM 65,128,431 and that incentives were granted to 82,507 beneficiaries. According to: Annual Audit Report for 2015/2016 on the most important findings and recommendations (Sarajevo, November 2016), The Audit Office of the Institutions in the Federation of Bosnia and Herzegovina available at: http://www.saifbih.ba/javni-izvj/pdf/Godisnji_revizorski_izvjestaj_2015_2016_b5_stamp_bos.pdf (18 May 2017).

ANNEX:

Table 1: Comparative statistics from the Labour Force Survey 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016¹⁴⁵ (in thousands)

	LFS 2007	LFS 2008	LFS 2009	LFS 2010	LFS 2011	LFS 2012	LFS 2013	LFS 2014	LFS 2015	LFS 2016
Estimated population ¹⁴⁶ (women)	3.315 1.703 (51,4%)	3.211 1.645 (51,2%)	3.129 1.605 (51,3%)	3.130 1.596 (51,0%)	3.057 1.559 (51%)	3.038 1.553 (51,1%)	3.050 1.555 (51%)	2.982 1.529 (51,3%)	2.983 1.524 (51,1%)	2.840 1.451 (51,1%)
Working age population (women)	2.725 1.408 (51,7%)	2.649 1.371 (51,7%)	2.594 1.342 (51,7%)	2.596 1.336 (51,5%)	2.561 1.317 (51,4%)	2.566 1.328 (51,8%)	2.598 1.330 (51,2%)	2.565 1.324 (51,6%)	2.597 1.320 (51,2%)	2.489 1.281 (51,5%)
Employed persons (women)	850 292 (34,4%)	890 317 (35,6%)	859 318 (37,1%)	842 311 (36,9%)	816 303 (37,1%)	814 300 (36,85%)	822 307 (37,3%)	812 301 (37,1%)	822 307 (37,3%)	801 288 (35,9%)
Unemployed persons (women)	347 144 (41,4%)	272 116 (42,6%)	272 109 (40,3%)	315 132 (42,1%)	311 129 (41,6%)	317 133 (41,95%)	311 125 (40,2%)	308 136 (44,2%)	315 136 (43,2%)	273 124 (45,3%)
Inactive persons (women)	1.529 972 (63,6%)	1.486 938 (63,1%)	1.462 913 (62,5%)	1.438 892 (62,1%)	1.434 885 (61,7%)	1.436 896 (62,39%)	1.465 899 (61,3%)	1.445 886 (61,6%)	1.443 878 (60,8%)	1.415 870 (61,5%)
Unpaid family worker (women)	37 26 (69,3%)	48 33 (68,9%)	58 41 (70,9%)	47 34 (72,9%)	43 31 (72,9%)	38 27 (71,1%)	39 27 (70,5%)	32 24 (73,5%)	29 20 (69%)	27 18 (67,9%)

¹⁴⁵ Source: The BiH Agency for Statistics, available at http://www.bhas.ba/?option=com_content&view=article&id=113=ba

¹⁴⁶ Estimate of the BiH Statistics Agency

Table 2: Comparative statistics of (un)employment according to LFS (surveyed (un)employment v. registered (un)employment according to data of BiH Agency for Statistics¹⁴⁷ for 2011, 2012, 2013, 2014, 2015 and 2016

	2011	2012	2013	2014	2015	2016
Employed persons / LFS (women)	816 303 (37,1%)	814 300 (36,85%)	822 307 (37,3%)	812 301 (37,1%)	822 307 (37,3%)	801 288 (35,9%)
Employed persons / registered ¹⁴⁸ (women)	687 280 (40,7%)	685 280 (40,8%)	689 285 (41,3%)	707 293 (41,4%)	715 295 (41,2%)	737 305 (41,4%)
Unemployed persons / LFS (women)	311 129 (41,6%)	317 133 (41,9%)	311 125 (40,2%)	308 136 (44,2%)	315 136 (43,2%)	273 123 (45,1%)
Unemployed persons / registered ¹⁴⁹ (women)	536 270 (50,3%)	550 277 (50,4%)	553 279 (50,5%)	547 278 (50,9%)	537 277 (51,7%)	510 268 (52,7%)

147 Source: The Agency for Statistics of BiH, according to Information on Registered Unemployment, published by the Agency at the end of each month. Source of data: the information published by the Agency each year at the end of December, available at http://www.bhas.ba/index.php?option=com_publicacija&view=publicacija_pregled&ids=1&id=2&n=Tr%C5%B5i%C5%A1te%20rada (26.4.2017.).

148 Source: The BiH Agency for Statistics, according to the information on employment by activity which the Agency publishes every year at the end of December.

149 Ibid.

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