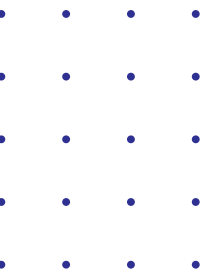


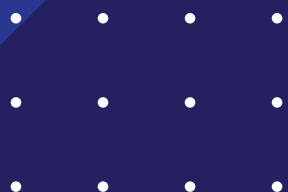


WHAT AWAITS US AFTER THE PANDEMIC:

OVERVIEW OF WOMEN'S RIGHTS AND JOINING THE EUROPEAN INTEGRATIONS



DECEMBER 2020



INTRODUCTION

Bosnia and Herzegovina (BiH) officially submitted the application for membership in the European Union (EU) in 2016. In May 2019, the European Commission (EC) issued the Opinion on the BiH Application for membership in the EU where it did not recommend that BiH receives the candidate status and instead listed 14 priority areas where progress had to be made for the EU Council to be able to decide on the next steps. The priority areas include rule of law, anti-corruption activities, and protection of rights of all citizens.

Unfortunately, little has been achieved in this process, and the country remains in a permanent political crisis that affects all aspects of life and society, including the process of European integration. Unemployment, corruption, and citizens' distrust in the legal system are increasing in society, accompanied by the outflow of the youth from the country.

That was the situation when the COVID-19 pandemic broke out.

It is very clear now that the pandemic is not just a health issue. It has multiple consequences, impacting economic, social, and even family aspects of life. Naturally, for a country like BiH, because of all the above circumstances, everything is even more difficult.

Numerous analyses already indicate that the pandemic has widened the gaps that had already existed in society in terms of gender equality and equal opportunities. BiH is a very traditional society where women have to fight for a better position every day. Stereotypes about the role of women in society, their lower pay and longer periods of unemployment, domestic violence, exclusion from the decision-making – these are only some of the problems that women face.

The crisis caused by the pandemic has once again confirmed that the consequences are not gender-neutral. Quite the opposite, they always hit harder those groups in the population whose socio-economic position before the crisis had been more disadvantageous, and this, most definitely, applies to women.

Discrimination of women at the workplace has worsened during the pandemic. Women are the majority of those whose contracts are concluded for a specific period and do not get extended. They are faced with an increased risk of exposure to COVID-19 due to their disproportionate numbers among health and social services workers, in media, and education. According to some official data, around 70% of health and social workers are women. The same or almost the same situation is in the media and education.

For the first time, many companies accept organizing the work from home. Already, many say that this form of work will continue, at least partially, and will have much harder consequences for women, who carry most of the burden of

the so-called housework, and mothers also have to juggle their work with the child care. Of course, this will particularly impact single mothers, who are often in a bad economic position. The deepening of the crisis will delay women's return to paid employment. More than ever before, this pandemic has shown that the unpaid work performed by women subsidizes both the public services and the private profits. Therefore, this work must be adequately valued and included in economic metrics. Additionally, it must be kept in mind that the exclusion of women from the work processes will certainly contribute to the exclusion of women from political processes.

Also, violence has been on the rise during the pandemic. The best response to the crisis came from the civil society organizations, which had taken over several roles the institutions should have played. The women's organizations were the ones that organized safe houses and provided direct services to victims of violence and maintained the helplines. Civil society has proven to respond to the crisis much better and much more effectively, demonstrating the ability to reorganize their work and successfully adjust to the new conditions quicker than government institutions. According to the most recent EC Progress Report for BiH, data collection must be improved to enable the development of health policies aimed at key gender gaps and provide relevant data on gender-based violence.

Many agree that social life after the pandemic will be restored on some new foundations globally. In this process, we must ensure the full integration of gender equality and equal opportunity principles. This is of particular importance for BiH as these are the principles underpinning the EU, which BiH aspires to join.

The process of European integration, with a special focus on gender equality issues, has been for many years an object of monitoring of the Women's Advocacy Group¹.

The purpose of this document is to point to perpetuating gender inequality in BiH society and illustrate the extent to which the pandemic will additionally worsen the situation. Another purpose of this document is to explore options and provide recommendations for better implementation of the gender equality standards and laws in BiH, better integration of gender mainstreaming policies as a part of the EU accession process, and a stronger role of women's civil society organizations in the dialogue on policies within the EU integration process.

¹ Women's Advocacy Group (WAG) has participated in drafting this document, and is made of the following organizations: Prava za sve/Rights for All (Sarajevo), ICVA (Initiative and civil action) (Sarajevo), Udruženje "Zemlja djece"/Association "Land of Children" (Tuzla), Fondacija "Udružene žene"/Foundation United Women (Banja Luka), Fondacija lokalne demokratije/Foundation of Local Democracy (Sarajevo), Fondacija CURE/Foundation CURE (Sarajevo), Centar ženskih prava/Center of Legal Assistance for Women (Zenica), Udruženje "Žene BiH"/Association "Women BiH" (Mostar), Ženska aktivistica/Women's Activist Memnuna Zvizdić, Udruženje "LEGIS"/Association "LEGIS" Tuzla, Fondacija za osnaživanje žena/Foundation for Empowerment of Women, Sarajevo, Udruženje "SEKA"/Association "SEKA" Goražde

ECONOMIC AND SOCIAL RIGHTS

Discrimination of women through still non-harmonized legislation and insufficient implementation of the existing regulations prevent women from seeking and exercising access to guaranteed protection. Specifically, this applies to non-harmonized regulations on maternity benefits and gender-based discrimination in employment. The European Commission reports repeatedly draw attention to the special problem of lack of gender-disaggregated statistical data about representation of women in various sectors and wage disparities.

The COVID-19 pandemic has had a particularly hard impact on women, who make the vast majority of health and social sector employees², as well as the trade sector workers, which are more exposed to the risk of contracting the disease. The ILO estimates that the informal economy is the most vulnerable, with the high-risk sectors employing 42% of women against 32% of men³.

According to the UNDP data, companies owned by women report a greater decrease in sales at the very beginning of the pandemic, while the number of companies where women make the majority of employees and that had to be closed was double the number of companies where men are in majority⁴.

Also, women are more affected by layoffs, especially in the vulnerable sectors of services, hospitality, and tourism, where women make the majority of employees. According to the UN Women, women are the majority among those whose contracts were made for a specific period, and in many cases were simply not extended during the pandemic. Their access to unemployment-related rights and benefits has also been more difficult, and the response by the competent institutions has been less than appropriate. During this period, there were cases when the employees for a specific period of time were offered contracts where they renounce their salaries or were issued decisions on unpaid leave.

Data clearly show that the vast majority of work at home or related to family care are considered “women’s work”, i.e. are done solely or mostly by women. Specifically, in as many as 93.8% of relationships, all or majority of the said work is done by women, while when it comes to child care related duties, the situation is slightly better; however, men here tend to take over the duties like playing or walking with the child or helping the child with something⁵.

Access of women to health care has been difficult during the pandemic, especially for women with disabilities, pregnant women, and oncology patients. Pregnant women, women who have given birth, but also all other women who had medical needs related to sexual or reproductive health are at risk, because in response to the COVID-19 pandemic the competent health services were closed or their working hours were shortened, and they switched only to the emergency surgeries.

² According to official statistics of the entity statistical institutes in the Federation of BiH there are 2,917 female doctors of medicine, against 1,838 male doctors, with this structure increasing further when it comes to the structure of health technicians and nurses: 10,436 women and 2,906 men. In the Republika Srpska, public health institutions employ 6,633 women and 1,965 men.

³ ILO Monitor: COVID-19 and the world of work. Third edition Updated estimates and analysis

⁴ UNDP. Economic Impact Assessment of COVID-19 in Bosnia and Herzegovina.

⁵ Gender Equality Agency. <https://arsbih.gov.ba/wp-content/uploads/2020/09/Uticaj-rodne-podjele-porodi%C4%8Dnih-i-ku%C4%87anskih-poslova-na-profesionalni-%C5%BEIVOT-zaposlenih-%C5%BEENA-u-BiH.pdf>

Implementation of the Law on Gender Equality in BiH (LoGE), and lack of harmonization between other laws and regulations and this law, contribute to the continued exclusion of women from political processes and active participation in decision-making.

BiH has been in a political crisis for a longer period. Following the 2018 general elections, the government has not yet been established at the level of the Federation of BiH and in some cantons. The average share of women in the governments formed so far is around 18%. The European Commission's Progress Report for BiH (EC Report) recognizes and underlines the problem of non-compliance with the LoGE, and says that the House of Representatives of the Parliamentary Assembly of BiH includes 21% (9 out of 42), while in the House of Peoples this percentage is 20% (3 out of 15). This excludes women from negotiations and reform processes and public policymaking.

The same has happened at the 2020 Local elections in November: there were 29 women and 396 men running for the office of municipal mayor. In FBiH, in three cantons there was not a single woman running for a municipal mayor's office, while in the rest of them, the average share of women was 10%. In the Republika Srpska, 6 out of 8 cities had no women candidates for mayor, and the same was the case in 50 out of 56 municipalities. According to the preliminary data posted on the web page of the Central Election Commission of BiH, only five women were elected to the mayoral office .

The EC report also identifies as a problem that needs to be resolved the fact that political parties rarely appoint women to the governing and leading positions. Women are excluded from the processes of creating election lists, appointing ministers, representing the party in the public, etc. It is important to underline the fact that political parties are financed from the government budgets, and therefore when setting up their structures, they should comply and fully implement all relevant laws, including the LoGE. Besides, BiH needs to implement the already adopted recommendation of the CEDAW Committee to amend the Law on the Council of Ministers to ensure that at least 40% of women are appointed to it.

Exclusion of women and women's organizations is apparent also in the process of EU integrations, with women being underrepresented in the relevant institutional mechanisms.

This trend of exclusion of women continued during the COVID-19 pandemic. Although in terms of the positions they occupy women are included in many crisis headquarters in BiH at various levels of authorities, they remain underrepresented in the key decision-making mechanisms, like the FBiH Civil Defence Headquarters, or the RS Headquarters for Emergency Situations.

⁶ Bosnia and Herzegovina 2020 Report

(https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf)

Data from the CEC official web page (https://www.izbori.ba/Rezultati_izbora/?resId=27&langId=1#/8/0/0) accessed on 04 December 2020. Municipalities where women received most votes are: Odžak, Drvar, Istočni Drvar, Jezero and Novo Goražde.

VIOLENCE AGAINST WOMEN/GENDER-BASED VIOLENCE

The issue of violence against women and inadequate response to it is a constant in BiH society. Civil society organizations have been for many years pointing at this problem and proposing measures for its appropriate resolution; however, improvements are barely visible. The European Commission also emphasizes the inadequacy of solutions to this problem in their progress reports. This year's EC report clearly states that institutional response to gender-based violence needs to be improved, including protective measures, victim support, legal aid, and safe shelter.

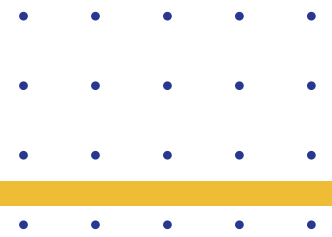
On 01 May 2020, the Law on Amendments to the Law on Protection against Domestic Violence in Republika Srpska entered force. At the same time, the Criminal Code of the Republika Srpska has not been appropriately harmonized in terms of the obligations of the RS institutions. The so-called less serious cases of domestic violence will not be processed until appropriate changes were made to the criminal legislation, and currently, only the cases resulting with consequences recognized in the Criminal Code of the Republika Srpska can be processed.

Criminal Proceedings in cases related to gender-based violence still take a long time and do not allow for the exclusion of mandatory mediation in divorce proceedings, thus failing to protect the mother and small children in domestic violence cases. Decisions exempting the party from paying the fee for the mediation process, if made, mostly apply to men, rarely to women. During the pandemic, courts and centers for social work worked with limited capacities and processed only the cases of violating the measures imposed by the crisis headquarters in connection with the state of emergency and urgent cases, and domestic violence has not been recognized as such.

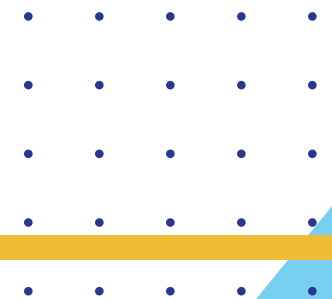
In FBiH, there is still no adequate solution for the systemic financing of safe houses.

The COVID-19 pandemic and implementation of preventative measures that include the closure of businesses, work from home, and restrictions of movement increased violence against women and regression in resolving the violence issue.

Information provided by safe houses shows a 20% increase in the number of calls to the SOS hotline during the first wave of pandemic and the so-called lockdown imposed as a measure of prevention. In that period, most institutions were inaccessible to the victims of violence. The previous system of providing care to victims of violence did not work in the new situation, and the responsible institutions have failed to develop alternative strategies that would ensure good and systemic access. The safe houses were neglected by the authorities and no help or support was provided to them.



Despite calls by the international mechanisms that all governments must put women's safety first in their response to the pandemic, it is still mostly the civil society organizations that provide help and support services. The need for shelters for victims of violence is ever-present, both prior to and during the pandemic, while the centers for social work call the safe houses looking to place the victims. Most safe houses do not offer the possibility of physical isolation of the newcomers who may be infected with the coronavirus. Also, they are facing problems regarding the testing of new clients due to lack of tests or difficult access to testing in health centers, or too high prices of testing in private health institutions.



EDUCATION



Access to education is difficult for young girls from marginalized groups, rural areas, and especially to Roma girls. The European Commission Report for 2020 describes the lack of implementation of legislation guaranteeing equal opportunity in education, irrespective of gender. In line with the preventative measures imposed due to the pandemic, all education institutions, including the higher education institutions, made adjustments and organized their work on online platforms. According to available information, the competent ministries have failed to provide adequate prerequisites for quality online teaching, so the young girls from marginalized groups and rural areas were disproportionately affected. In some local communities, such as the Bosnia-Podrinje Canton Goražde, only consultations were organized.

Analysis of social sciences curricula in all public and four private universities in BiH shows a noticeable lack of compulsory and elective subjects related to gender equality issues.

SHRINKING SPACE FOR OPERATION OF WOMEN CIVIL SOCIETY ORGANISATIONS



Even before the crisis, we were faced with the serious problem of shrinking space for the operation of CSOs, especially those working on women's rights and gender equality. Governments of all countries are currently focused on economic recovery from pandemic-caused destruction. Because of that, we are concerned that we will see cuts in the funds intended for the work and operation of women's civil society organizations. Any decrease in funding of the work on the protection of human rights will directly affect many services currently offered by CSOs, and nobody else will take them over. Besides, there is a real danger that shutting down of the CSOs will also shut down the criticism against the authorities and calls to accountability to all citizens.

Continued provision of support to civil society would send a message to the government that they should too support and build partnerships with women's organizations and work with them, hear their voices and perspectives.

The strengthening of civil society contributes to accountable governments. As a part of their progress report and EU accession processes, the European Commission should continue to demand gender equality in practice in BiH and should include women's civil society organizations and women in their dialogues and processes. The most recent EC Progress report states that no progress has been made in terms of ensuring a conducive environment for the operation of civil society and that meaningful and systematic consultations with civil society need to be ensured. Empowered civil society is the key component of any democratic system, and government institutions should recognize and treat it as such.

RECOMMENDATIONS

- Full implementation of the Law on Gender Equality in BiH must be ensured concerning the composition of all bodies at all levels of government. All statutes and political party documents must be amended to comply with the Law on Gender Equality and must be implemented in practice.
- The EU should provide more financial support to WCSOs and gender equality programs to continue to influence the gender equality policies and implementation of policies and laws in practice during and after the pandemic.
- The European Union Delegation should enhance their dialogue with the women civil society organizations in the processes of accession to the European Union, and exercise influence on the BiH authorities to do the same, thus ensuring the gender perspective in all processes and policies.
- It is necessary to assess the impact on women of all relevant legislation that has been or will be passed in the near future in response to the pandemic. The new 2021-2027 FBiH Employment Strategy must include a gender perspective and specifically the marginalized women in the employment/self-employment activities.
- Governments at all levels must provide funds for incentives and support to women entrepreneurs to mitigate the adverse economic impact of measures of prevention and prohibition of work.
- Equal access to education in all institutions must be provided, and especially to online education.
- It will be necessary to include in the curricula or expand the already existing relevant subjects related to doing away with the stereotypes and improving the position of women and young girls.
- The Criminal Code of the Republika Srpska needs to be harmonized with the Law on Amendments to the Law on Protection against Domestic Violence in Republika Srpska.
- At the level of FBiH, systemic funding needs to be secured for financing the safe houses.



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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