

December 2021



CIVIL SOCIETY IN  
DISCUSSIONS ABOUT  
FUTURE OF THE COUNTRY:  

---

**IS OUR VOICE HEARD?**

# INTRODUCTION

Bosnia and Herzegovina (BiH) is currently in one of the biggest political crises since the end of the war. The BiH Parliamentary Assembly work is blocked, as well as the Council of Ministers. The Government of the Federation of BiH has been operating in the technical mandate since 2018. There is nervousness and fear among the citizens, poverty and unemployment are even more widespread in the pandemic, there is a crisis and distrust in the health system and judiciary, corruption is widespread, the situation for citizens is hopeless and the emigration trend continues despite the pandemic. First of all, young people leave the country, but also whole families.

BiH's European path is no longer on the agenda at the domestic and international level discussions, nor in public. Only one of the 14 priority conditions that BiH must meet before the start of membership negotiations provided by the EC has been met. It can be said that EU candidate status has never been further from BiH.

## FUTURE OF BIH IS OUR CALL TOO!

All these years, the EU has only taken into account the views of several political leaders who are actually blocking and/or slowing down European processes. The voice and attitudes of citizens, as well as civil society, are not heard in public. Women, who make up more than 50% of BiH's population, are again excluded from talks on reforms important to the country's future.

**Who has the right to exclude more than half of the population of a country from what is of vital interest to every citizen?**

Civil society, especially organizations advocating for women's human rights and gender equality that share European values and are the EU's natural allies, must be engaged in dialogue on the country's future.

Women's voices, attitudes, and perspectives must be heard and integrated into all policies and laws. And not only because they make up more than 50% of the population, but because there is great knowledge and experience in all areas under discussion, and BiH does not have the luxury to reject that knowledge and experience. After all, the practice has shown that those countries where equality reigns, where everyone has equal opportunities to participate and make decisions in all areas of life and work, are also economically developed and thriving.

Women from civil society organizations who have been advocating for gender equality for many years, monitoring the implementation of laws and policies, and working closely with academia, the media, and citizens must be part of all political processes and important actors in future talks.

The website of the EU Delegation to BiH states that *"a strengthened civil society is a key component of any democratic system and that the institutions of Bosnia and Herzegovina should recognize and treat it as such."*

Let us add that the EU institutions should also recognize it as such, especially when it comes to women's organizations that have so far shown that they are constructive and ready to work together and cooperate on various issues throughout BiH.

## KEY OBSERVATIONS OF THE COUNTRY REPORT FOR BiH (2021)

There has been no significant progress in any areas according to the 2021 Country Report for BiH.

The country has not fulfilled any of the key obligations required for its progress towards EU membership. Women's rights and gender equality are severely under-represented, although they are key for progress in all areas. In a situation where over half of the country's population is continuously discriminated against and unequal, there is a noticeable lack of gender equality-related recommendations in the 2021 Country Report for BiH.

There are almost no recommendations for concrete action of the state institutions when it comes to gender equality, with only four recommendations spread out throughout the text of the analyzed chapters, the same as in 2020. The only recommendation for the improvement of women's rights which was previously included in the featured boxes at the beginning of the chapters (related to the need for harmonization of maternity benefits) was removed from this year's report.

The 2021 Country Report has kept the same practice as in 2020, with the inclusion of gender equality in various chapters, not only in the designated section, as well as the available gender-disaggregated data in different sections. Although the report includes the aforementioned information on the state of women's rights, this is not enough.

The EC Country Report should send a stronger message in calling the governments to action in ensuring the implementation of gender equality standards, as well as concretely indicate all of the state's omissions in areas where progress must be made.

### RECOMMENDATIONS

*All chapters of the Country Reports should be gender mainstreamed and take into consideration the different needs of women and men.*

*The issues related to gender equality mentioned in the report should be in the form of recommendations for action by the government.*

## PROPOSALS FOR COUNTRY REPORT 2022

### KEY AREA FOR IMPROVEMENT

#### RECOMMENDATIONS

*The Law on Gender Equality in BiH must be fully implemented in practice concerning the composition of all bodies at all levels of government.*

*Full implementation of the Law on the Prohibition of Discrimination in BiH must be ensured, with the obligation of government institutions to develop and maintain a database of cases of discrimination relevant for resolving reported discrimination of women.*

#### Political participation

As recognized in the 2021 Country Report, the participation of women in politics and especially political party leadership remains low. The 40% participation quota from the Law on Gender Equality of BiH is still not being implemented, nor are other regulations being harmonized with this law, which contributes to the continuous exclusion of women from political processes and active participation in important decision-making. Additionally, BiH needs to implement the already adopted recommendation of the UN CEDAW Committee to amend the Law on the Council of Ministers to ensure that at least 40% of women are appointed to it.<sup>1</sup>

The refusal to implement the Law on Gender Equality and the arising commitments is another confirmation that there is no political will to end the discrimination of women in political and all other forms of decision-making. Women, women's expertise, and WCSOs are continuously excluded from all reform and negotiation processes, including constitutional reform. Exclusion of women, as well as women's CSOs that point out discrimination, is also present in the process of EU integration of BiH, where women are not represented enough in relevant institutional mechanisms.

Roma women are mentioned in only one sentence throughout the report, which reflects neither the women's nor minority perspectives that are key to understanding the position and rights of Roma women in BiH. Within the issue of gender equality - such as the issue of women's representation in politics, there is no evidence that Roma women are almost non-existent in elected political positions, and that men are always elected in front of minorities.

<sup>1</sup> The initiative for the amendment of the Law on the Council of Ministers of BiH which would harmonize this law with the Law on Gender Equality and the UN CEDAW Committee recommendation was not adopted at the session of the House of Representatives of the Parliamentary Assembly of BiH in April 2021.

## Violence against women / gender-based violence

The European Commission has once again clearly identified the need for an improved institutional response to gender-based violence needs, including protective measures, victim support, legal aid, and safe shelter, as well as data collection. The 2021 Report also re-emphasizes the need for acceleration of prosecution of crimes of sexual violence, providing reparation to women victims of war crimes, and securing witness protection.

Criminal proceedings in cases related to gender-based violence are still lengthy 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.

Despite the appeals of international mechanisms that all governments must put the safety of women first in the response to the pandemic, managing different help services and providing accompanying services is still only provided by CSOs.

### **RECOMMENDATION**

*The institutional response to gender-based violence needs to be improved, including protective measures, support for victims, legal aid, and safe shelter.*

## Economic and social rights of women

The anti-discrimination provisions in labor legislation are still not implemented in practice, especially when it comes to the unharmonized provisions on maternity benefits and gender-based discrimination in the field of work, including access to employment.

The longstanding recommendation on the need of introducing a uniform minimum level of maternity leave benefits and protection throughout the country has been removed from the 2021 Report, despite the absence of progress in this regard, and the issue is only mentioned briefly and in a general manner.

The EC reports have been continuously emphasizing the issue of the lack of sex-disaggregated data when it comes to representation of women in different sectors and the differences in salaries, which has still not been resolved through the statistical systems of the competent institutions.

The COVID-19 pandemic has had a particularly hard impact on women, who make the vast majority of health and social sector employees, as well as the trade sector workers, which are more exposed to the risk of contracting the disease. Women were more affected by layoffs, especially in the vulnerable sectors of services, hospitality, and tourism, where women make the majority of employees. According to data from UN Women, during the pandemic, 13% of women lost their jobs compared to 8% of men. Therefore, all recovery measures should include a gender perspective.

Data clearly show that the vast majority of work at home or related to family and child 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. It is concerning that the 2021 Report has omitted the previously recognized deficiency of child care support and kindergartens.

### **RECOMMENDATIONS**

*It is necessary to conduct a gender impact assessment of all relevant legislation that has been or will be passed in the near future in response to the pandemic.*

*The new draft 2021-2027 Employment Strategy of the Federation of BiH must include a gender perspective and specifically include marginalized women in employment / self-employment activities.*

*A regular system of collecting detailed statistical data on the status of women, especially in employment, wages, and benefits in different employment sectors needs to be established.*

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 Republika Srpska, public health institutions employ 6,633 women and 1,965 men.

3 UN Women. The impact of COVID-19 on women’s and men’s lives and livelihoods

4 <https://arsbih.gov.ba/wp-content/uploads/2020/09/Uticaj-rodne-podjele-porodi%4%8dnh-i-ku%4%87anskih-poslova-na-profesionalni-%c5%beivot-zaposlenih-%c5%beena-u-BiH.pdf>

## Shrinking space for civil society

Even before the crisis, civil society faced the problem of the shrinking space for the work of CSOs, particularly those dealing with women's rights and gender equality. CSOs have taken over the role of the institutions during the COVID-19 crisis and provided the biggest response to the consequences, despite the shrinking space environment they have been working in over past years. Also, despite the larger scope of work and providing additional services, WCSOs have continued to insist on legislation amendments and harmonization of legislation with international standards throughout the pandemic, not stopping any of their advocacy processes. The civil society sector, which comprises mostly female employees, requires continuous support, proving once again that without its prompt reaction there would not have been almost any response to the consequences of a crisis.

The most recent Country 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 systemic consultations with civil society need to be ensured.

In addition, the European Union, as one of the biggest donors for civil society in BiH, requests that local organizations contribute to projects in the amounts of 5% and 10%, which is almost impossible for them as non-profit organizations. This is additionally preventing access to funds, and civil society is slowly disappearing.

There is a real danger that shutting down CSOs will also shut down the criticism against the authorities and calls to accountability to all citizens. Continued 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.

### **RECOMMENDATIONS:**

*It is necessary to establish a favorable environment for the work of CSOs in BiH, as well as ensure financial support to WCSOs that support women in achieving their rights.*

*It is necessary to eliminate the required contributions of the CSOs in applying for EU-funded projects.*

# PRAVA ZA SVE

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

This publication was developed as part of the project “No EU Integration Without Women’s Participation” and in collaboration with the Women’s Advocacy Group consisting of: Prava za sve (Sarajevo), ICVA (Initiative and Civil Action) (Sarajevo), Association „Land of Children“ (Tuzla), United Women Foundation (Banja Luka), Foundation of Local Democracy (Sarajevo), CURE Foundation (Sarajevo), Center of Women’s Rights (Zenica), Association „Žena BiH“ (Mostar), Association SEKA Goražde, activist Memnuna Zvizdić, LEGIS Association (Tuzla), Foundation for Women’s Empowerment (Sarajevo), Helsinki Citizens’ Assembly Banja Luka, INFOHOUSE Foundation (Sarajevo), RWA „Better Future“ Tuzla and Center for support of Organizations CENSOR (Tuzla).

This material is completely or partly financed by the Swedish International Development Cooperation Agency (Sida) and Kvinna till Kvinna. Sida and Kvinna till Kvinna does not necessarily agree with the opinions expressed. The author alone is responsible for the content.

Supported by:

