



Co-funded by the
European Union

Co-funded by the
Swedish International Development
Cooperation Agency



Sweden
Sverige



Gender Mainstreaming in the EU Accession Process

Country Assessment Report

Bosnia and Herzegovina

2022

Partner Organisation

PRAVA
ZASV=

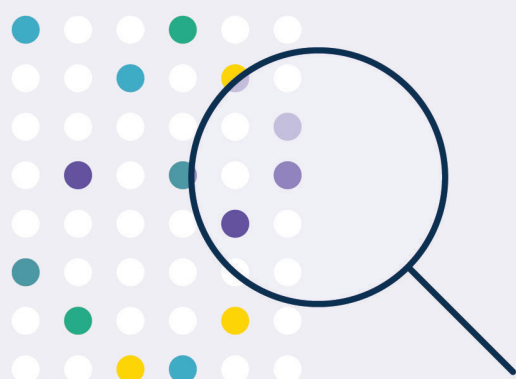


Co-funded by the
European Union

Co-funded by the
Swedish International Development
Cooperation Agency



Sweden
Sverige



Gender Mainstreaming in the EU Accession Process

Country Assessment Report

Bosnia and Herzegovina

2022

This publication was produced with the financial support of the European Union and co-funded by the Swedish International Development Cooperation Agency. Its contents are the sole responsibility of Udruženje Prava za sve and do not necessarily reflect the views of the European Union or the Swedish International Development Cooperation Agency.

REAC—OR
research in action



KVINNA
KVINNA



PRAVA
ZA SV=

WOMEN'S RIGHTS CENTER
CENTAR ZA ŽENSKA PRAVA

INTRODUCTION

This country assessment report was created based on the results of the monitoring conducted as part of the Action “Furthering Gender Equality through the EU Accession Process”, led by Reactor – Research in Action (North Macedonia) and implemented with the Kvinna till Kvinna Foundation (North Macedonia Office), Kosovo Women’s Network (Kosovo), Albanian Women’s Empowerment Network (AWEN) (Albania), Rights for All (Bosnia and Herzegovina) and Women’s Rights Center (Montenegro). The Action aims to enhance and broaden existing regional cooperation to strengthen participatory democracies and to bring about an inclusive and gender-sensitive accession process.

In order to inform and gender mainstream the EU Accession process and successfully undertake evidence-based advocacy on the gender aspects in the EU Accession process at national, regional and EU level, it is necessary to monitor and report on the key EU-related processes and political dialogues in the countries where the Action is implemented, and the region as a whole.

For this purpose, the Action partners, together with an external expert, have developed a comprehensive methodology for monitoring and reporting on areas relevant to the EU Accession process from a gender perspective. This includes monitoring from a gender perspective: the Instrument for Pre-Accession (IPA) programing and the work of the National IPA Coordinators (NIPACs); state statistical offices and gender statistics; the work of government bodies mandated to lead the process of negotiation for EU Accession; political dialogues on accession processes; and additional processes relevant to the accession process and gender equality, including Gender Action Plan III (GAP III) implementation.

The monitoring framework considers recent developments in the EU. In particular, it draws from the revised methodology for the EU Accession process included in the Communication “Enhancing the Accession process: A Credible EU Perspective for the Western Balkans”¹ proposed by the European Commission in February 2020 and officially endorsed by the EU Member States in the March 2020 Council Conclusions.² This revised approach calls for a greater focus on fundamental reforms, a greater use of conditionality with clear conditions and benchmarks spelled out in the annual report and greater transparency and inclusivity of the process.

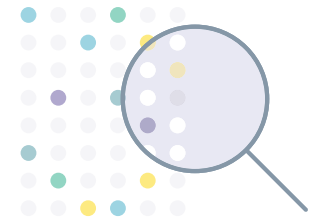
The methodology also draws from the Joint Communication on the new Gender Action Plan III – An Ambitious Agenda for Gender Equality and Women’s Empowerment in External Action³ accompanied by Objectives and Indicators⁴ (GAP III). GAP III calls for a more strategic EU approach to gender equality in partner countries tailored to the context and based on a Country-level implementation Plan (CLIP) to be developed

1 https://ec.europa.eu/neighbourhood-enlargement/enhancing-accession-process-credible-eu-perspective-western-balkans_en

2 <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

3 https://ec.europa.eu/international-partnerships/system/files/join_2020_17_en_final.pdf

4 https://ec.europa.eu/international-partnerships/system/files/swd_2020_284_en_final.pdf



together with national stakeholders, including gender equality bodies, ministries and civil society. The monitoring framework also includes bilateral funding provided by the EU to candidate and prospective candidate countries in the Western Balkans. Therefore, it draws from the regulation⁵ for the Instrument for Pre-Accession (IPA) III and its programming framework.

The same methodology was used in each country, adjusted to the specificities and stages of the accession process. Based on the created methodology, each partner will produce monitoring reports annually, tracking progress year on year between 2021 and 2023. Two regional reports will complement the national level ones, comparing progress across the region. The first national report for BiH covers the period from January to December 2021.

Country Context

In May 2019, the European Commission (EC) adopted the Commission Opinion on BiH's application for membership of the EU (the Opinion),⁶ listing 14 priorities in which progress should be made before the EU Council could decide on the next steps. Unfortunately, very little has been achieved in this process, and the country is in a constant political crisis that affects all aspects of life and society, including the European integration process.

The country has not fulfilled the key obligations required to achieve candidate status of the European Union (EU). Although some symbolic progress has been made in fulfilling the 14 priorities,⁷ no significant breakthrough has been made, including in the fulfilment of Priority No. 9, which asks for strengthening the protection of the rights of all citizens, notably by ensuring the implementation of the legislation on non-discrimination and on gender equality.

The work of the Parliamentary Assembly of BiH and the Council of Ministers in the previous period was marked by blockades and inaction, and lack of will to adopt any reform legislation which would pave the way of BiH to EU membership.

The results of the last General Elections held in 2018 have not been fully implemented in the Federation of BiH, namely a new government was not appointed in line with the results of the vote. Instead, the government which was appointed after the 2014 elections continued its work, acting for eight years in total until today, four of which in a caretaker mandate.

There are no initiatives by the government on reforms, nor has there been action which would lead to the fulfilment of conditions which lead to the granting of EU candidate status, and the voices and attitudes of citizens and civil society are not heard in public.

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32021R1529>

⁶ <https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-05/20190529-bosnia-and-herzegovina-opinion.pdf>

⁷ The only priority that was fulfilled was Priority No. 3 (Ensure the proper functioning of the Stabilisation and Association Parliamentary Committee), but only in the sense that the formal presumptions for its fulfilment were created. No other priority from the Opinion was fully realized. (see more in local languages: [Proces integracije BiH u EU: 14 prioriteta iz Mišljenja Evropske komisije 2 godine poslije](#), Transparency International BiH, May 2021)

All discussions on reforms which included representatives of the international community were held behind closed doors with representatives of several leading political parties without the inclusion of women. The obligation to respect women's human rights and gender equality has been completely neglected, both when it comes to the harmonization of legislation with the Law on Gender Equality in BiH, as well as in improving the participation of women members of political parties or WCSO representatives in any decision-making processes.

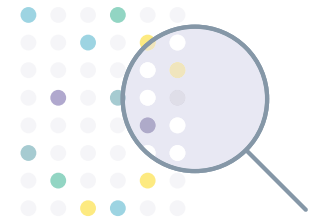
FINDINGS

CRITERION A. COUNTRY REPORTS ARE GENDER-MAINSTREAMED

1. Number of times gender is mentioned in the Country Report	17
2. Number of times women/girls are mentioned in the Country Report	29/1
3. Number of times boys/men are mentioned in the Country Report	0/6
4. % of Chapters gender-mainstreamed	6,1%
5. Number of official recommendations on gender equality included in the Country Report	0
6. Number of other recommendations with a gender perspective included in the narrative of Chapters	4
7. Extent to which Country Report uses sufficiently sex-disaggregated data	To a moderate extent
8. Extent to which issues recommended by women's organisations are included in the Country Report, based on your knowledge	To a moderate extent

The 2021 Country Report for BiH does not send a stronger message in calling the governments to action in ensuring the implementation of gender equality standards. There are no official recommendations⁸ with a gender perspective included in the Country Report. The only previously included official 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.

⁸ "Official recommendation" means the recommendations included in the grey boxes at the beginning of each chapter/section.



There is a noticeable general lack of recommendations for any concrete action of the state institutions when it comes to gender equality, with only four other recommendations spread out throughout the text of the Chapters. These refer to the improvement of the institutional response to gender-based violence; the need to accelerate the prosecution of crimes of sexual violence, provide reparation to women victims of war crimes, and secure witness protection; the improvement of data collection to enable the development of sound policies targeting key gender based gaps, and providing relevant data on gender-based violence; as well as the need to improve data collection on persons with disabilities, including gender disaggregated data.

Gender-related issues are mostly presented either in the form of sex-disaggregated data or narrative explanations of e.g. challenges and discrimination faced by women in particular. Only two⁹ out of the total of 33 *acquis* Chapters (6,1%) have been moderately gender-mainstreamed, in terms of inclusion of sex-disaggregated data and remarks on the unfavorable position of women in different sectors in comparison to men.

The Country Report only uses sex-disaggregated data to a moderate extent, mostly in relation to women's political participation and employment. For example, Chapter 19 (Social policy and employment) includes data on the respective percentages in the active population and employed persons, as well as the gender gap in the employment rate. Chapter 23 (Judiciary and fundamental rights) includes information on women judges, prosecutors and managers in judiciary, and an estimate of the average salary. Data on the political participation of women in different branches of government, along with some statistics related to the Local Elections held in 2020 are included in the Democracy sub-chapter of the "Functioning of democratic institutions and public administration" section of the Report. In chapter 23, it is mentioned that more information on women victims of trafficking is available in Chapter 24 (Justice, freedom and security) - however, the data is not included in the respective chapter.

WCSOs from Bosnia and Herzegovina have been continuously advocating for the inclusion of different gender equality issues in the Country Reports. PRAVA ZA SVE coordinates a network of 16 WCSOs/activists from all parts of BiH (Women's Advocacy Group – WAG),¹⁰ who regularly prepare joint inputs for the upcoming Country Reports, as well as participate in annual consultations organized by the Delegation of the EU in BiH for collecting CSOs' recommendations.¹¹ These traditionally include: drawing attention to the absence of women in leadership of political parties, improvement of the institutional response to gender-based violence, the necessity of conducting gender impact assessments of all laws, harmonization of maternity benefits, etc. Both representatives of WCSOs and the Delegation of the EU have acknowledged there is moderate inclusion of some of the issues that were advocated for by women's rights groups and organizations. However, the contributions of (W)CSOs are usually simplified and presented in a general manner, in the sense they are not incorporated in their entirety or how they were submitted, but rather shortened and without inclusion of the accompanying data provided, or the proposed recommendations for improvement.

⁹ Chapter 23: Judiciary and fundamental rights and Chapter 19: Social policy and employment

¹⁰ More information about the WAG available on: <https://pravazasve.ba/wp-content/uploads/2022/06/WAG-ENG.pdf>

¹¹ For example, a summary of the created Inputs for 2021, along with defined recommendations, is available in the form of a policy brief published by PRAVA ZA SVE entitled "[Civil society in discussions about future of the country: Is our voice heard?](#)"

CRITERION B. STABILISATION AND ASSOCIATION COMMITTEE MEETINGS INCLUDE GENDER ISSUES

9. % of SAA Committee meetings with gender equality issues on the agenda	N/A
10. % of Sub-Committee meetings with gender equality issues on the agenda	16,6%
11. Extent to which WCSOs were consulted by the EU ahead of SC meetings	Not at all
12. Extent to which SAA committee and sub-committee meetings conclusions attend to gender equality issues	Not at all

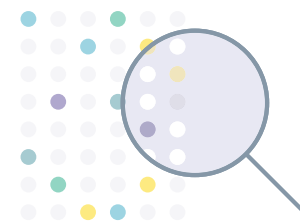
According to the analysis of the available media announcements and meeting agendas published on the websites of the Directorate for European Integration of BiH¹² or the Delegation of the EU/EUSR,¹³ out of the total of six SAA Sub-Committee/Special Group meetings held during the monitoring period, gender equality issues were not included either in the respective agendas or meeting conclusions. However, according to additional information provided by the Delegation of the EU in BiH, at the 5th Stabilisation and Association Sub-committee meeting on Innovation, Information Society and Social Policy, held on 22 March 2021, the agenda included Social aspects of gender equality, including access to employment and equal pay, with particular focus on anti-discrimination in access to employment, rights and integration of people with disabilities, and update on legislation regulating harassment at work.

According to information provided by the EU,¹⁴ the Sixth SAA Committee meeting was planned to be held in November 2021. However, in line with information provided by the Delegation of the EU in BiH, the Sixth round of meetings is to be held in 2022.

¹² <https://www.dei.gov.ba/>

¹³ <https://europa.ba/>

¹⁴ Available on [this link](#).



CRITERION C. EU STRATEGIC ENGAGEMENT AT COUNTRY-LEVEL ON GENDER EQUALITY IS IN PLACE

13. Country-level Implementation Plan for GAP III agreed and transmitted to HQ (Brussels) (indicator 5.1 GAP III)	Yes
14. Gender Country Profile conducted / updated	Yes
15. Fully-fledged gender analysis conducted or updated	No
16. Number of sector-specific gender analyses for the priority areas under the programming cycle 2021-2027 developed and transmitted to HQ (Brussels) (indicator 5.2)	0
17. Extent to which EU Delegation engages in dialogue on gender equality with governments, national gender equality mechanisms, parliaments and other institutional actors (indicator 7.1)	To a moderate extent
18. Extent to which EU Delegation consulted civil society including women's organisations for the development of the Country-level Implementation Plan	To a moderate extent
19. Extent to which EU Delegation engages in dialogue on gender equality with civil society including women's organisations (indicator 7.2)	To a moderate extent
20. Extent to which EU Delegation engages in dialogue with civil society on women, peace and security issues in partner countries (indicator 7.2)	To a moderate extent


The full text¹⁵ and a one-page summary¹⁶ of the completed Country-Level Implementation Plan (CLIP) for GAP III, as well as the updated Gender Country Profile¹⁷, are publicly available on the website of the Delegation of the EU/EU Special Representative in BiH. The process of creating the CLIP was led by the Delegation of the EU through the EU Gender Equality Facility (GEF) project, with the support of UN Women. Input by WCSOs/members of the Women's Network in BiH was collected through a written questionnaire, and some WCSOs also provided additional and more detailed contributions.¹⁸ The Delegation of the EU also conducted consultations with Member States, international organizations and BiH institutions. The final CLIP does not sufficiently integrate the inputs provided by WCSOs under the different thematic areas, including on women, peace and security, and does not indicate how the EUD will involve WCSOs in the implementation and monitoring phase. Specific actions to support and fund WCSOs (1.4 and 3) have been left out.

15 https://europa.ba/wp-content/uploads/2022/03/260721-CLIP-BiH_final.docx-signed.pdf

16 <http://europa.ba/wp-content/uploads/2022/01/Overview-CLIP-GAP-III-Bosnia-and-Herzegovina.pdf>

17 <http://europa.ba/wp-content/uploads/2022/01/Gender-Country-ENG-web.pdf>

18 With the support of the Kvinna till Kvinna Foundation, PRAVA ZA SVE, United Women Foundation Banja Luka, RWA "Better Future" Tuzla and the Helsinki Citizens' Assembly Banja Luka provided detailed inputs and recommendations for specific actions of the EU for thematic areas of GAP III.



No concrete sector-specific gender analyses have been conducted yet, but the Delegation of the EU included relevant sectors in the Gender Country Profile, as well as created guidance¹⁹ through the Gender Equality Facility project their programming on addressing gender in three priority areas (agriculture and rural development, competitiveness and innovation, and democracy and rule of law).

The Delegation of the EU maintains constant communication with the gender mechanisms²⁰ in the country, through regular meetings based on the implemented projects. While there is no established mechanism for regular consultations and engaging in dialogue at policy level with (W)CSOs on gender equality issues, there is regular communication at programming level with CSOs implementing around 10 projects focusing on gender equality. There have also been different bilateral meetings with CSOs and joint meetings with different CSO networks,²¹ aimed at exchanging information and experiences, improving cooperation, and funding opportunities. EUD representatives also participated in different conferences and events organized by (W) CSOs in the country. The EUD utilizes the collected information for Calls for Proposals and programming purposes.

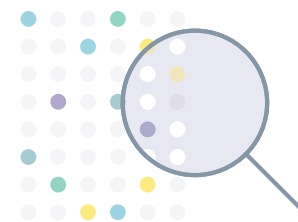
Regarding the Women, Peace and Security Agenda, the EUD communicates with CSOs through implemented projects at programming level,²² and the EUSR has worked on the development of a plan of what to focus on in future activities with the gender mechanisms, and different meetings were organized with the Ministry of Defense of BiH and the Ministry of Security of BiH.

19 The guidance note is an internal document.

20 Agency for Gender Equality of BiH, Gender Center of the Federation of BiH and Gender Center of Republika Srpska

21 E.g. PRAVA ZA SVE had four meetings with the EUD/EUSR in 2021 through different initiatives, and the EUD organized four meetings with the Women's Network and the Roma Women's Network.

22 E.g. a project implemented by the Center for Security Studies, through which the EUD worked with the Policewomen's Network, through several trainings, especially related to gender-based violence.



CRITERION D. EU MAINSTREAMS GENDER IN ALL ACTIONS AND TARGETED ACTIONS

21. Number and % of new actions ²³ that are gender responsive / targeted (GM1 + GM2) at country level (indicator 1.1 GAP III)	4 out of 9 (44,4%)
22. Number and % of new gender targeted action (GM2) implemented from national allocation (indicator 1.2 GAP III)	1 (11,1%)
23. Total funding in support of gender equality at country level (GM1 + GM2) (indicator 1.3 GAP III)	EUR 33.000.000
24. Amount of funding directed towards women's organisations and movements at country level (indicator 1.4 GAP III)	Cannot be concluded
25. % of new actions supporting public finance management reforms that include a gender budgeting component (indicator 3.1 GAP III)	Cannot be concluded

The number and percentage presented in indicator 1. under this Criterion is the result of the analysis of the published Action Documents under IPA III 2021-2027, available in detail in Criterion H. of this monitoring report.

Three Action Documents target gender equality as a significant objective (GM1), and one targets it as a principal objective (GM2). The total funding in support of gender equality at country level distributed through Actions to be implemented through IPA III 2021-2027 support amounts to EUR 33.000.000, with EUR 20.500.000 allocated to Action Documents marked with GM1,²⁴ and EUR 12.500.000 to one Document marked GM2.²⁵ It should be noted that a system for tracking total funding specifically in support of gender equality is still missing in the EU, and the amount of funding allocated to WCSOs cannot yet be tracked.

Information on the other listed GAP III indicators under this Criterion was not available before the conclusion of this monitoring.

²³ Action shall be defined as contracts. New shall refer to the last year, based on the date on which they were signed (as illustrated in the excel file).

²⁴ EU 4 Electoral Process (EUR 2.000.000), EU Integration Facility (EUR 8.500.000), EU 4 Private Sector Development (EUR 10.000.000)

²⁵ EU 4 Mitigating Socio-Economic Consequences of COVID-19 pandemic in Bosnia and Herzegovina: Employment, Social Protection and Inclusion Policies

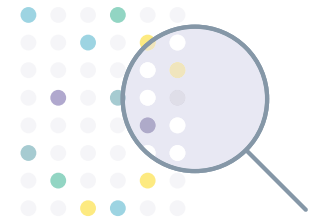
CRITERION E. THE EU LEADS BY EXAMPLE

26. Number and % of women in senior and middle management positions in the EU Delegation/Office (indicator 10.1 GAP III)	Cannot be concluded
27. % of management trained on gender equality and GAP III in EU Delegation and CSDP mission (indicator 10.2)	Cannot be concluded
28. % of management trained on women, peace and security in EU Delegation and CSDP mission (indicator 10.2)	Cannot be concluded
29. Number of Gender Adviser / Gender Focal Points in the EU Delegation and CSDP mission	3

Information on GAP III indicators was not available before the conclusion of this monitoring.

CRITERION F. GOVERNMENT ADOPTS LEGISLATION IN LINE WITH THE EU ACQUIS COMMUNAUTAIRE ON GENDER EQUALITY AND CONSULTS WOMEN'S ORGANISATIONS

30. Extent to which gender equality is addressed in the National Programme for the Adoption of the Acquis (NPAA)	N/A
31. Extent to which key laws on gender equality and EU Accession are open for public consultation	To a minimal extent
32. Extent to which inputs on Laws / amendments / policies by women's organisations in line with the EU Acquis on gender equality are taken on board	To a minimal extent
33. Extent to which new sectoral strategies are publicly available	To the full extent
34. Extent to which new sectoral strategies mainstream gender equality	To a moderate extent
35. % of sector working groups (or the like) with women's rights organisations included/represented	Cannot be concluded



BiH does not have a National Programme for the Adoption of the *Acquis* (NPAA). Ensuring a track record in the functioning at all levels of the coordination mechanism on EU matters, including by developing and adoption an NPAA, is one of the 14 priorities²⁶ included in the EC Opinion on BiH's application for membership of the EU.

When it comes to public consultations, there is an active online public consultations platform (eKonsultacije)²⁷ which enables citizens and CSOs to participate in consultations related to legislative processes. The platform includes only consultations for the level of BiH. It is important to note that all laws which affect the everyday life of citizens the most are adopted at the levels of the entities (Federation of BiH and Republika Srpska). There are no mechanisms to ensure consultations of citizens in the legislative process for these levels of government.

At the level of BiH, there have been no relevant laws adopted in 2021 as a result of the blockage of state institutions. In practice, the consultation process conducted through the online platform is not fully functional because it does not provide feedback on whether proposals made by CSOs were accepted (or not), nor is there any provided explanation. Due to this, the platform is more of a formal character, rather than means to ensure meaningful consultations.

Although there are other different mechanisms of consultations within the legislative procedure (e.g. public discussion), these are also mostly fulfilling a formal obligation. Available consultative processes are slow and lack transparency, public discussions are not organized in the predetermined deadlines and are not announced with sufficient time to allow for preparation of interested parties. There is also a noticeable absence of a unified approach to the consultative process – some consultation procedures are conducted online/via email, and some are held in person as plenary discussions. Similar to the eKonsultacije process, explanations on why proposals, suggestions and comments are refused are not provided.

There have been no legislative changes at the level of BiH related to gender equality in 2021. However, on the level of the Federation of BiH, while no laws were formally adopted, proposals and inputs developed by WCSOs for the drafts of the Law on Protection from Domestic Violence in FBiH and the Criminal Code of FBiH were included in the drafts currently in legislative procedure within the Government of FBiH and the Parliament of FBiH.

Only two new strategies were adopted during the monitoring period at the level of Bosnia and Herzegovina: Strategy for Control of Small Arms and Light Weapons (2021-2024)²⁸ and Strategy for Improvement of Public Finances Management (2021-2025),²⁹ both publicly available on the website of the Council of Ministers of BiH. While the latter is not gender mainstreamed, the former is an example of good practice in this regard. The strategy includes relevant sex-disaggregated data, stresses the strong gender dimensions in the use of firearms, insists on the integration of a gender perspective in measures for control of SALW, contains plans for conducting comprehensive research of effects of SALW on men and women, includes planned

26 Priority No. 2, https://ec.europa.eu/neighbourhood-enlargement/opinion-bosnia-and-herzegovinas-application-membership-european-union-0_en, p. 14

27 The full statistics for all conducted consultations processes is listed on: <https://ekonsultacije.gov.ba/statistic>

28 <http://www.msb.gov.ba/dokumenti/strateski/default.aspx?id=20203&langTag=hr-HR>

29 https://www.vijeceministara.gov.ba/akti/prijedlozi_zakona/default.aspx?id=35041&langTag=bs-BA

cooperation with relevant CSOs, as well as synergies with the implementation of the 1325 National Action Plan.³⁰

Regarding the inclusion of women's rights organizations in sector working groups (or the like), the ones constituted for creation of different strategies in 2021 by decisions of the Council of Ministers did not include any WCSO representatives. In the scope of the Mechanism of Coordination, as the institutional mechanism which establishes and regulates the work and coordination of different institutions in BiH within the process of EU Integration, there are seven formed SAA Sub-Committees³¹ and one Special Group on Public Administration Reform. As part of the Sub-committee on Justice, Freedom and Security, there are 7 formed working groups. According to the Decision on the System of Coordination of the EU Integration Process in BiH, participation of CSOs is only optional and dependent on the needs of the working group(s). There is no available public information on participation of WCSOs in these groups.

CRITERION G. GOVERNMENT IMPLEMENTS RECOMMENDATIONS ON GENDER EQUALITY INCLUDED IN THE COUNTRY REPORT

36. Extent to which recommendations on gender equality included in the Country Report have been implemented by the government/institutions	To a minimal extent
--	---------------------

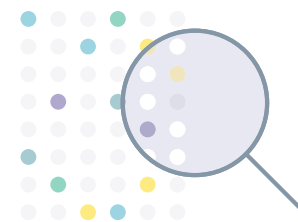
There is no significant progress of implementation of relevant recommendations from the EC Country Report in 2021. The institutional response to gender-based violence is yet to be improved, along with the acceleration of prosecution of crimes of sexual violence, providing reparation to women victims of war crimes and secure witness protection. Some improvement has been recorded in the collection of relevant sex-disaggregated data.³²

The only official recommendation related to gender equality in the EC Country Report for 2020, 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. There has been some improvement in instituting maternity benefits for future mothers in the Federation

30 The development of the Strategy was supported by the OSCE Mission to BiH, "recognizing effective arms control as vital to ensuring the safety and security of BiH citizens and the wider region". (<https://www.osce.org/mission-to-bosnia-and-herzegovina/479873>)

31 Sub-committee on Trade and Industry, Customs and Taxation, Sub-committee on Agriculture and Fisheries, Sub-committee on Internal Market and Competition, Sub-committee on Economic and Financial Issues and Statistics, Sub-committee meeting on Justice, Freedom and Security, Sub-committee on Innovation, Information Society and Social Policy, and the Sub-committee on Transport, Energy, Environment and Regional Development

32 More information provided in Criterion I.



of BiH, but lacking country-wide harmonization in this regard. Discrimination based on residence of the mother is still widely present in the country, particularly in the Federation of BiH.

For instance, unemployed mothers in the Tuzla Canton receive BAM 1000 (approximately EUR 500) and employed mothers with salaries below BAM 1000 receive the remaining difference up to this amount, for the duration of one year from the birth of the child. In Sarajevo Canton, both employed and unemployed mothers receive the amount of 1000 BAM for one year after the birth of the child. The duration of receiving maternity benefits is also not harmonized: Una-Sana, West Herzegovina and Herzegovina-Neretva Cantons provide benefits for only six months.³³ Some cantons also prescribe special conditions for maternity benefits, e.g. unemployed mothers in Central Bosnia Canton receive only a lump sum payment of BAM 270 (approximately EUR 135) only in the case of proving they are socially/economically disadvantaged.³⁴ In Republika Srpska, for the duration of one year,³⁵ the full salary of the mother is refunded to the employer and unemployed mothers receive benefits in the amount of BAM 405 (approximately EUR 200).³⁶ Therefore, there has still been no harmonization in the entire country.

CRITERION H. PROGRAMMING OF IPA III AT NATIONAL LEVEL PRIORITISES GENDER EQUALITY

37. Extent to which responsible government bodies consulted women's organisations for the development of the Multi-annual Indicative Programmes [IPA III Strategic Response]	Cannot be concluded
38. Extent to which Multi-annual indicative Programme [IPA III Strategic Response] includes gender equality objectives	Cannot be concluded
39. Extent to which annual Indicative Programs or Action Documents contain a gender perspective	To a moderate extent

The Strategic Response was not publicly available for textual analysis by the time of conclusion of this monitoring.

According to information from email correspondence with representatives of the Directorate for European Integration of BiH, no political agreement has been achieved in BiH for the full implementation of the IPA regulations regarding the duties and responsibilities of the NIPAC and the full application of the sectoral approach due to the blockade of state institutions. Consultative forums (informal versions of the sectoral working groups) were created for the needs of creating the Strategic Response 2021-2024 (including its revision) and IPA 2021 and IPA 2022 programming. These forums include representatives of all institutions which expressed interest

33 <https://6yka.com/novosti/beba-u-sarajevu-vrijedi-12-000-puta-vise-od-bebe-iz-visokog>

34 <https://www.federalna.ba/za-nezaposlene-porodilje-u-sbk-u-jos-uvijek-mizeran-iznos-jednokratne-pomoci-wvxap>

35 The duration is 18 months for twins and for third and subsequent children.

36 Payments are made from the Fund for Child Protection of Republika Srpska. Details available in local language on: <https://www.ifdz.org/sr/page/17/materinski-dodatak>

to be included, along with representatives of civil society. Around 15 civil society representatives were included in the consultative forums, but the list of participants was not made public. All communication in the consultations process was conducted via email, and the participants received the relevant finalized documents which were shared by the NIPAC office with the Delegation of the EU in BiH and the EC. Since the process was conducted mostly during the period when the EU Regulation related to the use of IPA III was not yet approved by the EU, and since the finalized documents were not considered in sessions of the Council of Ministers of BiH, the text of the Strategic Response, as a working document subject to review, was not made public.

There is a total of nine Action Documents³⁷ (ADs) for IPA III (2021-2027), with five ADs not targeting Gender Equality and Women's and Girls Empowerment as a general policy objective (marked GM0). Three ADs³⁸ list it as a significant objective (GM1), and only one³⁹ lists it as a principal objective (GM2).

In practice, out of these four ADs, only the "EU 4 Mitigating Socio-Economic Consequences of COVID-19 pandemic in BiH: Employment, Social Protection and Inclusion Policies" fulfils the DAC gender marker criteria, in the terms of containing a gender analysis and providing different sex-disaggregated data (employment, social and economic dimensions, domestic violence, etc.), and some sex-disaggregated indicators. This multi-sectoral Action is composed of two sub-sectors, employment and social sector. In the latter, it specifically focuses on improving welfare and inclusiveness for the most vulnerable categories that have been negatively affected by the pandemic, including people with disabilities, extended families at risk of poverty, youth, women, victims of domestic violence and human trafficking, and Roma.

The remaining three ADs, all marked with GM1, do not include a gender analysis as a part of the problem analysis, and largely lack indicators measuring change or disaggregated by sex. This indicates they do not fulfill the requirements to be marked with GM1.

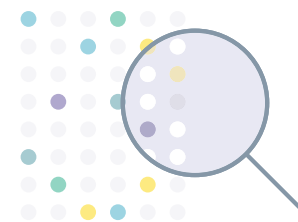
The ADs which did not target gender equality (marked GM0) only include a reference to the integration of a gender perspective in the mainstreaming section (in the form of promoting the inclusion of women in project management, awareness raising, rights-based approach, etc.).

None of the analyzed ADs foresee engagement of women's rights groups in particular, but eight include cooperation with civil society in general/recognize them as important stakeholders, with the exception of the AD for EU 4 Animal Disease Control, with the explanation it is due to the specificity of the intervention. Only 1 AD recognizes the gender equality mechanisms as the main stakeholders in "gender related activities"

³⁷ https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance/bosnia-and-herzegovina-financial-assistance-under-instrument-pre-accession-assistance-ii-ipa-ii_en

³⁸ EU 4 Electoral Process, EU Integration Facility, and EU 4 Private Sector Development in BiH (Post COVID-19)

³⁹ EU 4 Mitigating Socio-Economic Consequences of COVID-19 pandemic in BiH: Employment, Social Protection and Inclusion Policies



(EU 4 Mitigating Socio-Economic Consequences of COVID-19 pandemic in BiH: Employment, Social Protection and Inclusion Policies).

CRITERION I. SEX-DISAGGREGATED DATA IS COLLECTED BY NATIONAL STATISTICAL OFFICES

40. The Country has an updated Gender Equality Index (GEI) at national level	No
41. Whether National Statistical Offices publish a report with easily accessible sex-disaggregated data that is sufficient for the public's use (based on Women & Men publication)	Extensively

The Agency for Statistics of BiH publishes the “Women and Men in BiH” thematic bulletin every other year. The publication with the latest information relevant for the monitoring period was published in February 2022.⁴⁰ This bulletin covers the following sectors: population, health and mortality, education, information and communication technologies, labour force, research and development, social welfare, judiciary, and democracy and the rule of law. It represents a significant improvement in data collection and publication, in comparison to previous editions of the publication.

The 2022 edition presents several new additions to the bulletin compared to previous years in terms of including sex-disaggregated data, e.g. the introduction of data on average salaries disaggregated by activity and gender, and structure of employed persons per section of activity, not only per group (NACE Rev 2 Classification). There is also more detailed information on different previously included categories, e.g. the data on the results of the latest elections is disaggregated by both sex and age (over and under 30), and the numbers of workers in the healthcare sector is now additionally disaggregated into different sub-categories (doctors, nurses, dentists, etc.).

The latest edition also offers some data on the effects of the COVID-19 pandemic, in the form of data on deaths caused by COVID-19 disaggregated by gender and age, and listing the pandemic as the cause of detected disparities in the number of children in preschool/kindergarten facilities. Data on the increased number of calls to SOS helplines during the pandemic is also included. However, there is no information on employment/employees, lost jobs or contracts, as well as working from home during the COVID-19 pandemic.

While there is significant improvement, the publication still lacks different and diverse categories of statistical data, particularly in the field of healthcare – e.g. abortion statistics, nutrition, substance abuse, medical interventions and reports on accidents resulting in injury, etc. Along with providing more detailed information on average salaries, the available data on work and

40 https://bhas.gov.ba/data/Publikacije/Bilteni/2022/FAM_00_2021_TB_1_EN.pdf

labour market could also be expanded by introducing sex-disaggregated statistical data on labour transitions (e.g. from unemployment to employment, recent job starters, from inactivity to employment, average time between leaving formal education and starting the first job, etc.). Sex-disaggregated data collection and publication related to women from minority groups needs to be improved, since the bulletin only includes information on unemployed national minorities' citizens registered in the employment bureaus in BiH.

BiH does not yet have a Gender Equality Index, but a partial equality index for BiH is under development and is expected to be presented in 2022.⁴¹

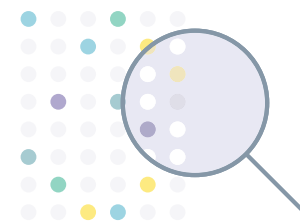
CRITERION J. NATIONAL BODIES RESPONSIBLE FOR EU INTEGRATION INCLUDE STAFF WITH GENDER EXPERTISE

42. Extent to which gender expertise exists in the government body responsible for EU integration	To a moderate extent
43. % of staff trained on gender equality in the national body responsible for EU integration	10%
44. Extent to which Gender Focal Points are consulted in the IPA programming	Cannot be concluded
45. Extent to which gender equality expertise exists in national statistical offices	To a moderate extent

Gender expertise exists in the Directorate for European Integration (DEI) of BiH to a moderate extent. The Gender Focal Point of the DEI holds an MA degree in gender studies, and has also taken part in various gender mainstreaming and gender sensitive budgeting trainings held by different international organizations. The Gender Focal Point of the DEI is at the same time the member of the Coordination Board for the Implementation of GAP in BiH, and has been consulted in the process of preparing the Action Documents of State IPA Programs in the previous multiannual financial framework of the EU (2014-20), as well as the gender analysis for the Cross-border Cooperation Programme BiH-Montenegro (2021-2027).

According to information provided by the DEI, several other officials have also attended gender equality trainings organized by the Civil Service Agency of BiH. About 10% of employees have attended some form of gender equality trainings.

⁴¹ The information was announced by the Director of the European Institute for Gender Equality (EIGE) at the public presentation of the Women and Men in BiH thematic bulletin in early 2022. (<http://europa.ba/?p=74302>)



When it comes to the Agency for Statistics of BiH, besides different educational trainings, the employees of the Agency regularly cooperate with Eurostat and attend trainings for their respective fields and sectors, including gender equality. The Agency also maintains cooperation with EIGE and employees participate in their trainings. The Agency for Statistics does not organize specific gender equality trainings. The Agency continuously cooperates with UN Women and the Agency for Gender Equality of BiH, especially when it comes to establishing the missing Gender Equality Index and improving the annual Women and Men bulletin.

CONCLUSION

The biggest current challenge is the ongoing political blockade of institutions in Bosnia and Herzegovina which has halted any potential progress in the process of EU integration. This blockage has resulted in the absence of adoption of laws necessary for harmonization with the EU *acquis* and other international standards, as well as the fulfillment of requirements set forth in the 14 key priorities for advancement to EU membership.⁴² According to publicly available information, gender equality was not on the agenda of any of the SAA Committee and Sub-committee meetings held in 2021. Failure to ensure the full respect of rule of law, as well as the lack of implementation of gender equality and other key anti-discrimination legislation, remain key challenges in BiH. This contributes to widespread discrimination of all citizens of BiH on multiple grounds.

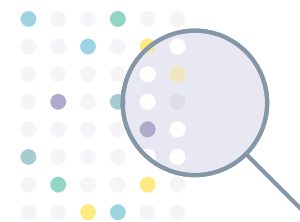
The latest EC Country Report for BiH does not send a stronger message for action of government, particularly when it comes to gender equality issues, despite the lack of notable progress in the implementation of the previous recommendations in 2021. There is a noticeable lack of recommendations related to strengthening gender equality in the country, and the only official recommendation which was previously included (related to maternity benefits) was removed from the 2021 Report, regardless of the absence of any significant progress in this regard.

The existing consultation processes with civil society for adopting laws and policies are inadequate and ineffective, and the voices and perspectives of (W)CSOs are largely ignored by key national and international stakeholders. The inclusion of (W)CSO inputs in any consultations with institutions in BiH is sporadic and their inputs are largely not taken into account. There is no systematic dialogue established, and the available consultative processes are slow and lack transparency since explanations on why proposals, suggestions and comments are refused are not provided. Although WCSOs are involved in dialogue on the programming level with the EU, as well as some *ad hoc* meetings, a systemic, regular and meaningful dialogue on policy level is yet to be established.

There is noted improvement in collection of sex-disaggregated data through the publication of the Women and Men in BiH thematic bulletin of the Agency for Statistics of BiH, resulting from strengthened cooperation with different national and international gender equality institutions and organizations, but there is still no established Gender Equality Index.

Women's expertise, knowledge and views on the future of the country should be more meaningfully integrated into all policies and laws. Women's views on the reform processes, and possible solutions to various political issues need to be heard in public and included in political talks. The EUD, as the face of the EU in the country, should set a positive example by regularly engaging in dialogue with WCSOs on policy issues and reform priorities. This is particularly important at a time of protracted political crisis in the country, and in the process of BiH's integration into the EU, where women are underrepresented in the relevant institutional mechanisms.

⁴² This is also evident in the recent rejection to adopt key reform laws in the Parliamentary Assembly of BiH.




RECOMMENDATIONS

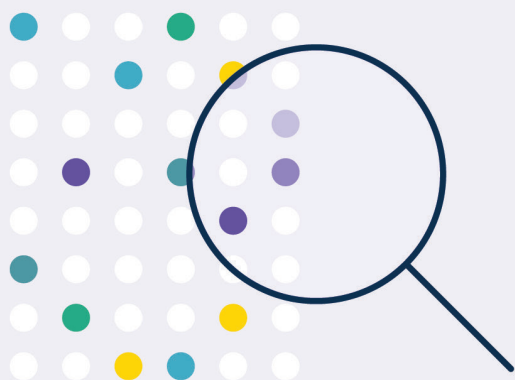
Recommendations for the EU

- The Country Report should be gender mainstreamed and all Chapters should take into consideration the different needs of women and men.
- The issues related to gender equality included in the Country Report should be in the form of concrete recommendations for action of the governments at all levels of decision-making.
- The number of recommendations related to gender equality should be increased, particularly when it comes to official recommendations (in the grey boxes at the beginning of each Chapter).
- The Country Report should provide explanations about why specific recommendations are taken out based on the progress achieved by the country during the reporting period.
- The inclusion of sex-disaggregated data in different Chapters of the Country Report should be improved, in particular in relation to women with disabilities, women members of minority groups, and victims of violence against women and trafficking.
- More significant inclusion of WCSO recommendations on gender equality issues in different Chapters of the Country Report should be ensured, along with the inclusion of data from the field provided by WCSOs.
- A systemic, regular, and meaningful dialogue between the Delegation of the EU/EUSR and WCSOs on policy issues and major reforms as part of the EU Accession process should be set up, with a clear feedback loop on their inputs and recommendations.

Recommendations for BiH institutions

- All recommendations from the Country Report should be fully implemented.
- All obligations arising from the EU Accession Process should be fulfilled in order to advance towards candidate status for EU membership.
- A National Plan for the Adoption of the Acquis (NPAA) must be adopted by BiH as a concrete step for advancement in the EU Accession process.
- Knowledge on gender equality of officials in national institutions should be improved through comprehensive gender equality and gender mainstreaming trainings, benefiting from existing capacities of WCSOs.

- 
- A systemic, regular, and meaningful dialogue of WCSOs with relevant institutions in BiH should be established and existing consultative mechanisms should be transparent and functional, with provided feedback on their inputs and recommendations.
 - Strategic Response should be developed in consultation with WCSOs on the strategic response and it should include priorities reflecting gender equality priorities.
 - Continue with the efforts for mainstreaming gender in IPA Programming, in line with the GAP III and CLIP commitments, and ensure the correct use of the OECD gender marker.
 - Continue the efforts in gender mainstreaming in policy development, including the sectoral strategies, following the good practice of the Strategy for Control of Small Arms and Light Weapons (2021-2024).
 - Improve transparency, accessibility and efficiency of the processes by publishing required and relevant information and documents on the website of the DEI, including the IPA III Strategic response.



Gender Mainstreaming in the EU Accession Process

Country Assessment Report

Bosnia and Herzegovina

2022

Partner Organisation

PRAVA
ZASVE