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GENDER MAINSTREAMING IN THE EU ACCESSION PROCESS

2023
Country Assessment Report
Bosnia and Herzegovina



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INTRODUCTION

This second 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 Conclusions² 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

1 https://neighbourhood-enlargement.ec.europa.eu/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://international-partnerships.ec.europa.eu/index_en

4 https://international-partnerships.ec.europa.eu/index_en

*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

to the context and based on a Country-level implementation Plan (CLIP) to be developed 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. This second national report for BiH covers the period from January to December 2022.

Country Context

In October 2022, the European Commission (EC) presented a report on the current status of BiH with a proposal to EU member states to grant BiH candidate status under certain conditions. Although almost nothing was done to meet the required conditions for candidate status, in the opinion of many, in December of the same year BiH received the status of a candidate country for full membership in the EU.⁶

The entire 2022 was marked by intense pre-election campaigns, and in October the general elections were held on the basis of which the government for the state, both entities and cantons, was formed. The ruling coalition that was established for the state level promised cooperation and accelerated progress on the European path.

However, it is now clear that there is still no significant progress in meeting the conditions and bringing the EU closer. On the contrary, with the introduction of the criminalization of defamation as well as the announcement of the introduction of the law on non-profit organizations (so-called foreign agents) in the RS, BiH is further away from the EU.

In comparison with other countries that are in the process of joining the EU, BiH is even behind the countries that have only recently received the perspective of full membership in the EU, Ukraine, Georgia and Moldova, in terms of the degree of preparedness when evaluating according to the reports of the European Commission⁷.

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

⁶ The change in geostrategic policy in Europe and the world was caused by the war in Ukraine, which received the status of a candidate country in June 2022 in a package with Moldova. In many European and domestic circles at the time, it could be heard that after such a decision, there is no justified reason not to grant candidate status to BiH as well, which happened at the end of the year. <https://www.dw.com/bs/povijesni-trenutak-za-eu-tra%C4%8Dak-nade-za-bih/a-62242687>

⁷ <https://transparentno.ba/2023/09/04/evropski-put-bih-je-mrtav-zivio-evropski-put/>

CRITERION A. COUNTRY REPORTS ARE GENDER-MAINSTREAMED

Indicator	2021	2022	Rating ⁸
1. Number of times gender is mentioned in the Country Report	17	18	0
2. Number of times women/ girls are mentioned in the Country Report	29/1	33/3	0,5
3. Number of times boys/men are mentioned in the Country Report	0/6	0/5	0
4. % of Chapters gender-mainstreamed	6,1%	9,1%	0,5
5. Number of official recommendations on gender equality included in the Country Report	0	1	0,5
6. Number of other recommendations with a gender perspective included in the narrative of Chapters	4	6	0,5
7. Extent to which Country Report uses sufficiently sex-disaggregated data	To a moderate extent	To a moderate extent	0
8. Extent to which issues recommended by women's organisations are included in the Country Report, based on your knowledge	To a moderate extent	To a moderate extent	0

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 three out of the total of 33 acquis Chapters (9,1%) have been moderately gender-mainstreamed, in terms of inclusion of sex-disaggregated data and remarks on the unfavourable position of women in different sectors in comparison to men. However, for the first time the Report introduces information on women in Chapter 28 (Consumer and Health Protection), particularly when it comes to the greater negative impact the COVID-19 pandemic has had on women, and the necessity to improve conditions in hospitals and maternity hospitals and ban obstetric violence.

⁸ Rating will be based on the Boolean system, where “-1” illustrates significant regression; “-0,5” signifies slight regression; “0” is no change; “0.5” = some improvement; and “1” is significant improvement or complete implementation.

The 2022 Country Report for BiH sends only a slightly stronger message in calling the governments to action in ensuring the implementation of gender equality standards. There is only one official recommendation⁹ with a gender perspective included in the Country Report. This recommendation, on the need of introducing a uniform minimum level of maternity leave benefits and protection throughout the country, has been reintroduced after its absence from the 2021 Report.

There is a noticeable general lack of recommendations for concrete action of the state institutions when it comes to gender equality, with the number of other recommendations spread out throughout the text of the Chapters only increasing from four in 2021 to six in the latest Report. Four of these recommendations remain the same as in the 2021 Country Report, and are related 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. The two new recommendations introduced in the narrative of the Chapters are contained in Chapter 28 (Consumer and Health Protection), and are related to the need for the authorities to ensure inclusion of a gender perspective in planning and implementation of relief and recovery measures aimed at addressing the impact of the COVID-19 pandemic, as well as the need to improve conditions in hospitals and maternity hospitals and ban obstetric violence, in line with the country's obligations under the Istanbul Convention.

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. The reference included in chapter 23, where it is mentioned that more information on women victims of trafficking is available in Chapter 24 (Justice, freedom and security) without the inclusion of this data, still remained uncorrected, the same as in the 2021 Country Report.

WCOSOs 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 17 WCOSOs 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 WCOSOs 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 "Official recommendation" means the recommendations included in the grey boxes at the beginning of each chapter/section.

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

11 For example, a summary of the created Inputs for 2022, along with defined recommendations, is available in the form of a policy brief published by PRAVA ZA SVE entitled "The European Path of Bosnia and Herzegovina and Gender Equality"

CRITERION B. STABILISATION AND ASSOCIATION COMMITTEE MEETINGS INCLUDE GENDER ISSUES

Indicator	2021	2022	Rating
9. % of SAA Committee meetings with gender equality issues on the agenda	0%	0%	0
10. % of Sub-Committee meetings with gender equality issues on the agenda	16,6%	25% (1 out of 4)	0,5
11. Extent to which WCSOs were consulted by the EU ahead of SC meetings	Not at all	Not at all	0
12. Extent to which SAA committee and sub-committee meetings conclusions attend to gender equality issues	Not at all	To a minimal extent	0,5

The Sixth SAA Committee meeting between BiH and the EU was not held during 2022.

According to the available media announcements and 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 four¹⁴ SAA Sub-Committee/Special Group meetings held in 2022, gender equality issues were only included in the agenda of the Sixth Sub-Committee for Justice, Freedom and Security held on 9 December 2022.¹⁵ During the discussion on fundamental rights, the Commission stressed that Bosnia and Herzegovina must effectively ensure that all citizens can fully enjoy their rights without discrimination, particularly underlying the importance of guaranteeing that the freedom of assembly, the rights of vulnerable groups, Roma and women are further strengthened and fully respected. According to the available press release issued by the Directorate for European Integration, there is no information about the conclusions of this meeting, except for the recommendations of the Commission. We stated that the progress “to a minimum extent” was noted solely for the reason that, for the first time, the issue of gender equality in general was on the agenda of the meeting¹⁶.

However, upon analysis of the recommendations of the European Union issued after the Sub-Committee meetings, two of the recommendation sets included specific recommendations specifically related to gender equality. For example, the recommendations created after the Sixth Sub-Committee for Justice, Freedom and Security refer to a series of women’s rights issues, including the harmonization of the Law on Protection from Domestic Violence in FBiH with the standards of the Istanbul Convention and the accompanying amendments to the Criminal Code of FBiH; improvement of collection of gender-disaggregated data on socio-economic needs of persons in vulnerable positions; continuation of harmonization of all legislation

12 <https://www.dei.gov.ba/>

13 <https://europa.ba/>

14 6th Sub-Committee meeting on Agriculture and Fisheries (16 June 2022), 6th Sub-Committee on Innovation, Information Society and Social Policy (20 October 2022), 6th Sub-Committee on Economic and Financial Issues and Statistics (14-15 November 2022), and 6th Sub-Committee for Justice, Freedom and Security (9 December 2022)

15 <https://europa.ba/?p=76488>

16 https://www.dei.gov.ba/uploads/documents/saopstenje-sesti-sastanak-pododbora-za-pravdu-slobodu-i-sigurnost-09122022_1670593410.pdf

with the Law on Gender Equality in BiH and the Istanbul Convention; improvement of the institutional response to gender-based violence and harrasment; etc.¹⁷

The recommendations issued after the Sixth Sub-Committee Meeting on Innovation, Information Society and Social Policy include references to the need for BiH to work on ensuring the implementation of gender equality standards in the country, efforts to be made in mapping and narrowing the gender pay gap, as well as taking further measures to minimize gender-based discrimination and harrasment at the workplace.¹⁸

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

Indicator	2021	2022	Rating
13. Country-level Implementation Plan for GAP III agreed and transmitted to HQ (Brussels) (indicator 5.1 GAP III)	Yes	Yes	1
14. Gender Country Profile conducted / updated	Yes	Yes	0
15. Fully-fledged gender analysis conducted or updated	No	No	0
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	0	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	To a moderate extent	0
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	To a moderate extend	0
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	To a moderate extent	0
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	To a moderate extent	0

17 https://www.dei.gov.ba/uploads/documents/jfs-preporuke-6-sastanakvideokonferencija-8-9122022_1681118420.pdf

18 https://www.dei.gov.ba/uploads/documents/iissp-preporuke-6-sastanakvideokonferencija-20102022_1681719062.pdf

The [full text](#) and a [one-page summary](#) of the completed Country-Level Implementation Plan (CLIP) for GAP III, as well as the updated [Gender Country Profile](#), 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 in 2021, with the support of UN Women. The 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.¹⁹

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.

In 2022, there were no revisions to the CLIP. The main challenge still remains the monitoring of the CLIP implementation, which is conducted through the implementation of EUD projects, mainly through the human rights and democracy program. The Delegation insists that references are included in these projects to specific priorities set forth by the CLIP, as well as asks for inclusion of explanations on how a certain priority has been met through the reporting process.

The revision of the CLIP is scheduled to be conducted in 2024, and planned to be communicated to CSOs by the EUD in order to start the dialogue on potential corrections. The Gender Country Profile has not been updated, but it is still relevant and utilized as a reference for IPA programming.

No concrete sector-specific gender analyses have been conducted yet, but the Delegation of the EU included relevant sectors in the Gender Country Profile (published in 2021), as well as created guidance²⁰ through the Gender Equality Facility project for their programming on addressing gender in six priority areas (e.g. agriculture and rural development, competitiveness and innovation, democracy and rule of law). More detailed information on gender equality in the form of gender analyses is included in Action Documents in specific areas, along with creation of gender analyses created for programming in the field of gender equality.

The Delegation of the EU maintains constant communication with the gender mechanisms²¹ in the country, through regular meetings based on the implemented projects²². There is no established periodical consultation procedure with representatives of political institutions, but the EUD aims to act as a whole with them, with particular focus on their input in programming the available funds. The EUSR organizes regular meetings before different sessions of SAA Sub-Committees with different institutions (e.g. the Ministry for Human Rights and Refugees), in order to share information on implementation of recommendations from the previous Sub-Committee session. Other institutions included in different ad hoc consultative processes include the Institution of Human Rights Ombudsman of BiH, Ministry of Civil Affairs of BiH and other relevant ministries²³.


19 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.

20 The guidance note is an internal document.

21 Agency for Gender Equality of BiH, Gender Center of the Federation of BiH and Gender Center of Republic Srpska

22 Information provided from the interview

23 Ibid.



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 20 projects focusing on gender equality. The EUD contacts the implementing organizations regarding different current issues, and has made efforts to expand these discussions to include political and policy issues. Over the past period, these issues have included providing help to victims/survivors of gender-based violence, femicide, freedom of assembly, freedom of speech, etc. EUD representatives also regularly participate in different conferences and events organized by (W)CSOs in the country.

There have also been different bilateral meetings with CSOs and joint meetings with different CSO networks, aimed at exchanging information and experiences, improving cooperation, and discussing funding opportunities. In September 2022, PRAVA ZA SVE (in cooperation with the Women's Advocacy Group the organization coordinates) organized the first meeting of HE Ambassador Johann Sattler with specifically women's civil society organizations from across the country.

The topics of the meeting included recommendations for the then-upcoming Country Report for Bosnia and Herzegovina, and particularly focus was put on issues related to shrinking space for civil society, political participation, economic and social rights, violence against women, discrimination of Roma women, and healthcare. The representatives of the present organizations also had the opportunity to present the focus of their organization's work and discuss their most important achievements. It would certainly be necessary and useful for all actors to continue this type of communication.

Such a meeting is a good start and a basis for continued cooperation. We believe that it will open the possibility to establish regular communication with the EUD based on the initiatives coming from the WCSOs.

Regarding the Women, Peace and Security Agenda, the EUD communicates with CSOs through implemented projects at programming level,²⁴ and different meetings were organized with the the Ministry of Security of BiH.

²⁴ 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

Indicator	2021	2022	Rating
21. Number and % of new actions ²⁵ that are gender responsive / targeted (GM1 + GM2) at country level (indicator 1.1 GAP III)	4 out of 9 (44,4%)	5 out of 6 (83,3%)	0,5
22. Number and % of new gender targeted action (GM2) implemented from national allocation (indicator 1.2 GAP III)	1 (11,1%)	(0%)	-0,5
23. Total funding in support of gender equality at country level (GM1 + GM2) (indicator 1.3 GAP III)	EUR 34.000.000 ²⁶	EUR 49.300.000	1
24. Amount of funding directed towards women's organisations and movements at country level (indicator 1.4 GAP III)	Cannot be concluded	Cannot be concluded	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	Cannot be concluded	Cannot be concluded

The number and percentage presented in indicator 21. 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.

Five out of six Action Documents target gender equality as a significant objective (GM1), and one does not target it at all. The total funding in support of gender equality at country level distributed through Actions to be implemented through IPA III 2021-2027 support allocated to Action Documents marked with GM1 amounts to a total of EUR 41.500.000.

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.

²⁵ 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).

²⁶ This has been adapted since the 2021 monitoring report because the EU published the Action Document on the EU Civil Society Facility and Media Programme for Serbia 2021-2023 after the 2021 monitoring report had been finalized. This has been updated to reflect this Action Document, approved in 2021.

CRITERION E. THE EU LEADS BY EXAMPLE

Indicator	2021	2022	Rating
26. Number and % of women in senior and middle management positions in the EU Delegation/ Office (indicator 10.1 GAP III)	Cannot be concluded	0	0
27. % of management trained on gender equality and GAP III in EU Delegation and CSDP mission (indicator 10.2)	Cannot be concluded	Cannot be concluded	Cannot be concluded
28. % of management trained on women, peace and security in EU Delegation and CSDP mission (indicator 10.2)	Cannot be concluded	Cannot be concluded	Cannot be concluded
29. Number of Gender Adviser / Gender Focal Points in the EU Delegation and CSDP mission	3	3	0

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

As for indicator 29, the number of Gender Adviser / Gender Focal Points in the EU Delegation and CSDP mission remained the same in 2022 as in the previous year. As for the indicator 29, both the head of Delegation and head of cooperation are men, while there is no deputy head of delegation for 2022.

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

Indicator	2021	2022	Rating
30. Extent to which gender equality is addressed in the National Programme for the Adoption of the Acquis (NPAA)	N/A	N/A	N/A
31. Extent to which key laws on gender equality and EU Accession are open for public consultation	To a minimal extent	To a minimal extent	0
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	To a minimal extent	0
33. Extent to which new sectoral strategies are publicly available	To the full extent	N/A	N/A
34. Extent to which new sectoral strategies mainstream gender equality	To a moderate extent	N/A	0
35. % of sector working groups (or the like) with women's rights organisations included/ represented	Cannot be concluded	Cannot be concluded	Cannot be concluded

BiH still 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 priorities²⁷ included in the EC Opinion on BiH's application for membership of the EU.

Even though BiH in the previous period several laws were adopted that are popularly called "European laws", it must be emphasized that the process was non-transparent, and all remarks and comments, even those sent by the international community, were ignored.

When it comes to public consultations, there is an active online public consultations platform (eKonsultacije)²⁸ 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 this form of consultations of citizens in the legislative process for these levels of government. In practice, the consultation process conducted through

²⁷ Priority No. 2, https://ec.europa.eu/neighbourhood-enlargement/opinion-bosnia-and-herzegovinas-application-membership-european-union-0_en_p_14

²⁸ The full statistics for all conducted consultations processes is listed on [this link](#).

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.

At the level of BiH, there have been no laws relevant for gender equality adopted in 2022. The entire year was marked mainly by the pre-election campaign for the General Elections held in October 2022, and the adoption of any new legislation was not a priority.

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 2022. However, on the level of the Federation of BiH, while no laws relevant for this monitoring 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. This is a continuation of advocacy efforts started by different WCSOs during 2021.

No new Strategies at state level in general 2022 in Bosnia and Herzegovina.

Regarding the inclusion of women’s rights organizations in sector working groups (or the like), as part of the complex Coordination Mechanism, there are 36 working groups established as operational bodies in line with the acquis and the chapters and articles of the Stabilization and Association Agreement.²⁹ However, 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

Indicator	2021	2022	Rating
36. Extent to which recommendations on gender equality included in the Country Report have been implemented by the government/institutions	To a minimal extent	To a minimal extent	0

There is no significant progress of implementation of relevant recommendations from the EC Country Report in 2021. The institutional response to gender-based violence needs to be improved, including on protective measures, victim support, legal aid and safe accommodation. Bosnia and Herzegovina needs

²⁹ For more information on the Mechanism of Coordination, see “How Much do Women Participate in the European Integration Process? Gender Analysis of the Coordination Mechanism”, Prava za sve (2023), <https://pravazasve.ba/wp-content/uploads/2023/07/Gender-analysis-Coordination-Mechanism-2023.pdf>

to accelerate the prosecution of crimes of sexual violence, provide reparation to women victims of war crimes, and secure witness protection. Data collection needs to be improved to enable the development of sound policies targeting key gender gaps, and provide relevant data on gender-based violence. The authorities also need to improve data collection, including gender-disaggregated data³⁰.

Discrimination in the disbursement of maternity benefits based on the mother’s residence is still present in Bosnia and Herzegovina. This issue is particularly pronounced in the cantons of the Federation of Bosnia and Herzegovina. At the end of 2022, the Law on Material Support to Families with Children in the Federation of Bosnia and Herzegovina³¹ was adopted, according to which mothers who are not employed receive an amount equivalent to 55% of the minimum wage in the Federation for a duration of 12 months, which is around BAM 298. Although this law prescribes a minimum amount for the allowance, cantons can increase this amount according to their financial capabilities, which again contributes to the unequal position of unemployed mothers residing in different cantons. Moreover, in the early stages of implementing this law, issues with disbursements arose due to complex divisions of authority and the administrative overload of the Federation and relevant cantonal authorities responsible for enforcement.³² Furthermore, at the level of the Federation of Bosnia and Herzegovina, the maternity leave benefit for employed mothers is not regulated by law, consequently, several cases have been recorded where mothers did not receive any compensation from the employer during maternity leave. On the other hand, in the Republika Srpska, benefits for all mothers on maternity leave are paid from the Public Fund for Child Protection. This payment amounts to the full salary of employed mothers, which is reimbursed to the employer, while unemployed mothers receive 405 BAM.

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

Indicator	2021	2022	Rating
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	Cannot be concluded	Cannot be concluded
38. Extent to which Multi-annual indicative Programme [IPA III Strategic Response] includes gender equality objectives	Cannot be concluded	To a moderate extent	0.5
39. Extent to which annual Indicative Programs or Action Documents contain a gender perspective	To a moderate extent	To a minimum extent	-0.5

30 <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Bosnia%20and%20Herzegovina%20Report%202022.pdf> (page 34 and 35 of the Report)

31 Law on Material Support to Families with Children in the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina number 52/22.

32 N1 BiH. (December 15, 2022). Explanation from the Sarajevo Canton Government: All mothers on maternity leave will receive a benefit of BAM 996. (Available at: <https://n1info.ba/vijesti/pojasnjenje-iz-vlade-ks-sve-porodilje-ce-dobijati-naknadu-od-996-km/>).

The Strategic Response, as revised in December 2021, became available for analysis upon the completion of the previous monitoring report. The sections on the consultation processes for Window 1 (Rule of Law, Fundamental Rights and Democracy), Window 2 (Good Governance, Acquis Alignment, Good Neighbourly Relations and Strategic Communication), Window 3 (Green Agenda and Sustainable Connectivity) and Window 4 (Competitiveness and Inclusive Growth) describe the existence of different consultation fora organized as part of the preparation of the respective segments of the Strategic Response. Both the sub-sections on the sector context and relevance with the enlargement policy, as well as priorities, objectives and actions under IPA III assistance include a statement that the consultation fora included, inter alia, participants from civil society identified through a public call. There are no details available in the document itself on the type of participation of civil society representatives, nor about what their input was and whether it was accepted during the creation of the Strategic Response. Rights for All was not included in this process.

Throughout the 2021 Strategic Response, there are several references to the Gender Action Plan of Bosnia and Herzegovina as a sectoral strategic document contributing to the accomplishment of Thematic priority 5 (Fundamental rights) specific objectives, and it is identified as a cross-cutting strategic document for Windows 1 and 4. The Action Plan for Implementation of UNSC Resolution 1325 “Women, Peace and Security” in Bosnia and Herzegovina is also referenced under Thematic priority 5.

Based on previous e-mail correspondence with representatives of the Directorate for European Integration of BiH, these consultative fora represent informal versions of sectorial working groups due to the then-lack of political agreement for the full implementation of the relevant IPA regulations. The fora included around 15 civil society representatives, but the list of participants was not publicly available. According to follow-up communication with the Directorate for European Integration, the Strategic Response was revised in July 2022 as well, with inclusion of civil society representatives in different consultative fora.

The Strategic Response, as revised in July 2022, includes largely the same references to the aforementioned strategic documents related to gender equality, as well as the inclusion of civil society in consultative processes. As part of the list of Actions proposed for IPA III support 2022-2025, gender equality is identified as a component of the following proposed projects: EU4People (programming year 2022), as well as EU4Employment and Interreg Euro-MED transnational programme (programming year 2023).

There was a total of six Action Documents³³ (ADs) for IPA III (2021-2027) created in 2022, with five ADs listing Gender Equality and Women’s and Girls Empowerment as a significant objective (marked GM1).³⁴ No ADs identify this general policy objective as principal and therefore none have been marked as GM2. Only one AD specifically does not target gender equality at all and is considered to be marked GM0,³⁵ despite the fact that the narrative mainstreaming section of the document states that “the Action is labelled G1” as per Gender OECD DAC codes.

In practice, only the “EU4People (Employment and Social Protection)” Action Document fulfills the DAC gender marker criteria, in the terms of containing a gender analysis as part of the Document’s Problem Analysis, and including gender sensitive indicators. It follows the practice established in the same sector by the “EU 4 Mitigating Socio-Economic Consequences of COVID-19 pandemic in BiH: Employment, Social Protection and Inclusion Policies” AD created in 2021.

33 https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/overview-instrument-pre-accession-assistance/bosnia-and-herzegovina-financial-assistance-under-ipa_en

34 EU Support to Justice, EU4 Public Administration Reform (PAR) Increased Administrative Capacity, EU4 Public Finance Management (EU4PFM), EU Integration Facility, and EU4People (Employment and Social Protection)

35 EU 4 Environment and Climate Change

The remaining four ADs which were 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 AD which does not target gender equality (“EU 4 Environment and Climate Change” marked GM0) foresees the involvement of women’s organizations in the implementation of the Action through the Mainstreaming section, in order to address the problem of “traditional insufficient involvement of women and women’s organizations as active agents for innovative responses to environmental challenges”. Additionally, it refers to the EU Gender Equality Strategy 2020-2025, stating that the Action has integrated a gender perspective in several of its key activities with the aim to increase capacities for gender analysis in future policy making in the environmental sector.

Through the other analyzed ADs, the inclusion of and cooperation with civil society in general is foreseen mainly through the Mainstreaming sections, emphasizing the role that civil society has for democracy.

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

Indicator	2021	2022	Rating
40. The Country has an updated Gender Equality Index (GEI) at national level	No	Yes	0.5
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	Extensively	0

In November 2022, the first partial Gender Equality Index was prepared by the Agency for Statistics of BiH, in cooperation with the Agency for Gender Equality of BiH and EIGE, within the framework of Gender Equality Facility project funded by the European Union and implemented by UN Women in BiH.³⁶ The completed Gender Equality Index³⁷ presents the full index scores for two full domains, Knowledge and Power, and the partial index scores for the domains of Work (sub-domain of participation) and Health (sub-domains of status and access). No index scores were computed for the domains of Time and Money, since data for BiH was not available. The calculated scores indicate that in the majority of the analyzed domains and sub-domains, BiH has a lower index score compared to the EU average. For example, the index score for the domain of Knowledge was 58.7, 4 points lower than the EU average, and the score for the domain of Power was 51.2, compared to the EU average of 55. The calculated scores show the continuing need to take further concrete measures to eliminate gender-based discrimination and ensure equal opportunities, access and representation for women and men in the respective analyzed fields.

36 <https://bhas.gov.ba/News/Read/66?lang=en>

37 <https://eca.unwomen.org/sites/default/files/2022-11/EIGE-Eng%20web.pdf>

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 2022.³⁸ 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 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.

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

Indicator	2021	2022	Rating
42. Extent to which gender expertise exists in the government body responsible for EU integration	To a moderate extent	To a moderate extent	0
43. % of staff trained on gender equality in the national body responsible for EU integration	10%	10%	0
44. Extent to which Gender Focal Points are consulted in the IPA programming	Cannot be concluded	Cannot be concluded	Cannot be concluded

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

45. Extent to which gender equality expertise exists in national statistical offices	To a moderate extent	To a moderate extent	0
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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. According to data provided in 2021, about 10% of employees of DEI staff have attended some form of gender equality trainings. No employees have participated in gender equality trainings during 2022, therefore the percentage of trained staff remains the same as in the previous year.

According to information provided by the DEI/NIPAC, the IPA planning and programming processes rely on the expertise of the Agency for Gender Equality of BiH, whose representatives participate in the preparation of all program documents along with other participants, in accordance with the sectoral approach. The NIPAC office does not contact the Gender Focal Points of other institutions, their contact point being the Agency for Gender Equality, which conducts the estimate whether the expertise of Gender Focal Points is required in IPA programming.

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

Data from all presented indicators indicate that there is no significant progress when it comes to the gender mainstreaming of the EU Accession process in Bosnia and Herzegovina.

We cannot be satisfied with the messages sent to the state through the EC Country Reports when it comes to calling for action and ensuring the implementation of the gender equality standards. There is still a need that the number of recommendations related to gender equality should be increased, particularly when it comes to official recommendations (in the gray boxes at the beginning of each Chapter). However, the 2022 Report has reintroduced the official recommendation related to maternity benefits which was removed from the 2021 Report, stressing 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.

When it comes to Stabilization and Association Committee Meetings, minimal progress can be seen, which is reflected in putting gender equality on the agenda, which is still completely insufficient.

The question of the EU's strategic engagement at the state level, indicators indicate that 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 to an appropriate extent. There is a need for much more cooperation between the EU delegation in the country of civil society as well as the creation of sector-specific gender analyzes wider than AD.

Indicators from Criterion D indicate that the 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. Unfortunately, it is very difficult to find data for determining indicators for criterion C (The EU leads by example), so it is difficult to say whether the EU can really serve as an example for us in this.

Considering that BiH still does not have a National Program for the Adoption of the Acquis (NPAA), and laws that need to be adopted on the European path are being adopted extremely slowly. For example, at the level of BiH, there have been no laws relevant for gender equality adopted in 2022. Because of all this, the indicators from this criterion clearly indicate that BiH's path towards the EU is proceeding extremely slowly when it comes to the adoption of the legislative framework, and especially gender mainstreaming. This is supported by the indicator from criterion G. because there is no significant progress when the recommendations on gender equality included in the Country Report have been implemented by the government/institutions.

Regarding the programming of IPA III at the national level (Criterion H), the involvement of civil society is minimal, and the involvement and cooperation with civil society is generally foreseen very tentatively through Mainstreaming sections, emphasizing the role that civil society has for democracy. Additionally, the indicators indicate that the inclusion of gender equality objectives is minimal or to a moderate extent.







Positive progress is indicated by the indicators from criteria I, which relate to the work of the Agency for Statistics, because from them we see that there is progress in the process of collecting data classified by gender. Of course, this is extremely important for the integration process and monitoring the state of gender equality in Bosnia and Herzegovina.

And finally, the indicators from the last criterion, which indicates the extent to which national bodies responsible for EU integration include staff with gender expertise, show that it is present only to a certain extent, or it is not possible to obtain data of this type.

Overall, the report indicates that many more efforts need to be made in order to integrate the principle of gender equality into the work of government institutions, through the education of employed staff, through the integration of all laws and policies, but also through staff education and the development of programs within the Delegation. The process of European integration is therefore extremely important, and

strengthening the cooperation of civil society with domestic institutions as well as with the EU Delegation is crucial. EC reports can contribute significantly in this regard.

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 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.
-  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.

RECOMMENDATIONS FOR BIH INSTITUTIONS

- 1 All recommendations from the Country Report should be fully implemented.
- 2 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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).
- 7 Improve transparency, accessibility and efficiency of the processes by publishing required and relevant information and documents on the website of the DEI.

ANNEX

In addition to the policies and other documents mentioned herein, consultations with the following institutions and organisations either through exchange of data requests or via email correspondence informed this paper:

Delegation of the European Union

Directorate for European Integration Bosnia and Herzegovina

