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FINAL REPORT

Uključimo žene u promjene

Include Women in Change Processes Initiative

Pilot 2017/18





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The page features a large, abstract graphic on the left side, consisting of several overlapping, curved bands in shades of purple and pink. These bands are separated by thin white lines. Scattered across these bands are several circles of varying colors: light grey, white, dark purple, and dark grey. Some of these circles are connected to thin white lines that extend towards the right edge of the page. The overall aesthetic is modern and geometric.

ABOUT THE INITIATIVE



Uključimo žene u promjene / Include Women in Change Processes is a joint initiative of the European Union Special Representative in Bosnia and Herzegovina (EUSR in BiH), the Swedish International Development Cooperation Agency (Sida) and the Kvinna till Kvinna Foundation.

Despite the existence of political commitments and legal provisions providing for equality between women and men, women remain underrepresented in politics and public life in BiH. Partly as a result of women's underrepresentation in key decision-making processes, the policies developed tend to be gender-blind, furthering discrimination against women.¹

With the *Uključimo žene u promjene / Include Women in Change Processes* Initiative, the EU Office in BiH, Sweden's representation in BiH and the Kvinna till Kvinna Foundation aim to promote regular and meaningful consultation of women from different walks of life on key issues in BiH.

¹ See for example: USAID, *Gender Analysis Report for Bosnia and Herzegovina: Extended Summary*, www.measurebih.com; CEDAW, *Alternative CEDAW Report: Report of civil society organizations on implementation of the concluding observations and recommendations of CEDAW committee for Bosnia and Herzegovina 2013-2017*, www.rightsforall.ba; Stana Tadić, Violeta Anđelković, Sofija Vrbaški (Kvinna till Kvinna), *Women's Rights in Western Balkans 2016*, www.ukljuciseu.org; Gorana Mlinarević, Nela Porobić Isaković, Christine Chinkin, Jacqui True, Madeleine Rees, Barbro Svedberg (WILPF), *A Feminist Perspective on Post-conflict Restructuring and Recovery: The Study of BiH, July 2017*, www.wilpf.org; Prava za sve, *Participation of Women in Political and Public Life*, www.rightsforall.ba

PILOT

During the pilot phase of the *Uključimo žene u promjene* Initiative, four thematic roundtables were organised between mid-December 2017 and late May 2018. The first two roundtables took place back-to-back in Sarajevo on 14-15 December 2017. They focused on access to work, health care and social protection. The second two roundtables focused on issues related to sustainable peace and justice and were convened in Banja Luka on 18-19 April 2018. The themes and sub-themes were selected by the co-organisers, based on an existing analysis of the BiH context. All women roundtable participants were invited to a validation workshop in Sarajevo on 29 May 2018. The aim of this workshop was to provide the participants with an opportunity to review the draft reports prepared for each thematic roundtable organised.

The participants were personally selected to bring to the table a variety of backgrounds and experiences from across the country. At the core of each roundtable there were some thirty women participants, from different parts of BiH, and with diverse educational, professional and social backgrounds. The women participants included government officials, politicians, entrepreneurs, civil society representatives and legal experts. Efforts were made to include the representatives of marginalised communities, including Roma women and women with disabilities. Representatives of the international community, as well as men from BiH supportive of gender equality and women's rights, were also asked to join the relevant roundtables.

EU staff attended in listening mode, taking the minutes of discussions. Senior EU and Sida officials were also present at all roundtables. Head of the EU Delegation to BiH and EU Special Representative Ambassador Lars-Gunnar Wigemark, Swedish Ambassador in BiH Anders Hagelberg, and other senior officials from EU capitals participated in the pilot events.

Each roundtable followed a similar format: an initial discussion in plenary to introduce the topics at hand, including a number of presentations based on existing research and direct life experiences, followed by a discussion in break-out groups. Implementing partners pre-determined the sub-themes for the break-out sessions based on an existing gender analysis and input received from the partners. For example, the roundtable on access to justice included a sub-focus on free legal aid as the existing analysis by the partners of Kvinna till Kvinna had shown the need to do so. In the break-out sessions the participants were first asked to identify realities on the ground; subsequently, they explored solutions to the challenges identified. Finally, each group presented their key findings to other participants in another plenary session.

The validation workshop followed the same format. Participants from all four thematic roundtables were invited to participate in this exercise.

THIS REPORT

This report captures the observations shared and the recommendations made by the participants in the events organised under the Initiative's pilot phase. The staff at the EUSR's Office took care of notetaking during the roundtables. After the four thematic roundtables, the participants were invited to a validation workshop - to jointly review the draft roundtable reports prepared by the staff at the EUSR's Office and edited by the Initiative's Advisory Board.

This document aims to showcase what women's full and meaningful participation in politics and public life in BiH can bring, as well as to present the result of women's current underrepresentation and limited attention for gender equality and women's empowerment.

In the first chapter, entitled *Key Findings & Recommendations*, an overview is provided of the challenges and solutions put forward repeatedly by the participants in the events organised under this Initiative.

The next chapter, *Detailed Findings*, presents the more specific observations and recommendations, based on a number of reports prepared for each of the four thematic roundtables and confirmed by the participants at the validation workshop.

It is important to stress that the contents of this publication can in no way be taken to reflect the views of the project's implementing partners or the authors of this report, nor should the individual participants be held to account for all findings and suggestions included in this report. Women from very different backgrounds and parts of the country were invited to participate in the discussions. As women – like men – hold different perspectives, observations shared at the roundtable discussions varied widely at times. In writing this summary report due care has been taken to balance the competing views presented.



KEY FINDINGS & RECOMMENDATIONS

This section of the report provides an overview of the issues repeatedly put forward by the participants in the four thematic roundtables and the validation workshop. The recommendations are targeted at a wide variety of actors in BiH – in particular, the authorities at state-, entity- and local levels, as well as representatives of various international organisations and civil society actors. The issues raised are presented in no particular order whatsoever.

A participant in the roundtable on justice (Banja Luka, 18 April 2018):
“Inequality in access to justice in BiH can be described as a race: some participants wear running shoes , some wear flats and some run barefoot.”

Limited alignment of policies and implementation of legislation lead to discrimination

The participants noted that the limited alignment of policies amongst various levels of authority, as well as an incomplete implementation of existing legislation, led to unequal enjoyment of citizen's rights in BiH. Where specific laws to protect and promote rights did exist, there was difficulty in enforcing them. One anecdote shared at the roundtable on access to work involved an employer avoiding the payment of benefits for nearly two decades. Inspections, hampered by a lack of funding and capacity, were not undertaken properly. Politicisation and corruption hindered access to basic rights. People's limited awareness of their rights – for example in relation to health care or labour – meant they often neither made use of the available means to address violations nor questioned a lack thereof. Limited harmonisation of laws across the country, e.g. in relation to parental leave, meant that the actual enjoyment of rights differed significantly across the country. The Constitution, as the ultimate safeguard of human rights, could help to ensure a consistent implementation of commitments.

Recommendations:

- Ensure harmonisation of relevant laws and alignment of policies to ensure uniformity in protection and enjoyment of rights, e.g. through the adoption of country-wide strategies setting minimum standards.
- Where needed or missing, amend relevant laws to guarantee accountability and sanctioning of non-implementation, including by allocating sufficient funds for inspections; Ensure that existing legal grounds are efficiently exercised by public authorities.
- Raise awareness among the general public about their rights, e.g. as patient or employee, and encourage reporting of violations or non-compliance.
- Ensure full implementation of recommendations made by the Committee on the Elimination of all forms of Discrimination against Women (CEDAW).

Women's voices and needs continue to be ignored

The participants also consistently challenged the lack of women in decision-making processes in BiH. Women were not included in the negotiations leading up to the Dayton Peace Agreement and continue to be underrepresented in key decision-making processes and debates about the future of BiH, including on socio-economic reforms. Additionally, there were few meaningful spaces for women to voice their concerns and ideas. Public consultations were not always undertaken properly.

The participants noted that, partly as a result of women's underrepresentation in the key decision-making bodies, the resulting policies tended to be gender-blind, which is in turn furthering discrimination against women. There was little interest and understanding among those in key positions of the importance of gender equality and women's rights. The current socio-economic and judicial reform efforts were criticised for not recognising the differentiated problems and needs of women and men in BiH and related investments and for being focused on merely male-dominated sectors, while cuts were made in a number of 'feminine' sectors such as health care and public administration.

Insufficient gender-sensitivity among the key function holders has also resulted in a number of gender-blind policies and practices, e.g. leading to re-traumatisation of victims of sexual- and gender based violence.

Recommendations:

- Ensure the greater and more meaningful participation of women in politics, at all levels.
- Regularly and meaningfully consult women in policy-making, including through better consultation with women's rights organisations and the application of meaningful public consultations when determining priorities and developing legislation.
- Support networking and joint advocacy efforts of women's rights organisations in BiH to promote women's needs in policy-making.
- Ensure consistent inclusion of a gender perspective in policy-making, including by undertaking gender impact assessments that look at the (potential) impact of (planned) policies on women and men, or by application of gender-responsive budgeting.
- Provide (or continue to provide) a gender-sensitivity training, including a specialised training on gender-based violence and the needs of victims for the whole support chain, including for prosecutors, medical staff and social workers.
- Sensitize citizens and key function holders to the importance of gender equality, for example through public campaigns and community level discussions.

Women's roles and contributions are not valued

Various participants stressed that women made valuable contributions to society but that their efforts were often ignored, or simply regarded as typical women's duties. Participants made clear that women, as primary caretakers in families, undertook a large share of unpaid care work in BiH. Women also often worked in family-owned businesses. This work was often not paid nor registered, which is in turn affecting women's access to health care and pension insurance.

Recommendations:

- Undertake research into the unpaid care economy and women's roles in the informal economy in BiH, and use the findings from these studies to inform and plan socio-economic reforms to reflect women's daily realities and to respond to their particular needs.
- Ensure that the social benefits are devised to include the unpaid care roles of women.
- Provide more and better jobs in the formal sector and take measures towards enabling women's participation in the workforce, such as the provision of childcare services and care for the elderly, or incentives and more systematic support for women entrepreneurs.

Women face multiple forms of discrimination

The participants also pointed to the need to address specific obstacles faced by women living in remote areas or belonging to particular marginalised or vulnerable groups, such as Roma or women with disabilities. For example, the care duty responsibilities were a particular challenge confronting women seeking formal employment in rural areas, where access to services like childcare was even more limited than in urban areas, and where bad roads and lack of regular transportation to urban centres were common. Roma women and women with disabilities reported that they were regularly confronted with prejudices and insensitivity, including those coming from medical staff and social workers.

Recommendations:

- Improve the existing policies and funding for affirmative measures. This should include integrating more specific reference to, and stipulating special measures providing support for, women facing multiple forms of discrimination.
- Provide training to the key function holders, such as social services and medical staff, to ensure greater sensitivity to women from marginalised groups.

Men too suffer from gender inequality

The participants noted that deep-rooted stereotypes, including but not limited to gender stereotypes, needed to be tackled to ensure women's equal access to basic rights, such as the right to decent work and reproductive health care. It was noted that the restrictive gender norms negatively affected men too, and that tackling them would be beneficial for all citizens in BiH. For example, men had limited access to paternity or parental leave – despite having those rights on paper.

Recommendations:

- Challenge the restrictive gender norms, including the toxic forms of masculinity, through various programmes promoting gender equality.
- Promote awareness about the importance of a father's participation in their children's upbringing and the right of men to take parental leave.

Better data gathering to ensure informed and gender-sensitive decision-making

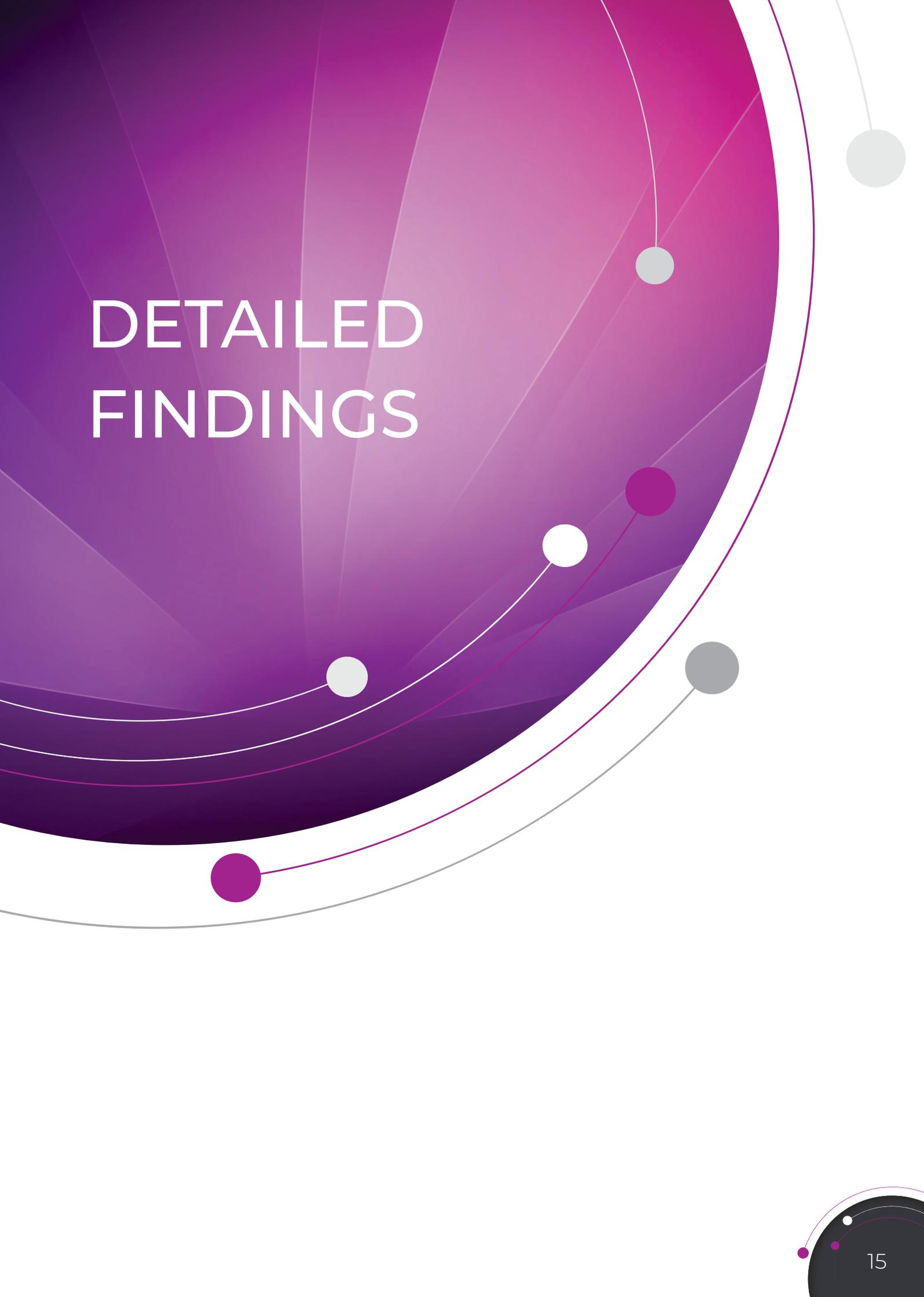
Various participants also noted that a lack of quality data gathering resulted in policies and practices that were not responsive to actual needs. With little to no gender-disaggregated information available, it was hard to tackle challenges as they were rendered invisible. For example, there were few statistics or data showing how much capital was really in 'women's hands', which prevented any solid conclusions being drawn about women entrepreneurs in BiH. Related to health care, it was noted that institutions rarely conducted and updated research, that the methodology among various institutions differed and that flows of data were unknown.

Recommendations:

- Improve reporting and use of gender-disaggregated data to ensure evidence-based reporting on the promotion of gender equality and women's rights.
- Strengthen capacities and accountability of the institutions in charge of data gathering and dissemination.



DETAILED FINDINGS

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This section presents specific thematic issues and recommendations discussed at the four roundtables organised under the Initiative's pilot. Following a brief description of the current state of play related to each theme (e.g. access to justice) and sub-themes (e.g. free legal aid, institutional responses to gender-based violence) you will find a list of concrete suggestions, put forward by the participants, aimed at addressing the remaining challenges. All information included in this section is based on contributions made by the participants to the four thematic roundtables. The participants were invited to a validation workshop (May 2018) to review a short report prepared for each of the four thematic roundtables. Only minor edits were made to the text of the original reports prepared - to condense or improve the text, as well as to incorporate changes suggested by the participants at the validation workshop.



ROUNDTABLES



ROUNDTABLE 1: RIGHT AND ACCESS TO WORK

The first roundtable under the Initiative took place in Sarajevo on 13 December 2017. The roundtable covered different aspects related to the right and access to work, including: a) access to work and discrimination in the workplace, b) support for entrepreneurs, and c) unpaid care work and the informal sector.

The participants stressed various general challenges related to access to work, such as the lack of employment opportunities, problematic working conditions, and limited harmonisation and implementation of legislation causing discriminatory practices (e.g. the amount of holiday pay differing per entity). They also noted specific challenges faced by women in BiH, such as discriminatory practices in job interviews, the gender pay gap, and limited access to child care facilities.

Below we present some further reflections on the current state of play and solutions to the challenges identified, as shared by the roundtable participants -

ON WOMEN'S ECONOMIC PARTICIPATION

- The unemployment rate in the Labour Force Survey (LFS) 2018 was 18.4% (17.2% for men and 20.3% for women). In the same period of 2017 the rate was 20.5% (18.9% for men and 23.1% for women).
- The activity and employment rates in the 2018 LFS were 42.1% and 34.3%, while in the same period in 2017 those were 42.6% and 33.9%. Both rates were higher for men than for women. The activity and employment rates for men were 53.2% and 44.1%, and for women 31.4% and 25%. *Source: Agency for Statistics of Bosnia and Herzegovina, First Release – Demography and Social Statistics: the Labour Force Survey 2018, July 2018, http://bhas.ba/saopstenja/2018/LAB_00_2018_Y1_0_BS.pdf*
- According to the 2017 LFS, 63.2% of women were employed in services. *Source: Agency for Statistics of Bosnia and Herzegovina, Women and Man in BiH, 2018, http://www.bhas.ba/tematskibilteni/FAM_00_2017_TB_0_BS.pdf*
- BiH is ranked 116th out of 144 countries in terms of women's economic participation and opportunities
- The gender gap in the labour market participation in BiH represents a 16.4% loss for BiH GDP
Source: The World Economic Forum, The Global Gender Gap Report 2017, November 2, 2017, http://reports.weforum.org/global-gender-gap-report-2017/dataexplorer/?doing_wp_cron=1535286112.646541186218261718750#economy=BIH

On access to work and discrimination in the workplace

The participants noted that the limited implementation of existing laws was a key challenge. Although there were laws to protect and promote the right and access to work, there was a difficulty in enforcing them. With no state-level ministry in charge of employment matters, the labour laws fell within entity-competence. Laws regulating the labour rights, and subsequently collective agreements, were not harmonised between the two entities. New laws were not drafted against the minimum standards, i.e. concerning health and safety at work or equal opportunities, resulting in limited standards and are often not respected. (One example provided concerned an employer not paying the employee benefits for 19 years.) Inspections were not undertaken properly - in part due to under-budgeting.

The participants also noted a number of differences in the working conditions between the public and private sectors. For example, in the private sector workers were often expected to do whatever the owner of the company pleased. Minimum compensation foreseen in the law regularly ended up being the maximum provided.

Politicisation and corruption were other issues put forward by the participants. Employment was often offered on the basis of political affiliation, rather than merit. Trade unions were criticised for not being independent.

Concerning the Reform Agenda, it was noted that the reforms undertaken were not gender-sensitive and that the investments were made in the male-dominated sectors, while the cuts took place in the more 'feminine' sectors like health care and public administration.

The participants also noted that discrimination, including harassment, in the workplace was prevalent yet underreported. One explanation for this provided by the participants was the presence of an 'army of unemployed people', meaning that people did not report out of fear of being replaced. There was also a limited awareness of the rights and protection measures.

Furthermore, the participants noted some specific challenges faced by different groups of persons. For example, Roma women (and men) struggled to gain access to work due to prejudices held against them in society. Women active in the informal economy often could not afford to "legalise" their businesses, thus limiting their access to maternity leave and other benefits. Women were also frequently employed under limited-duration contracts, with no right to maternity leave. The participants further noted that women were frequently fired from work due to pregnancy and/or illness. Moreover, women-dominant jobs were often badly paid and workers in such jobs rarely organised themselves in trade unions, which is leaving them particularly vulnerable.

ON DISCRIMINATION INCLUDING HARRASMENT

- Every tenth person employed in the institutions reports to be a victim of gender-based discrimination.
- One in six reports to have been a victim of sexual harassment.

Source: ICVA, Answer of institutions and companies in the prevention of discrimination against women in BiH, 2013,
<http://icva-bh.org/wordpress/wp-content/uploads/2015/07/lzvjestaj.pdf>

Solutions

- Implement the existing laws and regulations to address access to work and tackle discrimination in the workplace. All relevant laws need to be harmonised to ensure uniformity in the protection and enjoyment of rights.
- Strengthen legal frameworks to ensure enforcement. There should be better monitoring and sanctioning of non-application of provisions.
- Introduce specific measures aimed at addressing unemployment and related to provision of childcare, care for the elderly, health care, etc.
- Do more to tackle corruption and the links between corrupt politicians, legal institutions, and company owners.
- Adopt a state-level law on the trade union, in particular the right to organise in the trade union.
- Make reforms and investments gender-sensitive by paying attention to the impact of particular reforms and investments on different women and men. For example, investments related to infrastructure provide jobs for men as mainly men are employed in this domain. The application of gender-responsive budgeting would ensure equal distribution of resources.
- Report regularly and use gender-disaggregated statistics to ensure evidence-based reporting on the promotion of gender-equality and women's rights.

On entrepreneurs

The participants highlighted a variety of challenges faced by entrepreneurs, including little government assistance and support, particularly during the first three challenging years of business operations. There was also a lack of recognition of local food producers (often women) as potential business partners for restaurants and hotels. Mentioned as obstacles too were the complicated and lengthy procedures and processes for getting the necessary certificates for distribution to different markets.

According to the views of the roundtable participants, women entrepreneurs received little support. There were few (harmonised) strategies and incentives aimed at helping them succeed. A lack of information and assistance available to women interested in setting up businesses affected in particular the women residing in rural, agricultural areas, as well as the women coming from particular backgrounds (e.g. women returnees). Even when available, the grant procedures often lacked clarity and were described as discouraging. There were few opportunities for women's professional development. In addition, women entrepreneurs often faced a lack of understanding and support from their families. Women entrepreneurs from rural areas were particularly affected by a lack of services such as childcare, bad road conditions, and a lack of regular transportation from rural communities to urban areas.

The participants further noted there was little data available related to women entrepreneurs. For example, it was hard to draw any conclusions about how much capital was really in "women's hands", with anecdotes provided of men using their wives' names to set up new businesses.

Solutions

- Pay greater attention to women entrepreneurs in relevant legislation and policy. The participants called on all relevant bodies to provide policies and incentives specific for women entrepreneurs. Particular attention was to be paid to women facing multiple forms of discrimination, such as women returnees.
- Apply gender-responsive budgeting to ensure gender mainstreaming in budgets at different levels.
- Governmental bodies and women's associations to better disseminate information to women entrepreneurs.
- Ensure better networking between women's associations and women in business, including through peer-to-peer support.
- BiH authorities and the international community to help promote and increase visibility of women entrepreneurs.
- Collect more and better data on women-led businesses.

Unpaid care work and the informal sector

The participants also discussed the large number of women engaged in the informal sector. Individuals working in family-owned businesses - often women - did not receive payment or benefits.

The participants further noted that women were still deemed primary caretakers in the families and that their contributions were not considered in discussions about the economy. Care duty responsibilities were a particular challenge for women seeking employment in rural areas, where access to child- and healthcare facilities was even more limited than in urban areas.

Solutions

- Raise awareness about the existence and extent of unpaid work undertaken by women in BiH.
- Undertake more research on the contribution of unpaid care work to the economy of BiH.
- Provide more (decently paid) jobs in the formal sector.
- Provide better services such as affordable childcare facilities to enable women's access to paid work.



IWD 2018: Roundtable on Women in Science

On the occasion of the 2018 International Women's Day, the French mission to BiH organised a smaller roundtable discussion with X number of women following a similar format, focused on women in science in BiH. Participants - women active in different parts of the world of science - discussed women's engagement in the field of science, as well as the ways to counter the practices of discrimination and harmful gender stereotypes and highlight women's contributions. Many recommendations made at this roundtable echoed the ones highlighted during the Initiative's events. For example, the participants stressed the importance of women organising for change and support required from media to effectively challenge the gender stereotypes.

ROUNDTABLE 2: RIGHT AND ACCESS TO HEALTH CARE AND SOCIAL PROTECTION

The second roundtable of this initiative was held in Sarajevo on 14 December 2017. Discussion focused on "Right and Access to Health Care and Social Protection". Issues discussed included (a) sexual and reproductive health rights, (b) parental leave, and (c) access to the health care system.

The roundtable participants stressed various general challenges, such as the discrepancies in legislation between different levels of government, a lack of statistical data, and other challenges of implementation. They also noted problems specifically faced by women, such as limited women's sexual and reproductive health services.

Below we present some further reflections on the different sub-themes, both in terms of challenges and solutions put forward by the participants -

Sexual and reproductive health rights

A lack of sexual and reproductive health care and related rights to sex education in the region were described as a ticking bomb: Eastern Europe and Asia were the only regions with the increase of HIV infections. Non-existent or inadequate sex education in schools was highlighted as a major part of the problem. Teachers often lacked knowledge and/or used inappropriate methodologies. There was also a strong public opposition to the promotion of sexual and reproductive health rights of women. Religious institutions in particular continued to voice strong disapproval of contraceptive methods. Abortion rights were also noted as being compromised and influenced by religious institutions. Contraceptives were expensive and not covered by the health systems.

There was a lack of preventive testing and examinations for cervical and breast cancer. The UNFPA estimated that every three days one woman in BiH dies due to cervical cancer. Testing was not funded nor covered by health insurance.

Maternal mortality and infertility were also flagged as high. This too could be explained by a lack of information and/or knowledge. The participants noted unequal and limited access to IVF – with one centre in FBiH, two in the RS, and insufficient coverage by public medical insurance.

There was a perceived lack of professionalism and basic knowledge and sensitivity towards women among medical staff. For example, there were few specialised medical personnel for women with disabilities. This discouraged women from seeking health services.

The participants also suggested that family planning needed to be promoted, inter alia because it would help limit the care work responsibilities of women. Insufficient data on demographics due to unavailable funding was highlighted as one issue that prevented BiH from delivering on health policy.

Solutions

- Enhance accessibility and availability of contraceptives by providing for this through public medical insurance.
- Invest in an information campaign, making women, and men, aware of family planning options. Also, introduce a compulsory course on sexual and reproductive health and rights in primary and secondary schools.
- Make exams and check-ups, e.g. for breast and cervical cancer, free of charge and encourage women to take these, including through information campaigns.
- Provide pregnant women with full health protection through public medical insurance. If services are not available in public hospitals these should be covered in the private sector, with no additional cost to the women themselves.
- Provide training, including peer-to-peer sessions, to medical staff on how to treat women. Raise awareness of patients' rights among medical staff and patients. Use patient satisfaction tests to better understand the issue.
- Ensure full implementation of CEDAW recommendations in this field.

Parental leave

Parental leave was described by participants as an issue affecting society at large. The laws and regulations governing one's ability to exercise parental leave rights were non-harmonised between the entities and among the Federation's Cantons, resulting in uneven maternity benefits/compensation. There were also differences between the rights to parental leave in the private, public, and NGO sectors. The women working in private companies and NGOs faced an additional difficulty of not having anyone to replace them while exercising their parental leave rights.

The participants also remarked that there were differences to be noted related to maternity benefits. Benefits were much lower in the private sector. There were also differences between the two entities. Concerning the payment of the benefits, in the RS the gross amount was refunded only with remittances, while this was not paid in the FBiH.

Despite the legal possibilities, exercising parental rights by men was still considered as an anomaly by most. Until recently, men were only allowed to ask for parental leave in case of the mother's death, or abandonment by the mother. Due to the deep-rooted gender stereotypes in society, even now that men had the legal right to ask for parental leave, they rarely chose to exercise it. The terminology used was indicative: instead of parental leave, it was more common to refer to it as "maternity leave".

Discrimination in the workplace was discussed as well. Employment was sometimes terminated while a woman was on parental leave or a woman would face demotion when

returning from parental leave. Women in the reproductive age, pregnant women and mothers with small children were regularly confronted with questions about their family status and plans for the near future.

A lack of systematic support for parents with disabilities and insufficient support for parents with disabled children was very common. Women and men with disabilities were not recognized as regular members of society by institutions. The steps taken have addressed their disability, not their potential role in society e.g. as parents or workers.

Solutions

- Improve the legal framework. Harmonise the relevant legal provisions at all BiH levels regarding the working place (employment, job retention, promotions), parental leave (rights of both parents) and maternity benefits (public/private/NGO sector: both employed and unemployed persons). Include references to persons with disabilities and ensure the relevant provisions and affirmative measures in order to provide support to those among them wishing to become parents;
- Ensure the budgetary provisions for practical implementation of applicable laws;
- Ensure the close monitoring and sanctioning of implementation of the existing legislation. Informal networks of interested individuals, strategic litigation, media reporting, work inspections, more free legal aid and monitoring of sanctioning can contribute tremendously to ensuring that the currently applicable laws are actually implemented. It is equally important to raise awareness of what is provided for in the laws and to encourage women to report all violations or non-compliance;
- Promote awareness about the importance of fathers' participation in their children's upbringing and the right of men to take parental leave.

Access to the health care system

Participants expressed concerns about patients not being able to exercise their rights. Fragmentation of the health care system in BiH was identified as the number one cause preventing women from effectively exercising their health rights. Quality standards of even the most basic health services differed between the entities, among the cantons and between the urban and rural areas, and some treatments and medicines had to be acquired abroad as these were not available in BiH. There was a lack of special services and emergency rooms in rural areas, as well as a lack of the national screening programmes.

The participants also emphasized a limited awareness of the relevant rights among women and men, including medical professionals, and frequent practices of corruption, with doctor's expecting extra payment to deliver services.

Certain groups were described as particularly ignored in the current system, including unemployed people, people aged 65+ in RS without pensions, seasonal workers living intermittently between the two entities, women from rural areas, and returnees receiving limited coverage.

Monetary contributions to the medical insurance funds differed at the entity and cantonal levels, thus reducing consumer transparency. International cooperation with EU Member States to reimburse the cross-border healthcare costs was difficult due to fragmentation of the health care system. Fragmentation also prevented the country from participating and benefiting from international funding for healthcare. The lack of a national program on health and the non-existing cooperation between the entities led to further deterioration of the level of service available for citizens.

Furthermore, the participants noted that healthcare was not driven by demand nor was there any adequate quality control.

Solutions

- Adopt a health strategy at the state-level, setting the minimum standards and regulating the sector.
- Consult the public in an open and public manner when determining priorities, for example when discussing relevant legislation in Parliament.
- Amend the relevant laws so as to include accountability/sanctions for not implementing the existing laws and to ensure that no one is excluded from the health care system.
- Harmonise quality and availability of medical services between the entities and among the cantons. Particular attention should be devoted to rural areas. In the short term, mobile teams could be deployed. In the long term, regional medical centres would need to be set up to provide specialised services.
- Monitor and record the quality of medical services actually provided to citizens.
- Adopt uniform rules regarding the contributions to medical insurance in order to enhance transparency, accountability and to address corruption concerns.
- Adopt an anti-corruption rulebook for medical professionals.
- Raise awareness about patients' rights among the general public and medical professionals.

ROUNDTABLE 3: SUSTAINABLE PEACE

The third roundtable of this initiative was held in Banja Luka on 18 April 2018 and focused on sustainable peace. The roundtable participants exchanged their views on various issues, including a) peacebuilding and transitional justice, b) the Constitution, and c) local implementation of UNSCR1325.

The participants emphasized some of the most pressing issues that need to be tackled to ensure sustainable peace, such as discrimination in the Constitution, unprocessed war traumas, and the full implementation of UNSCR 1325 on women, peace and security. They also stressed the importance of including women in the decision-making and reform processes.

Below we present some further reflections on the different sub-themes, both in terms of challenges and solutions put forward by the roundtable participants -

Peacebuilding and transitional justice

Although BiH had made various efforts related to transitional justice and peacebuilding, the participants agreed that the country had yet to develop the required institutional mechanisms to address the past, and that most victims would not see justice done in their lifetime. This, the participants stressed, created a widespread sense of victimisation and provided a fertile ground for inflammatory ethno-political rhetoric. Limited progress made with regard to transitional justice and peacebuilding has in turn compromised the achievement of sustainable peace and economic prosperity.

The roundtable participants noted that a transitional justice strategy developed for BiH had not been adopted, putting the institutional processes of dealing with the past on hold. Differences between the entities and cantons remained – including those in terms of treatment of victims and survivors and the content of education.

Unprocessed war traumas and incomplete reparations (especially for women survivors of wartime violence) have caused isolation and trans-generational trauma. Unaddressed grievances, participants stressed, have provided a fertile ground for ethno-political rhetoric too.

A lack of attention for gendered aspects of and women's priorities in key transitional justice discussions was symptomatic of women's marginalisation in society.

It was also suggested that a renewed strategy on transitional justice, which would vouch equal participation and treatment of women, help process the war traumas, and ensure reparations, needed to be adopted to meet the needs of the victims. And it was stressed that institutional reforms were an essential element of dealing with the past.

The roundtable participants further noted that it was important to address indoctrination of younger generations related to the past, including through attention for the educational system in all of BiH.

Solutions

- Adopt a state-level transitional justice strategy, one based on the previous drafts but updated to include recent developments;
- Develop a number of rehabilitation and treatment plans for survivors, based on the assessment of actual needs, capacities, and available and needed funding;
- Enable an independent judiciary system by separating politics from the judiciary;
- Develop an agreed basic history curriculum;
- Ensure the greater participation of women in politics, with power on all levels including in local communities;
- Include women from different walks of life in peacebuilding processes;
- Allocate more funding to women's rights organisations and organisations dealing with gender equality, including at the local level;
- Include more youth in CSOs and connect young people across the country, providing spaces for discussion.

A Constitution for all

The Dayton Peace Agreement ended the war but women (and citizens more broadly) had little involvement in the negotiations, and the Agreement effectively imposed a Constitution on BiH.

A Constitution, as the ultimate safeguard of universal human rights, could help guarantee the implementation of commitments across the country. However, the BiH's current Constitution prioritized the collective rights over the individual ones, emphasising the rights of the Constituent Peoples. This resulted in a variety of discriminating practices, including but not limited to discrimination against those who declare themselves as the group called 'Others'. There were serious issues with non-harmonisation of laws in BiH, hindering citizens from accessing their rights, e.g. to health care and social rights. The current Constitution has also furthered ethnic division, including in schools and language.

Citizens – women and men – had little ownership of and ability to change the Constitution. A small group of 6-7 men (leaders of political parties) effectively held a monopoly on Dayton-related discussions. There was a lack of political will among those in power to improve the current Constitution. Citizens had little understanding of what was in the Constitution.

The roundtable participants also noted that the Constitution did not include specific references to gender equality. While a constitution is a general document, not allowing for any detailed provisions, it did need to be sensitive to gender to not further discrimination against women in a patriarchal society. Gender-insensitive, male-centred language in the BiH Constitution also sends an undemocratic message to one half of the population.

ON CONSTITUTIONAL REFORM

“Women Citizens for Constitutional Reform” is an initiative advocating for the Constitution of BiH to better protect human rights and freedoms, with a special focus on inclusion of a gender perspective. The initiative, formed by activists and organizations from all over BiH, has drafted a number of amendments to the Constitution aiming to improve women's rights and participation in the private and public spheres of life in BiH.

For more information: <https://womencitizensforconstitutionalreform.wordpress.com/>

Solutions

- Expand the existing catalogue of fundamental rights with some better definitions and additions to ensure an equal set of rights in the country such as the rights to common health care services, social and family care;
- Include an explicit reference to the principles of gender equality and (in)direct discrimination as set out in the CEDAW conclusions (2013) (NB/ Amendments have been proposed by Gender Equality Agency. Amendments were also prepared by the Initiative Women Citizen's for Constitutional Reform – see textbox);
- Apply a gender-sensitive language, or include a paragraph noting that the subsequent text should be read as such;
- Introduction of affirmative action principles in the Constitution of BiH to work towards full gender equality.

Possible measures to secure changes required:

- Greater international community engagement to break the lack of political will to address constitutional issues among domestic power holders. (One participant remarked that a lot can be accomplished if there is will, referencing the excise tax as an example.)
- Continued direct engagement with citizens (e.g. Initiative Women Citizens for Constitutional Reform) to explain the Constitution and citizen's rights, including why the constitutional reform is required (e.g. medication not available in every place in same measure) and taking away concerns that any changes would threaten the peace in BiH.
- Building capacity media on the issues of constitutional reform.
- Lobbying of BiH Parliamentary Assembly members by CSOs to ensure changes (gender equality) to the Constitution.

Local Implementation of UNSCR 1325

BiH was the first country in the region to adopt an Action Plan for the implementation of UNSCR 1325, implementation of which was deemed by the participants as essential to lasting peace in BiH; however, the participants have also remarked that the country is struggling to fully implement the resolution at all levels.

Drafting and adoption of a new state-level Action Plan and other policies, programmes and projects concerning the implementation of UNSCR 1325 were hampered by the recent political situation, which is in turn preventing BiH institutions to apply for the existing funds from donors.² A constant rift over the competences and poor synergy between the institutions, as well as a sporadic communication between CSOs, institutions and local communities has hindered the implementation of UNSCR 1325.

The importance of gender equality for sustainable peace was not recognized by the relevant institutions and function holders in the cities and municipalities, which is often justified by the lack of stable funding. The local commissions for gender equality often failed to implement the plans or to effectively address the related concerns. Five local Action Plans were adopted, but implemented only in a few municipalities – places where NGOs were active and insisted on implementation. Meanwhile, the security needs of women in the local communities were on the rise.

² The new Action Plan for implementation of UNSCR 1325 and the greater women, peace and security agenda, was eventually adopted by the BiH Council of Ministers on 1 August 2018.

Solutions

- Donors should condition their support for projects in BiH on the existence of synergy at the different levels of government and vertical interconnections as funds were or could be lost due to a lack of harmony and of an mutually binding agreement between different stakeholders in charge of implementation of UNSCR 1325. Donors should place conditions with the respective ministries and act as the mediators in overcoming those issues;
- Laws and by-laws with binding power for local communities (municipalities and towns) should be adopted to ensure the implementation of gender equality principles. Local administrations should nominate a point of contact for gender related issues, introduce gender-responsive budgeting, and manifest commitments to gender equality through internal acts. CSOs, gender centres, parliamentary, entity, cantonal and local commissions for gender equality and alliances of municipalities and towns should initiate adoption of those laws and monitor their implementation thus ensuring the much needed synergy;
- Citizens and key function holders should be sensitized to the importance of gender equality, including commitments made in UNSCR 1325. This could be accomplished through public campaigns, outdoor activities, and public discussions at the local community level. Public broadcasters should also be included in a broad public campaign on raising awareness on the Resolution;
- Attention for UNSCR 1325 should be included in public administration reform discussions;
- Strengthening capacities, human and financial, and enabling an increased visibility of CSOs and public institutions (state agency and entity gender centres) dealing with gender equality is vital in order for civil society to function as a “watchdog”.



ROUNDTABLE 4: ACCESS TO JUSTICE

The fourth roundtable of this initiative was held in Banja Luka on 19 April 2018 and focused on access to justice. The roundtable participants exchanged their views on various aspects of access to justice, including a) free legal aid, b) institutional responses to GBV (gender-based violence) and c) redress for wartime victims including reparations.

The roundtable participants noted that the individuals (especially women) seeking justice faced a lack of harmonised legal frameworks, the existence of administrative and financial barriers, varying levels of quality of available legal aid, and insensitivity in communication and prejudices. Concerning access to justice for survivors of wartime violence, the participants emphasised the importance of a state-level law on victims of torture, inclusive of a reparative mechanism, in compliance with the international legal framework. Redress should go beyond the mere financial one. Mechanisms should be provided for women survivors who want to speak up and share their experiences, and use a broader set of reparative mechanisms to empower survivors to leave their trauma behind. Additionally, survivors needed to be exempted from paying any court and other administrative taxes. The state should have a subsidiarity function.

Below we present some further reflections on the different sub-themes, both in terms of challenges and solutions put forward by the participants -

Free legal aid

Over the last 10 years there have been extensive discussions aimed at ensuring free legal aid to those in need. There is a BiH Law on Provision of Free Legal Aid. The participants noted that free legal aid providers acted in compliance with the entity and cantonal laws which were both limiting and discriminatory. For example, the mediation services in divorce proceedings were mandatory but different fees were charged across the country. (For example, in RS this was free for the unemployed, while in FBiH this depended on the canton where one resided in, with costs varying between BAM 50-300. These services were free in Canton Sarajevo - the Canton with the highest income).

Besides a lack of a harmonized legal framework, the participants noted the provision on income and assets declaration as limiting access to justice and free legal aid services. In order to qualify for free legal aid, a person had to be on the brink of poverty, and the proof of financial status required acquisition of documentation which could be expensive and time-consuming. For example, if a woman inherited a piece of land, she was not eligible to receive free legal aid even though she did not have any actual income.

Discrepancy in the approach to survivors of GBV is another serious issue. Legal aid providers were often insensitive to problems and feelings of survivors. In addition, there was no legal provision which allowed naming "a person of trust" who would have acted as a pillar of emotional support.

Although some women's rights organisations had more than 20 years of experience in providing free legal aid service, they were still not officially recognised as free legal aid providers through funding, permission to legally represent the victims, or appreciation of the quality of their services.

Solutions

- Ensure the legal framework dealing with GBV – including the provisions dealing with free legal aid - are in compliance with the Istanbul convention;
- Sensitise legal aid providers (police officers, social workers, free legal aid providers) to GBV issues;
- Ensure harmonisation of standards used by free legal aid service providers (government and NGO) with regard to approach to victims of GBV;
- Adjust income and asset declaration so that women victims of GBV can access free legal aid despite the property being listed in their name;
- Change the law on free legal aid in RS (asset declaration, categories which can be freed of this);
- Enable victims to name “a person of trust” (change the legal framework) since having such a person “at hand” has proven to provide important support in times of need, including at court proceedings;
- Make amendments to laws on social welfare in FBiH with regard to payment of mediation services in divorce proceedings;
- Amend the Laws on court and administrative taxes to exempt victims of GBV;
- Acknowledge services and capabilities of CSOs with relevant expertise and services, including women's rights organisations, as free legal aid service providers.

Institutional responses to GBV

It was noted that BiH had ratified the key international agreements and human rights conventions but failed to implement them. Participants stressed the importance of full implementation of the Istanbul Convention.

Participants also noted that connections among the institutional mechanisms (State Agency for Gender Equality, entity Gender Centres, parliamentary, local and cantonal commissions for gender equality, Ministries of interior affairs, etc.) were limited in reality, due to politicisation of relations, resulting in superficial cooperation and non-transparent workings. The local and cantonal gender equality commissions in existence were not proactive, they rarely met, and often failed to include CSOs in their activities. The state-level agency and the entity centres disagreed about their competences in the fields of human rights and gender issues. The parliamentary commissions at the state and entity levels changed with every election and

The roundtable participants also stressed insufficient coordination and information exchange among international donors, institutions and CSOs. They also noted a change of focus of the international donors. The lack of coordination on priorities on the ground has frequently resulted in duplication. The international donors were also criticised by some for 'shifting' support - from CSOs to the state. They believed that the institutional mechanisms were not ready to be the only actors without a strong civil society to control them (inter alia because of the political system and corruption).

Another crucial issue was the insufficient awareness among the function holders in social and health protection systems and the police, the institutional mechanisms, as well as the victims about the gender-based violence and legal treatment of cases when such violence was identified. This issue triggered other problems which victims faced, such as the lack of understanding of the problems and insufficient sensitivity of judicial function holders who often treated GBV as misdemeanour and rarely as a criminal act. Mild penalty policy was especially singled out.

Moreover, the current practice did not differentiate between domestic violence and gender-based violence, resulting in no statistical data on gender-based violence being gathered.

Solutions

- Ensure full implementation of the Istanbul Convention to enable the prevention of violence and equal treatment of victims - through legal harmonisation, policy development and the provision of adequate funding;
- Strengthen the coordination and connections between different actors involved through regular meetings of relevant stakeholders, including different parts of the BiH institutional machinery as well as with the international donors and CSOs. At such meetings activities could be coordinated and priorities discussed;
- Sensitize and educate different institutions, including judicial and prosecutorial office holders (judges and prosecutors) about the issues at hand, including the actual needs of the victims. This could inter alia be accomplished through regular exchanges with CSOs;
- Make information on the protection mechanisms and services available to all citizens and gender-based violence victims;
- Exempt victims of GBV from having to pay court fees;
- Ensure a separate definition of GBV and collect data on the same.

Redress for wartime victims, including reparations

Discussion focused on civilian victims of war crimes. The participants noted the issue of reparations in a broad sense - not just financial ones but also in terms of access to rehabilitation, employment, requalification, etc. In the discussion particular attention was paid to women.

Despite various efforts, there continued to be limited access to justice and unequal treatment of victims in BiH – due to a lack of political will and economic costs of reparations.

Non-harmonisation of laws at entity level meant victims of war crimes were treated differently depending on where they lived in BiH, and the state did not guarantee a minimum protection to all victims. Statutes of limitation continued to be applied. Victims often lived in poverty and desired greater support for their economic empowerment and access to e.g. health care.

The participants noted that there had been 4 or 5 attempts to adopt a law on victims of torture at the state level but that the adoption failed every time. Such a law would aim to ensure equal treatment of victims across the country, thus ensuring compliance with the international standards.

The RS Law on Victims of Torture was adopted by the Parliament in June 2018. The RS Draft Law on Victims of Torture put forward was criticised for being discriminatory. Following some consultations, the current text was to be improved by ensuring recognition of victims 'in a certain way'. Good cooperation between the free legal aid centre in the RS and CSOs was described as an asset. According to the views of the participants, women victims in FBiH were faced with a slightly better situation than in the RS because of adjustments made to the law on civilian victims of war.

Various participants noted that CSOs played a key role in providing information on the rights and free legal aid to victims. Victims often did not know what they were legally entitled to, and what these reparations actually meant.

Subsidiarity was another challenge in BiH. Even when reparations were awarded through court proceedings, these tended not to materialise. In various instances, perpetrators hid property and possessions, meaning that there was no way to enforce sentences against them.

Solutions

- Draft and adopt a state level law on victims of torture; in interim, find a legal framework that can help ensure subsidiarity, e.g. explore a possibility of acts by executive power as a temporary solution. Set up a state level reparations fund. If the state level law fails, look into other options e.g. at the entity level.
- Revive the transitional justice strategy process to keep issues on the table. Ensure that such a Strategy has a good analytical foundation and is based on wider consultation, inter alia to ensure gender-sensitivity.
- Ensure free legal aid for victims. Amend the RS Law on Free Legal Aid. Develop a network of contact points for free legal aid, bringing together the services provided by NGOs and the municipal level services. Furthermore, exempt the victims from paying the court fees and provide them with psycho-social and other forms of support.
- Provide the victims with better access to decent work and health care. Empower women victims including through support for projects, providing women with opportunities to sustainable livelihood and additional financial income.
- Provide women victims who want to speak out with safe spaces to share experiences.

Possible measures to secure changes required:

- Undertake a campaign to raise the challenge with a broader group in society.
- International community to exercise pressure e.g. for renewed process to develop transitional justice strategy.
- International community to provide for more spaces for discussion on issues related to access to justice for wartime victims and facilitate discussions with different stakeholders.
- International donors to provide greater financial support for free legal aid.



