



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined initial, second and third periodic reports of  
States parties**

**Bosnia and Herzegovina\***

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\* The present report is being issued without formal editing.

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### *Introductory Remarks*

1. Raising consciousness of women in Bosnia and Herzegovina has its historical context starting with 1919 when the first feminist, apolitical association has been formed inspired by similar associations, called “Association for education of women and protection of their rights”.

In the Second World war, in 1942, the women have established the Antifascist Front of Women. In this period women in Bosnia and Herzegovina, or rather ex Yugoslavia got access to all professions, the same salaries as men, a full year of maternity leave, legalisation of abortion, and, since 1952 the right to consensual divorce achieved on the agreement.

During the first multiparty elections in BiH in 1990, women were marginalized which was a paradox in relation to the democratic process. The role of women was additionally disturbed during the war in Bosnia and Herzegovina by the entry of militarism into everyday life. The war has affected the reproductive and sexual health of women and girls, mainly as the result of the increased sexual violence: rape, sexually transmitted diseases including the AIDS/HIV, and unwanted pregnancy. The crime of rape has for the first time become the crime against humanity. The war has caused that basic social services become unavailable to most of the population, which affected the health condition of women most, but also the whole population of BiH.

Nevertheless, the women movement gained new energy during the war, through women-piecekeepers, women humanitarian workers, who found the energy and the ideas to organize themselves and to become, in the post-war period the bearers of activities of the identification of needs, finding solutions and resources for the improvement and strengthening of the status of women and women themselves.

2. Convention on the elimination of all forms of discrimination of women (hereinafter referred to as CEDAW), which Bosnia and Herzegovina took over by the succession on 1 September 1993, has entered into force on 1 October 1993. Bosnia and Herzegovina was in the war within the period 1992 to 1995. The war ended in December 1995 with the Dayton Peace Agreement - “General Framework for Peace in Bosnia and Herzegovina”, according to which Bosnia and Herzegovina continued to exist as a decentralized state, established on new principles and standards set forth in the above Peace Agreement and the Constitution of Bosnia and Herzegovina (refer. to HRI/CORE/1/Add.89/rev1. document).

The state of women’s rights in Bosnia and Herzegovina may be presented by a few general characteristics, as for instance:

- a) Bosnia and Herzegovina has an overall legislative framework which prevents any discrimination based on gender, which has been additionally strengthened by the Law on Gender Equality in Bosnia and Herzegovina. The fact should be mentioned that the ability of courts to apply these Laws so far has been quite limited because they are still overloaded with the huge number of cases. After the implementation of the reform of the judicial system in the country, these conditions have started to change, and we expect these changes in the future to be even more visible. However, there are no separate courts in Bosnia and Herzegovina dealing with employment disputes which could prioritize suits or requests related to this field. There are also some serious opinions that, due to weakening of the economic situation in Bosnia and Herzegovina it would be risky to instigate court disputes, because such legal activities might make the situation in Bosnia and Herzegovina even more complex. All this informs us on the complex influence of many factors which discourage women. Nevertheless, poor economic situation has not affected the daily increase in activities aiming to implement activities and to plan measures for better protection of women.
- b) Unsufficiently educated population of women also influences continuation of existence of traditional roles of men and women. Education, particularly of female children, was not identified as a need when most of the older rural population was growing up. Women, educated or not, used to be orientated to marriage, housekeeping and raising of children. In spite of the high rate of illiteracy among the older groups, current indicators state that the education level of women dramatically increases. Already in 1991, there were 49% girls in primary schools. The trend increases also after 2000, so that there is 49% of girl pupils in the Federation of BiH and 50% in the RS. The division between male and female occupations is still visible. Poverty is the reason why lately the level of education of both men and women is decreasing, which can lead to further deepening of the traditional concepts.
- c) In spite of coverage with basic form of health protection, a large number of persons is outside the system of health protection, particularly refugees and displaced persons. Women make over 51% of the population, 25% of

them being in fertile age. What is in common for women in the reproductive age is the decrease in fertility rate due to frequent intentional abortions, usually the only way of family planning. Sexual education is still not adequate, and the fact is that there is the increase of early sexual activities of adolescents, the increase in number of unwanted pregnancies and the increase in rate of infectious diseases. A special problem in the health sector presents the inequality of health resources in urban and rural areas, the lack of available gynaecological services, lack of education - particularly for adolescents, insufficient level of health promotion, and the lack of a multidisciplinary integrative approach to problems of women's health.

- d) Family violence is the problem which mostly deepens the gap between women and men. Family violence is directly linked to the problem of poverty and the level of development mechanisms for protection against family violence. The data on numbers of reported cases of family violence gathered and analysed by NGOs compared to the number of cases reported to the authorities are much higher, so it is very difficult to monitor the problem of family violence in Bosnia and Herzegovina. It is encouraging that the awareness in the society has been raised, so that this problem is paid more attention and measures for prevention are implemented, with first results already visible.
- e) The results of the elections show positive development in relation to participation of women in BiH political life. However, in all political spheres, men are still dominant. The established structure of gender centres - centres for equality and equity of genders, has already played an important role in strengthening women. The increasing number of women has been encouraged to participate in public and political life, with support from NGOs and women associations that had directed their activities towards strengthening and encouraging women to participate in public and political life.
- f) Statistical data which would better show the situation in Bosnia and Herzegovina, in most cases are not good indicators because they are not divided according to gender, and are not published, as such, for the needs of public use. The current trend for these data to be adjusted and divided to an acceptable form has got the momentum and the first modest steps have been taken to research and develop statistical data on men and women separately for the whole territory of Bosnia and Herzegovina. This will also be one of the key activities of the future mechanisms which will be established in Bosnia and Herzegovina.

### ***ARTICLE 1. DISCRIMINATION OF WOMEN***

1. Bosnia and Herzegovina has made progress when compared to the situation existing in 1996, particularly regarding the design of the necessary legislative framework for protection of women.

Definition of "discrimination of women", contained under Article 1 of the Convention on Elimination of all Forms of Discrimination of Women is at the same time the starting point for assessment of the position of women in Bosnia and Herzegovina, for revision of legislation and examination of treatment of women in all spheres of everyday life, as well as for preparation of adequate proposals for achieving the final goal - creating equality of women and men in the society.

2. The Constitution of Bosnia and Herzegovina in its Article II which is fully devoted to human rights, under paragraph 4 contains the provision on prohibition of discrimination regarding recognition, enjoyment and protection of human rights. "Enjoyment of rights and freedoms envisaged under this Article or international agreements listed in the Annex of this Constitution, shall be guaranteed to all persons in Bosnia and Herzegovina without any form of discrimination such as: gender, race, language, religion, political or other opinion, national or social background, connection to national minority, property, birth or any other status."

The Constitution of BiH also confirms the equality of women and men under its provision on prohibition of discrimination, but also directly through the international instruments for human rights. Pursuant to Article II, paragraph 2: "Rights and freedoms are envisaged in the European Convention for Protection of Human Rights and Fundamental Freedoms and its Protocols that are directly applicable in Bosnia and Herzegovina. These acts also have precedent above all other Laws."

The stated Articles should be interpreted in accordance with paragraph 6 of the same Article of the Constitution of BiH, whose provision states that "Bosnia and Herzegovina and all the courts, institutions, authorities and bodies indirectly

administered by Entities or acting within the entity are submitted to, therefore apply human rights and fundamental freedoms stipulated in paragraph 2.” Human rights and freedoms from the Constitution of BiH apply in both Entities of BiH who have the obligation to ensure the highest possible standard of enjoyment of human rights.

3. Starting from the fact that the Constitution of BiH and Entity Constitutions state equality as one of the human rights, the definition of discrimination included into the Law on gender equality in Bosnia and Herzegovina, facilitate recognition of situations in practice when a person is put into different position or is differently treated based on gender.

This Law regulates, promotes and protects the equality of genders, and guarantees equal opportunities for all citizens, both in public and private sphere of life. This way the standard of protection of guarantees of human rights is raised, particularly regarding women who are the most common victims. It is stated under Article 2 of this Law:

“Genders are equal.

Full equality of genders shall be guaranteed in all spheres of life, particularly in education, economy, employment and work, social and health protection, sports, culture, public life and media, regardless of marital or family status.

Discrimination based on gender or sexual orientation shall be prohibited.”

Article 3. of this Law provides the basic definition of discrimination:

“Discrimination based on gender, in the spirit of this Law, presents any legal or factual, direct or indirect differentiation, privileges, exclusion or limitation based on gender which makes difficult or negates the right of individual persons to recognition, enjoyment or execution of their human rights in political, educational, economic, social, cultural, sport, civil and any other sphere of public life”.

Discrimination may be direct or indirect.

The direct discrimination based on gender exists when a person was treated, is treated or may be treated less favorably than another person in the same or similar situation, based on gender.

Indirect discrimination based on gender exists when a seemingly neutral legal norm, criterion or practice equal for all brings into less favorable situation a person of one gender when compared to persons of another gender.

4. Establishment of a norm, criterion, or practice that can be justified objectively by achievement of a legitimate aim the effect of which is proportionate to the necessary and justified measures taken to achieve the aim is not considered discrimination based on gender.

Pursuant to paragraph 5 of this Article it is allowed to set forth special measures in the aim of promoting equality and equity of genders and elimination of the existing inequality, or protection of genders based on biological determination.

5. Law on Gender Equality in BiH includes additional definitions of discrimination based on gender in Article 4, and it reads:

a) Gender: socially established role of women and men in public and private life different from sex as a biological determination. The expression gender in the spirit of this Law shows the importance which is given in the society to the biological determination of sex:

b) Violence based on gender: any action which causes physical, mental, sexual or economic damage, or suffering, as well as threats by such actions which seriously limit persons in enjoying their rights and freedoms based on the principle of gender equality, in public or private sphere of life, including trafficking of human beings for the purpose of forced labor, and limiting or arbitrary detention of persons exposed to such actions;

c) Harassment: any situation involving unwanted behavior regarding gender, with the aim and result in harming the dignity of a person or creating intimidating, hostile, humiliating or similar situations;

d) Sexual harassment: any behaviour which by words, or actions, or psychical actions of sexual nature has the aim or result in harming the dignity of a person or creating intimidating, hostile, humiliating, threatening or similar situations, motivated by belonging to different gender or different sexual orientation, which for the damaged person presents unwanted physical, verbal, suggestive or other behavior.

6. Criminal Laws in BiH state the breach of the principle of equality as one of the criminal activities directed against human rights. Persons who commit this offence, or persons who “for differences in nationality, race, color of skin, religion, ethnical background, gender, language, political or other belief, sexual orientation, material position, birth, education, social position or other circumstances, takes from another person any human right or fundamental freedom recognized by International Community or the Constitution, or, based on such difference gives to another person some special right or privilege, is submitted to pecuniary penalty or to imprisonment of up to one year.

The same applies to persons persecuting other persons or organizations for supporting equality among people. If the offence stated under the first or the second paragraph of this Article is committed by the official by misuse of his/her position, this person is sentenced to the imprisonment of up to three years.”

7. The Law on Labor in BiH instilled the elements of international conventions which regulate this matter and which are accepted in Constitutions at all levels of territorial organization of BiH.

A person seeking the employment, as well as the person being employed, cannot be placed into less favorable position on the basis of race, color of skin, gender, language, religion, political or other opinion, national or social background, property status, birth, or any other circumstance, membership or non-membership in the Trade Union, physical or mental disability regarding the engagement, education, promotion, conditions and requirements of work, cancellation of the contract on labor, or other issues emerging from the labor contract.

Based on the above it can be concluded:

- that the Constitution of BiH guarantees the equality and women and men,
- that constitutions of the Entities (FBiH and RS) contain provisions on equality of women and men and prohibition of discrimination based on gender,
- that the Law on Gender equality in BiH provides a wider definition of the prohibition of discrimination based on gender because it includes both direct and indirect discrimination,
- that the criminal laws of BiH and Entities define the breaching of the principle of equality as criminal offence against human rights,
- that the entity laws on labor contain provisions on prohibition on discrimination according to international conventions dealing with employment and labor.

### ***ARTICLES 2 and 3. MEASURES FOR ELIMINATION OF DISCRIMINATION OF WOMEN***

8. The extensive economic and legal reforms have been realized in Bosnia and Herzegovina for a longer period of time. Securing equality of women is achieved by strengthening of their status, education and their active participation in decision-making process in all social sectors. Even in such environments where equal access to education is secured at all levels, this does not reflect equal opportunities in progress in career, selection of profession, equal salaries, decision making opportunities and equal economic strength. Economic recovery is being realized very slowly, so that BiH population is, partly due to war consequences, partly due to long transitional period, very impoverished, and majority of the population still lives in large deprivation.

9. Parallel to preparing new laws and regulations, Bosnia and Herzegovina is harmonizing the existing legislation to the legislation of the European Union. This dynamic process of developing new legislative system is the opportunity for revision of the proposed laws and other regulations (regulations, decisions, permanent orders, decrees and instructions), particularly the opportunity for inclusion of new solutions within laws, which will enable equal opportunities for both women and men in all spheres of life. The best example for this is the above mentioned Law on Gender equality in BiH, but other mentioned laws also contain this component, particularly those passed in the last two years.



10. Article 3, paragraph 5, of the Law on Gender Equality in BiH states the possibility of taking affirmative actions which will not be considered discriminatory, where (gender discrimination is not considered to be a norm), criterion or practice possible to justify objectively by achieving a legitimate goal, proportional to necessary and justified measures taken.

11. The Law on Gender equality in BiH envisages the setting forth of the Agency for Gender Equality at the state BiH level with the following tasks:

Develop (State)National Action Plan for promotion of gender Equality, based on the proposals of all state Ministries, and plans of Gender Center of the Federation of Bosnia and Herzegovina (hereinafter referred to as Gender FBiH) and Gender Commission of the Republika Srpska (hereinafter referred to as Gender RS); Ministry of Human Rights and Refugees shall submit the National Action Plans to the Council of Ministers for adoption, once a year;

Monitor implementation and coordinate activities with all relevant subjects from the National Action Plan stated in paragraph 1 of this Article;

Prepare annual report on implementation of activities on prevention of discrimination based on gender in BiH, which will be based on the reports from Gender FBiH and Gender RS, and submit it to the Council of Ministers BiH;

Perform analysis of laws, other regulations and general documents adopted by the Council of Ministers in order to follow up on the implementation of gender Equality, and, based on the proposal of the Ministry of Human Rights and Refugees, initiate changes and amendments to the existing legislation in BiH according to international agreements and regulations of the European Union;

Develop methodology for evaluation of success of the state policy and programmes dealing with Equality;

Perform other tasks and duties regarding the promotion of gender Equality and achieving the aims of this Law.”

Until the establishment of the Agency, the Ministry of Human Rights and Refugees shall supervise the implementation of the Law.

#### **Protection of women against any act of discrimination**

12. Bosnia and Herzegovina has not yet formed any special body or service responsible only for protection of women against any form of discrimination. Many women seek advice from gender centres, especially on issues dealing with divorce, self-support and child maintenance after divorce, employment and labor relations and sexual harassment. It is difficult to prove discrimination based on labor. In such circumstances the Center consults women on their rights and directs them to the bodies responsible for resolving their problems and protection of violated rights.

The protection of women is additionally ensured through the Ombudsperson as the additional instrument of out of court – protection of women against discrimination in practice, whose competence and responsibility has been justified (refer. to HRI/CORE/1/Add.89/rev1. document).

#### **Measures to secure full development and improvement of position of women**

13. An important precondition for protection and improvement of position of women is the implementation of the Convention on Elimination of all Forms of Discrimination of Women, and monitoring of its implementation.

One of the basic measures for improvement of position of women, as well as establishing conditions in which women may enjoy their rights and have the same opportunities and in the same scale as men, is to use their full potential for participation in political, economic, social and cultural development and for enjoyment of same privileges according to contributions, as well as the integration of gender equality (mainstreaming) into the existing policies, programmes and laws.

With this aim, Gender center FBiH, in cooperation with Gender center RS, supported by IBHI, has prepared a project called “Gender Equality and equity in BiH”, which is co-financed by the Government of the Republic of Finland. The aim of the project is strengthening the role and responsibility of gender centre, which, as a governmental body, should be

supported financially and with human resources, as well as in its capacity of influencing decision making, so that it can perform tasks efficiently.

The aim of the project is to develop understanding of gender Equality, so that all those who adopt decisions at all levels of government become aware of the necessity of integration of gender Equality into all processes of determining policies, laws and decisions, and to increase the level of participation of women in political decision making structures.

According to this project, the entity governments have established Gender Centers as their professional services. The Gender Center of the Federation of Bosnia and Herzegovina has been established in 2000, and Gender Center of the Republika Srpska in 2001. These two institutions have created the whole structure of gender mainstreaming with approximately 200 persons nominated for gender issues. The structure involves representatives of executive authorities from all levels.

The aim of creation of this structure is to enable vertical and horizontal linking of institutions in implementation of gender mainstreaming.

**14.** Within the structure of legislative authorities, parliamentary commissions have been formed for gender Equality, as working groups of legislative bodies.

In 1999, at the state level, the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina established a Commission for Implementation of Gender Equality in Bosnia and Herzegovina. At the Federation level, in 2000, the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina has also established its Commission for Gender Equality, and the National Assembly of the Republika Srpska formed the Committee for social position of women and Gender Equality.

At the end of 2002, Gender Center of the Federation of Bosnia and Herzegovina initiated the activity for establishing such Commissions in cantonal assemblies as well.

**15.** All these Commissions have similar mandates, which obligate them to monitor the issuance of regulations and consideration of materials which determine policies in particular areas in all parliamentary or assembly activities, and to define and propose measures which will ensure equal access to both women and men in development process.

**16.** Parliamentary Assembly of Bosnia and Herzegovina adopted in 2002:

The Election Law of Bosnia and Herzegovina that obligates political parties to secure at least one third of the candidates of the “less represented gender” in their election list of candidates. According to previous statistical data, women have always presented the minority gender at the lists of candidates in Bosnia and Herzegovina.

The Law on High Judicial and Prosecuting Council of Bosnia and Herzegovina

The work criteria of this Council envisages that, in case when candidates are selected for positions of prosecutors and judges among candidates with equal qualifications, experience and expertise, the advantage will be given to the candidate of gender which is less represented in this institution of the moment of appointment.

**18.** The Council of Ministers has adopted the Action Plan for fight against trafficking in people, which, among other things, undertakes measures of raising awareness as well as measures for full protection of persons who are victims of trafficking in people according to principles and international standards of human rights. The Ministry of Human Rights and Refugees has got a mandate to implement activities related to the implementation and follow up of the conventions on human rights, and therefore CEDAW convention as well.

**19.** Statistical institutions (Agency and two entity institutes) have started the initiative that, from 2003, all data gathered by these institutes be segregated by gender, and published as such in their official publications. This obligation has been prescribed under the new Law on Gender Equality BiH for all institutions authorized to collect statistical data (Article 18 of the Law). Statistical agencies have also started the activities on collecting some new data, which have not been collected so far, which will be segregated by gender, through the initiative and support by Gender Centers.

With the aim to fulfill the obligations prescribed under the Law on Gender Equality in Bosnia and Herzegovina, the obligation to collect, systematize and publish all data segregated by gender criteria. will be incorporated in the existing programmes of statistical research adopted by the entity parliaments for all statistical bodies at all levels.

**20.** With the aim of better implementation of laws and policies, the Project of Implementation of the Law on Gender Equality has been initiated. The project proposal has been accepted by the UN group, led by UNDP.

The Project has a tendency to include all actors from this area to its implementation, both representatives of legislative authorities of governmental institutions and the non-governmental sector. This would be the opportunity to strengthen cooperation between the governmental and non-governmental sector.

The Project will be implemented in several phases and will include several areas:

strengthening institutional mechanisms (Agencies for Gender Equality of BiH and Entity Gender Centers),

training for institutions implementing the Law (judges, prosecutors, police, lawyers),

education system as special target area (for the reason of implementation of reforms and Strategy prepared within GEEP Project for incorporation of gender concept into educational system),

state administration bodies (implementation of obligations following from the law and development of procedures),

media campaign.

The activities have also been planned which aim at development of procedure for application of the law in all areas envisaged under the Law itself (public life, political representation, employment, social and health protection, protection against violence, etc.).

**21.** At the beginning of April 2003, Gender Centers have started their work on the project: Integration of the equality principles into educational system. This Project encompasses pre-school institutions, primary and secondary schools, so that, through this Project, gender concept shall be integrated into curricula and textbooks. Besides, the development of manual on gender issues is envisaged, as well as training of teachers and educators. This Project is a part of the overall reform of education and its implementation will start in school year 2004/2005. Its aim is to introduce gender mainstreaming into education systems, first through classroom teaching, where, for a start, one hour in each semester would be devoted to theme of promoting gender Equality. The next step is gender analysis of textbooks and their harmonization with the overall reform of education system in Bosnia and Herzegovina.

**22.** In cooperation with entity statistical institutes, Gender Centers have:

conducted a research "Gender Barometer", which will give a picture of relations between women and men in public and private life in Bosnia and Herzegovina;

started a research on family violence. Based on results of this research, experiences and findings of non-governmental sector in this area, initiatives will be started for formulation of legal framework which will regulate this area;

conducted a research on the theme of sexual harassment within university institutions and trade unions. The results of this survey will help to crystallize these problems in BiH context, and will be published in students' and youth magazines as well as publications of Gender Centers. The results of these surveys and research have significantly affected the improvement of practices of Gender Centers.

**23.** Gender Center of Federation of BiH, at the proposal of the Commission for Gender Issues of the municipality of Travnik, has initiated the process of gender mainstreaming in local communities. Using financial support from GEEP project, the office has been opened and equipped with a computer, for women within two local communities. This enabled the involvement of larger number of women to the work of local community bodies. The result of this measure are two projects proposed by women and accepted and financed by the Municipal Council. One project is ecological - garbage disposal, and the other is security project - electrification of returnee settlement.

Gender center of Republika Srpska opened offices in Banja Luka, Prijedor, Gradiška and Laktaši with the task to deal with issues of gender Equality at local community level.

**24.** Entity Gender Centers, in cooperation with the Ministry of Human Rights and Refugees of BiH, and on the basis of Beijing Declaration, have started the process of development of the National Action Plan (NAP), with the aim to establish obligations of all subjects and deadlines for taking specific activities aiming to eliminate discrimination of women in all spheres of social life.

**25.** There is a series of obstacles preventing women from achieving their full development, fundamental freedoms or equal rights:

Long tradition and culture of division of tasks and responsibilities in the family. The primary role of women is to raise children and organize family life, while men take care of material security of the family. Traditionally, female children get less education. The problem of illiteracy of women is particularly stressed. In secondary schools and faculties (universities) women mostly choose humanities, while men usually choose technical and natural-mathematical sciences. Legal (il)literacy of women is also an important barrier.

According to tradition, women, even if employed, have their role instituted as the extension of family care. In most cases, when discussing professions and jobs, there is a distinct division to “men’s” and “women’s” professions.

Women are not adequately represented or presented in media.

The burden of transitional period, concerning the employment, is mainly carried out by women.

**26.** The application of the Law on Gender Equality in BiH should affect the position of women regarding their participation in all spheres of social life (economic, cultural, etc). In the procedure of passing this law women from all spheres took part of public life (round table discussions, public debates, participation in Working Groups, work of NGOs, etc.).

**27.** In the post-war period, international organizations have taken a series of activities in order to improve participation of women in all spheres of public life. OSCE, in cooperation with the network of non-governmental organizations has started a project – «Women can do it», which trained women candidates at election lists and elected women in legislative and executive authorities. The Government of Norway has supported this project in 2001, and it is still ongoing. Till mid 2003, the project included 2,500 women.

**28.** The BiH authorities, together with representatives of non-governmental sector, have taken a series of activities on analyzing the existing laws in order to ensure adequate protection of women and children according to international standards. Working groups have been formed consisting of experts, both scientists and parishioners, from governmental and non-governmental sector, who analyzed criminal laws in BiH, and the family law, and sent their remarks to competent institutions which incorporated them in the mentioned laws. Currently a new Working Group is being formed which will work on the text of the Law on Prohibition of Family Violence.

### **Court protection**

**29.** If it is considered that the rights guaranteed by Constitution have been breached (including gender discrimination, and violation of principle of Equality before the law) either by final, individual act or activity of an administrative body official, or a responsible person in the institution, which, contradictory to law prevents and limits execution of these rights, proceedings can be initiated before the competent court. Proposal for protection of rights guaranteed by Constitution can be submitted for as long as such an activity lasts and the competent court in BiH decides on it, depending on which institution is in question. These cases are processed through emergency procedures.

Upon the proposal, according to the circumstances of the case and after examining its well-founded ness, the court can issue a decision prohibiting further performance of the activity. The court may issue a decision upon the proposal immediately, without previous delivering to competent body to reply, if the information is well founded. It is important to point out that the appeal against such decision does not postpone the execution. The court has competencies for meritory execution, or indirect execution through another court if the body does not execute the decision within the given deadline. Beside these competencies the court can propose to the competent body to remove the responsible person from office, and it also can, as needed, sentence a pecuniary penalty on that person, as well as other adequate measures (prohibition of work in administrative bodies).

**30.** Article 19. of the Law on Gender Equality in BiH has defined court protection:

«Everyone whose right guaranteed under this Law has been breached can initiate adequate proceedings before the competent court. The suit can be filed before the competent court before the proceedings are finalized, or even without initiating the proceedings for protection before the employer.» Interpreting Article 20 of the aforementioned law, the

burden of evidence is not on the side of the injured party but the defendant, what is also a protection measure in the sense of more efficient execution of rights, primarily women as most frequent victims.

### **Sanctions**

**31.** Pursuant to the Law on Gender Equality in BiH, Article 27 envisaged sanctions:

«The person who performs violent acts based on gender, harassment and sexual harassment described under provisions of article 4 of this Law, shall be punished by imprisonment in the term from 6 months to 5 years. Prosecution shall be based on the official duty.»

Article 28. envisages pecuniary penalties: «Legal entity shall be sanctioned with pecuniary penalty in the amount from 1000 KM to 30.000 KM for the offence, if:

it does not take adequate measures and efficient mechanisms of protection against discrimination based on gender, harassment and sexual harassment;

it does not take actions to eliminate and prevent prohibited discrimination based on gender in employment and labor relations, as defined under Articles 7 and 8 of this Law;

it does not secure curricula and methodologies in educational institutions which will guarantee elimination of stereotypes in curricula, that result in discrimination and inequality between sexes;

it does not disaggregated by gender statistical data and information which are collected, recorded and analyzed;

it does not allow insight to the public access to statistical data recorded under this Law;

publicly presents any person in insulting, humiliating or derogating way in relation to the gender of the person.

**32.** For breach under paragraph 1 of this Article the responsible person shall be sanctioned within the legal entity with pecuniary penalty in the amount from 100 KM to 1000KM, as well as individuals who individually perform their individual work using resources owned by citizens.

None of the provisions of this Article can be interpreted as limiting or reducing the right to criminal or administrative proceedings, under the conditions prescribed by this Law.

Conclusion:

Based on the above, it can be concluded:

That the state of BiH takes actions to ensure Equality of women and men in BiH.

These measures relate to preparations of laws and other regulations with the aim to harmonize domestic legislation with the EU legislation.

Establishment of Agency for gender Equality in BiH practically establishes machinery for ensuring better protection. The measures of positive action have been taken in the areas where such intervention is necessary to improve the position of women in BiH.

Organizing and functioning of Gender Centers in the Entities (FBiH and RS). Their primary task is, together with other activities, to integrate gender Equality into laws, programmes and policies in BiH.

### ***ARTICLE 4. PROMOTION OF EQUALITY BETWEEN WOMEN AND MEN***

**33.** Bosnia and Herzegovina has made a significant progress in guaranteeing legal Equality to women, since *de jure* there were no obstacles for strengthening position of women in society and their affirmation.

*De facto* condition, considering the statistics in some areas of life, indicates that the position of women in BiH society has stagnated, particularly after the war, and their participation in public life has been reduced to the disturbingly low level. Nevertheless, through a slow economic recovery, and strengthening of women's non-governmental sector and civic social

actions, in some segments of public life the conditions are improving faster, in some segments of public life, particularly in strengthening political position of women and more equal involvement in all forms of organization of authorities in Bosnia and Herzegovina, women have considerably improved their position.

In the earlier period, within employment legislation of BiH women have been guaranteed equal salary for equal work and ensured special protection of motherhood, health and social protection based on the same principles.

### **Protection of motherhood**

**34.** Provisions of entity laws on labor guarantee special protection of women and motherhood, and these provisions relate to:

prohibition of work in underground parts of the mines for women;

prohibition of discrimination of women at employment or dismissal from work for reasons of pregnancy or use of maternity leave;

right to temporary assignment during pregnancy and while breastfeeding upon the proposal of authorised medical doctor;

maternity leave in duration of one continuous year, and, in case of twins, for the third and every next child, in duration of continuous 18 months;

right of woman to start working before the expiration of maternity leave, and right of woman to additional leave beside the daily rest lasting for 60 minutes for breastfeeding the baby;

right of woman to shorter working hours after the expiration of maternity leave for baby care according to the findings and opinion of the authorised medical doctor (Articles 70-79 of the Law).

Prohibition of work harmful for women, as provisional measure, has been established under the Law on Labor and Law on Protection at Work, with the aim of protecting women and their health during the period of exceptional circumstances, and relates to prohibition of overtime work to pregnant women and mothers with children under three years of age, prohibition of night work for pregnant women starting with the sixth month of pregnancy and mothers with child under one year of age. With the aim of protection of health of woman, a permanent measure in the Law on Labor is the prohibition of work in underground parts of mine, except in case if a woman is in a managing position which does not require physical work, or in services of health and social protection. Prohibition of harmful work, or provisions on prohibition of such work are in accordance with Conventions of the International Labor Organization, as follows: Convention on Employment of Women Before and After Child Birth no 3 from 1919, Convention on Protection of Motherhood no. 103 from 1952, Convention on Employment of Women on Underground Parts of Mines of all Categories no.45 from 1935, and Convention on Night Work of Women Employed in Industry no. 89, revised in 1948, whose provisions are incorporated in the laws of Bosnia and Herzegovina.

Protection of child-bearing woman and a child is fully regulated by laws. Law on labor regulates protection and rights of the employed child-bearing woman, while the law on protection of children regulates and establishes rights of the child and unemployed child-bearing woman.

Basic rights of employed child-bearing woman are:

Counseling services for woman as way of support in exercising women rights has not been envisaged by laws, but this activity is dealt with organizations which promote and protect rights of women as non-governmental organizations which are focused on work and support to women.

**35.** The increased violence against women is one of the largest problems that Bosnia and Herzegovina, in relation to promotion and protection of rights of women is. Reform of laws in the area of criminal legislation facilitated implementation of measures on prevention of violence against women, but the framework for better and more efficient protection has not been achieved yet considering that the change of legislative framework has not defined possibility of issuing provisional measures for more efficient protection of victims of violence and that practice of protection of women based on new principles has not been yet developed enough.

36. Good practice, which helps the improvement of conditions in this area is the introduction of SOS telephone lines for victims of violence, that functions in almost all larger cities in Bosnia and Herzegovina.

#### **Safe houses and activities related to trafficking in people**

37. Bosnia and Herzegovina had no previous experience with trafficking in people which it faced in the period after 1996. Bosnia and Herzegovina adopted the Action Plan for Prevention of Trafficking in People in Bosnia and Herzegovina and formed a State Commission for monitoring the application of the Action Plan for prevention of trafficking in people in Bosnia and Herzegovina. At entity Ministries of Interior there are Task Forces acting on prevention of trafficking in people and prostitution, as well as STOP teams involving representatives of Ministries of Interior and international community - European Police EUPM.

38. In order to suppress trafficking in people in Bosnia and Herzegovina and implement more active and efficient measures, the Council of Ministers of Bosnia and Herzegovina has appointed a State Coordinator for BiH in June 2003.

Ministry of Human Rights and Refugees has supported eight local non-governmental organizations which have capacities for taking care of victims of trafficking in people in Bosnia and Herzegovina (capacity for 100 victims), and concluded the protocol on cooperation with them. The largest problem is that financial resources are missing for the plan made by the authorities of Bosnia and Herzegovina. In order to ensure adequate protection for the victims of trafficking, a Provisional Instruction has been issued for treatment of victims of trafficking with the basic aim to prevent discrimination and protect the victims (women and girls) who are the most usual victims of this organized crime. The annual work plan of activities has already been developed (for 2003), and aims to include and strengthen the capacities of newly formed Ministry of Security of BiH, which is in charge for coordination with entity ministries of interior and implementation of activities on prevention of organized crime and trafficking in people.

#### **Election quota**

39. The Election Law of Bosnia and Herzegovina prescribes that every list of candidates has to include both male and female candidates. Candidate of gender that is less represented is part of the lists of candidates in the following manner: at least one candidate of less represented gender among the first two candidates, two candidates of less represented gender among the first five candidates, and three candidates of less represented gender among the first eight candidates, etc. The number of candidates of the less represented gender has to be at least equal to the total number of candidates in the list divided by three, rounded to the first lower whole number.

#### **Support to women entrepreneurs**

40. The entity Gender Centers have also developed a training programme and support for women entrepreneurs, with the aim to enable them to independently manage the new and expand the existing business in small and medium enterprises. The aim of the project is to improve the economic status of women by raising the level of their knowledge and information that are more easily accessed by male population.

#### **ARTICLE 5. ELIMINATION OF STEREOTYPES AND PREJUDICES**

Bosnia and Herzegovina is a multiethnic and multireligious country where tradition and culture have a significant influence on behavior of women and men and are deeply rooted in the collective consciousness. In the minds of women preservation of family and raising of children are their priority tasks, placed in the sphere of strict privacy.

#### **Family life**

41. Traditional gender division of roles and duties still exists in Bosnia and Herzegovina. What a man does in the family are tasks of technical nature (fixing things in the apartment or house or outside the apartment or house), and taking care of

financial matters. Women deal more often with cooking, washing, ironing, or work classified as “routine”. Division of work related to care and raising of children is balanced between the partners although women still do most of the care of elderly persons and children in the family, that is, they still have the role of the informal guardian.

42. Research project with the title “Quality of life” completed in 1994, included the question “Who is doing the tasks of cleaning the house, cooking, washing laundry, daily buying groceries etc., in your household?” According to the results of the research, 32,8% men share these tasks with their wives, while 39,3% of men fully leaves these tasks completely to their female partners.

43. Declaratively, young people are more prone to division of duties in the household on equal footage. Young people who were involved in the programme called “Life and system of values of student population” refuse the “patriarchal” concept of family according to which a father supports a family in the material sense while a mother takes care of the household and the children (83,7%) and support equal division of work in the household (73,6%).

#### **Trends towards changes of family structure**

44. Bosnia and Herzegovina is characterized by intensive pluralization of family forms and family life styles. Besides “classic” family, a community of married spouses with children, which is still a dominant family form, the number of single parents is increasing, as well as extended or reorganized families, and extramarital communities. Trends that reflect these changes in family structures are similar to those characteristic of West-European countries. Official statistical data that follow up on these changes, as part of indicators of demographic changes, indicate the following:

1. decrease in average number of household members,
2. increase in number of extramarital children,
3. increase in average age of mothers at child birth and first child birth,
4. decrease in number of entered marriages,
5. decrease in number of divorces.

#### **Average number of household members**

45. In the pre-war period, the average number of persons living in a household recorded a continuous fall. According to data for 1991, the average number of persons per household was 3.1, while according to the census from 1931 this number was 4.9. One of the factors which influence the decrease in number of persons in the household is the decrease in number of children born in the family; the average is 1.3 children per family (census from 1991). The situation is similar with data on the number of live born children per woman.

#### **Children born in extramarital community**

46. In a pre-war period, from 1980 to 1992, there was the increase in number of children born out of extramarital community in Bosnia and Herzegovina . However, in the Federation of Bosnia and Herzegovina, the number of children born in extramarital community has decreased in the period from 1996-2001.

In the Republika Srpska the number of children born in extramarital community has also decreased in the period from 1996 to 2002. In 1996, out of 12,324 of total number of born children, 1,762 or 14,3% were born in extramarital community.

In 2002 out of 12,376 of total number of born children, 1,415 or 11,5% was born in extramarital community.

Children born in marriage are only those children who were born in marriage concluded in accordance with provisions of Basic Law on Marriage.



In 1996, out of 30.481 newborn babies, 26,631 or 87,37% babies were born in marriage, and 3,850 or 12,63% in extramarital community. In 2001, from the total of 24,134 babies, 21,531 or 89,21% were born in marriage, and 2,487 or 10,79% in extramarital community.

It is estimated that 1996. is the year with the largest number of extramarital children because of war caused migrations (large number of separated families, refugees and displaced persons).

#### **Average age of mothers at child birth**

47. The average age of partners at their first child birth is 26. The average age of mothers at their first child birth is 24, while the average age of mothers at their second child birth is 27. We can state that, in spite of economic problems which present the obstacle to starting families (housing problems, unemployment, etc) the average age of mothers at their first child birth is under the average of West-European countries. Here we should have in mind the differences between rural and urban areas. It is estimated that the age of mothers in urban areas at their first child birth is closer to the average in West-European countries.

#### **Contracted marriages**

48. We have already mentioned that the institution of marriage is losing its importance, but this does not mean the decline of importance which people attribute to family life. Nevertheless, this undoubtedly shows the existence of pluralization of family forms, which is confirmed by the data on the slight decrease in the number of new marriages. The data from 1996 show that at the territory of FBiH there were 14,692 new contracted marriages, and in 2000 there were 13,894.

In Republika Srpska in 1996 there were 6415 new marriages, and in 2002 there were 8003, which indicates to the increase in the number of new contracted marriages. Most women get married at the age between 25 - 29.

The age of both men and women who get married today is increasing. Most women presently get married at the age between 20 - 24, and most men get married at the age between 25 - 29.

#### **Divorce**

49. The increase in number of divorced marriages has been registered in the period between 1996 and 2002. In 1996, there were 378 divorces. Already in 1997, the number increases to 1,098, and in 2002 to 1,286 divorces. The main causes of this trend in divorces in Bosnia and Herzegovina are the consequences of war events. During the war many families separated for a longer period. Many spouses started the extramarital affairs with other partners which led to the increase in number of divorces after the cessation of war activities and possibility of reunion of families.

In the structure of divorced marriages in 2002, when 1,286 divorces were registered, marriages without children are dominant - 512 cases, 355 with one child, and 312 with two or more children.

Republika Srpska has data on divorced marriages for the period from 1997 to 2002. In 1997, there were 737 divorces, and in 2002 there were 848 divorced marriages. From the above data we can not reliably claim that there was a slight increase in number of divorces (this may be seen from the attached table through years, where the number of divorced marriages through years is varying, with the important role of the legal proceedings and court efficiency).

In the structure of divorced marriages in 2002 out of the total of 848 divorces, 415 is without children, 228 with one child, 163 with two children and 42 with three or more children.

#### **Announcing vacancies**

50. In Bosnia and Herzegovina announcing vacancies still involves gender as one of the issues preferring one specific gender, with similar discrimination existing regarding the age.

Announcing vacancies conveys a message by which men and women are presented in different social roles, based on the traditional division of roles between genders.

51. One of the strategies for attracting attention to product or service in Bosnia and Herzegovina is involvement of persons who are not directly connected to what is being announced or advertised, but part of the decoration or esthetics. In order to achieve this effect, advertisers often use sexual connotations.

52. The applicable laws on labor prohibit employers to announce vacancies only for men or only for women, unless a specific gender is a necessary condition for performance of a specific task. The same laws prescribe pecuniary penalty for the employer who puts a person in an unfavorable position based on gender identity.

#### **Role of women and men in media**

53. Bosnian and Herzegovinian media space has undergone a relatively small number of researches on the image of gender in media, gender structure of designers of media contents, distribution of authorities for decision making between genders in media campaigns and socialization of effects of media from the point of view of the role of women and men. Among the state institutions Gender Centers were the first to have conducted the analysis of TV channels, as well as structures of managerial positions in electronic media in 2002.

54. The image of women and men in media which create public opinion is mainly different, but some common characteristics may be noticed. Regarding leading positions and professional knowledge, media more often focus on men – which partly reflects “social reality”, but partly also “apparently sexist approach and particularly the result of non existing policy planned for unequal opportunities in the sphere of public media”. On the other hand, women, who were given less space in socially important matters dominate in the presentation of the private sphere. In this sphere they are presented in the role of mothers, housewives, consumers, passive companions of their husbands, etc.

#### **Violence against women and domestic violence**

55. Pursuant to the draft UN Declaration on Elimination of Violence Against Women, violence is considered to be «any act of violence based on gender, which results or may result in physical, sexual or psychological injury or suffering of woman». Violence can therefore be determined according to the consequences it causes, not the place where it is happening. Since most violence takes place in the family, it is important to underline that «from this point of view, family violence presents any form of control or dominance which jeopardizes or injures physical or moral integrity of woman in the family». (Lukić, 1997.)

56. In spite of relatively solid legislation concerning the criminal code and family relations, practice is, however, different. Bosnia and Herzegovina, unfortunately does not have established institutions dealing with family violence and prepared to provide support to victims of such violence. Centres for social work, which are organized on the territorial principle and exist in every municipality, function on the basis of the Law on Social and Children protection. Their scope of work is set forth by the above laws, they are financed from the budget, but financial resources available to them are mostly not sufficient to meet and cover the basic activities they are in charge with.

57. There are many organizations of civil society which provide support to victims of family violence (telephone help lines, shelters for victims of family violence, etc.), and by disposing violence and introducing mechanisms for taking actions, add to operations of the state and its institutions and instruments dealing with the problem of family violence (police, courts, Centers for social protection). There are two houses or shelters for women and children – victims of violence - in the Federation of Bosnia and Herzegovina. (ADL Barcelona, Woman BIH), and at the territory of Republika Srpska in Banja Luka, supported by the Government, there has recently been established a «Safe house», while in Modriča, the NGO «Budućnost» has a shelter, basic task of both being to take care and provide support to victims of family violence.

There has been a good cooperation so far between competent state institutions and some NGOs. Nevertheless, establishing such cooperation has not been systematically resolved, so that their experiences may be taken only as examples of good practice in finding the systemic solution to the problem.

58. The country has no elaborated action plan and strategy to combat violence. The Gender Centers, in cooperation with the Ministry of Human Rights and Refugees of BiH, and representatives of NGO sector, plan to implement the activities of forming a Working Group which would develop this strategy.

Available data and indicators have not been unified, and there are considerable differences in relation to the actual dimension of violence against women between the official statistical data and unofficial data gathered by NGOs that fight against violence (telephone help lines, associations, etc). Data collected by the NGOs indicate that the level of violence is much higher than the level of reported criminal activities.

#### Results of some research

59. At the BiH territory there has not been done any overall analysis regarding any form of violence at all, but individual NGOs have performed their own analysis. The results of the analysis can therefore be used as framework indicators of conditions in particular regions, but not as statistical indicators of the conditions in BiH.

Significant research activities regarding family violence have been realized in several local communities – Banja Luka, Trebinje, etc, with support of the Students' Union of the students of social work of the University of Banja Luka.

According to data available on family violence from local social protection services in the seven Cantons in the Federation of BiH, disaggregated by age and gender structure, it is established that all forms of violence /physical, emotional, sexual, and other forms/ are particularly expressed against female children from 15-18 years of age and women above 19 years of age.

Table 5.1:

#### Family violence against children, youth and adults in FBiH in 2001

<i>Form of violence</i>	<i>Physical violence</i>		<i>Emotional violence</i>		<i>Sexual violence</i>		<i>Other forms of violence</i>		<i>Total</i>		
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M+F</i>
0 to 3	7	3	17	18	1	0	1	0	26	21	47
4 to 6	15	17	62	51	1	0	0	4	78	72	150
7 to 14	67	54	55	83	0	5	7	4	129	147	276
15 to 18	28	33	60	78	1	10	13	18	102	139	241
19 to 27	10	110	21	82	0	13	19	28	50	233	283
28 to 45	22	111	49	88	0	8	42	48	113	255	368
over 46	15	34	33	47	0	3	19	40	67	124	191
<b>Total</b>	<b>164</b>	<b>362</b>	<b>297</b>	<b>447</b>	<b>3</b>	<b>39</b>	<b>101</b>	<b>142</b>	<b>565</b>	<b>991</b>	<b>1556</b>

Table 5.2.

**Violence against children - criminal offences against sexual integrity of children in the RS,  
period 1996-2002**

Criminal classification of violence	Rape or unnatural acts, fornication		Attempted rape, sexual violence, attempted fornication		Rape		Extramarital community with underage person		Pimping or procuring in activities of prostitution		Satisfying sexual appetites in front of other people		Family violence, physical, emotional		Extramarital community with underage person, satisfying sexual appetites in front of other people		Incest		Total			
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	
0 to 3		1																		1		1
4 to 6	4	4																		4	4	8
7 to 10	3	8	2	6									1	1				1	6	16	22	
11 to 14	9	14	2	19		4		1		3		2	1			2		2	12	47	59	
<b>TOTAL</b>	<b>16</b>	<b>27</b>	<b>4</b>	<b>25</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>22</b>	<b>68</b>	<b>90</b>	

60. Federal Ministry of Interior has collected data for the period from 1996-2001 regarding: criminal charges on criminal offences of rape, fornication, unnatural acts and rape over an underage persons, soliciting for purposes of engaging in prostitution, in total 954, number of police interventions for ill-treatment and abuse of women, in total 27,961, Number of police actions regarding prostitution and trafficking in people, in total 116.

61. There are no overall data on violence against women in RS either. There are data of the SOS Center which has functioned in Banja Luka since 1 May 1997, where over 2,000 women looked for help. Over 70% of women are mothers with children, in 99% cases a bully is from the family, most often a husband, and in 5% cases it is other family members. Physical violence relates to 80% of cases, while 6% of cases relates to sexual abuse.

62. SOS-telephones for victims of violence function in Sarajevo, Banja Luka, Modriča and Prijedor for now. According to the data of SOS service functioning at the territory of the Federation of BiH, in the period between 5 October 2000 to 5 October 2001 - a one year period - 329 persons called the SOS telephone, the highest percent of the calls for discontent from social reasons, followed by physical violence, psychical violence, violence caused by alcoholism.

63. For the purpose of providing protection for women victims of violence, a new SOS line with the number 1209 will be opened for protection of women and children from family violence. This telephone number will be unique for the whole territory of BiH, since the Regulatory Agency for Communications awarded a license for use of a unique short number 1209 to all telephone services for prevention of family violence in BiH.

64. There is no common data base on the number of filed criminal charges against any form of violence. Collecting data from the field the information is obtained that in one entity - FBiH - in the period from 1996 to 2002, the number of 954 criminal charges was filed against all forms of offences against physical integrity, including soliciting to engage in prostitution. In the same period, there were 27,961 police interventions. In the period from 2002 to 2003 in the RS, the number of 332 criminal offences of family violence was registered, and filed 313 criminal charges with the competent prosecutor's office. Out of total number the registered case violence was performed by men in 97.4% cases. In 80% cases women were the victims of violence, and the second in line were children. From 1996 to 2002 there were registered 90 victims of criminal acts against sexual integrity in which the victims were children under 14 years of age, 68 of them being girls.

#### **Causes of violence against women in the family**

65. Causes of violence are most often alcoholism, post-trauma war syndrome or difficult economic situation. Common research on the theme "Violence against women", dealing with causes of violence, was performed by several NGOs from the territory of BiH. Conclusion of this research is that women are not ready to report domestic violence at home and in family. The reason is stated that women, burdened with patriarchal upbringing, have a distorted image of violence and even tolerate it. Many women do not recognize violence that happens to them, and even when they recognize it, 73% of women surveyed by the NGO "Info libraries", claimed that the most important thing for a woman is to keep the family together. According to the research of these NGOs, only 40% of women who were the object of violence were seeking the court protection, or police protection, or applied to centres for social work. NGOs found that the police is either poorly trained or not trained at all to investigate sexual offences or domestic violence, so that the police can become an obstacle for women making them feel partly or fully guilty for such cases. Furthermore, the position is stated that victims of violence, particularly sexual violence are often ashamed and humiliated too much to expose their experience, and face additional procedural burdens in seeking for justice considering the exposure to additional psychological violence in the process of questioning at the police and hearing at court. This process, in fact, often imposes the feeling of guilt to women that they are guilty themselves for the violence which happened or is happening to them.

66. It is also important to point out that neither the Ministries of Interior nor some other institutions do not have compiled and complete statistical data on violence against women. This by all means indicates to the fact that this problem is being marginalized, because any request for more serious approach to this issue would require, primarily, the overall analysis of manifestation of violence in BiH and its expansion. It seems that the first steps have been made towards the incrimination of violence which means that this form of violence has got the profile and definition, but incrimination itself is not

sufficient unless there are overall activities on raising awareness on the integrity and dignity of the person, on the Equality, on the obligation of each individual to strengthen one's own role in the family and the community.

### **Education for Equality**

67. This area has not been included into the curricula currently used in the education system at the territory of Bosnia and Herzegovina. Having in mind the fact that intensive activities are going on towards the reform of the whole education system at the territory of the whole of Bosnia and Herzegovina, it can be expected that subjects and new forms of curricula, both on the level of primary and secondary schools, will pay special attention to the context of education for participation in democratic processes of education for Equality, including the right to freedom of choice and right to be different.

68. Most of the new educational curricula shall be focused on informing people on responsible and humane partnership, problems of addiction and delinquency, disabilities and differences, child care, establishing quality life in families with mentally and physically disabled children, resolving problems of growing up processes, sex and adoption of responsible behavior, restriction of occurring of any form of violence, overcoming of assumptions, stereotypes and prejudice on men and women and their roles, support to different types of families, such as foster families, homosexual partnerships, etc.

69. In the meantime, some local institutions, supported by international organisations and with participation of a large number of NGOs, have developed numerous publications, including the publication on prevention of abuse of children and provision of support to such children, as well as manuals regarding the education of families, personal education and education for life.

### ***ARTICLE 6. TRAFFICKING IN WOMEN AND EXPLOITATION THROUGH PROSTITUTION OF WOMEN***

70. The Constitution of BiH regulates the issue of prevention of all forms of trafficking in women or prostitution indirectly by specifying human rights and fundamental freedoms. Article 2. States those rights and freedoms envisaged under the European Convention for Protection of Human Rights and Fundamental Freedoms and its Protocols directly apply in BiH, and that these acts have precedence over any other law. In paragraph 3 of the same Article are listed fundamental rights and freedoms enjoyed by all persons in BiH, and, among others the following have been guaranteed by the Constitution:

- Right to life, personal freedom and safety,
- Right not to be tortured or submitted to inhuman or degrading procedure or punishment,
- Right not to be kept in slavery or submission or forced or obligatory labor,
- Right to fair proceedings in civil or criminal matters and other rights pertaining to criminal proceedings.

Bosnia and Herzegovina has ratified a Protocol for Prevention, Suppression and Punishment of Trafficking in People, Particularly Women and Children, which amend the UN Convention against transnational organized crime from 2000.

71. The criminal Code of Bosnia and Herzegovina, within Chapter XVII, provides for criminal offences against humanity and values protected by the international law (Article 186.). A person participating in recruiting, transportation, providing shelter or reception to persons threatening or using force or other forms of compelling, kidnapping or deceit, abuse of power or someone's vulnerability, or taking or giving payments or privileges in order to obtain consent of person who controls another person with the aim to exploit the person, shall be sentenced to one to ten year term of imprisonment.

A person who commits the criminal offence under paragraph 1 of this Article against the underage person shall be sentenced to minimal five year term of imprisonment.

A person organizing a group of persons with the aim to commit criminal offence under paragraphs 1 and 2 of this Article, shall be sentenced to minimal 10 years or long term imprisonment.

A person, who, out of negligence facilitates the doing of criminal offence under paragraphs 1 through 3 of this Article, shall be sentenced to six months to five years term of imprisonment.

Exploitation under paragraph 1 of this Article specially includes exploitation of others through prostitution or other forms of sexual exploitation, forced labor or provision of services, slavery or procedures similar to slavery, serving under force or removal of organs for the purpose of transplantation.

Article 187.

A person recruiting, alluring or soliciting another person to provide sexual services in order to make profit in some country, excluding the countries in which this person has a residence or is a citizen, shall be sentenced to the term from six months to five years imprisonment.

A person who, using force or threat of force or deceit forces or solicits another person to go to the country in which this person has no residence or is not a citizen, in order to provide sexual services for money shall be sentenced to the term from six months to five years imprisonment.

If the criminal offence under paragraphs 1 and 2 of this Article has been done to the children or an underage person, the perpetrator shall be sentenced to the term from one to ten years of imprisonment.

The fact that recruited, allured, solicited, forced or misled person has already been engaged in prostitution does not affect the existence of the criminal offence.

Definitions have been harmonized with international conventions and present a sufficient precondition for processing such offences. The entity criminal codes also envisage criminal offences of trafficking in people.

### **Causes of occurrence of trafficking**

**72.** Trafficking in people, particularly women in order to engage them in prostitution, presents a problem which has recently become extremely acute at the territory of Bosnia and Herzegovina. Namely, the opening of state borders, transition to market economy, increase of unemployment and poverty, collapse of state structure, reduced control of movement in some parts of Europe, particularly in Central and eastern Europe, have created favorable conditions for development of illegal trafficking, particularly trafficking in human beings for the purpose of sexual exploitation at the territory of our country too.

**73.** Trafficking in women and prostitution in Bosnia and Herzegovina have occurred in larger scale in the years after the war, with significant increase in the period from 1999 to 2000. For the period from 1996 till April 1999 there are no official indicators since this problem has not been paid sufficient attention.

According to data available to us, Bosnia and Herzegovina emerged as an important destination for women victims of trafficking from Eastern Europe starting with 1996. As in other countries in the region, the collapse of effective structures of legal system and application of law, intensive international presence, weak border control and larger illegal movement of people in the country, as well as the increase in organized crime took place in Bosnia and Herzegovina too.

**74.** In April 1999, Ministries of Interior for the first time had available data on trafficking in women and children. It was shown that most trafficked women were from Moldova, Ukraine, Romania and Bulgaria. They appear in BiH in a classical manner as waitresses, dancers, and then, in some number of cases, they are forced to engage in prostitution, caught in a circle of debt slavery, as well as sexual violence and abuse.

**75.** According to the IPTF data, it is estimated that approximately 33% women claim that they were victims of trafficking and sought help to return home. Others claim that they came by their own free will that they have working permit to perform tasks of dancers or waitresses, and where the causal connection can not be found between this people and trafficking in people there is no basis for any action on prevention of trafficking in people. The characteristic of trafficking in women in BiH, according to the findings of Gender Center of RS is that 40% of traffickers are women themselves.

**76.** Typical locations for prostitution are night clubs, bars, and striptease clubs. Apart from domestic clients, there is some percent of foreigners (employees of numerous international governmental and non-governmental organizations) who are

creating demand on the sex market. For the period from 1999 to 2000 there is evidence that the local police, international police and SFOR were involved in and closely cooperated in trafficking in women.

77. Analyzing available data in this area (within period from 25 July 2001 to 2002, the number of 2120 girls and women were interviewed), the number of clubs in which operative workers found girls to be dancers, etc., as well as the number of the engaged girls, it can be seen that the number of clubs and the number of girls with illegal residence is significantly decreasing. This, however, does not mean that the scope of the problem has been reduced. To some extent, this means more sophisticated work and organization of work related to prostitution or trafficking. Girls get working permits more often, or meet the legally prescribed conditions for issuance of working permits, and the connection of club owners and officials who should work on prevention of all forms of trafficking in people is well planned and organized, so the information on the forthcoming actions and activities find their way very fast to those who should know about them least of all. Scared but attracted by earning money, girls avoid claiming that they were victims of trafficking. As a rule, they claim that they came here by their own free will, that they did their best to meet all requirements prescribed by law for a legitimate stay, that they were fine, that they had the opportunity to earn some money, that they did not want to return to their country because they were faced with poverty there, or unsettled family conditions, etc. We find that the trend of decreasing number of clubs and girls involved into the chain of trafficking in people is partly the result of harmonization of legislation in this matter, as well as regular training of officials who are engaged in implementation of regulations, more active participation of intervention teams, particularly those founded within UN Mission, forming and working of some institutions on the state and entity level, and primarily by the result of an active and adequate engagement of members of Ministries of Interior and State Border Services officials.

78. During 2001, according to the data obtained from the Ministries of Interior, at the territory of the whole BiH there were 98 criminal charges filed against 158 persons, out of which number 116 were BiH citizens and 42 foreign citizens. Criminal charges were filed against them for the existence of reasonable suspicion that the suspects committed following criminal offences: trafficking in people to engage them in prostitution (53 persons), soliciting in prostitution (44 persons), establishment of slavery relations (4 persons), and illegal detention (5 persons). 42 foreign female citizens were charged with possession of forged passports.

#### **Actions taken in respect to prevention of trafficking in people**

79. The previous Law on Immigration and Asylum in BiH did not have a single provision to address the issue of trafficking in people and prostitution; it regulated the issues of entering, stay and partly movement of foreigners, and provided conditions for granting asylum or cessation of asylum.

The new Law on Movement, Residence and Asylum for Foreigners in BiH specifically regulates the issue of victims of trafficking. Its purpose is to specify procedures towards the persons being victims of trafficking by providing conditions for their recovery and return to initial destination country, and through possibilities of accommodation in institutions specialized for acceptance of victims of trafficking. A person who is a victim of trafficking is enabled to get a temporary residence in order to participate in proceedings as a witness, or the damaged party, in order to recover, to get protection from the state institutions, and to return to her/his country. Currently this process is going with support of IOM (International Organization for Migration), but only for persons who want to return voluntarily.

80. Action Plan for Prevention of Trafficking in People was adopted at the state level on 6 December 2001. The Plan elaborates establishment of the State Commission for implementation of the Plan, control of borders and application of Laws, defines the construction of the reception center and programme of protection of victims as well as support in repatriation, reform of legislation, prevention, education, training and work on rising of awareness. The Plan establishes coordination and information flow from entity and other institutions dealing with this problem to the Ministry of human rights and refugees. State Commission for implementation of the Plan has been reformed, the State coordinator has been appointed for Bosnia and Herzegovina and the Expert team appointed at the state level, consisting of representatives of the Ministry of security, Ministry of justice, Ministry of Interior, Office of the State Prosecutor of Bosnia and Herzegovina, Ministry of Human Rights and Refugees.



**81.** In the procedure of the implementation of the Action plan, Ministry of Human Rights and Refugees has issued a Provisional instruction for treatment of victims of trafficking. This instruction directly requires the application of the principle of protection of victims of trafficking following the UN Convention on Prevention of Transnational Organized crime and its Protocols, which BiH accessed in Palermo in 2000. It is explicitly stated that a foreign person shall not be detained, prosecuted or sentenced for illegal entry or stay in the country until any doubt is removed that he/she is a victim of trafficking and that this act is a direct consequence of unfavourable position of persons who are victims of trafficking.

In order to provide adequate protection to victims of trafficking, a Protocol has been signed on cooperation with NGO, which specifies the obligation of the competent bodies (primarily the police) to provide adequate support: legal aid, medical protection, etc., to persons suspected to be victims of trafficking. Both Provisional Instruction and the Protocol were submitted to the competent state and entity bodies for application in October 2003.

**82.** Task Force is the operative team formed simultaneously with the Commission for Implementation of the Action plan, on 5 May 2002. Its aim is operational action, by ensuring urgent flow of information, performed by members of the group, consisting of representatives of all state and entity bodies who directly execute tasks regarding prevention of trafficking. Particular stress is on state and entity prosecutors who need to have access to information and all proceedings initiated against trafficking in people, in order to direct activities and harmonize the proceedings.

**83.** Within the Ministries of Interior there are task forces acting on prevention of trafficking and prostitution, as well as stop teams involving representatives of Ministry of Interior and the EUPM-a.

#### **State Border Service**

**84.** The work of State Border Service (DGS) on protection of state border and international airports, as well as control of the movement of persons and goods across the border has started by forming 4 units of the State Border Service of Bosnia and Herzegovina in June 2000. Presently, this Service has full control of the state border and international airports. During control of movement of persons across border crossings, members of DGS have the obligation to respect all legal provisions related to this issue, as well as to respect fundamental human rights and freedoms. Particular attention in the work of State Border Service is paid to combating illegal immigrations and trafficking in people. The DGS Academy, formed in July 2001, which will provide training for all members of the Service, uses curricula that include training on fight against illegal immigration and trafficking in people, particularly women and children.

**85.** Bosnia and Herzegovina presented a destination country for women victims of trafficking, mostly entering the country illegally, supported by a well organized network of criminals. The main countries of origin of such persons are Ukraine, Moldova, Romania and Bulgaria, etc.

**86.** From the date of forming of DGS to June 2002, this Service has processed 132 women who illegally entered BiH, or whose illegal entrance was established afterwards. Concerning this category of persons, in 21 cases is established that persons used forged passports or visas to enter BiH, or used someone else's passport. In 30 cases, State Border Service initiated offence proceedings for the reason of illegal crossing of the state border, or illegal stay in BiH. Charges were filed against 9 women for possession of forged passport. In 16 cases, women who were processed by this service claimed that they were the subject of trafficking, or it was established afterwards.

**87.** Since the institutions of Bosnia and Herzegovina still do not have the capacity to take care and repatriate the victims of trafficking in women, these tasks are performed by the international institutions in BiH. State Border Service sent 43 women to these organizations for further processing, care, and repatriation. Data on women, foreign citizens, for whom it can be reasonably assumed that they were victims of trafficking in people for the purpose of sexual exploitation are presented in table 6.1. All women were operationally processed within the period of official operation of DGS, from 1 June 2000 to 20 May 2002.

Table 6.1.

## Foreign citizens suspected to be victims of trafficking in people

Country of origin/citizenship	Persons who illegally entered BiH or it was established afterwards	Persons who used forged document		Persons against whom were initiated proceedings		Persons who stated that they were victims of trafficking in people	Persons sent to international org, for further processing, care and repatriation.
		passport	visa or approved stay	Offence proceedings	Criminal proceedings		
Moldova	66	6	5	10	6	6	19
Romania	38	2	1	9	1	4	9
Ukraine	22	2	3	10	0	4	14
Russia	3	1	0	0	1	1	1
<u>Yugoslavia</u>	2	1	0	1	1	1	0
Armenia	1	0	0	0	0	0	0
<b>TOTAL</b>	<b>132</b>	<b>12</b>	<b>9</b>	<b>30</b>	<b>9</b>	<b>16</b>	<b>43</b>

88. Data of International Organization for Migration, whose mandate includes care and shelter for victims of trafficking in people obtained from the report made on 14 May 2002, and concerning the period of one year, indicate the following:

Table 6.2.

**Data on women victims of trafficking in people**

<i>Country of origin</i>	<i>Number of persons</i>	<i>Average age</i>
<i>Moldova</i>	<i>206</i>	<i>22,1</i>
<i>Romania</i>	<i>179</i>	<i>21,3</i>
<i>Ukraine</i>	<i>50</i>	<i>25,2</i>
<i>Byelorussia</i>	<i>5</i>	<i>27,5</i>
<i>Russia</i>	<i>8</i>	<i>20,4</i>
<i>FRY</i>	<i>8</i>	<i>23,7</i>
<i>Kazakhstan</i>	<i>2</i>	<i>20,5</i>
<i>Hungary</i>	<i>1</i>	<i>16,7</i>

According to these data, the total of 442 persons was returned home.

**ARTICLE 7. POLITICAL AND PUBLIC LIFE**

**Constitutional and legal rights of active and passive election**

89. The Constitution of BiH and entity constitutions guarantee to all the citizens: the right to establishment of membership to political parties, participation in public works, Equality in access to public services, the right to elect and be elected.

Way of execution of the freedom of political organization and operation, as well as conditions for establishment, registration and cessation of work of political organizations has been regulated under the Law on political organizations.

90. The Election Law of BiH stipulates that election of members of all government bodies shall be performed on the basis of general and equal voting rights by direct and secret voting. Pursuant to the same Law, every BiH citizen of 18 years of age has a right to vote and to be elected to legislative bodies at all levels of government in BiH.

It follows from the above stated regulations that women and men have the same rights of participation in political and public life.

**Constitutional and legal active and passive voting right**

91. The active and passive voting right assessed through the following provisions of Article II of the Constitution of BiH and Article II A.2 stipulate for the obligation of the state of BiH and Entities to ensure the highest possible level of internationally recognized human rights and fundamental freedoms:

The Election Law of BiH - voting right and quota,

Law on referendum - voting right,

Law on political organizations,

Law on foundations and associations (state),

Statute of a number of parliamentary parties.

**92.** After the analysis of the applicable legislation regulating the voting right in Bosnia and Herzegovina, it follows that all citizens of Bosnia and Herzegovina who are 18 and who are residents of Bosnia and Herzegovina have the right to vote, which in practical terms mean that women and men have the same right to vote in elections. The same provisions are contained in regulations which deal with the voting right in referendum. Thus, it may be concluded that women have the same rights as men. In practice, however, it looks different. In other words, there is a difference between urban and rural population, particularly from the aspect of implementation of equal rights for both genders. In some places it is usual for a man “the head of the household” to decide who to vote for, which women mostly obey.

**93.** There is also no special record on percentage of votes at elections according to gender. But, the competent election commission, after every voting, may provide this data by analysing voting lists for each polling place. Such analysis requires additional time and funds for the analysis of voting lists, and cannot be done by statistical institutions. Voting lists are a constituent part of electoral material which, according to the rules of the election commissions, are kept for a certain period of time, and serve for checking the information during the review of submitted complaints for individual election activities.

### **Women in political parties**

**94.** Analysis of the Statutes of a number of parliamentary parties shows that these statutes do not contain provisions which would prohibit women to be members of parties or to participate in the work of party bodies. Solutions contained in the Election Law of BiH which obligate all political parties to have at least one third of the candidates of minority gender in the candidate list (our experience shows that in BiH till today in the process of nominating for elections the minority gender have always been women) directed political parties to increase the number of women in their membership and party branches. In this manner participation of women in party branches varies from 30 to 40%, while in the party bodies the percent of participation of women is smaller, which can be seen from the following data.

**95.** With the aim to analyse participation of women in political parties, the data was required from 15 parliamentary parties at the level of the parliament of the Federation of Bosnia and Herzegovina, registered at the territory of the Federation BiH. The following results were received:

Social-democratic party - SDP BiH

Participation of women in total membership is 39, 5%.

Central Committee has 104 members, out of which 37 women (35, 5%).

Presidency of the party has 11 members, two of them women (17%).

Out of 100 municipal committees, 4 presidents are women (4%).

Party for Bosnia and Herzegovina

Percent of women in total membership is 41, 2%.

Participation of women in the Executive commission is 31, 4%.

Participation of women in the presidency of the party is 14, 3%.

Party of democratic action - SDA

- Central Committee has 109 members, 14 of them women (12,84 %).

Presidency has 17 members, one woman (5,88 %).

Croatian rural party BiH - HSS BiH

There are a high number of women in membership of the party.

Central Committee has 82 members, 8 of them women (10%).

Presidency has 11 members, two of them women (18,18 %).

Women are presidents of two municipal committees.

Bosnian and Herzegovinian patriotic party - BPS

- Participation of women in membership and bodies of the party is over 30%.

Liberal - democratic party - LDS

Participation of women in membership of the party is 30%.

Presidency has 25 members, four of them women (16%).

Central Committee has 74 members, six of them women (8,11%).

LDS has 7 co-presidents, one woman (14,29%).

From the total of 96 presidents and co-presidents of city and municipal committees, 4 of them women (4,17%).

BOSS - Bosnian party

Participation of women in membership and bodies of the party is between 30 and 40%.

Republican Party

Participation of women in membership of the party is around 40%.

Senate of the party has 15 members, 7 of them women (46,67%).

Out of 5 cantonal committees, women are presidents in three cantonal committees (60%).

Two women are co-presidents of the party.

Civic democratic party - GDS

-In the central Committee of the party there are 34% of women,

-In other working bodies of the party there is up to 50% of women.

New Croatian Initiative - NHI

-Participation of women in membership of the party is between 30 and 40%.

- Presidency of the party has 20 members, two women (10%).

-party has a Women's forum.

Party of pensioners-retired persons BiH

-Executive board of the party has 9 members, one of them woman ( %).

-Other bodies have 31 members, three of them women ( %).

**96.** From the data delivered by the parliamentary parties (data was requested from all parliamentary parties, but some parties did not submit this data even after several repeated requests) it can be seen that participation of women in membership of the parties ranges from 30% to over 40%, while the level participation of women in bodies of the party ranges between 20% and 40%.

**97.** At first sight, it could be concluded that there is a high percent of participation of women in the parties and party branches. But, this is mostly the result of the "pressure" of the international community and a certain number of local experts from the field of elections, to instill into the Election Law the obligation of parties to represent a specific number of women at the candidate lists. This "forced" the parties to include as many women as possible into their membership.

A number of parties formed "Women's forum" as a form of acting within the party. These fora primarily deals with the position of women within the party, but also have the opportunity to influence decision making in competent institutions by establishing common positions on specific issues. Furthermore, a number of parties have incorporated into their statutes the obligatory percent of participation of women in membership and bodies of the party.

**98.** Number of women on the lists of candidates for legislative bodies at all levels of government (from municipality to Parliamentary Assembly of BiH) is determined by the Election law of BiH (Article 4.19), which obligates all parties to nominate at least one third of candidates of the minority gender. Experiences show that in Bosnia and Herzegovina, till today, in the nomination procedure for elections the minority gender have always been women.

#### **Legislative authorities**

**99.** According to Annex 3 of the Peace Agreement on Bosnia and Herzegovina, the first post-war elections in Bosnia and Herzegovina were to be implemented by the Provisional Election Commission formed by the OSCE Mission in Bosnia and Herzegovina. This commission issued Rules and regulations for implementation of elections. The first elections took place in September 1996. Local authorities could not agree on design of permanent election law following which the elections would take place at all levels of government in Bosnia and Herzegovina, so the mandate was extended to the Provisional election Commission, and the Commission continued to implement all elections till 2000 (1997, 1998, and 2000).

**100.** During 1998, the High Representative for Bosnia and Herzegovina formed a Working Group to design the Election law of BiH, which was passed by the Parliamentary Assembly of BiH in September 2001 («Official Gazette» no.23/01 and no.14/02). In public debate on design of the election Law of BiH the request was made to incorporate provisions in the election regulations for securing higher percent of women in legislative authorities.

Thus, for general elections in 1998, the obligations was introduced for all parties to compose mixed lists of candidates and secure that among the first nine candidates there are at least three candidates of minority gender (they are, in 99% cases women). This secured that at these elections higher number of women were nominated for all levels of authorities. Closed lists used for general elections in 1998 enabled for more women to be elected to legislative bodies at all levels of government. For example, from the total of 42 representatives, 13 women or 30.2% women were elected to the House of representatives of the parliamentary assembly of BiH.

**101.** The determined quota on the obligation of 1/3 candidates of minority gender on all candidate lists was applied at the elections in 2000 too. But, on these elections the lists of candidates were open, which practically mean that the voters could vote both for the party and individual candidates on the lists. On these elections, according to the data of the election commission, the total of 1.616.313 voters went to polls, out of which number 798.500 women voters, or 49,4%. The election results showed that the voters supported men candidates (although there were almost 50% of women voters) at all levels of government. There was a particularly dramatic decrease in number of women-representatives at the state level in comparison to 1998. At the elections 2000 three women and 39 men were elected to the House of Representatives of the Parliamentary Assembly. During the mandate period another women was verified a mandate additionally (when a men-representative accepted the executive position), so that now there are four women-representatives in this House.

**102.** A higher number of women were elected at the cantonal level (average of all cantons 20%, and in 1998 it was 18%) and for the House of Representatives of the Parliament of the Federation BiH (17%, and in 1998. There were 15% of women). For the National Assembly of the Republica Srpska in 2000, lower percent of women (15%) was elected when compared to 1998 (19%); at the general elections which took place in 2002 for the National Assembly out of 83 representatives there are 18% or 15 women. The conditions have not visibly changed even in later elections of women for members of the National Council.

The established quota for election to municipal councils/assemblies was applied in 2000, when 595 or 17,9% women were elected (only 2718 men were elected), while at the municipal elections in 1997 only 5,4% of women were elected.

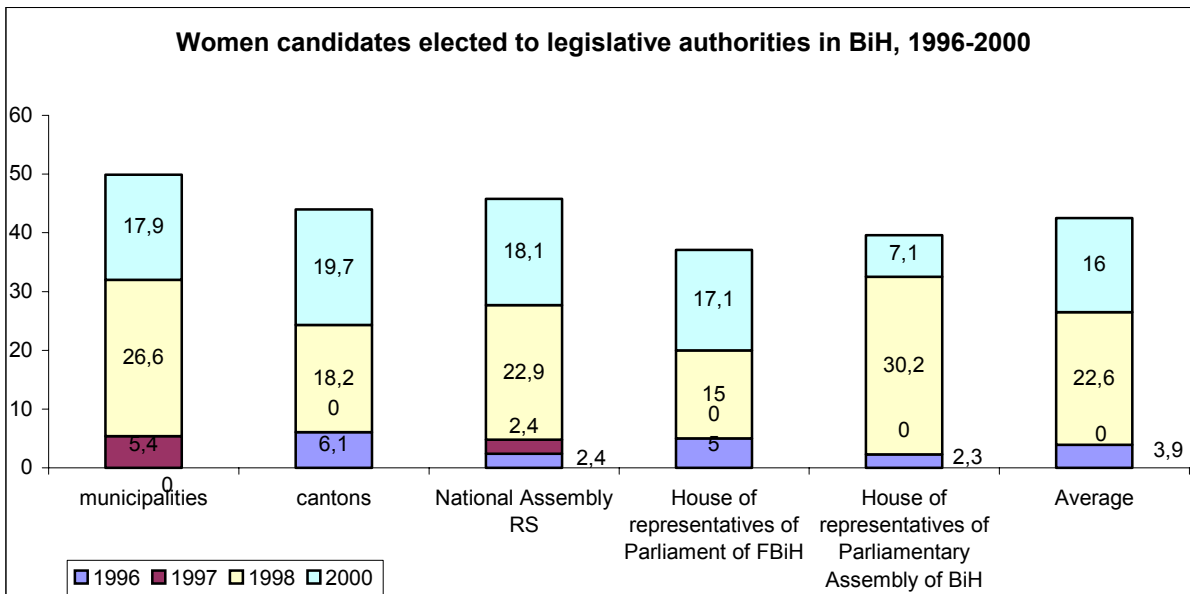
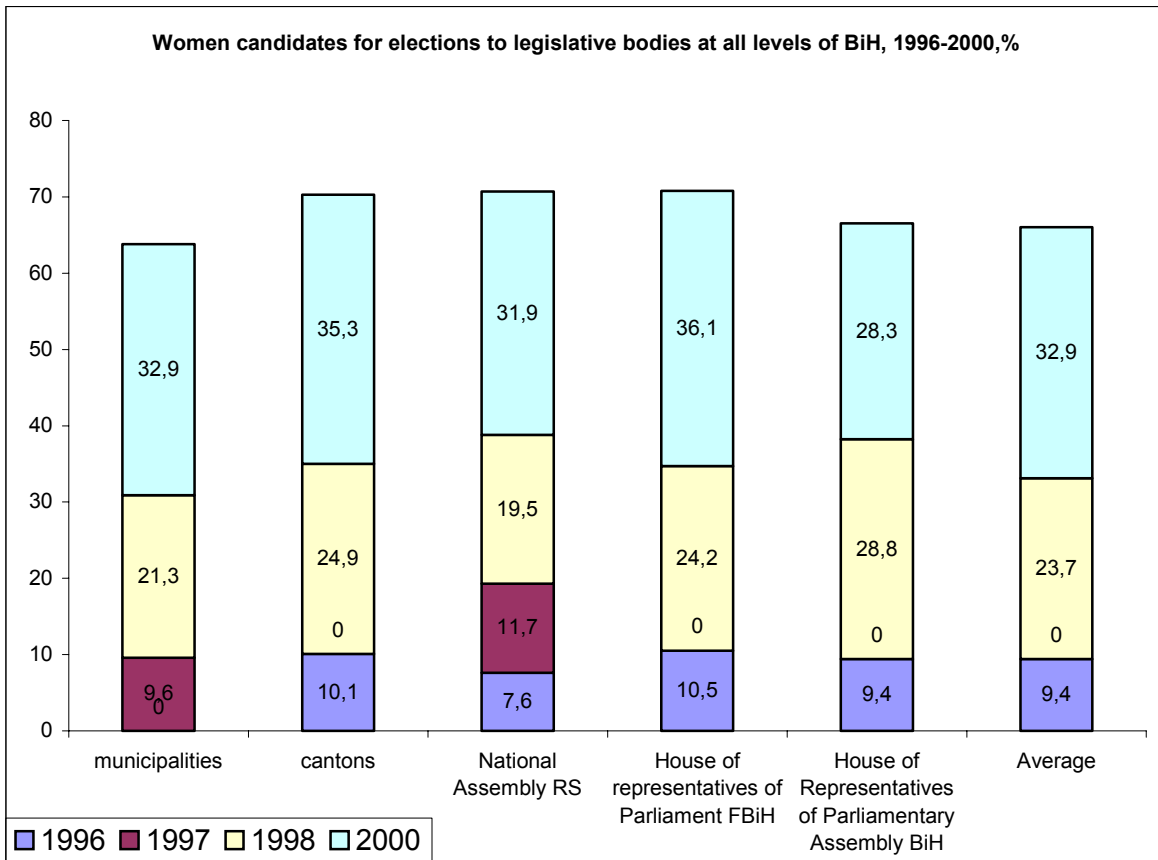
103. According to available data, it is apparent that the application of obligatory candidate quota ensured a higher number of women in legislative bodies at all levels of authority, so it is necessary to keep this quota. For instance, at the elections for the House of Representatives of the Parliament of the Federation BiH, in 1996 only 7 women were elected or 5%, but in 2000 there were 24 women or 17,1%. Although the candidate quota ensured a higher number of women in legislative bodies, there is not a single woman a president of the Parliament neither at state or entity level. This indicates that men keep the highest positions in legislative authorities.

Detailed data on the number of nominated and elected women at all post-war elections at all levels of authorities in Bosnia and Herzegovina are given in table 7. 1. Which follows:

TABLE 7. 1.

**Statistical data on election results at all post-war elections**

<b>Data on participation of women at elections for legislative bodies at all levels of authorities in Bosnia and Herzegovina from 1996 to 2000</b>								
<i>Election level</i>	<i>Year</i>							
	<i>Before introduction of quota</i>				<i>After introduction of quota</i>			
	<i>1996</i>		<i>1997</i>		<i>1998</i>		<i>2000</i>	
	<i>% women candidates</i>	<i>% elected women</i>	<i>% women candidates</i>	<i>% elected women %</i>	<i>% women candidates</i>	<i>% elected women</i>	<i>% women candidates</i>	<i>% elected women</i>
<b>Municipalities</b>	-	-	9,6	5,4	21,3 <sup>1</sup>	26,6 <sup>1</sup>	32,9	17,9
<b>Cantons</b>	10,1	6,1	-	-	24,9	18,2	35,3	19,7
<b>National Assembly RS</b>	7,6	2,4	11,7	2,4	19,5	22,9	31,9	18,1
<b>Parliament FBiH</b>	10,5	5	-	-	24,2	15	36,1	17,1
<b>Parliament BiH</b>	9,4	2,3	-	-	28,8	30,2	28,3	7,1





**104.** At the end, we reach the final goal – «As many women as possible in the legislative authorities». Normatively and through the standards we ensured for 30% of women to be nominated, but the percent of elected women to legislative bodies at all levels of authorities (at the latest elections in 2000) is much lower. The reason for this are “open lists” where every voter chooses who to vote for (in our case, voters choose men candidates).

**105.** Analyzing data on participation of women-representatives in the work of working groups of legislative authorities at state, entity, and cantonal level, it is visible that women, out of 130 Working groups, preside 26 or 20% of these Working groups. This data indicates that in most cases it is ensured women are enabled (in the scale they make in the total membership of the legislative bodies) to lead some Working Groups in preparations for parliamentary sessions.

**106.** There is a series of factors which «prevent» women from participating more actively in politics. Firstly, our long tradition which requires strict differentiation of tasks in the family. A woman’s place is at home and she takes care of raising children, and the man works outside home and takes care of material security of the family. The tradition influenced the level of education, so that male children attended Universities, but female children completed secondary education. In Bosnia and Herzegovina conditions have not been created for women who want to participate in political life to commit to this task (where to leave children, who would make lunch and do other household works, etc.), because this work requires wholeday engagement. Women have no sufficient time to prepare their election programmes which would make them recognizable to voters who would support them at elections for legislative authorities.

#### **Courts and prosecutor’s offices**

**107.** According to the Constitutions in BiH, judicial authority is independent and autonomous from the executive and legislative authorities.

In BiH there are 100 courts in total (two per state and entity levels, the court in the Brčko District, and 93 courts at local levels).

In these courts out of 934 judges, 452 or 48,4% are women.

A higher percent of women can be found in courts at local levels: 428 or 49,8%, and the highest in the first instance court of the Brčko District 61,5% and the Supreme Court of the Federation BiH where women are represented by 56,3%. In courts at state and entity levels as well as Brčko District there are no women - presidents of courts.

At local levels, out of 93 courts, in 16 courts or 17,2% women are presidents.

TABLE 7.2.

**Data on participation of women in judicial authorities at all levels in BiH**

	TOTAL NO OF JUDGES	WOMEN		MEN	
		Number	%	Number	%
<i>CONSTITUTIONAL COURT BiH</i>	9	2	22,2	7	77,8
<i>COURT BiH – appealation department</i>	7	1	16,6	6	83,3
<i>CONSTITUTIONAL COURT F BiH</i>	9	2	22, 2	7	77,8
<i>CONSTITUTIONAL COURT RS</i>	7	1	16,6	6	83,3
<i>SUPREME COURT F BiH</i>	16	9	56,3	7	43,7
<i>SUPREME SUD RS</i>	16	1	6,25	15	93,7
<i>COURT OF BRČKO DISTRICT</i>	13	8	61,5	5	38,5
<i>CANTONAL AND MUNICIPAL COURTS IN F BiH</i>	587	323	55,0	264	45,0
<i>DISTRICT AND REGIONAL COURTS IN RS</i>	272	105	38,6	167	61,4

108. The above stated data indicate that when appointing presidents of courts a great advantage is given to men when compared to women. This means that, regardless of qualification, expertise and knowledge, more important decision making and better paid positions belong to men, meaning that women are not given equal opportunities.

**Prosecutors**

109. At the territory of Bosnia and Herzegovina there are 85 prosecutor's offices in total (two entity, one in Brčko District and 82 at local level). From the total number of prosecutors - 127, there are 47 women, or 37%.

TABLE 7.3.

**Women in prosecutor's offices**

	Total number	WOMEN		MEN	
		NO	%	NO	%
<i>PROSECUTORS F BiH</i>	53	18	34	35	66
<i>PROSECUTORS RS</i>	73	29	38	44	62
<i>PROSECUTOR OF BRČKO DISTRICT</i>	1	0	0	1	100

The reform of judicial system is pending in the whole of BiH, and it will result in the decreased number of courts and prosecutor's offices at local levels.

**Executive authorities**

110. Data on number of women taking highest positions of executive authorities at state, federal and cantonal level show that there is a very small number of women bearers of highest positions in the executive authorities. None of the women was elected to be member of the Presidency BiH at the post-war elections (1996-2000), neither for the president/co-president of F BiH, nor for entity Prime Minister.

111. Among 6 members of the Council of Ministers of BiH there is one woman (16,7%), and among 15 members of the Government of the Federation of BiH two women (13,3%) are ministers (agriculture and war veteran issues), and out of 19 members of the Government of the RS one woman is the minister (justice).

In all ten cantons, cantonal presidents are men, and out of over 100 cantonal ministers there are 8 women (justice, housing, social protection and labor and education) - data for 2000.

**112.** In state institutions, Brčko District and entity ministries there is a total of 540 persons at executive positions, 136 of them or 25.2% being women.

In Steering Boards, whose members are appointed by the governments, there are 3310 members in total at the territory of BiH, out of which 771 or 23.3% are women. Members of Steering Boards usually get fees for their work and make decisions, which gives advantage to men in comparison with women.

In 486 educational institutions at the territory of the Federation BiH there are 85 or 17.5% women principals, and in 137 health organizations there are 37 or 27% women directors. In the Republika Srpska out of 198 primary schools there are only 25 or 15% women principals (in the field where the majority employees are women).

TABLE 7.4.

**Participation of women in executive authorities.**

PARTICIPATION OF WOMEN IN EXECUTIVE AUTHORITIES					
	Total number	Women		Men	
		No	%	No	%
PRESIDENCY BiH	3	0	0	3	100
COUNCIL OF MINISTERS BiH	6	1	16,7	5	83,3
PRESIDENT OF F BiH	2	0	0	2	100
PRESIDENT OF RS	2	0	0	2	100
GOVERNMENT F BiH	15	2	13,3	13	86,7
GOVERNMENT RS	19	1	5,3	18	94,7
PRESIDENT OF CANTON	10	0	0	10	100

**113.** The Law on Gender Equality of BiH, chapter IX - Public life, Article 15, reads: «In order to have equal representation of genders, the percent of participation of women in authorities at all levels, including judicial, legislative and executive authorities, as well as other public services, commissions and boards, including participation in bodies presenting the state at international level, as a rule shall reflect the equal representation of genders.

**Participation of women in NGO sector**

**114.** The Law on associations and foundations of BiH and same entity laws regulate the foundation, internal organization and cessation of work of associations and foundations. These laws do not contain provisions which would prohibit the work of women in NGO sector.

Till the beginning of war in 1992 in Bosnia and Herzegovina there were organizations of citizens which mostly dealt with humanitarian issues and considerably influenced social life. Since 1993 NGOs in Bosnia and Herzegovina started to deal with priority issues of that time, the psycho-social support. Women non-governmental organizations started to act under direct influence of international organizations and donors. Their work is mostly based on the issues of violations of human rights and irresponsibility of authorities towards the problem of violence against women, trafficking in women, women's rights, etc.

**115.** During the war women organized into associations were accepted by the political leadership, but only as necessary and usual physical and moral support during the war. The decision-making process remained out of their domain. Starting with 1998, women non-governmental organizations mostly deal with: economic strengthening, education of women, legal counseling and advocating activities against violence against women, increase of participation of women in the political system, as well as conflict resolution and reconciliation. Reasons why women are involved into the work of non-governmental organizations is the feeling that in this sector the domination of men less feel, there is a possibility of

earning money (at least temporarily), they have a chance to develop and progress, to learn new skills, to feel useful, and to have feeling of achievement.

### **Women in Trade Unions**

**116.** According to international standards, women had to find their own place within the Trade Union structures. These structures are often rigid, quite bureaucratic, dominating by men, and as such, “intimidating” for women. Similarly, traditionally, the presence of women is invisible, they are poorly represented in executive and managing bodies, negotiations or international relations. Implementing their statutory structural reforms, the Trade Unions try to become gender sensitive in order to be friendly orientated towards women. Associations of the Trade Unions in BiH (SSSBiH and SSSRS) founded a Section (today Forum of women) and professional section of women, therefore formally meeting the international standards.

- According to statistical data, SSSBiH has 101,000 members, out of which 28,000 are women (we think this is not a precise data, because women make approximately 48% of employees).
- At the last Congress of SSSBiH out of 201 delegates 42 were women (each branch delegated the same number of delegates).
- The Presidency consists of 9 members, 7 men and 2 women.
- Central Committee consists of 33 men, 4 women and female representatives of Forum of women of SSSBiH, who do not have a right to vote.
- Control Committee consists of 5 men and 3 women.
- Status commission consists of 5 men and 1 woman.

**117.** Women are scarcely or insufficiently represented in decision-making bodies, and invisible at the top of the Trade Union, although they make 45% of the total Trade Union membership. The typical Trade Union representative has a face of a middle-aged man. Women in these structures are either in administration or act as experts. The issue is raised how long will the women pay their Union membership fee to associations which do not recognize their interests. There is no statistics kept according to gender in the Trade Unions. From the overall activities of the Association the motivation of women to participate in Trade Union activities can not be seen. »Women Trade Union activities are not financed from regular funds of the Trade Unions. Activities of women are alive only thanks to the voluntary work and enthusiasm of the management of the Forum and professional section of women. Both of these organizations are members of ICFTU women network, part of Regional Trade Union women network for South and South East Europe. They are involved in all actions that these networks initiate in the world and Europe. They have established cooperation with NGOs in the country and region. By managing to find donations they underment education on empowerment, Trade Union organizing and actions. The inter-entity cooperation of women Trade Union organizations is important in the field of education and research of position of women at the labor market, in Trade Unions and in public life. The cooperation is established with STAR, Gender center FBiH and office of MKSS ICFTU in Sarajevo and Banja Luka. This way women’s labor rights are promoted, but they also raise awareness of women within Trade Unions.

### **Analysis of data for the Republika Srpska**

**118.** The appointments were analysed based on gender representation. Regardless of the fact that the analysis included the period of appointments of two government, with different political programmes and party members, the common to both of them is segregation of female gender in comparison to male when appointing to different positions. Gender based discrimination is present in all leading, administrative and public structures of the RS. The appointments were analyzed of all directors and heads at all levels of authorities, from local to the republic level, steering and supervisory boards, judges, prosecutors, judge jurors, expert teams, commissions and different boards for preparation of laws and other projects, commissions for taking professional license exams, lectures and educational seminars, appointing of persons to University councils, representation of state capital in privatization, within the period of four and a half years.

Statistical indicators show that in decision-making positions, starting with local and up to the republic level, gender Equality is totally violated. If, in the period of 4,5 years, the number of 319 directors were appointed and only 17 of them women, this means that 319 directors (male gender) have a right to decide on employees in their companies, to decide on their salary rates, and most often decide on the life of women, who, as a rule, in the transitional and privatization period first get fired. Furthermore, it implies that 319 directors and only 17 women directors earn more income, which indicates that men have better economic security, because they are more numerous at the positions of directors.

**119.** The same can be concluded in appointing members of steering and supervisory boards. The Government appointed 1,368 members of steering boards with 181 female members, 621 members of supervisory boards with 93 female members. If it is taken into account that members of steering and supervisory boards usually get fees for work in steering and supervisory boards, and they are at the very source of information and decision-making, then we can assume why there is so high prevalence of men in comparison to women in steering and supervisory boards.

There were 807 male gender persons and 132 female gender persons appointed in different expert teams, committees, commissions for taking professional, bar or other license exams (for example for work on drafting the law) the number of women is considerably less than the number of men, which is particularly felt in those boards that are well paid by international organizations.

In University and faculty councils, expert commissions, the number of 1998 men is appointed and only 9 women, which indicates that female professors at faculties have no impact to the reform of higher education, and therefore the reform of higher education is implemented without gender mainstreaming.

A proof that female gender persons are poorer than male gender persons in the process of transition, proven by the example of privatization of the state capital, where 590 male representatives were appointed for the state capital and only 82 female representatives. This example shows the obvious segregation of women in comparison to men. This means that women participate marginally in the privatization of the state capital, and the analysis of gender mainstreaming will be particularly interesting in the completed privatization. Such contrastive gender analysis indicates that the spheres where women are discriminated when compared to men are social and public life, and decision making processes.

Women are not given the same opportunity as men, which lead to a complete violation of gender Equality, at the expense of the female gender.

This is the consequence of the traditional comprehension of men, and to a certain extent of women, in regards to the role of motherhood, wife, mother, housewife, grandmother, which excludes the possibility of women doing anything else that might threaten their elementary, previously stated functions. At the same time, the role of the man in the family is emphasized very little, so one gets the impression that a man, as a father, husband, host does not hold the weight and the importance that a woman holds in the family. According to this type of interpretation, and the constant emphasis placed on it, a man is formally “a head of a household in the family who works very hard to support his family”, which means that he is predetermined for a public, social, and political life. Unlike men, a woman can hold a public or a social function only if she finds the time to fulfill her duty as a mother, housewife, wife, etc. The persistent thesis that men and women are equal in all spheres of social and public life definitely stops being legitimate thanks to the conducted gender analysis that will help us in diagnosing the problem, thus allowing us to have an influence on the positive changes related to the persons’ of female gender taking over a much more important role in the future.

#### ***ARTICLE 8. THE PARTICIPATION OF WOMEN IN DIPLOMACY AND INTERNATIONAL ORGANIZATIONS***

**120.** Women have the right and the possibility to represent the Government of Bosnia and Herzegovina and to participate in the work of international organizations just as much as men do, but because of their traditional position in the society they are still not represented enough in the international promotion and representation of the country.

Thus, in the Ministry of Foreign Affairs of Bosnia and Herzegovina, 9 women, or 23%, have been nominated for the total of 39 positions equivalent to the diplomatic level of ambassadors.

On the level of general consul, out of the total seven positions, two women have been nominated, which is 29%.

In the remaining diplomatic and consular positions, as well as in administrative and technical positions, out of 261 employees 82 are women, which equals to 31%.

A woman had also acted on behalf of Bosnia and Herzegovina as a vice president of the preparatory board for the special 27<sup>th</sup> Session of the General Assembly OUN dedicated to children.

**121.** In the four delegations of the Parliamentary assembly of Bosnia and Herzegovina, out of 25 members, four of them are women, which represent 18%. Out of four of them, two, or 50% of them are part of the presiding delegation.

#### ***ARTICLE 9. CITIZENSHIP***

**122.** Under the Law on citizenship of Bosnia and Herzegovina, the means, conditions and the procedure for the acquiring and terminating of BiH citizenship have been determined. Apart from BiH citizenship, there also exists entity citizenship, so a citizen of a certain entity is automatically also a citizen of Bosnia and Herzegovina.

Citizenship is acquired:

- 1) by origin,
- 2) by being born on the territory of BiH,
- 3) by adoption,
- 4) by naturalization,
- 5) through an international agreement,
- 6) under the conditions of and when approved by the Council of Ministers of BiH.

The Law on citizenship prescribes that the marital partner of a BiH citizen can obtain citizenship under the following conditions:

that the marriage lasted for at least five years before the claim has been submitted and that it still lasts during the filing of the request,

that their previous citizenship is terminated once the citizenship is obtained, unless a bilateral agreement states otherwise. The termination of previous citizenship is not requested if that is not permitted or cannot be reasonably requested.

that a person has a permanent place of residence on the territory of Bosnia and Herzegovina for at least the last three years.

**123.** The marital status does not influence obtaining of citizenship except in the case when the citizenship is sought based on matrimony with a female or male citizen of BiH, in case of which there are no differences made on the basis of gender. For the acquiring of citizenship, it is important that the submitting party, a woman or a man, fulfills the conditions determined by law, which do not differ in relation to a woman or a man – they are the same. Women, married or single, have equal rights as men to obtain, change, or keep their citizenship. We find that the social, cultural, or economic factors do not significantly influence the exercising of rights by these women. Marriage with a foreign citizen does not have an influence on the change of a woman's citizenship except in those cases where she wishes to take on the citizenship of the husband (under the conditions prescribed by the law of the state which the husband comes from). The possibility of dual citizenship has also been foreseen, if there exist a bilateral agreement with the state that the husband comes from (the principle of reciprocity).

**124.** According to the available data, in Bosnia and Herzegovina there are equally often cases where wives or husbands apply for citizenship of the woman, depending on the decision of the family, that is, on the selection of the place of residence, so it could be said that the cases of discrimination or imperilment of the right to selection of citizenship are very rare in Bosnia and Herzegovina. The citizenship of the mother or the father has an equal value and, in accordance with the laws of Bosnia and Herzegovina, the choice of marital partners is respected exclusively.

**125.** Children born to a marriage in which the parents hold different citizenships obtain that citizenship upon which the parents agree, and, if the laws of the country of residence or origin of the parents permit it, children can have both citizenships. Children can have their own independent passports and can travel by being registered in the passport of either parent. Both parents have to give an agreement in regards to the travel document of the child and permission for travel. A permission to leave the country is also requested when the parents are separated. If the child is older than 14, his or her consent is necessary in all cases from the previous paragraph. The child's consent is also requested in all cases of acquiring and terminating of citizenship if he or she is older than fourteen years of age.

#### **ARTICLE 10. EDUCATION**

**126.** The significance of education as an effective measure in the fight against all forms of discrimination against women is also reflected in the fact that a special part of the Convention, with appropriate articles, has been dedicated to education. Equal possibility for education in Bosnia and Herzegovina has been guaranteed by article II. 3. (L) of the Constitution of Bosnia and Herzegovina. Among other rights prescribed by the Constitution of BiH, the right to schooling and education is also guaranteed. The Constitution of BiH prescribes that all rights are to be exercised without discrimination on any basis, including gender.

**127.** Under the laws that regulate education, it has been determined that education is an activity of special social significance, available to every child under the same conditions, according to their capabilities and interest, and in accordance with their needs. The characteristic of all these laws is the fact that there is no discrimination between genders, except that they are written in male gender when talking about both female and male students.

In Republika Srpska, the system of education is centralized, while in the Federation of BiH it is decentralized and organized on the level of 10 cantonal units. It is characteristic for the Federation that the legislature of certain cantons allows for the transferring of educational competences to the municipality level, especially if there is a conflict regarding the enabling of certain national groups to attend classes in their own language. The central position of cantons in all segments of education is especially fortified with the fact that the cantons are the ones that act as exclusive financiers of these activities. It is from this key right that they obtain all other rights and obligations in the area of education.

The result of this is that there exist a large number of laws and by-laws in education, which creates an illusion of a well-structured educational system, while what this really does is bring into question its consistency. The educational system in the Federation of Bosnia and Herzegovina is regulated by laws on the federal and cantonal levels with a total of 47 laws and 17 by-laws.

**128.** Bosnia and Herzegovina had, within the framework of the process of joining and integration into the European educational space established within the framework of the Bologna declaration, started a process of educational reform. The reform process is directed, above all, at the harmonization and modernization of the existing numerous, diverse, closed, and stereotypical educational legislature. Within the framework of this process, one of the first adopted laws is the Framework Law on Primary and Secondary Education of Bosnia and Herzegovina, whereas the Law on Higher Education in BiH is in preparation.

**129.** With the Framework Law on Primary and Secondary Education in BiH, a framework has been created for the legitimate procedures of all actors in education, which allows for a better quality, a more harmonized approach, comparability and a closer approach to the practices of European and other countries in the world. It is important to mention that, within the framework Law on the Gender Equality in Bosnia and Herzegovina, which is also one of the laws that has been passed in the last period, especially established that in education, in relation to the Equality of genders, there needs to be an emphasis on the significance of giving equal opportunities to men and women. In the article 5 of this law it is stated:

“That all have equal rights to education, regardless of gender.”

Educational institution is not allowed to conduct gender-based discrimination in relation to:

1. the conditions of acceptance,
2. the refusal of acceptance,

3. the means of providing services and benefits
4. exclusion from the process of education,
5. evaluation of achieved results during education

equal conditions in career building and professional specialization, professional development, and earning of degrees, other possible cases.

In the article 6 of the same law:

“The competent authorities, educational institutions, and other legal persons will ensure that the curricula and methodologies provide for the establishing of an educational system that will guarantee the elimination of those curricula that contain stereotypical social role of men and women, and which result in the discrimination and inequality of genders.

The subject matters that promote the Equality of genders are an integral part of the curriculum for all levels of education.

The competent authorities, educational institutions, and other legal agents will ensure effective mechanisms in protection against discrimination and sexual harassment and will not take any disciplinary or other punitive measures against that person because of the fact that he or she complained about discrimination, harassment, or sexual harassment, or testified about discrimination, harassment, or sexual harassment.”

Therefore, this legal framework is completely sufficient for an easier realization of activities in education that will improve the opportunities for the less represented gender. It is still necessary to mention that the implementation of these measures is a long-term process.

**130.** With the aim of analyzing the trends and developments of gender structure of education of the population in Bosnia and Herzegovina, and in order to compare the previous state with the present, it is necessary to consider an overview of the conditions in the area of education in the pre-war period.

- a) Data analysis from the period before 1992 indicates that there were significant differences in the degree of education of women and men in BiH:
- b) in 1991, 44% of adult women did not complete primary education, while the percentage of adult men who did not complete primary education was significantly lower and amounted to 23%,
- c) in 1991, only 30% of women in BiH achieved secondary education, while the percentage of men was significantly higher and amounted to 49%.

These differences were not only a consequence of gender inequality in the approach to the educational system. They are partially linked to two demographic factors: longer life span of women and the tendency of older generations to generally achieve a lower level of education.

**131.** The trends in education present evidence that the total situation, as far as education of women in BiH is concerned, has been showing signs of improvement in the period between 1971 up to 1991:

- a) the degree of illiteracy among women has been reduced by 50 percent in the 20 years preceeding the war in BiH,
- b) however, in 1991, the degree of illiteracy of women in BiH (16.4 %) had still been higher than the degree of illiteracy of men (3.4%).

The percentage of women with secondary and higher education had increased in the period from 1981 to 1991, but these percentages are still lower than those regarding men.

**132.** According to the data available for the analyzed population of BiH, the number of educated persons is composed of an almost equal number of men and women. However, there exist significant differences in the representation of men and women within certain categories of education.

From the aspect of gender, the data indicate significant variations in structure as far as the different levels of education are concerned. In the eighties, the majority of uneducated adults were composed of women (about 75%). In the same period,



women were insufficiently represented in the higher levels of education. It is calculated that, out of the total population, men present three fifths to three quarters of adults with secondary or higher education.

(The data has been presented in the tables in the annex).

The general conclusion is that the gender structure in these categories had changed in the period between 1981 and 1991. As far as the levels of education are concerned, in most cases one can observe an improvement in the Equality of men and women. The greatest improvement has been achieved in primary education because in 1991 the participation of women had risen to 49%. The participation of women in secondary education had increased from 33% to 37%, and as far as university education is concerned, the percentage of women had increased from 31% to 37%.

**133.** The degree of education of women in Bosnia and Herzegovina had, therefore, risen in the period from 1981 up to 1991. The best result had been achieved in the higher levels of education. The percentage of women with secondary education had almost doubled, increasing from 1,4% in 1981 to 2,7% in 1991. Still, the general situation is that the women continue to have a lower degree of education than men do.

**134.** The trend of decreasing illiteracy in women before 1992, the increased participation of women in all educational levels, and an approximately equal number of enrolled boys and girls in 1995 (see the analysis, statistical data) indicates that the inequality of genders is closely tied to the historical and demographic trends, and that it will slowly disappear with time.

**135.** The educational system in BiH today integrates education into the four of the following levels:

1. pre-school education,
2. primary education,
3. secondary education,
4. higher education.

The educational institutions in BiH are mostly public institutions. With the law on schools a possibility for private education has been opened up, and in the last period there have been intensified initiatives for the opening of private institutions at all levels of education.

**136.** A significant segment through which the state enables working women to take care of their children is the organizing of pre-school institutions.

Pre-school education, that is not mandatory, has been established for children between one and six years of age. In BiH, there exist 148 pre-school institutions, out of which 105 are located in the Federation of BiH (nursery and kindergarten, two of which are private), are attended by 8% of children and employ 749 teachers.

In RS, there exist 39 pre-school institutions, that are attended by 3% of children and employ 435 teachers.

The laws in BiH maintain that pre-school education is an integral part of the educational system and that it is of special social interest. Pre-school education is the responsibility of the municipality and falls under the jurisdiction of social care. It is not mandatory and the number of children attending it varies from one municipality to the other.

Pre-school education can be achieved in pre-school institutions, in special institutions for children with extensive difficulties in psychological and physical development, and in institutions for social care that take on children without any parental guardianship. Lately, pre-school education has been introduced into regular primary schools.

The financing of pre-school institutions is conducted in such a manner that the founder ensures resources for the establishment and the commencement of the work of the institution, as well as for the educational labor, while the parents participate in the payment for the nourishment and for the portion of resources for educational work.

Generally, that coverage is significantly below the level of real needs.

**137.** At the moment, financing is the responsibility of the municipality budgets, so that the fate of pre-school education depends on the material and financial situation of the individual municipalities.

The total number of children that currently attend pre-school institutions has been significantly lower, which according to the available data indicates that pre-school education covers a very small population of pre-school children.

Out of the total number of medical and educational workers, a negligibly small portion are men. We can interpret this by the fact that in these territories there exist prejudices that this profession is a feminine (womanly) one, although it has been shown in practice that men are very popular and very successful teachers. The situation is slightly different as far as the directors of institutions for pre-school education are concerned. It is interesting that female directors are usually pre-school teachers, while the male directors are chosen according to a different set of criteria and are not teachers by profession, nor have they conducted previous work in pre-school institutions.

This confirms the conclusion that men are found in management and in decision-making positions.

**138.** Primary education in BiH in the school year 2002/2003 is conducted in 1,864 schools in total, with 364,914 students and 20,874 teachers, out of which 13,502 are women and 7,372 are men. More detailed data can be found in the statistical annex in the attachment - EDUCATION.

Primary education is mandatory, providing general knowledge and skills and establishing a basis for any further education.

Primary school can be public or private property. Municipalities or cantons mostly found primary school as a public institution.

Besides regular elementary school, there also exist: special primary schools and institutes, parallel primary schools (for music and ballet), and the school for the primary education of adults. Primary education in regular primary schools starts with 6 to 7 years of age and lasts for 8 years. For children with disabilities in development, primary education is obligatory from their 7<sup>th</sup> to their 15<sup>th</sup> year of life.

**139.** Although all laws on education give an equal opportunity for schooling to male and female children, it is a fact that there exists a difference in education in rural and urban areas. That is, primary education is mandatory, but there exist evidence, especially in the less developed rural areas, that insufficient efforts have been made in ensuring schooling for girls.

It is a known fact that even before the war, it was observed that in the rural areas of BiH (Bihac region, Eastern Bosnia) female children often abandoned primary schooling in order to work in agricultural and other jobs in the households. One of the reasons for the girls' failure to complete primary education is the distance of the schools from certain rural places.

This is why the measures to be implemented within the framework of legislature primarily relate to the complete implementation of all laws and international directives for the protection of human rights, especially the Convention on the Rights of the Child.

In the spirit of the European Convention, a higher level of guarantee and protection of the right of the child is necessary, so that in every case relating child's rights the principle of achieving child's best interest is to be implemented.

Within the framework of the authority of the inspection service, which acts within the framework of the Ministry of Education, Science, Culture, and Sport, up to now there had been no requests for any kind of process related to the violation of the rights of women, that is, female children in the area of education.

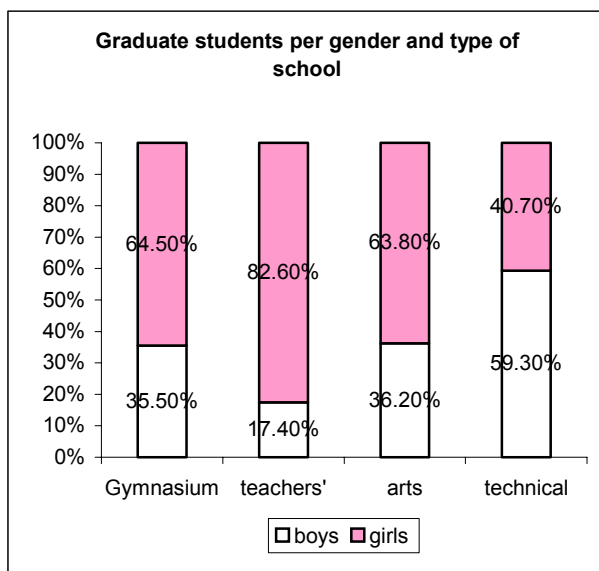
**140.** Secondary school can be in state and in private property. Most existing secondary schools are state schools. In secondary schools, the curricula of regular secondary school are followed, including the education of students with special needs, as well as the education of adults.

In the period from 1999 to 2001, activities within the framework of Phare-vet program on reform of secondary vocational education have been intensified. These activities are foreseen to last until the year 2006, up to when it has been planned to conduct reform in all secondary vocational schools in the area of BiH, in accordance with international standards. With the help of the European Commission and the World Bank, in the period from 2002 to 2006, a reform of primary and secondary education has been planned.

**141.** Students are enrolled into secondary school after a successfully completed primary school. Enrollment is conducted based on an open competition, and in accordance with the rules and regulations of the secondary school.

Education in a secondary vocational school usually lasts for three years, exceptionally four years, or two years for less complex vocations. In other secondary schools, education lasts for 4 years, exceptionally for 5 years. Data on the enrollment from 1995 do not indicate that there have been significant discrepancies between the enrollment of men and women for any level of education. Since the exact ratio of men to women within the framework of the total population is unknown, these conclusions are rather speculative.

**142.** In the period from 1999 to 2000, the number of girls that completed secondary school was slightly smaller than half (46%). This data is linked to the fact that only 40% of them completed some technical school or other vocational schools, which have a higher degree of enrollment than all other kinds of secondary schools. However, girls constitute the majority as far as gymnasiums are concerned (65%). There is also significant segregation within the category of technical and vocational (artisan) schools. Within the framework of a dozen of programs that have a high degree of enrollment, as are the schools for mechanical, technical, transportation, and construction-related occupations, boys are the dominant ones. Girls constitute a majority in those schools that are linked to services, in textile schools, medical schools, economic and trade/commerce schools.



**143.** The last data on the number of students of secondary schools indicate that the gender structure varies depending on the type of school. In the school year 1998/1999, out of the total number of secondary school graduates in gymnasiums and art schools, 65% of them are girls, and in secondary teachers' schools 83% are girls. However, the majority of secondary school graduates of technical and vocational schools are boys (59%). Although the data on incompleteness of school were not available, the data on enrollment from the previous years indicate that the ratio in gender structure of high school graduates matches the ratio upon enrollment.

**144.** As far as the continuation of regular education is concerned, girls in the rural areas have continued schooling in secondary school in smaller numbers than the girls from the urban areas for a number of reasons. The families could not buy the textbooks, clothes, and tickets for transportation, so the girls stayed at home and helped out with household work. The parents' concern for the moral of the girls that could be changed in the urban areas also had an influence on the continuation of education. Individual cases show that women completed their studies in smaller percentages, because of pregnancy and raising of kids. The other two reasons for concern that influence the decrease of the opportunities for

women to exercise their rights to equal-based education are in close connection. These are the gender stereotypes contained in pedagogic subject matter (especially in textbooks for primary and secondary education) and the gender segregation in secondary and professional education, not at university level.

**145.** Almost 99% of children that enroll in first grade of primary school successfully reach the fifth grade of primary school. According to this indicator, there is no difference between boys and girls, nor is there a difference between the rural and urban areas. After the completion of fourth grade of elementary school, there is a decrease in the number of children that continue their education, and this is especially true for the rural areas. In these cases, female underage children are especially affected.

**146.** Before the war, higher-level education was also centralized. A unique law on university regulated the founding, management, and organization of universities.

The decentralization of education puthigher education in a new position and opened up a series of issues and problems. At the moment, higher education in the Federation of BiH is on the cantonal, and in RS on the central level.

In BiH, there are a total of 7 universities with 102 higher education institutions. Faculties, academies, and colleges function within the framework of higher education institutions.

TABLE 10.1.

**Graduated students in BiH, by gender 1998 – 2002**

		Total	Colleges	Faculties	Academies	Religious schools
1998	Total	<b>3133</b>	<b>686</b>	<b>2377</b>	<b>27</b>	<b>43</b>
	male	1259	154	1057	10	38
	female	1874	532	1320	17	5
1999	total	<b>3038</b>	<b>461</b>	<b>2502</b>	<b>59</b>	<b>16</b>
	Male	1283	147	1109	17	11
	Female	1755	314	1393	42	5
2000	Total	<b>3673</b>	<b>756</b>	<b>2850</b>	<b>50</b>	<b>17</b>
	Male	1536	245	1250	25	16
	Female	2137	511	1600	25	1
2001	Total	<b>4444</b>	<b>1003</b>	<b>3324</b>	<b>92</b>	<b>25</b>
	Male	2025	350	1626	33	16
	Female	2419	653	1698	59	9
2002	Total	<b>4319</b>	<b>661</b>	<b>3525</b>	<b>92</b>	<b>41</b>
	Male	1747	236	1453	30	28
	Female	2572	425	2072	62	13

**147.** The trends of gender segregation can also be observed in higher education. Statistical data that are found in the attachment present the representation of women in the different areas of higher education. Women present a majority in the areas related to health (pharmacy, stomatology, medicine), education, and language studies. In comparison to that, only 10% of women are students in areas such as mechanical engineering or electrical engineering, and less than 25% are involved in areas such as physical culture (sports), transportation, criminology studies, and mining.

Insufficient representation of women among the selected state officials is conditioned by the fact that only 37% of women are included in political science, and can be a cause for concern.

**148.** The areas of science that have an approximately equal number of men and women are law, economics, architecture and biochemical sciences.

The unequal representation of girls and boys is especially visible in the higher levels of education. This is highly emphasized in the statistical data that show the number of enrolled students in the faculties in BiH, for example, in

construction engineering, mechanical engineering, metallurgy, electrical engineering and similar faculties where the discrepancies between the much larger numbers of enrolled men in comparison to the number of enrolled women are highly visible. In the other faculties, such as mathematical sciences, philosophy, law, economy, or medicine, a disproportionate number of enrolled women in comparison to men can be observed. The number of men and women is approximately equal only in a number of higher education institutions, such as art academies, architecture or technological faculties. In the Sarajevo canton, for example, out of total of 698 students accepted to the faculty of electrical engineering, only 140 (20%) of them are women; in the transportation engineering faculty, out of total of 347 students only 36 (10,4%) of them are women, Mechanical engineering faculty accepts 402 students out of which only 66(16,4 %) of them are women; in the Faculty for Physical Culture (sports) there are 367 students, out of which 37 are women; in the Faculty of Criminology Studies out of 1014 students, only 171 (16,9 %) are women.

Unlike the professional stereotypes in other countries, medicine is predominantly an area of female interest in BiH, and is dramatic percentage-wise as is the case with other areas. In the Sarajevo canton, out of 904 students enrolled in the Medical faculty, 582 are female students (64,4%). We can observe the gender representation even through sub-groups: for example, women dominate in the areas of gynecology, pediatrics, and general medicine, while the sergeants are mostly men.

Women consist a majority in other faculties related to fields of health such as Stomatology; 422 women out of the total 610 students (69,8%) and Pharmacy where out of the total 390 students 344 of them are women (88,2%).

One can observe from the data that the gender segregation in education is obvious and spread-out, and it is clear that men and women do not have the same conditions for the building of their career in BiH. Thus, it is the task of the state to research these disproportions and to indicate the current trend.

TABLE 10.2

**The percentage of female students in relation to the total enrolled number in certain institutions for higher education, 1999-2000**

	<i>TOTAL</i>	<i>FEMALE STUDENTS</i>	<i>% TOTAL</i>
<i>Pedagogic academy</i>	1283	944	73,6%
<i>Higher medical schools</i>	559	399	71,4%
<i>Art academies</i>	618	360	58,3%
<i>Islamic pedagogic academies</i>	401	172	42,9%
<i>Religious schools</i>	583	145	24,9%

Source: Statistical Annual Report from 2000, Federal Institute for Statistics of F BiH

**149.** On the territory of the Federation of Bosnia and Herzegovina in the period from 1996 to 2000, a total of 348 post-graduates earned a Masters degree, out of which 126 were women (36,2%). The greatest number of women that earned a Masters degree in this period is from the areas of health and social care (46 Master degrees – 36,5%). In RS, there are available data that indicate how many women have been employed who have : a PhD degree (12%), a Masters degree (12%), women with university degree (30%), and with high school education (37%).

On the territory of the Federation of Bosnia and Herzegovina in the period from 1996 to 2000, a total of 158 PhD students graduated, out of which 42 are women (26, 58%). The greatest number of women that earned a PhD degree in this period is from the areas of health and social policy (28 women – 66,6%).

In Republika Srpska, in the period from 1999 to 2002, a total of 104 post-graduates earned their Masters degrees, out of which 71 are males (or 68%), and 33 or 32% are women. In the same period, 98 PhD students earned their PhD degrees, out of which 36 are men (or 75%), and 12 of them are women (or 25%).

**150.** The most numerous national minorities in BiH are the Roma. The research of the Center for the protection of the rights of minorities in 1999 has shown that only 30% of the surveyed Roma families were without family members who are illiterate, and 23% have 4 or more members of the family that are illiterate. In the F BiH, the Institute for statistics does

not keep track of the enrollment rate according to the nationality of the students. Therefore, there are no official data on the number of Roma children that attend school, and thus, it is not possible to give a gender estimation regarding this.

The most comprehensive data are those in Sarajevo canton that state that there are 119 Roma children of pre-school age, out of which not a single has been enrolled in pre-school institutions.

In the school year 1995/1996, according to the information of "Our future", there were 582 Roma kids ages 7 to 18 in the Sarajevo canton out of which only 189 or 33% attended schools regularly.

At the start of the school year 2000/2001, there were activities of the groups as is the case with the Roma NGO and community in Biberovici in Tuzla Canton, Sapna municipality, where preparatory classes were organized for a group of Roma children during 1998/99. Classrooms were formed as a result of the initiative of the adult members of the Roma community, in cooperation with the Roma Association "Kata Acha", and with the help in equipment and materials from the local schools. In the school years from 1999 to 2002, the NGO "Be my friend"-Sarajevo, in partnership with the organization "Save the children" UK, organized preparatory classrooms for Roma children from the three Roma communities in the Sarajevo canton. Some time ago, the "Step-by-Step" program had been introduced for the Roma children in FBiH.

According to the research of the Roma association "Our future" from Sarajevo, in the school year 1995/1996, 582 Roma children of school age lived in the Sarajevo canton, out of which only 13 (2%) were enrolled in high school, and only 4 (1%) in university.

There exist special institutions with accommodation for children with disabilities in development, which are categorized as special schools. Research shows that the Roma are not disproportionately represented in the system of special schools.

### **Professional development**

**151.** The approach to professional development does not contain elements of discrimination, but it is fragmented, uniform, without analysis of needs and interests of the teachers/schools.

The social status of the teacher is directly reflected on the selection of the profession and the motivation of the teachers for professional development.

As far as science and scientific research in Bosnia and Herzegovina are concerned, they are not regulated in a systematic fashion.

The survey of UNDP (2000) had shown that, much like in other countries in transition in the Central and Eastern Europe, more than 60% of young people intend to leave BiH if they get an opportunity to do so. One of the reasons for which young people want to leave BiH is the inadequate education system, a consequence of poor management, which has led to poor conditions and equipment, outdated teaching methods, and inadequately standardized qualifications, as well as a distance from the research and teaching achievements in the rest of Europe.

However, based on an open competition organized by the Federal Ministry of education, science, culture, and sport for the allocation of a short term financial assistance for the writing of Masters thesis, we get a different picture regarding the interest of young people for scientific and research work than was the case with the previous survey.

179 candidates applied for the assistance, out of which 94 were women and 85 were men. There were 23 scholarships approved, 11 of them to women and 12 of them to men.

At the open competition for the writing of PhD dissertation, 132 candidates applied, out of which 51 were women and 81 were men. 27 scholarships have been approved, 16 of them to women and 11 to men.

At the open competition for the financing of the realization of research and scientific projects in the year 2002/2003, 155 scientific and research projects have been submitted. The leaders of the project (the executive researchers) for 31 projects were females, and for 124 projects they were men.

45 research and scientific projects have been accepted in order to be financed by the Federal Ministry of Education, Science, Culture, and Sport. On 13 projects the leaders were women, and on 32 projects the leaders were men, information that indicates the quality of women-researchers.

### Professional (specialized) training

**152.** Gender stereotyping had also been visible in professional education. There existed some types of professional secondary schools in former Yugoslavia, four-year technical school that combined general and professional skills and gave its graduates a technician's diploma, as well as a three-year course for a degree of skilled worker. With the destruction of many industrial facilities throughout BiH, the centers for the training of students in economy have also been destroyed. With the help of the international community, some of these training programs have been revitalized. Many of these projects put an emphasis on those jobs related to the construction industry, with the aim of helping the unemployed and, especially, demobilized soldiers to get employment in these areas, having in mind that the industrial reconstruction is the main source of employment. The Foundation for Employment and Training (ETF), founded by the World Bank, the Government of the Federation, and the Government of RS made the greatest efforts in this area.

The projects of training that have been especially intended for women, often conducted by independent NGOs, with international donor help, include, among other ones, typewriting, knitting, and sewing courses.

The financing of continued education has been completely left to the employers.

A few financing trainings have been developed so far:

1. with the credit of the World Bank for the training of demobilized soldiers, war invalids, and family members of killed soldiers,
2. through measures of active policy towards unemployed within the framework of public services for employment,
3. individually and through enterprises (at a very small scale).

The unemployed can get support in two basic ways:

Through courses in job seeking, training in computer use, and courses which allow one to get a certain vocation held in centers for training and prequalification, or in adequate regular or experimental schools; through special projects for training and prequalification for a particular employment, prepared by enterprises and financed by public services.

These trainings that mostly relate to the occupations in agriculture and construction, as well as those related to computer use have been financed by public services for employment and through donations.

**153.** It is evident that on the territory of BiH there exists a great diversity in the content of the textbooks that could be characterized as gender stereotyping in pedagogic subject matter (especially in textbooks for primary and secondary education).

In many programs and textbooks one can still find stereotypical examples of portrayals of men and women. For example, a woman is portrayed as a secretary, the one that cooks, cleans, prepares children for bed, while a man is portrayed as the manager, the one that earns a living, as a successful athlete, etc. Procedures have still not been initiated to prevent the repeating of these same gender prejudices in future teaching curricula.

Based on the analysis of the content of the class subjects, which are studied in primary and secondary schools in BiH, it is found that one can almost find no subject matter related to family planning.

In the subject Nature and Society, which is studied from grade 1 to grade 4 of primary school, in grade 1 there is talk about home and family, that is nuclear family and relatives, while in the second grade there is some more talk about giving birth to children and the parents' responsibilities towards the children, as well as the children's responsibilities towards the parents.

In the subject Culture of living, democracy, and human rights there are no contents that would deal in any way or form with family planning. Children get certain basic knowledge by studying the subject Biology, and only those lucky ones that have conscientious headteachers, deal with this topic during homeroom time, at the initiative of homeroom teachers or students.

However, this state will be improved since new subject matters are included as part of the framework of the education system reform, and these must also include this gender component.

**154.** Seeing how complicated the organization system of BiH and the authorities related to education are, coordination is one of the important issues in achieving a harmonized practice and implementing the same standards in education. The entity ministers of education have signed on May 10<sup>th</sup> of 2000 a Declaration and Agreement on Harmonizing Parallel Educational Systems. Starting with the school year 2000/2001 a responsibility has been taken over to, build in contents of cultural, literary, and linguistic heritage of all three peoples into the curricula, as well as to intensively work on harmonization of program contents, decreasing the burden on and modernizing the curricula in the future period.

With that aim, a new, modularly established, curriculum has been introduced into 4 pilot-schools in the year 2000/2001.

The Agency for standards has been formed with the task of determining the standards of education, checking them, and assessing the quality of certificate creation. The coordination body for harmonization of educational systems in BiH has also been formed, and it consists of the same ratio of Bosniak, Croat, and Serbian experts.

Within the framework of the PHARE program, a process of modulation of curricula has been opened in the VET system of education.

**155.** In Bosnia and Herzegovina, as well as in the Entities, the payment of scholarships to students of all educational levels has still not been regulated by law. For now, stipends are still given out sporadically and from different sources in accordance with the rules and conditions of those who giving out scholarships, and the selection are mostly done through public ads and broadcasts. Researching the information available to us, we have not found any gender inequality in the approach to and the allocation of available scholarships.

**156.** Within the framework of the project “Gender Equality and fairness in Bosnia and Herzegovina”, among the supported projects with the topic of gender, there were also six projects with objectives in the sphere of education, which is a direct activity from the article 10 of the Convention. Four projects were oriented towards work with selected persons of both genders on the development, promotion of gender, and the development of activities that would introduce gender comprehension into secondary schools. One project had the aim of analyzing Sociology and Philosophy textbooks for secondary schools, and it included students of sociology and philosophy of the Philosophy faculty in Banja Luka, as well as the professors of the above-mentioned subjects. Its result was a lesson manual for these subjects that would satisfy gender aspects. The other project dealt with the selection of occupations for primary and secondary school population. These projects have actually shown that work on programs should be started with pre-school children, and that a procedure for incorporating gender into school curricula is necessary.

Based on the above stated it can be concluded:

That the education in BiH is fragmented,

That there doesn't exist a unique legislative regulations for the entire territory of BiH,

That the process of reform in education has been started,

That there doesn't exist a policy of giving out stipends and a profiled strategy for keeping young people in BiH,

That the textbooks in BiH contain gender stereotypes about men, women, and their social roles.

## ***ARTICLE 11 LABOR, PENSIONS, AND SOCIAL PROTECTION***

### **Rights on the basis of labor**

**157.** According to the applicable laws in the area of labor in Bosnia and Herzegovina, every type of discrimination on the basis of right to labor and employment is forbidden. Bosnia and Herzegovina is the signee of more than 66 Conventions from the area of labor (MOR), so that it had passed new laws in the previous period, harmonizing them for the most part with the MOR Conventions.

International labor standards that ensure complete Equality of all persons at work and in the approach to employment have been built into the new legislature, any type of discrimination is forbidden, and rights that are economically and financially sustainable, taking in mind the state of the Bosnia and Herzegovina's economy, are determined. All benefits on the basis of labor are equal for men and women.



**158.** According to the Law on labor, an employee's full work time is 40 hours per week, while worker's overtime is precisely regulated, determined by law, and forbidden for workers younger than 18, pregnant women, mother with children that are less than 3 years old, and single parents or adopters of children that are less than 6 years old. According to this Law, work between 10 pm and 6 am of the next day is considered night work, while for a worker younger than 18, night work is between 8 pm and 6 am of the next day, and if they are employed in industry, from 7pm to 7 am of the next day. Night work is forbidden for pregnant women, starting with their sixth month of pregnancy, as well as for workers younger than 18.

The above-stated provisions are completely in accordance with the MOR Conventions, which are:

Convention on the night work for women employed in industry- number 89, revised in 1948;

Convention on employment of women before and after birth – number 3 from the year 1919;

Convention on protection of motherhood – number 103, revised in 1952.

**159.** All workers have a right to a daily rest during their work time for the duration of 30 minutes, which is counted into full work time, a daily rest between two consequent workdays of at least 12 straight hours, and a weekly rest of at least 24 straight hours.

The right to annual leave is determined by law to be at least 18 days, while for underage workers this leave is to last for at least 24 work days. All other increases of annual leave are regulated through collective contracts and the book of regulation and rules at work.

**160.** The law guarantees every worker the right to paid leave with reimbursement of salary (paid leave) for at least five days in the calendar year in cases determined by Law, as well as by collective contracts and book of regulation and rules at work, while unpaid leave is permitted for up to 3 days during the course of the calendar year for the purpose of fulfilling religious or national and traditional needs, which the employer has to approve, and he or she can also approve that leave at the request of the worker in other cases foreseen by law. Training period/internship is equally available to men and women, even in those areas that are usually not intended for women.

During sick leave, or prevention from work, regardless of the basis, workers have the right to reimbursement of salary.

Maternity leave (sick leave), to which a woman has the right with the reimbursement of salary in the amount of average salary earned by her three months before the start of maternity leave, should be dealt with separately.

**161.** There is a possibility for shortened work time (part-time work) if the nature of the job permits it, and, as a rule, both men and women can utilize this possibility. These benefits affect earnings and other labor rights, so they are rarely used in practice.

The Law on labor does not regulate or give a possibility for "work at home". This issue is determined with the new General collective contract that is being discussed by partners in social dialogues, and which passing is expected to be soon.

**162.** As far as other rights are concerned, marital status does not influence job security, but laws provide special measures with the aim of protecting women. Women are provided with special protection during pregnancy, and work in all jobs that endanger their health and pregnancy is forbidden.

With internal acts, the employer, in accordance with appropriate regulations, determines which jobs are especially bad for health.

According to the Law on Labor, a woman that starts to work before the end of her maternity leave, aside from her daily break, also has the right to additional break in duration of 60 minutes for the purpose of breast feeding her child.

During the time of pregnancy, or breastfeeding, a woman can be allocated to other jobs if that is in the interest of her health condition, as diagnosed by an authorized doctor. If the employer is not in the position to ensure transfer to other work, a woman has the right to absence from work with the right to salary reimbursement, in accordance with the collective contract and the book of rules and regulations at work. The temporary allocation cannot have, as a consequence, a decrease of the woman's salary. An employer can transfer a woman to another work position only with her written consent.

**163.** It is not known that women get lower earnings than men for the equal work.

According to article 68 of the Law on labor, the collective contract, a book of rules and regulations, and a work contract determine the salaries of employees. Salary determined in such a fashion is guaranteed for every employee that works on certain jobs, irrespective of whether the person in question is a man or a woman. In practice up to now, not a single case has been recorded where a woman-employee complained about a lower salary compared to a man-employee that performs the same work.

However, better-paid work places are not available to women under the same conditions as they are to men.

**164.** An employer cannot refuse to employ a woman because of her pregnancy, or cancel her work contract due to that condition, or, except in cases where this is in the interest of her health, allocate her to other work assignments.

In case an employer acts against the above-mentioned provision, he or she will be punished with a monetary fine for that transgression.

**165.** The law on labor does not determine what jobs a woman can perform at home, but the law does also not forbid this possibility so that an employer and employee can agree to have the place of work be at home.

- In case this is formal employment, then the employees will have all the rights pertaining, including the right to sick leave and annual leave.

- The salary level for this kind of work will depend on what is the amount of salary anticipated by the book of rules and regulations that is the labor contract.

#### **Unemployment and choice of occupation**

**166.** According to the valid laws, there do not exist limitations in terms of exercising rights to employment and choice of occupation for a woman. In the period of transition, in which Bosnia and Herzegovina is, employers often tend to employ men, or to fire women first, as well as hire workers from the black market. The total indicators, according to the currently available data, still show that, in total, the rate of unemployment for Bosnia and Herzegovina is extremely high, and that it has almost the same affect on the employment of both genders.

The newly arisen situation is the consequence of the general state in the economy. The parts of economy that should sustain the entire economy are in state of disintegration or complete transformation.

**167.** In the situation of general transformation, we cannot talk about a better or worse situation of “female” or “male” branches in the way it would be possible in the previous system. With the general economic crisis, and with the presence of a great quantity of foreign aid, it is difficult to discuss regularity that indicates a presence of gender distinctions between the branches.

**168.** It should be mentioned that there exists a strong link between the social role of a woman, her education, profession, and position on the labor market.

The data available based on research shows that in Bosnia and Herzegovina there exist typically female and typically male professions. There still exist stereotypes regarding desirable occupations, as well as professions that are more performed by women or men and these are deeply rooted.

TABLE. 11.2.

**The assessment of the reputation of certain occupations**

Occupation	Very low	Low	Medium	High	Very high
Cleaner	51,0	29,9	13,8	3,1	2,2
Bricklayer	17,4	38,1	30,4	9,7	4,7
Policeman	13,3	24,3	43,7	14,1	4,6
Engineer	3,5	9,2	33,9	38,5	14,8
Teacher	6,6	20,0	47,8	18,9	6,6
Judge	2,4	4,1	20,2	46,1	27,1
Singer	3,6	6,2	19,1	30,5	40,7

**169.** The entity governments, with the help of GEEP project Gender Equality and Equity in BiH, which was supported by the Finnish government, have formed government offices / Gender Centers that take comprehensive actions directed towards the raising and strengthening of the awareness of women in relation to being included into all branches of work and income earning.

In the post-war period in Bosnia and Herzegovina, there was a significant strengthening of the non-governmental female sector that already has an extremely strong influence on the creation of public action and raising of awareness of the public with the aim of removing stereotypes and usual rules related to the selection of occupations and inclusion of women in all flows of income generation and social development.

**170.** More educated women are faced with a much bigger challenge than the less educated ones in the process of employment. The portion of women in the total number of unemployed is more than 50% as far as secondary, higher, and high education are concerned. That difference is, however, much more emphasized as far as secondary and higher than high education are concerned. If one takes into account the data on educational structure from twenty years ago and the number of women that graduated from faculties or higher schools in this period, we will see that the number of unemployed women in these groups is extremely high, that is, the number of those women with higher or high education looking for employment is extremely high and does not match the structure of education.

**171.** The data of the Employment Bureau indicate that the age of men and women seeking employment is mostly uniform in the younger age categories. There do not exist significant differences in age groups from 15 to 25 and from 25 to 35 years. In the first age group 52% of men seek employment compared to 48% women, and in the second age group the relation is 57% to 43%. As the age of persons seeking employment increases, the participation of men enhances. In the age groups from 35 to 45 years, and from 45 to 55 years, as well as over 55, the participation of men goes from 60% to 90%. The data that one quarter of unemployed persons is aged between 36 and 45 years should especially be a reason for concern.

This data states that women seek employment right after they finish school and that, unless they find employment at the very beginning, they choose a different strategy –the founding of a family. This is why there are significantly less middle-aged women seeking employment through Employment Bureaus. There is a difference in the average age of men and women seeking employment. As far as men are concerned, the average age is 35,5 years, and as far as women are concerned, the average age is 32 years. The difference of 3,5 years is the result of a great number of older men seeking employment.

TABLE 11.1

**Work population by census**

	1971	1981	1991
total	2,205,536	2,675,096	2,857,092
Men (15-64 years)	1,092,781	1,360,016	1,500,378
Women (15-59 years)	1,112,755	1,315,080	1,356,719
Participation of work population in total population %	58,9	64,9	65,3

TABLE 11.2.

**Unemployment in Bosnia and Herzegovina 1996-2002**

year	total	men	women	Women in %
1996	298,822	186,529	111,293	37,23
1997	364,856	206,037	154,819	42,43
1998	398,469	221,535	176,961	44,41
1999	409,290	225,155	184,135	44,98
2000	421,198	230,412	190,786	45,29
2001	416,753	226,871	189,882	45,56
2002	435,505	239,498	196,007	45,00

TABLE 11.3.

**Employment in Bosnia and Herzegovina 1996-2002**

year	total	men	women	Women in %	Note data are missing for:
1996	244,561	157,568	86,993	35.57	RS
1997	259,889	167,564	92,325	35.52	RS
1998	651,314	439,826	211,488	32.47	
1999	630,890	428,607	202,283	32,06	
2000	639,053	432,657	206,396	32,29	
2001	625,643	426,007	199,636	31,90	
2002	624,914	425,859	199,055	31,85	

Data source: Agency for Statistics of BiH

TABLE 11.4. Average monthly salary, 1998-2002 (in KM)

<b>BOSNIA AND HERZEGOVINA</b>					
	1998	1999	2000	2001	2002
Net salary	296	343	374	443	446
Gross salary	454	503	541	652	660
Growth-net salary (%)	n.a.	15.9	9.0	18.4	0.7
Growth-gross salary (%)	n.a.	10.8	7.6	20.5	1.2

<b>FEDERATION OF BOSNIA AND HERZEGOVINA</b>					
	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>Net salary</b>	<b>329</b>	<b>374</b>	<b>414</b>	<b>443</b>	<b>483</b>
<b>Gross salary</b>	<b>507</b>	<b>551</b>	<b>626</b>	<b>652</b>	<b>710</b>
<b>Growth-net salary (%)</b>	<b>n.a.</b>	<b>13.7</b>	<b>10.7</b>	<b>7.0</b>	<b>9.9</b>
<b>Growth-gross salary (%)</b>	<b>n.a.</b>	<b>8.7</b>	<b>13.6</b>	<b>4.2</b>	<b>8.9</b>

<b>REPUBLIKA SRPSKA</b>					
	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>Net salary</b>	<b>170</b>	<b>216</b>	<b>277</b>	<b>309</b>	<b>347</b>
<b>Gross salary</b>	<b>256</b>	<b>314</b>	<b>387</b>	<b>444</b>	<b>528</b>
<b>Growth-net salary (%)</b>	<b>n.a.</b>	<b>27.1</b>	<b>28.2</b>	<b>11.6</b>	<b>12.3</b>
<b>Growth-gross salary (%)</b>	<b>n.a.</b>	<b>22.7</b>	<b>23.2</b>	<b>14.7</b>	<b>18.9.</b>

Data source: Statistical bulletin 4, 2003, Agency for Statistics of BiH

Note: Brcko District – different methodology for the collection of data on salaries

<b>DISTRICT BRCKO BIH</b>					
	<b>2001</b>	<b>2002</b>			
<b>Net salary</b>	<b>504</b>	<b>676</b>			
<b>Gross salary</b>	<b>792</b>	<b>1031</b>			
<b>Growth-net salary (%)</b>	<b>n.a.</b>	<b>34.1.</b>			
<b>Growth-gross salary (%)</b>	<b>n.a.</b>	<b>30.2</b>			

TABLE 11.5

**Unemployment by age for 2001**

Age structure	Unemployment in %
19-24	34.8
<b>25-49</b>	13.4
50-60	9.7
TOTAL	16.1

Note: In the institutes for statistics, salaries are not recorded according to gender

Source: Life standard measurement study (LSMS May 2002) and the Report on Human Development in Bosnia and Herzegovina

TABLE 11.5a

**The number and structure of recorded unemployment in year 2001**

	Bosnia and Herzegovina		Federation of BiH		Republika Srpska	
	Number	Percentage	Number	Percentage	Number	Percentage
<b>A. The number of unemployed</b>						
Total	423,526	100	275,777	100	147,749	100
<b>B. Gender</b>						
Men	234,731	55.4	148,084	53.7	86,647	58.6
Women	188,795	44.6	127,693	46.3	61,102	41.4
<b>C. Age</b>						
Up to 26	116,441	27.5	82,292	29.8	34,149	23.1
27-39	175,008	41.3	114,723	41.6	60,285	40.8
40-49	89,138	21.0	54,273	19.7	34,865	23.6
50 and more	42,939	10.1	24,489	8.9	18,450	12.5

Data source: Statistical yearbook of 2001, Federal Institute for Statistics, Sarajevo  
 Statistical data on economic and other trends, February 2002, Federal Institute for Statistics, Sarajevo  
 Monthly statistical review, 4/2002, Bureau for employment of Republika Srpska.

TABLE 11.6

**The number of users of the unemployment program**

	1997	1998	1999	2000	2001
<b>A. Users of unemployment compensation ( in thousands)</b>					
Bosnia and Herzegovina	n.a.	n.a.	n.a.	n.a.	n.a.
Federation (annually)	14.0	29.4	34.0	27.4	36.2
Federation (end of year)	2.0	4.0	2.3	2.9	3.3
Republika Srpska (end of year)	n.a.	n.a.	n.a.	1.3	1.6
<b>B. The average amount of compensation for unemployment ( in KM)</b>					
Bosnia and Herzegovina	n.a.	n.a.	n.a.	169.0	153.7
Federation	n.a.	n.a.	n.a.	144.3	155.1
Republika Srpska	n.a.	n.a.	n.a.	193.6	152.3

Source: Federal Bureau for Employment (internal material), Federation of BiH, Sarajevo  
 Monthly overview, No. 4/2001, Institute for statistics of Republika Srpska .

TABLE 11.7

**Number of workers on hold, Federation years 1997-2001**

	1997	1998	1999	2000	2001 (July)
Total	87,781	70,985	53,912	40,262	31,991
Industry and mining	58,60	47,951	36,721	28,927	21,260
Agriculture and fishery	24,60	1,754	1,199	741	680
Forestry	730	525	290	0	0
Waterpower	115	114	74	181	131
Construction	7,752	6,464	5,514	4,406	4,092
Transport and communications	4,828	3,650	2,630	2,000	1,983
Trade	5,758	4,703	3,646	2,661	2,540
Service industry and tourism	1,071	748	678	576	690
Art and artisanship	1,868	1,846	1,426	0	0
Public communal services	243	129	110	7	7
Financial and other services	3,596	2,627	1,413	713	543
Education and culture	338	196	114	9	22
Health and social protection	299	139	56	9	17
Public administration	165	94	41	17	26

Source: Federal Institute for statistics, Statistical data on economic and other trends, several editions

NOTE: We do not dispose of comparable data for RS.

**Private sector**

**172.** In the period of economic transformation and privatization, one of the possibilities for employment is the opening of a private business. However, it is difficult to analyze this sector in detail since no reliable data can be found on the number of employed in the sector analysis of employed persons neither in private sector, nor on the physical size and value of production in the private sector. The average number of employed in the private sector amounts to 2 workers for one private company, so the private sector can be described as undeveloped, turned towards family business, artisan, or trade/commerce services.

**173.** According to the available data that relate only to owners of independent stores and persons employed in them, in September 1999 their number amounted to 18,095, and out of that number 8,148 were women (45%). In Republika Srpska, for the year 2001, out of total 13,924 owners of independent stores, 5,296 owners are women.

In the total number of store owners there are 37% women and 63% men. When the portion of women owners in the total number of employed women in the private sector is observed, we get the information that half of employed women are owners. In the group of men, 71% are found in ownership positions. This shows that women are a working contingent in the private sector and that they are both employees and owners. In that sense, the situation is similar as in other forms of ownership. However, the very fact that half of women in this section of the private sector is in ownership positions presents a great progress in relation to the social sector. This area, however, presents the smallest private business, so it would be interesting to compare this data with the data from other areas of private business dealing.

**174.** Women are still less represented in the “bigger” business. In any case, advancement in relation to the social sector is significant and presents a consequence of a much bigger role of personal initiative and smaller institutional barriers for the advancement of women in the social hierarchy.

**175.** The types of stores are not differentiated and in the available data only a rough division has been given, so one cannot observe clearly which work areas are occupied by small, private business. There do not exist differences under the category “Artisan stores”. There also do not exist data on the number of commerce stores. It can only be assumed that the largest number of commerce stores can be found in the group “other owners”.

TABLE 11.7

**Owners according to type of activity, by gender**

Women	Activity	Men
48%	Artisans	34%
18,1%	Restaurant owner	21%
0,3%	Auto transportation	22%
33,6%	Other	23%

As far as women are concerned, one can observe the concentration of women in the group “artisans” and there is a more significant frequency in the group “others”. Since we do not dispose of available data, we assume that the owners of trade/commerce stores are the most numerous ones in the group “others”. When the relations of gender structure within activities are compared, we get the information that women come close to men with their participation in the area of artisanship and “other” businesses. In the area of auto transportation, there is a complete dominance of the male population (the most numerous ones are probably the taxi drivers).

The data show that out of total number of men employed in the private sector only 29% have the status of a worker. When the gender structure of workers in the private sector is observed, we can observe the dominance of the female work force.

Men <b>41,5%</b>	Women <b>58,5%</b>
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The concentration of male work force is found in the typical male areas, such as auto transportation, and the concentration of female work force cannot be determined with certainty. It can only be assumed that it is in the area of trade/commerce.

Table

**Workers according to activities**

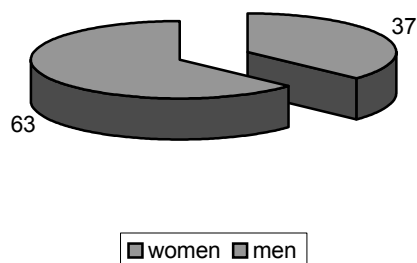
Women	Activity	Men
57%	Artisans	43%
57%	Restaurant owners	43%
11%	Auto transportation	89%
64%	Other	46%

**176.** This kind of situation in the private sector can be observed from two perspectives. The participation of women in the private sector with 45% (owners and workers) and in the ownership with 37% says that women are ready to enter a new and risky area of business. This statement gains on strength when all data and conclusions from the sphere of social and state sector, in which women are rarely in management positions, and where they perform less responsible and demanding jobs, are taken in consideration. Now they appear responsible for their job, and this often means the taking over of responsibility for the entire family (supplementing the household budget or even maintaining their family). They are ready to get involved into completely new forms of business dealings and accept all their advantages and faults.



## GRAPH

Gender structure of storeowners



On the other hand, existence of a significant number of female workers in the private sector can be interpreted in a different way. Female work force is easily available, is not in the position to choose among jobs, and is ready to work for small compensation, often getting exposed to their owners' physical and sexual harassment.

Both of these opinions have their own strengths. In order to determine with certainty the dominating element, it would be necessary to conduct an analysis and include some other indicators.

**177.** Certain researches (business environment, World Bank) show that there exists no organized help, that is, that there exist no special programs for women with which Bosnia and Herzegovina facilitates development or starting up of a private business. Women that are ready to start a private business must completely focus themselves towards an independent strategy of finding starting capital. This is most often personal capital, a loan from a friend or relative, from loan shark sources, or it is in the form of aid of foreign or domestic non-governmental organizations. There also exist programs that are conducted in the form of micro crediting with a favorable credit rate. These credits most often present assistance for already started businesses and require firm mortgage guarantees.

**178.** A number of non-governmental organizations, which work with women only, help both with money and advice. It should be stated that some of these organizations work on the creation of the so-called united groups where women mutually guarantee for one another, join with one another, start joint businesses, or simply support one another in separate actions. The businesses in question are most often small or ones that are not registered. That way, a non-governmental organization called "Women for Women", which works with women in the rural area of Sarajevo canton and helps them to create a business out of agricultural work or to perfect home art, is active in the Federation of BiH. Non-governmental organization "Otter" from Banja Luka gives micro credits for women that have started a business, but this business may or may not be registered.

**179.** Data collected in the non-governmental organization "Otter" state that there have been credits allocated to 550 women, and that in 95% of cases the businesses in question are in the area of commerce. Women users of these credits mostly have lower level education. Unfortunately, there do not exist more detailed data on who are the women that use this type of help to start up a private business. The information that the credit users are mostly of lower education is not a key factor in the taking of private initiative, but shows that the source must be sought for in personal motives. This also destroys the stereotypes that uneducated women are less capable of private initiative than more educated ones and proves that motives are the key factor in starting up of a private business.

USAID Business Finance program issued the fact that in 1998 out of 4 918 credit users 71% were men and 29% were women. Micro credit organization "Mikrofin" from Banja Luka cooperates with women in almost half of its cases. The experiences are extremely satisfactory. Women are much more responsible, conscientious and they have an almost 100% rate of timely credit return.

### **The right to pension and disability insurance**

**180.** The right to pension and disability insurance is one of the basic rights in the areas of social rights and social security of citizens, which are gained on the basis of labor, that is, mandatory pension and disability insurance and voluntary insurance of citizens in accordance with the law, such as the right to age-based pension, disability pension due to decrease and loss of work capability, and death of the insured person for the providing of social security to the ensured parties and the members of their families. The extent of this right depends, as a rule, on the length of the pension service and the salary that the insured party earned during their work span, that is, on the principle onto which the contribution for pension and disability insurance was paid.

**181.** The mandatory age for the retirement of men and women is the same, and it is when they reach 65 or have 40 years of work service, while the voluntary age for the retirement of men is when they reach 65 and have 20 years of insurance service, and for women it is when they reach 60 and have at least 20 years of service. In case a man or a woman does not have 20 years of service as far as insurance goes, they earn their right for a pension when they fulfill at least 25 years of pension service. These provisions are valid for the territory of the Federation of Bosnia and Herzegovina.

In Republika Srpska, the right to pension is achieved at the age of 55 (man), that is, at the age of 50 (woman).

All women, and as far as the usage of the pensions of marital partners goes, both men and women, have the right to a family pension after the death of their marital partner if they fulfill a condition determined by law.

**182.** In accordance with the law, the resources of the pension and invalid insurance are provided by the insured parties, employers, and the state. The rights related to the pension and invalid fund are inalienable material rights and cannot be transferred to the other parties, nor can they be inherited. The received funds that have not been paid due to the death of the user can be inherited. For the exercising of the right related to the pension and disability insurance, as well as determined needs and interests in the area of that insurance, two entity funds for pension and invalid insurance have been established.

**183.** The right to disability pension is exercised by the insured party that was mandatory or voluntarily insured by pension and disability insurance:

1. who lost his or her ability to work, lost his or her capabilities to perform functions based on which he or she was insured, or lost his ability to work for income;
2. for whom the remaining ability to work was determined, with the condition that he goes through the process of prequalification or further qualification for a higher position, but has not been given the right to have this prequalification because he is older at the day this disability is determined;

**184.** A person disabled at work that gained the right to prequalification or further qualification for a higher position cannot, based on a disability determined in such a fashion, gain the right to disability pension when he later reaches an age in which such a prequalification or further qualification for a higher position is not provided.

A person disabled at work who has been trained for work in another position by undergoing a prequalification or further qualification for a higher position, and who, after reaching the age of 50 (man), that is age of 45 (woman), because of the change in his or her state of disability, loses his or her capability for work at the work position for which he was trained, then gains a right to disability pension if he is not capable for work on another work position without undergoing another prequalification or further qualification for a higher position.

**185.** The parties that are insured by voluntary insurance based on their agricultural activities gain the right to a disability pension if their disability is caused by a work injury or a profession-related illness, regardless of the length of their pension service. Every party that is insured by pension or disability insurance gains the right to disability pension if the disability is caused by an injury outside of work or by disease under the condition that they have fulfilled a pension service that would cover at least one third of their work service. Parties that have become disabled before they reached the age of 30,

and their disability is caused by illness or outside of work gain the right to a disability pension under the condition that the pension service covers at least one third of their work service.

In case of disability caused by illness or an injury outside of work, disability pension is determined as an adequate percentage of the pension principle, depending on the length of the pension service, insured party's gender, and the calendar year in which the right to pension is exercised. In case of disability caused by an injury at work or by a profession-related illness, disability pension is determined as a percentage of the pension principle regardless of the length of the pension service and is more favorable than the disability pension earned in case of disability caused by illness or injury outside of work. The amount of disability pension received on both bases is more favorable for women who, under the same conditions as men, gain that right.

### **The protection of motherhood**

**186.** At the time of pregnancy, birth, and childcare, a woman has the right to maternity leave in the duration of one straight year.

At the time she uses her maternity leave, the employee has the right to a salary reimbursement. In RS the reimbursement amounts to the average of the last three received salaries, and in FBiH this amount is determined by the provisions made by the canton, so there are differences in the amounts paid.

Only four cantons passed provisions for women who breastfeed so all women are not in the same position as far as the exercising of this right is concerned.

**187.** The Law on labor allows for a father of the child to use the right to maternity leave in case of the child's mother's death, in case the mother abandons the child, or if she is prevented from exercising this right due to valid reasons.

This law does not foresee the possibility of having parents share the maternity leave amongst them.

**188.** Pregnancy and maternity leave do not affect the security of employment because the test for pregnancy upon employment is forbidden by law, that is, it is forbidden by law to fire women because of pregnancy and maternity leave since that poses a serious offence.

**189.** Maternity leave in FBiH and RS has the duration of straight 12 months, that is 18 months for twins and every third child and those that come after it. In RS, the system of paid maternity leave is organized so that it is paid at the expense of the Child protection fund. Non-payment of maternity leave is a serious offence and is penalized by a monetary fine. According to the suggested changes and amendments to the Law on labor, which is currently in procedure, a possibility has been foreseen for a father to use the maternity leave, in agreement with the mother, 60 days after the day of labor.

According to the Law on labor, flexible work frameworks for men and women exist only in cases of childcare that is conducted in accordance with the opinion and diagnosis of a doctor.

**190.** After the pregnancy leave expires, a woman or an employee – father of the child have the right to work half of their full work time until the child is one year old, and in cases of twins or a third child and every child after that one, they have the right to work half of their full work time until the child is two years old, and the length of this leave can even be extended by a provision from the canton.

Also, after the first year of the child's life passes, one of the parents has the right to work half of his full time until the child is three years old, if the child, according to the exams and diagnosis of an authorized health institution, needs a more supervised care.

A woman who, after using her maternity leave, works full time has the right to be absent from work two times per day in the duration of one hour for the purpose of breastfeeding her child, on the basis of a finding issued by an authorized doctor. A woman can use this right until the child reaches one year of age. The time of these absences for the purpose of

breastfeeding are counted towards regular working hours. However, due to the changes and amendments to the Law on labor, this absence from work is no longer reimbursed salary-wise, so it can be stated that this is now an unpaid leave.

#### **Harmful work**

**191.** A woman cannot be employed under ground (in mines) unless she is employed in a management position that does not require physical labor, or in services of health and social care, that is, if a woman must spend certain time under ground for the purposes of training, or has to enter the underground part of the mine sporadically with the aim of performing some occupation that does not include physical labor.

#### **Social care**

**192.** Social care in the Entities is an organized activity directed towards the suppression and elimination of causes and consequences of the state of social need in all areas of social life and work, providing assistance to citizens and their families when they are found in that state. Social need is considered to be a state in which a citizen or a family needs assistance if they are to overcome social difficulties and satisfy life needs. The basic rights in social care that can be exercised by citizens are:

1. material support,
2. assistance for aid and care of another party,
3. assistance for work training for children and youth,
4. placement in a social care institution or placement in another family,
5. social work services.

**193.** The rights to material support, assistance for aid and care of another party, placement in a social care institution or placement in another family, and the services of social work in conducting their public responsibilities, are found to be the rights of general interest and it is the responsibility of the local community (municipality and city) that they be provided. The Entities and cantons provide resources for the work training of children and youth that have trouble with physical and psychological development, for the construction, restoration, reclamation, and equipping of social care institutions.

**194.** The basic rights in the area of child protection guaranteed by Law are:

reimbursement of salary for the time of maternity and extended maternity leave and for the employed parents' or person who adopted (adopter's ) absence from work for the purpose of child care,

maternal aid,

assistance in equipment for newborn,

aid for children,

reimbursement of pre-school institution costs for the third and fourth child,

pre-school care and education for children without parental care, children with difficulties in development, and children on lengthy medical treatments,

educational program in the year previous to enrollment in primary school in the duration of three hours per day, in accordance with the program,

sojourn, pre-school education, and preventive health care for pre-school children and the sojourn of children of primary school age until they reach the age of ten,

rest and recreation of children up to fifteen years old in a children's rest home, regress of costs of children's stay in a pre-school institution, the costs of rest, and recreation.

**195.** The rights from point one to point 7 are of general interest. The municipality takes care of points 8 to 10 in accordance with its material capacities. The state of social protection must be observed as a part of general state in BiH, which is very difficult and complex. The indicators of economic development allow for an assessment that the economic facts at the current moment in BiH are extremely unfavorable with a tendency of stagnation and decrease of production and national income, since the process of transition and ownership transformation is only starting to give some initial results.

**196.** The lagging of average salary behind the costs of living, the great number of unemployed persons, the constant increase of the number of parties in state of social need, elderly without family care, children without parental care, and children whose development is defined by problems in the family, pensioners, a great number of refugees and citizens who, with their work, cannot provide for minimal existential and life needs, are all facts that depict the total economic and social state in BiH.

#### ***ARTICLE 12 EQUALITY IN THE APPROACH TO HEALTH CARE***

**197.** In the post-war period, health care on the territory of Bosnia and Herzegovina is faced with multiple challenges. Above all, these are:

the absence of a sustainable system of financing of health care,  
the changes in health policy, legal and other regulations,  
the change in organization of the health system.

The causes of changes are also multiple. The reform process and the continuous search for the most rational model of organization of the health system are also the characteristics of the most developed states. It has been proven that the indicators of the quality of health are not always in correlation with an increase in the investment in the health care system. Finding the most rational organizational models and methods in the system of health care and in providing health care, as well as defining of priorities are especially demanding in countries with inadequate resources, such as Bosnia and Herzegovina.

The establishment of post-Dayton Bosnia and Herzegovina also conditioned an administrative reorganization in the sense of a decentralized system of health care, especially in the Federation of BiH, as well as a task of finding forms of cooperation in this area between the Entities.

The consequences of war were very difficult as far as the population's health and health care system are concerned. Over 30% of health care facilities have been destroyed or damaged, and a great number of highly educated medical staff had left the country.

These are only some of the causes that resulted in the creation of a plan and the start up of a strategic reform and reconstruction of health care in BiH.

#### ***HEALTH CARE REGULATIONS***

**198.** According to the Dayton Peace Accord and in accordance with the established constitutional and legal system in BiH, health care is under the jurisdiction of the Entities, FBiH and RS, with the exception that this jurisdiction in the Federation of BiH is divided between the Federation and the cantons.

The right to health care according to the highest level of internationally accepted rights and freedoms is guaranteed by the constitution of the Federation of BiH and the Constitution of Republika Srpska, and all citizens have equal rights in terms

of their freedoms, rights, and responsibilities, are equal before law and enjoy equal legal protection regardless of their gender.

According to the Laws on health care protection, and in regards to Equality of genders, there are no discriminations as far as health care protection is concerned since all have the same rights to health care protection and freedom of selection of doctors and hospitals in which they are to be treated.

The following laws regulate health care protection in the Federation of Bosnia and Herzegovina:

The Law on health care protection (“Official Gazette of the Federation of BiH, number 29/97),

The Law on health care insurance (“Official Gazette of the Federation of BiH, numbers 30/97 and 7/02),

The Law on conditions of pregnancy termination (“Official Gazette of SRBiH, number 29/77),

The Law on protection from ionizing radiation and radiation-related security (“Official Gazette of the Federation of BiH, number 15/99),

The Law on health care protection of persons with psychological disturbances (adopted in 2002).

Health care protection and health care insurance of Republika Srpska are organized by two basic laws, the Law on health care protection (“Official Gazette of RS, no. 18/99 and 58/01) and the Law on health care insurance (“Official Gazette of RS, no. 18/99 and 51/01 and 70/01).

Health care protection is also determined by:

The law on medicines,

The Law on health care chamber,

The Law on protection from ionizing radiation and radiation-related security,

As well as with a series of provisions such as:

Decisions, orders, and books of rules and regulations.

**199.** The law on health care of the Federation of BiH and Republika Srpska determines the principles, the mean of organization, and the provisions of health care protection. All citizens of Bosnia and Herzegovina have the right to adequate measures of protection that are conducted, in accordance with the Law, based on principles of comprehensiveness, continuity, availability, and complete approach, thus allowing approximately equal conditions of health care protection, especially primary health care protection, to all citizens.

Health care protection implies the protection of health of citizens as individuals, their families, and society as a whole, which implies measures related to comparison and maintaining of the health of people, prevention and suppression of diseases and injurious, early detection of illnesses, timely treatment and rehabilitation.

Citizens and their families, educational, work, humanitarian, and other organizations, health care insurance, administrative bodies, and other interested bodies and organizations participate in the system of health care. Health care service has a special place and plays a special role in the system of health care protection, providing health care services of standard quality and equal substance to citizens.

Health care protection is provided in a uniform system of health care activities by the implementation of measures of primary, specialist and consulting and hospital health care protection. The following institutions are included in the system of health care protection: health center, family first aid station (clinic for family medicine), pharmacy, polyclinic, hospital, institute for public health (institute for health care protection), specialized institutes, clinic, clinical hospital, and clinical center.

**200.** The Health center provides general medical protection, child, preventive, and general dentistry, hygiene and epidemiological-related activities, urgent medical assistance, etc.

The hospital is the first referral level in the organization of health care and, by Law on health care protection, it can be general or specialized.

**201.** General hospital provides for health care protection to parties of all ages and those that are ill from contagious diseases.

Specialized hospital provides health care protection to parties of certain age groups, that is to those who are ill of creating diseases.

**202.** The institute for public health (the institute for health protection) is a specialized health care institution that monitors the health state of the population, the epidemiological situation, and related-related matters, recommends and takes measures for the prevention of sources that spread contagious diseases, and for the removal of harmful factors in living environment for the improvement of the health of the population, and it is an institution in which classes are held and scientific and research work is performed.

The institute systematically conducts sanitary control of water for drinking and surface waters, food, and air.

A specialized institute is established for the area of greater social and medical importance:

Blood transfusion,

Work and sport medicine,

Physical medicine and rehabilitation, etc.

**203.** The institute performs specialized, polyclinic and hospital or just specialized polyclinic health care activities.

A clinical center is an institution of a second referral level.

**204.** The basis and the central part of the system of health care protection is primary health care protection (PZZ) through which the citizens enter the system of health care and fulfill all health care needs that do not require more complex health care services related to examination and treatment. Measures of health care protection of women during pregnancy, birth, and after birth, among others, are provided at this level, as are the measures directed towards the fulfillment of other health needs of women, including those related to family planning. There do not exist any kind of legal or cultural obstacles for a woman to receive these health care services, nor does she need anyone's consent.

**205.** With the planned reform of the PZZ there is an intention to ensure a universal, quality, effective, and continuous PZZ that is based on family health and pre-orientation of main activities towards the promotion of health and prevention. Its achievement is to be accomplished by its introduction of teams dealing with family medicine in the medical practice. Practical medicine team consists of a doctor and two nurses, which will offer their services to about 500 of families allocated to them. This is one of the novelties in the strategic determination of the health care system reform, which is also positive from the aspect of gender.

One or more teams of family doctors who provide health care protection to all members of the family works at the first aid station and this presents the first line of contact and entering of citizens into the system of health care protection.

Working on health care protection of the entire family, measures to promote health and prevent disease, as well as to prevent, suppress, discover early on, and successfully treat illness should be taken in these types of first aid stations, as well as measures to:

Organize health care work,

Monitor the health state of the population and take measures in preventing and suppressing contagious diseases,

Discover and suppress the risk of non-contagious diseases,

diagnose and cure illnesses for which more complex examinations by doctors are not required,

home treatment of patients who do not need clinical treatment,

extended treatment and rehabilitation of patients after they have been released from the hospital.

**206.** Health care services that are now offered at the level of primary health care protection cannot completely fulfill the needs of the citizens, which is partly a consequence of the war activities in Bosnia and Herzegovina, but also due to the inherited inadequate organizational models and activities.

**207.** The rights to health care that result from the right to mandatory health care insurance are:

a) health care protection,

b) reimbursement of salary at the time of temporary incapability for work.

With the Law on health care protection in Republika Srpska, it is determined that children, pregnant women, and elderly have the right to health care protection from public resources, and other parties under the conditions determined by the Law.

## **HEALTH CARE INSURANCE**

**208.** The law on health care insurance determines the system of mandatory and expended health care insurance, rights gained by this insurance, means of exercising these rights, and principles of private health care insurance. It is this Law that established that all citizens are covered under mandatory health care insurance, in accordance with the Law.

The same Law regulates the following rights of health care insurance:

Health care protection,

Reimbursement of salary for the time of temporary incapability for work,

Other rights.

It is also determined that all insured parties have equal rights to health care protection.

The following have the right to mandatory health care insurance:

Insured parties,

Family members of insured parties,

Parties to whom it is made possible to exercise the rights of health care insurance in case of injury at work or profession-related illness,



Parties who are provided with health care protection based on the signed international agreements in accordance with the provisions of this law.

**209.** Based on mandatory health care insurance, the rights of health care protection are exercised, under the same conditions, by all insured persons, which means that women and men are given equal standard of health care services. There are no problems with the implementation of the law from the aspect of gender, that is, there is no discrimination in providing certain forms of health care protection. The above-mentioned law also established the right of women to 100% reimbursement of pay for the time of temporary incapability for work due to illness, or complications caused by pregnancy and birth. In this instance, it is also necessary to emphasize that the reimbursement of pay for the time of maternity leave is excluded from the health care system, and is transferred to the social rights sphere. The reimbursement of salary at the time of temporary incapability implies that the insured parties have, according to the law, the right to reimbursement of pay for the time of temporary incapability for work, and it is defined by Law who are the persons that, in accordance with the provisions of the valid law have that right. These are:

persons that are temporary incapable for work due to illness or injury,  
 persons prevented from working because of medical examination,  
 persons isolated as virus carriers, or isolated because of the appearance of disease in their surroundings,  
 persons selected to care for a certain member of the nuclear family under conditions determined by this law,  
 - prevented from working due to voluntary tissue and organ donation.

**210.** Records related to the exercising of all the rights of health care insurance are kept by the Fund for health care insurance. The Law on health care insurance regulates the personal participation in the costs of health care protection of insured parties. By this law, the following do not participate personally in the costs of health care protection:

Women during pregnancy and up to the time the newborn reaches age one,  
 Children up to 15 years of age,  
 Those who are ill with certain contagious diseases,  
 Elderly, in accordance with the law.

**211.** Insured parties are freed of personal participation in the costs of health care insurance when taking the following measures:

Improvement of health of individuals and groups of population,  
 Prevention and suppressing of illness and injuries in accordance with a special program,  
 Discovering and suppressing the risk factors for certain diseases in accordance with a special program.

A novelty that has been introduced in Republika Srpska, and is regulated by this Law, is the possibility for private health care insurance. According to the same Law, the citizens of Republika Srpska and other parties can be insured at a private agency for health care insurance in order to gain health care insurance rights and rights that are not covered under mandatory and extended health care insurance.

Conclusion:

Based on the legal provisions, women at the time of pregnancy and children up to one year of age are freed from providing any kind of participation. This way, the protection of women and motherhood is supported.

### Basic statistical data

**212.** According to the census from 1991, 4.377.033 people lived on the territory of BiH. At the end of 2000, according to the estimations of the Institute for Statistics of BiH, 3.683.665 people lived in BiH. The age structure of BiH population from 1991 was “borderline stationary-regressive”, with an insignificantly narrowed demographic pyramid. According to the same source, the current age structure of the BiH population resembles to the one from 1991. Thus, the BiH population in 2000 fell under regressive biological type. About 13,6% of the total population in FBiH were displaced persons. It is estimated that 80% of the population is urban, which is the consequence of mass migrations to the cities in recent years. The increase in the number of population age 65 and over is noticeable (from 6,4% to 11% of the total population), and there is a significant fall of active working population in the group age 20 to 40. 7,6 % of the GDP from the public expenditure is allocated for health care. However, if one takes into account that an additional 4,7% of the GDP is spent in the private health care sector and the so-called informal sector (all payments that go directly out of the pockets of BiH citizens through “payment under the table” , and that relate to public health care sector), then the total expenditure for health care in BiH is 12, 3% GDP, which is very high for an impoverished country such as BiH. The expenditure for health care per capita in 1999 was from about 100 KM in RS to up to 218 KM in FBiH. More than one third of total resources, that is 37%, are allocated for primary, 35% for secondary, and 18% for tertiary health care protection.

TABLE 12.1

#### Population according to age and gender – the estimate of current present population in BiH 30.06.2002

Age	Total	Males	Females	Age
0-4	221194	114570	106624	0-4
5-9	217374	111524	105849	5-9
10-14	263157	134575	128583	10-14
15-19	256799	130609	126190	15-19
20-24	274698	138923	135774	20-24
25-29	304111	154670	149441	25-29
30-34	285621	143521	142100	30-34
35-39	301389	149556	151832	35-39
40-44	295142	146081	149061	40-44
45-49	271886	133873	138013	45-49
50-54	238103	114692	123411	50-54
55-59	195512	91516	103997	55-59
60-64	237561	109840	127721	60-64
65-69	201155	90325	110830	65-69
70-74	144991	62139	82852	70-74
75-79	81095	28647	52448	75-79
80-84	19360	6707	12653	80-84
65 and more	19248	6501	12747	85 and more
Total	3828397	1868270	1960127	Total

#### Work population in BiH

men 15-64 years	1313281
women 15-59 years	1219821

Present population in Republika Srpska 30.06.2002.= 1513127  
 Present population in Federation of BiH 30.06.2002 = 2315270

Note: The estimation is done at the Agency for Statistics of BiH and published in the Statistical bulletin 5.2003.

### The health state of the population in BiH

**213.** In the post-war period, the health state of the population in BiH is progressively getting worse. As it was mentioned earlier on, the main reasons for this are: the social and economic situation, unemployment, migration, great number of displaced persons, inadequate health care insurance coverage, unhealthy way of living, etc. Because of health difficulties, 22% of the population above 17 years of age in BiH states sporadic limitations of activity in their everyday life, 24% have chronically, and 4% have serious disturbances. Along with that, significant worsening of the health state of the population has arisen as a consequence of exposure to long-term stress, that is, post-traumatic stress disorder (PTSD).

Despite the fact that the war directly affected the health state of the population, the expected life span in 2000 was between 71 and 75 years of age, which is equal to the state in 1990. During 2000, the coverage by immunization with the aim of protection from TBC, diphtheria, tetanus, peruses, poliomyelitis, and morbil was quite high and amounted to 95%, which is slightly lower than it was in 1991, when it amounted to 98%. In 1991, with the infant death rate of 14,5 promil BiH fell under the category of countries with relatively low infant mortality rate (in Central and Eastern Europe, the infant mortality rate was 17,5 promils and the European average was 7,5 promils). After the war, because of the different way of recording, there were significant variations of infant mortality rate between the cantons/regions, so the data for 1998 of 11,7 promils should be taken in with caution. As far as infant mortality is concerned, in comparison to Western Europe, we have double the worst result. The mortality rate of women who have just given birth is also one of reliable indicators that indicate the effectiveness of health care protection. In the pre-war BiH, this rate amounted to 10,7 promils. Although in the post-war period this data was not published, it is estimated that the mortality of women who have just given birth is increasing. Almost half of male population over 17 smokes. This trend is the same among adult women (22%). On the "global health ladder", which indicates total achievement of country in the area of health, BiH is in 79<sup>th</sup> place.

### Leading illnesses in BiH

**214.** In comparison to the list of leading causes of death in BiH before the war, and even with the majority of European countries, the present list of the leading causes of death in BiH is almost the same. In 1991, among the first places of leading causes of death and lost years due to disability were the diseases of cardiovascular system (50%), such as hypertension and coronary isochemal diseases. Maligned neoplasm are in second place (18%), and their number has risen in the last few decades. In third place are symptoms and other undefined states. Injuries and poisonings are also in progressive increase and are in fourth place among the specific causes of death. The leading three contagious diseases in BiH are respiratory diseases (varicela), intestine diseases (influenza), children's contagious diseases (varicela), intestine disease (enterocolitis). Together with 46 European countries, BiH had entered a program for the monitoring of tuberculosis in Europe – Euro TB. According to the data from 2000, the incidence of tuberculosis in BiH was 65, 6/100.000, and the average rate of illness for 46 of European countries was 76,100.000. The rate of illness from tuberculosis had increased after the war in comparison with the rate of illness before the war and is brought directly in relation with the impoverishment of the population. In the previous period, the rate of morbidity of cardiovascular illnesses had increased. Thus, in 2000 there were 12.500 cases recorded in comparison to 11.069 cases in 1991. The elderly have an especially great problem with health care who are, beside their poor financial state, additionally limited in their approach to health care because of the inadequate public transportation. Malign illnesses are also in increase, and the rate of morbidity in 2000 was 275 to 100.000 in comparison to 175 to 100.000 as it was in 1991. Traffic accidents, physical invalidity, and mental illnesses also present a significant problem for the public health care. The available data show that over 47 000 people were made incapable by war. The number of those injured in traffic accidents in 1991 was 243 for every 100.000 persons. It is estimated that the growth trend in this area is significant.

The population in BiH is faced with significant health problems and trends that result in health problems (use of tobacco, alcohol, drugs), antisocial behaviors and violence, depression, suicides, and other wide spectrum of different physical and mental disturbances.

The exposure of BiH population to risk factors, such as smoking, increased blood pressure, increased level of sugar in blood, increased cholesterol, and other fats in blood, physical inactivity, risk from sexually transmitted diseases (AIDS), etc. that can significantly influence the health potential of individuals and the society as a whole is significantly increasing. Unhealthy food and low quality water worsens the state of health, and since these conditions have not changed

significantly in the last few years, the crisis is only becoming more serious, and the negative health factors are becoming dominant over the positive ones.

**215.** The maintaining and improvement of the health of the population is one of the most important needs posed before every social community. Special attention is given to social and health care of sensitive population groups, above all to women and children.

The existing state of the health information system and the data collection methodology is such that they not provide for a data base based on which a qualitative assessment of the state of health of the population could be given, nor do they give the possibility for quality planning, management, decision-making, ensuring of quality and improvement of effectiveness of the health care protection. Because of this, there was a series of researches conducted after the war with the aim of collecting data that would depict a more realistic state of health of the population and of the organization of health care protection.

#### **Chronically mass non-contagious illnesses**

**216.** The monitoring of chronically mass non-contagious illnesses is of great significance seeing that they are the most common ones in the total morbidity and present leading causes of death.

In BiH in 2001, in first place among these illnesses were the illnesses of the circulatory system with a rate of 8.300/100.000 people, and the high rate of illness were also observed in illnesses of the skeletal-muscular system (4.594/100.000), in illnesses of the digestive system (2.852/100.000), and in mental deficiencies and behavioral disturbances (2.100/100.000).

The "CINDI health monitoring" conducted in 2001 by the Federal Institute for public health confirmed the connection between unhealthy life styles in the population and chronically non-contagious diseases.

#### **Contagious diseases**

**217.** The morbidity of contagious and parasitic diseases in FBiH in 2001 amounts to 2415 for every 100.000 people. In the total structure of contagious and parasitic diseases in 2001, the most represented one is the group of respiratory contagious diseases with 84,8% cases of diseases, then the group of intestinal contagious diseases with 10,4% and parasitic diseases with 3,4%, while the remaining 1,5% consists of other contagious diseases.

In 2001, 54 people died of contagious diseases, and the rate of mortality amounted to 2,34/100.000.

Among the sexually transmitted diseases, syphilis has a low rate of morbidity with 19 registered cases of ill persons (rate of morbidity 0,82/100.000). In 2001, Gonorrhoea was registered in 14 cases with morbidity of 0,60/100.000.

#### **HIV Strategy**

In 2001, in FBiH there was one registered case of AIDS, which presents morbidity of 0,04/100.000, while in 2000 there were two registered cases, and the morbidity amounted to 0,08/100.000, and in 1999 there were 4 registered cases of this disease with morbidity of 0,17/100.000. Because of the high death rate and mean of transmittal, this disease requires constant epidemiological supervision and monitoring. The adoption of the National strategic program for the prevention of this disease for BiH and the founding of a state commission for AIDS was planned. Women health workers also actively participate in the creation of the strategic program for HIV prevention.

It is estimated that in FBiH there are about 60 HIV positive persons in total.

TABLE 12.2

**The trends and developments related to people infected with AIDS on the territory of Federation of BiH in the period 1997-2002**

year	age	gender	status	canton	transmission
1997.	31	m	dead	SA	I.V.
1997.	22	m	dead	TP	sexual.
1998.	41	m	dead	SA	sexual.
1999.	24	f	dead	ZD	I.V.
1999.	58	m	alive	HN	sexual.
1999.	40	m	dead	SB	sexual.
1999.	45	m	dead	SB	sexual.
2000.	27	m	dead	ZD	I.V.
2000.	41	m	dead	US	sexual.
2001.	37	m	alive	SA	I.V.
2002.	26	m	alive	SA	?
Total	11	10m/1f	8d/3a	-	-

**Health state of the vulnerable population groups**

**Health state of children and youth**

**218.** As is the case with most European countries, the rate of infant mortality in BiH indicates a constant decreasing trend. It presents the best possible indicator of the health of children and women, as well as of the health state of the population in general. It is also the indicator of how organized the portion of health care protection intended for women and children is. In 2001, it was 9,1 for every 1000 newborns, while it remained the same in 1999 and 2000, amounting to 11,2 to every 1000 newborns. Out of the total number of dead infants in 2001, 55,1% were male and 44,9% were female. The rate of infant mortality was 9,7% in male newborns, and 8,3 for every 1000 female newborns.

According to the preliminary data of the Federal Institute for statistics, in FBiH, in 2001, the leading cause of death of infants, with slight differences in case of male and female newborns, were certain states originating from the prenatal period (suffixation of the newborn, respiratory distress syndrome, disturbances related to shorter pregnancy and small weight, intracranial laceration, and bleeding due to injury at birth, infant sepsis bacteria, and intracranial non-traumatic bleeding) with a structure index of 58,9%. These were followed by congenital malformations, deformations, and chromosome aberrations, (index 9,8%), and in the third place were the diseases of the circulatory system and the symptoms, signs, and abnormal clinical test results with the same structure index of 6,1%. Next in line are the certain infective diseases with a participation in mortality of 4,7%. The range of leading causes of death has been slightly altered in comparison to previous years, which is most probably the consequence of poor quality mortality data.

Prenatal mortality (total number of stillborn children and children that die in the first day after they've been born) in 2001 had the rate of 10,2% and was slightly lower in comparison to 2000 when it amounted to 11%. The percentage of newborns that dies in the first six days after they've been born is high despite the low rate of infant mortality and amounts to 60,7%, so the rate of early neonatal mortality is 5,5% which presents a decrease in comparison to 2000. Mortinatality (stillborn) in 2001 amounted to 4,7% which, together with the earlier neonatal mortality (5,5%), gives the rate of prenatal mortality of 10,2%. In 2001, the rate of mortality in children age 5 and under was 10, 3% and has been decreased in comparison to 200- (13%).

All of the above-mentioned data indicate a necessity of continuous work on further improvement of protection of women during pregnancy (the increase of availability, education, control of service quality).

### The health state of women

**219.** The health care policy of the World health organization, shown through the “Health goals for all” strategy presents women as population group with an unfavorable position in relation to their social and health status. In the population structure, female population often takes up about 50% of the population, and the percentage of women of fertile age in the population goes from about 25% to 26%. Their health needs are extremely demanding and conditioned with a series of mutually dependent determinants, such as: social and economic status, including violence, rape, and other sexual harassments and abuses; reproductive functions; the complex role in the society such as the role of a mother or the role of an informal caretaker and guardian. To the conclusion! Unfortunately, not one single society treats women and men equally. On the average, women have lower education, earnings, and social position, and any type of jeopardizing of these basic preconditions leads to the imperilment of their health, and, thus, to the imperilment of the reproductive health and reproductive capability of the community.

The health state of a woman is an important indicator of the health status of the population and the effectiveness of health care protection. There is also an unwavering influence of the health state of the mother on the health conditions of the children, family, and community. Women in fertile age deserve special attention due to the role of the woman in the family and the society, in relation to her position during the development of the society and social relations, as well as due to her biological functions and the uniqueness of these functions.

**220.** The protection of women of fertile age and women in general requires a whole series of activities, starting with general measures such as: education, emancipation of women, achievement of basic human rights, up to specific measures such as: health care and health preventive measures with the aim of raising health culture of a woman, the humanization of relations between genders, family planning (contraception, as well as abortion as the most unfavorable and most damaging method of family planning as far as the health of a woman is concerned), supervision and control of pregnancy and puerperium according to the minimal and optimal program, and expert assistance during labor.

Many health care programs that are conducted in the world are dedicated to the needs of women, but very small portion of them are based on the actually researched systematic differences and needs within different groups, as well as on differences between men and women. Within many countries, differences have been observed depending on: the region, place of residence, urban-rural area, social and economic status, age, and demographic status. The World Health Organization develops a policy of approach to observing health differences and giving responses to such differences. According to this policy, women that belong to minority groups: migrants, refugees and so-called ethnic minorities deserve special attention.

**221.** In 2001, in Republika Srpska, according to the estimation of the Republic Institute for statistics, the total number of women was 753.846.

According to the data of the Federal Institute for Statistics, the number of women in the Federation of BiH in 2001 amounted to total of 1.201.003, out of which the number of women of fertile age (ages 15 to 49) amounted to 571.906. The rate of fertility in 2001 amounted to 40,1% and continues to have a constant decreasing tendency. In 2000, it was 42,8%, and in 1999 48,7%. The last estimation for life expectancy in BiH was done for the year 1990 and it was 74,6 years for women and 69,2 years for men. In FBiH, in 2001, the average age of deceased persons was 67,1 years, out of which it amounted to 69,9 years for women and 64,6 years for men.

The rate of mortality of women who have just given birth is one of the indicators that shows how safe and healthy motherhood is. In the pre-war BiH, this rate amounted to 10,7%. In the post-war period, data on the mortality of women who have just given birth were not published, but it is estimated that there was an increase in its rate. In FBiH in 2001, only one case of maternal death, which is an indicator of the poor quality of mortality statistics data and certainly not a reflection of the actual conditions.

In 2001, the leading causes of death for women were the diseases of the circulatory system, malign neoplasm, symptoms, signs, and abnormal clinical signs and laboratory test results, etc. In 2001, the causes of death due to malign neoplasm do not indicate an important change in comparison to the years 1999 and 2000. Thus, the breast cancer holds the first place

with rate of 22/100.000 (structure index 13,6%), and cervix cancer with rate 5,5/100.000 is in the seventh place of the leading causes of death due to malign neoplasm.

TABLE 12.3

**Women victims of suicides and murders**

Year	Suicide		Murder	
	male	female	male	female
1996.	68	32	77	14
1997.	124	46	51	19
1998.	96	43	26	12
1999.	105	43	29	10
2000.	124	61	30	14
2001.	116	49	31	11
Total	633	274	244	80

**222.** In BiH, abortion is legalized and, in accordance with the Law on conditions of pregnancy termination, termination of pregnancy is done at the request of the pregnant woman. For underage pregnant women and pregnant women released of legal capability, a guardian submits the request. In extraordinary cases, if the underage pregnant woman is over 16 and is earning her living by working, she can submit a request for the termination of pregnancy on her own. The termination of pregnancy in cases of pregnant women older than 14 cannot be conducted without her consent.

Under the Law on conditions and procedure for the termination of pregnancy, the request for pregnancy termination will be respected if the pregnancy had not passed 10 weeks. After 10 weeks, abortion can be conducted only if there is a legitimate threat to the life or health of the mother or the fetus, or, in that case, it has to be permitted by an expert committee. An expert committee is formed by the director of the clinic and is consisted of a gynecologist, doctor who is a specialist for the illness the pregnant woman suffers from, and a social worker. The number of illegal abortions is unknown. The criminal laws of the entity find the illegal termination of pregnancy a criminal offence (violation of the rule on abortion), which is punishable by three months to one year of prison. In cases there was a serious bodily injury, serious imperilment of health, or death of a pregnant woman, this offence is punishable with a prison sentence of six months up to five years.

**223.** In BiH before the war, in 1990, the number of abortions, as methods of family planning was 66.625 and it almost reached the number of newborns- 67.278. . During the war, this ratio climbs up to 2,5:1 in favor of abortion. In the regular health-related statistical reporting there do not exist data on the number of abortions. According to the estimates based on the conducted researches, this ratio is now back to its pre-war extremely unfavorable value. The seriousness of this information gains weight when we add onto it the fact that its participation in maternal mortality is about 30%.

According to the data of the Federal Institute for Statistics, in FBiH, in 2001, the number of labor under expert supervision was 25.330 or 99,4% of all labors.

In FBiH, in 2001, based on the first aid station/policlinic reports, the leading illnesses of the female population age 15 and older were: menstrual disturbances with the rate of 2.049/100.000 and structure index of 8,4%, trichomoniasis with the rate of 1.643/100.000 and structure index of 6,7%, candidiasis with the rate of 1.490/100.000 and structure index of 6,1%, menopause and other pre-menopausal disturbances with the rate of 1.265/100.000 and structure index of 5,2%, inflammation of urinary bladder with the rate of 1.079/100.000 and structure index of 4,4%, etc.

**224.** With the aim of estimating the condition women and children in BiH are in, the Federal Institute for public health, in cooperation with UNICEF, conducted a project "Research on women and children in FBiH", (BIH MICS 2000) which covered 5 578 women of fertile age (ages 15 to 49).

The results of the research have shown that 70 % of surveyed women gave birth. Over 99% of women of fertile age who gave birth in the year before the research had health care protection during labor provided by an expert. The constant use

of contraception was registered in 49% of the surveyed women. Only 16% of them use one of the modern methods of contraception (condom 3%, IUD 7%, pill 5%...), while 33% of them use some of the traditional methods (interrupted intercourse).

The most common health problems related to pregnant women's nutrition during pregnancy in BiH are: low percentage of breastfeeding, high intake of fat, inadequate intake of fruits and vegetables, and deficit of iron. There does not exist a continuous and systematic monitoring of intake and habits related to the population's nutrition, nor have there been any relevant studies conducted in the post-war period that would give an overview of the actual state of things.

**225.** Teenage pregnancy is a common occurrence, and it is the consequence of the youth's poor knowledge of reproductive health. According to family law, a person can enter marriage at the age of 18. However, it often happens that older adolescents enter into marriage before they are of legal age, between 16 and years of age, and that is a possibility foreseen by the Family law (Family law, article 32, paragraph 2). To the conclusion! The most common cause of entering a marriage before reaching legal age is the unexpected pregnancy of the minor, which results in marriage. There still exist stereotypes related to giving birth to children outside of marriage. Premature marriage and premature maternity presents an obstacle to the economic and educational progress and has a negative effect not only on the lives of women, but also their children.

**226.** It is important to mention here that there is a rather low level of knowledge of women on sexually transmitted diseases and symptoms, as well as consequences that arise due to falling ill to these diseases, which is visible from the above-mentioned indicators on the usage of the means of contraception. This requires an urgent adoption and implementation of the National strategy in fight against AIDS. Certain measures of the proposed program, which has the aim of developing awareness regarding the risk and consequences of sexually transmitted diseases, especially HIV and AIDSP, are directed with their activities towards women and girls. A special emphasis was made on the risk groups among women and girls, which is the consequence of their highly risky behavior and bad habits.

**227.** As far as the health condition of women are concerned, as a precondition for the passing of an adequate program that would respond to their health care needs, it is necessary to improve the supervision of health conditions and provide comprehensive information on the health of women. An important activity, which is necessary, is the improvement of family planning through the improvement of knowledge, availability and quality of services related to the use of methods of contraception. It is also necessary to incorporate the existing preventive-promoting programs into the health care system, which would be implemented as short-term project activities (breast cancer and cervix cancer).

**228.** The results of the research on women and children, conducted in FBiH in 2000 (MICS 2000.), have shown that 69,6% of adolescent women that live together with a man on the territory of FBiH do not use contraception.

In the population structure, female population often takes up 50% of the total number of population, while the percentage of women of fertile age goes from 25% to 26%. Their health needs are extremely demanding and conditioned with a series of mutually dependent determinants, such as: social and economic status, including violence, rape, and other sexual harassments and abuses; reproductive functions; the complex role in the society such as the role of a mother or the role of an informal caretaker and guardian. Unfortunately, not one single society treats women and men equally.

- In 2001, the causes of death due to malign neoplasm do not indicate an important change in comparisons to the years 1999 and 2000. Thus, the breast cancer holds the first place with rate of 22/100.000 (structure index 13,6%), and cervix cancer, with rate 5,5/100.000, is in the seventh place of the leading causes of death due to malign neoplasm.

#### CONCLUSION:

- In BiH, abortion is legalized and, in accordance with the Law on conditions of pregnancy termination, termination of pregnancy is done at the request of the pregnant woman. For underage pregnant women and pregnant women released of legal capability, a guardian submits the request. In extraordinary cases, if the underage pregnant woman is over 16 and is earning her living by working, she can submit a request for the termination of pregnancy on her own. The termination of pregnancy in cases of pregnant women older than 14 cannot be conducted without her consent.



- The constant use of contraception was registered in 49% of the surveyed women. Only 16% of them use one of the modern methods of contraception (condom 3%, IUD 7%, pill 5%...), while 33% of them use some of the traditional methods (interrupted intercourse).
- Teenage pregnancy is a common occurrence, and it is the consequence of the youth's poor knowledge of reproductive health.

It is important to mention here that there is a rather low level of knowledge of women on sexually transmitted diseases and symptoms, as well as consequences that arise due to falling ill to these diseases, which is visible from the above-mentioned indicators on the usage of the means of contraception.

### ***THE SYSTEM OF HEALTH CARE PROTECTION***

**229.** The assessment of the actual state of organization of the system of health care protection is made impossible due to the non-existence of exact data on the size of the private sector which participation in the system of protection becomes increasingly significant, but which, most often, does not submit data on its work in accordance with the legal regulations and other provisions. This especially relates to the portion that provides health care protection for women and oral health care. All of these facts should be taken into consideration before analyzing the stated data, which are based on the information of institutions authorized for the conduction of statistical research.

**230.** The health system in BiH is organized and provides services on three levels: primary health care, consultative and specialist and hospital health care protection. In 2001, the rate of employment in health care protection in BiH was slightly decreased in comparison to the previous year and amounts to 1.017/100.000 people. The rate of health workers amounted to 679 for 100.000 persons. From the available data, it is not possible to give the gender structure of employed persons, although it is estimated that women form half, and possibly even more, of the total number of doctors. Women in medical profession mostly dominate in the areas of gynecology, pediatrics, and internal medicine, while the specialists for surgery are mostly men.

In comparison to certain countries in transition, which are most similar to us in terms of factors relevant for health care, the supply of the population with health care workers in FBiH is low.

**231.** In 2001, on the territory of FBiH, 1337 work teams in 879 points provided services in the area of primary health care (general medicine, pediatrics, school medicine, pneumonic-physiological protection, work medicine, gynecology, emergency assistance). There were 58 doctors of medicine and 134 health technicians for every 100.000 persons.

In accordance with the reform trends, family medicine teams, which will take over the largest portion of health care for women in their work, are gradually introduced. Up to now, in the preparatory phase of implementation of family medicine in FBiH, about 70 first aid stations were equipped, in which 48 specialists of family medicine, which is how many of them are right now, as well as other doctors after one-year of further training, will work. On the level of PZZ, there are 35 centers for rehabilitation in the community (CBR) in function.

**232.** In 2001, consultative and specialist protection was conducted within the framework of 344 points of health centers. 17 doctors of medicine and 24 health care technicians for every 100.000 persons provided this form of health care protection. Although all strategic documents of health care reform predict the strengthening of the PZZ and the rationalization of consulting and specialist and hospital health care protection, data show that this form of health care protection in the observed period had greater growth index than primary health care protection.

In the first aid station-policlinic activity, the protection of women was provided by 108 doctors of medicine (105 specialists) and 214 health care technicians. They have realized 244.266 visits in their practice, out of which only 25.637 (10,5%) were consulting visits to the counseling.

**233.** In FBiH, in 2001, hospital care was provided by 71 doctors of medicine and 214 health care technicians for every 100.000 persons, which presents an increase in comparison to previous years. In accordance with the strategic

determination, hospital capacities have lately been decreased. The rate of beds has been decreased from 380/100.000 in 1999 to 360/100.000 persons in 2001. In 2001, 8,7% of population used the hospital health care protection, which presents a decrease in comparison to previous year when the hospital protection was used by 9,2% of the population. In 2001, in hospitals, there were 5,1 beds to one doctor, and 1,7 beds to one health care technician, which is a decrease in comparison to previous years, but still presents a high standard.

In 2001, in FBiH, in the hospital and stationary activities, gynecological and accouter services were provided by 146 doctors of medicine or 6,3 of them to every 100.000 persons. The number of beds on these wards was 992 or 43 beds for every 100.000 persons.

By the decision on determining temporary standards and norms of health care protection in mandatory health care insurance, the health care protection of women has been determined by establishing a standard – one team of 1,0 doctors gynecology and acoucheury specialists, 0,5 senior health care technicians, and 1,5 intermediate health care technicians for 11.000 insured persons-women.

### ***ARTICLE 13 OTHER AREAS OF ECONOMIC AND SOCIAL LIFE***

#### **Family earnings**

**234.** The protection of maternity in the system of Federation of BiH is regulated as the protection of family with children, that is, as an integral part of the social policy and activity of special social interest. The issue of insuring family through the allocation of funds for the purpose of assisting the raising, care, and support of children and their training for independent life and work in the best interest of the child (article 87) is regulated by the valid Law on the basis of social protection of families with children and protection of civil victims of war. The protection of families with children has the aim of providing all children with approximately equal conditions for a healthy and adequate physical, intellectual development, as well as for emotional development in the family, providing assistance for the fulfillment of its reproductive function (article 88). The most important rights, in accordance with the quoted federal law, that a family with children can exercise with the aim of protecting maternity are: Aid for children, Reimbursement instead of salary to the employed woman-mother while she is absent from work due to pregnancy, childbirth, and child care,

Monetary assistance during the time of pregnancy and child birth of a woman/mother that is not employed, Single-occurrence of assistance in equipment for the newborn,

The assistance in the nutrition of a child up to six months and additional nutrition for mothers who breastfeed, Special psycho-social treatment of marital partners that desire children and pregnant women, Placement of children in institutions of pre-school care with provided nutrition.

**235.** In the decentralized model of the Federation, the providing of resources for the protection of families with children as an instrument for the protection of motherhood, in accordance with the Law on the belonging of public income in the Federation of BiH, has been transferred to the cantons. Cantons, in accordance with the constitutional arrangements and the quoted federal law, are obligated to pass their cantonal as executive provisions for the protection of families with children and provide resources for their implementation. The reality in FBiH is such that because of the difficult material situation in FBiH, up to now, only the following five cantons have passed their cantonal regulations that would legally guide this area: Sarajevo, Unsko-Sanski, Tuzla, Bosansko-Podrinjski, and West Herzegovina canton. The family is very little or not at all protected in the system of social, child, and family care in FBiH, and we can talk about the blatant violation of the rights of women to maternity protection, since the financial capabilities of the local communities and cantons are such that they do not have ensured financial resources for the fulfillment of legal obligations determined by domestic and international legislature. The consequences of such policy are a long-term decrease of the birth rate in BiH due to the increasing poverty, and we can freely state talk about the “feminization of poverty”, a term that has become common in our parts as well.

**236.** From the previously stated, the most important basic rights for the protection of maternity that are exercised are:

The aid for children– It is exercised and paid out in the following three cantons: Sarajevo, Bosansko-Podrinjski, and Tuzla; for 40.924 children, in the average amount of 20KM.

The right to single-occurring assistance for the equipment of newborn child– In the Sarajevo and Bosansko-Podrinjski canton, along with the right to aid for children, the right to single-occurring assistance for the equipment of the newborn child is also paid to 138 children in the amount of 111 KM to 192 KM.

The right to assistance for mothers in feeding a child up to six months - it is a right exercised only in Sarajevo canton by 800 users in the amount of 44 KM. The other cantons do not pay funds for the aid to children, once-occurring assistance for the equipment for newborn child and for assistance to mothers in feeding a child up to six months.

Reimbursement instead of salary to the employed woman-mother– For the time while she is absent from work for the purpose of child care is paid in the four cantons /Sarajevo/ Zenicko/Dobojski, to 1748 women as users of this right in the amount of 50% to 80% of the salary of the mother 6 months before labor/.

Monetary assistance to a woman/mother that is not employed,– It is paid in only three cantons /Sarajevo, Bosansko-podrinjski and Unsko-sanski for 1940 women as users of this right in the amount of 64 to 112 KM.

The right to placement of children in pre-school institutions /subsidy for kindergartens/ - It is exercised only in Sarajevo canton for 937 children in the amount of 130 KM/subsidy from 30% to 100%. This right as assistance to impoverished families is not fulfilled in the other cantons.

**237.** The penalty for the denial or limitation of some of the above mentioned rights that belong to the user –woman is a monetary fine for the social protection institution, responsible party, employer, legal party, public enterprise in the amount from 100 to 5000 KM (article 98 of the federal law).

#### **Bank loans, mortgages, and other financial credits**

**238.** In BiH, women and men have equal access to all types of loans and credits. However, inequality is usually manifested in case of a certain type of credits that require mortgage, since in our society, in most cases, the main bearer of private property is still a man.

#### **Recreation, sport, and other aspects of cultural life**

**239.** After the war, in BiH sport and recreation activities have an increasing significance among the female population since there exists a great number of activities which they are encouraged to join, regardless of their age. However, women are still represented very little represented in sports. The reason for this is that the engagement of women still boils down to private and family life and engagement in cultural and educational activities. The emphasized need for sport activity is minimal and sporadically among women.

#### **Women and minority members**

**240.** There had been no census in Bosnia and Herzegovina after the war and there do not exist reliable indicators on the number of national minorities, but according to the census in 1991, within the framework of the law the following are mentioned: Albanians, Montenegrins, Czechs, Italians, Jews, Macedonians, Germans, Pollacks, Russians, Roma, Romanians, Resins, Slovaks, Slovenians, Turks, Ukrainians.

Women and children, as well as men from these communities, are in a very unfavorable position in their everyday lives.

Minorities are completely marginalized in the political, economic, and public life of the country. The Roma population is especially affected by the low degree of coverage of children in education, and a very low percentage of employment. Moreover, in communication with the other majority ethnic groups the Roma are especially found in a discriminated position. The most numerous groups of minority population are organized through their non-governmental organizations,

which is goal is the providing of humanitarian aid, nurturing of their cultural heritage, especially language. These non/governmental organizations also cooperate closely with the Helsinki Committee for Human Rights in Bosnia and Herzegovina.

The authorities in BiH have taken first steps in protecting the minorities. The Law on the protection of national minorities is adopted, creating the necessary legal framework for the more effective accomplishment of their rights in Bosnia and Herzegovina.

### **Refugees and displaced persons**

**241.** In Bosnia and Herzegovina, the Annex VII of the Dayton Peace Accord guarantees the right to all persons displaced during the war to return to their pre-war homes. In BiH, at the end of last year, there were 617.350 refugees and about 520.000 displaced citizens. About 730.000 persons were recorded for the return to their pre-war homes, out of that 79,5% in FBiH, and 20,5% in RS. Unfortunately, there does not exist a record on number of women and children of the refugees and displaced persons, but a great number of international and domestic non-governmental organizations, especially women ones, provide support and assistance to the refugee and displaced population with their programs. The programs that are most often realized are of a humanitarian and social character, education in the area of human rights, education on computers, and the rehabilitation of the housing fund. The State ministry for human rights and refugees and the Ministry of labor, social policy, refugees, and displaced persons of FBiH, and the Ministry for refugees and displaced persons of RS especially work on the issues of return. The international community: OHR, UNHCR, OSCE, UMNIBIH, CRPS provides support to these ministries.

The problems that arise in the process of return are, above all, the obstruction of the local authorities – a long period of reaching and implementing resolutions, there do not exist programs of self-sustainable development in regards to economic, social, legal, and even physical security. During 2000 and in the first half of 2001, about 20.000 people contacted the HK BiH, among whom more than 80% were women. Of course, these obstacles are very exhausting and discouraging for the refugees and displaced persons who turn into a subject of manipulation of national political parties which, moreover, stimulate the reside in places they inhabited in the period of war. Therefore, the return of people and property, as well as the relation towards returnees, become a key problem as far as the state of human rights in Bosnia and Herzegovina is concerned.

### ***ARTICLE 14 WOMAN IN THE COUNTRY***

**242.** The rural population presents 60% of the population in Bosnia and Herzegovina. In the earlier periods, especially up to 1945, this population was extremely poor. The greatest number of illiterate and uneducated men and women were precisely within this population. The situation improved, especially as far as literacy is concerned, after 1945, at the time of SFRJ.

In the present period, people still remember, and very intensely, the consequences of war destruction, especially in the countryside. The cattle fund was destroyed, fertile fields and fruit orchards are within mine fields, housing and business facilities are destroyed in most cases. Therefore, it could be concluded that it was the rural population that was in the worst position in Bosnia and Herzegovina.

**243.** Persons that deal with agriculture and cattle herding within the framework of productive and reproductive (“unproductive”) work are included into the active rural population.

Elderly people have mostly stayed in the country while the young people have left to the cities or migrated to “third countries”. A great majority of estates were left without a man so that women constitute the majority of the population.

Women in the country have a very important role in the survival and development of their family, in the economic sense, but also in those jobs where no earning is attained. They have also taken over the responsibility for raising kids, but in addition participate in physical work.

**244.** In the system of social protection, there does not exist a division to urban and rural areas in terms accomplishment of rights. This especially relates to women civil victims of war who are covered under this protection. However, it must be stated that there often do not exist the same conditions on the entire territory of BiH.

The agricultural workers and their families are covered under the Law on pension and disability insurance. By this law it is established that “the agricultural workers and members of their families that are involved in agriculture as their only or main line of occupation, and who have reached the age of 15, are to be mandatory insured.”

In terms of this law, it is found that agricultural activity is the only or main occupation if from this activity the agricultural worker, monthly, on average, earns a profit amounting to at least the average monthly salary in the Federation of BiH in the previous year.

**245.** As far as this law is concerned, household is found to be “the community of life , income earning, and expenditure of income achieved through work of all its members”.

The researches of non-governmental organizations that are often very sporadic have shown that a great problem of the rural population is the issue of health insurance, the issue of health care protection. A very small number of households are covered with this form of insurance, so medicine services are most often paid for.

**246.** Women in the country are also inadequately informed, so they often know nothing about their rights, which are very small in number for now. They are also “the slaves of tradition” and particularly of the part that can be thought of as negative. Economically, but also in all other sense, they are directed towards men.

Here, it is especially important to emphasize the tradition regarding education of female children, but also the right to property (joint), as well as the right to inheritance.

In both of these cases, legally, women are equal, but, traditionally, this is not the case.

**247.** Non-government organizations have tried to, once more it must be emphasized, sporadically, improve the total condition of the position of women in rural areas through various programs. These programs mostly cover single mothers with families. Certain international organizations and agencies have also tried to improve the position of these families in certain cases. These attempts were done in almost all of the cantons. These were often donations of cows, chickens, agricultural machines and tools, sewing and knitting machines, as well as courses from different areas.

All of the above shows that greater attention must be given to women in the country and their problems, and that this is a continuous process that also needs to fight against traditionally non-written norms and their negative effect on this population.

**248.** In the present period, people still remember, and very intensely, the consequences of war destruction, especially in the countryside. The cattle fund was destroyed, fertile fields and fruit orchards are within mine fields, housing and business facilities are destroyed in most cases. Therefore, it could be concluded that it was the rural population that was in the worst position in Bosnia and Herzegovina.

Persons that deal with agriculture and cattle herding within the framework of productive and reproductive (“unproductive”) work are included into the active rural population. Elderly people have mostly stayed in the country while the young people have left to the cities or migrated to “third countries”. A great majority of estates was left without a man so that women constitute the majority of the population.

As a consequence of migration and war activity, a certain number of villages will “disappear”.

**249.** Women in the country have a very important role in the survival and development of their family, in the economic sense, but also in those jobs where no earning is attained. They have also taken over the responsibility for raising kids.

Women in the country, apart from performing difficult physical work outside of the house also perform house chores with a negligible assistance of men. Women have also taken over the responsibility regarding childcare.

**250.** Researches have confirmed that the degree of gender sensibility in rural population is very low. Rural area is characterized by poverty-related problems: unresolved housing conditions, unemployment, poor infrastructure, the inexistence of institutions that would provide assistance. The distance from municipality centers, centers for social work, health care institutions, and employment institutes, presents an additional problem. In the same sense, because of the difficult economic situation in BiH, the mentioned institutions are not in the position to perform their job on a pre-war level.

**251.** The access to health services, including information, counseling on family planning, is limited for women in the country because of the non-existence, the geographic distance, or lack of information regarding such institutions, which does not mean that there does not exist an interest for these types of institutions. The law on health care protection has not been passed on the level of the state, and this creates special problems for returnees.

**252.** In the post-war period, there is a visible increase of women in the social and public life. Because of their great burden with work and other responsibilities, women from the country are members of certain associations in a negligible number, but they do have the support of women from the urban areas through various programs and projects of educational and other character. Also, very small number of them uses their right to express their opinion and will through activities in the spheres of social and public life. They very rarely find the time to entertain themselves and rest from the household and other work.

**253.** The researches of NGOs up to now have shown that it is necessary to encourage, educate, economically strengthen, and raise awareness of the women from rural areas. The NGOs try, although sporadically, to improve the total state of women in the country. The NGO programs include single mothers, the unemployed, the returnees, but also the domicile population. The NGOs act on the territory of the entire state, but in insufficient number and with limited donor resources.

These were often the donations of cows, chickens, agricultural machines and tools, sewing and knitting machines, as well as courses in various areas.

The associations of women of BiH work on the strengthening and networking of women through different activities in the state and the region (Forma F, Aldi, BHŽEM, STAR, Most, Amica, CARE QIF...)

Since there does not exist a systematic solution of all of the above-mentioned problems, the work of NGOs is of special importance seeing that they work with only donor resources.

All of the above-mentioned shows that greater attention needs to be paid to women in the countryside and their problems, and that this is a continuous process that, at the same time, needs to fight against the traditionally non-written norms and their negative effect on this population.

**254.** In the system of social protection, there does not exist a division to women from the country or urban areas in regards to the accomplishment of certain rights forms, or measures.

For now, there do not exist special programs of social protection directed towards women from the rural areas.

The social and economic status of women from the rural areas is difficult since the local services of social protection, because of the lack of financial resources and inadequate number of social and other expert workers in these services, rarely or never go to these areas to determine on-site the conditions regarding social needs and social jeopardy of these women.

**255.** The exact data for all users of social care, that is, women as users are not sorted and cannot be safely accepted since this, expected number is much higher. There does not exist a unique identification card for social jeopardy of the populations in BiH nor a unique data base of social protection users, since the local services of social care, because of the

lack of financial resources and inadequate number of employed professional staff in those services, record only those users that directly contact such services, and the number of socially jeopardized women, who have not been recorded in the social services, is much greater.

There should exist researches where woman is the bearer of the household.

### ***ARTICLE 15 EQUALITY BEFORE LAW***

1. The Constitution of Bosnia and Herzegovina, as all the other applicable laws, accepts and ensures equal rights before law for women, which presents the respecting of CEDAW Convention provisions.

In the civil and legal affairs, women have the same rights in terms of legal and business capabilities, same conditions for the signing of contracts, management of property, participation in court and management procedures, whether they be the parties, plaintiffs, defendants or witnesses, proxies, or the parties' legal representatives.

2. The Laws in Bosnia and Herzegovina do not limit the legal capability of women to sign contracts, nor the right of women to ownership and management of property, just like they do not limit the legal capability of women to represent their interests before court.

As far as legal aid is concerned, and the access of women to the institutions where this aid is provided, men and women have an equal access.

A great number of non-governmental organizations give significant legal aid to women through different forms of education via workshops, as well as by working with women within the framework of centers formed for the providing of legal assistance.

3. Women have the right to sign all types of obligating legal documents on their own behalf, even those that are related to credits, material property, and commercial transactions. However, in the tradition of Bosnia and Herzegovina the bearer of property is a man.

4. They have the same rights as men as far as management of property is concerned they can be bearers of testaments, and in the same fashion manage inheritance as far as property is concerned. Also, women have the right to form a will without the consent of a male relative, regardless of whether the property that the woman disposes of has been obtained during marriage, when entering a marriage, or before entering marriage. Also, because of the traditional approach to inheritance of property, women most often choose to hand over their portion of property to male relatives although they have equal rights guaranteed by law.

When selecting their place of residence, women, because of traditional reasons, choose to live in their husband's place of residence.

5. According to the Laws of Bosnia and Herzegovina, women are also enabled to formally and legally perform all functions in the legal system. They can be members of parliaments where they represent legislative authority, they can be ministers, deputies, assistants, etc. where they represent executive power, or presidents of courts, judges, public prosecutors and defenders where they represent the judicial power.

The characteristic of transitional period in which Bosnia and Herzegovina currently is that, because of tradition, lack of knowledge of regulations and lack of information by women, in the private sector, very often men register their companies under the name of their wives. The business is conducted by men, so it happens that women, as formally and legally responsible persons, and because of the fact that women, as a rule, get milder punishments than men, answer for business offences although they have not, de facto, made any of the business decisions.

**ARTICLE 16 MARRIAGE AND FAMILY RELATIONS**

**256.** Family relations in Bosnia and Herzegovina are determined by civil law. In FBiH, the family law of BiH taken over from SRBiH is in force. The new family law of RS came into force in 2002. This law deals with the issue of marriage, family relations, adoption, and guardianship. The family is not defined by the Constitution of BiH and the constitutions of the Entities, but the part about human rights and basic freedoms, the right to private and family life, home, and correspondence is ensured. The family is, in the sense of the above-mentioned Family law, defined as the “life community of parents and children and other relatives”. The family, as a rule, consists of marital, or extramarital partner, child – in wedlock, out of wedlock, adopted, stepchild, and child taken in to be supported, father, mother, stepfather, stepmother, grandfather, grandmother (on both father’s and mother’s side), and brothers and sisters of spouses. The protection of family with children, in the sense of the valid laws in BiH, is the securing of the family through material and other resources with the aim of helping in raising, educating, and taking care of children, as well as their training for independent life and work, all in the best interest of the child.

**257.** The promotion of protection of families with children in the existing laws has the aim of ensuring approximately equal conditions for a healthy and correct physical, intellectual, and emotional development in the family, ensuring assistance in realizing its reproductive role, assisting in caring, raising, education, and protection of children, and improving the life quality of the family, as well as developing humane relations in accordance with the principles of civil moral and solidarity. According to the provisions of the law, marital and extramarital communities are equal in all relations that concern children, and need to be in the best interest of the child.

**258.** According to the laws that are implemented in Bosnia and Herzegovina it follows that they, in their provisions, to a great extent, ensure Equality of genders, that is men and women that intend to enter into wedlock, who are married, as well as those that are in the process of divorce or are divorced. It should be stated, above all, that this law does not allow for polygamy, and the women have been given the right to decide, just like men, whether they would get married, when and to whom they would get married. This type of normative approach actually presents forced and repeated marriages.

**259.** The age limit for entering into wedlock is determined by law and it is 18 years for both women and men. Out of justifiable reasons, the authorized court can, in out-of-court procedure, allow minors older than 16 to enter into marriage, if it determines that the party in question is physically and mentally capable for exercising the rights that result by marriage. The law establishes the obligation to enter into marriage in an official registry office.

**260.** Family law also gives the same rights and responsibilities to women as well as men for the duration of the marriage, as well as in case of its termination, whether this happened due to divorce or death. The parents of children, regardless of whether they are born in wedlock or outside of it, have equal status, that is, the same rights and obligations as far as their children are concerned. In custody and adoption procedures, and as far as raising and caring for children is concerned, parents’ responsibilities do not differ.

Family law also allows for Equality of women and men in the choice of reproduction and the right to means for the achievement of this choice. The law forbids the practice of coercion or forced and violent pregnancy, as well as abortion and sterilization.

The law does not limit marital spouses in their selection of profession, occupation, or last name.

**261.** The articles 42 to 46 of the Family law regulate personal rights and duties of marital partners, so it is prescribed that marital partners are equal in marriage, that they are responsible to mutually help and respect one another, to determine their place of residence by mutual consent, decide by mutual consent on the raising of their children, and how they would organize their relationship and perform joint work related to marital, that is, family community, and that marital partners also agree on their last names, so that:

the last name be the last name of one of them, or they can both keep their own last names;

each marital partner can add the last name of his or her marital partner to his or her own last name:



marital partners are responsible to decide on their last name upon entering the marriage.

The statements of marital partners regarding their last name will be written into the registry book of wedded persons;

If the marital partners do not have the same last name, they will, by mutual consent, agree in the last name of the child. If they do not agree on that, the body of guardianship will decide on the child's last name.

### **Parental right**

**262.** As far as the provisions of the Family law regulating parental right are concerned, they place both parents into equal position. The mother and father are equal in performing parental rights and duties. A parent cannot wave his or her parental right.

The duties of the parent are: care and nurturing of their adolescent children, of their life and health, of their education, which includes the regular education of children, as well as the duty and right of a parent to, in accordance with their capabilities, provide further schooling of their children, paying attention to their capabilities, tendencies, and justifiable desires. Parents, also, have the right and the duty, to represent their adolescent children. If the parents do not live together, and the adolescent child needs to be handed or informed about something, this can be legally done through the parent with which the child lives.

The parental right is, by mutual consent, exercised by parents, and in case of parents' disagreement, the body of guardianship decides on the exercising of parental right. From the above-mentioned legal provisions, it follows that the parents are formally and legally equal in performing duty and exercising rights concerning their adolescent children.

Provisions of articles 231 to 262 of the Family law regulate the supporting of children, parents and other relatives. Parents have the completely same rights and duties as far as the supporting of children is concerned, and children, regardless whether they are male or female, have the same duties related to the supporting of their parents. In relation with the mutual supporting of marital partners, the law does not make any distinctions based on gender.

### **The property of marital partners**

**263.** As far as the property of marital partners is concerned, it can be separate and joint. The property that the marital partner has at the time of entering a marriage remains his or her separate property. Property that was obtained by marital partners by working during their marital community, as well as the earnings from this property, constitutes joint property.

The presents of third parties made during marital community (in money, kind, assistance through work, etc.) enter into joint property, regardless of which marital partner received them, unless the intent of the present shows otherwise, or it can be concluded from the circumstances at the moment in which the present was given that the gift giver wanted to assign the gift to only one of the marital partners. The property that during marital community one of the marital partners obtains by some other legal basis is his or her separate property.

The marital partners by mutual consent dispose with their joint property. With his or her participation in the joint property, one marital partner cannot independently handle nor burden it with the legal business among living without the consent of the other marital partner.

### **The division of joint property**

**264.** The division of joint property of marital partners is regulated by articles 266 to 271 of the Family law. Marital partners can by mutual consent divide the property, so that they determine portions in the entire property, or one part of the property or on an individual thing, as well as decide that every marital partner gets certain things or rights from this property, or that one marital partner pays the other one the monetary value of his or her share.

Each marital partner can demand through an appeal that the court determines what is his or her portion in the joint property or one part of that property, or on the individual thing form that property. In these types of cases, the court determines the size of the portion of marital partner according to their contribution in obtaining the joint property, paying attention not only to personal income and earnings of each marital partner, but about work in the household and family, about care and nurture, as well as the raising of the children, as well as about all other form of work and cooperation in the management, maintenance, and increase of joint property.

**265.** The circumstance that the joint property was increased by the marital partner after the marriage has been terminated will not affect the size of the marital partner's portion of the property if he or she, with their behavior, had prevented the other marital partner in the further acquiring. The marital partner, who with his work during marriage, contributed to maintaining and increasing of the separate property of the marital partner (by, for example, improving the agricultural estate, etc.) can demand with an appeal that the other marital partner gives him or a reimbursement in money.

The marital partner whose portion in acquiring joint property or individual things from the joint property is significantly lower than the portion of the other marital partner, or when special circumstances permit it, can demand the division of joint property through a legal suit, so that the court obligates the other marital partner to reimburse him or her with the equivalent of his portion in money, in the amount of the value of joint property at the day the court decision was made. During the division of the joint property, at the request of the marital partner, those objects from the joint property that serve for the performance of his or her occupation will be incorporated into his share.

Apart from his or her portion, out of the joint property, the court will separate and hand over to the marital partner those things that have been acquired during marriage that serve solely for his or her personal use. If the value of these things is disproportionably large in comparison to the value of the total joint property, the division of these things will also be conducted, unless the marital partner that is supposed to get these things reimburses the other marital partner with some other equivalent value, or renounce to the other marital partner, in accordance with his or her consent, some other things or objects.

Apart from his or her portion, the marital partner to whom joint children are entrusted for protection and care is also given those things that serve only for the kids or are intended only for their direct need. In dividing joint property, the marital partner to whom joint children are entrusted for protection and care is given those things for which it is obvious that they are to be in the property and ownership of the marital partners to whom children have been assigned. In dividing joint property, the equivalent value of what is owed on the basis of joint earning in the marriage will be calculated in each one of the marital partner's shares. If the sale of joint property for the purpose of the settlement of the portion of one marital partner has been decided on, that marital partner has the right of an easier purchase of these things. in the executive procedure the marital partner does not answer for the liabilities his marital partner had before entering the marriage. He does not answer for these liabilities as far as his special property and as far as his portion in the joint property are concerned.

According to the provisions of the PZ, the marital and extramarital communities are equal in all relations that deal with children, in the best interest of the children.

### **Adoption**

**266.** Adoption is an institute of the family and legal protection of a child without parental care and is regulated by the PZ provisions (articles 142-171). Adoption has the aim of establishing relationships that exist between parents and children, along with providing the child with the conditions of life that children have in a family.

Adoption can be complete and incomplete. A child up to five years of age, who does not have alive parents, whose parents are unknown, as well as a child who has been abandoned by his or her parents and their place of residence is unknown for more than one year, or whose parents consented before the authorized bodies of guardianship that their children be adopted, can be completely adopted. With incomplete adoption, relations of kinship are established between the adoptees and the adopters and their children, as well as the rights and duties that exist between the parents and the children. In the

legal system of BiH /both Entities/ the adoption matters are entrusted to the center for social work as the authorized body of guardianship.

The adopter of a child can only be a citizen of BiH, and only in extraordinary cases, if particularly justifiable reasons exist, can the adopter be a foreign citizen, a decision on which will be made by the competent body, and that is FBiH Ministry of social policy, displaced peoples, and refugees.

### **Guardianship**

**267.** According to the positive regulations of FBiH, guardianship as an institute of family and legal social care has the aim of making the social community provide protection to adolescent children who are not under parental care (whose parents have died, disappeared, have an unknown residence, had their parental right taken away from them, had their work capability taken away from them, who neglect their parental duties, who are absent (article 13 PZ). Men and women have the same rights related to guardianship over children and they are not determined by the marriage status of the woman, seeing that in our legal system the marital and extramarital community are made equal. The decision of guardianship over child, in each independent case, will be brought by the authorized body of guardianship (center for social care) in the best interest of the child.

### **The entrusting of children during divorce**

**268.** During the divorce of marriage or end of parents' life together, the child-children is, according to the decision of the court, entrusted to one of the parents to be raised, cared for, and supported, with the obligation of the other parent to contribute to this support. When determining the financial assistance, the court takes into account the child's age, the income of the parent who is responsible to provide assistance, as well as his or her own needs (articles 251 to 255 PZ). In the practice of the courts, this provision is often disrespected /the court does not execute the implementation of its decisions regarding the financial support of the child/legal alimony/, thus violating the right of the child to an adequate living standard, and leading to an even greater impoverishment of deficient families, that is, women a single mothers, to whom, by the court decision, the children are most often entrusted with. These are the situations when one of the parents, and this is most often the father of the child, does not fulfill his legal obligations of financial support, or when a parent, because of his own social imperilment, is not in the possibility to fulfill his obligations related to financial support of a child-children.

### **Criminal offences against marriage and family (protection)**

**269.** Dual marriage – article 231 states: (1) who enters into a new marriage although is already married will be punished by a prison sentence of up to one year. (2) whoever enters into a marriage with a person they know is married will also be punished by the penalty from paragraph 1 of this article.

**270.** Enabling of the entering into an illegal marriage – Article 232: The competent person before whom the marriage is entered into, or the registrar that by performing his official duty consciously allows that a marriage forbidden by law, invalid, or considered non-existent be entered into will be punished by a prison sentence of up to one year.

**271.** Extramarital community with an underage person / Article 233 states: (1) a person of legal age that lives in an extramarital community with a minor who has reached the age of 14 will be punished with a prison sentence of three months up to three years. (2) A parent, adopter, or guardian who allowed the minor that has reached the age of fourteen to live with another person in extramarital community, or lead him to this act will be punished by the penalty from paragraph 1 of this article. (3) If the act from paragraph 2 of this article is done out of interest, the perpetrator will be punished by a prison sentence of six months up to five years and with a monetary fine. (4) If a marriage is entered, criminal prosecution will not take place, and if it is already taking place it will be terminated.

**272.** The taking away of an underage person (a minor)– Article 234 states: Whoever illegally takes a minor from the parents, adopters, or guardians, or person to whom he or she has been entrusted, who detains them, or prevents them from

being with the person that has legal right to them, or disables the execution of an executive decision on the entrusting of an underage child (a minor), will be punished by law up to one year.

**273.** The change of family state – Article 235 states: (1) who by concealment, exchange, or in some other way changes the family state of a child will be punished by a prison sentence of three months up to three years. (2) An attempt to do so will be punished.

**274.** The abuse of neglect of an underage person (minor) – Article 236 states: (1) a parent, adopter, guardian, or other person that abuses an underage person or by outright disregard of his or her duties of supporting and caring for the child neglects an underage person, he or she is supposed to be taking care of, will be punished by a prison sentence of three months up to three years (2) A parent, adopter, guardian, or any other person that abuses minors or forces an underage person to overly burdening work or work that does not suit the age of the underage person, or leads them to conducting other actions that are harmful for their development out of interest will be punished by the penalty from paragraph 1 of this article. forces them to beg, (3) If the actions from paragraphs 1 and w have resulted in a significant damage of the physical or psychological health of the underage person, the perpetrator will be punished by prison sentence of one year up to eight years.

**275.** The violation of family duties – Article 237 states: (1) whoever, with an outright violation of their legally binding family duties, leaves a member of the family who is not able to take care of himself or herself on their own in a difficult position will be punished by a prison sentence of three months up to three years. (2) If a member of the family, due to the reasons from paragraph 1 of this article, loses his or her life, or earns seriously harm his health , the perpetrator will be punished by a prison sentence of one to eight years. (3) When deciding on the conditional punishment, the court can set the perpetrator with a condition that he or she consistently fulfills his or her responsibilities of caring, raising, and financially supporting a child.

**276.** Evasion of financial support / – Article 238 states: (1) whoever evades to give support for a person, he or she is, on the basis of an executive court decision or executive settlement concluded before another competent body, legally bonded to support, will be punished by prison sentence of up to one year. (2) In stating the conditional punishment, the court can set the condition for the perpetrator that they consistently pay for financial support, as well as that they settle their receipt of charges. (3) If the perpetrator of the action from paragraph 1 of this article fulfilled his responsibility by the time the first-degree decision has been given, they can be released of this punishment.

**277.** Incest – Article 239: who commits incest with an actual blood relative or with a brother or a sister will be punished by prison sentence of up to three years.

**278.** The prevention and incompleteness of measures for the protection of a minor – Article 240: (1) Who prevents the execution of corrective and other measures of the court and authorized bodies for the protection of minors will be punished by a prison sentence of up to one year. (2) The responsible person employed in the bodies or institutions for the protection, upbringing, or training of minors for work, who in his work obviously acts in an irresponsible fashion, which results, in the serious harm to the health or development of the minor, will be punished by a prison sentence of three months up to three years.

**279.** The projects of non-governmental organizations with gender themes were supported within the framework of the project “Gender Equality and fairness in Bosnia and Herzegovina” – pilot phase. It can be generally stated that the activities and goals from the above-mentioned projects (total of 21 for the territory of both Entities) have very modestly covered the possible field of action given in the Convention on termination of all types of discrimination against women. Certain aspects of marriage and family ties from article 16 of the Convention have been covered within the framework of the three projects. Two projects had the aim of introducing marital and pre-marital partners with the importance of equal rights in married and family life, especially from the aspect of the rights and duties related to childcare, and one even precisely dealt with work on the preparation of prenatal activities. The third project in Livno ensured the conditions for the increasing of the quality of childcare by forming playrooms for children up to seven years old, which, thus, became the only place for looking after children, their socialization, and playing. Taking into consideration the fact that these projects were conducted under the conditions of very poor economic state in the country, post-war renewal, and with the presence

of a still significant number of refugees and displaced persons in the above-mentioned municipalities, and, therefore, social problems, a great progress has been made in terms of introducing the area of gender into small communities (pilot-municipalities), thus, indicating that the Convention not only binds the state bodies in accomplishing the stated rights, but that a great space for action has been opened up to all interested parties and institutions.

**ANNEX:**

Annex I - The list of laws

Annex II - Statistical data and research

Annex III – Response to a questionnaire

## LIST OF LAWS

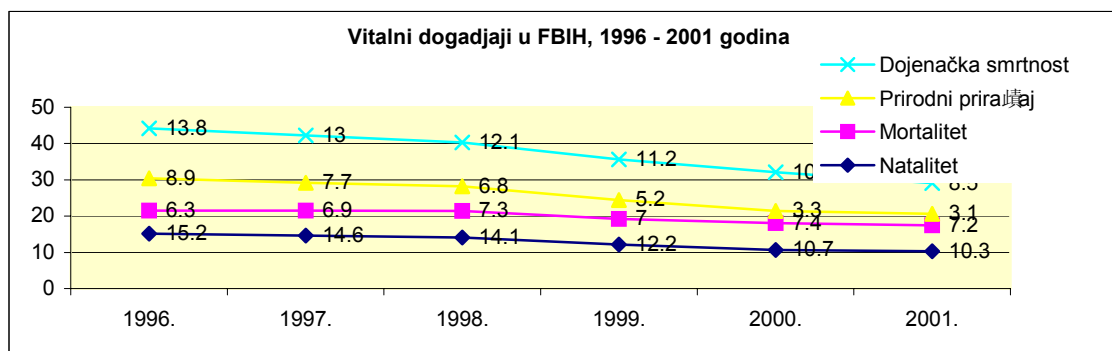
The Constitution of Bosnia and Herzegovina  
BiH Law on Gender Equality  
BiH Penal Code  
FBiH Penal Code  
RS Penal Code  
FBiH Labour Law  
RS Labour Law  
Collective Branch Agreements  
BiH Election Law  
BiH Law on High Judicial and Prosecutorial Councils  
FBiH Law on Safety at Work  
RS Law on Safety at Work  
FBiH Law on Social and Child Protection  
RS Law on Social and Child Protection  
BiH Law on Immigration and Asylum (previous)  
BiH Law on Movement and Stay of Aliens (new)  
BiH Action Plan for Preventing Trafficking in Human Beings  
BiH Temporary Instruction for Treatment of Trafficking Victims  
FBiH Law on Referendum  
RS Law on Referendum  
BiH Law on Political Organisations  
BiH Laws on Foundations and Associations  
BiH Law on Citizenship of BiH  
BiH Framework Law on Primary and Secondary Education  
FBiH Law on Health Protection  
FBiH Law on Health Insurance  
FBiH Law on Conditions of Termination of Pregnancy  
FBiH Law on Protection from Ionising Radiation and Radiation Safety  
FBiH Law on Protection of Persons with Mental Disorders  
RS Law on Health Protection  
RS Law on Health Insurance  
FBiH Law on Medicaments  
RS Law on Medicaments  
FBiH Law on Health Chamber  
RS Law on Health Chamber  
FBiH Law on Bases of Social Protection of Families with Children and Protection of Civil Victims of War  
RS Law on Social Protection  
RS Law on Child Protection  
FBiH Law on Belonging of Public Revenue  
BiH Law on the Protection of Rights of Persons Belonging to National Minorities  
FBiH Law on Pension and Disability Insurance  
RS Law on Pension and Disability Insurance  
FBiH Family Law  
RS Family Law

## STATISTICAL DATA AND RESEARCH

## ARTICLE 5. ELIMINATION OF STEREOTYPES AND PREJUDICES

## INDICATORS FOR FBiH

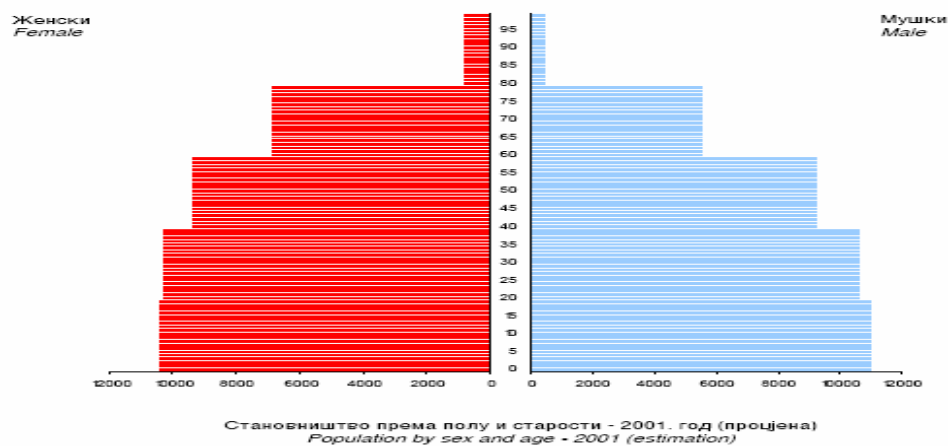
Graph 20



## INDICATORS FOR RS

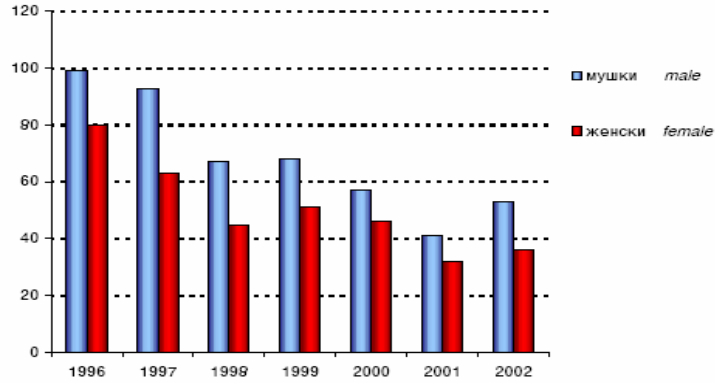
1.1. СТАНОВНИШТВО ПРЕМА СТАРОСНИМ ГРУПАМА - 2001. год. (процена)  
POPULATION BY AGE GROUPS - 2001 (estimation)

	Укупно Total	0 - 19	20 - 39	40 - 59	60 - 79	80 +	
Укупно	1490993	429406	418969	371257	247505	23956	Total
Мушки	737147	221144	213036	184286	110572	8109	Male
Женски	753846	208262	205933	186971	136933	15747	Female



1.5. УМРЛА ОДОЈЧАД ПРЕМА ПОЛУ, 1996. - 2002.  
*INFANT DEATHS BY SEX, 1996 - 2002*

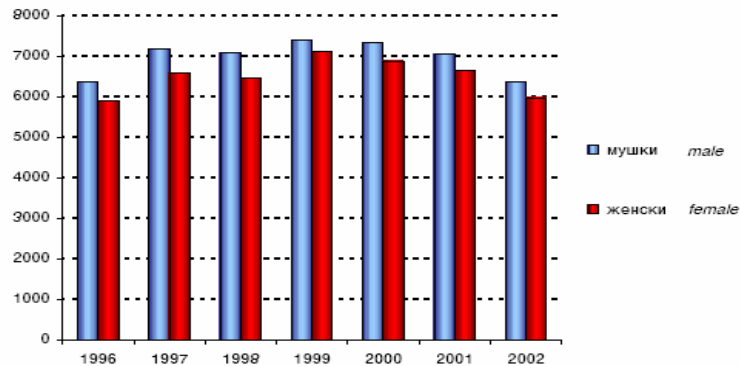
	Укупно <i>Total</i>	Мушки <i>Male</i>	Женски <i>Female</i>
1996	179	99	80
1997	156	93	63
1998	112	67	45
1999	119	68	51
2000	103	57	46
2001	73	41	32
2002	89	53	36



Умрла одојчад према полу, 1996 - 2002.  
*Infant deaths by sex, 1996 - 2002*

1.2. ЖИВОРОЂЕНИ ПРЕМА ПОЛУ, 1996. - 2002.  
*LIVE BIRTHS BY SEX, 1996 - 2002*

	Укупно <i>Total</i>	Мушки <i>Male</i>	Женски <i>Female</i>
1996	12263	6368	5895
1997	13757	7176	6581
1998	13527	7081	6446
1999	14500	7394	7106
2000	14191	7319	6872
2001	13699	7053	6646
2002	12336	6365	5971



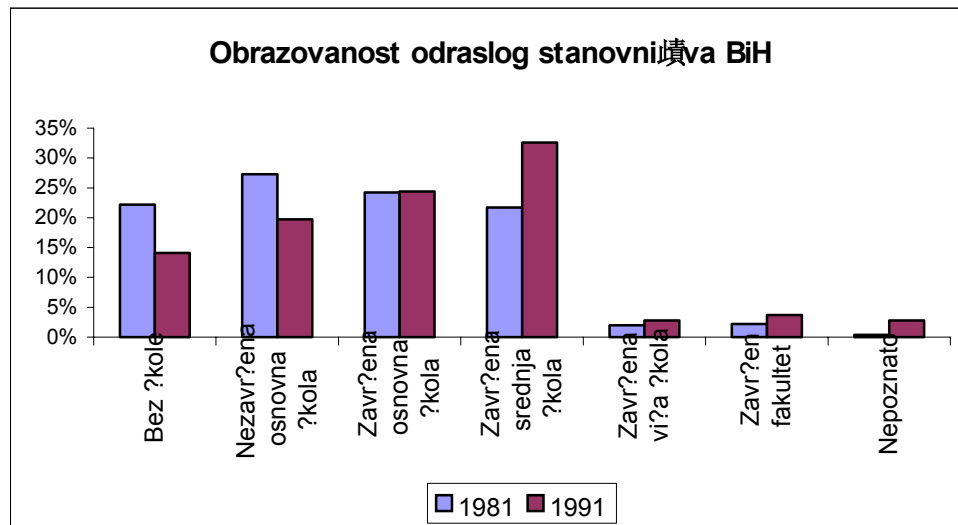
Живорођени према полу, 1996 - 2002.  
*Live births by sex, 1996 - 2002*



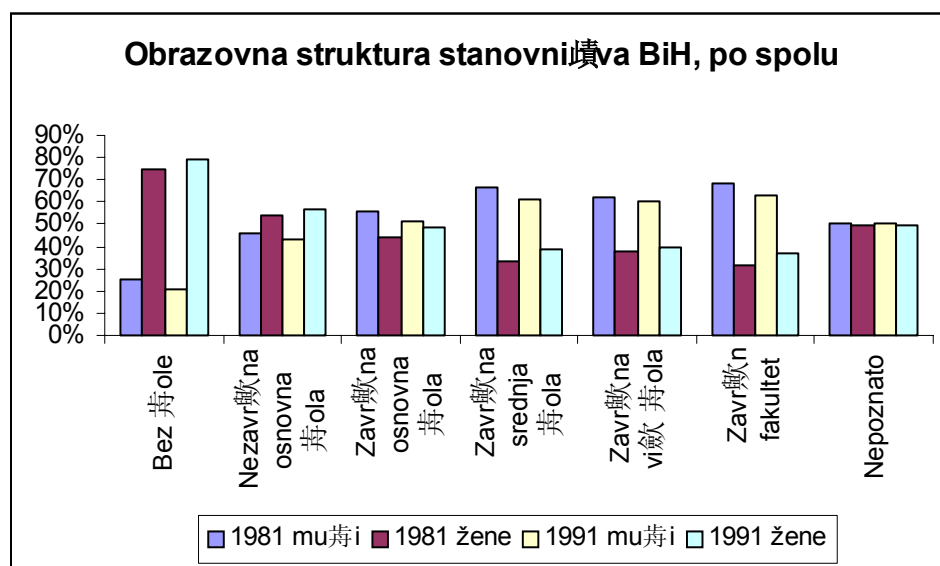
## ARTICLE 10 EDUCATION

## INDICATORS FOR BIH

Graph 3



Graph 4

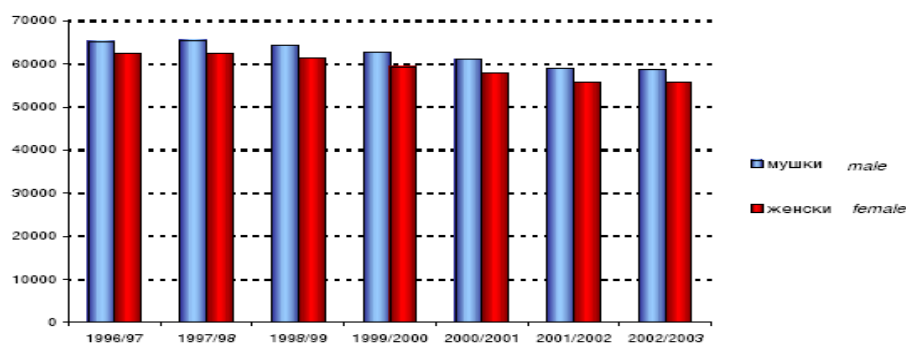


## ARTICLE 10 EDUCATION

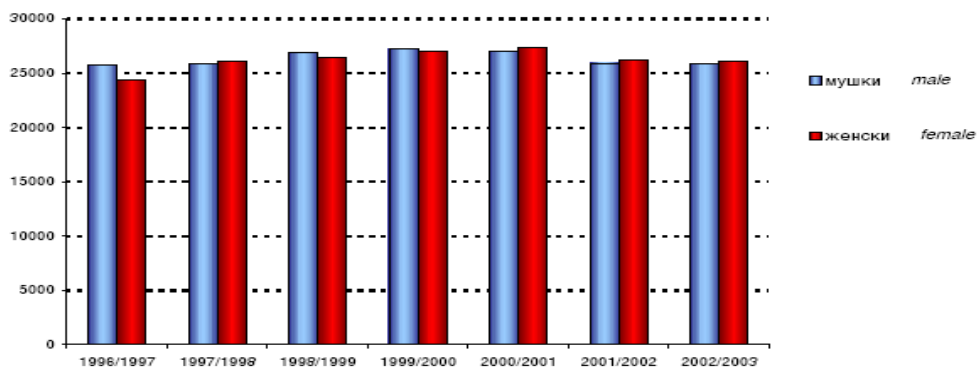
## INDICATORS FOR RS

2.1. УПИСАНИ УЧЕНИЦИ ОСНОВНИХ ШКОЛА, 1996. - 2002.  
PUPILS ENROLLED IN BASIC SCHOOLS, 1996 - 2002

	Укупно <i>Total</i>	Мушки <i>Male</i>	Женски <i>Female</i>
1996/1997	127753	65326	62427
1997/1998	127952	65570	62382
1998/1999	125912	64356	61456
1999/2000	122209	62793	59416
2000/2001	119038	61201	57837
2001/2002	114916	59048	55768
2002/2003	114603	58713	55890

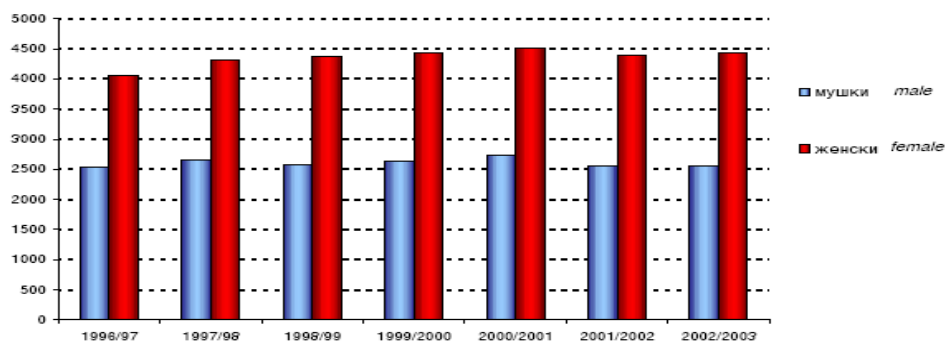
Уписани ученици основних школа, 1996. - 2002.  
Pupils enrolled in basic schools, 1996 - 20022.2. УПИСАНИ УЧЕНИЦИ СРЕДЊИХ ШКОЛА, 1996. - 2002.  
PUPILS ENROLLED IN SECONDARY SCHOOLS, 1996 - 2002

	Укупно <i>Total</i>	Мушки <i>Male</i>	Женски <i>Female</i>
1996/1997	50043	25704	24339
1997/1998	51908	25846	26062
1998/1999	53340	26885	26455
1999/2000	54238	27196	27042
2000/2001	54340	27029	27311
2001/2002	52140	25913	26227
2002/2003	51948	25853	26095

Уписани ученици средњих школа, 1996. - 2002.  
Pupils enrolled in secondary schools, 1996 - 2002

2.3. НАСТАВНО ОСОБЉЕ У ОСНОВНИМ ШКОЛАМА ПРЕМА ПОЛУ НА ПОЧЕТКУ ШКОЛСКЕ ГОДИНЕ, 1996. - 2002.  
*BASIC SCHOOL TEACHERS BY SEX, AT THE BEGINNING OF THE SCHOOL YEAR, 1996 - 2002*

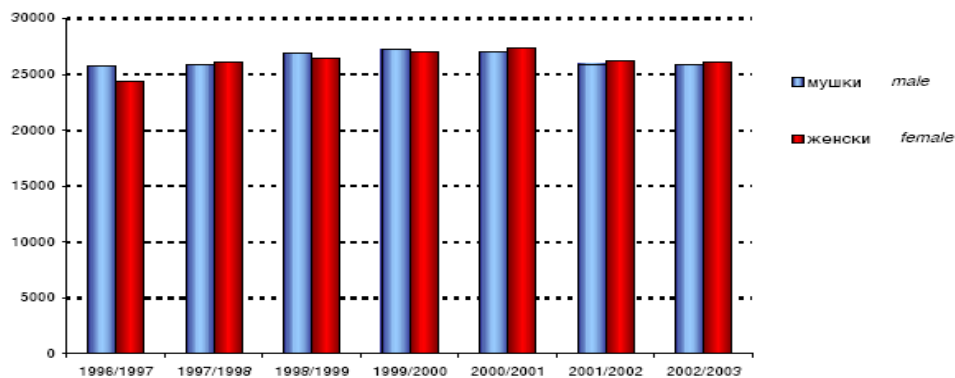
	Укупно <i>Total</i>	Мушки <i>Male</i>	Женски <i>Female</i>
1996/1997	6586	2528	4058
1997/1998	6976	2658	4318
1998/1999	6950	2580	4370
1999/2000	7060	2631	4429
2000/2001	7238	2735	4503
2001/2002	6952	2567	4385
2002/2003	6978	2551	4427



Наставно особље у основним школама према полу на почетку школске године, 1996. - 2002.  
*Basic school teachers by sex, at the beginning of the school year, 1996 - 2002*

2.2. УПИСАНИ УЧЕНИЦИ СРЕДЊИХ ШКОЛА, 1996. - 2002.  
*PUPILS ENROLLED IN SECONDARY SCHOOLS, 1996 - 2002*

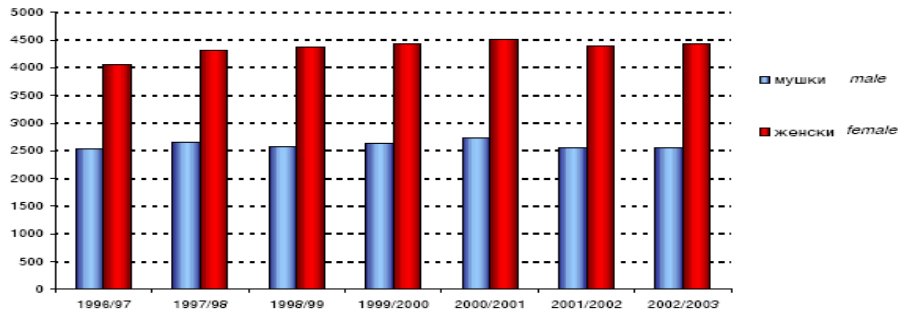
	Укупно <i>Total</i>	Мушки <i>Male</i>	Женски <i>Female</i>
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Уписани ученици средњих школа, 1996. - 2002.  
*Pupils enrolled in secondary schools, 1996 - 2002*

2.3. НАСТАВНО ОСОБЉЕ У ОСНОВНИМ ШКОЛАМА ПРЕМА ПОЛУ НА ПОЧЕТКУ ШКОЛСКЕ ГОДИНЕ, 1996. - 2002.  
 BASIC SCHOOL TEACHERS BY SEX, AT THE BEGINNING OF THE SCHOOL YEAR, 1996 - 2002

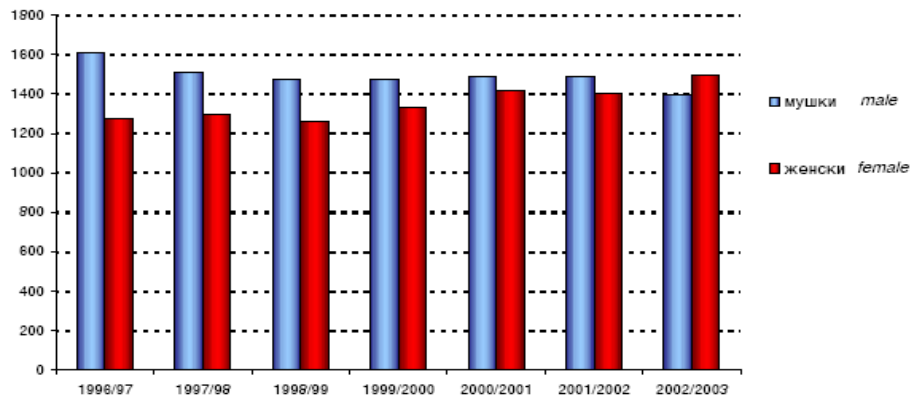
	Укупно Total	Мушки Male	Женски Female
1996/1997	6586	2528	4058
1997/1998	6976	2658	4318
1998/1999	6950	2580	4370
1999/2000	7060	2631	4429
2000/2001	7238	2735	4503
2001/2002	6952	2567	4385
2002/2003	6978	2551	4427



Наставно особље у основним школама према полу на почетку школске године, 1996. - 2002.  
 Basic school teachers by sex, at the beginning of the school year, 1996 - 2002

2.4. НАСТАВНО ОСОБЉЕ У СРЕДЊИМ ШКОЛАМА ПРЕМА ПОЛУ НА ПОЧЕТКУ ШКОЛСКЕ ГОДИНЕ, 1996. - 2002.  
 SECONDARY SCHOOL TEACHERS BY SEX, AT THE BEGINNING OF THE SCHOOL YEAR, 1996 - 2002

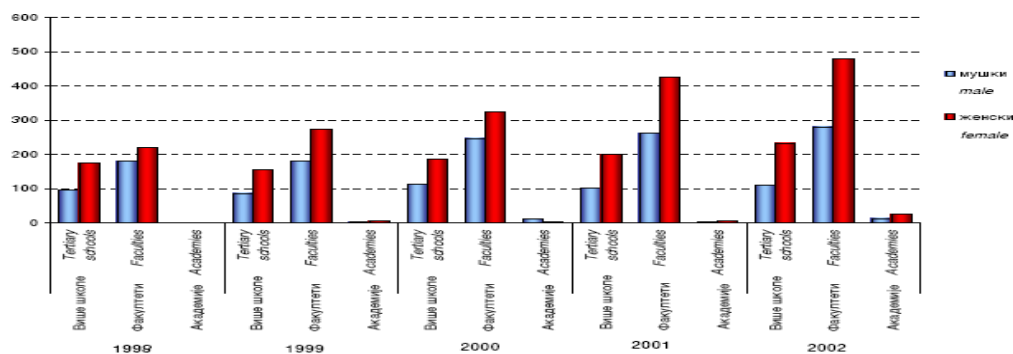
	Укупно Total	Мушки Male	Женски Female
1996/1997	2884	1609	1275
1997/1998	2812	1513	1299
1998/1999	2738	1476	1262
1999/2000	2809	1477	1332
2000/2001	2902	1487	1415
2001/2002	2892	1488	1404
2002/2003	2892	1398	1494



Наставно особље у средњим школама према полу на почетку школске године, 1996. - 2002.  
 Secondary school teachers by sex, at the beginning of the school year, 1996 - 2002

2.5. ДИПЛОМИРАНИ СТУДЕНТИ ПРЕМА ПОЛУ У 1998. - 2002.  
GRADUATED STUDENTS BY SEX IN 1998 - 2002

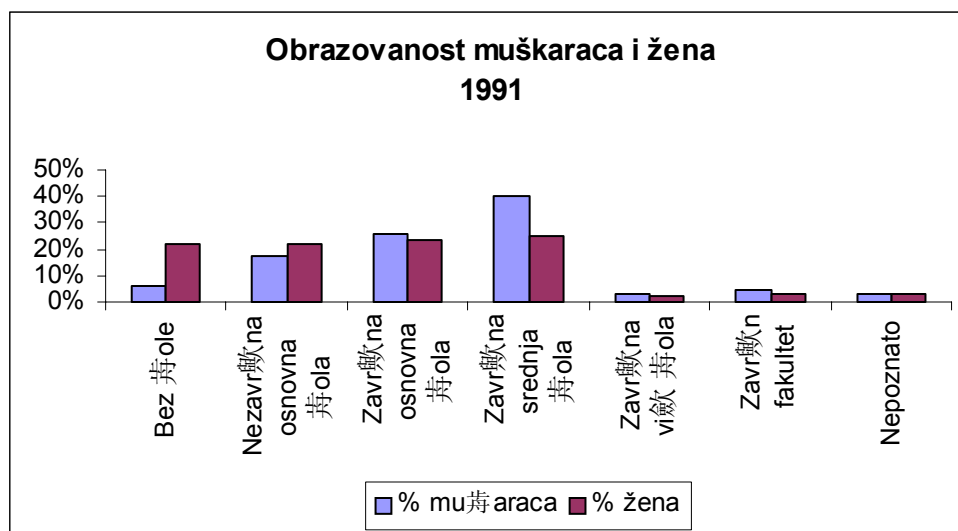
		Укупно Total	Више школе Tertiary schools	Факултети Faculties	Академије Academies		
1998	свега	672	269	402	1	all	1998
	мушки	277	95	181	1	male	
	женски	395	174	221	-	female	
1999	свега	706	242	455	9	all	1999
	мушки	270	96	181	3	male	
	женски	436	156	274	6	female	
2000	свега	885	299	571	15	all	2000
	мушки	370	112	247	11	male	
	женски	515	187	324	4	female	
2001	свега	1002	303	690	9	all	2001
	мушки	369	102	263	3	male	
	женски	634	201	427	6	female	
2002	свега	1141	343	760	38	all	2002
	мушки	404	110	281	13	male	
	женски	737	233	479	25	female	

Дипломирани студенти према полу у 1998. - 2002.  
Graduated students by sex in 1998 - 2002

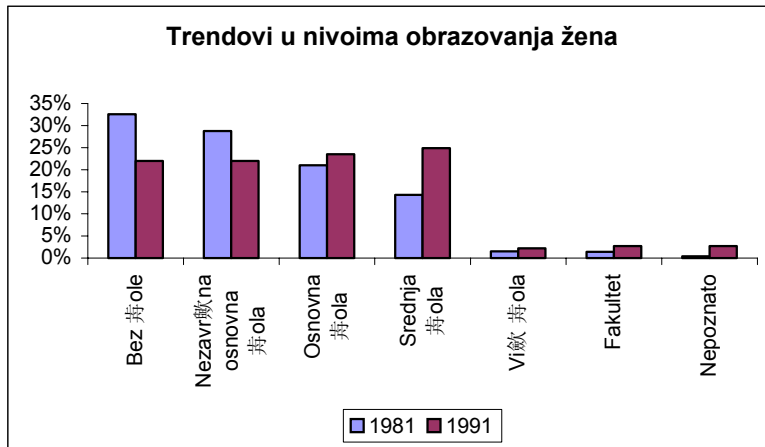
## ARTICLE 10 EDUCATION

## INDICATORS FOR BIH

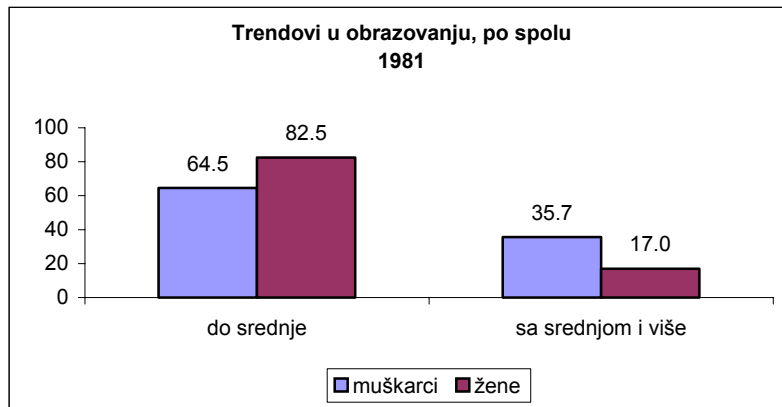
Graph 6



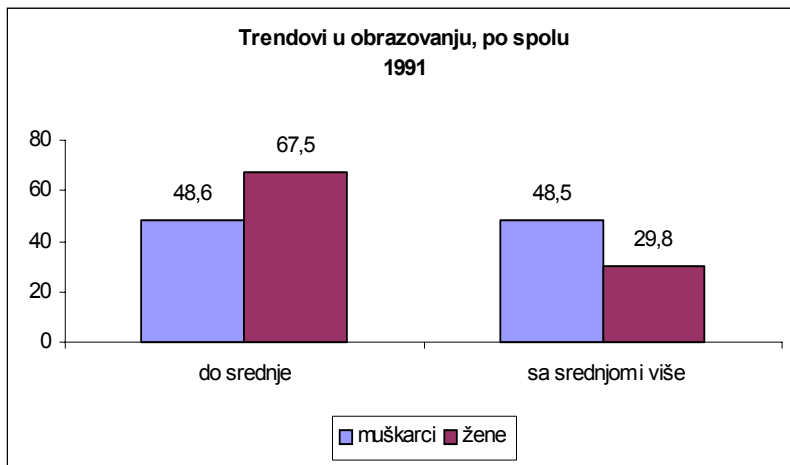
Graph 7



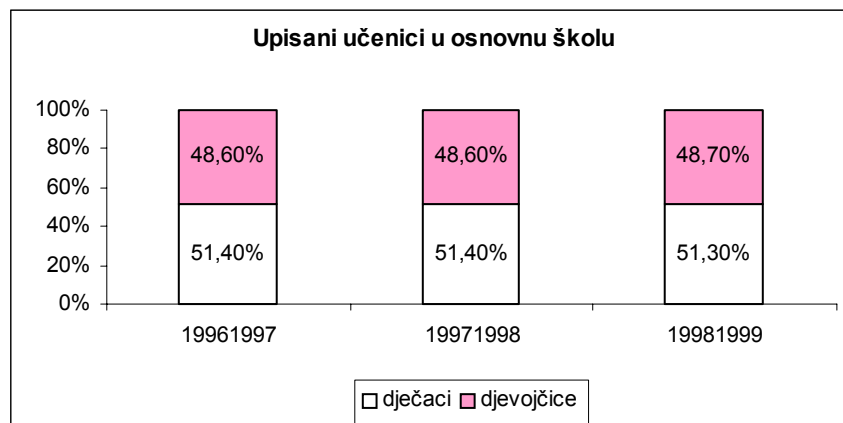
Graph 8



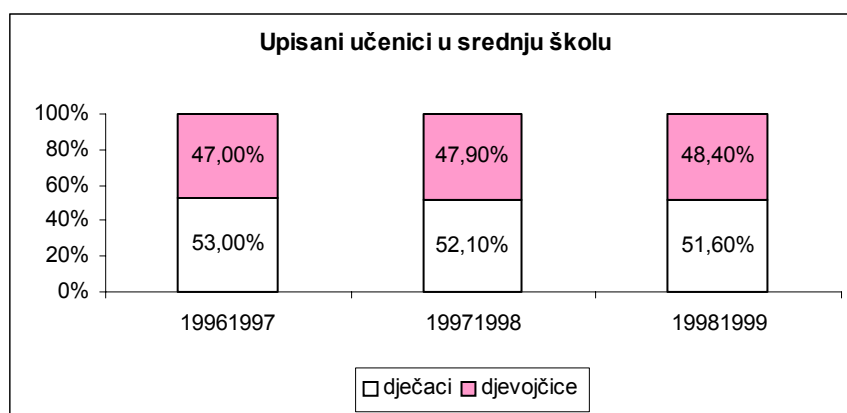
Graph 9



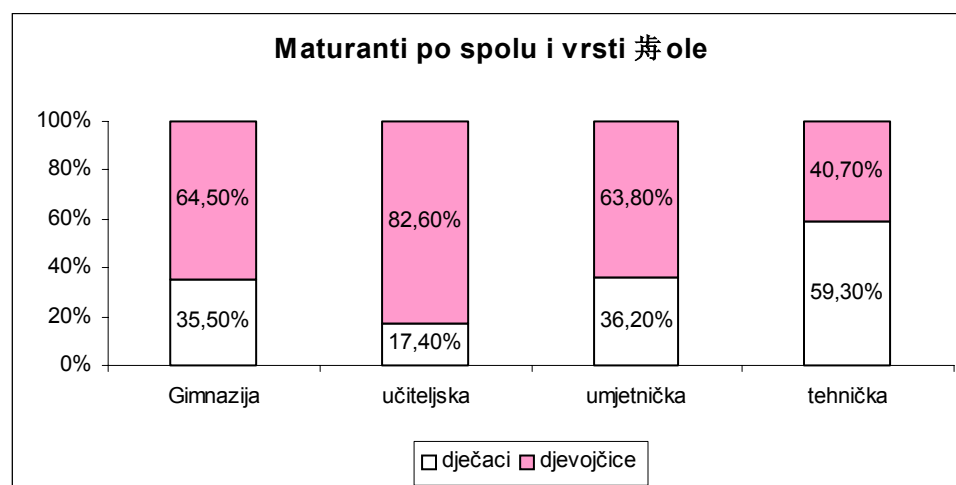
Graph 10



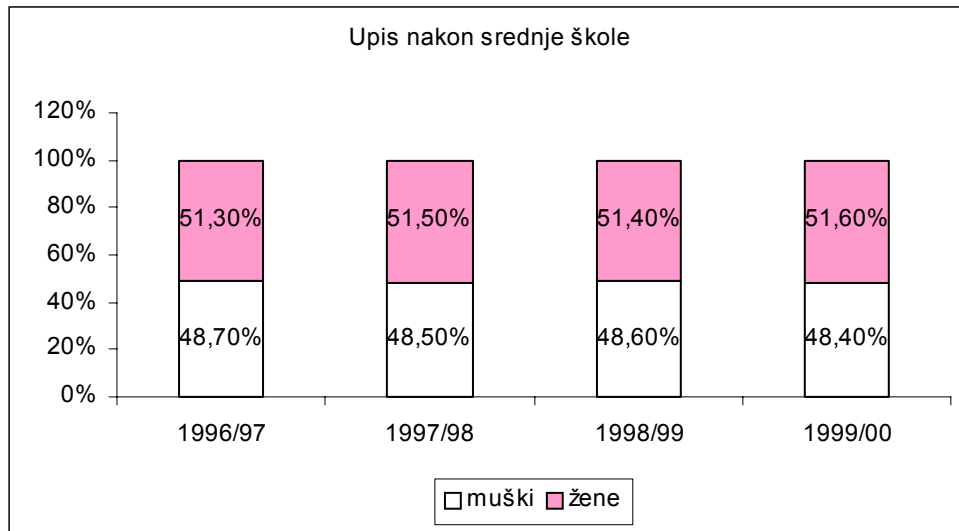
Graph 11



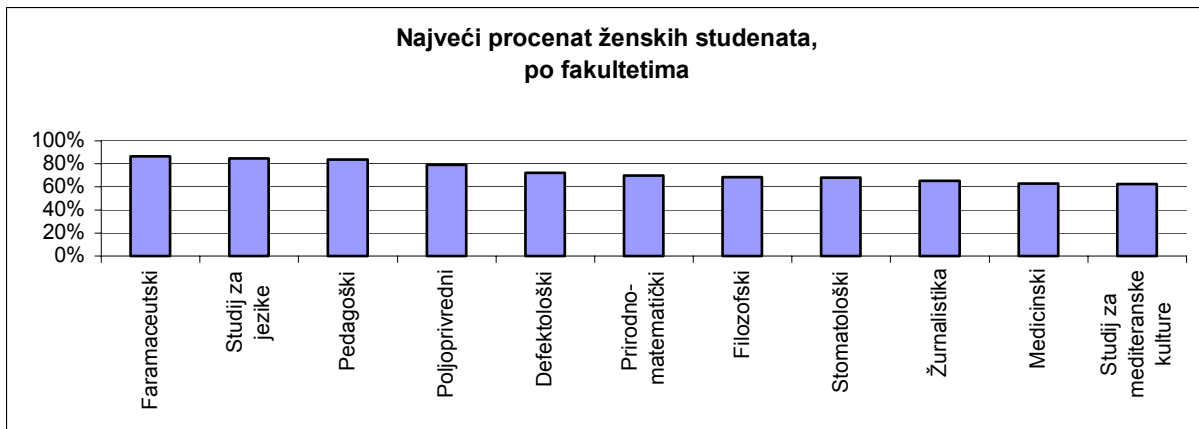
Graph 13



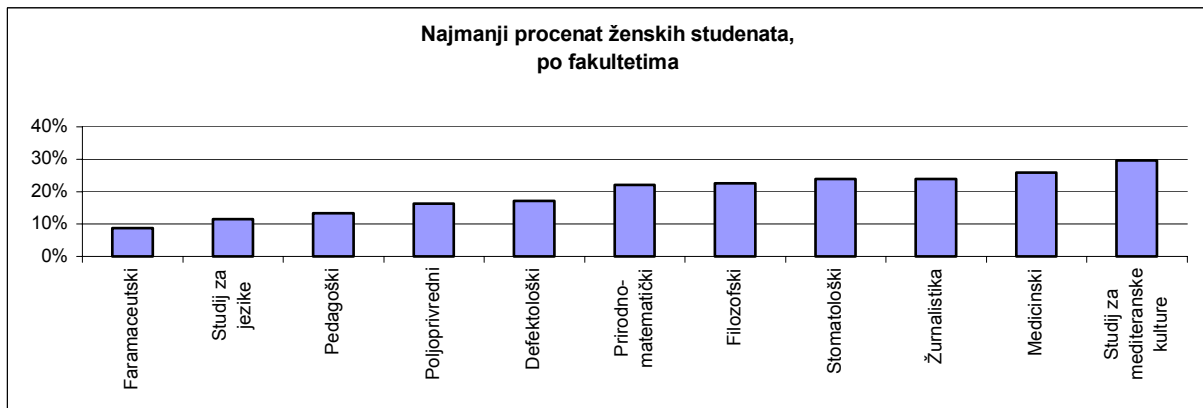
Graph 14



Graph 15

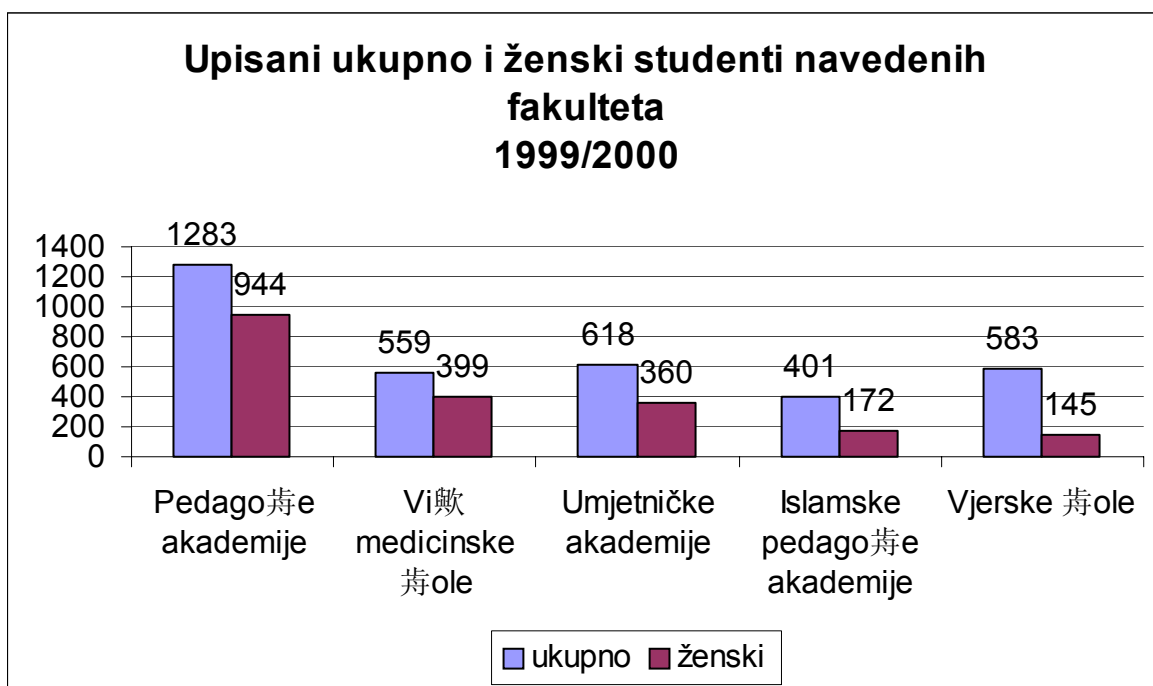


Graph 16





Graph 17



**RESPONSE TO A QUESTIONNAIRE TO GOVERNMENTS****Part I – REVIEW OF ACHIEVEMENTS AND CHALLENGES IN IMPROVEMENT OF EQUALITY OF WOMEN AND AFFIRMATION OF WOMEN**

Bosnia and Herzegovina has made a progress in respect to the situation as of 1996, particularly so in terms of creation of needed legislation framework for women protection.

The Bosnia and Herzegovina Constitution Article 11, which is fully dedicated to the human rights, stipulates in its paragraph a ban on discrimination concerning recognition, exercise and protection of human rights - as addressed by this Article or international agreements referred in the Annex to the Constitution - and ensuring to all persons in Bosnia and Herzegovina non-discrimination on any grounds, such as gender race, language.

The B-H Law on Gender Equality, enacted in May 2000, allows easier recognition in practice the situations where persons are brought into different position, i.e. are subject to different treatment on basis of their gender. The Law prescribed calls for setting-up a state-level agency for gender equality. The agency was established in February 2004 and its competences were defined as follows:

Development of periodical National Plan for promotion of Gender Equality;

Monitoring of implementation and coordination of activities with all relevant subjects from the State plan;

Preparation of annual report on implementation of activities on prevention of discrimination on the grounds of gender in Bosnia and Herzegovina;

Analysis of legislation and regulations and general enactments adopted by the Council of Ministers of Bosnia and Herzegovina aimed at monitoring gender equality realisation, and initialling of procedures for changes and amendments, upon Ministry for Human Rights and Refugees proposal, of the existing legislation in B-H in line with the international agreements and EU regulations;

Development of methodology for evaluation of state gender equality policy and programmes effectiveness;

Carrying out of other gender equality promotion activities and responsibilities, in addition to the law implementation monitoring.

The above mentioned developments followed the signing of the B-H Gender Equality Project Agreement between the Governments of Bosnia and Herzegovina and Republic of Finland, in late 1999, the implementation of which helped creation of conditions in B-H for policy making and implementation in the area of gender equality and women affirmation.

The basic goal of the project was the creation of conditions for gender mainstreaming in Bosnia and Herzegovina. As a part of that endeavor, the desired results are following: gender integrated legal and political framework, B-H awareness raising on the need of equal opportunities for men and women in all aspects of social life, capacity building of statistics institutions and media to promote gender equality, as well as fostering institutional framework for gender mainstreaming implementation.

The Federation of B-H Gender Centre and Republika Srpska Gender Centre formed thereby, raised an initiative, in coordination with the non-governmental sector for development of the state level law on Gender Equality in Bosnia and Herzegovina, as a framework law, which presumes an obligation for signatories at all levels of authority to align their relevant laws with this one.

After the Fourth Global Conference on Women took place, National Plan was developed, serving as a basis for designing FB-H and RS Gender Centres mandates.

In 2003, the FB-H and RS Gender Centres initiated a series of activities to develop the Draft National Action Plan, in accordance with the Beijing Declaration and Platform, once Entity national plans are developed and joint draft national plan defined and submitted to the competent authorities.

The agreement is that the Draft national plan – which preparation engaged the representatives of both governmental and non-governmental sector in B-H - should be presented to the Ministry of Human Rights and Refugees in September 2004.

The FB-H and RS Gender Centres took part in preparation of the UNDP Human Resources Development report, which was devoted to the Millennium Goals for B-H in 2003. Gender centres were active on all eight Objectives, particularly the Objective 3 on gender equality.

They had a key role in development of additional indicators to follow progress in B-H context within the Objective 3. These indices are as follows:

Universal Indicators:

Indicator 9: Ratio of men and women through all levels of education;

Indicator 10: Literacy rate of men and women of age 15-24;

Indicator 11: Women's share in paid employment in non-agrarian sector;

Indicator 12: Percentage of women in parliamentary seats;

Additional indicators for B-H:

Registered unemployment rate among women, employment rate among women (as a part of total female population), economically active women rate, women's participation in executive authority, and ratio between men and women aged over 15 in literacy.

In the course of 2003, the B-H Ministry for Human Rights and Refugees and both Gender Centres, including both legislative and executive all-level authorities representatives, prepared Entity and State reports, under the Convention on Elimination of All kinds of Discrimination against Women - the B-H State Initial Report.

These reports are consisted of an estimation of women's status in all areas addressed by the Convention, as well as of the conclusions indicating necessary measures to be taken for the improvement of women's position in specific areas (changing of the existing and development of new regulations in specific areas). Here, we need to mention that subject to one of the UN Committee on Elimination of Discrimination against Women recommendations, a positive measure has been incorporated into the B-H Election Law, adopted by the B-H Parliamentarian Assembly, in 2001. This Law obliges all political subjects to take part in the electoral process for all-level legislative bodies to include in their lists of candidates one third of women candidates.

The core achievements of legislation and decision making in gender equality promotion and affirmation of women over the past decade are as follows:

Adoption of B-H Law on Gender Equality;

Adoption of B-H Election Law which sets all political subjects taking part in electoral process to propose in their lists of candidates also one third of the minority gender in relation to their overall list, which in case of B-H thus far have been women;

Definition of the term of family violence as a criminal offence in the Entities Criminal Codes, as well as of criminal acts against sexual freedom and moral and in cases where a persons is exposed to mistreatment on the grounds of his/her gender or sexual inclination;

A pre-draft law on family violence prevention is in the process of preparation, and the initiators for such notion are gender centres that included some NGOs.

The FB-H Labour Law sets forth that persons cannot be placed into less favourable position based on their gender in respect to engagement, education, promotion, employment requirements and conditions, cancellation of work contracts or other employment issues.

The RS Gender centre initiated changes to the RS Law on Employment and Law on Pension-Disability Insurance, thus incorporating provisions of the state Gender Equality Law relating to obligation on competent Law implementation authorities to comply with the gender equality and act in a non-discriminatory fashion.

The RS Law on Education should also undergo some RS Gender Centre initiated changes, intended for harmonisation of the same with the Gender Equality Law, which were adopted as amendments at the meeting of the RS National Assembly Committee for Social Position of Women and Gender Equality, but are still pending the Assembly procedure.

Similar provisions are included in the cantonal laws on elementary and secondary education in the Federation of B-H.

Subject to their 2004 Work Programmes, the Entity Gender Centres will carry out training for budget officers in some institutions of various levels, with the aspects of incorporating the gender component into the budgets in following years. To date, data suggest that no major progress has been made in that respect. We are informed of the activities undertaken within the OSCE Mission in B-H aimed at training as larger number of women as possible for budget analysis from the aspect of gender equality. The gender centres plan to include this activity into already established mechanisms of addressing gender issues.

The central issue, addressing women, is the issue of trade with women and this is addressed within state executive and legislative authority. The mentioned activity is subject to sanctions under the Criminal Codes f B-H, FB-H and RS. The state level authorities enacted the action plan for prevention of human trafficking, including the trade with women.

Gender equality parliamentary commissions at State, Entity and Cantonal levels, present their proposals and opinions on documents (regulations and similar), subsequently to be considered by relevant legislative bodies, also on certain forms of gender in some aspects of social life.

Various parliamentary commissions and executive authorities at all levels are informed of the position of women in areas addressed by the Convention on Elimination of All Forms of Discrimination against Women trough relevant Report under the Convention.

The family violence area is among very important issues to which adequate solutions are tried to be found, especially concerning the victims and adequate sanctions against offenders. Therefore, an initiative has been raised to develop the Law on protection against Family Violence with the participation of both government and non-government sectors.

In the post-war period, the donor-supported non-government sector started activities on inclusion of women's issues into the reconstruction and rebuilding processes (building-up provisions for small entrepreneurship regulations, change of legal regulations on ownership over immovable property, establishment of associations with the policy of reconciliation among ethnic groups and wider region).

The gender centres were directly involved in the preparation of the B-H Defence Law, as they applied gender analysis methods to the draft law, especially recalling the UN General Assembly resolution 1325.

Changes in Bosnia and Herzegovina, characteristic for majority of transition countries, have had a negative trend in women's affirmation (e.g. in enterprise dissolving, women are the first to lose employment) and application of gender equality principle. Steps taken in the Gender Equality Law implementation would certainly contribute to curbing-up the negative trend in women's affirmation.

In Bosnia and Herzegovina women represent 37.2% of the employed, which is an extremely low rate having in mind the fact that women in B-H represent 60% working able population.

Also, a phenomenon of the "glass ceiling" is present in B-H, i.e. women in B-H are very rarely promoted above a certain level of hierarchy, and even such trends change when it comes to executive and legislative authority, there are highly paid positions in B-H still unavailable to women.

The issue of balance between professional and family life of women is opened for debate. The new Labour Law opened possibilities for a mother (or father if mother works a full time) to work half time up to three years, after a child turns one, if additional care is required.

The Ministry for Human Rights and Refugees of B-H, in cooperation with Entity Gender Centres, have submitted the B-H Gender Equality Law implementation project to the UNDP. The UNDP has also supported the project implementation financially, which basic aim is to help develop action plans for promotion of gender equality and affirmation of women in all areas of social life and recognise some aspects of discrimination and determine ways for elimination of the same through regular activities of competent authorities.

To date, the gender centres have undertaken significant activities in view of integration of gender aspects into the education system in B-H.

Also a notion was made to organise the Gender Division with the Centre for Multidisciplinary Post-graduate studies in Sarajevo.

From its establishing to-date, the gender centres have arranged regular joint meetings with NGOs representatives, reviewing the related topics from some aspects of social life. These deliberations transformed into concrete remarks and suggestions for development of some regulations (e.g. Criminal Code etc.). One of joint activities was also initiation on and development of Pre-draft Law on Protection from Family Violence.

The NGOs also had their share in development of State Action Plan on Gender Issues and other processes of development of policies and legislation promoting gender equality.

The activity on-going is starting with development of strategy which basic aim is the establishing and strengthening municipal services for free legal assistance to women, as well as literacy of women through Bosnia and Herzegovina.

Unlike other international interventions, gender centres have continuously engaged men and women equally. So, for instance, persons designated for gender issues from state and entity institutions are always a men and women, as in the case with commissions and committees at all levels.

Despite these measures, however, participation of men has never exceeded 30% rate.

New measures and actions too include men more often in gender equality promotion processes will continue.

PART II – PROGRESS IN IMPLEMENTATION OF KEY INTEREST AREAS OF THE BEIJING PLATFORM FOR ACTIONS AND FURTHER INITIATIVES AND ACTIONS ESTABLISHED AT THE 23<sup>RD</sup> SPECIAL SESSION OF THE GENERAL ASSEMBLY

Examples of successful policies, legislative changes, programmes and projects

Having regard of the fact that the State Action Plan for Promotion of Women's position in under preparation in Bosnia and Herzegovina for the first time, and it is yet to be adopted, but also some significant moves should be mentioned, in addition to the results already made concerning improvement of women's position and protection of basic rights in the area defined under the Beijing Platform for Action.

The Gender Equality Law adopted in Bosnia and Herzegovina defines both direct and indirect discrimination, gender-based violence, disturbance and sexual disturbance and introduces sanctions against offenders. Also the Law defines and enacts further general elements of proceedings in institutions and subjects within the institutions in order to observe gender equality principles in the areas referred to unit the, Law as follows:

education, work and access to all kinds of resources,

social protection,

health care,

sports and culture,public life,media,ban on violence.

Further, the Law sets forth obligations of the all-level competent authorities to adopt programmes and measures for achievement of gender equality in all areas, together with new laws or amendments to the existing ones for the reason of their harmonisation with the Gender Equality Law provisions.

Concerning the legal aspects and the fact that the Gender Equality Law was adopted as late as June 2003 and that its implementation is the initial phase, and that the State Action Plan is not adopted yet, one cannot say that the reform has been implemented in the areas of Law and Beijing Platform, but it can be certainly said that the gender equality increasingly considered as a criterion in designing policy, strategy, work programmes, laws etc.

Since early 2004, the gender centres employed PR officers with a responsibility to promote activities and results of gender mainstreaming in Gender Equality Law implementation. Also, we believe that the gender equality topics are more and more exploited by media. The gender centres have also prepared a special strategy for integration of gender issue into media, while actions such as education and awareness raising of media staff are already underway.

When it comes to pilot projects and programmes, it should be noted that through the Ministry for Human Rights and Refugees and the then Ministry for European Integration, Bosnia and Herzegovina signed the agreement with the Republic of Finland in 2000 on GEEP Project implementation, funded by the Finish Government, which implementation started in 2000 and is scheduled to be completed in 2005.

Project coordination and implementation is entrusted to the Entity Gender Centres, and the executing agency is the Independent Bureau for Humanitarian Issues in Bosnia and Herzegovina (IBHI BH). The general aim of the project is arriving at a situation where conditions exist for gender equality as prerequisites for democracy and prosperity of a society.

The project purpose is the integration of the gender issue as a strategy and development of a method and tools for gender equality, with the ultimate goal of effective use of human resources available in a society. A large portion of activities and results explained in answers to specific questions from the questionnaire are implemented within the GEP Project implementation.

The second, chronologically but not by importance, is the Gender Equality Law Implementation Project or capacity building and development of partnerships between government and civil society, aimed at realisation of gender equality in B-H. The projects are financially supported by UNDP and Japanese Government, and implementing agencies are gender centres and B-H Gender Equality Agency.

The general development objective of the Project is the developed institutional capacity with the government of B-H working in close coordination with non-governmental sector on gender equality promotion and implementation of Gender Equality Law. The aim of the project is the protection and maintenance of gender equality, which should contribute, through the Gender Equality Law implementation, to a just, effective and human rights focused development process. The Project is designed to last two years.

The NGOs in B-H also implemented numerous projects within their human rights and gender equality mandates and activities. Government do not possess information on such actions, as NGOs are not obliged to report to the Government on the projects implemented, but it can be estimated that most commonly implemented projects are those addressing electoral process and participation in government, women education and awareness building, family violence, trafficking, women's entrepreneurship etc.

Bosnia and Herzegovina has not adopted the state Action Plan, so we cannot refer to fulfilment of obligations assumed or eventual outputs of its implementation. Yet, we believe that a lot has been triggered in terms of improvement of women's position, GEEP project generating results and activities, passing and implementation of the Gender Equality Law.

Bosnia and Herzegovina tries to make the gender equality principle a significant criterion in all activities it carries out. Many conferences and meetings attended by B-H representatives are tried to be used for highlighting women issues and eventually pointing out at discrimination and some solutions to enable more balanced gender relations. Guidelines and recommendation from such conventions find their way through competent institutions to gender centres.

#### Obstacles Encountered, Remaining Gaps and Challenges

d) As already mentioned, Bosnia and Herzegovina has no the state Action Plan in place a, so we cannot relate to obstacles to its implementation. In stead, we can point at some issues in general, in all areas, which can be regarded as obstacles in terms of the Gender Equality Law implementation. These would be as follows:

-We do not have experts for this area, as there are no organised gender studies;

No comprehensive statistics kept in B-H, therefore no data classified by gender exist because no census has been carried out in the post-war Bosnia and Herzegovina, which appeared to be a deficiency for CEDRAW Convention reporting purposes;

B-H citizens are not gender-sensitive yet and not aware of the discrimination in some areas;

Textbooks and education work plans and programmes still contain stereotypes on traditional role of men and women, with some improvements already made;

There is still small number of women representatives in B-H authorities, under some decisions, programmes, strategies and legal regulations are different from the expected ones non-gender-sensitive.

#### Lessons Learned

e) The state Action Plan has not been adopted, so we cannot speak of its implementation. The lessons learned refer to the GEEP Project incited processes. The GEEP Project introduced into this region considerations and actions deemed for promotion of women's position and gender equality in a way it is done in EU. Activities and results within the Gender Equality Law implementation are the following:

institutional gender-relevant mechanisms are already in place in B-H and should be further supported, strengthened through enhancing capacities and awareness on gender issue;

gender awareness building;

improvement of relevant statistics, without which adequate specific actions are no possible;

elimination of women trafficking in the region;

fostering of social infrastructure in order to facilitate child raising and work;

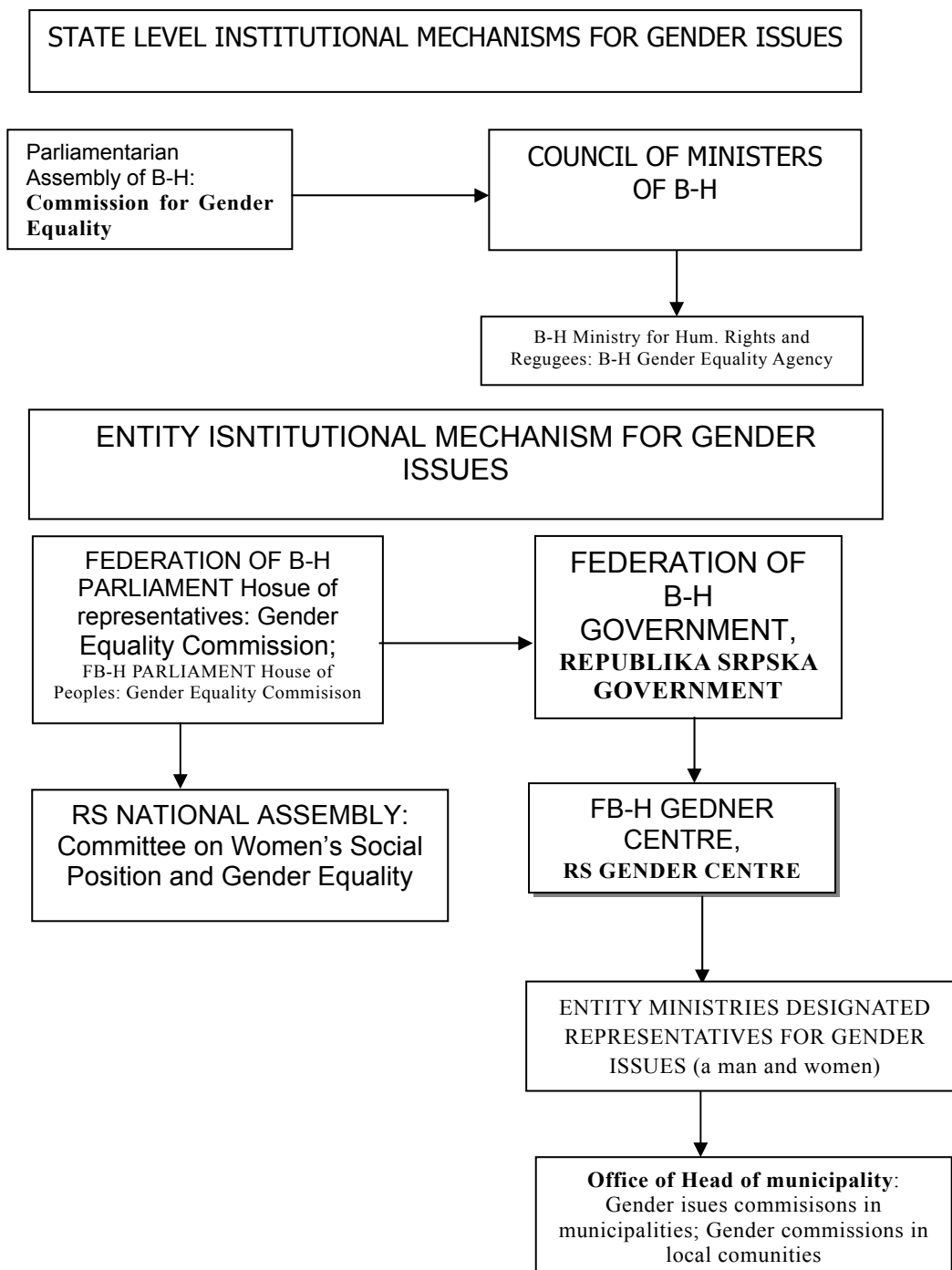
gender issue media promotion;

women's health improvement.



## PART III – INSTITUTIONAL DEVELOPMENT

Within their mandates, gender centres are obliged to work on establishment of institutional mechanisms for gender issues at all levels of authority in B-H. According to the Law on Gender Equality in B-H, the Ministry for Human Rights and Refugees is responsible for the Gender Equality Agency, formed as independent unit. In line with the above, the following is the review of institutional mechanisms established to date.



From the presented above, it is obvious that the legislative and executive authorities at all levels in B-H have established bodies in charge with gender issues, i.e. gender equality implementation.

Basic tasks for such bodies, as parts of legislative authority, are consideration and issuing of opinion to all draft regulations and other documents, particularly from the point of view of harmonisation of those with the Gender Equality Law. These bodies also work on connecting all women elected to a certain legislative body regardless of their political affiliation and coordination with gender centres, NGOs and similar executive bodies.

Parliamentarian commissions dealing with the gender issues have at their disposal all resources, including office space, financial and human resources, like any other parliamentarian commissions.

Opinions, remarks, suggestions are in the form of reports presented to the Parliament under the established procedures.

From the table presented, it is noticeable that gender issues mechanisms (gender centres, coordination boards, designated officers within ministries and similar) exist in all executive authorities in B-H.

The basic tasks for these centres are to participate in the preparation documents from the ministries' competences and to take due care of harmonisation of these documents with the Gender Equality Law.

In the regular execution of duties of cantonal coordination boards, most often difficulty is the lack of resources, because cantons neither budgeted for provided for financial resources for these purposes.

Previously, the Federation of B-H Government provided for some funds to gender centres. The positive practice is their coordination with the cantonal assemblies' commissions with the aim at carrying out joint actions.

Ministries at all levels of authority designated two persons – a men and women – to deal with gender issues, and gender centres engaged gender experts for the training of the persons designated.

Some mechanisms to monitor progress in gender equality promotion have been worked out.

The most important subjective indicator of awareness building is the Gender Barometer qualitative study, applied biannually, in cooperation with the B-H Statistics Agency and Entity Statistics institutes.

The progress is assessed at joint meetings of the mentioned institutional mechanisms by way of reporting on both results achieved and problems spotted and by joint undertaking of the specific problem-solving measures.

The gender centres, in cooperation with the B-H State and Entity statistics institutions and renowned sociologists, prepare other kinds of qualitative studies (sexual disturbing at universities, family violence, women mangers etc.).

The gender centres support Entity statistics institutes in development of annual quantitative analyses, such as “Women and men in RS” and “Men and Women in FB-H”.

We deem this is the area where the newly established Gender Equality Agency, in cooperation with gender centres, should promote the existing mechanisms for monitoring of the situation in the gender equality field.

The improvement of gender mainstreaming continues through:

national mechanisms, i.e. trainees who completed their training in gender awareness building and gender analysis, including plans development,

NGO sector, student organisations, designated persons for gender issues who completed gender awareness building training,

Union – Women’s Forum – cooperation realised, and training completed.

Entity Gender Centres have undertaken a series of actions in previous years concerning the statistic research programmes implemented in both Entities which objective is identifying statistical data kept and whether they are classified by gender.

Findings to date point at conclusion that the statistics institutions in their regular work do not keep statistics necessary for monitoring and assessment of women’s position in the areas addressed by the Convention on Elimination of All Kinds of Discrimination against Women or Beijing Declaration, and this was particularly noticeable in case of preparation in both Entities of the report under the mentioned Convention.

In order to overcome the existing situation, the Ministry for Human Rights and Refugees undertook a number of activities to establish a single database. Gender centres meet regularly with statistics institutes representatives, pointing at a need for keeping certain statistics and their classification by gender (e.g. statistics institutes keep statistics on numbers of criminal verdicts or on numbers of managers of education, health care and other institutions, but the results are not classified by gender).

Gender centres launched a number of researches - the most important was the B-H Gender Barometer - conducted by statistics institutes, but the practice has not become the regular task.

It is important to note that a joint statistic group has been formed to propose statistics institutes which data should be collected and classified by specific aspects of life.

In 2002, a Gender Equality Project officer made the analysis of four statistics publications in B-H and the existing classification by gender. The analysed publications contain data classified by gender, primarily in the following areas: economy and salaries, health care, criminal offences, and decision-making processes.

The classification, as it is, does not address many issues from the list of statistical data or identified in gender issues indicators. Some of the key omissions are:

Rural – urban population ratio;

Descriptive statistics on households (composition, gender of householder etc.);

Data on wages and salaries classified by gender.

The usual statistics publications, produced by all institutions, contain various degrees of gender classification. However, all three institutions produced the publications titled “Women and Men in ...”, containing different versions of gender classification of data found in other publications. This means that all three institutions dispose of the capacity to classify by gender their existing data, and that future efforts should be focused to mainstreaming gender classification and standardisation of data collection and presentation in order to address more effectively the issues identified in the gender indicators and statistics list.

The B-H legislative authorities should, within their competences, take care that all issues they consider also contain the gender component, and adopt needed measures to improve women’s position in some areas.

A special role within Parliaments is on the gender equality commissions, as parliament working groups.

The previous experiences show that the process of training of members of parliament, and particularly gender equality commissions’ members, should be continued to the effect of a more effective incorporation of gender component in their work. As mentioned already, gender centres have included the non-governmental sector in their activities, and launched an initiative for designating at a regional level a person from the non-governmental sector to act as a contact point between non-governmental sector and gender centres. The Agreement on Cooperation was signed between the non-governmental and governmental sector.

The non-governmental sector was also engaged in the development of the Report under the Convention on Elimination of all Forms of Discrimination against Women and in preparation of the National Action Plan.

#### PART IV – MAJOR CHALLENGES AND WAYS TO ADDRESS THEM

Bosnia and Herzegovina has not adopted the National Action Plan for Improvement of Women's Position yet. Its wording is drafted at the Entity level and all proposals and suggestions will be compiled by a coordinator into a single document for Bosnia and Herzegovina. As planned, the National Action Plan is to be adopted during 2004, and we believe that Bosnia and Herzegovina would be able to implement the same in the course of next year, and the implementation results are to be expected accordingly. The National Action Plan will cover all areas addressed in the Beijing Platform, thus the B-H Parliament and Government would be proposed the strategic action. The National Action Plan is termed for five years.

In respect to the previous work of the competent and all other institutions towards the improvement of women's position and gender equality, the priorities would be set as follows:

creation of conditions for the Gender Equality Law implementation, including building of government capacity and institutional mechanisms relating to the issued of gender and civil society in general;

harmonisation of all laws at all levels with the Gender Equality Law;

improvement of statistics available on all aspects of life and work as classified by gender;

continued process of introduction of gender component into all-level education;

gender issues media promotion and awareness building of media staff;

general gender equality awareness building targeting both men and women in light of its relevance for future prosperity of a society in a whole;

support and promotion of women politicians.

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