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MONITORING AND EVALUATION SUPPORT ACTIVITY (MEASURE-BiH)

GENDER ANALYSIS REPORT FOR BOSNIA AND HERZEGOVINA

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MONITORING AND EVALUATION SUPPORT ACTIVITY (MEASURE-BiH)

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ABBREVIATIONS

ADS - Automated Directives System of USAID
BiH - Bosnia and Herzegovina
BiH PA – Bosnia and Herzegovina Parliamentary Assembly
BDBiH – Brcko District
CEC – Central Election Commission
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
CEDAW - Committee on the Elimination of Discrimination against Women
CoE - Council of Europe
CoM – Council of Ministers
CRSV - Conflict-Related Sexual Violence
CSO - Civil Society Organizations
DCAF - Geneva Center for Democratic Control of Armed Forces
DV - Domestic Violence
ECtHR - European Court of Human Rights
EU - European Union
FBiH - Federation of Bosnia and Herzegovina
FBiH GC - Gender Center of FBiH
FIGAP - Financial instrument for implementation of the Gender Action Plan of BiH
FINDEX - Financial Inclusion Index
GAP - Gender Action Plan of BiH
GBV - Gender-Based Violence
GE - Gender Equality
GEA - BiH Gender Equality Agency
GEC – Gender Equality Committee
HoR – House of Representatives
HoP – House of Peoples
ICRG - International Country Risk Guide
ICTY International Criminal Tribunal for Former Yugoslavia
IFC - International Finance Corporation
ILO - International Labor Organization
IPU - Inter-Parliamentary Union
IRI - International Republican Institute
LFS - Labor Force Survey
LGBTI - Lesbian, Gay, Bisexual, Transgender and Intersex
LoGE - Law on Gender Equality
MEASURE-BiH – USAID’s Monitoring and Evaluation Support Activity
NATO - North-Atlantic Treaty Organization
NSCP- MEASURE’s National Survey of Citizens’ Perception
NDI - National Democratic Institute
OG - Official Gazette
RIA - Regulatory Impact Assessment
RS - Republika Srpska
RS GC - Gender Center of RS
RSNA – RS National Assembly
TIP - Trafficking in Persons
UN - United Nations
UN Women - United Nations for Women
UNDP - United Nations Development Program

UNFPA - United Nations Population
USAID - United States Agency for International Development
USAID CSSP - Civil Society Sustainability Program of USAID/BiH
USAID GEFE - Gender Equality and Female Empowerment Policy of USAID
USAID SGIP - Strengthening Governing Institutions and Processes Activity of USAID/BiH
UNSCR - UN Security Council Resolution
WB - World Bank
WHO - World Health Organization
WPS - Women, Peace and Security

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EXECUTIVE SUMMARY

This Gender Analysis is conducted to inform the USAID/BiH's preparation of the 2017-2021 Country Development and Cooperation Strategy (CDCS). It examines the following key research questions:

- 1) To what extent do laws, policies, regulations and institutional practices in the CDCS sectors contain explicit or implicit gender biases, or actively promote gender equality?
- 2) Which cultural norms and beliefs influence the behavior of men and women, their allocation of time, and the gender roles and responsibilities they take on in the CDCS sectors?
- 3) To what extent do accessibility to and control of key resources and services in the CDCS sectors differ for men and women?
- 4) Are there differences between men and women in their (or without the, completely) influence over decisions in the CDCS sectors?

The methodology of Gender Analysis included a comprehensive literature review, analysis of administrative and other data, 34 interviews and meetings, and attendance at three gender equality events. This report covers six thematic sections: (1) Gender-Based Norms; (2) Rule of Law, Good Governance, and Political and Civic Life; (3) Inclusive Economic Development; (4) Reconciliation and Social Inclusion and Cohesion; (5) Human Security; and (6) Specific Gender Issues.

I GENDER-BASED NORMS

Gender stereotypes continue to play a significant role in political, economic, and private life, undermining promotion of gender equality. There is a general agreement among men and women about traditionally suitable roles for women. Political and economic dependence of women on men leads to lower awareness of their human rights, lower participation in the labor market, and lower interest in politics. Despite the challenges women encounter in the labor market, most women in BiH do not think that they are being discriminated against. One possible explanation for this is that understanding among women of what constitutes discrimination and their levels of awareness about discriminatory practices is still relatively low. Stereotypical masculine roles are seen as central to the protection of family, faith, social or ethnic groups and/or the country.

SELECTED RECOMMENDATIONS

1. Gender analyses in the process of project/activity design should analyze gender norms for both men and women, instead of focusing on women alone.
2. Interventions that aim to raise awareness about gender equality, gender-based violence, and women's empowerment should target both men and women.
3. Interventions in education should systematically support development of school curriculums, textbooks, and teaching materials that exclude bias and prejudice on any grounds and utilize a gender transformative approach.
4. Reconciliation and peace initiatives or potential future interventions on CRSV should promote an integrated approach in which male survivors of such violence also receive adequate support and

solutions/treatments, and in which society develops an understanding of the stigma both men and women face.

5. Media interventions, or interventions that have a significant media component, should ensure that gender stereotypes are not only avoided but also deconstructed and transformed.

II RULE OF LAW, GOOD GOVERNANCE, POLITICAL AND CIVIC LIFE

While the BiH constitution and legal system treat men and women equally in most respects, there are inconsistencies in the system, such as a lack of harmonization of laws across political entities, inconsistent implementation of laws, and lack of effective monitoring. This creates opportunities for discriminatory practices based on sex. The BiH constitution and laws may still be interpreted as *gender-blind*, as most laws do not actively promote gender equality in private and public life. However, the past few years have seen an improvement in many areas.

The Law on Gender Equality mandates that equal representation of men and women exists when one sex is represented by at least 40 percent of the population in public sector bodies at state, entity, cantonal, and municipal levels. Legal norms for the appointment of judges and prosecutors recognize the need to consider gender balance and prohibit bias on the basis of sex, sexual orientation, and other identities and markers. While men and women are overall equally represented in the BiH judicial system, there is evidence of inequality when level of power is taken into consideration. Court proceedings addressing gender-based violence and trafficking in persons inconsistently apply the relevant laws. Additionally, there are very few proceedings which address gender-based discrimination.

Gender mainstreaming is being increasingly implemented as a strategy to achieve more gender-equitable outcomes of governmental regulations and practices. Its implementation, however, is still not at a satisfactory level. Despite higher quotas for the under-represented sex on the parties' election lists, women's actual representation stagnates or even decreases at all governance levels. Male and female politicians increasingly see campaigning on women's issues as counter-effective for gaining political support and influence. Gender mainstreaming is largely absent from upper-level consultations and reforms.

SELECTED RECOMMENDATIONS

6. Within the existing USAID Justice Support Activity (JSA), undertake a quick review of the effects of gender imbalance at various levels of courts and prosecutor offices and the impact they may have on the activity's tasks and objectives.
7. Undertake a focused analysis of court proceedings in GBV (domestic violence, CRSV and sexual violence against women), to determine their level of effectiveness and efficiency, including sentencing and implementation of sentences.
8. Encourage social research on the intersection of gender and corruption in order to identify the differences in the needs, behaviors, obstacles, and outcomes, for men and women, and take those differences into account with anti-corruption interventions.
9. Adopt gender mainstreaming as one of the key principles in intervention, in particular in projects and activities working with legislative and executive governments and policy advocacy.

10. Mandate gender analysis in policy advocacy and policy-making intervention, as well as in media and political party interventions.
11. In all interventions, support a gender transformative approach which does not only seek to empower women, but also to engage men as supporters of gender equality.
12. Support women voters' access to diversified political information.
13. Promote women candidates' opportunities to further present and promote their professional achievements in political and expert circles.
14. Support media content that portrays women and men in a non-stereotypical manner and presents their roles and contributions in private and public spheres.
15. Include gender equality training in any media-related activities.
16. Promote media literacy and critical thinking in formal education and more broadly among youth, teaching youth to deconstruct cultural gender codes presented in the media.

III INCLUSIVE ECONOMIC DEVELOPMENT

Many women still consider their family roles as primary responsibilities that take priority over employment and career. The gender gap in the participation of men and women in the labor force is the most important gender issue in the labor market. Women account for 37.3 percent of the employed population, 43.2 percent of the unemployed population, and 60.8 percent of the inactive, working-age population. Working-age women have lower educational attainment levels than men. This is an important contributing factor to persistent lower rates of employment and self-employment. Urban women have twice as many years of schooling as rural women.

Women employed in the private sector are more likely to encounter discriminatory practices based on gender stereotypes and face greater challenges in developing and maintaining their careers. The greatest obstacles to broader gender development and empowerment in rural areas faced by women are related to property rights, access to public services, finance, training, advisory services and mentorship, and limited time to engage in outside activities. Women are more often engaged in lower levels of agricultural activity, own smaller businesses, and are more likely to be engaged in local and informal markets. Women in rural areas have very few (if any) opportunities for social interaction in non-work or outside-of-the-home environments. Provision of and compensation for maternity leave is inconsistent across cantons in FBiH. Women and men have equal legal rights to property ownership, management and use, as well as equal legal status in relation to access to finance and services. However, local traditions and customs persist in giving preference to men, and in practice, women own a far smaller share of land and other property than men.

SELECTED RECOMMENDATIONS

17. Define a set of gender-sensitive context indicators in the BiH labor market, and track movements regularly. Mandate gender analysis in economic growth activities and consider prioritizing a higher participation rate for women as one of the future project outcomes.
18. In labor market interventions, prioritize approaches to increase participation of women, either from an economic growth or civil society and governance perspective.

19. Support implementation of national and international standards of equal treatment and equal opportunity for both sexes in employment, wages, trainings, and promotions in the private sector.
20. Support improved gender mainstreaming in specialized job searches and in advisory services and sections of employment institutes.
21. In supporting business development in the sectors of agriculture, industry, and services, consider interventions which aim to increase women's participation in formal employment.
22. Consider supporting adult training initiatives that would specifically target women, among other vulnerable groups, who have only achieved primary education, especially in Brcko District (BDBiH) and in rural areas.
23. Encourage establishment of student career counseling centers at secondary schools and universities that could provide gender-sensitive, timely information on employment trends in different sectors.
24. In business development interventions with direct beneficiaries, consider assistance in conditioning and/or supporting the inclusion of women in land and property ownership documentation, where ownership documentation does not yet reflect the legal rights and actual contribution of women.
25. Support initiatives in rural areas which improve financial awareness and education, but include a tailored approach to women, in order to compensate for the shortage of information and lower education levels.
26. In interventions focusing on agriculture, services, and industries, include disadvantaged geographic pockets of the country where it is more important to generate economic activity in order to achieve inclusive economic growth.
27. Build the capacity of associations, especially women's associations, and support the establishment or advancement of agricultural extension services (such as those in the RS) to deliver training and mentorship for women.
28. Explore opportunities to support women entrepreneurs in opening affordable child care facilities, where such family support is scarce. This would not only increase entrepreneurship among women but also would allow other women to continue or return to work sooner.
29. Support women's engagement in existing or establishing new agricultural cooperatives in rural areas.

IV RECONCILIATION, SOCIAL INCLUSION AND COHESION

Women NGOs, and women working in NGOs are recognized as the most active participants in the reconciliation processes. Several key informants noted that 'women are readier for reconciliation, but the power is in the hands of men'.

BiH has the lowest gross enrollment rates among women in primary and secondary education levels in comparison with the former constituent members of the Socialist Federal Republic of Yugoslavia (SFRY). There is a gender differentiation in enrollment at the secondary level based on the type of school. Enrollment in four-year technical schools is almost equal, with a slightly higher percentage of girls than boys. Also, more girls are enrolled in general secondary schools. Gender differences in enrollment are the highest in vocational schools where boys account for about 70 percent of the students. In 2014, more women than men were enrolled at institutions of higher education but there is still a significant gender

gap when comparing the numbers of women and men who have completed their graduate studies. In 2014, women accounted for 57.5 percent of undergraduate university students. At the Master's level, women accounted for 59.5 percent of students, and at the Ph.D. level, for 38.5 percent. In 2015, women accounted for 43 percent of graduates at the masters and specialist levels, compared to 57 percent of men. Similarly, women accounted for 45 percent of all recipients of a doctoral degree. Moreover, there is clear evidence that gender norms translate into preferences and choices when it comes to the fields of study chosen by male and female students.

The levels of discrimination against Roma are not the same for men and women. Roma women experience multiple vulnerability factors compared to Roma men, and are even less politically represented and economically secure than Roma men. Roma children, especially Roma girls, also face discrimination in their rights to education. Approximately 90 percent of Roma women had no access to healthcare or social protection. Roma women also experience very high levels of violence.

SELECTED RECOMMENDATIONS

30. Produce another wave of the SCORE index for BiH, with more intentional identification of gender differences in indicators, followed by a qualitative study, including a study on gender differences.
31. Pre-design gender analysis and mainstreaming in future reconciliation interventions.
32. Support development or introduction of school curriculums on tolerance and respect for diversity, e.g. ethics, healthy lifestyles, and develop special strategies to engage boys.
33. Work with selected male and female journalists on topics of respect for diversity and interethnic reconciliation, and promote conventional, as well as unorthodox, non-biased reporting styles and formats, tailored to preferences of youth and women in rural areas.
34. Support research, textbooks, and/or teaching methods, by universities or professional associations on gender stereotypes in formal education, and ensure support by education authorities in addressing the shortcomings.
35. Explore/create opportunities, such as job fairs to expose young women and men to the types of jobs available and the broader needs in the labor market, making certain that such fairs do not reinforce gender stereotypes about desirable professions for men and women.
36. Support initiatives to encourage girls (and parents) to consider studying fields that girls have traditionally been discouraged to study, but where earnings are higher than in the social sciences and liberal arts, such as science, technology, engineering, and mathematics.
37. Support analyses of Population Census data to identify groups with the highest risk factors for poverty and exclusion, by tracking sex-disaggregated data per sub-groups.
38. Support development of the country system of monitoring sex-disaggregated human rights indicators, and reporting BiH human rights obligations and commitments.
39. Support a systematic state-run program and immediate interventions for curbing all forms of discrimination, including violence, against Roma women.
40. For all marginalized groups, prioritize adult education and employment opportunities.

V HUMAN SECURITY

A gender-sensitive and concerted approach of the gender, security, political and social systems is still missing in the prevention of and fight against terrorism, radicalization, and extremism. The BiH Strategy for Prevention and (the) Fight against Terrorism (2015-2020) integrates a role for women in prevention, but it fails to take a consistent gender mainstreaming approach. Neither does it recognize the various roles women and men undertake in this interplay of radicalization. Gender-sensitive research of radicalization and extremism in BiH, which would inform a more gender-sensitive approach in prevention and anti-terrorist activities, is still lacking. Young people in search of a sense of belonging, purpose, and/or identity may be more vulnerable to violent extremism and terrorist radicalization. According to the 2012 Organization for Security and Cooperation in Europe's (OSCE) report on Youth Engagement to Counter Extremism and Radicalization that Lead to Terrorism, radicalization and recruitment of youth to violent extremism and terrorism appear, in many instances to be based on social bonding rather than ideological grounds.

SELECTED RECOMMENDATIONS

41. Support civil society organizations and institutional gender mechanisms in developing an integrated system of strategic planning, monitoring, and reporting of the realization of different international obligations in the area of gender equality, including those related to CEDAW, the Istanbul Convention, and Security Council Resolutions.
42. Mandate gender analysis in interventions related to security issues.
43. Mainstream the UNSCR 2242 approach in interventions which support research, policy development or advocacy, community action, monitoring, and evaluation of de-radicalization in BiH. This should be done through the engagement of women leaders, inclusion of women's movements, and participation of women from religious communities in policy design and implementation. Research on radicalization should aim to collect sex-disaggregated data and identify needs of both men and women.
44. Influence the BiH security system toward a more gender-sensitive and community-centered approach in addressing radicalization.
45. Support initiatives which aim to provide sufficient information to youth and women in marginalized communities about the security risks and legal implications of going to Syria or other war zones.

VI SPECIFIC GENDER ISSUES: GENDER-BASED VIOLENCE, CONFLICT-RELATED SEXUAL VIOLENCE, TRAFFICKING IN PERSONS, LGBTI

BiH ratified the Council of Europe Convention against Violence against Women and Domestic Violence in 2013 and the entities have their own strategic documents. In the RS, acts of domestic violence can be prosecuted as a misdemeanor or felony, and domestic violence is recognized in the Misdemeanor Code, and in the Criminal Code of the RS. The RS established an entity council for fighting domestic violence. In the FBiH, the acts are processed in accordance with the Criminal Code of FBiH. In this criminal code, each canton has a referral mechanism for responding to domestic violence.

Every second woman has experienced some form of gender-based violence since the age of 15, while every fifth woman has probably experienced it over the past 12 months. Working with perpetrators of violence against women, especially in cases of domestic violence, is not yet a standard practice. Financing of safe houses is problematic in both the RS and FBiH, leading to a near closure of two out of nine safe

houses. Victims of conflict-related sexual violence (CRSV) still lack socio-economic rights and legal protection. Victims of sexual violence are not treated equally in the two entities. While the government in BiH has made significant efforts toward eliminating trafficking, it still does not fully meet the minimum standards for doing so.

The lesbian, gay, bisexual, transgender and intersex (LGBTI) community in BiH is for the most part absent from the public sphere due to pervading hostile attitudes among the majority of the population, fear for physical safety, and discrimination by family, friends, and coworkers. Following the 2014 general election, sustained advocacy on the part of civil society and changes in government led to progress on several fronts in the protection of LGBTI human rights.

SELECTED RECOMMENDATIONS

46. Interventions in the area of GBV should primarily be guided by the CEDAW recommendations pertaining to GBV and the Istanbul Convention, and the country and entity documents for its full implementation, including a list of recommended indicators to monitor the implementation.
47. Interventions in the area of CRSCV should be guided by the CEDAW and UNSG recommendations. Three types of interventions are possible: a) support to already existing initiatives for policy changes that UN agencies are working on; b) support to the criminal justice system in building witness support at lower level courts; and c) providing support to CRSV victims in income-generating activities through existing and new interventions in economic growth.
48. Harmonize the Criminal Code of FBiH with the Criminal Code of BiH and the 2000 UN Trafficking in Persons (TIP) Protocol to explicitly prohibit all forms of trafficking.
49. Train prosecutors and judges on a victim-centered approach to prosecution. Train front-line officers on proactive victim identification, with a greater focus on forced labor and begging.
50. Develop specialized assistance for male victims and appropriate interview protocols for child trafficking victims.
51. Support collaboration between human rights and LGBTI NGOs and CSOs and the establishment of national advocacy networks.
52. Strengthen capacity of the Institution of Ombudsman and gender institutional mechanisms to adequately advocate for the rights of LGBTI persons.
53. Support harmonization of laws at state, entity, and cantonal levels, with the Law on Prohibition of Discrimination to include sexual orientation, gender identity, and/or sexual characteristics, as grounds protected from discrimination.
54. Provide support to civil society organizations engaged in collaboration with state and entity government institutions on publicly addressing the rights of LGBTI persons.

I. INTRODUCTION AND PURPOSE

The purpose of this Gender Analysis is to inform the development of USAID's upcoming 5-year Country Development Cooperation Strategy (CDCS) for Bosnia and Herzegovina in order to achieve better gender outcomes. The Gender Analysis focuses on the following:

- Descriptions of key gender gaps in the sectors of the CDCS,
- Key sex-disaggregated statistics in those sectors, and
- A brief profile of the status of women and men in terms of their treatment in key sectoral policies and institutional practices, cultural norms and beliefs, and related to, gender roles, responsibilities and time use, as well as access to and control over resources, and patterns of power and decision-making.

USAID is committed to key principles of gender equality and women's empowerment, as defined in the *USAID Gender Equality and Female Empowerment Policy* (USAID, 2012). Promoting gender equality and advancing the status of all women and girls around the world is vital to achieving U.S. foreign policy and development objectives. In accordance with ADS 205, missions must integrate gender analyses findings and recommendations into their Country Development Cooperation Strategies (CDCSs).

USAID/BiH is currently developing a new Country Development and Cooperation Strategy (CDCS) for 2017-2021. In line with the ADS requirements, the Mission has tasked the USAID Bosnia and Herzegovina Monitoring and Evaluation Support Activity (MEASURE-BiH), Contract Number AID-I68-C-14-00003 to conduct the Gender Analysis in Bosnia and Herzegovina, pertaining to sectors covered with the new CDCS.

At the CDCS level, the analysis identifies macro or sectoral level societal gender inequalities or obstacles to female empowerment so that gender equality and female empowerment can be linked to the achievement of the Mission's:

- CDCS Goal,
- Development Objectives (DOs), and
- Intermediate Results (IRs) and/or sub-Intermediate Results.

This report elaborates on the CDCS Gender Analysis purpose, key analysis questions, the methodology, findings and recommendations, organizations and individuals interviewed, and the interview protocol.

The report can also be useful as an overview of specific gender equality issues in focus in BiH, as well as uncharted areas of concern which require more research. Such is the sub-section of the report that discusses women, peace and security, and the role of women in countering violent extremism, as stipulated in the UN Security Council Resolutions 1325 (2000) and 2242 (2015).

The Gender Analysis team included four members: Maja Barisic, the team leader, and the Monitoring and Evaluation Specialist in the USAID MEASURE-BiH Activity; Lubov Fajfer, the team co-leader, USAID

Europe and Eurasia Bureau Senior Education, Gender, and Vulnerable Groups Adviser; Sanel Huskic, Senior Research Analyst in the USAID MEASURE-BiH Activity; and Anela Kadic, an Analyst in the USAID MEASURE-BiH Activity.

The interviews for the Gender Analysis were held between May 23 and June 10, 2016. For the list of interviews, please see the Annex I.

II. METHODOLOGY AND KEY GENDER ANALYSIS QUESTIONS

The approaches utilized in the gender analysis are detailed below.

- Comprehensive literature review of pertinent documents including: studies and assessments conducted by donors, non-governmental organizations (NGOs), the Government of Bosnia and Herzegovina (GOBiH) and the academic community; and USAID documents, including but not limited to, the existing USAID/BiH strategy, annual reports, strategic implementation plans, situation analyses, sector assessments, and evaluations;
- Discussions and interviews with key donors, NGOs active in gender-related areas, and government officials.
- Meetings with USAID implementing partners (contractors, grantees, private voluntary organizations and programmatic teams in USAID/BiH); and
- Site visits to project activities, when appropriate.

The Gender Analysis answers the following key research questions:

- 1) To what extent do laws, policies, regulations and institutional practices in the CDCS sectors contain explicit or implicit gender biases, or actively promote gender equality?
- 2) Which cultural norms and beliefs influence the behavior of men and women, their allocation of time, and the gender roles and responsibilities they take on in the CDCS sectors?
- 3) To what extent are key resources and services in the CDCS sectors differently accessible to and controlled by men and women?
- 4) Are there differences between men and women in their influence on decisions in the CDCS sectors?

Annex II includes a more elaborate list of questions which were further tailored to specific sectors of the CDCS.

III. BACKGROUND

I. DEMOGRAPHICS

Women represent 51.1 percent of the total population and 51.2 percent of the working age population (LFS 2015). Male and female population in BiH and in the political entities is fairly equally distributed in terms of income and urban/rural residence (2011 Household Budget Survey, quoted in WB 2015, pp. 13-14). Slightly more women than men fall into the non-poor category – 51.3 percent compared with 48.8 percent of men. Still, women account for 50.3 percent in the bottom 40 percent category. In terms of urban/rural distribution, women represent 50.2 percent of rural and 52.3 percent of urban populations (WB 2015, p. 14).

At 1.28 children per woman, BiH has the lowest fertility rate compared with other South East European countries. In the Central and Eastern Europe and Commonwealth of Independent States region, BiH fertility rate is comparable only to that of Hungary, Moldova, Poland and Slovakia (Women and Men in BiH, 2015; TransMONEE 2015). Since 2010, Bosnia and Herzegovina continues to show a negative natural population trend (the difference between number of births and deaths), from negative 1,590 in 2010, to negative 5,712 in 2015 (Women and Men in BiH, 2015: p. 12). Only Croatia and Serbia have larger negative trends.

Compared with 2010, the average age at death in 2014 increased almost equally for both men and women (1.5 years for men and 1.3 for women), reaching 75.8 years for women and 70.4 years for men (Women and Men in BiH, 2015). However, more men than women die in all age groups and twice as many in the 35-64 age group. Given that fewer women are active in the labor market and have significantly lower activity and employment rates, this has important implications for the labor force structure in years to come and underscores the importance and urgency of greater economic participation by women and improved family support services.

Significantly more men than women die under violent circumstances (accident, suicide, homicide). The overall numbers of such deaths have declined by 10 percentage points for men and 2 percentage points for women compared to 2010. In 2014, the largest number of women and men died in accidents, followed by suicides and murder. Of the total number of women who died in violent circumstances, 22 percent died in accidents, 25 percent committed suicides, and 25 percent were murder victims (Women and Men in BiH 2015, p. 21, calculations).

Women and men marry later in life. Between 2010 and 2014, the number of marriages declined by 4.6 percentage points. In 2014, average marriage age for a woman was 26.4 years and 29.6 for men. By age group, the 20-24 and 25-29 groups account for 61.3 percent of married people. The 30-34 age group accounts for 18.8 percent, the 35-39 group for 7.3 percent, and the 15-19 and 40-49 groups for 6.2 percent each. More women than men married in the 15-19 and 20-24 age groups – women represented 90 percent in the first group and 63 percent in the second group. For the remaining age groups women's representation is as follows: 46 percent for the 25-29 group; 37 percent for the 30-34 and 35-39 groups, each; and 41 percent for the 40-49 group (Ibid, p. 16).

Fertility rate by age group (number of live births per 1000). Women in the 25-29 age group had the highest fertility rate, followed by the 30-34 and 20-24 age groups – 100, 70, and 55 live births, respectively. The rate dropped drastically for the 35-49 group to 10 live births.

In 2009-2013, mean age of the mother at the birth of the first child increased by 1.4 years to 26.7 (TransMONEE, 2015 calculation, the latest available data for 2013). The proportion of births by

women under twenty years of age was 4.5 percent in 2013, a decline of 1.2 percentage points. The proportion of live births outside marriage to all women was 11.7 percent, representing a one percentage point decline compared with 2009, but remained approximately at the same level since 2004. However, the proportion of live births outside marriage to women under 20 increased by 7.3 percentage points during this period and accounted for 41.1 percent of all births outside of marriage.

2. POLITICAL OVERVIEW IN BIH

The Bosnia and Herzegovina (BiH) political system is asymmetrically decentralized. One of the two entities, Republika Srpska (RS) is organized into municipalities and cities, and its court system is structured into district areas which cover a number of neighboring municipalities. The Federation of Bosnia and Herzegovina (FBiH) is structured into ten cantons, which are further structured into a number of municipalities. In addition to the two entities, Brcko District (BDBiH) is formally a territory of both entities but politically independent from them in terms of governance. The state, entities, cantons and municipalities, as well as BDBiH, each have their own executive and representative bodies of government.

The last general elections were held in October 2016. Elections are administered in accordance with the BiH Election Law and other election rules and regulations. The Election Law, in its Article 4.19 includes special measures, specifically the 40 percent quota for the under-represented sex on the parties' election lists, and an obligatory ranking of both sexes in the lists (Official Gazette of BiH, 18/13). In April 2016, an inter-agency working group proposed to delete the obligatory positioning of both sexes on the list, but as a result of interventions by the Parliamentary Committee for Gender Equality and the civil society lobbying, the changes were not adopted. The entire set of Election Law changes and amendments adopted so far are available at the Central Election Commission website www.izbori.ba.

The Council of Ministers (CoM) is the highest executive at the state level, while the BiH Parliamentary Assembly (BiH PA) consists of the lower House of Representatives (HoR) and the higher House of Peoples (HoP). The FBiH Parliament is structured in the same way, while the FBiH government shares many of its competencies with the ten cantonal governments. The Republika Srpska Government and President form the executive branch, while the RS National Assembly (RSNA) is the main legislature in RS, with very limited powers vested in the RS Council of Peoples. The judicial power in BiH is concentrated within the High Judicial and Prosecutorial Council (HJPC) that appoints judges and prosecutors at all levels. The system includes three constitutional courts, Court of BiH and the BiH Prosecutor's Office, two entity supreme courts and two entity prosecutors' offices, ten cantonal courts and prosecutors' offices in FBiH, five district courts and prosecutor offices in RS, one appellate court, one basic court and one prosecutor office in the Brcko District, and 51 municipal and basic courts.

3. GENDER FRAMEWORK

The BiH constitution and legal system treat men and women equally in most respects, though there are inconsistencies in the system. The lack of harmonization of laws across political entities, inconsistent implementation of laws, and lack of effective monitoring, create opportunities for discriminatory practices based on sex.

The **BiH Law on Gender Equality (LoGE)** was adopted in 2003 (BiH OG 16/03) and amended in 2009 (BiH OG 102/09), including improved definitions and improved implementation provisions. An integrated text was published in 2010 (BiH OG 32/10). The law specifically addresses education,

employment, labor and access to resources, social protection, healthcare, culture and sports, public life, and media. The Law provided the framework for the gender institutional mechanisms which implement it and monitor its implementation. Figure 1 provides an overview of gender institutional mechanisms in BiH.



Figure 1. Gender institutional mechanisms in BiH

The LoGE prescribes that victims of discrimination may seek judicial protection in accordance with existing procedures. Special proceedings for protection from discrimination are possible in compliance with the Law on Prohibition of Discrimination (Official Gazette of BiH, No. 59/09).

RS and FBiH Laws on Protection from Domestic Violence were adopted in 2012 and 2013, respectively. The laws replicate the definitions and elements of violence from an international framework. Domestic violence (DV), therefore, includes physical, psychological, or sexual pain and suffering, as well as economic damages against a family member.

The first BiH Gender Action Plan (GAP) was adopted for the period of 2006 – 2011 and financed through the Financial Instrument for the Gender Action Plan (FIGAP) which aggregated funds from various donors.

The new GAP for the period 2013 – 2017 (CoM, BiH OG 98/13) covers similar areas as the previous GAP and places significant focus on strengthening the gender machinery as one of the strategic goals, and on monitoring and reporting on the implementation of the GAP.

GAP is a policy document that guides gender equality policies at lower levels of governance, and includes direct obligations not only for the BiH institutions, but also for its entities. In accordance with the LoGE, many local self-governance units are adopting local action plans which operationalize the GAP's high-level priorities, bearing in mind local circumstances and competence of local self-governance units. However, the first local 3-5 year policies for women's empowerment developed by the municipalities were only the first steps in changing the mindset of local authorities, and were often of lower quality due to low capacities for gender analysis and limited sources of sex-disaggregated, statistically representative data. Increasingly, and with guidance from the entity gender centers, the quality of data available for gender analysis is improving, as is the quality of gender analyses and policies themselves.

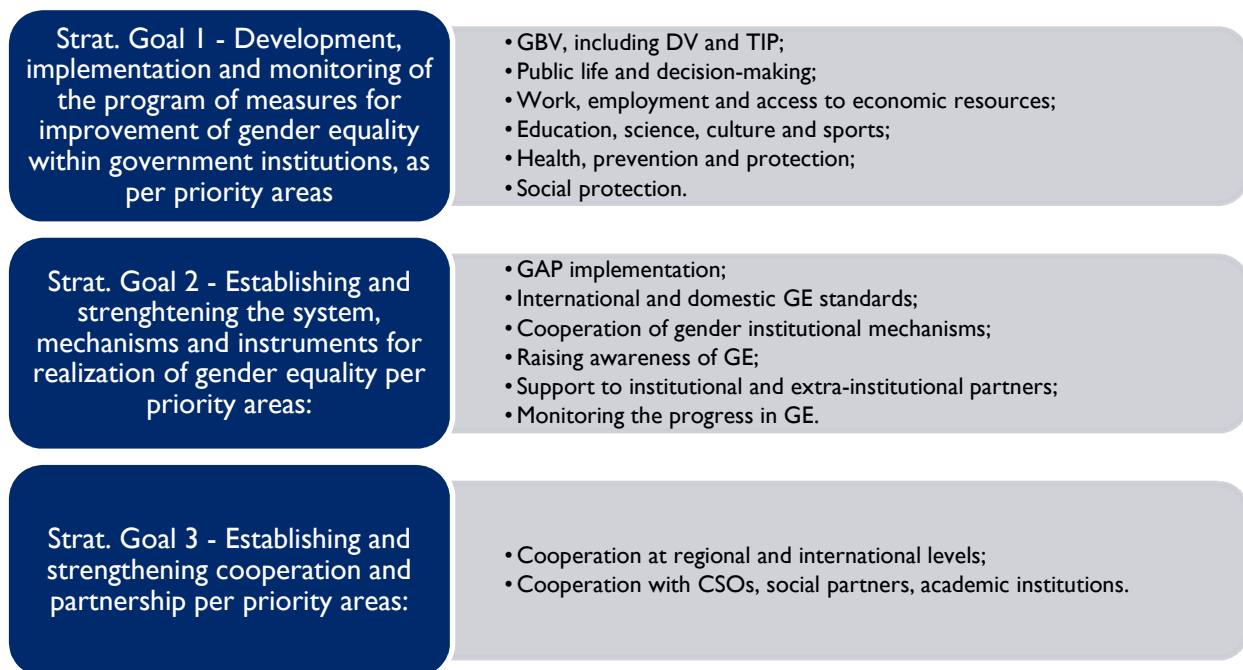


Figure 2. BiH Gender Action Plan 2013 – 2017 [GBV – Gender-Based Violence; DV – Domestic Violence; TIP – Trafficking in Persons; GE – Gender Equality; GAP – Gender Action Plan]

In July 2010, BiH became the first country in the region with an **Action Plan for Implementation of the UN Security Council Resolution 1325 “Women, Peace and Security”**. The second Action Plan was adopted in July 2014 for the period of 2014 – 2017, in bearing with the concluding observations of the CEDAW committee. It covers the areas of women’s participation in legislative, executive, judicial and diplomatic posts; participation of women in military and police forces, including top ranks; women’s engagement in peace missions, addressing issues of human trafficking; and solutions or help for women victims of wartime sexual violence. The plan does not, however, address gender issues in radicalized environments or terrorism threats.

As of 2012, CSOs and gender institutional mechanisms started developing municipal plans for localization of the 1325 Action Plan, which go beyond the traditional concept of security and also include *soft* dimensions of security. Such local documents should, in the future, aim to identify communities where any form of radicalization may contribute to gender inequalities. They should also focus more on identifying the needs of men, in particular, young men.

The BiH CoM adopted a **Strategy to Counter Trafficking in Human Beings and the Action Plan for the period of 2013 – 2015**. An interagency investigative task force was established to coordinate investigations. Between September 2013 and December 2015, USAID supported the BiH Ministry of Security in strategy implementation.

IV. FINDINGS AND RECOMMENDATIONS

This chapter highlights findings and recommendations in several topics, covered in the following sections: Gender Norms (Section 1), Rule of Law, Good Governance, Political and Civic Life (Section 2), Inclusive Economic Growth (Section 3), Social Inclusion, Cohesion and Reconciliation (Section 4), Human Security Challenges (Section 5) and Specific Gender Issues (Section 6). For easier reading, each section ends with recommendations specific to that topic.

I. GENDER-BASED NORMS

In this section, we condensed the main gender norms that cut across sectors. Where necessary, the norms are discussed in more detail in other sections. It is important to distinguish between stereotypes and norms. The main distinction between stereotypes and norms is in their societal effects – a stereotype may not necessarily influence the behavior of members of the society. However, if a stereotype becomes well-ingrained in the culture, it may establish norms of behavior for individuals and groups.

FINDINGS

Education system plays an important role in reproducing traditional gender roles and stereotypes. The 2009 UNICEF report ‘Mapping Inclusive Practices in Primary Education, Bosnia and Herzegovina’ documents the perpetuation of stereotypes and traditional roles of men, women and their social roles as reflected in the textbooks. Such texts, illustrations, and their presentation and discussion by teachers continue to reinforce traditional norms that children encounter in their homes. **In BiH, gender stereotypes continue to play a significant role in political, economic, and private life, undermining the promotion of gender equality.** One third of men see themselves as better political leaders than women (29 percent of men), but a significant portion of women also agree with that opinion (19 percent) (USAID MEASURE-BiH, 2015). An even higher portion of men think they should have more right to a job when jobs are scarce than women (34 percent), and a large portion of women agree with that statement (28 percent).

The overarching stereotype is that women are a weaker sex biologically, emotionally, or even intellectually, which gives way to a prejudice that women are less competent to undertake certain jobs or deal with politics. This, in turn, gives rise to several social norms, such as the one in which women are not encouraged, or are even actively discouraged, from building their careers and being politically active. The prejudice mechanism works in the following manner: biological or physical differences are simplified and translated into a generalizing stereotype, and unjustly amplified into a prejudice, which is the basis of discrimination. Figure 3 below is an example of the mechanism in practice.

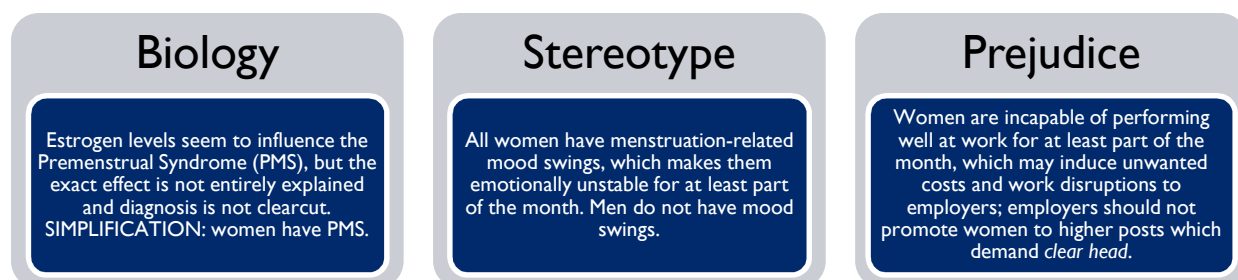


Figure 3. Prejudice mechanism, own example

In reality, it is not entirely clear how estrogen affects PMS, or whether PMS itself is simply a social construct given too much attention because it affects women, as opposed to mood swings that affect men. Not all women experience these symptoms, especially not every cycle – prevalence rates range between 5 and 97 percent (Ussher, 2003; Corney and Stanton, 1991; cited in Buhaly, 2013), which in itself raises a question of what PMS actually is. Men also experience mood swings due to hormonal changes, but this fact does not translate into a societal implication that they are not capable of performing at work during periods of low or peaking testosterone or cortisol levels in their life. While in developed democracies professionals are questioning even the biological arguments behind PMS, women’s presumed PMS-attributed emotional instability is still a very common stereotype in BiH and has consequences in private and public life.

In BiH, some views hold that politics are a *dirty business* in which women have no place. Compared to men, some women, and particularly those in poorer or more traditional communities, are raised to devote more time to the family than the public sphere. Some believe that women choose to be less active in public life by their own free will, but this interpretation has been effectively disputed in feminist literature, as women and men are socially conditioned to make certain choices. Therefore, the prevalent norm that women should not be active in the economy or political life is portrayed as a woman’s own choice. This ostensible problem of ‘free will’ is at the core of women’s lower participation and underrepresentation of their interests, as well as of the unequal distribution of work in the private life.

There is general agreement among men and women about traditionally suitable roles for women. While the majority of men and women agree that men could take the same responsibility in the home, on several issues, men show less support for gender equality than women. However, it is interesting to note that more men than women hold an opinion that fathers are as well-suited as mothers to take care of the children. This opinion, however, is not supported by practice – according to Labor Force Survey (LFS) data over time, almost one third of working-age women stay home and take care of the family while virtually no men do. At the same time, 67 percent of men believe that while having a job is important for women, what they really want is a home and children. Over 50 percent of women hold the same opinion. Similarly, 60 percent of men and 55 percent of women believe that being a housewife is as fulfilling as having a paid job (2008 European Values Survey, cited in WB 2015, p. 18).

Despite the challenges women encounter in the labor market, most women in BiH do not think that they are being discriminated against. One possible explanation for this is that understanding among women of what constitutes discrimination, and their levels of awareness about discriminatory practices is still relatively low (MI-BOSPO, IFC, 2008 in WB 2015, p. 18). This finding is also supported by the 2015 survey in the RS and the report ‘Gender Roles and Attitudes toward Gender Equality Policies in RS (RSGC, 2015). While not many respondents acknowledged personal experience with discriminatory practices in areas of employment, education, or family, the report posits that such responses do not necessarily reflect low occurrence of such practices. More likely, they indicate that the respondents may not have adequate understanding and awareness of their basic rights and, consequently, are not able to recognize discriminatory practices and behavior. For example, gender equality is often conflated with addressing and eradicating violence against women, but not regarding relationships in the labor market or (more) equitable division of household work. According to available data, in the RS, women are two times as likely as men to experience gender-based discrimination in the workplace and three times as likely at home (Ibid., pp. 15-17).

The prevalence of discriminatory practices in the workplace is supported by findings on mobbing – a hostile and unethical communication directed at an individual. While mobbing is not a gender-specific problem, it more commonly affects women. The annual 2013 Report on Discrimination in BiH notes that 23 percent of organizations have internal procedures that regulate mobbing. While complaints to the Office of the Ombudsman in 2012 have doubled compared to 2011 (Annual Report on State of Women's Rights in Bosnia and Herzegovina in 2014, p. 7), it is not clear whether the increase indicates growing instances of mobbing or greater willingness of people to report such instances.

Political and economic dependence of women on men leads to lower awareness of their human rights, lower participation in the labor market, and lower interest in politics. It is one of the contributing factors toward higher rates of intimate partner violence, and other forms of abuse women experience more than men. Women belonging to minority groups — ethnic, sexual or otherwise — often face multiple levels of stereotypes and compounded discrimination. For example, Roma women not only face discrimination as women, but also as Roma because of their ethnicity. They are often denied rights that other women have (healthcare in maternity for example).

Stereotypical masculine roles are seen as central to the protection of family, faith, social or ethnic groups and/or the country. At times, the role of a protector is expressed through aggressive behaviors and extreme attitudes. As a consequence of engaging in violent behavior, men become exposed to violence by other men, including in their teenage years. Such exposure to violence is one of the contributing factors toward unhealthy relationships and violence against women. Data on violence is discussed in greater detail in the section on specific gender issues. The key findings of a study conducted by Care International as part of the Young Men Initiative (Dusanic, Dusanic, 2012), state that a gender analysis should include assessment of the situation of both men and women, in order to achieve greater gender equality; that legal provisions on equal parenting should be more promoted, especially for men who rarely use those options (e.g. parental leave); that peer violence analyses should work more to identify risk factors and be more gender sensitive; and that gender stereotypes should be removed from textbooks and school curricula.

Gender-based norms in a society influence the forms of violence men and women experience during wars or unrest. In conflict, women are rarely targeted as potential combatants, but are more often exposed to conflict-related sexual violence (CRSV), where such violence is increasingly recognized as a weapon of war. On the other hand, men and boys in conflict are targeted because they are men, and because they are seen as defenders and protectors. What is not explicit is they also may experience CRSV. The social stigma associated with such violence is internalized and processed differently by men and women, but very few survivors of such violence are psychologically prepared to discuss it openly. This is particularly true for men. One of our interviewees commented on the importance of recognizing sexual violence against men in conflict as a part of addressing CRSV.

Socially, women and girls are expected to be more composed and restricted sexually than men and boys. Even in those rare cases when sexual activity is discussed with youth as a part of health class in education institutions, it is often girls who are targeted for such educational initiatives. This approach was mentioned in one of our interviews about training on sexual health. Training was organized specifically for girls in the interviewee's daughter's school, as well as by a CSO working with youth on their sexual health and gender attitudes.

RECOMMENDATIONS

Gender analyses in the process of project/activity design should analyze the domains as required by the ADS205 section 205.3.1, including gender norms for both men and women, instead of focusing on women alone.

Interventions that aim to raise awareness about gender equality, gender-based violence, or other gender issues, should target both men and women. Women's empowerment interventions should also engage men and aim to challenge the traditional perceptions of masculinity, as well as femininity.

Interventions in education at all levels should systematically support development of school curriculums, textbooks and teaching materials which exclude bias and prejudice on any grounds and utilize a gender transformative approach. Such an approach uses gender analysis to explore positions and concerns of particular subgroups of men and women, boys and girls. It works to challenge and transform private and public power relations. Healthy Lifestyles by the Association XY is an example of such an education subject.

Reconciliation and peace initiatives or potential future interventions on CRSV should promote an integrated approach where men survivors of such violence also receive adequate support and remedies, and society develops an understanding of the stigma both women and men face.

Media interventions, or interventions that have a significant media component, should ensure that gender stereotypes are not only avoided but also deconstructed and transformed.

2. RULE OF LAW, GOOD GOVERNANCE, POLITICAL AND CIVIC LIFE

The BiH constitution and legal system treat men and women equally in most respects, though there are inconsistencies in the system, such as lack of harmonization of laws across political entities, inconsistent implementation of laws, and lack of effective monitoring, which creates opportunities for discriminatory practices based on sex. The BiH constitution and laws may still be interpreted as *gender-blind*, as most laws do not actively promote gender equality in private and public life. However, the past few years have seen an improvement in many areas. The BiH Constitution also does not include a specific provision on gender equality. This section highlights some of the inconsistencies at the policy level, as well as different effects policies have on men and women, and their different perceptions about policies or practices. It also highlights, where possible, different access to and control over resources, decision-making power, and influence.

BiH Law on Gender Equality (LoGE) was adopted in 2003 (BiH OG 16/03) and amended in 2009 (BiH OG 102/09), incorporating improved definitions and implementation provisions. An integrated text was published in 2010 (BiH OG 32/10). The Law specifically addresses education, employment, labor and access to resources, social protection, healthcare, culture and sports, public life, and the media. The Law provides a framework for the gender institutional mechanisms which implement it and monitor its implementation. Figure I in Chapter III, Background, includes a screenshot of the gender institutional mechanisms, of which the Gender Equality Agency and the entity gender centers, as well as parliamentary committees for gender equality, are the most important. **The LoGE mandates that equal representation of men and women exists when one sex is represented with at least 40 percent in the public sector bodies at all levels of authority in BiH** (state, entity, cantonal and

municipal levels). This provision applies to legislative, executive and judicial branches, political parties, legal persons with public authorities and others that work under the auspices of the state, entities, cantons, cities, and municipalities. It also applies to appointments to delegations and international organizations or bodies. Victims of discrimination may seek judicial protection in accordance with existing procedure. Special proceedings for protection from discrimination are possible in compliance with the Law on Prohibition of Discrimination (Official Gazette of BiH, No. 59/09).

According to the LoGE, all policies in the process of development at any government level should be sent to gender institutional mechanisms for comments. Since the lower level gender institutional mechanisms are generally underdeveloped, the GEA and the entity-level GCs are the primary expert bodies for gender mainstreaming.

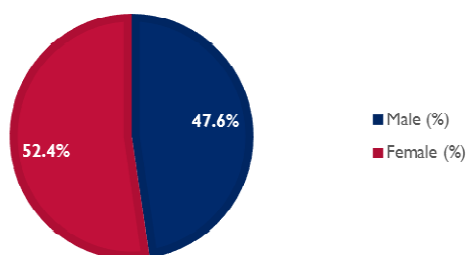
2.1 RULE OF LAW

This sub-section discusses mainly the judicial sub-system. Since USAID does not work with law enforcement agencies, this section does not address it in depth, although some of these agencies are discussed in other sections of the report. USAID/BiH is currently implementing a Justice Support Activity (JSA) within this portfolio. Furthermore, one of the USAID Civil Society Sustainability Project (CSSP) advocacy initiatives focuses on the justice sectors, among others.

FINDINGS

Legal norms for the appointment of judges and prosecutors recognize the need to consider gender balance and prohibit bias on the basis of sex, sexual orientation and other identities and markers. The Law on the High Judicial and Prosecutorial Council (HJPC) (BiH PA, 25/04, 93/05, 15/08, 48/07, Art. 43), in addition to appointment criteria of expertise, experience and professionalism, notes that appointments of judges and prosecutors should contribute to gender equity. Furthermore, in the list of disciplinary offenses, the law lists bias and prejudice in official conduct of judges and prosecutors on the basis of race, color, sex, religious affiliation, ethnic origin, national belonging, sexual orientation, or social and economic status of the person in the judicial process (Ibid, Art. 56 and 57). Judges and prosecutors are prohibited from holding membership in organizations which discriminate on the basis of sex and other features, or to subcontract with such organizations (Ibid, Art. 82). Membership in the HJPC should also be gender balanced (Ibid, Art. 4, par. 4). Overall, the Law is gender-sensitive and aims to achieve gender equality in the justice system.

JUDGES AND PROSECUTORS BY SEX AT ENTITY AND STATE LEVELS, 2015



JUDICIAL OFFICIALS BY SEX, ENTITY AND STATE LEVELS, 2015

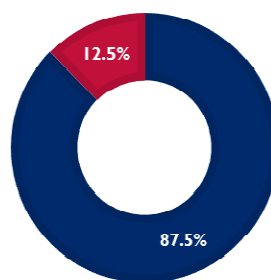


Figure 4. Judges, prosecutors and judicial officials, entity and state level by sex. Source: HJPC 2015 Report available at Pravosudje.ba

Overall, men and women are equally represented in the BiH judicial system. However, there is evidence of inequality when level of power is taken into consideration. This statement should be considered with a caveat that in executive and legislative branches representation of women is much lower than in the judiciary. Proportional representation exists in the HJPC and in most of the lower level courts and prosecutor offices in terms of court personnel, judges, and prosecutors. Proportional representation does not exist at the level of higher courts (entities and BiH) and Brcko District in terms of presiding judges and chief prosecutors, where men constitute a disproportionate majority (Figure 4, right).

Representation of women among judicial officials at entity and state levels is below the 40 percent mandated by the BiH Law on Gender Equality (LoGE) (Figure 4, right. HJPC, 2016, p. 31). Except for one, all top managers in the courts and prosecutor offices at the entity level and above, are men. However, appointments to HJPC follow Art. 43 of the Law on HJPC, and 7 out of its 15 members are women (46 percent).

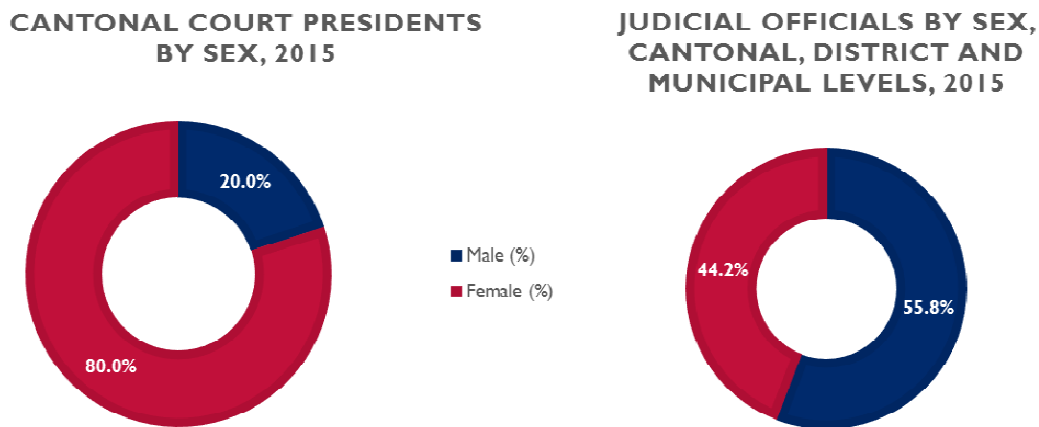


Figure 5. Judicial officials at cantonal, district and municipal levels by sex, 2015. Source: 2015 HJPC Report, available at Pravosudje.ba

At the cantonal level, there are disproportionately more women court presidents and judges than men (Figure 5, left). However, when combining the cantonal, district and municipal level courts and prosecutor offices as a group, women and men are equally represented. (Figure 5, right).

Court proceedings addressing gender-based violence and trafficking in persons inconsistently apply the relevant laws, and there are very few proceedings which address gender-based discrimination. For example, in its Concluding Observations on the Fourth and Fifth Periodic Reports of BiH, the UN Committee overseeing the implementation of the CEDAW in 2013, noted a concern: “about the limited number of court proceedings where provisions of the Convention were directly invoked or applied” (CEDAW Committee, 2013, para. 15).

The committee also observed “the inconsistent application of the laws regulating domestic violence by the courts of both entities, which undermines women’s trust in the judicial system despite the comprehensive legislative framework in place” (Ibid, para. 31). In relation to gender based violence (GBV), the committee recommended to BiH authorities to “provide mandatory training for judges, lawyers and law enforcement officers on the uniform application of the existing legal framework, including on the definition of domestic violence and on gender stereotypes” (Ibid, para. 22).

The Criminal Codes in the Federation of BiH and Republika Srpska identify domestic violence (DV) as a criminal act. However, the HJPC data in Figure 6 below (HJPC, 2016) show that in FBiH, the number of convictions that were issued in 2015 is one-third the total number of reported cases of DV processed in that year. In RS, that ratio is slightly more favorable; for each conviction, 2.5 reported cases were in process in 2015. Section 6.1 of the report includes a more detailed analysis of DV cases and the prevalence of GBV in BiH. In this section, the focus will remain on the role of the judicial system.

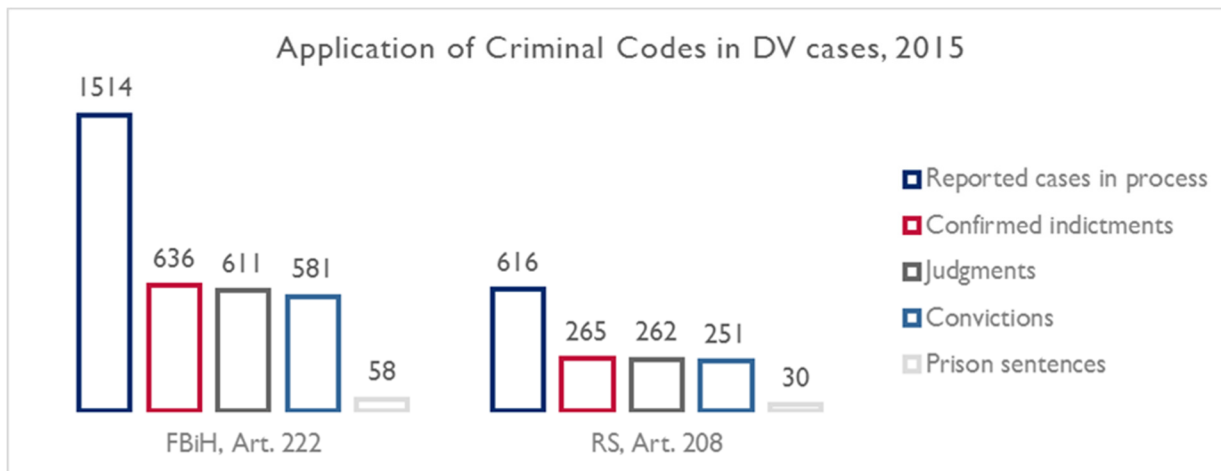


Figure 6. Application of Criminal Codes in Domestic Violence Cases, 2015; Source: HJPC, Structure of Criminal Acts in 2015, available at Pravosudje.ba, authors' calculations

While progress has been made in regard to witness protection and support, conflict-related sexual violence (CRSV) is still inadequately processed and victim compensation is insufficient. This issue is discussed in more detail in the section on CRSV.

There are **considerably fewer women than men attorneys.** This was noted by one of our interviewees, and we confirmed the finding through the lists of attorneys of the FBiH and RS Chambers of Attorneys. For the Sarajevo and Bosnia Podrinje Cantons for example, out of 419 registered attorneys, 31 percent are women. In the City of Banja Luka, among 190 listed attorneys, women account for approximately 32 percent.

Research on gender equality in the justice system in BiH is developing in scope and quality. Current research covers issues beyond numerical representation of women and men. As part of the 'Gender and Justice Sector Reform Project in BiH', the Geneva Center for Democratic Control of Armed Forces (DCAF) and the BiH Atlantic Initiative produced qualitative research and publications that provide useful gender analyses and manuals on the topic.

RECOMMENDATIONS

Within the existing USAID Justice Support Activity (JSA), undertake a quick review of the effects of gender imbalance at different levels of courts and prosecutor offices and the impact they may have on the activity's tasks and objectives. An intervention may contribute to increasing the gap between men and women by not accounting for the different starting positions between men and women at different levels.

Explore the findings, conclusions and recommendations in research and reports produced within the Gender and Justice Sector Reform Project in BiH, and other specialized research in considering design of future activities.

Undertake a focused analysis of court proceedings in GBV (DV, CRSV and sexual violence against women), to determine the level of effectiveness and efficiency, including sentencing and implementation of sentences. Compare the findings with similar analyses done for other criminal acts of similar gravity to identify if the deficiencies are only a consequence of the general situation in the judiciary, or if gender-related cases are simply considered lower priority for courts and prosecutors. Consider opportunities for and feasibility of addressing the identified shortcomings through JSA or other activities.

2.2 CORRUPTION

In the absence of local studies on the intersecting issue of gender and transparency, corruption, and integrity, this section resorts to research done abroad and contains some symptomatic evidence from surveys conducted in BiH. These findings and recommendations may be useful to the USAID/BiH Anti-Corruption Civic Organizations' Unified Network (ACCOUNT), USAID/BiH civil society intervention CSSP, within which one of the advocacy initiatives focuses on corruption, or other current and future interventions focusing on corruption, transparency and accountability.

FINDINGS

In-depth research on the intersection of gender and corruption is needed in BiH. International research on the topic focuses on two main directions – (1) seeking to reinforce an instrumentalist argument that greater representation of women in government will lead to less corruption; and (2) exploring gendered differences in corrupt networks, and their patterns, causes, and effects. A 1999 World Bank study demonstrated that countries with higher rates of female participation in public affairs have lower levels of corruption (Dollar et al, 1999). Using the corruption index constructed by the International Country Risk Guide (ICRG) and the representation data from the Inter-Parliamentary Union (IPU), the authors found a strong, negative, and statistically significant relationship between the proportion of women in a country's legislative body and the level of corruption. No causal relationship was determined in this study, but another 1998 study provided evidence that women score higher on integrity tests than men (Ones, Viswesvaran, 1998). Examining gender differences in corrupt networks, one study (Howson, Cynthia, 2012) explored women smugglers in Senegal, explaining how women who smuggle legal goods through border crossings largely depend on informal networks of men, from taxi drivers to customs officers, who facilitate their safe passage in exchange for money. Beyond looking at statistical correlations, it is important to qualitatively explore what goes on in informal networks in BiH, in order to better understand informalities and move toward more effective formalization of informal activities when goods and services are legal, or their curbing, when illegal.

There has been no research on gender and corruption in BiH. Quantitative and qualitative research in BiH could explore whether significant gender differences exist and the reasons for such differences in unethical behavior. A limited literature review provides some possible reasons: women might be culturally conditioned to act with more integrity while men might be more socially pressured to engage in unethical behavior; women might also be more fearful of the potential consequences of such behavior; they could have fewer opportunities to engage in unethical or illegal behavior; and, double standards could be at play when the society is judging men's and women's unethical behavior. Such research in BiH could aim to

explore gender differences in behavior and patterns, integrity tests, how corruption affects men and women, corruption reporting, and seeking and receiving legal aid in cases of corruption.

In a 2015 USAID MEASURE-BiH National Survey of Citizens' Perceptions (NSCP) more men admitted to involvement in corrupt practices than women. Specifically, participants were asked the following - Have you yourself ever had to give money, gifts, services, or similar to ___? There

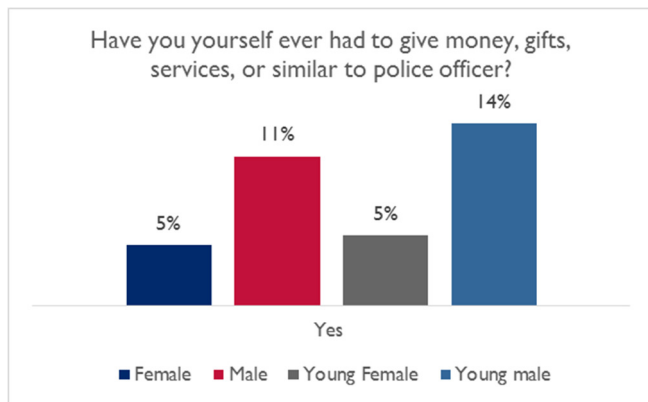


Figure 7. Gender differences in bribing a police officer; Source: USAID MEASURE-BiH NSCP, 2015

was a notable difference in the percentage of men who self-reported that they had to bribe a police officer (11 percent) and women who had to do the same (5 percent). One possible interpretation is that men represent the majority of drivers in the country, and a traffic-related petty bribe is probably more common than other forms of bribing a police officer. This finding provides evidence toward the argument that women are less likely to engage in certain types of corruption because they have fewer opportunities to do so due to prevailing socio-cultural patriarchal norms in the country.

Women and men in powerful positions are likely to engage in some form of unethical behavior. The percentages of respondents bribing nurses and, in particular, doctors are higher than for other public employees, including police. In the survey, 15 percent of women and 17 percent of men self-reported bribing doctors and 12 percent of women and 11 percent of men self-reported bribing nurses. Experience indicates that nurses receive small gifts of appreciation (which most do not or may consider as bribes), such as coffee, candies, or smaller amounts of money, while doctors, especially from competitive specializations, also receive money. These findings, however, do not provide information on who initiates the bribe – the service providers or the customers. What is clear is that the existing system of service provision allows and even encourages such behavior.

Both men and women are nearly equally reluctant to report corruption to institutions or NGOs working on the issue. Potential whistleblowers' trust in the judicial system is paramount in prosecuting both criminal networks and corrupt public officials or officers. USAID ACCOUNT Activity, over the past four years, received 107 corruption reports, of which 96 were filed by individuals (41 women, 55 men). This is a low number, considering the level of effort invested into awareness raising efforts. Sex-disaggregated data imply that men and women are not that different when it comes to willingness to report corruption. However, more research is required to explore differences that might exist in the types of retribution that men and women whistleblowers face from those whom they reported.

Interviews suggest mixed-sex teams of investigators may be more efficient in investigating corruption, although research abroad is contradictory in substantiating this claim. In two of our interviews, participants noted that mixed-sex teams of police officers seem to be more efficient in identifying and exposing crime, for example in smuggling, trafficking, and domestic violence, as well as at international police missions in conflict areas. The same may be true of corruption investigations, especially in cases when women are perpetrators or whistleblowers. This can be explained by the findings mentioned

above, according to which women score higher on integrity tests, but also can be a consequence of different strategies men and women may resort to in the investigations. Further research is required to verify these claims, because one experimental survey (Wagner, Rieger, Bedi, Hout, 2016) with 600 Ugandan police officers found that male and female police officers display the same ethical standards, while male officers more often answered that they would report another police officer's misconduct or unethical behavior. The study also found that colleagues are more likely to report a female police officer involved in a petty bribe, than if the corrupt police officer was male. This suggests a potential double standard against which the society judges men and women in unethical conduct.

RECOMMENDATIONS

Encourage social research on the cross-section of gender and corruption, in order to identify the differences in needs and behaviors, obstacles, and outcomes for men and women, and take those differences into account in anti-corruption interventions.

In supporting integrity assessments in public institutions, consider how the gendered nature of certain positions in public administration may affect civil servants' attitudes toward corrupt behavior, specific intervention, or toward media attention. Consider whether the intervention will benefit one or the other sex disproportionately. Make sure that integrity assessments capture the power relations between men and women, starting from collecting sex-disaggregated data.

2.3 GOVERNMENT AND PUBLIC SERVICES

This sub-section discusses information available on gender mainstreaming, capacities of gender institutional mechanisms, and differences between men and women in satisfaction with specific public services where such differences were found significant in surveys. These findings and recommendations may be relevant to interventions working with any government bodies. The identified shortcomings in relation to certain public services represent potential areas of intervention for the USAID/BiH Civil Society Sustainability (CSSP), Strengthening Government Institutions and Processes (SGIP) or Equality for All (EFA) activities.

FINDINGS

The Law on Gender Equality (LoGE) requires that all statistical data and information collected, recorded, and processed should be sex-disaggregated in publicly available. This applies to state bodies at all levels, in all public services and institutions, and in all state and private corporations and other entities (LoGE, Art. 22). International donor assistance to domestic institutions and organizations also should comply with that requirement. However, this is not always the case, particularly in sectors that do not necessarily have a clearly identified connection to women's rights or gender equality. The Gender Equality Agency (GEA) and the Gender Centers are the best counterparts in identifying how international donor assistance can ensure that sex-disaggregated statistics and gender sensitive indicators are tracked.

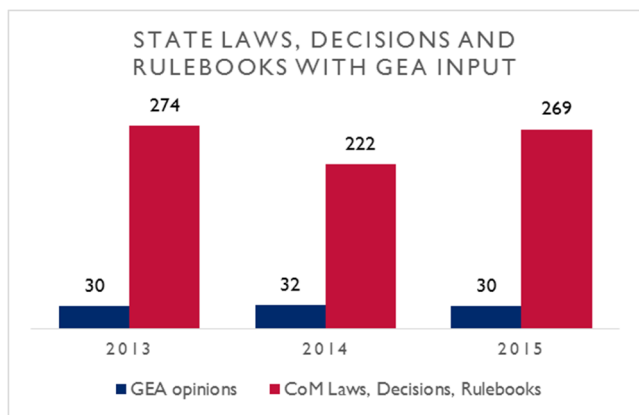


Figure 8. Gender Mainstreaming at the level of BiH; Source: BiH CoM and GEA Annual Reports available at Vijeceministara.gov.ba

Gender mainstreaming is increasingly implemented as a strategy to achieve more gender-equitable outcomes of governmental regulations and practices, but implementation still is not at a satisfactory level. Obligation for gender mainstreaming stems from the BiH Law on Gender Equality. In designing new policies, in accordance with Paragraph 4, Article 24, public bodies are required to seek expert opinion from gender institutional mechanisms. Although three interlocutors reported this provision is increasingly implemented by governments (GEA, F BiH GC, SGIP), the data show that

harmonization of regulatory acts with the Law on Gender Equality is at a standstill, at least at the BiH level. In 2015, GEA issued 30 opinions on compliance of different regulations with the gender equality principle.

Annually, GEA has provided opinions on 11 to 14 percent of the Council of Minister’s acts, as demonstrated in Figure 8. No such analysis is possible for the F BiH or the RS, as data are not readily available. The BiH Parliamentary Assembly reinforced the gender mainstreaming provisions in 2011 by adopting a conclusion on the Harmonization of Laws and Bylaws with the Law on Gender Equality, while the Council of Ministers tasked the institutions preparing the regulatory acts to require GEA’s opinion before sending it to the Council of Ministers (GEA, 2015).

GEA established cross-ministerial coordination bodies for the implementation of the Gender Action Plan (GAP) and the UNSCR 1325 Action Plan on Women Peace and Security. As a result, in nearly all ministries and agencies at the state level, there is at least one person tasked to coordinate gender mainstreaming efforts coming from the agency. At present, these *gender focal points* hold higher level positions, compared to the beginning of the mainstreaming efforts when tasks related to gender mainstreaming were usually delegated to staff without real influence in their institutions. In the F BiH, after establishing the coordination body for implementation of the GAP, the F BiH Gender Center initiated drafting of operational plans for the implementation of GAP in each ministry.

The Regulatory Impact Assessment (RIA) Decrees in F BiH (F BiH OG, 55/14) and RS (RS OG 56/15) prescribe assessment of the expected impact of regulations on men and women, or on gender equality. The BiH RIA Decree, once adopted, will likely have the same standard. However, the application of RIA is only at the beginning stages. Regulations which were promoted through the USAID Strengthening Governing Institutions and Processes (SGIP) Activity were likely among the first attempts to apply the provisions of RIA. The Draft F BiH Law on Development Planning (F BiH Parliament, 2015) represents an example of important progress in gender mainstreaming. The draft was prepared in keeping with the RIA Decree. Although the Draft Law does not include all the recommendations provided by the different actors in relation to gender equality, it includes a provision to maintain gender balance, and more importantly, places gender equality as one of the guiding principles of development planning and development management in F BiH.

Men and women are equally (dis)satisfied with most of the public services, but women’s dissatisfaction with healthcare and young women’s dissatisfaction with general security stand out in terms of gender difference.

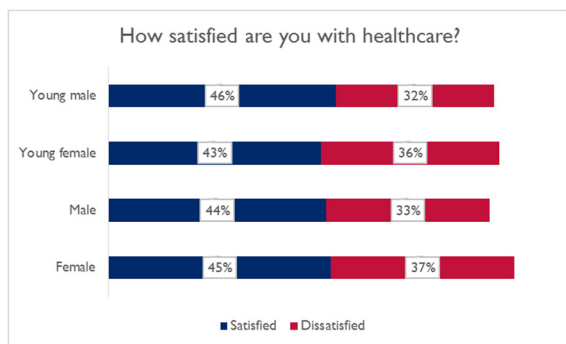


Figure 9. Satisfaction with the healthcare system; Source: MEASURE-BiH NSCP, 2015

According to the 2015 MEASURE-BiH National Survey of Citizens’ Perceptions (NSCP), women, including young women, expressed stronger dissatisfaction with the healthcare and pension systems than men. However, detailed results for the healthcare system (Figure 9) indicate that people are more satisfied than dissatisfied with this type of service. Still, one third of the population is not satisfied, and that sentiment is stronger among women. Figure 9 shows only the percentages of respondents selecting two main response options, while the following is not included: neither agree nor disagree, does not know, refuses to

answer. On the other hand, men, including young men, expressed stronger dissatisfaction with government support to war veterans than women.

When looking at the sex and age cross-section (all women, young women, all men, young men), young women were the least satisfied with general security; 34 percent of them reported dissatisfaction (Figure 10, left). Importantly, youth, in general, were less satisfied with general security than the rest of the population; 28 percent of all respondents, and 33 percent of youth expressed dissatisfaction.

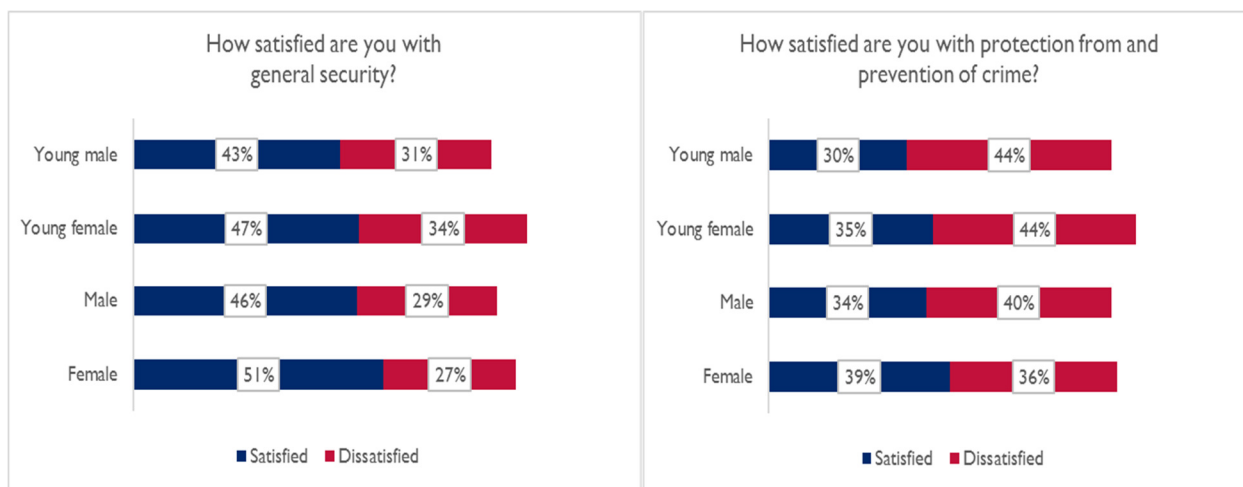


Figure 10. Satisfaction with general security, protection from and prevention of crime; Source: MEASURE-BiH NSCP, 2015

At the same time, women were the most satisfied as a group. This indicates that women above 30 years of age were the most satisfied group of the four groups with general security. Youth were less satisfied with protection from and prevention of crime than the overall population (Figure 10, right). Peer violence and youth isolation mentioned in some of the interviews could be related to this dissatisfaction, but more research is required to confirm this finding.

RECOMMENDATIONS

Adopt gender mainstreaming as one of the key principles in interventions, in particular in projects and activities working with legislative and executive governments, policy making and policy advocacy. This is a legal obligation, but also good management and an inclusive development imperative.

Mandate gender analysis in policy advocacy and policy making interventions, as well as media and political party interventions.

Consider supporting interventions working on human security with youth, starting with gender-sensitive baseline research into sources of insecurity for young men and women.

In civil society policy advocacy or public, policy-making interventions, consider conducting a gender analysis of the healthcare sector, and determine if the identified gaps fall within the scope of current or future USAID interventions.

2.4 ELECTIONS, POLITICAL AND CIVIC LIFE

USAID's work in BiH has focused in part on supporting civil society development and sustainability, development of a multi-party system, and further democratization of political life. This sub-section discusses complex gender issues and gaps, which cause obstacles that USAID interventions have encountered before and will continue to encounter. Provided recommendations aim to highlight possible approaches to address some of the gaps. Findings presented in this section may be of particular relevance for the following USAID activities - CSSP, SGIP, EfA, interventions with political parties and elections, and with youth. Any future interventions in those areas may find this section useful.

FINDINGS

Election legislation in BiH still ensures women's equitable representation in the election process, despite motions to abolish such special affirmative measures. Women are guaranteed a minimum of 40 percent of the positions on the election lists, including a prescribed rotation. In 2013, the BiH Parliamentary Assembly established a 40 percent quota through amendments to the Election Law. The earlier quota of 33 percent for the under-represented sex was in force since 2001. In practice, the Central Election Commission (CEC) does not approve the party lists of candidates if the quota is not met. The BiH PA recently overturned a motion to abolish the obligatory rotation of positions in the lists of candidates. The proposal came within a package prepared by a cross-ministerial working group for changes of the election regulation. At the same session, the Gender Equality Committee (GEC) proposed to increase the quota to 50 percent and introduce a proper zipper system (rotation of one man, one woman). The Parliament, in the end, refuted both proposals. Similarly, in the end, the Law on Changes and Amendments of the Election Law (BiH PA, 2016) left the affirmative measures untouched.

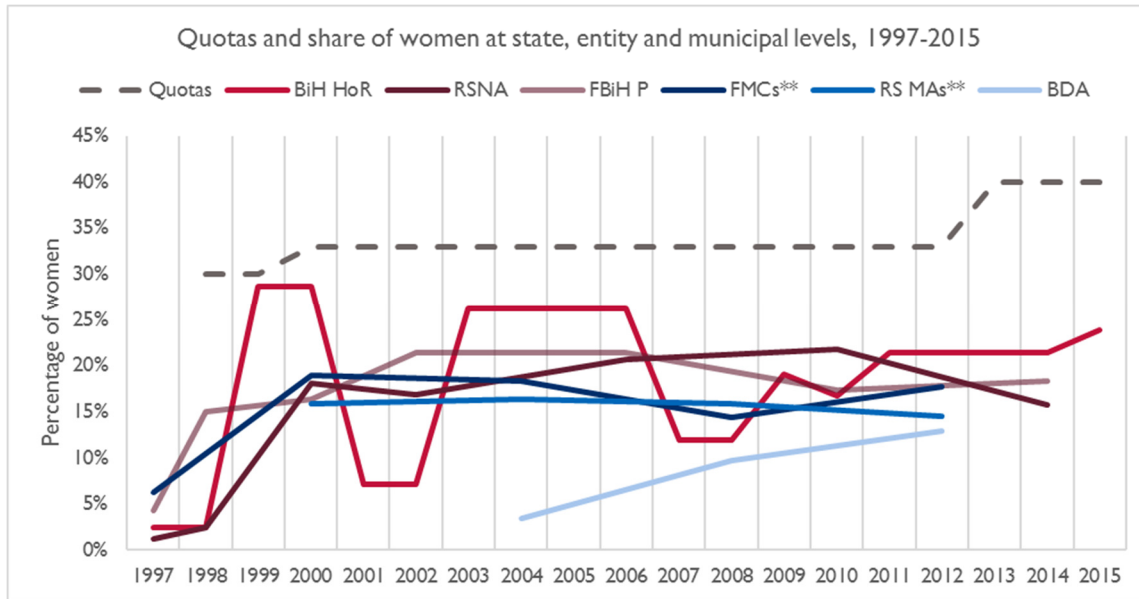


Figure 11. Quotas and share of women at state, entity and municipal levels; Sources: combined

Despite higher quotas for the under-represented sex on the parties' election lists, women's actual representation stagnates or even decreases at all governance levels. The quotas for the under-represented sex on the candidate lists did contribute to the initial increase in the share of women in representative bodies, especially after 1998. Since that period, incidental increase in representation is often followed by declines or periods of stagnation, as demonstrated in Figure 11. The data include only the legislative bodies elected directly and do not include the higher chambers to which members are delegated from lower chambers or levels.

The increase of the quota to 40 percent in 2013 did not have significant effects on the representation of women after the 2015 elections. However, opening of the lists of candidates in 2000 resulted in a sharp decline in women's representation. In the open list system, voters can change the positioning of one or more candidates within the same political party candidate list, which, in theory, contributes to individual accountability of elected politicians. In the closed list system, the voters cannot alter the candidates' ranking with their preferential votes. The BiH system is a semi-open one, because candidates need to receive a certain threshold of votes in order to override the ranking established by the party. In BiH, where, in 2015, one third of men and one fifth of women still believed that men make better political leaders (USAID MEASURE-BiH NSCP), the preferential vote leaves space for voters' prejudice, combined with low gender-sensitivity of political parties, to determine the low share of women in legislatures.

Historical data for all governance levels are dispersed throughout different sources. At times it is not clear whether the data count those that were elected directly, entered from compensation lists, or entered after another party representative moved to an executive post. This makes comparisons not entirely reliable. However, the general trend of stagnation is evident.

Executive branches usually do not meet the 40 percent quota mandated by the Law on Gender Equality (LoGE), and understanding of this affirmative measure is very low among politicians. Whereas the Election Law addresses the position and number of women on the candidate lists, which cannot guarantee by itself that women will get elected to parliament, the LoGE prescribes that

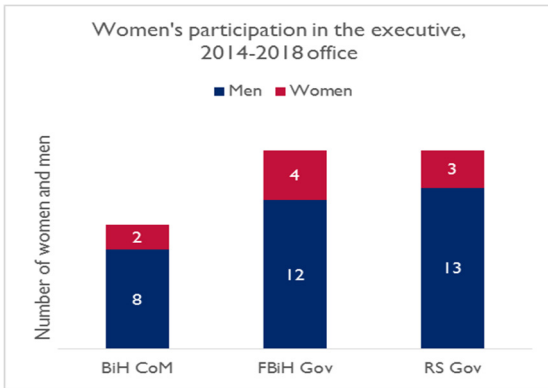


Figure 12. Women in the executive office, 2014-2018; Source: government websites

men and women should have a minimum 40 percent representation in the government. A situation where this criterion is not met is considered gender-based discrimination according to the existing law. The LoGE is regularly breached when new governments are being constituted. Currently, Zeljka Cvijanovic is the only woman prime minister in the country. In the entity and state governments, women's representation does not exceed 25 percent: it is 20 percent in the BiH Council of Ministers; 25 percent in the FBiH Government; and 19 percent in the RS Government (Figure 12). One of the three members of the FBiH Presidency is a woman.

This composition of the executive branches is still an improvement compared to previous governments in office from 2010 to 2014, when the RS Government was the only one nearing the 40 percent threshold. During that time, there were either one or no women in the state, FBiH, and cantonal governments. In 2016, the BiH Parliamentary Assembly Gender Equality Committee proposed an amendment which would harmonize the Law on the Council of Ministers with the Law on Gender Equality by introducing an affirmative measure for women in the Council of Ministers. The amendment, however, did not get support from the ruling coalition in the BiH Parliamentary Assembly. Even some members of the Gender Equality Committee voted against it. Understanding of affirmative measures is low – as mentioned by two interviewees. Politicians are still not aware of international anti-discrimination standards, and often presume that quotas and other affirmative measures are discriminatory in themselves, despite clear explanations that affirmative measures to amend discrimination cannot be considered discrimination (BiH Law on GE, Art. 2, and para. 4).

Available evidence suggests that only providing training for women candidates on campaigning and communication skills has not been effective in increasing the numbers of elected women. Numerous training programs for women candidates have been offered in pre-election periods in BiH. For example, before the last general elections, in addition to USAID-supported NDI and IRI activities, several donors supported local initiatives for capacity building - the Norwegian Embassy (2013, Banja Luka Independent University), the U.S. Embassy (2014, HCABL, Women's Political Academy), the BiH GEA with the Organization for Security and Cooperation in Europe (OSCE), and Mission in BiH (2014). Also, a number of political parties implement specific training activities for their women candidates. One of the interlocutors noted that this approach by itself cannot ensure better results for women in elections. The data in Figure 12 above illustrate this point. Despite numerous trainings and higher quotas, women's representation still remains at between 20 and 25 percent at entity and state levels and between 15 and 18 at municipal levels. In addition to trainings on campaigning and communication skills, many organizations also support gender equality trainings, but these target mainly women politicians.

In order to increase women's participation in public life, a more nuanced approach is required, that does not aim to just train women on campaigning, PR, communication, canvassing, and other strategies. This should ideally be the responsibility of political parties. A more transformative approach offers training and other technical support for both men and women from political parties on the standards of equality and non-discrimination. Such an approach creates space for male politicians to get involved in gender equality issues, and may lead to better in-party support for women politicians. Such examples are the Sarajevo Open Center's Equality Academy, supported by the Friedrich Ebert Stiftung, and the Office for Democratic

Institutions and Human Rights (ODIHR) Gender Audit in Political Parties approach. The latter starts by analyzing the gender equality situation in a political party, jointly preparing an improvement action plan, and continuing with ongoing joint work on improvements. This way, the focus is shifted from who is elected toward who represents women's and men's interests.

Women politicians want to be seen as experts in their own fields, not only as women politicians. There are more women politicians who are not engaging on gender equality issues than those who are. Some women politicians voice their disagreement against pushing women politicians constantly towards engagement in what they see as *women's issues*. One of the underlying reasons may be that each woman politician wants to be recognized as an expert in her own profession and, thereby, competent to influence policy-making in relation to that and related professions and fields of expertise (interviews).

Women and men politicians increasingly see raising women's issues as counter-effective for gaining political support and influence. One of the interviewees with political experience noted that women politicians are reluctant to advocate for women's issues because they fear this would only further marginalize them within their parties. On average, prominent women politicians mimic dominant male behaviors, and rising women politicians see those women leaders as the only available model of women's *politicship*. Even if the advocates employ gender equality terminology, instead of *women's issues* language, the entire topic is still seen as women's issues. This is partially due to the fact that advocacy events often cover only women's issues or present the issues as such, though they might be relevant to both women and men. The number of male advocates of gender equality is rather small in BiH political life. One interviewee noted that men who support gender equality are very few and they are not sufficiently influential, while influential men avoid the issue.

Gender equality advocates are an isolated community within the political life of BiH. Without exemplifying any recent events we attended during the field research for the gender analysis, we can verify that each event included only one or two male participants and many more women. In the past five years, there has been one constant weakness at every event related to gender equality which can be expressed in the idiom *preaching to the choir*. An interviewee pointed out how incredible it is that some of these issues have been discussed in these isolated politico-civic communities for the past 15 years – for example, maternity benefits in FBiH, but there is disappointingly little progress made to resolve them, despite the overwhelming support of more gender-sensitive international organizations, and the CEDAW Committee's observations.

Most political parties are still undemocratic in internal decision-making. Although on paper, nearly all parties have democratic intra-party procedures in place, in practice, only a handful of political parties are moving away from the prevailing traditional, male-dominated, autocratic model of decision-making. In reviewing the intra-party documents of the eight largest political parties in BiH, researchers identified that parties usually specify the gender equality principle or identify the need for women's empowerment either explicitly, or implicitly through non-discrimination clauses in the statutes, in at least some of their party documents (Kuratko-Pani, 2015). However, in practice, political parties do not ensure adequate participation of women in management, decision-making, and representation (Ibid, p. 26).

Women in political organizations face obstacles in gaining greater influence unless they adapt patriarchal norms and patterns of behavior. There is still a glass ceiling they cannot break within parties. One contributing factor is that the 'party democracy' reflects the electorate's expectations. Namely, **the voters, more so than nonvoters in BiH, favor autocratic leaders** (Puhalo, Perisic, 2013).

Consequently, parties might face lower voter support in the absence of a strong autocratic persona as its leader. Such a situation is not only detrimental to gender equality, but also to internal party democracy for both male and female members.

Reemergence of conservative stances in political parties had an impact on addressing women’s health issues. For example, a recent motion to discuss medically assisted insemination at the BiH level faced strong opposition from parties that claimed that the issue is not a state-level competence. When discussing an earlier motion in the FBiH Parliament, the HDZ, HDZ 1990, and SDA asked for an opinion from the Catholic Church and the Islamic Community rather than from medical professionals (Slobodna Bosna, 2015). The Catholic Church is against experimentation, freezing, and destruction of human embryos, while the Islamic Community rejects surrogacy (Slobodna Bosna, 2014). Consequently, the entity law did not receive support and, while medically assisted insemination is possible in some cantons on the basis of cantonal regulation, procedures are largely unregulated in others. The RS fully funds two procedures for medically assisted insemination on the basis of a rulebook, but a law regulating all different procedures does not exist (Botic, Kec 2013). Also, the *pro-life* stance on abortion, which was not part of the BiH political discussions until now, might become more of an issue, as reported by one of the interlocutors.

Gender mainstreaming is largely absent from high-level consultations and reforms. This is partially the consequence of the international community’s failure to adopt a gender mainstreaming approach. Reform talks between top political leaders outside the formal institutions (e.g. in Brussels) often take place with one or no women present. The Dayton Peace Accord excluded women or women’s issues entirely, as did the April Package from 2006, the Butmir Talks from 2009 (Golubovic, Zivanovic, 2009), and the Prud Agreement (Women Citizens for Constitutional Reform). Attempts to engage at least some women in such political interventions were usually a bottom-up approach. Women Citizens for Constitutional Reform, a CSO network in BiH, created a list of key amendments to the constitution and actively advocates on these issues with political and diplomatic actors. Their priorities include recognizing affirmative action principles; healthcare, social and family care among the list of human rights, and other changes in the constitution of BiH (Women Citizens for Constitutional Reform, 2016). In its 2013 concluding observations on the combined fourth and fifth periodic reports of Bosnia and Herzegovina, CEDAW also expressed concern that, at present, the Constitution of BiH does not include a comprehensive definition of discrimination against women. CEDAW called on the state party to “specifically incorporate into its new constitution a definition of equality between women and men and a prohibition of direct and indirect discrimination against women in the public and private spheres, in accordance with articles 1 and 2 of the Convention [on the Elimination of all Forms of Discrimination Against Women].”

However, as all constitutional talks have failed, and the EU conditions for BiH changed, new, high-level political decisions are being adopted without taking into consideration the impact these reforms will have on specific groups of men and women. This particularly affects those facing multiple types of discrimination; for example, women in the long-term unemployed category, women over the age of 45, Roma women, etc. At the time of writing the Gender Analysis Report, there is no information on research or analyses of the possible impact of the EU Reform Agenda for BiH on men and women. Women’s organizations in BiH have not yet started turning their attention to this issue.

The BiH civil society does not integrate gender issues in their research, advocacy, or service delivery. Civil society interventions sometimes do include fragmented approaches to gender equality, but there are several problems with their approaches. Project design is rarely preceded by a gender analysis. Implementation is rarely monitored using gender sensitive indicators and sex-disaggregated data. Finally, advocacy initiatives rarely take a gender transformative approach. One of the interviewees noted that civil society actors have a limited understanding of gender mainstreaming and gender equality. Another interviewee emphasized that, as in other sectors, men are primarily the leaders of the biggest CSOs which do not specifically deal with gender issues. At the other end, there are gender equality organizations where nearly all organization directors are women. The expertise of the most advanced women's organizations is not properly deployed in the biggest civil society initiatives for capacity building and gender mainstreaming. On a positive note, organizations are increasingly working with men on gender equality in public and in private life.

Women's organizations share opinions on many issues, but stronger integration of approaches and actions is difficult, especially on contested topics. Some of the first civil society organizations established in BiH in the 1990s were women's CSOs, many of which initially focused on peace activism and humanitarian assistance. Later, some refined their approaches to offer services, advocate, or do research in specific areas of gender equality or women's empowerment. In 2009, in order to coordinate their actions, twelve women's NGOs (previously active in the Kvinna till Kvinna network of women's NGOs) established the Women's Network of BiH which has been increasingly active since 2014. The Foundation Cure [Girls] is the current network coordinator, and the network has 46 members (BiH Women's Network website). Another network, the Safe Net [Sigurna mreza] exists informally since 2001, but in 2011 the members formalized their cooperation and established its secretariat. Currently, there are nine fully-fledged members of the network, (BiH Safe Net) all of which work with victims of gender-based violence through shelters, psychosocial assistance, and/or legal aid. The network has 13 associated members. The BiH Network against Trafficking in Persons RING has been active since 2000, but was revitalized in 2009 with 11 members. Other networks have been established in recent years, such as the Network for the Improvement of the Position of Women in Rural Areas "Progress." Expectedly, network members diverge in opinions, but some of the interviewees felt that the full potential of these networks is not utilized.

Young men are more interested in politics than young women, though in general, young people are not very interested in politics. About 35 percent of them show some affinity towards politics. According to the NSCP, among those who are interested, males make up 10 percentage points more than females. Young people in the FBiH expressed a higher level of interest than their peers in the RS – 38 percent compared to 29 percent. The lowest level of interest in politics is observed among young women in the RS, with 81 percent of them stating that they are not very or not at all interested in politics. Level of education is closely related to interest in politics, whereby both men and women who have obtained education levels higher than secondary school, express greater interest in politics than those with lower educational levels (34 percent of women and 55 percent men) (USAID MEASURE-BiH, 2015).

		FEMALE		MALE	
		Interested	Not interested	Interested	Not interested
1	Federation of BiH	36%	61%	40%	57%
	Republika Srpska	19%	81%	39%	60%
2	Less than secondary school	19%	81%	38%	56%
	Secondary school	31%	66%	36%	63%
	More than secondary school	34%	64%	55%	43%

Table 1. An overview of youth interest in politics disaggregated by sex; Source: National Survey of Citizens' Perception; 2015

Youth disinterest in politics might be a reflection of their belief that political parties in BiH are not guided by issues of importance and concern to the public. In fact, 90 percent of young women and 85 percent of young men believe that political parties work only for their own political interest. (Ibid)

While the level of political activity among youth is low, they believe that they can be effective in promoting change in BiH political life - 71 percent of young people hold this opinion with higher levels among young women (74 percent of young women, compared to 68 percent of young men). This is supported by the youth voting turnout in the last local elections in 2012, where participation by young women (52 percent) was higher than that of young men (47 percent). In contrast to the youth's perception on being able to effect change, in the period of October 2014 – October 2015, only two percent of young men worked without pay in a political party or action group and three percent of young women posted messages with political content in social media (USAID MEASURE-BiH, 2015).

To sum up, youth are generally uninterested in politics, especially young women in the RS, but they still feel they can bring about political changes. Young women, despite being less interested in politics, believe that their participation would effect change. Young women vote more than young men. One possible explanation of these seemingly diverging findings is that **none of the traditional modalities of political participation seem youth-friendly, not even in social networks. In addition to male-female differences in preferred modalities of political participation (women tend to engage more in community lobbying rather than formal running in elections), youth seem to be even more disconnected from available political participation models.**

RECOMMENDATIONS

In all interventions, support a gender transformative approach which does not only seek to empower women, but also to engage men as supporters of gender equality that benefits the entire society. Support interventions that promote democratization of decision-making within political parties, including through new intra-party procedures and change of mindset on what constitutes good politics.

Support women voters' access to diversified political information.

Promote women candidates' opportunities to further present and promote their professional achievements in political and expert circles. Such interventions may help move away from the *vote-for-women* approach and the expectation that *women should vote for women*.

Support gender mainstreaming in high-level political reforms, such as the Reform Agenda, in order to ensure men's, women's, and sub-groups' (such as Roma women) interests are represented in such processes. Conduct a study to explore models of political participation which are more suitable to young generations, including potential gender differences in preferred models, and reasons for low interest.

Work with civil society partners to adopt gender mainstreaming as one of the main civil society operating principles. Utilize women's NGOs as resources for the rest of the sector in building gender mainstreaming capacity.

2.5 INDEPENDENT MEDIA

USAID/BiH supported the development of independent media and reinforced media support to strengthen achievement of non-related interventions in reconciliation, anti-discrimination, and anti-corruption. This sub-section discusses the most notable findings in relation to gender and media. Media play can be a powerful ally in promoting gender equality and transforming hierarchical socio-cultural norms. As reflected in various national surveys, news media are the most influential source of information and opinion formation. While TV is the primary source of information for the citizens, with 82.6 percent using TV at least once a week for political news, 33.6 percent using Internet, and 29.0 percent using newspapers. According to 2014 World Bank data, the percentage of the population in BiH with access to the Internet has increased from 2.7 percent in 2002 to 67.9 percent in 2013 (Internet World Stats 2015).

FINDINGS

The Law on Gender Equality and existing regulations on media provide adequate protection from discrimination. Media, in particular electronic media, are prohibited from depicting or addressing women or men in a stereotypical, offensive, or derogatory manner. At the same time, they are obligated to actively promote gender equality. For the electronic media, gender equality standards are enshrined in the BiH Law on Communications, Articles 3, 36 and 39, 40 and 43 (BiH OG 31/03, 75/06, 32/10, 98/12) and enforced by the Regulatory Communications Agency of BiH through use of sanctions. The BiH Election Law bans campaigning that is stereotypical or offensive to women or men on the basis of their sex. The BiH Press Code, a self-regulation act by the press and online media in BiH, instructs media not to incite hatred or inequality, and to avoid prejudice and insults on grounds of gender or sexual orientation (Press Code, 2011).

Despite existing regulations, media reporting on women and men is for the most part gender blind and continues to promote stereotypes or does not report on women at all. The majority of those interviewed for this report stated that gender equality is not considered a major issue in either political or public discourse. This position is supported by and reflected in the portrayal of gender issues in the media. Unfortunately, there is no consistently gathered data on this topic. The information that exists comes from a multi-year news survey of the country's main publications and Internet and Twitter postings within the Global Media Monitoring Project (GMMP, 2015). However, the data for the study was

collected during only one day, which places limitations on a broader generalization and application of the findings.

The way women and men are portrayed in media influences the broader public perception and attitudes on what the current situation is and/or how it should be. The majority of media reports portray women and men differently. Areas dealing with leadership and expertise are predominantly reserved for men. In contrast, even when women are present as subjects of the report or as a technical expert, the topics more often deal with 'socially less important' issues. More typically, women are likely to be presented in their private and more passive roles – as mothers, housewives, consumers (interviews; GAP).

According to the first GMMP in 2005, while 52 percent of presenters and 49 percent of reporters were women, women represented only 15 percent of news subjects – 18 percent in TV programs and 13 percent in newspaper articles. Women were the subjects in only 11 percent of reports related to politics and government; 13 percent focused on economy and business, and 14 percent on crime and violence (GMMP, p. 4). In 2005, 62 percent of TV announcers and 48 percent of reporters were women, but the relatively high representation of women did not translate to greater sensitivity on gender issues.

Not much has changed in 2015 when it comes to percentage of women as news subjects. The overall presence of women in the news was 16 percent in print, radio, and TV, and 28 percent on the Internet and Twitter. Topics related to economy had the lowest representation of women as subjects (12 percent), followed by politics and government (16 percent). Science and health had the highest representation at 38 percent. Women continued to be underrepresented as experts and commentators (20 percent) and spokespersons (11 percent).

Women fared better as news subjects in digital media compared with traditional media. The largest improvement was in the area of science and health (80 percent, compared with 38 percent in traditional media), followed by social and legal issues (30 percent compared with 23 percent) and economy (29 percent compared with 12 percent). There has also been an increase in topics dealing with crime and violence (21 percent compared to 12 percent) and celebrity, arts, and sports (36 percent compared to 13 percent). However, it is important to note the manner in which women were portrayed – 71 percent of women (compared to 37 percent of men) were identified only as victims rather than as survivors (GMMP 2015, pp. 7-8; 12).

By occupation, women as subjects of news reports represented a considerably smaller percentage than men in all professional categories – 29 percent in the celebrity/artist category (the highest percent), but only 17 percent of politicians and ministers, 15 percent of civil servants, 22 percent of academic experts and lawyers and judges, and 19 percent of activists or CSO representatives (Ibid., p. 10)

Reporting that addresses topics related to gender equality/inequality is confined to few areas. The three areas where gender equality issues were explicitly identified include: (1) peace, negotiations, and treaties; (2) the legal system, the judiciary, and legislation (excluding family); and (3) war, terrorism, and state-based violence.

While women reporters may use more women as sources of information (63 percent compared with 37 percent for men), there seems to have been little gender preference by female reporters in stories where women represent a central focus - only 3 percent by female reporters and 5 percent by male reporters.

UN Women will, in the near future, publish a report on how the media are reporting on gender equality and GBV.

RECOMMENDATIONS

Support media content that portrays women and men in a non-stereotypical manner and presents their roles and contributions in private and public spheres. For example, support a reporting series highlighting examples of women in typically male occupations and vice versa.

Include gender equality training in any media-related activities.

Promote media literacy and critical thinking in formal education and more broadly among youth, teaching youth to deconstruct cultural gender codes presented in the media.

3. INCLUSIVE ECONOMIC GROWTH

This Section specifically focuses on labor market differences, as well as differences in access to finance and services in agriculture and other types of business. To summarize the findings here, labor statistics show that women are less active in the labor market in BiH. Among those who are active, there is a higher likelihood than for men, that they will be unemployed. This general rule applies for both entities and the BDBiH, although the situation is slightly better in the RS. There are around 200,000 fewer working women than working men.

In explaining the findings above, we resorted to underlying issues discussed in interviews and reports of various organizations. We also looked at labor statistics in more detail. Evidently, women still face important obstacles in the labor market, such as inadequate and unsynchronized maternity benefits and discrimination in recruitment. Furthermore, they have lower educational achievements than men, and for the same level of education, have a lower chance of being employed. Traditional norms encourage women to either stay at home, work in agriculture, or seek employment in services, rather than industry. Fewer women than men are self-employed and have lower land and property ownership levels than men. On the surface, labor regulations are not an obstacle to gender equality in the labor market, and gender-based discrimination is prohibited. In practice, however, as sub-sections below will demonstrate, there are several issues that require a more gender-transformative approach from policy-makers in order to address the inequalities.

The LoGE in BiH and the Labor Laws prohibit gender-based discrimination in all public and private spheres. Articles 12-16 of the LoGE regulate the issue of employment, work and access to all forms of resources. The Law prohibits discrimination based on gender in work and in labor relations. It specifically addresses areas of equal pay, equal access and conditions for education, differentiated treatment related to pregnancy, and maternity leave and benefits, among other issues. Article 4, point (1) and (2) address any other activity or act that represents direct or indirect discrimination (GAP 2013-2017). Further, an employer is required to prevent harassment and sexual harassment, as well as gender-based discrimination. Actions against an employee who brought charges for harassment or discrimination are also prohibited.

The Law on Prohibition of Discrimination addresses numerous types of discrimination that might affect the right to work and employment. BiH is also a signatory of 81 conventions of the International Labor Organization (ILO) that provide an international legislative framework in the area of

labor. As part of the EU integration process, BiH is required to harmonize state and entity regulations with European documents that regulate areas of employment and the labor market. It has made significant progress in doing so.

Goal I of the 2013-2017 Gender Action Plan lists four priority areas that are important for promoting inclusive economic development and economic gender equality. These are: (1) Work, employment, and access to economic resources; (2) Education, science, culture, and sport; (3) Health, prevention, and protection; and (4) Social protection.

The Law on Civil Service in BiH and employment strategies has yet to be harmonized with the LoGE in BiH and gender equality standards. In a number of instances, the LoGE is still not adequately supported by the required secondary legislation, nor by the necessary infrastructure and resources. For example, even though formal hiring procedures in the public sector are clear, there are no clear rules and guidance for assessing performance and promotions of civil servants which, in turn, provides for and supports lack of transparency and opportunities for unethical behavior. In most instances, cases of sexual/gender discrimination are not reported (ILO 2011, p. 13-14, interviews).

In 2015, the FBiH and RS passed a new labor law that furthers legal protection of women and reflects gender equality provisions to a higher degree than previous laws. For example, the Labor Law of FBiH explicitly prohibits discrimination based, inter alia, on marital status, family obligations, and pregnancy. It also prohibits overtime work for pregnant women, mothers of children under three years old, and single and adoptive parents of children under six years old. The FBiH Law also specifies that employees (and prospective employees) cannot be asked for personal information that is not pertinent to their work. Similarly, the RS Law states that an employer cannot ask for information on marital and family status, and make a pregnancy test a condition of employment, unless the nature of work could endanger the mother or unborn child. Both laws address 'mobbing', recognizing that this is a sufficiently frequent occurrence, but few cases are reported because women fear retaliation and losing their jobs (The Orange Report 2016). The new labor laws also specify a father's right to parental leave under certain conditions (Vasa Prava, 2016: p. 17). A very informative review of new labor legislation in the FBiH and RS, with a focus on women's rights employed in service and trade sectors, is available in the Vasa Prava [Your Rights] final report in the Analysis of Labor Legislation in Bosnia and Herzegovina.

All in all, in BiH, there are thirteen government bodies that address labor policies and fourteen that are responsible for employment services (ETF, 2006). Though there are definite attempts at collaboration among different organizations, the efforts have varied over time and among the organizations. There appears to be a greater level of coordination within the entities than between them. For example, in the FBiH, the cantons have mostly autonomous employment services, and policy making is divided between cantonal and federal levels (ETF 2006, ILO 2011, interviews).

Women and men have equal legal rights to property ownership, management and use, as well as equal legal status in relation to access to finance and services (WB, Women, Business and the Law, 2016: p. 94).

3.1 PARTICIPATION, EMPLOYMENT AND UNEMPLOYMENT

The following paragraphs focus on the gaps between men and women in their participation in the labor force, employment, and unemployment. In subsequent sub-sections, we provide possible root causes of gaps in each area.

FINDINGS

After a sharp decline during the financial crisis, employment levels in BiH have not recovered even close to the 2008 level of 890,000 employed. In 2014, the number of employed workers reached a low of 812,000 persons but increased by 10,000 in 2015. Based on estimates, the working age population (employed + unemployed + inactive) shrank by 19,000 between 2013 and 2015 (BiH Labor Force Survey LFS, 2015), with women accounting for half of this number. This contraction in the size of the working age population, combined with persistent negative trends in fertility rates and the aging of the population in BiH, as well as the high inactivity rate among women, may have serious long-term consequences for the BiH economy. **Gender inequalities and women's position in the labor market lie at the heart of the problem, though they certainly are not the only factors.**

The gender gap in the participation of men and women in the labor force is the most important gender issue in the labor market. There are approximately 250,000 fewer women than men in the labor force. A breakdown of specific structural groups by sex in Figure 13 below indicates that overall, women represent a slightly larger proportion of the working age population (51 percent women to 49 percent men), but a considerably smaller proportion of the labor force (39 percent women, 61 percent men). Women account for 37.3 percent of all employed, 43.2 percent of unemployed, and 60.8 percent of the inactive working age population (BiH LFS, 2015, calculations).

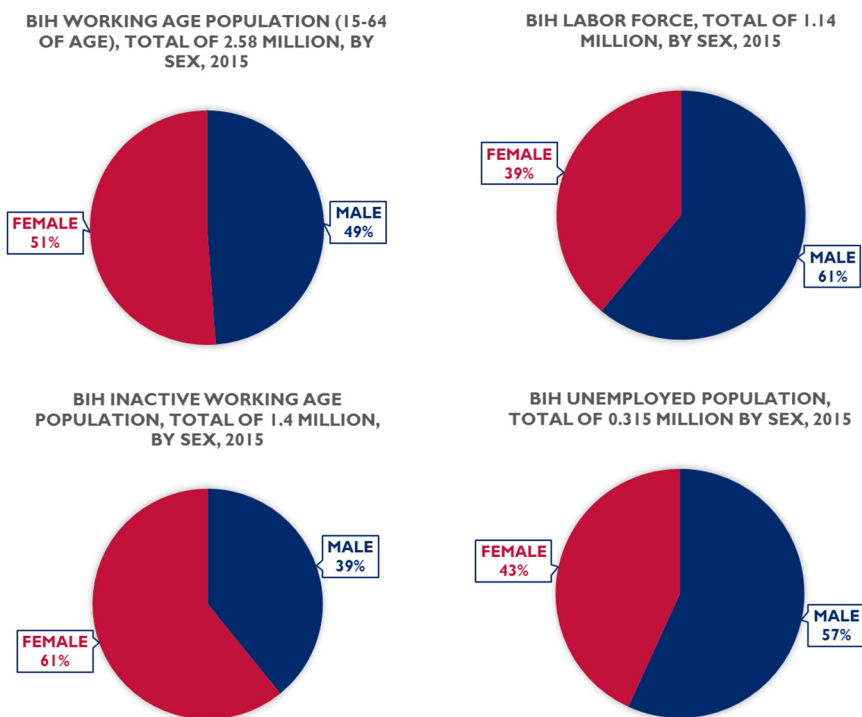


Figure 13. Structure of the BiH working age population by sex, LFS, 2015

Two out of three inactive persons in BiH are women, and two out of three working age women in BiH are inactive (inactivity rate is 66 percent for women of working age, and 45 percent for men). BiH has the second highest level of inactivity in the region (Kosovo has the highest inactivity rate). **The RS has the highest female and male activity rate and BDBiH the lowest.** In RS, the activity rate is 37.1 percent for women and 57.5 percent for men. In FBiH, the activity rate is 31.7 percent for women, 54 percent for men. In BDBiH, the activity rate is only 28.4 percent for women and 51 percent for men.

Despite the shrinking working age population (Figure 14 below, see totals), the 2013-2015 period saw a positive labor market trend, with more women entering the labor force, even if this was reflected mainly in the unemployed segment. Three factors are important to underline:

- 1) There are approximately 21,000 fewer inactive women of working age in 2015 than in 2013, while the inactive population decreased by 22,000 altogether (Figure 14, Female, grey).
- 2) Approximately half of that number represents women entering the labor force - the labor force (employed + unemployed) has increased, and particularly the number of women in the labor force. In 2015, there were approximately 10,000 more women than in 2013. The number of unemployed people increased in total, as well as the number of unemployed women, while the number of unemployed men decreased.
- 3) The number of working age women decreased by roughly 10,000, which is a sign of either further aging of the population, or out-of-country labor migration.

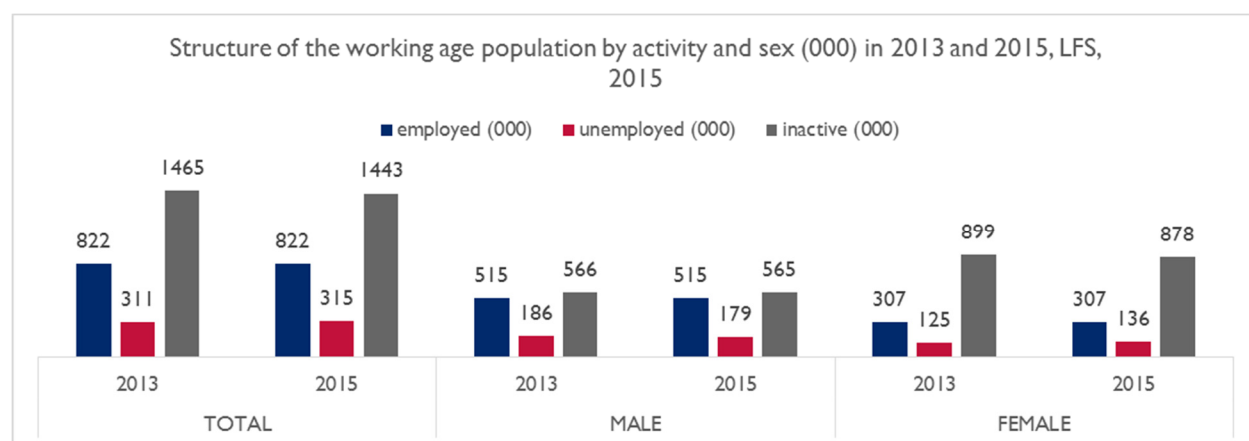


Figure 14. Structure of the working age population by activity and sex (000), LFS 2015

In addition to higher inactivity rates, compared to men, women in BiH have lower employment (17.7 percentage point gap) and higher unemployment (4.9 percentage point gap) rates. While employment rates for men and women slightly increased in 2013-2015, the employment rate for women is still only at 23.2 percent, compared to 40.9 percent for men, a gap of 18 percentage points. At the same time, the unemployment rate for women increased by 1.7 percentage points to 30.7 percent and declined for men by 0.7 percentage points to 25.8 percent. The increase in the

unemployment rate for women may partially be due to more inactive women looking for employment entering the labor force.

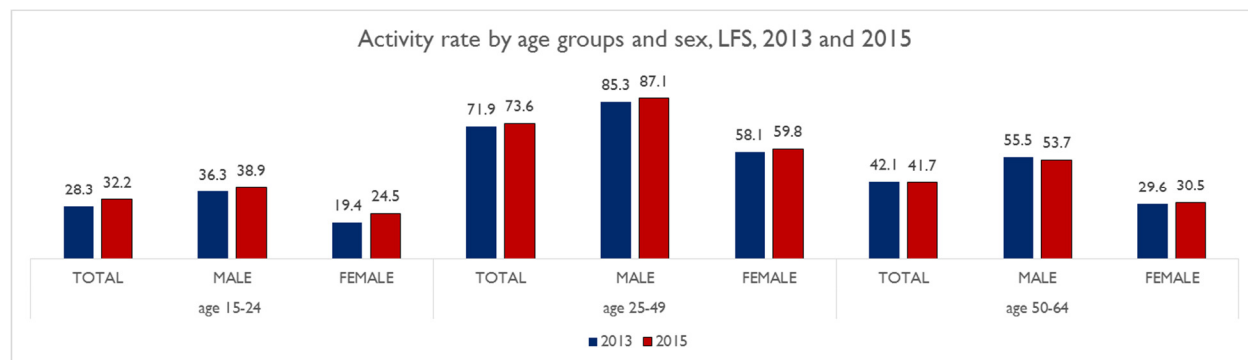


Figure 15. Activity rate by age group and sex, LFS, 2015

In BiH, a gender gap in activity rate that favors men remains high across the age groups (Figure 15) though it has decreased in the 2013-2015 period. The gender gap in activity rates is the highest, 27.3 percentage points, for the 25-49 age group. For two working age groups, 15-24 and 25-49, activity rates have increased significantly between 2013 and 2015 (3.9, 3.2 percentage points respectively). The rise has been more significant in the FBiH (5.3 and 4.9 respectively) than in the RS, and more in favor of women (5.1 and 4.4 percentage points for women in the age groups 15-24 and 25-34, respectively).

Interestingly, the share of young men in the labor force in the 15-24 age group is nearly double that of young women in the same age group. That ratio has slightly decreased in 2015. On the one hand, the high share of boys active in the labor force is problematic as this is the age when increasingly more youth should be engaged in full-time education. On the other hand, part-time, occasional, or seasonal jobs are a good basis for young men's future employment prospects, which young women may be missing out on.

For women in the 25-49 age group, the activity rate is 27.3 percentage points lower than for men. This can, to a significant extent, be explained by the child-bearing age and child care, along with the prevailing socio-cultural norms and barriers to employment that younger women experience. This is supported by the demographic data on age for the first marriage and first child.

In the 50-64 age group, two out of three women and one out of two men are inactive. The gender gap here can be partially explained by an earlier retirement age for women than for men. The new labor laws in the FBiH and RS may contribute to narrowing that gap. Women over the age of 50, particularly those with lower education, are a hard-to-employ group once they become unemployed and very often get discouraged and stop looking for work.

Looking at the entities/BDBiH:

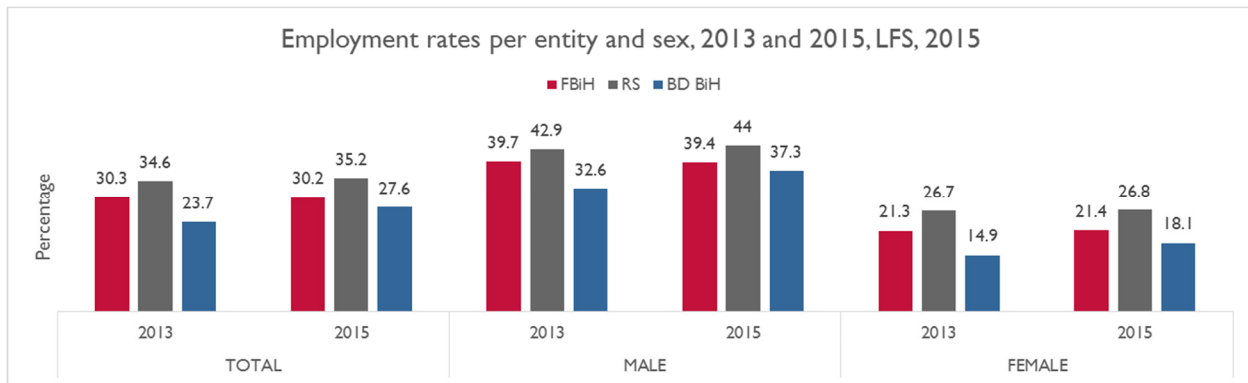


Figure 16. Employment rates per entity and sex, 2013-2015, LFS, 2015

In 2015, the RS had the highest overall employment rate (35.2 percent), women’s employment rate (26.8 percent), and the smallest gender gap in employment (17 percentage points), as Figure 16 shows. The FBIH was in the middle, with 30.2 percent employment rate, 21.4 percent women’s employment rate, and an 18 percentage point gender employment gap favoring men. BDBiH had a 19.2 percentage point gender employment gap.

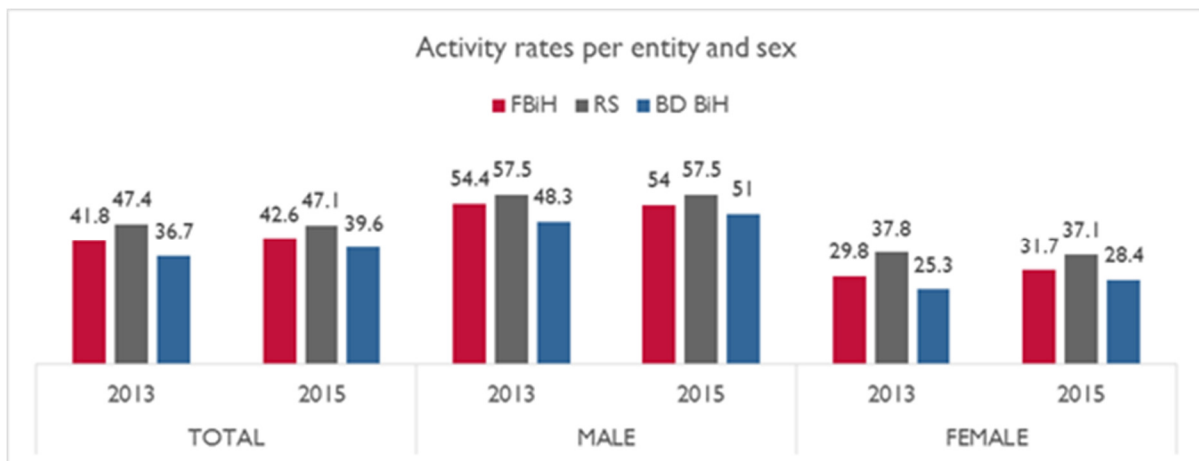


Figure 17. Activity Rates per Entity and Sex, LFS 2015

RS has the overall highest rates of activity (47.1 on average, 57.5 among men and 37.1 among women, Figure 17) (LFS, 2015). In the entities, the highest activity rates for women are in the 25-34 group (66.6 percent in FBIH, 67 percent in RS, and 56 percent in BDBiH) (LFS, 2015: p. 37).

The FBIH has the largest inactive population in all three age groups – 18.7 percent in the 15-24; 19 percent in the 25-49; and 29.2 percent in the 50-64. The BDBiH has the smallest inactive population in the youngest age group (16.6 percent), and the RS has the lowest percent of inactive population in the 25-49 and 50-64 age groups – 13.5 percent and 26.3 percent, respectively. In all three entities, a higher proportion of men than women is inactive in the 15-24 age group and a higher percentage of women is inactive in the 25-49 age group. In the first age group, in the FBIH - 23.4 percent of men are inactive compared with 15.7 percent of women; in the RS – 21.4 percent of

men are inactive, and 16.4 percent of women; and in the BDBiH –21.1 percent of men and 13.5 percent of women are inactive. The gender trend is reversed for the 25-49 age group with 23.5 percent of inactive women compared to 12 percent of men in FBiH; 16.6 percent of women and 8.7 percent of men in the RS; and 20.7 percent of women and 14.5 percent of men in BDBiH.

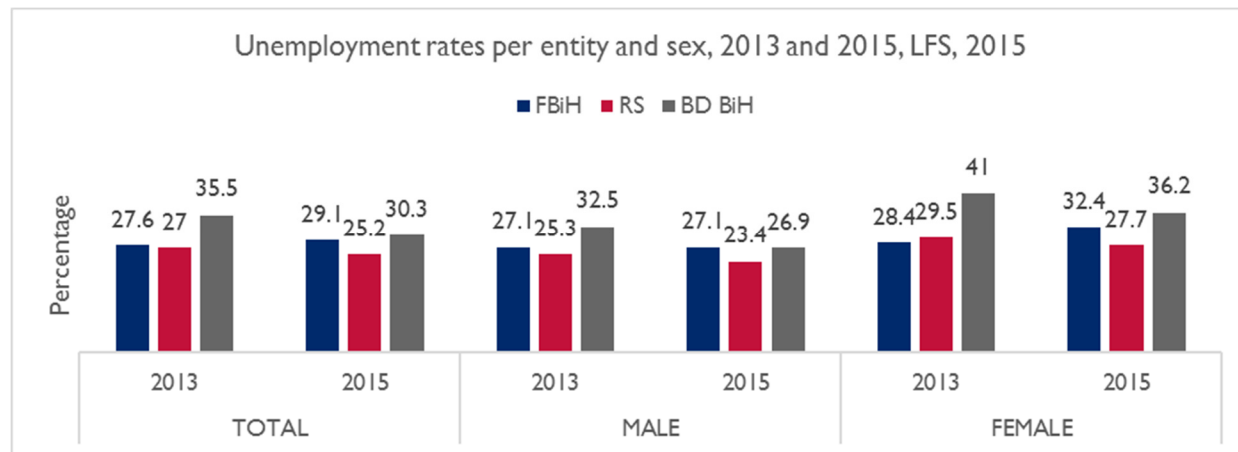


Figure 18. Unemployment Rates per entity and sex 2013-2015, LFS 2015

Examining the unemployment data in the entities and BDBiH (Figure 18), the most significant trend is the rise of unemployment among women in FBiH by 4 percentage points in comparison with 2013, or by around 9,000 persons. It is important to note that this trend is not necessarily negative, because it may be connected to the finding that more previously inactive women are entering the labor market. For the same time period, unemployment rates for women in the RS and BDBiH have declined.

Finally, what the labor statistics show is that women are less active in the labor market in BiH, while among those who are active, there is higher likelihood they will be unemployed than for men. This general rule applies for both entities and the BDBiH, although the situation is slightly better in the RS.

RECOMMENDATIONS

Define a set of gender-sensitive context indicators on the BiH labor-market, and track movements regularly, such as the male to female participation rate gap, male to female self-employment gap, and similar. Mandate gender analysis in economic growth activities and consider prioritizing higher participation rate for women as one of the future project outcomes.

In labor market interventions, either from the economic growth or civil society and governance perspective, prioritize approaches that would increase participation of women in the labor market, including women in the 50-64 age group.

3.2 WOMEN'S POSITION IN EMPLOYMENT

In explaining the findings above, we resort to underlying issues discussed in interviews and reports of various organizations.

FINDINGS

Many women still consider their family roles as primary responsibilities that take priority over employment and career. (2003 Gender Barometer Bosnia and Herzegovina, cited in ILO 2011, p. 6) To some extent, this belief helps to account for the previously mentioned high levels of inactivity and interrupted work/career patterns. The consequences of the latter are lower wages during the employment period due to absences from the labor market, lower pensions for those who work, and financial reliance on husbands and/or family members. The amount of time that women spend in paid work is a key determinant of their wage levels. More women than men work part-time to accommodate family obligations and, consequently, are at a greater disadvantage than men in improving their career prospects. Since it is cheaper and more flexible for employers to employ part-time workers, given the prevailing social gender norms, employers may be more inclined to employ women as part-time workers or workers with shorter contracts.

While women's labor participation has increased, they are still more likely to be employed in lower paying jobs and hold positions of lesser responsibility, or take longer to reach positions of responsibility, than men. According to the 2011 ILO study, "Gender and Employment in Bosnia and Herzegovina – A Country Study," it is more difficult for women to reach higher executive positions in the private sector, even when they have better education and more experience. This was confirmed by the 2013 IFC survey of women executives. There are considerably fewer women serving on boards of companies and their average age is usually higher than men's, 51 years compared to 40 (IFC, 2013, also cited in WB 2015).

Lower educational attainment, especially for women in rural areas, is an important contributing factor to persistent lower employment and self-employment. In addition to an education gender gap favoring men in primary and secondary education, there is also an education divide between urban and rural women. Urban women may have twice as many years of schooling as rural women (Prism Research for NHDR UNDP, 2009, unpublished; cited in Somun-Krupalija 2011). Several factors may account for this, including persistence of traditional gender norms in terms of household responsibilities, and involvement in various seasonal agricultural activities. All of these are conducive for limiting years of schooling, dropping out, or skipping classes. Distance from school, especially at a secondary level, insufficient transport, and difficult terrain may represent other contributing factors to lower educational attainment among rural women.

Women employed in the private sector are more likely to encounter discriminatory practices based on gender stereotypes and face greater challenges in developing and maintaining their careers. Women continue to experience unequal treatment in the labor market in terms of type of employment that is deemed suitable for women. These biases in employment opportunities are linked to prevailing patriarchal/traditional cultural norms. Single women or young married women face practical discrimination in finding and/or keeping a job because of employers' continued practice to not employ women who are likely to start a family. During job interviews employers sometimes ask young women, especially in their 20s and 30s, about their family plans (USAID-Sida FIRMA Project 2010, p. 14). In some instances, women with fixed term contracts who are on maternity leave would be 'encouraged' (blackmailed) to start work sooner than the allowed maternity leave period, if they wanted their contracts extended (ILO 2011, p. 24). Lack of adequate and affordable child care presents an additional challenge, especially in rural environments. Faced with these obstacles, women often choose to leave the job market (Interviews, IFC 2013, WB 2015, p. 45 citing WB 2014).

Women entrepreneurs and single mothers face even greater challenges in developing and maintaining their careers. In cases where there is no family or extended family to help with childcare, access to affordable childcare presents a significant impediment both for working women and those looking for work.

Provision of and compensation for maternity leave is inconsistent across cantons in BiH (Interviews; Orange Report 2016). Legal responsibility for providing and administering maternity benefits in the FBiH lies within the cantonal government. The special 2015 report by the Ombudsman for Human Rights in BiH documents persisting inequalities in access, duration, and amount of benefits across cantons, in the provision of maternity rights. The amount of child support varies according to employment status and sector of employment. Some cantons have not set up maternity benefit funds, and in other cantons maternity benefits are often late. To address this issue, women's CSOs and a group of women politicians are advocating for establishing a Fund for Maternity Benefits and transferring the legal oversight from cantons to the FBiH (Ibid.).

Unlike in the FBiH public sector, where the amount of compensation paid during maternity leave is determined by a collective agreement and paid from the budget and public funds, in the private sector, amount paid during maternity leave is determined by the employer. The levels are established by the cantons. There are several types of discrepancies and discriminatory practices: (1) required length of work before being eligible for maternity leave; (2) amount of remuneration, ranging from zero percent in cantons without maternity benefits regulation, to up to 50 to 100 percent.¹ In an effort to address this discriminatory practice, a women's advocacy group, Initiative F5, proposed that maternity benefits should be paid, at least in part, by the Health Fund. In the RS, maternity leave is regulated by the Labor Law, Law on Social Protection, and Law on Child Protection (CURE Foundation 2014, p. 8).

Despite the fact that discriminatory maternity benefits are a long-standing issue in FBiH, the FBiH Action Plan for the EU Reform Agenda does not address the issue. Different initiatives have been in place over the past ten years to address the issue of inadequate and unsynchronized maternity benefits in FBiH. FBiH Parliament's Women's Caucus, the Initiative F5, and various civil society organizations, with support from international organizations, conducted policy research and advocacy, hoping to finally settle the issue. Still, the closest the FBiH Action Plan for the EU Reform Agenda comes to a solution is a vague focus on improved social assistance targeting.

Women have limited opportunities to explore different employment options and limited access to additional training and re-training. Especially younger women (and men) have few options to explore different career possibilities prior to selecting their educational major. Such choices are predominantly done based on prevailing socio-cultural norms of 'appropriate' study areas and work for women. Lack of adequate and timely information on economic and employment trends makes it more challenging to make decisions based on evidence. Similarly, opportunities for upgrading qualifications or re-training are also limited. This is especially pertinent for women (and men) who were employed in the now closed state factories. As a result, many women find it more difficult to compete in the labor market (Interviews).

¹ Una-Sana and Central Bosnia – 50%; Sarajevo Canton – 60%; West Herzegovina Canton – 70%; Zenica-Doboj and Bosnia Podrinja – 80%; Tuzla – 90%; Canton 10 – up to 100%; Posavina Canton does not provide maternity benefits, and Herzegovina-Neretva Canton pays a one-time assistance fee of 400BAM

RECOMMENDATIONS

Support implementation of national and international standards of equal treatment and equal opportunity for both sexes in employment, wages, trainings and promotions in the private sector in particular.

Support initiatives to put maternity benefits on the EU Reform Agenda and explore further the gender equality standards in the EU common market policies.

Support improved gender mainstreaming in the specialized job search, and advisory services and sections, of employment institutes.

3.3 EMPLOYED BY STATUS IN EMPLOYMENT AND BY SECTORS

In this sub-section, we specifically analyze the employed population to identify gender gaps and trends. As it turns out, men account for the majority of the employed and self-employed population, and there are indications that women are the majority of unpaid family workers. There are important general and geographically specific gender differences to be considered when working with any of the three main sectors: agriculture, industry and services. In all three sectors, men are the majority employees. This difference is particularly striking in the industrial sector.

FINDINGS

Among employed persons, over three quarters (75.8 percent) are employees, 20.7 percent are self-employed and 3.5 percent are unpaid family workers. The pattern is similar for men and women, although a much lower percentage of women than men are self-employed (15.2 compared to 23.9 percent of men). There is a significantly higher share of women who are unpaid family workers (6.6 compared to 1.7 percent of men) (LFS, 2015). In the EU, on average, around 16 percent of the employed are self-employed (EUROSTAT, 2014). Therefore, the percentage of self-employed people is higher in BiH than in the EU. There are differences, however, in that most likely, a higher share of self-employed people in BiH are small farmers, and a greater portion of self-employment is informal in BiH than in the EU. However, estimates of the informal employment economy for BiH are unavailable. **Among the estimated 77 thousand of self-employed people, 74 percent are men.**

Women account for the majority of unpaid family workers, although the statistical estimates of the number of unpaid family workers are not sufficiently accurate. F BiH has the highest percent of employees (82.5 percent) and the lowest percent of unpaid family workers (two percent). In the RS and BDBiH, 66 and 63 percent are employees, while the self-employed account for 29 and 30 percent, respectively. The RS and BDBiH have significantly higher percent of unpaid family workers at 6 and 7 percent, respectively.

Similarly, in the entities, the majority of women are employees, with the highest percentage of self-employed women in the RS, and the lowest percentage of women in unpaid family labor in F BiH. The distribution among entities is similar to the national trend - F BiH has the highest percent of women employees (86 percent), and the RS and BD have 68 percent and 69 percent, respectively. The **RS has the highest percent of self-employed women - 21 percent, compared with 17 percent in the BDBiH and 11 percent in the F BiH. Only three percent of employed women in the F BiH are involved in unpaid family labor, compared with 11.3 percent in the RS, and 14.4 percent in the BDBiH.**

Instead of disaggregating the employed into sectors, including for men and women, as is usually done in the Labor Force Survey reports, Figure 19 below compares the number employed people per sector, relative to the working age population, which gives a better sense of gender differences. The working age population is 100 percent, while the percentages in the figure represent only those who are employed. The difference not shown in the figure is the sum of unemployed and inactive persons.

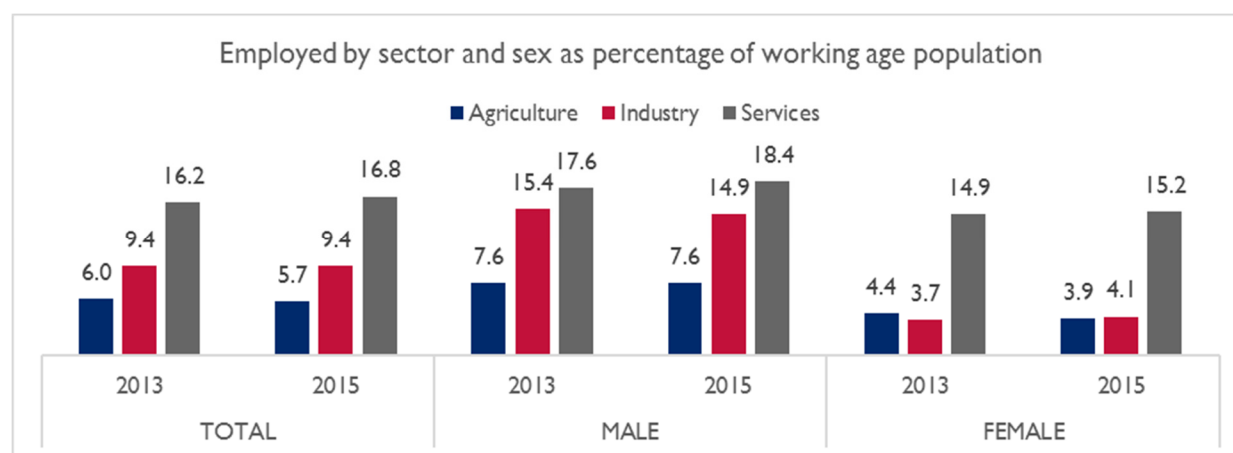


Figure 19. Employed by sector and sex, as a percentage of the working age population; calculations based on LFS 2015

In absolute terms, fewer women continue to be employed in all sectors compared to men, with an increasing gap in agriculture, and a decreasing gap in industry. The trend of decreasing agricultural employment continued between 2013 and 2015, but affected men and women disproportionately – employment for women in agriculture declined, while it remained steady for men. Employment in industry remained more constant overall, although 2014 saw a sharp decline in the percentage of working age men employed in that sector, which then recovered in 2015. The percentage of working age women employed in the industry rose between 2013 and 2015, replacing agriculture which used to be the second most common sector of the economy for employing women (LFS, 2015, calculations).

In 2015, the service sector accounted for the largest proportion of employed workers (52.6 percent), followed by industry (29.5 percent) and agriculture (17.9 percent) (LFS, 2015). Overall, employment in industry and services has increased, but has declined in agriculture. Among working women, the services sector employs the most, 65.5 percent, while 17.7 percent of employed women work in industry, and 16.8 percent in agriculture. The service sector also represents the largest share of employment for men (45 percent), while industry employs 36.5 percent, and agriculture 18.5 percent of men. These percentages are relative to the employed population of men. However, by analyzing Figure 19, when compared to working age women and men, services employ more men than women by around 30 thousand; the employment gap in industry is exceptionally high, with three times more men than women working in this sector; and agriculture employs nearly two times more men than women. These estimates and percentages are available in detail in the LFS the BiH Statistics Agency published for 2015.

In 2015, the RS had the largest percent of population employed in agriculture (29 percent) and by far the highest percent of women employed in agriculture - 28.2 percent. The FBiH had the

highest percent of the employed population in industry (32.6 percent) and the highest share of women employed in industry (19 percent).

RECOMMENDATIONS

In supporting business development in sectors of agriculture, industry and services, consider interventions which aim to increase women's participation in formal employment in any of the three sectors, especially those that work toward increasing the share of women working in industry.

3.4 EDUCATION AND EARNINGS

There is wide recognition and agreement among scholars and development practitioners that education represents one of the most important elements in achieving gender equality in all spheres of life. The labor force in BiH is still characterized by significant differences in education achievement between men and women. This holds particularly true for the older age cohorts and the population in rural areas.

FINDINGS

Here we first look at the working age population of BiH (15-64), consisting of employed, unemployed and inactive persons, in accordance with the Labor Force Survey standards, to identify the gender gaps in education.

Working age women have lower educational attainment levels than men in BiH. 39.5 percent of working age population in BiH has only primary education, 51 percent has secondary or specialized education, and 9.5 percent has higher education. A considerably higher proportion of women than men have only a primary education (49 percent compared to 29 percent), with a similar achievement gap in favor of men present in secondary education (60.9 percent compared to 41.7 percent). The gender gap in higher education is considerably smaller, at only one percentage point in favor of men. The FBiH has the largest gender gap (over 20 percentage points) for primary and secondary education – more women with only primary and fewer with secondary. In the RS and BDBiH, this gender gap is in the 16 percentage point range for primary and 14 percentage point range for secondary education, respectively (LFS, 2015).

Education achievements of working age women in the entities and the Brcko District are similar to BiH levels. In the FBiH and RS, almost 50 percent of working age women have only a primary education and 41 percent and 44 percent, respectively, have a secondary education. The FBiH has the highest ratio of women with higher education (9.7 percent) and the RS, the lowest (7.7 percent). The BDBiH has the highest ratio of women with only primary education (57.3 percent) and the lowest with secondary and tertiary (34.9 percent and 7.8 percent, respectively) (LFS, 2015: Graphs 6.1-6.3).

By contrast, in the labor force (employed + unemployed), there is a significantly higher percentage of women than men with a university education (20.7 percent of women and 12.3 percent of men), **while it is the opposite for secondary education (60.4 percent of women and 70.7 percent of men)** (LFS, 2015: Graph 7).

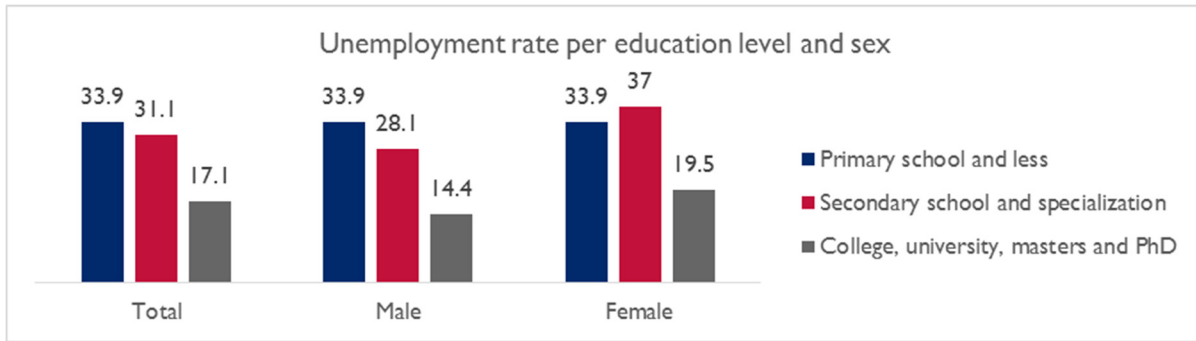


Figure 21. Unemployment rate per education level and sex, LFS, 2015

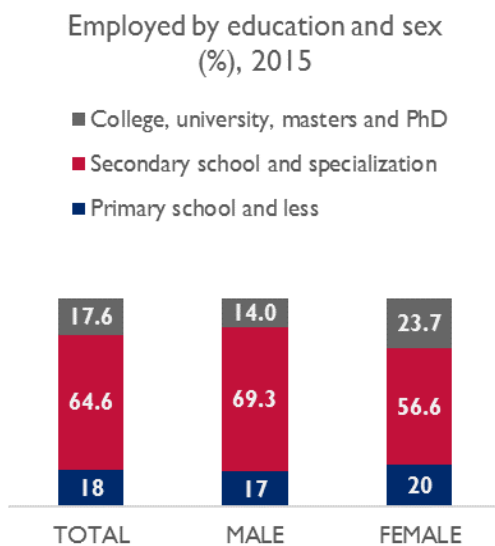


Figure 20. Employed by education and sex, LFS 2015

On average, a greater percentage of employed women than men have a higher education. Figure 20 shows the education achievement of the employed population. Women with higher education account for a quarter of all employed women, compared to one in seven men. This finding is relevant for the discussion on the gender wage gap which follows. At the same time, a greater percentage of women than men has only a primary education (three percentage point difference).

Considering educational achievement and unemployment rates, except for primary education, women with secondary and university educations are also more likely to be unemployed than men with the same education. Figure 21 shows unemployment rates for men and women with primary, secondary and tertiary education. We see that among those with secondary

education, women tend to be more often unemployed with a gender gap of nine percentage points. For university-educated women, the situation is slightly more favorable – the gender gap in favor of men is five percentage points (LFS, 2015, calculations). For emphasis, note these figures do not account for men and women who are inactive.

Men with higher education are less likely to be employed than women and more likely to be inactive. Figure 22 shows how many highly educated men and women of working age are likely to be employed, unemployed and inactive. This presentation differs from the figures usually presented in the LFS, which provides employment and activity rates relative to the working age population, but the unemployment rates relative to the labor force. 58 percent of men with higher education are employed, compared to 62 percent of women with higher education. Men with higher education are more likely to be inactive than women by nine percentage points. **However, women with higher education are more likely to be unemployed than men by five percentage points.** One in six highly educated women is unemployed compared to one in ten men. Further analysis is required to identify which specific age or occupation groups account for the largest share of inactive men with higher education, and which specific groups of women with higher education are more likely to be unemployed. These findings confirm

that higher education attainment for women improves their participation in the labor market and chances of employment.

Comparing the labor force (employed + unemployed) in the entities and BDBiH, we found that the FBiH has the best educated female labor force. In the FBiH, 23.4 percent of women in the workforce have higher education, compared to 19.1 percent in the BDBiH, and 16.5 percent in the RS. The FBiH also has the lowest percent of workforce with primary education (16.5 percent). The FBiH and RS have almost equal proportions of workforce with a secondary education, 60.1 percent and 61.2 percent, respectively. The BDBiH has the highest percent of women with primary education (26.9 percent) and the lowest with secondary education (54 percent) (LFS, 2015: Graphs 7.1 – 7.3). **Looking at employed women only (LFS, 2015: Graphs 8.1-8.3), over half of them have a secondary education.** The FBiH and BDBiH have the highest percent of employed women with higher education (27.9 percent and 26.6 percent, respectively). In the RS, 17.3 percent of employed women have higher education. The RS also has the highest percent of employed women with only a primary education (25 percent) and the FBiH has the lowest (16.2 percent). **Women with secondary education also account for the highest percentage of unemployed women - 70.3 percent in the RS, 68.6 percent in the FBiH, and 50.6 percent in the BDBiH.** The BDBiH stands out with 43.6 percent of unemployed women with primary education, compared to considerably lower rates of 15.2 percent in the RS, and 17.3 percent in the FBiH.

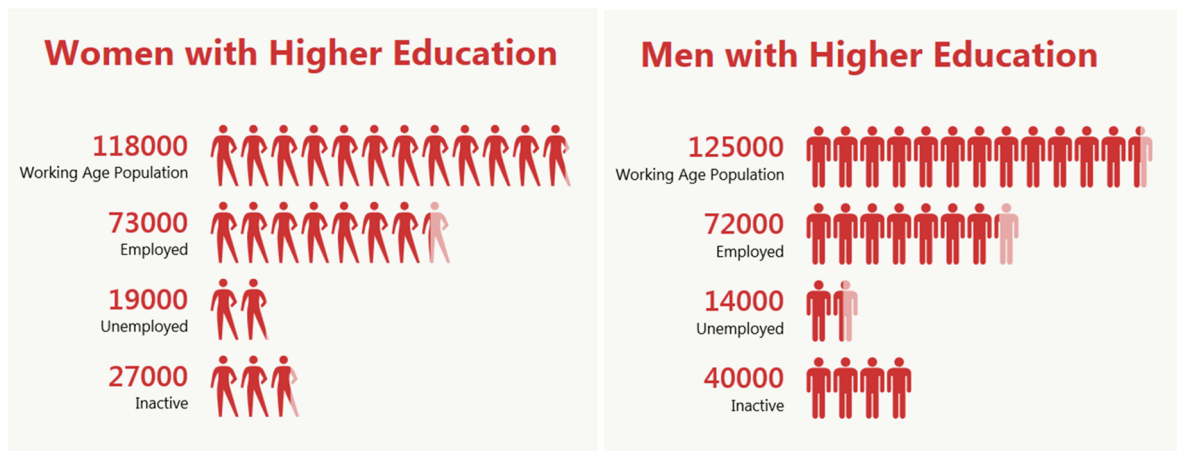


Figure 22. Women and men with higher education, LFS 2015

Women’s and men’s choices in education have an impact on their earnings later in life. The “World Bank study on Bosnia and Herzegovina: Gender Disparities in Endowments, Access to Economic Opportunities and Agency” is, for the time being, the most current and relevant source of information on the gender wage gap. **Their estimates show that the hourly-wage gap for the population 16-64 years of age working for salaries or wages, is nine percent.** This means that the difference between men’s and women’s average hourly wage is nine percent of the men’s wage. The gap varies across education levels and age groups, but is always in favor of men, with the exception of the 15-24 and 55-64 age groups (WB, 2015: p. 52, based on LFS, 2013). When controlled for factors such as age, industry, occupation, gender and education, the latter being the main difference in observable characteristics between men and women, the wage gap persists (WB, 2015: p. 53).

There is clear evidence that gender norms translate into preferences and choices when it comes to the fields of study chosen by male and female students. In a number of instances, these choices have led to a ‘gender divide’ and occupational segregation, creating ‘feminization of professions.’ Overall, these feminized professions are characterized by lower salaries and, consequently, translate into lower lifetime earnings and social benefits. Lower paid ‘women’s’ jobs exist in both public and private sectors and in the informal economy. Sectors primarily associated with lower earnings include education, health, culture, and agriculture.

According to the 2011 BiH Household Budget Survey, fewer men than women study in the fields of general education (eight percent compared to 13 for women), social sciences, business, law (10 percent compared to 23 percent), and services (17 percent compared to 25 percent). By contrast, 54 percent of men studied engineering and construction, compared to only 19 percent of women (VWB 2015: p. 27).

In the 2013/14 academic year, there was a greater than 60 percent female majority in the following university departments in the FBiH (from highest to lowest): pedagogy (92%); pharmacy, special education, social sciences (80+%); philosophy, humanities, natural sciences and mathematics (70+%); medicine/health/dentistry, law, economics, public administration, agriculture, media and communications, chemical engineering, and surprisingly, metallurgy (60+%). The areas of study with the highest male enrollment included: ICT, religious studies (Islam/Catholicism), mechanical engineering (80+ %); business studies (70+ %); geology, security studies, forestry, electrical engineering (60+ %) (Women and Men in BiH, 2014).

Several interviewees noted that **increasingly, women are more open to enroll in fields historically dominated by men, especially in ICT, since chances of employment are considerably higher in these sectors.** At the same time, 56 percent of young women and men still prefer to find employment in the public sector (Carsimamovic Vukotic, Zhang, USAID/MEASURE-BiH, 2016).

Women dominate employment in the pre-university level education sector. In the 2013/2014 academic year, women accounted for 98 percent of employees in pre-school institutions; for 71 percent of employed in elementary schools; and for 58 percent employed in secondary schools (Women and Men, 2014).

More information on education is available in sub-section 4.3, Structure, Policies and Trends in Education.

RECOMMENDATIONS

Consider supporting adult training initiatives which would specifically target women with only a primary education, among other vulnerable groups, especially in the BDBiH and rural areas of the RS and FBiH.

Encourage the establishment of student career counseling centers at secondary schools and universities that could provide gender-sensitive timely information on employment trends in different economic sectors.

3.5 PROPERTY OWNERSHIP AND ACCESS TO FINANCE

Although in legal terms, women have equal rights as men to own property, in practice, women own far smaller share of land and other property than men in BiH. Both men and women face greater challenges in accessing loans as a consequence of the economic crisis, but the financial exclusion of women is still

striking in BiH, with considerably fewer women having a bank account or formal savings than men. There is also a difference in the purpose of loans, with more women borrowing for education, health, and other immediate needs and men borrowing for business.

FINDINGS

Women and men have equal legal rights to property ownership, management, and use, as well as equal legal status in relation to access to financing and services (WB, Women, Business and the Law, 2016: p. 94). **However, local traditions and customs persist in giving preference to men.** Women are known to ‘voluntarily’ cede their right to a male relative or simply are not included in the deeds for land or housing (Interviews). Nationally, men account for over 70 percent of landownership and own 74 percent of dwellings. Women own 15 percent of all homes in 76 percent of female-headed households. Ten percent of dwellings has joint ownership (WB 2015: p. 79). Women hold joint ownership in 11 percent of man-headed households but only five percent of men have joint ownership in female-headed households. One possible explanation is that female-headed households are more likely to include women without partners. Across political entities, women own 16 percent of dwellings in the RS and BDBiH and 14 percent in the F BiH. However, the F BiH has the highest joint ownership – 13 percent compared to three percent in the RS and one percent in the BD (2011 BiH Household Budget Survey, in WB 2015, pp. 34-35).

There is considerable difference in dwelling ownership among men and women in urban and rural settings. Men own 80 percent of dwellings in rural areas and 66 percent in urban settings. For women, the trend is reversed – dwelling ownership among urban women is higher at 19 percent compared with 12 percent for rural areas. The same holds true in cases of joint ownership – 13 percent in urban settings and 8 percent in rural (WB, 2015: p. 79). Among land owners, 70 percent are men (WB, 2015: p. 8).

While only approximately 16 percent of women are heads of household, more non-poor than poor women are heads of households. In the top 60th percentile of the income category, women account for 17.8 percent of heads of household compared to 13.2 percent in the bottom 40th percentile category (WB, 2015: p. 14). More women are heads of household in urban settings (20 percent) compared to rural areas (13 percent). One explanation for this is that more income generation opportunities are available in urban areas than in rural and, consequently, women who are not able to support themselves and their families may not have an alternative option and choose to remain with their husbands (interviews). An additional likely factor is greater prevalence of traditional socio-cultural gender norms that support male ownership in rural areas. The share of households headed by women is similar in the three political entities: F BiH – 15 percent; RS – 17 percent; BDBiH – 16 percent (WB 2015, p. 68).

Level of financial inclusion in BiH is similar to the Europe and Eurasia (E&E) average but lags considerably behind upper-middle income countries. Financial inclusion has been broadly recognized as a central factor for promoting broad economic development and reducing poverty. According to 2014 FINDEX data, 53 percent of the BiH population had an account at a financial institution. This is slightly higher than the E&E average of 51 percent but considerably below upper-middle income countries at 71 percent. The percentage of account holders has declined by three percentage points in comparison with 2011, with a similar trend in E&E and upper-middle income countries. In 2014, 34 percent of the population in the 15-24 age group had an account, compared to 36 percent in E&E and 58 percent in upper-middle income countries. The rural population in BiH has higher ratios of access to a financial

institution than in E&E – 52 percent compared with 46 percent. However, this falls considerably below the 69 percent in upper-middle income countries.

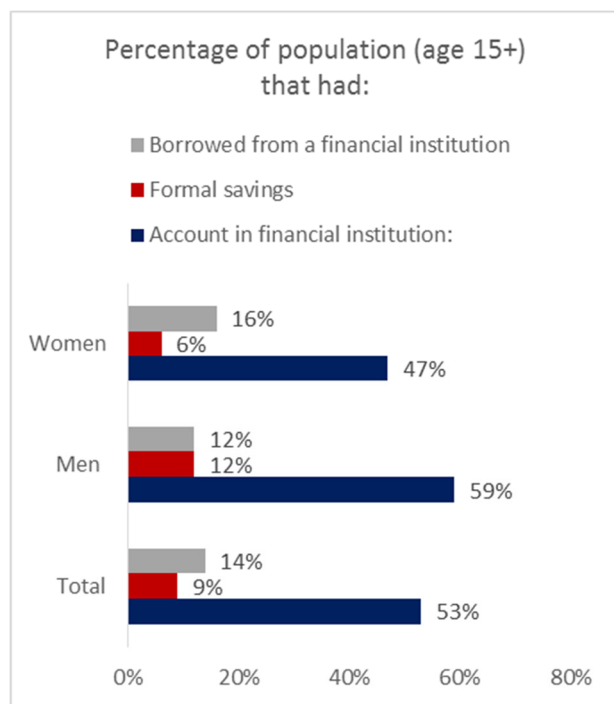


Figure 23. Financial inclusion indicators, FINDEX 2014

A considerable financial gender gap still exists in BiH. Only 47 percent of women have an account at a financial institution, compared to 59 percent of men. However, in comparison with 2011, the decline in the number of accounts among women was only one percentage point, compared to eight percentage points for men. While still low, men have higher ratios of savings than women – 12 percent compared to six percent. And women have slightly higher rates of borrowing than men – 16 percent of women compared to 12 percent of men borrowed money from financial institutions, as shown in Figure 23. Nationally, financial institutions are sources for 14 percent of loans, and 7 percent come from family and/or friends. Looking at all sources of funding as a group, 27.5 percent of women borrowed money in the past year, compared to 22.6 percent of men (FINDEX, 2014). Other sources of finance include informal lenders, family and friends, shops, and employers.

Women and men borrow for different purposes. According to FINDEX, women tend to borrow more for education or school fees (2.1 percent compared to 1 percent of men), health (4.5 compared to 3.6 percent of men) and other immediate needs, while men borrow more in order to start, operate, or expand a farm or business (2.7 percent of men compared to 2 percent of women (FINDEX, 2014). The World Bank (WB) approach to financial inclusion relies on three main dimensions: holding an account, formal savings and formal borrowing. This data is available sex-disaggregated, as well as per rural/urban, age group, and education categories within the Databank of the WB (datatopics.worldbank.org/financialinclusion/country/bosnia-and-herzegovina)

In addition to examining borrowing trends, including loan amounts, it is also instructive to pay attention to data on loan repayment. While such information is not available for the 2011-2015 period, international studies suggest that women have a better track record in repaying loans (Goodman, 2016 while earlier studies indicate that women also tend to borrow smaller amounts than men (see below).

While women as a group still face several challenges in accessing credit and especially business loans, it is important to differentiate between first-time borrowers and those who already have a business. The global economic crisis of 2008 made it more difficult for everyone to borrow due to stricter lending rules established by banks which, consequently in some cases, made loan amounts smaller for both men and women. Women, and particularly first-time borrowers, would be more likely to encounter difficulties related to either lack of or insufficient collateral because most of the land and dwellings are owned by men. The 2008 IFC study notes that amounts of loans secured by women entrepreneurs were more likely to be smaller than those obtained by men (WB 20215, p. 33). At the

same time, it is important to distinguish between first-time borrowers or those who have micro-businesses and small or medium size businesses with well-established management and financial systems. From the perspective of a lending institution, the most pertinent information for approving a loan would be a well-documented business and financial records, profits, and equity rather than the sex of the owner (Interviews).

RECOMMENDATIONS

In business development interventions with direct beneficiaries, consider assistance conditioning and/or supporting the inclusion of women in land and property ownership documentation where ownership documentation does not reflect the legal rights and actual contribution of women.

Support initiatives which improve financial awareness and education of the population in rural areas, but include a tailored approach to women in rural areas, in order to compensate for the shortage of information and lower education levels.

In activities that focus on support for and/or expansion of female (and male) entrepreneurship, explore opportunities for establishing or supporting intermediary services that link the beneficiaries with banks. Such services could provide technical assistance in loan preparation as well as screen potential candidates for the banks.

3.6 WOMEN IN RURAL AREAS

The disadvantaged position of women in rural areas, compared to women in urban areas, and men in general, is reflected through lower education and formal employment rates, as well as more difficult access to services. Inadvertently, gender-blind interventions which aim to increase the competitiveness of certain sectors or clusters may in fact exacerbate the gap. For example, even if agricultural households are better off after an intervention, women in rural areas may end up even more financially dependent on their male family members, because of increased unpaid labor, which leaves them with even less time to dedicate to formal training and employment.

FINDINGS

The agricultural sector employs slightly more men than women – 18.5 percent and 16.8 percent, respectively. For women, this represents a 2.4 percentage point decline since 2013. **The RS has the highest percentage of their workforce employed in agriculture and the highest percentage of women in the sector.** Twenty-nine percent of the workforce are in this sector in the RS, compared to 24.6 percent in the BDBiH, and 10.6 percent in the FBiH. Also in the RS, 28 percent of women are employed in agriculture, compared to 18 percent in the BDBiH, and 9.1 percent in the FBiH.

Men and women tend to engage in different types of farm-related activities. Women more often are engaged in lower levels of agricultural activity, own smaller business, and are more likely to be engaged in more local and informal markets. By contrast, men are engaged in a wider spectrum of activities, have different levels of ownership and are more likely to be engaged in larger, formal markets. Farm activities performed almost exclusively by women include milking, picking fruit, and activities that require greater precision. Men tend to engage in contract labor, operation/use of machinery, transport of goods, marketing, and negotiating contracts (FARMA II Validation Workshop; Oxfam meeting).

In the RS, women in rural areas have very few (if any) opportunities for non-work or house social interaction. In preparation for developing a new strategic program for agricultural development by 2020, the RS Ministry of Agriculture conducted a detailed analysis of the situation in rural areas, administering 800 surveys to agricultural households. One issue raised by women that stood out and came as a surprise was the lack of and need for opportunities, services, and activities, for women to engage in socially. There are very few associations or activity groups that coalesce around different interests. This was surprising given the assumptions that in the age of global communication, even in rural settings, women would have more access to such activities. This finding provides additional validation to the existence of still-deep social gender stereotypes that restrict women's involvement outside of household and family. In response to this finding, the new agricultural development plan in the RS includes strong emphasis on addressing this issue. Engagement in this area is a continuity of the 2010 rural development strategy and the RS Action Plan for the Advancement of the Position of Women in Rural Areas. The biggest limitation is lack of resources to address all needs (RS MoA interview).

Women (and men) in less developed and poorer municipalities face greater challenges than women living in more developed areas. For example, in the northern part of the RS, the socio-economic position of women is considerably better than in East Herzegovina (RS Ministry of Agriculture, interview). More women are co-owners of land and houses, while in the more culturally traditional southern part, female ownership is negligible. Similar differentiation exists in terms of access to public services, especially to healthcare, due to distance from relevant services and inadequate transportation. In the FBiH, issues of access to services and gender norms which, in practice, lead to an unfavorable position of women compared with men, are particularly important in mountain areas, and often exacerbated by natural disasters, such as the devastating landslides of 2014.

The greatest obstacles to broader gender development and empowerment in rural areas faced by women are related to property rights, access to public services, finance, training, advisory services and mentorship, and limited time to engage in outside activities. [Ibid, FARMA II validation workshop; Oxfam meeting). Only 12 percent of rural women own their dwellings compared to 80 percent of men and only eight percent of women have joint ownership, compared to 13 percent of urban women (WB 2015, p. 79). This likely holds true for other types of property, such as land, farm equipment, inheritance, and financial means (bank accounts, etc.). With absent support from a husband or other family members, this imbalance in property rights makes it practically impossible for women who would like to undertake new entrepreneurial activity to secure credit at reasonable rates. However, the situation seems to be improving among the younger women in terms of asset inheritance, co-ownership of land and dwellings, and increased decision-making (RS MoA interview).

Women in rural areas have lower levels of employment and self-employment than women in urban areas. The UNDP 2013 report called, "Rural Development in Bosnia and Herzegovina, Myth and Reality," indicates that self-employment rates and employment rates are lower for women in rural areas (UNDP, 2013: p. 80). A World Bank analysis of the LFS data also confirms that the women's inactivity rate in rural areas is much higher than in urban (WB, 2015: p. 80).

Limited opportunities for employment and self-employment are perpetuated by low levels of understanding of such possibilities, which is linked to inadequate (or non-existent) opportunities for information and training. As part of the preparations for the new RS agricultural strategy, the RS Ministry of Agriculture undertook an agricultural household survey with tailored questions

for women in the households. Eighty percent of female respondents said that they never took part in educational or training activities about business (Interview and unpublished findings). It is reasonable to assume that the situation is probably not much different in the FBiH, but this kind of information is currently not available.

Rural women have overall lower levels of education than women in urban areas, as well as limited facility with and access to the Internet. This limits their knowledge about what training opportunities might exist. In those instances that the services are available, women may not be able to access them because of the distance from their homes, times they are being offered, and the limited time they have for such activities because of their household responsibilities.

Lack of affordable childcare and pre-schools in rural and smaller settlements is one of the central obstacles to women's participation in trainings, entrepreneurial activities, and consequently, employment. The Multiple Indicator Cluster Survey (MICS) showed that 25 percent of first-graders in urban areas attended preschool, compared to 13 percent from rural areas (UNICEF, 2013: p.xix), and 22.8 percent of urban children aged 36-59 months attended early childhood education compared to 7.9 percent of rural children (UNICEF, 2013: p. 76). Part of the reason for such a rural-urban gap may be the difference in awareness of the importance of pre-school education, or the fact that the level of the mother's education impacts how she views children's needs during the child's formative years. However, a portion of the difference can likely be attributed to inadequate availability of accessible and affordable childcare and pre-school education facilities in the rural areas.

Strategically targeted legal and financial incentives are effective mechanisms for increasing women's farm ownership. As confirmed in interviews and in the draft "RS Agricultural and Rural Development Strategic Plan" (2016-2020), the RS government already started providing higher agricultural incentives to individuals under 40 who have formal agriculture-related education with an additional 10 percentage points on top of the standard 30 percent of production or investment costs. This approach has proven successful in increasing ownership for the under-40 age group and the RS government plans to provide additional incentives (five percentage points) to agricultural households led by women (RS Government, 2016: p. 120). Since 2013, the provision of agricultural incentives has been linked to a requirement of formal registration of the agricultural household with the agricultural registry and making social benefits payments for the leader of the agricultural household. Since in a portion of agricultural households men have regular employment, and women are often formally unemployed, it was cheaper to register women as the owners of a small agricultural business. These measures led to increased transfer of ownership (of officially registered farms) to women by approximately 10 percentage points, since 2013. Currently, 14 percent of registered farms in the RS are owned by women. However, a lesson from a similar intervention in Macedonia, cautions that it is important to be aware that such transfer in ownership is not just a formality, in which case it would not significantly change the economic position of women. Despite such possibilities, there is initial evidence that an improved standard of living contributes to changes in traditional attitudes and leads to greater female empowerment (interview RS MoA). A correlated benefit of such ownership for women is the legal requirement of making social and health contributions which will provide pension benefits. Since most women are unemployed or economically inactive, the level of social contributions would be lower (an additional incentive for transferring ownership).

Women in rural areas have limited access to appropriate information and services. There is a very limited number of women associations and cooperatives which exacerbates the lack of access to relevant information and services. This undermines opportunities for women to engage, learn, and share information on more equal footing. Prevailing patriarchal/conservative social norms are not conducive to women's participation in associations with predominantly male membership. This is particularly true for women who are at the stage of considering entrepreneurial activity or who are engaged in micro-activity. Even women who are owners or co-owners of larger agricultural production firms face gender stereotypes in the market and often decide to include a husband or a male relative during business discussions (FARMA II validation workshop). Depending on their level of education, rural women may need a different type of training, especially in the initial stages, as well as different methods of delivery (levels of difficulty, electronic or paper-based). To address this need, in 2010, the RS National Assembly adopted a plan, "Action Plan for Advancement of Position of Women in Rural Areas." Through this plan, the Ministry of Agriculture started providing advisory services, professional training, and financial support in agriculture. They do this through the agricultural services system in the municipalities, where they target all agricultural producers, but have a tailored approach to women in agribusiness.

Women's participation in agricultural activities and decision-making varies by regions. Regional differences are along the levels of economic development, with less developed areas/municipalities showing lower levels of participation in agricultural activities and decision-making. Women noted that lack of adequate financial assets as well as under-developed market channels are the greatest obstacles to increasing levels of economic activity (Interviews?).

RECOMMENDATIONS

In interventions focusing on agriculture, services, and industries, include disadvantaged geographic pockets of the country where it is more important to generate economic activity in order to achieve inclusive economic growth.

Build the capacity of associations, especially women's associations, and support establishment or advancement of agricultural extension services (such as those in the RS) to deliver training and mentorship for women. Explore the possibility of establishing mobile service units to address distance and time constraints. In addition to skills specific to business and technical areas, provide training on soft skills, including negotiation skills and how to apply for grants.

Explore opportunities to support women entrepreneurs in opening affordable child care facilities where such family support is scarce. This would not only increase entrepreneurship among women but would also allow other women to continue or return to work sooner.

Support women's engagement in existing or establishing new agricultural cooperatives in rural areas.

Support establishing clusters of activities where women form the majority workforce.

Support networking forums at the local, municipal, and regional levels to increase opportunities for rural women to learn and share information.

4. RECONCILIATION, SOCIAL INCLUSION AND COHESION

This section covers policies, practices and status of men and women, wherever such data is available, in relation to social inclusion, cohesion, and reconciliation.

As a preface to this section, it must be noted that both men and women suffered the consequences of the wars of the 1990s. Genocide and war crimes, migration and exchange of population, and massive dispossession, created the level of grief and grievances which, if not processed at the societal level, have the potential of laying a basis for a new conflict. For example, a portion of the population in BiH, though the estimates are not available, experienced forced migration twice in a decade. Such are the refugees from Croatia, some of whom first fled to Kosovo, only to take refuge in BiH after the 1999 conflict. At the same time, other parts of the population were decimated in certain geographic areas. More than twenty years after the BiH war, in this perpetuating interplay between nationalism and attempts to reconcile the past of Serbs, Bosniaks and Croats, the problems these groups face, especially the groups that ethnically do not identify with any of the three constituent peoples, are far from the center of attention. Not all women are marginalized, but most Roma women face discrimination and hardship on multiple levels – as women and as Roma women. In certain areas, most minority returnees are in a more difficult position than the ethnic majorities, but returnee women face additional challenges. Without attempting to touch upon all human rights issues, yet inevitably needing to touch upon a few, this section provides insight into the most striking findings in relation to gender equality.

4.1 RECONCILIATION AND RESPECT FOR DIVERSITY

In this sub-section, we used interviews, surveys and reports to explore gender differences in the propensity for reconciliation, in attitudes towards the other sex and toward other groups in the society.

On the topic of reconciliation, women engaged in civil society activities have the potential for leading the interethnic reconciliation, but it is men who drive the pace through their predominance in political parties, religious communities, and media space. Studies and surveys on reconciliation are inconclusive on gender differences in propensity for reconciliation and interethnic trust on an individual basis, among ordinary citizens. When it comes to tolerance and respect for diversity, women are slightly more in favor of women's equal rights to employment and running for office than men, but many women still have reservations towards specific examples of equality. Women are also slightly more in favor of rights for same-sex couples. However, the level of acceptance of same sex couples is so low that it is difficult to talk about either sex being tolerant in that respect. A group that deserves special attention in terms tolerance and respect for diversity are young men and women who demonstrate more extreme attitudes than men and women in general.

FINDINGS

The reconciliation process has been slow and plagued by numerous setbacks. Key informants note that the whole process is 'held hostage' by the ruling elites, who, rather than promoting understanding, incite inter-ethnic tension in order to advance their nationalistic political goals. Under these circumstances, the propensity for reconciliation declines. Interviewees also observed that the levels of inter-ethnic understanding are lower now than at the beginning of the hostilities almost 25 years ago.

The reconciliation processes run simultaneously at top and bottom levels. At the top the process at the International Criminal Tribunal for the former Yugoslavia (ICTY). The main purpose of the ICTY is to prosecute individuals responsible for genocide, crimes against humanity, and violations of the Geneva conventions and laws and customs of war. Additionally, victims expected the ICTY to bring justice and truth which, in turn, would enable the processes of reconciliation. On the ICTY website, the Court identifies itself as a mechanism of justice and reconciliation. However, many voice their concern that ICTY is in a position to deliver on this promise, based on its 22 years of operating and issuing indictments. The process to establish links between justice and reconciliation have been continuously challenged by Bosniaks, Serbs, and Croats throughout the ICTY's existence.

At the bottom level, there are numerous initiatives dealing with these processes led by NGOs and, to some degree, religious communities. The interviewees underscored that these activities do not have support from the decision makers and, consequently, are predestined for limited results and often for complete failures. For example, the initiative *Mir sa zenskim licem [Peace with a Female Face]*, a NGO network consisting of 12 women organizations (6 from FBiH and 6 from RS) submitted a motion to the BiH PA for establishing the Women Victims of War Memorial Day. The initiative failed due to lack of support and understanding by parliamentarians.

Several interviewees noted that the media plays a key role in the reconciliation process, but that various media outlets have seriously undermined key processes aimed at reconciliation. The interviewees stated that media reporting is not contributing to interethnic understanding and, in fact, is acting as an agent for the rise of interethnic tensions. Digital media is an expanding platform for reconciliation, including increasing number of women using Information and Communication Technologies (ICT) and the freedom of expression to contribute toward reconciliation. This is particularly important because 'new faces are needed, [...], to lead the way' (Interviews). At the same time, online media is also a space for gruesome display of interethnic hatred.

All key informants who were asked about reconciliation noted that religious communities have a very important role to play in this process. There are numerous advantages that can be gained by intensifying involvement of religious leaders and communities in the reconciliation process. However, the limitation here is that these processes are also led by men because the three religious denominations do not include women in main religious roles. Despite that fact, local inter-religious chapters are being strengthened and invigorated through greater involvement of women. For example, recently women have assumed positions of the General Secretaries of Inter-religious chapters in local communities in Zepce, Livno and Trebinje.

Women NGOs, and women working in NGOs are recognized as the most active participants in the reconciliation processes (Interviews). Several key informants noted that 'women are more ready for reconciliation, but the power is in hands of men'. However, they concur that the grassroots approach is not enough and that the NGO sector and women participating in reconciliation activities need to be more involved at higher levels of government and politics. In this way, women would actually become decision-makers, and if significant improvement in this area could be achieved. As it stands now, women are engaged as experts on the topic, while it is men who hold decision-making power.

The propensity for reconciliation is relatively high in BiH for all ethnic groups, as evidenced from the results of the Social Cohesion and Reconciliation Index (SCORE) for Bosnia and Herzegovina (SeeD/USAID, 2016). The key informants' observations that women have higher

propensity for reconciliation than men was confirmed in SCORE, except in the case of Bosniak women, who scored lower on propensity for reconciliation towards Serbs than Bosniak men (analysis based on SCORE online tool, 2016). The table below shows the reconciliation scores for men and women from one ethnic community (first column) toward other main ethnic communities (second, third and fourth column), on a scale of 1 to 10, where 10 is the highest level. The difference between Bosniak men and women is also much smaller than between men and women of other two ethnicities. In order to better understand and interpret this observation, more qualitative research is required.

Propensity for Reconciliation	Towards Bosniaks	Towards Croats	Towards Serbs
Bosniak respondents		M 7.0; W 7.1	M 7.1; W 7.0
Croat respondents	M 7.6; W 8.0		M 7.4; W 7.6
Serb respondents	M 6.7; W 6.9	M 6.8; W 7.0	

Table 2. Gender differences in interethnic reconciliation between three main ethnic groups in BiH, SCORE 2015

Although SCORE found high levels of propensity for reconciliation, different studies found that overall, levels of interethnic trust are declining, and women seem to have lower levels of trust than men toward other ethnicities (USAID MEASURE-BiH and PRO-Future, 2013 and 2015). The estimates in the figure below indicate that a larger share of men than women trust people of other ethnicities across all age groups in BiH, while the decline in trust also cuts across sexes and age groups.

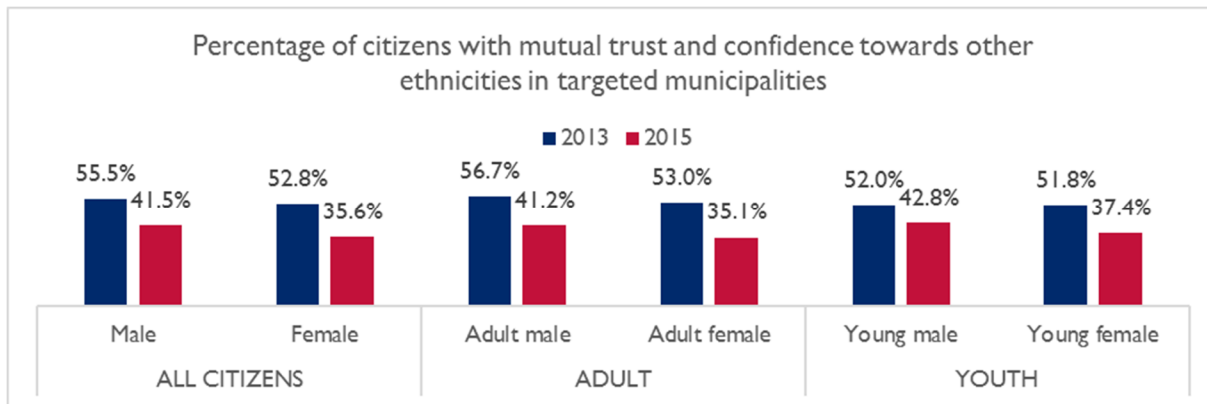


Figure 24. The levels of trust toward other ethnicities, 2013-2015, USAID MEASURE-BiH, PRO-Future survey

Interethnic trust is often considered one of the key elements of reconciliation. In the SCORE index this concept was explored through intergroup anxiety in hypothetical situations. It is unclear why these two different sources have produced contrary results – that women have higher reconciliation levels on the SCORE index than men, but lower interethnic trust on the USAID MEASURE-BiH PRO-Future survey. With inconclusive evidence, potential qualitative explanations of gender differences will not be provided here.

Reconciliation between ethnic groups is closely linked to a society’s level of tolerance toward different groups and respect for diversity amongst citizens, not only in surveys, but also in acts. The interviewees stated that the levels of tolerance and respect for diversity are very low, both for men and women. These

trends are especially true in cases of sexual minorities, and persons with mental and physical disabilities, as demonstrated in the NSCP.

Women and men nominally agree with the gender equality principle, but women a little

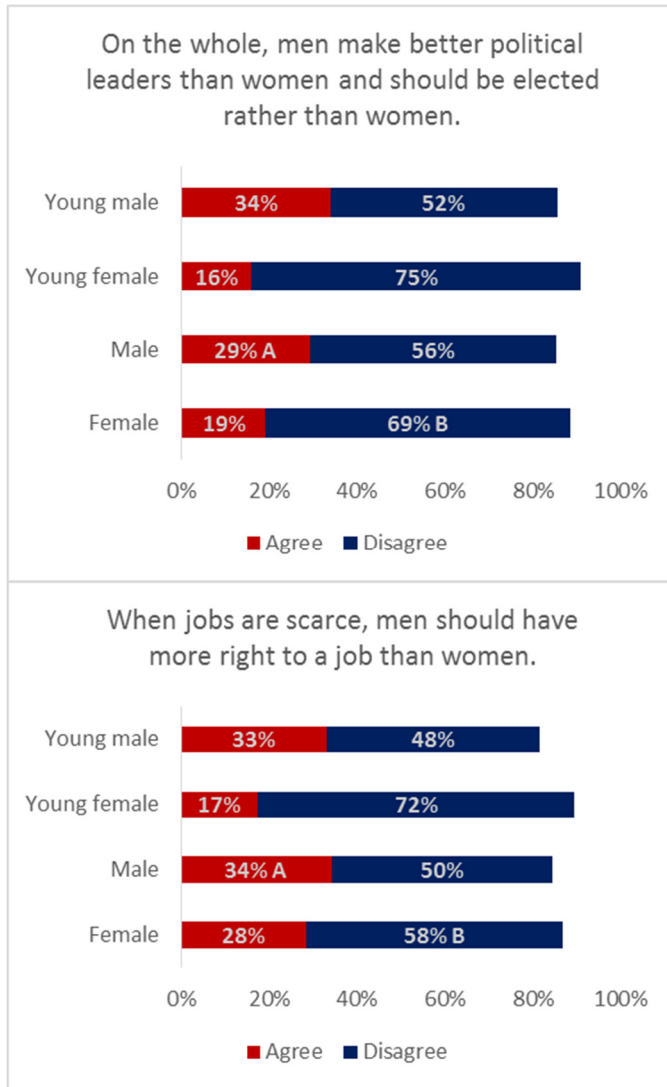


Figure 25. Estimates of attitudes on gender equality in specific rights, NSCP, 2015

more so. Ninety percent of respondents in the NSCP agree or strongly agree that men and women should have equal rights and receive equal treatment (97 percent of women, and 95 percent of men). However, when juxtaposing women’s rights to men’s rights in specific cases, respondents were not so confident in supporting gender equality. The NSCP specifically examined their attitudes regarding support for gender equality in running for office and in employment. Any differences identified between men and women in the overall sample are amplified in the youth group, including both positive and negative attitudes.

The NSCP survey estimates that around one-third of the population is in favor of equality in political life, but also that one-fifth of women do not see women as equal to men in the political life. Specifically, 29 percent of men responded that men are better political leaders, compared to 34 percent of young men. Despite the expectation that youth would be more progressive in this respect, young men seem to be less in favor of political equality than older men. Young women do, in fact, have more progressive attitudes than older women – 16 percent of young women agree with the statement that men make better political leaders, compared to 19 percent of women in the overall sample.

When it comes to equality in the job market, nearly one-third of men and women expressed negative attitudes toward gender equality. The NSCP estimates show that one-third of all men (34 percent), and one-third of male youth (33 percent) think that men should have more right to a job than women in the hiring process. Furthermore, 28 percent of women agree with them. Again, young women stand out in terms of progressive opinions, as only 17 percent agree with that statement.

These attitudes indicate the strong presence of stereotypes and prejudice among the population, especially among young men, about women as a weaker sex, whose activities should be outside the political or economic realm, and reserved for family life.

Reservations toward persons with mental disabilities’ right to work are rather high, especially among young men. Slightly more women (43 percent) than men (39 percent) believe that persons with mental disabilities should not work, despite the fact that their right to work is guaranteed in the “UN Convention on the Rights of Persons with Disabilities” (Figure 26). Young men stand out in this respect as the least open to the idea of people with mental disabilities being able to work. The level of prejudice against persons with physical disabilities is lower than towards those with mental disabilities – over two-thirds of the respondents believe that persons with physical disabilities should work. Again, younger men stand out in this respect, expressing greater reservations toward this idea. It should be noted though that the question treated all mental disabilities equally, where in essence, certain mental disabilities indeed make it harder for a person to work. The same is true for physical disabilities. Therefore, the results of the NSCP should be taken with reservation, as some of the respondents might have persons with 100 percent physical impairment in mind, while others might be thinking of more lower-level disability when answering this question.

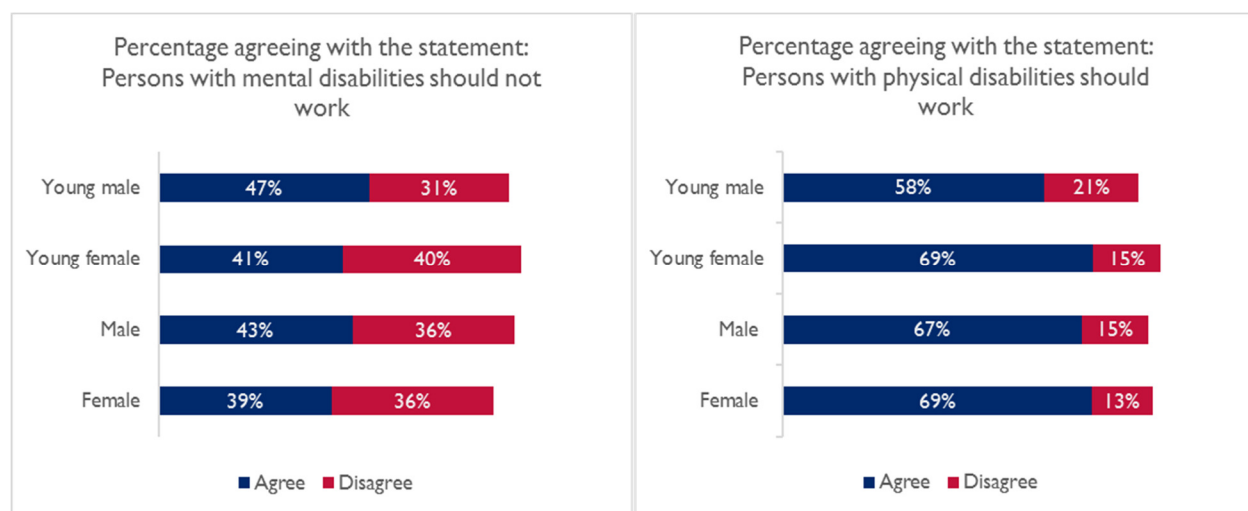


Figure 26. Gender differences in prejudice towards persons with disabilities, NSCP, 2015

Despite the fact that the overwhelming majority of the population is against same sex marriage, nine percent of women think that homosexual couples should have the right to marry, while only five percent of men concur with them (Figure 27). This statistic supports the statement that women tend to be more tolerant than men, considering that 50 percent more women than men are ready to grant the same right to marry to homosexual couples. A similar pattern can be observed in support of common law marriages for same-sex partners, where the proportion of women

that agrees is significantly larger than men. Women hold the same position on the adoption of children (Figure 27).

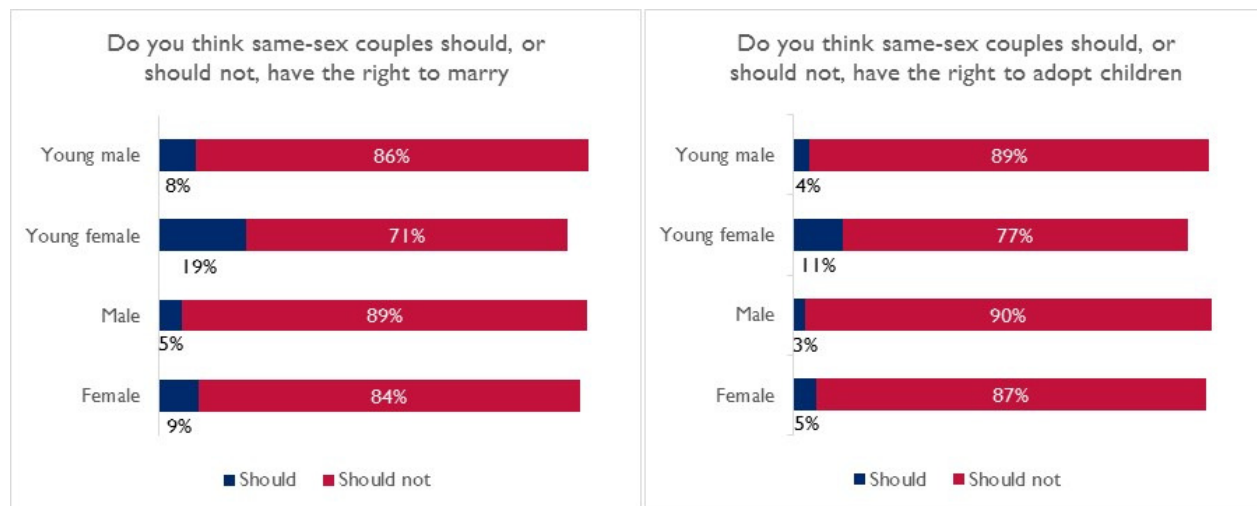


Figure 27. Gender differences in prejudice against homosexual couples, NSCP, 2015

Young women in BiH are more tolerant than young men toward the LGBT community/persons, although the overall level of tolerance of youth is very low. NSCP estimates indicate that only 19 percent of young women and eight percent of young men think that homosexual couples should have the right to marry. In fact, 77 percent of young women and 86 percent of young men believe that same-sex couples should not have the right to adopt children. The BiH Youth Study notes similar findings - 60 percent of men consider gay people to be totally unacceptable, while young women tend to be more tolerant, as they consider gay people either as fully acceptable or mostly acceptable (Ziga et al., p. 119).

The data and findings highlight that women are more open to diversity than men in general, and that young men are less open to diversity than other men or women. At least, this is the case in their attitudes on gender equality, rights of persons with disabilities, and same-sex couples.

RECOMMENDATIONS

Recruit male and female politicians as ‘champions’ of truth and reconciliation initiatives.

Produce another wave of the SCORE index for BiH, with more intentional identification of gender differences in indicators, followed by a qualitative study, including one on gender differences.

Pre-design gender analysis and mainstreaming in future reconciliation interventions.

Support development or introduction of school curriculums on tolerance and respect for diversity, e.g. ethics, healthy lifestyles, and develop special strategies to engage boys in such initiatives.

Work with selected male and female journalists on the topics of respect for diversity and interethnic reconciliation, and promote conventional, as well as unorthodox, non-biased reporting styles and formats, tailored to the preferences of youth and women in rural areas.

4.2 STRUCTURE, POLICIES AND TRENDS IN EDUCATION

This section lays out the structure, policies, and trends in education in BiH, in support of future USAID/BiH interventions in this area. For more detailed analysis of education, please see the “USAID MEASURE-BiH Brief Assessment of Basic Education in BiH” (USAID MEASURE-BiH, 2016).

In general, BiH has adequate laws and regulations in place to ensure gender equality in the education sector. The right to equal education is provided by the Constitution of BiH (part II.3 (L)) and the constitutions of the entities, and the Law on Gender Equality in BiH (Article 10). The Framework Law on Elementary and Secondary Education in BiH and the Framework Law on Pre-school Upbringing and Education in BiH provide a legal framework for education. These laws empower and require that education authorities in the FBiH (including those in cantons), RS and BDBiH, implement and respect the principles and norms defined by these laws (GAP 2013-2017).

The education system in the country is decentralized. The main decision-making authority in education lies within the Ministry of Education and Culture in the RS, the Department of Education in the BDBiH, and the 10 cantonal ministries in the FBiH. The state-level institutions - the Sector for Education of the Ministry of Civil Affairs (MoCA) and the Agency for Pre-primary, Primary and Secondary Education in BiH (APOSO) - and the FBiH Ministry of Education and Science play only a coordinating role. Under certain circumstances, decision-making competencies can be devolved from a canton to the municipal level. Such a decentralized structure makes it very difficult to have a joint and uniform approach to educational policies.

Primary education (eight or nine years) is mandatory, but secondary education is not (Framework Law on Primary and Secondary Education of BiH, BiHOG, 18/2003). Secondary education is mandatory only in one canton of the FBiH and BDBiH. The secondary level of education includes three different types of schools: (1) gymnasium, a four-year program that prepares students for tertiary education; (2) a four-year technical school that provides specialized training and prepares students either for employment, enrollment in non-university post-secondary vocational education, or higher education; and (3) a three-year vocational training program for specific professions, including crafts, which lead directly to employment, with an option to continue studying at higher levels by passing an additional examination. The main guiding documents for vocational secondary education are the *Framework Law on Vocational and Educational Training* (2008) and the (now expired) *Vocational Education and Training Development Strategy for 2007–2013*. A new State-level Vocational Education and Training Strategy for 2015–2020 is being developed.

FINDINGS

Bosnia and Herzegovina has the lowest gross enrollment rates in primary education levels in comparison with the former constituent members of the Socialist Federal Republic of Yugoslavia (SFRY). At 76.4 percent in the 2014/15 school year, Gross enrollment rates in BiH are 18 percentage points lower than the regional average of 94.4 percent for the former constituent members of SFRY (Croatia, Montenegro, Serbia, and Macedonia, excluding Kosovo). They have even declined by almost 20 percentage points compared to the 2005/6 school year. The participation rate of girls is almost on par with boys, at 48.7 percent and is similar to the other counties in the region (Former Yugoslavia). (TransMonEE, 2016)

Enrollment at the upper secondary level (all types of schools) are also the lowest and below the regional average. Bosnia's upper secondary enrollment has seen a slight decrease since the 2005/6 academic year from 73.1 percent to 69.5 percent in 2014/15. They are significantly below the regional average of 84.3 percent. Participation of girls at this level is 49.9 percent and on par with the regional average (TransMonEE, 2016).

There is a gender differentiation in enrollment at the secondary level based on the type of school. Enrollment in the four-year technical schools are almost equal, with a slightly higher percent of girls than boys. Also, more girls are enrolled in general secondary schools (gimnazija/gymnasium). Gender differences in enrollment are the highest in vocational schools where boys account for about 70 percent of enrolled students (Women and Men in BiH 2015).

Young men are more likely to leave education early. According to Eurostat, in 2014, the percentage of early school-leavers in BiH was 20 percent for women and 30 percent for men. This is an alarming statistic, and what is of even greater concern is that this represents an improvement from 2006 when the levels of early leavers were 38 percent for girls and 49 percent for boys (Eurostat, 2015). There are a couple of possible explanations for this trend – cultural norms of lower expectations in terms of educational achievement associated with boys (Interviews), or greater competition for young women to find employment with the same educational levels as men.

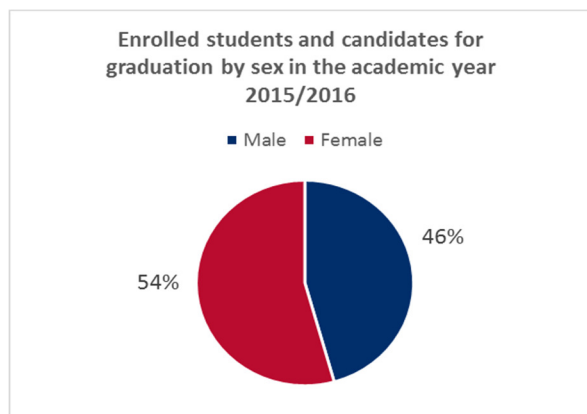


Figure 28. Enrolled students and candidates for graduation by sex in the academic year 2015/2016. Source: BiH Statistics Agency, 2016

In 2014, more women than men were enrolled at institutions of higher education but compared with 2010, enrollments have declined. In 2014, women accounted for 57.5 percent of university students which represents a 4.3 percentage point decline compared with 2010. In absolute numbers, 1,489 fewer women were enrolled, compared to 337 men (Women and Men in BiH, 2015). **Women continue to enroll in higher numbers in institutions of higher education.** According to the 2016 data from the Agency for Statistics of BiH, for the academic year 2015/2016, eight percent more women than men were pursuing higher education (BHAS First Release, 2016: p. 17).²

At the graduate level (Master's), women accounted for 59.5 percent of students and enrollment by women and men saw large increases in 2014 compared with 2010 – a 397 percent increase for women and 219 percent increase for men. For women, enrollment increased from 677 to 2001 and for men from 621 to 1363. This is likely the outcome of the first generation of Bologna students completing the first cycle of tertiary education.

² Students who study according to the old program, as well as students who study according to the Bologna compliant program (first cycle and integrated I and II cycle) are included in the statistics. Students from second and third cycles (Bologna-compliant program) as well as students in master and specialist studies (old program) are not included in the calculation.

At the Ph.D. level, more women and men were enrolled in 2014 than in 2010, but numbers for women were lower than for men. Women represented 38.5 percent of doctoral students. However, enrollment by women increased by 70 percent and that of men by 41 percent.

The gap in the number of women and men enrolled in higher education has decreased by only two percent in the last five years. Comparing the trends over the past 10 years, no large deviation was noted.

	Masters of science and specialists			Doctors of science		
	All	Male	Female	All	Male	Female
2007	436	250	186	144	96	48
	100%	57%	43%	100%	67%	33%
2015	3,449	1,394	2,055	255	139	116
	100%	40%	60%	100%	55%	45%

Table 3. Persons who became Masters of Science and specialists and Doctors of Science in 2007 and 2015 disaggregated by sex. Source: Agency for Statistics of BiH

However, there is still a significant gender gap when comparing the numbers of women and men who have completed their graduate studies. In 2015, women accounted for 43 percent of graduates at the masters and specialist levels, compared to 57 percent of men. Similarly, women accounted for 45 percent of all recipients of a doctoral degree (BiH Statistics Agency Education Statistics, 2016, pg. 19). At the same time, women continue to gain ground in higher educational achievement. In the last nine years, the percentage of women with Masters and specialist degrees increased by 17 percent and those with a Doctorate of Science by 12 percent (Ibid).

As reported in the section on employment and earnings, here is clear evidence that gender norms translate into preferences and choices when it comes to the fields of study chosen by male and female students. In a number of instances, these choices have led to a ‘gender divide’ and occupational segregation, creating ‘feminization of professions.’ Overall, these feminized professions are characterized by lower salaries, and consequently, translate to lower lifetime earnings and social benefits. Lower paid ‘women’s’ jobs exist in both public and private sectors and in the informal economy. Sectors primarily associated with lower earnings include education, health, culture, and agriculture. According to the 2011 “BiH Household Budget Survey,” fewer men than women study in the fields of general education (eight percent compared to 13 for women), social sciences, business, law (10 percent compared to 23 percent), and services (17 percent compared to 25 percent). By contrast, 54 percent of men studied engineering and construction, compared to only 19 percent of women (cited in WB 2015, p. 27).

In the 2013/14 academic year, there was a greater than 60 percent female majority in the following university departments in the FBiH (from highest to lowest): pedagogy (92%); pharmacy, special education, social sciences (80+); philosophy, humanities, natural sciences and math (70+); medicine/health/dentistry, law, economics, public administration, agriculture, media and communications, chemical engineering, and surprisingly, metallurgy (60+%). The areas of study with the highest male enrollment included: ICT, religious studies (Islam/Catholicism), mechanical engineering (80+); business

studies (70+%); geology, security studies, forestry, electrical engineering (60+%) (2014 Men and women in FBiH).

Below are enrollment statistics of men and women for the 24 faculties in the FBiH (FBiH Institute for Statistics, cited in Halimic et.al, 2014: p. 48), which clearly show segregation in higher education.

FACULTY	MEN	WOMEN
Information Technology	90%	10%
Sports and Physical Education	84%	16%
Engineering and Computer Science	82%	18%
Engineering	76%	24%
Criminal Justice Studies, Criminology and Safety Studies	75%	25%
Polytechnic	74%	26%
Mining – Geology – Civil Engineering	69%	31%
Electrical Engineering	67%	33%
Forestry	67%	33%
Civil Engineering	64%	36%
Transportation and Communication	62%	38%
Veterinary Science	61%	39%

Table 4. Faculties preferred by men. FBiH Statistics Institute, cited in Halimic et al, 2014

FACULTY	WOMEN	MEN
Education and Rehabilitation	85%	15%
Pharmacy	83%	17%
Mathematics	66%	34%
Technology	64%	36%
Philosophy	60%	40%
Pedagogy	59%	41%
Medicine	59%	41%
Metallurgy	58%	42%
Architecture	57%	43%
Dentistry	57%	43%

Table 5. Faculties preferred by women. FBiH Statistics Institute, cited in Halimic et al, 2014

RECOMMENDATIONS

Support research by universities or professional associations on gender stereotypes in formal education and in textbooks and/or teaching methods, and ensure support by education authorities in addressing shortcomings.

Explore/create opportunities, such as job fairs to expose young women and men to the types of jobs available and the broader needs in the labor market, making certain that such fairs do not reinforce gender stereotypes about desirable professions for men and women.

Support initiatives to encourage girls (and parents) to consider studying in the fields that girls have traditionally been discouraged to take, such as science, technology, engineering, and mathematics, but where earnings are higher than in social sciences and liberal arts.

4.3 HUMAN RIGHTS OF MARGINALIZED GROUPS

Marginalized groups considered in this section include Roma, persons with disabilities, and internally displaced persons, although the list of marginalized groups varies across agencies and institutions. As in other sections, the focus is on the policies, practices and status of men and women, not on groups themselves.

FINDINGS

International human rights law directly applies through the BiH Constitution, but the Constitution does not protect equal rights for all groups and individuals. Human rights and fundamental freedoms for all individuals are enshrined in the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights, as well as the European Convention on Human Rights and Fundamental Freedoms, directly applicable in BiH. On the macro level, non-implementation of the European Court of Human Rights (ECtHR) rulings against BiH in cases of discrimination is an overarching impediment to establishing a pluralistic and tolerant society. The legal case of Sejdic and Finci represents a potent example of discriminatory treatment enshrined in law. The two appellants, who are of Roma and Jewish origin, cannot run for election to the House of Peoples and the Presidency of BiH, because the House of Peoples of BiH legally consists only of Serbs, Bosniaks and Croats, same as the presidency (ECtHR, GC 27996/06 and 34836/06). Furthermore, persons belonging to a minority constituent ethnicity in both entities, Bosniaks and Croats in the RS and Serbs in the FBiH, cannot run for election for the state presidency (ECtHR, C 41939/07). According to the current constitution and election legislation, in the same manner as national minorities, persons who do not declare their ethnicity as either Bosniak, Serb, or Croat, cannot be elected to state presidency or the House of Peoples (ECtHR, C, 3681/06). Beyond clear-cut, direct discrimination issues confirmed in ECtHR judgments, gender-based discrimination, especially in the cases of multi-level discrimination (women with disabilities, Roma women with disabilities, etc.) is difficult to prove in court.

Levels of discrimination against Roma are not the same for men and women. Roma women experience multiple vulnerability factors compared to Roma men, and are even less politically represented and economically secure than Roma men. The 2009 ruling of the ECtHR to amend the BiH Constitution and allow ethnic minorities to run as candidates for the presidency or the House of Peoples of BiH, has not yet been implemented. Even when the direct discriminatory provision gets removed, Roma women will still face indirect obstacles in running for office at any level. Among Roma

representatives on municipal councils and assemblies, there are no Roma women, despite campaigning by the Roma Women's Network before the 2012 local elections. Discrimination of Roma women is very evident when one considers the levels of their formal employment (Human Rights Ombudsman Institution, 2013). The Alternative Report on the Implementation of CEDAW for BiH (Prava za sve, 2010) reported that of the 595 Roma women surveyed, almost 82 percent were unemployed, only nine percent were working in the informal sector, and seven percent were begging for subsistence. Additionally, in 2008, only two to three percent of Roma, men or women, were employed in the public sector (MHRR, 2008). Since the population census report did not include employment data broken down by ethnicity, it is not possible to cite more recent data on the employment of Roma women.

The discrimination toward Roma, especially toward Roma girls, is also reflected in their rights to education. Percentages of children of primary school age attending primary or secondary school in 2011-2012 varied by sex for Roma children. Gender differences were larger in the FBiH than in the RS. In the FBiH 70.8 percent of Roma boys attended school compared to 66.9 percent of Roma girls. In the RS, 74.9 percent of Roma boys attended school, compared to 73.1 percent of Roma girls (UNICEF and BiH MHRR, 2013: 79-81). The number of girls who dropped out of primary school was greater than the number of boys (BiH Combined 4th and 5th CEDAW Reports, 2011: p. 62). A Prava za Sve survey conducted in 2010 with 609 Roma women identified that 45.1 percent of them have no formal education at all, and 31.13 percent have some level of elementary school education (UNICEF, 2013). Of Roma women aged 15-24, 68.9 percent are literate, compared to 99.3 percent of non-Roma in the same age group (The World Bank Group, 2015). Such inadequate levels of education are a guarantee of lower employment rates and a life below the poverty line, with all its associated problems. **According to the 2006-2010 BiH report to CEDAW, approximately 90 percent of Roma women had no access to healthcare or social protection in BiH** (BiH to CEDAW, 2011: p. 62). It is difficult to find more current estimates which provide information on the status of access to healthcare for Roma women. UN agencies and international organizations supported many programs, projects, and initiatives, hoping to resolve various problems that the Roma population faces. However, 'there are still no programs in place that would systemically improve the education of Roma girls and employment of Roma women and their access to health and social protection' (UNICEF, 2013).

Roma women also experience very high levels of violence. Over 43 percent of surveyed Roma women self-reported being subjected to some form of physical violence (Rights for All, 2011). The same survey also identified that 76 percent of them know a Roma woman who had been a victim of physical violence and 46.5 percent know a woman who has been subjected to sexual violence. In addition, there is an increasing number of Roma girls vulnerable to trafficking for forced marriages and a high percentage of arranged or paid marriages (Ibid.). Roma women rarely report violence or seek assistance because of fear and shame, lack of knowledge about their legal rights and existing protection mechanisms, and because of different negative experiences they have had with the institutions they turned to for protection and assistance (Ibid).

Persons with disabilities in BiH find themselves in an extremely difficult situation. Due to fragmented policies, persons with disabilities face discrimination on the basis of their place of residence. Authorities and the private sector ignore affirmative measures related to their employment and rehabilitation (Institution of the Human Rights Ombudsman of BiH, 2010). The most common forms of violation of the rights of people with disabilities in Bosnia and Herzegovina 'are in the areas of social protection, health, education, rights of access to information, labor and employment, and in the field of

organized action for people with disabilities. Even where laws exist to regulate this area, there is an evident record of discrimination in practice' (MDG Progress Report, 2013).

In BiH, more women than men have some form of disability (Figure 29) (BiH Statistics Agency, 2015: p. 116). Women with disabilities face multiple types of discrimination.

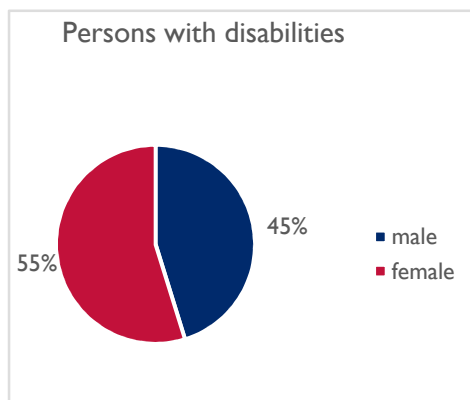


Figure 29. Documented numbers of persons with different impairments, BiH 2013 Population Census

Women with disabilities are socially excluded and have poor access to all services, including healthcare (Garcia Fransioli, 2013). BiH GEA notes that women with disabilities are especially vulnerable to discrimination in the areas of employment. BiH does not have any systematic programs, data, or statistics on employment, training/pre-qualification, or rehabilitation of women with disabilities, and no special measures for protection in the areas of employment (Mirovic, Hadzic, Miftari, 2015).

Healthcare protection is poor for persons with disabilities in general, but it is especially poor for women. A 2013 Sarajevo Open Center (SOC) report noted that 'health care is a very problematic

field, especially reproductive health protection and care for pregnant women' (Garcia Fransioli, 2013). For example, 'in addition to the lack of appropriate examination tables for women in wheelchairs, the majority of health care workers are not trained for examinations or delivery when it comes to women with disabilities' (Petric et al, 2013). Reports also indicate that women with disabilities have problems getting custody of children due to the prevailing belief that children belong with a parent that is 'healthy'. (Prava za Sve and ICVA, 2013).

The number of internally displaced persons (IDPs) in BiH decreased from 113,642 in 2011 to 84,500 in 2014. Slightly more women are among IDPs, reflecting general demographic shares. In 2011, BiH reported to CEDAW that among 113,642 IDPs, women accounted for 52 percent (BiH to CEDAW, 2011). As of July 2014, BiH had 84,500 registered IDPs (Human Rights Watch, (HRW) 2015). In 2011, 32 percent of IDP households were headed by women (BiH to CEDAW, 2011). Women who are IDPs and heads of single-headed households suffer multiple vulnerabilities. HRW also reports that returnees and IDPs were disproportionately affected by the floods in 2014, with second displacement being an additional layer of vulnerability (HRW, 2015).

The progress on the implementation of the 2010 strategy to support the return of refugees and IDPs is insufficient, although a gender-sensitive approach is leading to results in supporting women IDPs (HRW, 2015). Some initiatives had more success. For example, projects implemented by UNHCR in BiH 'had a very significant contribution to improving the status of displaced women. This relates to the housing projects, occupational therapy and the retraining of women who are refugees, so that they could find a job more easily'. Equal representation of men and women was considered during UNDP's implementation of projects on social housing (Garcia Fransioli, 2013).

Female-headed households in collective centers are often subject to additional layers of discrimination due to their 'physical and mental health, age and the absence of a basic livelihood or family support as well as their inability to return for reasons of personal security' (BiH Ministry of Finance

and UN in BiH, 2013). In its Human Rights Papers, SOC cites a survey on the state of social exclusion of returnee women that indicates that female returnees are faced with numerous obstacles and problems in exercising their rights and ensuring sustainable return (Garcia Fransioli, 2013, citing from TPO Foundation, 2010).

Since youth are considered a marginalized group due to their high unemployment rates, the next paragraph examines youth perceptions of being discriminated against on the basis of their sex.

Youth in BiH rarely consider sex as a feature for which they have been rejected or discriminated (Friedrich Ebert Stiftung, 2014: 190). However, youth clearly reflect the existing stereotypes and inequality among young men and women in BiH (USAID MEASURE-BiH, 2015). Moreover, as expressed by one of the interviewees, children and youth in BiH are still growing up and being educated through textbooks with gender exclusive or biased contents. A picture of a mother cooking and a father reading the newspaper is a very common illustration in children’s books. Even though young children are unaware of their effects, such images convey attitudes of division of home roles and tasks. Hence, it is possible to consider lack of awareness and/or inability to recognize discrimination as a result of perpetuating traditional cultural norms at school.

How often did you feel discriminated against for your gender (male/female)?	Very often	Often	Some-times	Rarely	Never	Do not know
	0.1%	1.2%	4.1%	6.7%	86.3%	1.7%

Table 6. How often did you feel discriminated against for your gender (male/female), Youth Study BiH, 2014

BiH needs advancement in the system of human rights monitoring, indicator tracking, and reporting. The BiH system of monitoring human rights obligations and commitments, as well as tracking key indicators, is superficial and often random, driven mainly by international organizations. This has been observed by the Gender Analysis team while reviewing information on the human rights of marginalized groups. Furthermore, large surveys rarely include sufficiently large samples of Roma women, women with disabilities, or displaced persons in order to be able to draw sufficiently relevant conclusions on the situation regarding their human rights. Reporting on BiH human rights obligations is often poorly substantiated, especially on human rights of marginalized groups, and progress is not consistently tracked.

RECOMMENDATIONS

Support analyses of population census data to identify groups with the highest risk factors for poverty and exclusion by tracking sex-disaggregated data per sub-groups.

Support development of the country system of monitoring sex-disaggregated human rights indicators, and reporting BiH human rights obligations and commitments. Assist in establishing high-quality databases on the situation of human rights of marginalized populations.

Support a systematic, state-run program and immediate interventions for curbing all forms of discrimination, including violence, against Roma women. Priority intervention targets include achieving higher education rates and lower drop-out rates; adult education of Roma women and men, and awareness-raising campaigns to end violence, early marriages and trafficking in Roma women; and improved healthcare for Roma families, in particular Roma women and children.

In protecting the rights of women with disabilities, prioritize their access to specialized medical services in cooperation with WHO and domestic healthcare providers. Also, prioritize their access to employment opportunities.

For all marginalized groups, prioritize adult education and employment opportunities.

4.4 A SHARED VISION OF AN INTERETHNIC STATE

In the absence of a shared vision for an interethnic state, international organizations explore constitutional arrangements and priority issues BiH citizens are interested in. This section presents findings from two such surveys.

FINDINGS

Women and men somewhat differ with respect to their vision for an interethnic state; women’s vision includes socioeconomic reforms more than constitutional reforms. For more than two decades, all social strata in BiH have been, to some degree, adversely affected by a lack of interethnic understanding and tolerance. As a consequence, there is a low level of interethnic trust, which is necessary for developing a common vision for an interethnic state. Trust in institutions is particularly low across all ethnic groups. Lower levels of trust in institutions are linked to greater support for changes to the political system to make BiH a more integrated, cohesive, and reconciliatory state.

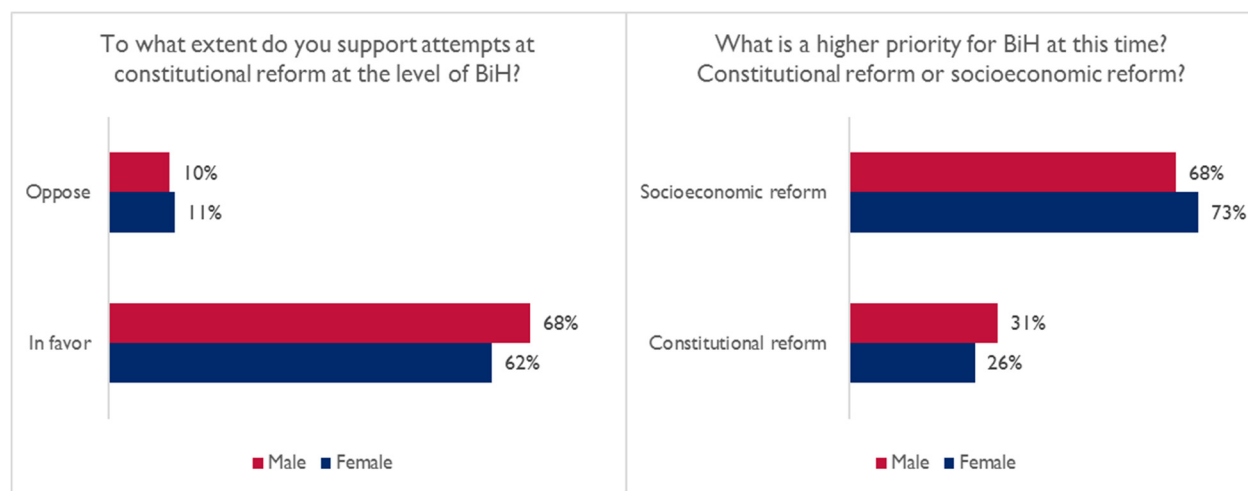


Figure 30. Gender differences in support for constitutional and socio-economic reform, NSCP 2015

In the SCORE index for BiH, all ethnic groups reported roughly equally low levels of trust toward institutions, with the least trust expressed toward politicians. In a state where service delivery is weak and institutions are distrusted, the social contract is under strain. The results show that in BiH the only ethnic group that seems committed to actively engage in political action for change are Bosniaks. This is probably because BiH is the only state identity they have, unlike Serbs and Croats who have close ethnocultural identity with their respective ‘mother-countries’. Mistrust of institutions is not eliciting an impulse toward civic engagement for either Serbs or Croats (SeeD/USAID, 2016: 171).

Women tend to lean more toward preserving the status quo of the current arrangement of the country than men. The difference between women and men is observed in the specific issues of how an interethnic state should be territorially arranged. For example, NSCP estimates show that women

tend to lean toward the status quo (28 percent of respondents), saying that the territorial arrangements should not change. But 10 percent of them do not have an opinion on this issue. By comparison, fewer men responded that the territorial arrangements should not change (20 percent) or were not sure what a territorial arrangement ought to be (seven percent). Figure 30 shows NSCP estimates on a different question, which again confirms that women tend to be somewhat less in favor of changes – 62 percent of them compared to 68 percent of men. The same patterns of gender difference can be observed when data are disaggregated for each entity and sex of the respondent. Men from the FBiH and RS tend to be more in favor of changes than women, though these differences are not that significant.

Shared vision of an interethnic state includes various aspects but men and women of all ethnic groups agree that the **social and economic rather than constitutional factors should be at the top of the agenda of decision makers** (Figure 30.). Once faced with the choice to have constitutional or socioeconomic reform, public opinion is overwhelmingly on the side of the latter. Here it is also possible to identify the difference between males and females. More women preferred socioeconomic reform over constitutional, but the difference is again in five percentage points.

RECOMMENDATIONS

Support involvement of women's groups and their representatives in dialogue related to future constitutional reforms, EU Reform Agenda, and other key issues.

5. HUMAN SECURITY

Since USAID/BiH activities are rather limited in relation to Euro-Atlantic Integration and Radicalization, this section only briefly discusses sources of information on gender differences, including key informant interviews and reports, starting from the policy framework. The issue of radicalization is discussed from the perspective of human security. Scarce sources of information on women and men directly affected by radicalization and extremism are also discussed.

5.1 EURO-ATLANTIC INTEGRATION

In this report, Euro-Atlantic Integration is understood as the EU accession and NATO approximation process.

FINDINGS

The EU integration process does not yet heavily focus on gender equality and women's rights, but the beginning of chapter 23 of the EU accession negotiations will increase attention on these issues in the future. Chapter 23 is usually the first chapter a candidate country opens, yet the last one it closes, due to its complexity. Its title is, "Judiciary and Fundamental Rights." BiH has not yet opened, it. It relies on the EU Charter of Fundamental Rights, which states: "Equality between men and women must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favor of the under-represented sex." (European Communities. 2000/C, 364/01: Art. 23). The charter further underlines:

The family shall enjoy legal, economic and social protection. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with

maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child. (Ibid, Art. 33)

The EU Lisbon Treaty states:

...the [European] Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” (European Commission 2007/C 306/01: Art. 1a)

Any European country which respects the values referred to in Article 1a and is committed to promoting them may apply for EU membership. This is reflected in the first Copenhagen criterion: stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Although this criterion usually needs to be met before a country opens negotiations, the EU has adapted the criterion for BiH, making human rights, including the implementation of Sejdic-Finci and other rulings of the ECtHR a part of negotiations.

The EU Indicative Strategy Paper for Bosnia and Herzegovina for the period of 2014-2017 defines the following gender equality issues to be addressed in the EU integration process:

low women’s political and labor market participation, insufficient resources available to gender institutional mechanisms, lack of harmonization between policies against domestic violence, inadequate financing of the women’s shelters, and the fact that BiH remains the country of origin, transit, and destination for the trafficking of women.

The work of the North-Atlantic Treaty Organization (NATO) on gender equality and women’s empowerment is guided by the UN Security Council Resolutions (UNSCR) 1325, 1820, 1880, 1889, 1960, 2106, 2122, 2422. Two of those resolutions are discussed here. The UNSCR 1325 on Women, Peace and Security (UNSCR, 2000) came as a result of recognition that civilians are increasingly targeted in warfare, that rape has become a weapon of war, and that women and girls are predominantly the victims of wartime sexual violence. Even though many of the victims of these war crimes are women, they continue to be excluded from participation in peace processes, which renders the peace process less inclusive and less effective in the long-run. The resolution helped broaden the understanding of security, from an originally male-dominated military concept, to a more inclusive societal concept. The four pillars the resolution postulates are:

1. *Participation* in decision-making at all levels, including international levels, and participation in peace processes as negotiators and in peace operations and UN bodies.
2. *Protection* of women and girls from sexual and gender-based violence, including in emergency and humanitarian situations.
3. *Prevention* of violence against women by prosecuting perpetrators, strengthening women’s rights, and supporting local women’s peace initiatives.
4. *Relief and Recovery* advancement through gender mainstreaming.

BiH has adopted its second action plan for the implementation of the UNSCR 1325, and started localizing the concept of human security at the local level by promoting local action plans. In addition to the GAP, and the Framework Strategy for Implementation of the Istanbul Convention, this is a third strategic document at state level. Resolution 1325 had the largest influence in the security sector of where it helped to: mainstream gender issues in training for police and military, increase the share of women in security sub-systems, and improve the levels of awareness on the need for gender-sensitive approaches.

The UNSCR 2242 (UN Security Council, 2015) urges member states and relevant UN entities to conduct and gather gender-sensitive data and research on the drivers of radicalization for women and the impacts of counter-terrorism strategies on women's human rights. It requires UN monitoring and assessment mechanisms working on violent extremism to have necessary gender expertise. It also urges member states and the UN system to ensure the participation and leadership of women and women's organizations in developing strategies to counter terrorism and violent extremism, and build their capacity to be able to do so effectively. Whereas Resolution 1325 is well known, cited, and integrated into key strategic gender equality and security documents, Resolution 2242 is hardly known in the country, and rarely recognized in any gender equality or security strategic documents.

Popular support for EU integrations and NATO is slightly higher among men than women in both entities, but is still markedly lower for NATO in the RS in particular. The NSCP estimates that women tend to support Euro-Atlantic integration less than men in both entities, but support for joining NATO is especially low among women in the RS where 63 percent of women do not support BiH integration into NATO. Lack of support for NATO in the RS is related to the dichotomous alliances of Serbia and Republika Srpska with Russia, and the experiences of the NATO bombing in 1999. More qualitative research is required to identify causes of such low support among women from both entities. One possible explanation could be less interest and access to information that women may have about what the EU and NATO in fact are, its stages and requirements are, and its benefits for women and men.

There is a great discrepancy between opinions of youth from the FBiH and RS in connection to BiH Euro-Atlantic integration and international community engagement within the country. While more than 80 percent of young men and women in the FBiH support BiH integration into the EU, only 50 percent of youth in the RS hold this opinion. The difference in attitudes is even greater when integration into NATO is the topic, as only 21 percent of young females and 18 percent of young males from the RS support a NATO affiliation. On the other hand, in the FBiH, 75 percent of young males and 74 percent of young females express support for joining NATO. Furthermore, 49 percent of young men from the RS think that the international community in BiH should be actively engaged, compared to 69 percent of young men from the FBiH. Young women concur in more or less similar percentages with their entity peers – 68 percent in the FBiH and 44 percent in the RS (USAID MEASURE BIH NSCP, 2015).

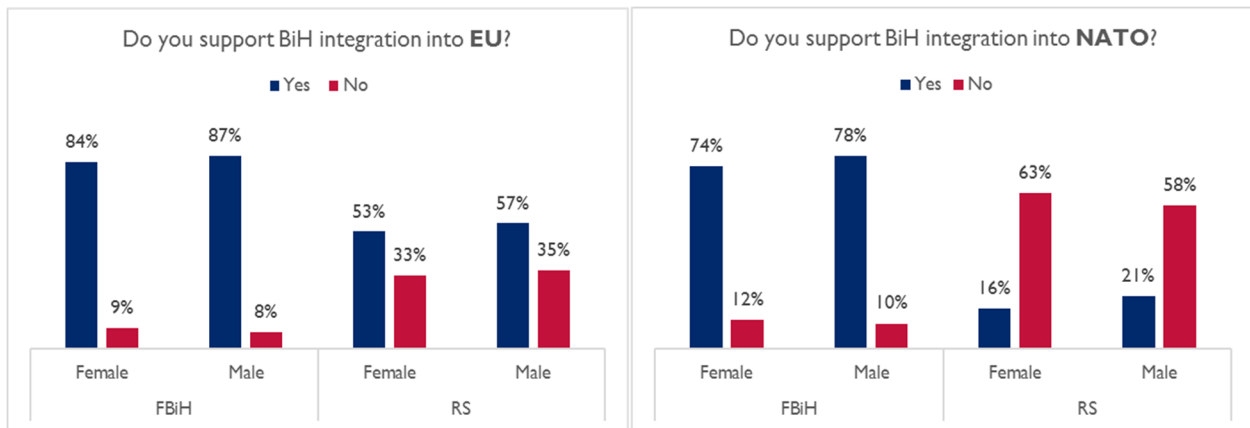


Figure 31. Gender and entity differences in support to Euro-Atlantic integration of BiH, NSCP 2015

To sum up, despite declarations, women’s rights and gender equality are not high on the list of EU priorities for BiH yet. EU standards of gender equality are not well promoted in BiH. Resolution 2242 is a very recent and important resolution in the fight against terrorism, but it is little known in BiH. There is no qualitative research that could explain women’s lower support to EU and NATO integration, but one possible option is that women have less access to information about these international systems and are not aware of the benefits for women in these systems.

RECOMMENDATIONS

Support civil society organizations and gender institutional mechanisms in developing an integrated system of strategic planning, monitoring, and reporting of the realization of different international obligations in the area of gender equality, including those related to CEDAW, the Istanbul Convention, and Security Council Resolutions.

Invest efforts in promoting women’s benefits of BiH Euro-Atlantic integration.

5.2 TERRORISM, EXTREMISM, RADICALIZATION AND NON-VIOLENT RADICALS

Very few resources are available that would offer gender-sensitive information on the issues of the fight against terrorism, radicalization, and extremism in BiH. The entire approach to research and data collection on these issues should be more gender-sensitive, tracking sex-disaggregated data.

FINDINGS

In the 2012-2016 period, the threat of radicalization and terrorism dominated security concerns in BiH, with women in BiH mainly as passive agents. In 2015, three attacks, in Zvornik, Rajlovac and Zavidovici, raised the terrorism concerns in BiH. According to one of our interviewees, BiH currently contributes around 160 persons to Syria and Iraq, of which two-thirds are women and children, families of the Bosnian foreign terrorist fighters. Earlier local estimates claimed that BiH contributed 156 fighters in Syria and Iraq (Azinovic, Jusic, 2015), while international estimates mention 330 Bosnian foreign terrorist fighters in Syria and Iraq since 2012 (ICSR, 2015). The difference in numbers is possibly due to different periods of coverage to which the data refer. Currently, there are also four persons fighting in Ukraine, according to the same source. Although nationalist extremist groups do not act violently at the moment to the same extent as religious extremists, such incidents are occasionally recorded. For example,

in 2016, Chetniks convening in Visegrad attacked a journalist crew attempting to film the event (NI, video, 2016). Our interviewees mainly spoke of women as passive agents, not participating in any of the attacks, even as accomplices. In the Visegrad case, one of the crew members was a woman journalist. For families that moved to Syria, it is impossible to determine whether spouses were forced to leave or left willingly, as those who left with families are not coming back, unlike those who left their families in BiH.

In response to this phenomenon, BiH amended its criminal code in 2014, criminalizing the departure to wars in foreign countries, as well as incitement, recruitment, and financing of terrorist activities. In mid-2015, the Council of Ministers of BiH adopted the 2015-2020 Strategy for Prevention and the Fight against Terrorism, modeled after the EU's counter terrorism strategy. An action plan for the implementation of this strategy has also been developed. However, as noted in the European Commission's 2015 BiH progress report, a more nuanced approach is needed by the intelligence, law enforcement and judiciary agencies to address the foreign fighters and radicalization phenomenon.

Young people in search of a sense of belonging, purpose, and/or identity may be more vulnerable to violent extremism and terrorist radicalization. According to the OSCE's report, called "Youth Engagement to Counter Extremism and Radicalization that Lead to Terrorism" (OSCE/ODIHR, 2012: p. 5), radicalization and recruitment of youth to violent extremism and terrorism appear, in many instances, to be based on social bonding rather than ideological grounds. The Council of Ministers of BiH has recognized the importance of youth in the process of preventing and combating terrorism. The Ministry of Security of BiH plans to pay special attention to these groups in the period covered by the new strategy (2015 – 2020), as noted in interviews. The data from the NSCP indicate that young men hold more intolerant and prejudicial ideas than young women, and could, therefore, be more open to engage in more extreme types of behavior.

A gender-sensitive and concerted approach from the gender, security, political, and social systems is still missing in the prevention of and fight against terrorism, radicalization, and extremism. The BiH Strategy for the Prevention of and Fight against Terrorism (2015-2020) integrates a role for women in prevention, but fails to take a consistent gender mainstreaming approach and recognize various roles women and men undertake in this interplay of radicalization, as one of our interviewees noted. In its introduction, the strategy does not refer to any of the relevant UNSCRs related to women, peace and security. However, the strategy, like most of the other policies (including those promoted by international organizations), are rarely preceded by a serious gender analysis of the specific problem, despite the fact that assessment of the possible impact of a new regulation on women and men is required by the RIA (please see section on Government and Public Services).

Gender-sensitive research into radicalization and extremism in BiH, which would inform a more gender-sensitive approach in prevention and anti-terrorist activities, is still lacking. USAID/BiH is supporting the International Organization for Migrations (IOM) in a community-based pilot project to address radicalization of youth in BiH. The assessment in the inception phase explored the mechanisms through which radicalization finds grounds in BiH communities, starting from individual and community vulnerabilities. According to the assessment, the profile of an individual vulnerable to radicalization to violent extremism is a young, unemployed, poorly educated, unmarried man, who is not active in the community. For those who have partners, the women partners can also become vulnerable. Additionally, communities at risk are characterized by limited community life with bad neighbor relations,

divided across ethnic lines. They tend to be rural and peripheral communities. The assessment did not actively aim to identify gender dynamics (CIJA, 2016, unpublished data).

A more gender-sensitive analysis of the radicalization phenomenon would need to entail the predominant masculinity and femininity narratives among potentially vulnerable individuals in local communities, and among dominant radicalization influencers. It would also need to identify whether extremists' partners' education, employment, and activity in the community, play a role in radicalization as well. Women from BiH residing in other parts of the world were accused of financing terrorism and were engaged in radical campaigning, for example in the cases of Mediha Salkicevic, Sedina Unkic Hodzic, and Jasminka Ramic (US District Court, 4:15CR00049 CDP/DDN). It would therefore be wrong to assume that women can only be conflict restrainers, where they can also be the drivers. It is important to identify what happens with women in secluded, radicalized communities. Questions should be asked like, is the derogation of their rights consensual or not? To what extent are these women financially dependent on partners, etc.? A completely different level of research is required when it comes to identifying the issues relevant for women from BiH who left for Syria and Iraq. For example, are they also playing an active role in recruitment back home? What happens to families when the father dies? Understanding these aspects is crucial for quality interventions.

Gender institutional mechanisms are still not engaging in the prevention of radicalization and extremism, partially due to the fact that the gender sensitive approach is currently unfolding. Under the UNSCR 1325, the GEA would have the authority to act, possibly through the mechanism of local action plans for women, peace, and security. Furthermore, centers for social work and municipal administrations in vulnerable communities are not proactively seeking to engage on this issue, although the social layout in communities is one of the main drivers (unemployment and social exclusion).

To summarize, research conducted on the issue of radicalization in BiH is limited, and mainly insensitive to gender differences. Little information is known to BiH authorities about BiH citizens in Syria, including the two-thirds who are women and children. Anti-terrorism policies recognize the role of women only in prevention, but fail to recognize the importance of their engagement in policy design, decision-making, anti-terrorist teams. They also fail to recognize that women can also be radicalized and incited to terrorist acts.

RECOMMENDATIONS

Mandate the gender analysis in interventions related to security issues. Develop a set of gender-sensitive indicators, such as percentage of the surveyed population expressing radical attitudes about the opposite sex (e.g. *women should not be allowed to work, or men should carry weapons to defend their families*) and track sex-disaggregated data for such initiatives.

Mainstream the UNSCR 2242 approach in interventions which support research, policy development or advocacy, community action, monitoring, and evaluation of de-radicalization in BiH. Include the engagement of women leaders, women's movements, and women from religious communities in policy design and implementation. Research on radicalization should aim to collect sex-disaggregated data and identify needs of both men and women.

Influence the BiH security system toward a more gender-sensitive and community-centered approach in addressing radicalization.

Support initiatives which aim to provide sufficient information to youth and women in marginalized communities about the security risks and legal implications of going to Syria or other war zones.

6. SPECIFIC GENDER ISSUES

This section addresses areas not covered in enough detail under previous sections, including gender-based and domestic violence, gender identities and LGBTI issues, as well as human trafficking.

6.1 GENDER-BASED VIOLENCE, INCLUDING DOMESTIC VIOLENCE

It is often unclear what is meant under gender-based violence, as opposed to domestic violence, and when the violence becomes gendered.

Gender-based violence against women is violence that is directed against a woman because she is a woman or that affects women disproportionately. Forms of violence result in physical, psychological, sexual and economic harm or threats thereof, in public or in private spheres. (Council of Europe, 2011)

Violence in the private sphere between members of a family is domestic violence. Although survivors of domestic violence are men and women, the former are more often perpetrators and the latter more often victims. This segment on domestic violence will focus on some of the gaps in the rest of the referral mechanisms. However, it is highly recommended that one follow regular annual reports by the GEA and other gender institutional mechanisms to track developments and get the full picture about GBV and DV gaps and opportunities for USAID to intervene.

FINDINGS

BiH ratified the “Council of Europe Convention against Violence against Women and Domestic Violence” in 2013. After the Convention entered into force, the BiH Council of Ministers (CoM) defined the implementation of the BiH strategy (2015 - 2018) which provides for a general policy framework (BiH CoM, 2015). Entities have their own strategic documents, with the FBiH strategy covering the 2013 – 2017 period (FBiH OG 22/13) and the RS strategy covering the 2014 – 2019 period (GovRS, 2014).

The RS (RS OG 102/12, 108/13, 82/15) and FBiH (FBiH OG 20/13) Laws on Protection from Domestic Violence were adopted in 2012 and 2013, respectively. The laws replicate the definitions and elements of violence from an international framework. Domestic violence therefore includes physical, psychological, sexual, and/or economic harm against a family member. Institutions and civil society organizations, as well as family members and all other citizens which have information on specific acts of domestic violence are required to report it to the appropriate police station.

The laws prescribe the following protection measures against the perpetrator:

- 1) Removal from the apartment, and being barred from returning to that apartment;
- 2) A restraining order;

- 3) The prohibition of harassment or stalking of the person exposed to violence;
- 4) Psychosocial treatment;
- 5) Treatment for substance abuse;
- 6) Temporary detention and retention.

In the RS, acts of domestic violence can be prosecuted as a misdemeanor or felony, and is recognized in the Misdemeanor and Criminal Code of the RS. In the FBiH, the acts are processed in accordance with the Criminal Code of FBiH.

The laws on protection from domestic violence define the process of establishing safe houses and distribute the responsibility for financing of these safe houses in the FBiH between the entity and the cantons (70:30 percent, respectively), and in the RS between the entity and municipalities (70:30 percent, as well).

The following organizations run shelters in the FBiH and RS: (1) Foundation of Local Democracy in Sarajevo; (2) Medica in Zenica; (3) Vive Zene in Tuzla; (4) Zene sa Une in Bihac; (5) Zena BiH in Mostar; (6) Caritas in Mostar; (7) Buducnost in Modrica; (8) Lara in Bijeljina; (9) United Women in Banja Luka. In both entities, SOS phone lines for victims are operational. Their numbers are 1264 in the RS, and 1265 in the FBiH. In the FBiH, amendments to the Law on Protection from Domestic Violence are in the process of public hearings (FBiH P, 2015). They aim to change the legal status of shelters from NGOs to public institutions, putting them under more stringent control of public authorities.

In the case of domestic violence, it is the entities that bear the largest responsibility for protection and prevention, as well as the cantons in the Federation of BiH. In Republika Srpska, domestic violence is under the purview of the RS Ministry for Family, Youth and Sports, and the RS Gender Center, while in the FBiH, the Gender Center is the main coordinator. In 2014, the FBiH Gender Center developed a database for statistical records on cases of domestic violence across the FBiH, as prescribed by the entity law. The database creates reports from data from the FBiH SOS phone line and centers, on victims, perpetrators, and protective measures, for use by social work and police. Statistical summaries are publicized on the FBiH Gender Center website. All 10 cantons in the Federation of BiH have adopted these Protocols on Cooperation in Cases of Domestic Violence, which define joint steps and communication between healthcare, police, education, social institutions, and civil society organizations in cases of domestic violence.

Over the past years, the response by the police to the cases of domestic violence has been improving. Statistics (Figure 32) on processing DV cases by the FBiH police show that with small variations in the number of cases reported to the FBiH police, the number of reports on domestic violence filed by the police is constantly increasing. The data for the FBiH can be interpreted as improved effectiveness of police in dealing with such cases. In the Republika Srpska, the statistics presented in the table include cases of domestic violence treated as criminal acts or as misdemeanor offenses. The number of domestic violence cases in the RS varies slightly more, with the biggest change occurring in 2011, when the RS Ministry of Interior aligned its analytical reporting with the Law on Protection from Domestic Violence. In the RS, the difference between the number of cases filed with the police and the number of reports on domestic violence filed by the police in courts is small, which speaks to improved effectiveness in treating domestic violence as such.

The following may have contributed to the improved effectiveness of police:

- In the FBiH, each canton has a referral mechanism for response to domestic violence, which includes all duty bearers and NGOs working on the issue. Training for this referral mechanism occurred during specific cases. Protocols have also been developed in regards to the institutional response to such cases. In the RS, a similar general protocol of response in cases of domestic violence was adopted in 2013.
- In the RS, an entity council for fighting domestic violence was established on the basis of the Law on Protection from Domestic Violence, which coordinates the work of referral mechanisms in cases of domestic violence, including the RS Ministry of Interior.
- The FBiH Gender Center and the RS Ministry of Family, Youth and Sports organized a number of trainings for the police, in partnership with international organizations and NGOs, such as the Network of Police Women of BiH.
- The joint campaigns for referral mechanisms to promote the SOS phone lines for victims of domestic violence, as well as to raise awareness of the forms of domestic violence, resulted in increased awareness in DV survivors about their rights and the expectations they should have from duty bearers.

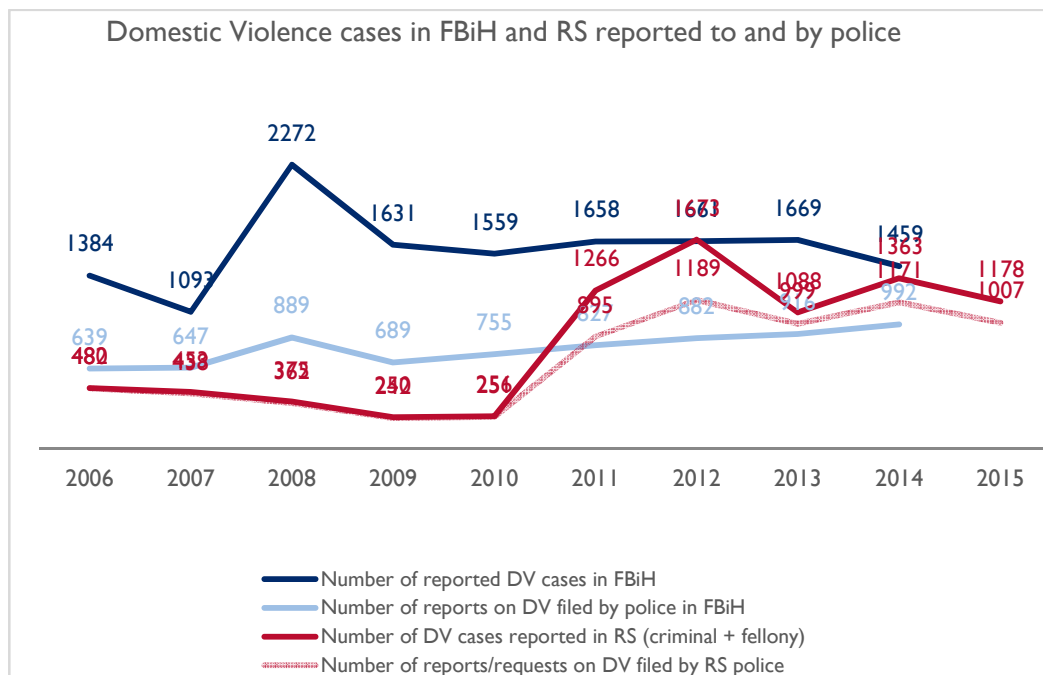


Figure 32. DV cases reported to police and by police in FBiH and RS. Sources: FBiH Gender Center, RS Ministry of Interior, 2016

One of the interviewees noted: “We have achieved that domestic violence is more visible now, and is increasingly seen as not a private, but a public matter. However, we are still not satisfied because the causes and the mindset and the power relations which are causing the violence are still present.”

Every second woman has experienced some form of gender-based violence at, or after the age of 15, while every fifth woman has probably experienced it within the past 12 months. The “Study on Prevalence of Violence against Women” (GEA, UNW, 2013) on a representative sample of 3,300 households and women, documented that 47.2 percent of women experienced some form of

violence since the age of 15. These percentages are nearly the same in all entities. Half of these women experienced multiple forms of violence (e.g. physical and psychological). While most of the violence took place in the family and was perpetrated by the partner or family members. In the 12 months preceding the study, 12.7 percent of women experienced some form of violence (11.9 percent in the FBiH, 10.6 percent in the RS). There was around a five percentage point difference between women who experienced violence at or after 15 years of age between urban (44.3 percent) and rural areas (49.2 percent). In the RS, the difference is more significant (42.5 percent in urban and 50.3 in rural areas). The percentages are similar for women with disabilities. It is important to note that, more often than is actually presumed, the perpetrators of violence against women are not only men, but also female family members, acquaintances, colleagues, superiors, and others.

Violence against women is largely unreported, even if it includes bodily harm. Around two percent of women in the study on prevalence experienced physical violence from their current partners. When applied to the BiH female population, this comes down to around 28,000 women who are victims of a partner's physical violence. As the figure below indicates, in BiH around 20,000 cases of domestic violence were reported to the police over the nine-year period. These cases include violence by other members of the family, not only partners, and other forms of violence, not only physical. In other words, violence against women is largely under-reported, even if it includes bodily harm.

There is no comprehensive state-level legal framework on sexual assault and rape, and no appropriate compensation mechanism in place for victims (EU Delegation, BiH Progress Report for 2015, p. 24).

The prevalence of violence among the general population has still not been investigated for BiH, as is the case with violence against men, where men are most commonly the victims and perpetrators. As the study of prevalence inspected violence women face throughout their lives, it is important to note no such study was ever conducted for the general BiH population or for the male population in particular. And while BiH society is increasingly sensitized about violence against women, the higher levels of aggression of males against males is still considered normal.

In all countries, young males are both the principal perpetrators and victims of homicide. [...] Males accounted for three-quarters of all victims of homicide, and had rates more than three times of those among females. [...] The highest rates of suicide were found among men aged 60 years and older, more than double the rates among women of the same age. (World Report on Violence and Health, WHO, 2002, p. 6)

Research carried out on the basis of male and female studies of prevalence of intimate partner violence elsewhere shows that women are still more often victims of intimate partner violence (1 in 3 women), but men experience it frequently too (1 in 4 men) (Patricia Tjaden, Nancy Thoennes, 2000; The National Domestic Violence Hotline). However, male and female exposure to violence is part of the same power system, where dominant males victimize weaker members of the society to reaffirm their social status.

Efforts to integrate education about gender-based and other forms of violence within the education system are still not institutionalized or transformative enough in BiH. In order to address levels of violence between and within sexes in the long-term, civil society organizations implemented structured activities in schools. As part of education on the topic of healthy lifestyles [Zdravi zivotni stilovi], Association XY assisted education institutions and teachers in raising students' knowledge

and skill levels about general health and nutrition, sexual health, substance abuse, HIV/AIDS, the environment, socially desirable behaviors, gender equality, and violence, including cyber violence. United Women in Banja Luka also implemented education activities on violence in schools. However, interviews have provided evidence that such efforts need to be a part of the system, and violence should be more seriously addressed in education across different subjects. Also, such efforts need to avoid stereotypical approaches, where girls are, for example, only taught about sexual and reproductive health, while boys are excused, as is the case in some of these initiatives.

As mentioned above, most violence that women experience takes place in the family, which is why domestic violence is a priority for domestic institutions and civil society organizations. The processing of DV cases by the judiciary is discussed above in the section on rule of law. **The financing of safe houses is problematic in both the RS and FBiH, leading to the near closure of 2 out of 9 safe houses.** From 2013, the FBiH Law on Protection from Domestic Violence legally resolved a long-standing issue of financing safe houses in FBiH. However, the law has not been implemented in practice. Lawmakers prescribed that any legal or private entity can register a safe house, and that 30 percent of the expenses for a victim sheltered in a safe house are financed by the canton, and 70 percent by the entity budget. However, since its adoption, the government of FBiH has not been meeting its financial obligations. As a result, two safe houses operating in Mostar (Zena BiH and Mirjam, Caritas) are currently out of funds and cannot continue to provide shelter to victims. In the Republika Srpska, provision of shelter to a victim is based on the decision of the appropriate social work center (SWC). Unfortunately, in some municipalities or cities, SWCs avoid issuing such decisions, either due to lack of understanding or in order to cut the costs for the entity and the municipality. One of our interviewees noted that sheltering victims in the RS still largely depends on individual awareness and understanding. Whether a protective measure will be issued or not also largely depends on the person responsible for making that decision. The institutions themselves are not satisfied with that approach.

In 2015, the FBiH government filed a motion for institutionalizing safe houses, which would enable better government control of the standards and expenses of safe houses. During the public hearings process, most of the members of the Safe Network, a network of NGOs working on gender-based violence, voiced their opposition to that proposal. Their arguments were as follows: registering the existing safe houses as institutions would result in increased expenses; some safe houses would not be in the position to meet the standards for registering as an institution; safe houses would have less independence; the proposal contradicts the Istanbul Convention. Not all of the members of the Safe Network agree. One of our interviewees noted that NGO-run women's shelters were originally meant as an interim solution until the respective governments assume responsibility in accordance with international standards. Currently, the financing is similar in the RS, shared between municipalities and the entity. Safe Network also proposed an alternative solution to enable both models of safe houses to exist and be established – as NGOs and institutions.

Working with perpetrators of violence against women, in cases of domestic violence in particular, is not yet as a standard practice. Psychosocial treatment and treatment of substance abuse are among protective measures prescribed by the entity Laws on Protection from Domestic Violence. While the number of protective measures enforced every year is gradually increasing, those such as psychosocial and substance abuse treatments are not so common. In order to stop the cycle of violence, the perpetrators also need to be engaged with specific assistance. However, in emergency situations, support to victims is a higher priority.

It is important to work with men, especially young men, on raising their awareness about gender equality and gender-based violence. Four interlocutors emphasized the importance of engaging men in activities on gender equality or against GBV. One of such initiatives implemented in BiH is the Young Men's Initiative by Care International, Perpetuum Mobile, and XY Association. The activity conducted a policy analysis on masculinities in the RS and FBiH (Dusanic, Dusanic, 2012).

In addition to gender institutional mechanisms, civil society organizations working on gender-based violence, particularly those that run shelters for women victims of violence, are all active in the Safe Network, such as Zene zenama. Some organizations focus on particular forms of gender-based violence, such as cyber-bullying – One World Platform for SEE, or Fondacija CURE. To further awareness about GBV, women's CSOs, with support of international organizations, mark the **16 Days of Activism Campaign to fight GBV**, which starts on November 25, the International Day for the Elimination of Violence against Women, and ends with Human Rights Day, on December 10. A joint calendar of activities administered by United Women in Banja Luka coordinates various local and international initiatives.

International organizations with interventions on GBV include UN Women, which implements the project on **Standards and Engagement for Ending Violence against Women and Domestic Violence in Bosnia and Herzegovina** (2016-2019, funded by Sida), OSCE which supports establishing of **databases on domestic violence** cases and protective measures (on a rolling basis since 2014), Care International working on awareness raising and engaging young men in the fight against GBV (**Young Men Initiative**), and other organizations.

RECOMMENDATIONS

USAID interventions in the area of GBV should primarily be guided by the CEDAW recommendations pertaining to GBV (annex), the Istanbul Convention and the country and entity documents for its full implementation, including a list of recommended indicators to monitor the implementation of the Convention (Banja Luka, [2014](#)).

6.2 CONFLICT-RELATED SEXUAL VIOLENCE

CRSV refers to rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence of comparable gravity perpetrated against women, men, girls and boys that is linked, directly or indirectly (temporally, geographically or causally) to a conflict (UNSCR, S/2015/203). This section includes findings on CRSV gaps and possible interventions, including delivery of justice and redress for survivors. One of the key UNSCRs in relation to CRSV is the UNSCR 1820.

FINDINGS

Legal framework is still inadequate for the protection of CRSV victims' socio-economic rights and legal protection. Victims of CRSV are able to access their social and economic rights through entity policies outlining rights of the civilian victims of war. The FBiH Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (FBiH OG 36/99, 2009) is undergoing revisions towards establishing an FBiH government expert assessment panel which will address applications for the status of civilian victims of war for CRSV victims, on the basis of their documentation and testimony. Under the current system, the FBiH government assigned four CSOs as main issuers of certificates to the CRSV victims (FBiH Parliament, 2015: Art. 3). Most of the rights are addressed at the cantonal level, but cantonal regulations vary significantly. In the Brcko District, such a

government body has already been established on the basis of amendments and supplements to the Decision of Protection of Civilian Victims of War of BDBiH. In the Republika Srpska, CRSV victims can access their socio-economic rights only if able to prove a minimum 60 percent level of disability (RSNA, 1993, 94, 95, 2008, 09), or they can alternatively seek protection through the Law on Social Protection.

The draft Law on the Rights of Victims of Torture in BiH has been stalled since 2012, but the CoM could discuss it in 2016 (CoM, 2016). However, such a law at the state level is challenged by the RS victims' associations. The RS is developing an entity law on the rights of victims of torture, which will also include victims of CRSV. This law is considered a positive development by our interlocutors.

In terms of justice, in 2013, the CEDAW Committee, (CEDAW/C/BiH/CO/4-5, see annex) expressed concern with the inadequate definition, at both the state and entity levels, of acts of sexual violence as war crimes and crimes against humanity, the elements pertaining to rape, in particular. The EU Progress Report for 2015 underlined the need for a comprehensive legal and policy framework to improve the status of victims of rape and sexual violence, and the need for a state-level program to improve the status of victims of war crimes involving sexual violence.

Conflict-related sexual violence is still inadequately processed and victim compensation insufficient. In 2013, the CEDAW Committee expressed concern with the slow pace of prosecutions and very low level of conviction rates for perpetrators of sexual violence. In 2015, BiH responded to the CEDAW Committee, reporting that **between 2005 and 2015, courts in BiH adopted final verdicts in 38 war crimes cases with elements of sexual violence, whereby seven out of 45 accused persons were acquitted** (BiH Information to CEDAW, 2015). The CEDAW Committee also emphasized the lack of adequate victim reparation in war crimes trials, where victims are being encouraged to initiate separate civil proceedings. Despite the fact that a victim reparation option existed in the criminal proceedings, it was never invoked in cases related to CRSV. The first such decision from the Court of BiH was adopted in the case of Bosiljko and Ostoja Markovic in 2015 (Court of BiH, Markovic Bosiljko at al., 2015). In addition to the sentence, the trial panel decided the victims of the CRSV are entitled to financial compensation for non-material damage from the perpetrator. The second verdict in 2016 upheld the first verdict. The compensation for non-material damage has yet to become practice in CRSV trials.

The vast majority of crimes related to sexual violence have not been prosecuted (only a few dozen cases have been), yet there are approximately 20,000 to 50,000 women victims of CRSV (Garcia Fransioli, 2014: p. 17). There is limited help to the victims that have severe pain and trauma. Those women brave enough to pursue justice need extensive guidance and counseling to be able to deal with the complicated procedures and numerous institutions. Such an onerous process makes it difficult for victims to achieve justice (TRAIL, 2013). Also, the implementation of the National Strategy for War Crimes continues to be far from satisfactory.

Inadequate witness protection measures at lower level courts and support to victims of CRSV were underscored by the CEDAW Committee in 2013 and the EU Progress Report for 2015. In June 2013, victims' associations emphasized to the CEDAW Committee the following problems regarding protection and support for victims and witnesses in cases of CRSV: (1) a flawed legal framework concerning witness protection; (2) lack of adequate protection of witnesses in cases of harassment and the subsequent failure to thoroughly investigate such instances and to judge and sanction those responsible; (3) general inadequacy of the manner in which protection of witnesses is granted; the material difficulties faced by witnesses; and (4) lack of adequate psychological support for witnesses

before, during, and after testifying (Garcia Fransioli, 2013: p. 17). The Program for Victims of Wartime Rape, Sexual Abuse and Torture, and Their Families in Bosnia and Herzegovina 2013-2016 was not accepted by all levels of government; and the Transitional Justice Strategy of BiH and the *Action Plan* for its implementation, which have been under review by the Council of Ministers since April 2012, still have not been adopted. In terms of witness protection at lower levels, the 2014 Law on Witness Protection in BiH (BiH OG 36/14) created a basis for effective protection of witnesses, while the Witness Protection Unit of the Court of BiH initiated networking between lower level courts and civil society organizations in providing witness protection and support. In 2015, a total of 16 witness support units were active in BiH in different courts and prosecutor offices (BiH to CEDAW, 2015).

Victims of sexual violence are not treated equally in the two entities. In the RS, victims of rape are not recognized as a special category of civilian victims of war and as such are not eligible to receive social benefits; in the FBiH, rape victims are considered a special category of victims but they are only entitled to a maximum of 70 percent of the amount of financial benefits provided to war veteran categories.

There is no comprehensive approach to improving the status and position of all female victims of the war in BiH that would include combating stigma attached to sexual violence, expanding compensation, support and rehabilitation measures and benefits, and ensuring equal access to such services for all women victims irrespective of their place of residence.

Men who survived CRSV are less willing to speak out or seek support and receive little or no support from the authorities. A UNFPA/UN Women study of stigma in relation to CRSV found that “in the overall support to survivors of conflict-related sexual violence there is an obvious gender insensitive approach and then there is a neglect and marginalization of men who were sexually abused in the conflict.” (UNFPA, 2016, p. 4) The level of CRSV against male victims is visible through cases of the ICTY against Dusko Tadic; Cestic, Mucic et al; and Todorovic and Simic. In those cases, CRSV took place in detention camps and was used as a means of torture, often forcing family members to perform sexual activities with each other. One of our interviewees noted that male victims of CRSV with whom she spoke were not aware whether they, as men, can be survivors of CRSV, or seek rights related to CRSV. Associations of victims of torture in detention camps, where CRSV was a standard method of torture, advocate adoption of the Law on the Rights of Victims of Torture in Bosnia and Herzegovina.

The attention of authorities has been mainly on social rights, while victims of CRSV face a long-term economically vulnerable position as a result of CRSV. Victims associations and international partners mention economic marginalization as another key gap in providing support to victims of CRSV, as they, because of their status, have low employment rates and income generation capacities. International organizations supporting CRSV victims should also consider this aspect in their interventions.

Among local CSOs, Medica Zenica and Udruzene Zene Banja Luka from 2011 are working on establishing and strengthening a Network for Support to Victims Witnesses in War Crimes, CRSV, and Other Criminal Cases in Zenica Doboj, Central Bosnia, Una Sana, Herzegovina Neretva cantons and in the city of Banja Luka. Medica established an SOS phone line for assistance to victims of CRSV (080022334) for all of BiH.

In terms of international support, UN agencies are covering most of the gaps mentioned above in an integral approach. Three different UN agencies are implementing an intervention on CRSV, within which UNDP addresses witness and victim protection, and free legal aid; UNFP works on strengthening the capacities of healthcare institutions to provide healthcare services to survivors in accordance with their needs; UN Women is focusing on economic empowerment of survivors; and IOM on a package of policies on reparations to victims. As part of these interventions, these agencies have carried out a number of baseline studies, including studies on types of masculinities related to CRSV, stigma research, and research on socio-economic impediments for survivors of CRSV. The main financing comes from the UN and from the British and Canadian governments.

To summarize, the legal framework is still inadequate for the protection of victims of CRSV, in terms of their social and economic rights and legal protection. The rights of victims of CRSV are not equally recognized across the BiH territory. Compensation for non-material damages to victims of CRSV is still rarely invoked by courts in BiH. Witness protection for CRSV victims is still not adequately provided by the lower level courts, partially due to lack of understanding and an absence of financial resources. In addition to court verdicts and compensation, women and men victims of CRSV require, other forms of support and redress. One of the aspects of support missing is economic empowerment, in order to help victims to access employment and income-generating activities. Men who survived CRSV are less willing to speak out or seek support, and at the same time, receive little or no support from the authorities. Courts and prosecutor offices at lower levels are working on establishing witness protection and support programs in partnership with civil society organizations, starting with Medica Zenica. The key international organizations working on CRSV are UN Women, UNFPA, UNDP, IOM and OSCE. Among international CSOs, TRIAL International is the main organization providing victim support.

RECOMMENDATIONS

Any USAID interventions in this area should be guided by the CEDAW recommendations (Annex, recommendations 10 and 12) and those of the UNSG (UNSG, S/2015/203).

Three types of interventions are possible:

- a) Support to already existing initiatives for policy changes which the UN agencies are working on;
- b) Support to the criminal justice system in building witness support at lower level courts;
- c) Providing support to CRSV victims in income-generating activities through existing and new interventions in economic growth.

6.3 TRAFFICKING IN PERSONS

FINDINGS

The 2016 *U.S. State Department Trafficking in Persons Report* places Bosnia and Herzegovina on Tier Two. Bosnia's rating has improved since 2014 when the country was placed on the Tier Two Watch List. Bosnia and Herzegovina is a source, destination, and transit country for men, women, and children for sex trafficking and forced labor. Bosnian women and girls and foreign born women and girls are subjected to sex trafficking inside the country in private residence, motels, and gas stations. Socially and economically vulnerable Romani children are forced into begging on the streets and young Romani girls are forced into early marriages that often translate into domestic servitude. Outside of Bosnia, Bosnian trafficking victims

are subjected to sex trafficking and forced labor in different sectors of the economy. The countries of destination include Austria, Croatia, France, Serbia, and Slovenia.

According to the report, while the Government of BiH has made significant efforts toward eliminating trafficking, it still does not fully meet the minimum standards for doing so. In May 2015, the state-level criminal code was amended to establish clear legal jurisdictions and increased the prescribed penalties for transnational human trafficking. State-level authorities address international trafficking, and entity-level authorities address trafficking in their respective territories. The prescribed penalty was increased from a minimum of three to five years of imprisonment. The FBiH began the process of amending its criminal code to prohibit all forms of trafficking, but parliament has not yet passed the legislation at the end of the reporting period for the 2016 TIP Report. The RS prohibits trafficking and forced labor with a minimum of a three-year imprisonment, as the BD has a minimum five year term.

Judges and prosecutors are still inadequately prepared to adjudicate trafficking cases. The national-level government has continued to provide basic anti-trafficking training to judges and prosecutors, and entity-level police academies have basic and advanced training on trafficking. However, according to international experts, these trainings do not adequately prepare them for the task at hand. OSCE jointly developed curricula for prosecutors and judges, and NGOs provided additional training for officials. USAID provided support to train judges, prosecutors, law enforcement agencies, NGOs, and journalists on specific TIP reporting issues.

While the state-level criminal codes contain provisions for non-prosecution of minor sex trafficking victims, entity-level laws in the FBiH and RS addressing enticement to prostitution allow minors 14 years and older to be treated as juveniles willingly engaged in prostitution, instead of as victims of trafficking and rape. The criminal code of the BDBiH is aligned with the state-level code. According to independent observers, law enforcement and prosecutors were unwilling to prosecute parents who force the child to be involved in either begging or prostitution. In such cases, shelters would eventually return these children to their parents.

During 2015, at the state level, only one investigation was launched against a trafficking suspect and one suspect was indicted. This represents a significant drop compared with 2014 when 13 individuals were indicted. The RS showed an improvement from the previous year with two investigations were launched, five suspected traffickers were identified, and two persons were indicted; two traffickers were convicted and sentenced to two and three year imprisonments. The BD authorities started one investigation and issued one indictment against two suspects, but there were no convictions in 2014 or 2015. The FBiH also showed progress in 2015, during which authorities investigated 10 suspects and prosecuted four under the Enticement to Prostitution statute, compared with five investigations in 2014.

Prevention. Bosnia and Herzegovina has continued efforts to prevent trafficking. In December 2015, the Council of Ministers approved the 2016-2019 national anti-trafficking action plan. An interagency task force continued monthly monitoring of trafficking investigations and prosecutions. The national anti-trafficking coordinator has published an annual 2015 report, and the government continued public campaigns focused on reducing demand for commercial sex (but not for forced labor). The Ministry of Defense delivered training to the members of UN peacekeeping operations on identifying and reporting trafficking. With USAID assistance, the Ministry of Security carried out research on the nature, roots, and magnitude of trafficking in BiH and organized campaigns to raise TIP awareness among the public and the media.

Protection. In 2014, authorities documented 49 potential victims of TIP in the country, of whom 35 were female, 24 of them being minors. Most of the victims in 2014 were exploited for begging (31) (BiH State Coordinator for Combatting Trafficking in Human Beings, 2015). In 2015, the government identified 31 victims of trafficking all of whom were citizens of BiH – 24 victims of forced labor and seven of sex trafficking. Twenty three victims were female and 14 were minors. Fourteen victims were referred to NGO-run shelters. Six government-run social welfare centers provided assistance to 129 children involved in begging or working on the streets.

Protection efforts included provision of grants by the Ministry of Human Rights and Refugees in the amount of \$33,400 to six NGOs to provide assistance to domestic trafficking victims. Assistance included placement in a shelter, provision of clothing, counseling, education, and job training. While shelters accommodated both female and male trafficking victims, men did not receive specialized services. Authorities provided assistance to the victims only if they requested it. For domestic victims, provision of reintegration assistance was not linked to a stay at the shelters. Support to foreign victims of trafficking covered residence at a shelter, medical, and psychological assistance, and repatriation services. The Ministry of Security provided \$66,800 to NGOs for provision of this assistance.

RECOMMENDATIONS

Harmonize the Criminal Code of the FBiH with the Criminal Code of BiH and the 2000 UN TIP Protocol to explicitly prohibit all forms of trafficking.

Train prosecutors and judges on a victim-centered approach to prosecution. Train front-line officers on proactive victim identification, with a greater focus on forced labor and begging.

Develop specialized assistance for male victims and appropriate interview protocols for child trafficking victims.

6.4 LGBTI ISSUES

FINDINGS

The lesbian, gay, bisexual, transgender and intersex (LGBTI) community in BiH is for the most part absent from the public sphere due to pervading hostile attitudes among the majority of the population, fear for physical safety, and discrimination by family, friends, and coworkers.

The 2015 NDI/Ipsos Public Affairs Report (LGBT Population: Western Balkans Perspective) reveals both widely-held misconceptions about LGBT persons and deep-seated prejudices by the majority population. Fifty seven percent of those polled, believe that homosexuality is not normal and 22 percent hold that homosexuals are ‘no better than criminals and should be severely punished.’ On the other hand, 59 percent believe that it is a disease and in a ‘normal family, a child cannot become homosexual.’ The latter position underscores the level of social stigma attached to families with a LGBT member. Only eight percent would be willing to completely support their LGBT child and 44 percent would ‘accept’ the child but try to ‘find a cure for this illness’. However, 11 percent would stop communicating and seven percent would make the person leave their house. LGBTI persons face similar pressures and the possibility of rejection from their friends and acquaintances. Only 11 percent would still accept them completely, 25 percent would accept them but would not be comfortable (or willing) to talk about it; and 30 percent would stop communicating.

While LGBTI persons report experiencing discrimination and high levels of psychological and verbal abuse, the majority of the population is not aware that LGBTI persons are exposed to psychological and physical violence. According to the 2015 NDI report, 72 percent of LGBTI persons experienced verbal abuse and harassment and 15 percent experienced physical violence. However, only 30 percent of those surveyed believe that LGBTI persons are frequently or mostly frequently exposed to psychological and physical violence; and 32 percent believe that this is rare or very rare.

The majority of political parties and their representatives avoid engaging on issues related to LGBTI rights. One of the more likely reasons for this reluctance or lack of interest is a pragmatic calculation on the part of political elites of prevailing social opinions on LGBTI issues. The 2015 NDI report confirms this – parties would lose support if they promoted LGBTI rights. Responding to the question **‘Even if a political party would actively deal with the most important problems in the country, would it still be unacceptable to vote for it if the party would be at the same time focused on promoting LGBT rights?’** 52 percent would definitely not vote and 15 percent probably would not vote. The same holds true if a candidate is openly known to be LGBT – 63 percent would either definitely or probably not vote for this person.

Sustained advocacy on the part of civil society and changes in government following the 2014 general election led to progress on several fronts in protection of LGBTI human rights. Until 2015, public policies, strategies, and action plans did not include considerations of LGBTI rights or needs (SOC cited in ERA Bosnia page). The BiH Agency for Gender Equality, the Gender Centers of the Republika Srpska, and the Federation of BiH have significantly improved understanding of broader gender concepts and have initiated activities in their institutions to promote equality of LGBTI persons. The 2016 RS Annual Operational Plan, based on the Gender Action Plan for 2016, lists several activities to be undertaken by the institutions of the RS with regards to LGBTI rights, including focus on addressing hate crimes. In 2016, the Ministry of Human Rights and Refugees invited Sarajevo Open Centre, the leading gender and LGBTI NGO, to be a member of working groups developing the Strategy for Human Rights and the Strategy for Combating Discrimination.

The collaboration between the government and civil society has improved and increasing number of representatives of the FBiH Parliament and other parliaments are publicly addressing the rights of LGBTI persons. In 2015, the Social-Democratic Party (SDP BiH) developed a *Policy for Equality of LGBT Persons*, which should be adopted by the party presidency in 2016 (2016 Pink Report).

Unfortunately, the Institution of the Ombudsman, that has a mandate to eliminate all forms of discrimination, has not assumed a leading role in promoting LGBTI rights. The Ombudsman did not support the initiative by CSOs to produce a report on the state of human rights of LGBTI persons. It was only after the decision of the State Parliament Joint Committee for Human Rights that work on the report has started but has not yet been completed (as of June 2016). According to SOC, the Institution of Ombudsman does not have the capacities to adequately advocate for the rights of LGBTI persons (2016 Pink Report).

Legal provisions protecting LGBT human rights

According to the 2015 ILGA Europe Rainbow Map that reflects the national legal and policy human rights situation of LGBTI people in Europe, Bosnia and Herzegovina is ranked 29th out of 49 countries with a

29 percent achievement level. This map does not reflect the social and cultural realities of the community in the country.

Bosnia has made important progress in protecting the human rights of its citizens, including LGBT persons. However, some laws still remain vague and are not adequately harmonized with entity-level laws. While Article 2 in the Constitution of BiH prohibits discrimination, unlike other categories, sexual orientation, gender identity, and sex characteristics are not explicitly included as grounds for discrimination. BiH decriminalized homosexuality in 1991, but no legal provisions exist for cohabitation rights, civil partnership, same-sex marriage, and adoption of children

The **2003 Law on Gender Equality in BiH** (amended in 2009) expressly prohibits discrimination and “encouragement and advocacy for national, racial, or religious hatred” based on “sexual expression and/or orientation” in all aspects of public life, and gender. However, it does not address sexual or gender identity. Also, the articles that cover different fields (education, employment, social care, health care, sport and culture, and public life and media) do not include consistent references to sexual orientation.

The **2009 Law on Prohibition of Discrimination** includes “sexual expression and/or orientation” in all aspects of public life. Additionally, after it was amended, the Law also makes a clear distinction between sex and gender. However, sexual orientation remained undefined and the law does not explicitly include gender identity. The **2016 Draft Law on Changes and Amendments to the Law on Protection from Discrimination** includes accurate LGBTI-relevant vocabulary and provisions to ban discrimination on the basis of sexual orientation, gender identity, and sex characteristics, which would provide better protection for intersex persons. Another significant addition includes improved definition of harassment and sexual harassment and the introduction of victimization as a form of discrimination. The draft entered the legislative procedure in April 2016.

Although all laws at all levels must be harmonized with the *Law on Prohibition of Discrimination*, many laws at state, entity and cantonal levels do not include sexual orientation, gender identity, and/or sexual characteristics as grounds protected from discrimination (2016 Pink Report). In the area of employment, the *Labor Law of FBiH* and the *BDBiH Labor Law* only include ‘sex-expression’/sexual orientation. The *RS Labor Law* does not explicitly include sexual orientation and gender identity; instead, it prohibits discrimination on any characteristics that are not directly related to the nature of work (ERA Bosnia page; 2016 Pink Report).

Hate speech and hate crimes are regulated by Article 145 of the Criminal Code of BiH. The article explicitly states that sexual orientation represents unlawful grounds for discrimination and mandates prison terms from six months to five years for any state official who does not uphold civil rights guaranteed by the constitution. All three federal units have provisions that regulate hate crime based on sexual orientation, and the criminal codes of the FBiH (adapted in 2016) and the RS also cover gender identity. The entity-level criminal codes include provisions that penalize incitement to hatred, hate speech, and violence. However, these provisions refer only to nationality, ethnicity, and religion and not to LGBTI persons (ERA Bosnia page).

LGBTI Organizations active in the country

Sarajevski otvoreni centar (*Sarajevo Open Center – SOC*) is an independent feminist civil society organization that strives to empower lesbian, gay, bisexual, trans* and intersex (LGBTI) people and women through

community empowerment and activist movement-building. SOC also promotes the human rights of LGBTI people and women publicly and advocates on the national, European, and international level for improved legislation and policies in Bosnia and Herzegovina.

Fondacija CURE (*CURE Foundation*) is a feminist-activist organization which promotes gender and sex equality and works for positive social changes through educational, cultural and research programs.

LibertaMo is an association that promotes the strengthening of the rights of LGBT people and women's rights through feminist theory and practice.

Udruzenje Okvir is committed to the promotion and protection of culture, identity and human rights of LGBTIQ persons.

Banjalucko Udruzenje Kvir Aktivista - *Banja Luka Association of Queer Activists* (B.U.K.A) is an independent, multidisciplinary, non-biased, and non-profit organization committed to promoting full respect of human rights of LGBTIQ persons, decreasing the level of discrimination based on sexual orientation and/or gender identity, and fighting against homophobia and transphobia in Bosnia and Herzegovina through its primary missions.

Tuzlanski otvoreni centar (*Tuzla Open Center – TOC*) – Founded on 25 February 2013 TOC is an independent, non-political, and non-profit organization promoting active citizenship through political education and advocating for human rights of marginalized groups through equality policies.

RECOMMENDATIONS

Support collaboration between human rights and LGBTI NGOs and CSOs and the establishment of national advocacy networks.

Strengthen the capacity of the Institution of Ombudsman, and gender institutional mechanisms to adequately advocate for the rights of LGBTI persons.

Support harmonization of laws at state, entity and cantonal levels with the *Law on Prohibition of Discrimination* to include sexual orientation, gender identity, and/or sexual characteristics as grounds protected from discrimination.

Provide support to civil society organizations engaged in collaboration with state and entity government institutions on publicly addressing the rights of LGBTI persons.

V. CONCLUDING REMARKS

Traditional norms continue to play an important role in BiH political and economic life, influencing women's prospects for meaningful participation and representation of their interest.

Representation of women and men is more equal in the judiciary than in the legislative or executive government structures. Affirmative measures have contributed to initial increases in women's political participation, but the qualitative representation of women's issues is still unsatisfactory.

Gender mainstreaming, as a strategy towards achieving gender equality, is still limited in its application in BiH. However, significant advancements have been made in terms of legally mandating policy makers to take into account the opinions of gender institutional mechanisms. Even if gender mainstreaming was consistently applied by all policy makers, gender institutional mechanisms would lack staff to meet all the requirements.

The issue of maternity benefits in FBiH is one of the areas where women politicians, women's organizations, gender institutional mechanisms, and their international donors have persistently failed.

Women's low participation in the labor market stands out among the economic gender issues. Reasons for why women are pushed into long-term unemployment, discouragement, and eventually, inactivity in the job market include: losing a job or not being treated equally in recruitment due to their role as mothers; lower compensation compared to men for the same work, especially when taking into account fees, promotions, and trainings on top of wages; cultural coding of women to take less demanding jobs, work half-time and choose occupations which are considered typically female, and lower paid. However, a portion of women decide to stay at home for at least some periods of time unrelated to any of those reasons.

Women tend to express higher respect for diversity than men. This is particularly true for young women compared to young men.

Women continue to be excluded from participation in high-level political reforms and from decision-making that can support social cohesion and reconciliation in the same way they have been excluded from the earlier constitutional negotiations.

Roma women face multiple levels of discrimination, and their situation requires urgent action in the areas of education, employment, access to healthcare, and political participation.

The system of tracking BiH human rights obligations and commitments is dispersed and unsystematic. Surveys are mostly unrepresentative of the most vulnerable populations and the tracking of human rights indicators are inconsistent. Reporting on human rights obligations is based on such limited information sources or low quality data.

In security challenges, such as terrorism and radicalization, the needs of women and marginalized groups go easily unnoticed as the policies are often adopted in haste, while main international donors sometimes overlook gender equality standards.

In gender-based and conflict-related sexual violence, levels of protection are not synchronized geographically, and are inadequately applied by judges and prosecutors, in particular in relation to sentencing and compensation. Application of laws is inadequate in relation to trafficking in persons as well.

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ANNEX I: LIST OF INTERVIEWS

The team **interviewed** the following organizations, institutions and persons, and attended events:

#	NAME	LOCALITY
1	USAID ACCOUNT (InfoHouse, Dzenana Aladjuz, CRMA, Alma Kovacevic), Sarajevo (GENDER and CORRUPTION)	Sarajevo
2	USAID SGIP Activity, Cristian Haupt, Sanela Paripovic, Irma Hadzic (GENDER and GOOD GOVERNANCE)	Sarajevo
3	USAID FARMA II (GENDER and BUSINESS), Sanja Tosic, James Herne + STTA Nora	Sarajevo
4	USAID PRO-Future, Majda Behrem Stojanov (GENDER and RECONCILIATION)	Sarajevo
5	USAID Education for Just Society, Radmila Rangelov Jusovic (GENDER and EDUCATION)	Sarajevo
6	USAID IOM Activity, Mirza Omerhodzic, Myra Albu, Elvira (GENDER, SECURITY and MIGRATION)	Sarajevo
7	USAID Partnership for Innovation, Jusuf Tanovic (GENDER and DEVELOPMENT)	Sarajevo
8	IRI (GENDER and POLITICAL PARTIES), Borislav Spasojevic and Amila Karacic	Sarajevo
9	UN Women, Esther Garcia, Lejla Mamut (GENDER BASED VIOLENCE)	Sarajevo
10	OSCE Gender Unit (GENDER, SECURITY, POLITICAL PARTIES AND ELECTIONS)	Sarajevo
11	US Embassy, Office of Public Affairs	
12	Oxfam Italy and Rural Livelihoods Development Project, Aida Selimic	Sarajevo
13	BiH Gender Equality Agency, Kika Babic Svetlin, Sasa Leskovic	Sarajevo
14	FBiH Gender Center, Zlatan Hrnčić and Lejla Hodovic	Sarajevo
15	RS Gender Center, Spomenka Kronic, Mirjana Lukac	Banja Luka
16	RS Ministry of Family, Youth and Sports, Minister Jasmina Davidovic, Assistant Minister Natalija Petric,	Banja Luka
17	Public Administration Reform Coordination Office (PARCO), Sarajevo, Aneta Raic	Sarajevo
18	BiH Parliamentary Assembly Gender Equality Committee, Davorin Semenik	Sarajevo

19	Federal Ministry of Agriculture, Water Management and Forestry, Nijaz Brkovic	Sarajevo
20	RS Ministry of Agriculture, Forestry and Water Management, Assistant Minsiter Gordana Rokvic, Drena Djukic	Banja Luka
21	BiH Ministry of Security, Department for International Cooperation, Ankica Tomic	Sarajevo
22	BiH Ministry of Security, Anti-terrorist Department, Mario Janecek	Sarajevo
23	Mostar City Administration, Department for Social Affairs, Bozo Coric	Mostar
24	Entity Associations of Municipalities and Cities, Sarajevo, Sejla Hasic and Selma Fisek	Sarajevo
25	Association of Women Judges, Sarajevo, Adisa Zahiragic	Sarajevo
26	Prava za sve, Sarajevo, Dijana Sehic	Sarajevo
27	Helsinki Citizens' Assembly, Banja Luka, Dragana Dardic, Initiative of Women Citizens for Constitutional Reform	Banja Luka
28	Udruzene zene Banja Luka, Aleksandra Petric	Banja Luka
29	LINK, Tomislav Majic, Mostar	Mostar
30	SOC, Emina Bosnjak	Sarajevo
31	Skolegijum, Marina Velickovic	Sarajevo
32	Association XY, Fedja Mehmedovic , Dzenita Hrelja, Dajana Cvjetkovic	Sarajevo
33	Women to Women (CSSP network leader), Memnuna-Nuna Zvizdic	Sarajevo
34	Foundation Lara Bijeljina, Radmila Zigic	Bijeljina
35	Association of Business Women, Aida Zubcevic	Sarajevo
	EVENTS	
36	FARMA II Gender Analysis Workshop (GENDER AND AGRICULTURE)	Sarajevo
37	Equality for All (Prava za sve) Public Discussion - Do all women have equal rights to health - Policy and Practice [Maja and Sanel]	Sarajevo
38	Equality for All (Prava za sve) Public Discussion - Sexual and Reproductive Health through Education [Anela and Sanel]	Sarajevo

ANNEX II: INTERVIEW PROTOCOL

1. What do you see as the major gender issues and/or gaps in this country/your sector?
2. To what extent do Laws, Policies, Regulations and Institutional Practices in the CDCS sector contain explicit or implicit gender biases,³ or actively promote gender equality? PROBES:
 - Can you demonstrate any similar biases through examples in laws, policies or regulations?
 - How do you assess implementation of gender equality provisions (affirmative measures) in practice (if regulated in sector-specific policies)?
3. Which cultural norms and beliefs influence the behavior of men and women, their allocation of time, and which gender roles and responsibilities they take on in the your sector? PROBES:
 - For example, women are sometimes referred to as the "weaker sex" in our society. How does that influence their chances of working as _____? Are there enough women applicants for such posts?
 - For example, women are sometimes referred to as "soft-hearted" or emotional in our society. How does that influence their chances of being in a position to _____?
 - For example, in some parts of our society, women are expected to care for children and elderly, rather than men. Does that have implications on how men and women working in the _____ distribute their time at work, how efficient they are in delivering their tasks, or how easily they get promoted?
 - Are there typical posts women take on in the _____? Or typical specializations _____?
4. To what extent are key resources and services in the sector of _____ differently accessible to and controlled by men and women? PROBES:
 - Do men and women have equal opportunities in attaining high-ranking positions in the _____? Are there sex differences in the number of applicants? If yes, why?
 - Is professional education equally accessible to and used by men and women in the _____?
 - What do you see as the most profitable profession for a person with _____ background? Do men and women with _____ background typically choose different paths? If yes, why?
 - Are there differences in the number of women and men users of services/incentives? Are there implicit causes of differences, in case they exist?

³ An explicit bias specifically favors one sex over the other for certain types of posts, decision powers, responsibilities, etc. An implicit bias, on the other hand, does so not by prescribing the favoritism, but by reproducing inequalities predetermined by different starting positions between men and women. For example, maternity leave without an option for men to take paternity leave is an explicit gender bias which favors women's right to family over men's. On the other hand, a legal provision which says that a woman will return to an "available" post upon return from maternity may have an effect on women's chances to progress in their careers, as in practice it may result with women returning to a lower-ranking position than before maternity, which may constitute an implicit gender bias favorable to men.

- Which sub-groups of men, and which subgroups of women have the biggest obstacles in using services/incentives?

5. Are there differences between men and women in the influence over decisions in the _____? PROBES:

- For example, if a man and a women are equal members of a decision-making body in the _____, do they still have different capacities, opportunities and power to influence important decisions?

6. What are the major opportunities to empower women or close gender gaps in this country at the moment? How and by whom are these issues being addressed now (if they are being addressed)?

7. Where have you seen progress in addressing gender inequalities? Are there any programs that you know of that provide especially strong examples of good practices?

8. In your opinion, are there emerging issues on gender?

ANNEX III. CEDAW CONCLUDING OBSERVATIONS ON THE FOURTH AND FIFTH PERIODIC REPORTS OF BOSNIA AND HERZEGOVINA

United Nations CEDAW/C/BIH/CO/4-5

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General 30 July 2013

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Bosnia and Herzegovina

1. The Committee considered the combined fourth and fifth periodic reports of Bosnia and Herzegovina (CEDAW/C/BIH/4-5) at its 1146th and 1147th meetings, on 19 July 2013 (see CEDAW/C/SR.1146 and 1147). The Committee's list of issues and questions is contained in CEDAW/C/BIH/Q/4-5, and the responses of the Government of Bosnia and Herzegovina are contained in CEDAW/C/BIH/Q/ 4-5/Add.1.

A. Introduction

2. The Committee expresses its appreciation to the State party for its detailed combined fourth and fifth periodic reports, its written replies to the list of issues and questions raised by the Committee's pre-session working group, and the responses to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation, which was headed by Samra Filipovic-Hadziabdic, Head of the Gender Equality Agency of Bosnia and Herzegovina, and included the Permanent Representative of Bosnia and Herzegovina to the United Nations Office at Geneva, as well as representatives of the Gender Equality Agency, the Ministry of Human Rights and Refugees, the Gender Centres of the Republika Srpska and the Federation of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina and the Permanent Mission. The Committee appreciates the dialogue that took place between the delegation and the members of the Committee.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration, in 2006, of the State party's combined initial, second and third periodic reports (CEDAW/C/BIH/1-3) in undertaking legislative reform, in particular:

- a) The adoption, in 2009, of the law on the prohibition of discrimination, which includes sex, sexual expression or sexual orientation as prohibited grounds of discrimination;
- b) Amendments, in 2009, to the law on gender equality (2003);

- c) Amendments, in 2010, to the Criminal Code of Bosnia and Herzegovina, which include a definition of trafficking in line with international standards (article 186).

5. The Committee commends the State party for improving its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including:

- a) The adoption of the Bosnia and Herzegovina gender action plan (2006-2011) and the funding mechanism for the implementation of the plan;
- b) The adoption of the national action plan to combat trafficking and illegal migration (2008-2012);
- c) The adoption of the action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security (2010-2013) and the establishment of a coordinating committee, in 2011;
- d) The adoption of the national war crimes prosecution strategy, in 2008.

6. The Committee welcomes the fact that, in the period since the consideration of its previous combined reports, the State party, in addition to having accepted the amendment to article 20, paragraph 1, of the Convention, in 2012, has ratified or acceded to the following international and regional instruments:

- a) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2012;
- b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2012;
- c) The Convention on the Rights of Persons with Disabilities, in 2010;
- d) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2010;
- e) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in 2008;
- f) The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in 2008;
- g) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2008.

7. The Committee commends the State party for having adhered to the nine major international human rights instruments. The Committee also welcomes the ratification by the Parliament, referred to during the dialogue, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and notes that the instruments of ratification will be deposited.

C. Principal areas of concern and recommendations

Parliamentary Assembly

8. The Committee notes with satisfaction that the combined fourth and fifth periodic reports of the State party were adopted by the Parliamentary Assembly. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the

State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage the Parliamentary Assembly, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting process under the Convention.

Women in post-conflict situations

9. While recognizing the State party's efforts to improve the situation of women in post-conflict situations, the Committee is deeply concerned about:

- a) The slow pace of prosecutions and very low level of conviction rates of perpetrators of sexual violence, which result in pervasive impunity, despite the implementation of the 2008 national war crimes prosecution strategy;
- b) The inadequate definition, at both the State and entity levels, of acts of sexual violence as war crimes and crimes against humanity, in particular the elements of the crime of rape, which are not in line with international standards; the large number of cases at the district and cantonal levels, at which rape continues to be prosecuted as an ordinary crime, without taking into account the dimension of the armed conflict; and the parallel applicability of different criminal codes, resulting in inconsistent jurisprudence and lenient sentencing practices;
- c) Long delays in adopting measures to address the needs of a large number of women victimized by the conflict;
- d) The lack of adequate victim reparation in war crimes trials, where victims are being referred to initiate separate civil proceedings, while such claims can be submitted and ruled upon during criminal proceedings;
- e) The deficiencies of witness protection measures in cases prosecuted at the district and cantonal levels, where the law on the witness protection program is not applicable;
- f) Women's inadequate and unequal access to compensation, support and rehabilitation measures for violations suffered during the war, such as enforced disappearances. These measures include sustained psychological and medical support as well as financial and social benefits, which are regulated differently in the entities;
- g) The lack of measures taken to address the systematic stigmatization faced by women victims of wartime sexual violence, which hampers their access to justice and social reintegration.

10. The Committee recommends that the State party:

- a) **Speed up the implementation of the national war crimes strategy and increase the number of prosecutions of war crimes cases by allocating more financial resources and investigative capacities to address the large backlog of cases;**
- b) **Amend all relevant criminal codes to include a definition of wartime sexual violence in line with international standards, including a specific definition of rape as a war crime and a crime against humanity, in order to adequately reflect the gravity of the crimes committed and intensify its efforts to harmonize the jurisprudence and sentencing practices of its courts throughout the State party,**

- by establishing effective cooperation mechanisms between prosecutors and courts competent to deal with war crimes at all levels of the State party;
- c) Expedite the adoption of pending draft laws and programs designed to ensure effective access to justice for all women victims of wartime sexual violence, including adequate reparation, such as the draft law on the rights of victims of torture and civilian war victims, the programs for victims of sexual violence in conflict and torture (2013-2016) and the draft strategy on transitional justice aimed at improving access to justice;
 - d) Ensure the effective implementation of the new law on the witness protection programs and establish sustainable and operational witness protection measures at the district and cantonal levels;
 - e) Develop a comprehensive approach to improve the status and position of all women victims of the war, including by combating the stigma attached to sexual violence; and expand the provision of compensation, support and rehabilitation measures and benefits, and ensure equal access to such services for all women victims, irrespective of their place of residence.

11. The Committee is concerned about the lack of effectiveness of the Security Council resolution 1325 (2000) action plan regarding women's participation in peace, reconciliation and rehabilitation processes.

12. The Committee recommends that the State party ensure the full implementation of Security Council resolution 1325 (2000) through the State party's action plan and develop concrete measures to enhance the participation of women in decision-making processes relating to post-conflict policies and strategies, taking into account the needs of women and girls, in particular as regards their social rehabilitation and reintegration.

Constitutional and legislative framework

13. While acknowledging the existing definitions in the gender equality law, the Committee is concerned that the Constitution does not at present include a comprehensive definition of discrimination against women, in line with article 1, or of the principle of equality between women and men, in line with article 2 of the Convention.

14. In the light of the constitutional review process, the Committee recommends that the State party specifically incorporate into its new Constitution a definition of equality between women and men and a prohibition of direct and indirect discrimination against women in the public and private spheres, in accordance with articles 1 and 2 of the Convention.

Legal complaint mechanisms

15. In the light of the direct applicability of the Convention, the Committee is concerned about the limited number of court proceedings where provisions of the Convention were directly invoked or applied, as well as the low number of complaints related to gender-based discrimination brought before the Gender Equality Agency and the Institution of Human Rights Ombudsmen, which indicates a continuing lack of awareness among women themselves and among the judicial and legal professions about the rights of women and the remedies available under the State party's legal framework, the Convention and the

Optional Protocol thereto, as well as about the Committee's general recommendations. The Committee is also concerned that the provision of legal aid remains fragmented and unregulated in some cantons of the Federation, that it continues to be provided largely by privately funded non-governmental organizations, and that the adoption of a State-level law on free legal aid is still pending.

16. The Committee recommends that the State party:

- a) **Provide systematic and mandatory training to judges, prosecutors and lawyers on the gender equality law and the law on the prohibition of discrimination, as well as on the Convention, the Optional Protocol thereto and the Committee's general recommendations and views adopted on individual communications, encourage them to refer to the Convention to give it greater visibility, and ensure that they form an integral part of legal education;**
- b) **Increase women's awareness of their rights and the remedies available to enable them to seek redress in cases of gender-based discrimination;**
- c) **Expedite the adoption of the draft law on legal aid, aimed at unifying the provision of free legal aid in the State party in order to facilitate access to justice for all women, in particular those belonging to disadvantaged groups.**

National machinery for the advancement of women

17. While welcoming the continued cooperation between the Gender Equality Agency and the Gender Centers of the entities and the forthcoming adoption of a new gender action plan (2013-2017), the Committee is concerned about the limited cooperation between existing gender equality bodies and relevant ministries at all levels; insufficient gender mainstreaming within ministries at all levels; the resulting weak implementation of the gender action plan owing to, notably, an unclear division of responsibilities among the competent bodies; and the insufficient inclusion of disadvantaged women in the formulation of policies and programs. The Committee also reiterates its concern that the Gender Equality Agency is not sufficiently visible and that its position within one State-level ministry may create obstacles to its effectiveness in working with other ministries. Furthermore, while noting that the mandate of gender equality bodies includes the submission of opinions prior to the adoption of new laws and regulations, the Committee is concerned about the limited human, financial and technical resources of the national machinery to efficiently promote, coordinate, monitor and evaluate national gender equality legislation and policies in the State party.

18. In view of the implementation of the new gender action plan, the Committee calls upon the State party to establish effective cooperation mechanisms between the gender equality bodies and the relevant ministries in order to increase gender mainstreaming in all areas and at all levels, including with regard to disadvantaged groups of women. The Committee also calls upon the State party to strengthen the Gender Equality Agency by giving it greater visibility and authority vis-à-vis relevant ministries and the Council of Ministers. In addition, the Committee recommends that the State party provide the national machinery with the necessary human, financial and technical resources to improve its effective functioning, in particular by including technical capacity-building activities and capacity for enhanced cooperation with civil society, as well as introduce effective monitoring and accountability

mechanisms at all levels in the context of its system for gender mainstreaming, including sanctions for non-compliance.

Stereotypes

19. The Committee reiterates its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society at large (see CEDAW/C/BIH/CO/3, para. 23). It notes that such attitudes and stereotypes constitute a significant impediment to the implementation of the Convention, as they are root causes of: (a) women's disadvantaged position in the State party in political and public life, especially in decision-making positions and elected offices, as well as in the labor market; (b) the prevalence of violence against women in the State party; and (c) gender segregation as reflected in women and girls' educational choices. In addition, the Committee regrets the serious delays in addressing the remaining gender stereotypes found in school textbooks and materials.

20. The Committee urges the State party to:

- a) Remove, as a matter of priority, gender stereotypes from educational textbooks and teaching materials;**
- b) Disseminate the principles of non-discrimination and gender equality throughout the educational system, both formal and informal, with a view to enhancing a positive and non-stereotypical portrayal of women, by incorporating human rights and gender equality into training and educational materials and by providing training on women's rights to teaching staff;**
- c) Develop a comprehensive, wide-ranging strategy across all sectors, with proactive and sustained measures, targeted at women and men, girls and boys, to overcome patriarchal and gender-based stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, in particular in areas where women are in the most disadvantaged position, such as public and political life and employment;**
- d) Intensify its cooperation with civil society and women's organizations, political parties, education professionals, the private sector and the media, and disseminate information to the general public and to specific audiences, such as decision-makers, employers, youth and disadvantaged groups of women, on women's rights in the private and public spheres.**

Violence against women

21. While welcoming the State party's increased efforts to combat domestic violence, the Committee reiterates its serious concern about the high prevalence of domestic violence and the lack of monitoring and accountability mechanisms regarding the implementation of existing strategies, at both the State and entity levels; insufficient data collection to assess the phenomenon of domestic violence; and insufficient support services dependent on non-governmental organizations and foreign funding. The Committee is also concerned about the inconsistent application of the laws regulating domestic violence by the courts of both entities, which undermines women's trust in the judicial system despite the comprehensive legislative framework in place; the underreporting of domestic violence; the limited number of protective

measures issued; and the lenient sentencing policy, including a large percentage of suspended sentences. In addition, the Committee regrets the absence of information regarding Brcko District and the insufficient information on other forms of violence against women in the State party.

22. The Committee recommends that the State party:

- a) Establish effective institutional mechanisms to coordinate, monitor and assess the effectiveness of the impact of the strategies developed and measures taken with a view to ensuring the consistent application of the laws at all levels;**
- b) Encourage women to report incidents of domestic violence by de-stigmatizing victims and raising awareness about the criminal nature of such acts, and intensify its efforts to ensure that all reported cases of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of the crime;**
- c) Collect statistical data on domestic violence, including femicide, disaggregated by sex, age and relationship between victim and perpetrator, and undertake research on the extent of all forms of violence against women and its root causes;**
- d) Provide mandatory training for judges, lawyers and law enforcement officers on the uniform application of the existing legal framework, including on the definition of domestic violence and on gender stereotypes;**
- e) Provide adequate assistance, protection and rehabilitation to women victims of all forms of violence, including by strengthening the capacity of existing shelters and by enhancing cooperation with and funding for non-governmental organizations providing shelter and rehabilitation to victims.**

Trafficking and exploitation of prostitution

23. While noting the new legislative framework in place at the State level, the Committee remains concerned about the low number of prosecutions, undue delays in proceedings and the leniency of sentences, despite the growing trend of internal and international trafficking in the State party. It is particularly concerned that the Criminal Codes of the entities and of Brcko District have not been harmonized with the State Criminal Code and therefore do not allow adequate prosecutions at the entity and district levels with corresponding punishments and convictions of acts of trafficking, especially internal trafficking. Furthermore, while noting the adoption of regulations protecting victims and witnesses and the development of a new strategy for combating trafficking in human beings, the Committee is concerned about the lack of effective victim identification procedures, especially regarding women and girls from Roma communities and internally displaced women who are increasingly affected, and that most of the shelters providing adequate services to victims of trafficking, are operated by non-governmental organizations that rely on external funding.

24. The Committee recommends that the State party:

- a) Amend the Criminal Codes of both entities and of Brcko District to harmonize them with the relevant provisions of the Criminal Code of Bosnia and Herzegovina in order to ensure that acts of trafficking are adequately prosecuted;**

- b) **Ensure the effective implementation of the new legislative framework and the timely prosecution and punishment of traffickers, as well as review its sentencing policy in trafficking cases;**
- c) **Provide mandatory and gender-sensitive training for judges, prosecutors, police officers and other law enforcement officers on applicable legal provisions, including regulations on the protection of witnesses of trafficking;**
- d) **Strengthen mechanisms aimed at the early identification and referral of victims of trafficking, with a special focus on Roma and internally displaced women, as well as preventive measures such as raising awareness about the risks of trafficking for disadvantaged groups of women;**
- e) **Ensure adequate funding for anti-trafficking activities undertaken by non-governmental organizations.**

25. The Committee expresses concern at the fact that the State party remains a country of origin, destination and transit for trafficking in human beings, in particular women and girls, for purposes of sexual exploitation. It is also concerned at the fact that prostitution that is punishable as an administrative offence, as well as at the absence of research and data on the prevalence of exploitation of prostitution in the State party and the lack of policies and programs to address that phenomenon.

26. The Committee calls upon the State party to:

- a) **Amend its legislation to ensure that women victims of prostitution are no longer punished by a fine; ensure the investigation, prosecution and punishment of those who exploit prostitution; and take measures to discourage the demand for prostitution;**
- b) **Pursue a comprehensive approach to addressing the exploitation of prostitution, including by developing strategies to support and provide rehabilitation for women who wish to leave prostitution; and provide, in its next periodic report, comprehensive information and data on the prevalence of exploitation of prostitution.**

Participation in political and public life

27. The Committee notes with satisfaction that article 20 of the Gender Equality Law requires the State party to ensure 40 percent participation of women in political life, that the electoral law provides for a mandatory 40 percent quota of female candidates on political parties' lists, that the law on the financing of political parties was amended to encourage political parties to promote female candidates running for national parliamentary elections, and that the representation of women in the judiciary and the civil service has increased. However, the Committee notes with concern the stagnant low representation of women in Parliament and in government positions at the State, entity, district, cantonal and municipal levels, particularly at the decision-making level. The Committee is also concerned that female candidates are not given sufficient visibility by the media and by political parties in pre-election campaigns and that women are often absent from important decision-making processes, such as the ongoing discussions about constitutional reforms.

28. The Committee recommends that the State party:

- a) **Develop effective mechanisms for the application of quotas in order to increase women's political representation, by placing women in winnable positions and establishing benchmarks with a concrete timetable and sanctions for non-compliance;**
- b) **Introduce procedures to ensure the implementation of article 20 of the Gender Equality Law at the State, entity, district and municipal levels to promote, inter alia, the participation of Roma women and rural women in elected office and appointed bodies; and promote women in leadership positions in the executive branch and the public service, through the use of temporary special measures where appropriate;**
- c) **Increase its efforts to provide training and capacity-building to enable women to enter public office, and enhance awareness-raising campaigns on the importance of women's full and equal participation in political and public life, including activities targeting leaders of political parties;**
- d) **Continue providing incentives for political parties to nominate equal numbers of women and men as candidates, and harmonize their statutes with the Gender Equality Law;**
- e) **Encourage the media to ensure that female and male candidates receive equal visibility, especially during pre-election campaigns, including by fully implementing the relevant provisions of the law on public broadcasting service regarding the equal appearance and representation of both men and women in programming content and programming policy.**

Nationality

29. The Committee is concerned about the lack of effective implementation of universal birth registration in the State party, in particular among Roma women and girls, which places them at risk of statelessness and hinders their access to basic services. It notes with concern that the lack of information, as well as the existence of administrative and financial obstacles, may prevent Roma women from registering births and obtaining birth certificates.

30. The Committee calls upon the State party to:

- a) **Ensure that all children born on the territory of the State party, in particular Roma children, are registered at birth, as a means of preventing statelessness and to ensure their access to education, social services, health care and citizenship; and develop measures to identify unregistered children and ensure that they are provided with personal documents;**
- b) **Strengthen its public awareness-raising campaigns to ensure that Roma women are aware of the importance of birth registration and of the procedural requirements to obtain certificates, and ensure their access to registration services and procedures.**

Education

31. While commending the State party for the high level of education of women and girls, the Committee remains concerned about the persistent segregation of fields of study at the post-secondary level, with women concentrated in traditionally female-dominated areas and underrepresented in technical/vocational education. The Committee is also concerned about the existing mono-ethnic school system, which discriminates against girls on the basis of their ethnicity and has a negative impact on their education opportunities. In addition, the Committee expresses concern about the low enrolment rates and high dropout rates of Roma girls at the primary school level.

32. The Committee recommends that the State party:

- a) **Further encourage young women to choose non-traditional fields of study and professions and implement programs aimed at counselling boys and girls on educational choices;**
- b) **Implement the recommendations developed by the Federal Ministry of Education and Science, in collaboration with the education ministers of the Federation, with a view to eliminating the mono-ethnic school system;**
- c) **Promote access for Roma girls to education and their retention at all levels of education, by raising awareness of the importance of education as a human right and as the basis for the empowerment of women, and strengthen the implementation of re-entry policies enabling Roma girls who have dropped out to return to school.**

Employment

33. The Committee notes that the State party has taken various measures to support the participation of women in the labor market, as part of the Bosnia and Herzegovina strategy for employment (2010-2014) and the entities' employment strategies; that the gender action plan of Bosnia and Herzegovina for the period 2013-2017 gives priority to women's economic participation by developing measures aimed at facilitating the reconciliation of private and professional life; and that a framework law was enacted in order to unify and harmonize the social sector in the State party, including through maternity protection. However, the Committee remains concerned about:

- a) The markedly low participation rate of women in the labor force, in spite of their high level of education, as reflected by the disproportionately high unemployment rate among women;
- b) The concentration of women in such sectors as health care, education and agriculture, in the informal sector and in the "grey economy", and the large number of women employed with temporary contracts; and the exclusion from the formal labor market of disadvantaged groups of women, such as internally displaced women, rural women and Roma women;
- c) The lack of an institutional framework to enforce the prohibition of gender-based discrimination and sexual harassment at work and the lack of measures to facilitate the reporting of such acts and to inform women of their rights;
- d) The lack of childcare facilities, which constitutes an obstacle to the full exercise of women's right to work;

- e) The 12 different existing regimes with different regulations on maternity protection depending on women's place of residence, which have a negative impact on their ability to participate in the labor force and reinforce the unequal division of family responsibilities between women and men.

34. The Committee urges the State party to:

- a) **Adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation No. 25, aimed at achieving de facto equal opportunities for women and men in the labor market, including disadvantaged groups of women; and establish special training programs and counselling for different groups of unemployed women, including by promoting women's entrepreneurship;**
- b) **Take effective measures to integrate disadvantaged groups of women and women working in the "grey economy" into the formal labor market;**
- c) **Closely monitor the working conditions of women in the informal sector and those employed with temporary contracts, by strengthening labor inspections; ensure their access to social services and social security; and consider ratifying International Labor Organization Convention No. 189 (2011), concerning decent work for domestic workers;**
- d) **Adopt effective measures, including temporary special measures, to eliminate horizontal and vertical occupational segregation based on stereotypes related to gender;**
- e) **Develop a confidential and safe system for filing complaints related to gender-based discrimination and sexual harassment in the workplace, and ensure that victims have effective access to such means of redress;**
- f) **Enhance the availability and affordability of childcare facilities to help women exercise their right to work, in order to increase women's access to the labour market;**
- g) **Ensure that the implementation of the framework law regulating the social sector results in the harmonization of pregnancy and maternity protection in the State party, in order to guarantee paid maternity leave for all women;**
- h) **Carry out awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities between women and men and provide incentives for active participation by men in such responsibilities, e.g., by introducing special non-transferable paternity leave.**

Health

35. The Committee is concerned at the absence of unified laws and policies in the area of health, resulting in unequal access to health-care services and health insurance coverage, depending on the place of residence of women and the financial capacities of the district and/or canton concerned, which disproportionately affects Roma women and rural women. The Committee is also concerned about the

low rate of modern contraceptive use in the State party, resulting in high numbers of teenage pregnancies. While noting the implementation of the young people's health policy (2008-2012) in Republika Srpska and the 2010 strategy to improve sexual and reproductive health and rights in the Federation, the Committee is concerned about the absence of information on the measures taken and the results achieved.

36. The Committee recommends that the State party:

- a) **Intensify its efforts to harmonize its health-care system and to integrate a gender perspective into all health sector programs and reforms, in order to ensure that women, including disadvantaged groups of women, have equal access to health-care services and adequate health insurance coverage throughout the State party;**
- b) **Raise awareness of and enhance effective access to affordable modern contraceptive methods, including in rural areas, so that women and men can make informed choices about the number and spacing of their children;**
- c) **Introduce age-appropriate education on sexual and reproductive health and rights in school curricula, including issues relating to gender relations and responsible sexual behavior, with the aim of preventing early pregnancies and the transmission of sexually transmitted diseases, including HIV;**
- d) **Undertake systematic gender impact assessments of current strategies and policies, and include such information in its next periodic report.**

Disadvantaged groups of women

37. The Committee expresses concern about the situation of various disadvantaged groups of women, including Roma women, internally displaced women, many of whom continue to live in collective accommodation, so-called minority returnee women, rural women, older women and women with disabilities, who are more vulnerable to poverty and are at risk of intersectional forms of discrimination in terms of education, health care, employment and public and political participation. It regrets the insufficient information provided by the State party in this regard and the limited information provided on the use of temporary special measures.

38. The Committee calls upon the State party to take effective measures to eliminate discrimination against Roma women, internally displaced women and minority returnee women, rural women, older women and women with disabilities, particularly in the areas of education, health and employment and in political and public life, by developing targeted strategies, including temporary special measures, to increase equality in those areas. The Committee also recommends that the State party increase its cooperation with civil society organizations in this regard and requests that it include detailed information, including disaggregated data and information, on the situation of disadvantaged groups of women in its next periodic report.

Marriage and family relations

39. The Committee is concerned about the prevalence of the practice of early marriage within Roma communities and about the lack of sustained, systematic and concrete action taken by the State party to address this harmful practice, despite the legal prohibition of such acts.

40. The Committee recommends that the State party develop comprehensive measures to combat the practice of early marriage and to raise awareness among Roma communities about the legal prohibition of child marriage, as well as its negative effects on girls' health and their completion of education, notably by establishing cooperation with community leaders.

Data collection and analysis

41. The Committee notes that the law on the census of the population, households and dwellings in Bosnia and Herzegovina was adopted 3 February 2012 and that, accordingly, a new census will be undertaken in 2013. However, as acknowledged by the delegation, the Committee regrets that insufficient statistical data disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background were provided in many areas covered by the Convention, which has created gaps and inconsistencies in the legislative reforms undertaken, as well as in policies and programs developed, and has misdirected available funding. It notes that such data are necessary for an accurate assessment of the situation of women and for informed and targeted policymaking with regard to all areas covered by the Convention.

42. The Committee urges the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, as required under article 22 of the law on gender equality, including with respect to disadvantaged groups of women, in order to assess the progress made towards de facto equality, the impact of measures taken and the results achieved. The Committee also calls upon the State party to ensure that all relevant bodies comply strictly with article 22 and requests that such data be included in its next periodic report.

Beijing Declaration and Platform for Action

43. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

Dissemination

44. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliamentary Assembly and the judiciary, to permit their full implementation. It encourages the State party to collaborate with all stakeholders concerned, including, inter alia, employers' associations, trade unions, human rights and women's organizations, universities, research institutions and media. It also recommends that its concluding observations be disseminated in an appropriate form at the local community level to permit their implementation. In addition, the Committee requests the

State party to continue to disseminate the Convention, the Optional Protocol thereto, the relevant jurisprudence and the Committee's general recommendations to all stakeholders.

Follow-up to concluding observations

45. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 10 (a) to (d) and 34 (a) to (h) above.

Preparation of the next report

46. The Committee invites the State party to submit its sixth periodic report **in July 2017**.

47. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3 and Corr.1).

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