

# Written Contribution to the EU Progress Report on Bosnia and Herzegovina 2014

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## 1. Political Criteria

### 1.1 Democracy and Rule of Law

Protection of women's human rights and gender equality in the practice are still largely neglected as important precondition for sustainable democratic governance and fostering rule of law throughout the country. Views, priorities, and participation of women in constitutional reform processes in BiH have been continuously neglected both by the BiH authorities and by the international community. Women remain underrepresented in decision-making and governance at all BiH levels, with no affirmative measures implemented in the practice, and currently no positive signs that this issue will be placed on political agenda. In 2013, women's civil society organizations established the initiative "Women Citizens for Constitutional Changes"<sup>1</sup> and jointly defined five priorities, as follows: usage of gender sensitive language in BiH Constitution, introducing affirmative measures in BiH Constitution with objective of reaching full gender equality, expanding existing catalogue of rights with provisions related to health, social, and family protection, greater judicial and legal protection of human rights and freedoms, and principle of direct democracy applied on the constitutional reform process. Based on these priorities, the Platform and specific amendments were presented to the women and men citizens, NGO activists, and in the session of the Commission for Gender Equality of BiH Parliamentary Assembly. On 18 December 2014, the Commission held session to examine proposed amendments from the gender perspective, and informed us about their support for this process. The Commission officially submitted the Platform and gender equality related amendments to the Collegium of the House of Representatives and BiH Council of Ministers, and requested these amendments to be considered by a future working group for preparation of the constitutional amendments.<sup>2</sup>

*Foundation „United Women“ Banja Luka urges the European Commission to examine closely the issues of lack of women's participation in decision making and lack of gender perspective in constitutional reform process in BiH, and observe them in the same light as failures of BiH authorities to address other severe forms of human rights violations, such is non-implementation of „Sejdic-Finci“ verdict of the European Court of Human Rights.*

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<sup>1</sup> "Women Citizens for Constitutional Changes" represents an informal group of women's NGOs, women's groups, women and men citizens advocating for principles that would guarantee better protection of human rights and freedoms, and more equal and just participation of women and men in private and public life in BiH. The Initiative advocates for position that reform of BiH Constitution must represent consensus of not only political actors, but also all women and men citizens of BiH on the most important issues that would define future framework of common life. Following organizations are supporting the Initiative: TPO Foundation Sarajevo, Foundation United Women Banja Luka, Helsinki Citizens Assembly Banja Luka, Women's Forum Bratunac, Future Modrica, Forma F Mostar, Rights for All Sarajevo, BHWI Foundation Sarajevo, Sarajevo Open Center, Foundation CURE Sarajevo, Vive Zene Tuzla, Association of Women Citizens Grahovo, Krajiska Suza Sanski Most, Women's Association Lara Bijeljina, Glas Zene Bihac, Medica Zenica, and Public International Law and Policy Group (PILPG).

<sup>2</sup> Letter of the Commission for Gender Equality of BiH Parliamentary Assembly to the Collegium of the House of Representatives and BiH Council of Ministers, No. 01/6 -50-3-6-13/13, from 18.12.2013.

*We are requesting from the European Commission to support efforts of women's civil society organizations in BiH, and re-emphasize these issues under chapter of the 2014 EC Progress Report for Bosnia and Herzegovina related to Political Criteria.*

## **2. Economic and Social Rights**

Despite recommendation of the CEDAW Committee from 2006, Bosnia and Herzegovina still has no joint database on violence against women, and especially domestic violence, as the its most prevalent, persistent, and widespread form in BiH. This represents continuous obstacle for establishing and implementation of effective and sustainable measures of prevention as well as support for women survivors, despite existence of entity legislation, and strategic plans at entity and state levels.

Women and children survivors of domestic violence in Bosnia and Herzegovina have no free access to safe houses in BiH, as regulated by the COE Convention on Preventing and Combating Violence Against Women and Domestic Violence.<sup>3</sup> Official authorities perceive sheltering survivors of domestic violence in the safe houses as a service, and not measure of social support and protection guaranteed by the laws. This is visible from current mechanisms the implementation of legal obligation<sup>4</sup> of entity and local level authorities to plan and allocate public budget resources for safe houses for victims of domestic violence. In Republika Srpska, this support has been calculated based on number of victims sheltered in the safe houses for which authorized centers for social work issued decision on placement in the safe house, as regulated by the bylaws. According to the data of three (3) women's NGOs that run safe houses for women and children victims of violence in Republika Srpska<sup>5</sup>, there were hundred and seven (107) women and hundred and thirteen (113) children sheltered during 2013, while the official data of the Ministry of Family, Youth and Sport of RS Government confirms only forty (40) women and forty six (46) children.<sup>6</sup>

Additional problem represents consistent resistance of the centers for social work to recognize psychological violence as a form of domestic violence, and therefore a basis for receiving shelter in the safe house for women survivors.<sup>7</sup>

Women victims of violence face continuous lack of access to free and gender sensitive legal assistance that is not guaranteed and provided by the official institutions, which is influencing their decision to report violence to the official institutions, and seek help and protection. Furthermore, entity legislation in Republika Srpska still recognizes domestic violence both as a minor offence and as criminal offence, which is in direct collision with the international standards, and largely contributes to legal insecurity and access to efficient judicial protection for women survivors of violence.

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<sup>3</sup> Ratified by Bosnia and Herzegovina 7 November 2013 (see Official Gazette of BiH – International Contracts, no 19/13)

<sup>4</sup> As regulated by the laws on protection from domestic violence in Republika Srpska and Federation of BiH

<sup>5</sup> Foundation "United Women" Banja Luka, NGO "Buducnost" Modrica, and Women's Association "Lara" Bijeljina

<sup>6</sup> Data presented in the Pre-Draft of the Strategy for Combating Domestic Violence in Republika Srpska for the Period 2014 – 2019, under Statistical and Administrative Data. Online at: [www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpos/Pages/Default.aspx](http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mpos/Pages/Default.aspx) (last access at 22 February 2014)

<sup>7</sup> Documented evidence provided by the Women's Organization "Lara" Bijeljina. A case of a woman victim of domestic violence for which authorized center for social work refused to issue decision on sheltering in the safe house has been submitted to BiH Ombudsman (currently in procedure).

### 3. Information Society and Media

Regulatory Agency for Communications (CRA) continues to face with lack of independence and merit based appointments. In December 2013, BiH Parliamentary Assembly appointed seven (7) male members of the CRA Council, based on proposal of BiH Council of Ministers.<sup>8</sup> This appointment represents direct and serious violation of three (3) BiH laws – Law on Gender Equality, Law on Prohibition of Discrimination, and Law on Communications. BiH Council of Ministers proposed no female candidates for appointment, although Marija Milić, a female journalist from Banja Luka was ranked 2<sup>nd</sup> on the list prepared by the Ad Hoc Parliamentary Commission for Selection of Candidates.

Hate speech and discrimination of women in media continues to be widespread and largely unsanctioned, especially in on-line media. Recent example include articles published by Portal SAFF that encourage discrimination, intolerance, and stigma against women, LGBT population, and civil society organizations that are working on promotion and protection of women's human rights and gender equality, on which numerous complaints were submitted to the BiH Press Council by the women and men citizens and civil society organizations in BiH.<sup>9</sup>

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<sup>8</sup> News information on constitutive session of the CRA Council, 28 January 2014. Available at CRA official web page, direct link: <http://rak.ba/bih/aktuelnost.php?uid=1391418181&root=1270195155> (last access on 20 March 2014)

<sup>9</sup> Article titled "Pederluk među djecom", published on 10 October 2013, on Portal SAFF. Direct link on the article: <http://www.saff.ba/bih/590-pederluk-medu-djecom> (last access on 20 March 2014)