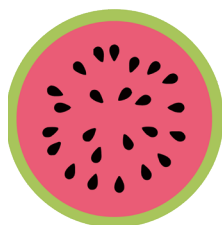


GENDER EQUALITY IN MUNICIPALITIES AND CITIES
IN BOSNIA AND HERZEGOVINA

Edita Miftari

Sarajevo, 2015

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LIST OF ABBREVIATIONS AND ACRONYMS

AP	Action Plan
ARS BiH	Gender Equality Agency of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CoE	Council of Europe
FBiH	Federation of Bosnia and Herzegovina
GAP	Gender Action Plan
GC	Gender Center
GRB	Gender Responsive Budgeting
GV	City Council
LGAP	Local Gender Action Plan
NVO	Non-governmental organization
OCD	Civil society organization
OV	Municipal council
RS	Republika Srpska
SG	City assembly
SO	Municipality assembly
UN	United Nations
ZoRS	Law on Gender Equality in Bosnia and Herzegovina
ZZD	Law on Prohibition of Discrimination in Bosnia and Herzegovina

FOREWORD

Equality of men and women presents a standard protected by practically every legally binding instrument concerning human rights and it should be one of the priorities of the policy of the member states of the Council of Europe and states which intend to become members of the European Union. Two international (UN) agreements, the European Convention for the Protection of Human Rights and Fundamental Freedoms and a large number of other documents protect the equal enjoyment of rights as a basic principle of achieving all human rights.

With regard to Bosnia and Herzegovina, an institutional framework was established with the task of improving the implementation of these standards in the national practice. By establishing the centers for gender equality in both entities in 2000 and 2001, the first major steps in this direction were made. The adoption of the Law on Gender Equality at a state level in 2003 consolidated those measures. Through this law, the Agency for Gender Equality was established in the following year as the umbrella institution for the adjustment of the initiatives for gender equality in public and private life in the whole state. Additionally, both entity centers for gender equality issued instructions which invite cities/municipalities to be directly involved in the increase of the level of gender equality. In this sense, task forces (commissions/boards) for gender equality should be established, whose main task would be to enable the implementation of the valid law and the standards on gender equality at the level of the local authorities.

Guided by these principles and facts, we decided to conduct an **independent research on gender equality at the local level, that is, a research on gender equality in cities/municipalities throughout Bosnia and Herzegovina**. The invitation to participate in the research was sent to city and municipal mayors of all cities and municipalities in Bosnia and Herzegovina, to presidents of municipal/city assemblies and to the chairpersons of city/municipal councils of all cities and municipalities in Bosnia and Herzegovina, while the OSCE Mission to Bosnia and Herzegovina, the European Union

Delegation to Bosnia and Herzegovina, the Council of Europe Office in Bosnia and Herzegovina, Agency for Gender Equality of BiH, Gender Centers of the Federation of BiH and Republika Srpska and the City and Municipality Assemblies of the Federation of BiH and Republika Srpska were informed on the conduction of this research and will be delivered the results of this research. We received the feedback, actually, the filled questionnaire from 81 municipalities/cities in Bosnia and Herzegovina despite the deadline of several months to deliver the filled questionnaire and sent written and verbal reminders to the contacted authorized persons. **Therefore, the analysis below includes 81 cities, that is, municipalities in both entities, of which 54 cities and municipalities from the Federation of BiH and 27 cities and municipalities from Republika Srpska.**

The research results below will be presented to state, entity and cantonal parliaments and governments, entity gender centers – centers for gender equality, Agency for Gender Equality of BiH and, of course, to the very cities and municipalities.

INTRODUCTION

In the past few years, Bosnia and Herzegovina has faced essential changes within the social and political transformation. The aspiration to join the European Union and the comprehensive reform of the system and social relations has led to the advancement of gender equality policies and equal opportunities and especially to building institutions at all levels of government to successfully implement these policies. So, nowadays in BiH, there are countless institutional mechanisms for gender equality, both in legislative or representative, as well as in the executive government, and at all levels, from the highest state level to the lowest local one.

However, **the lower the level of government is, the weaker the control over local bodies for gender equality is**, and in rare cases and units of local self-government it can be concluded that they are truly working on solving the problem of gender inequality and promoting the status of women in political, economic and social life. In addition to this, going from the higher to the lower level of government, we encounter different forms of gender equality bodies established by the statute of the municipality/city or the rulebooks, in different forms as commissions, councils committees or boards, as permanent or temporary bodies of local assemblies/councils of municipalities and cities, or there is a person in charge of gender equality in the municipality.

Even though there are a lot of institutional mechanisms for gender equality at the local level, a very small number is active in the implementation of legal and strategic acts which regulate this issue, as indicated by the facts that the commissions rarely convene, that citizens do not use their right to appeal, as well as that there is no regular reporting to higher levels of authority for this area which will be seen in the analysis below.

The analysis below is a result of an independent research on gender equality at the local level, that is, research on gender equality in cities and municipalities throughout BiH, conducted through the mutual cooperation of the Sarajevo Open Center and the CURE Foundation,

within the project “Improvement of Women’s Rights by Strengthening the Women’s Network BiH”. This analysis presents the assessment of the status of gender equality at the local level, in municipalities and cities of BiH, aiming to ensure a relatively complete picture about the status in regard to gender equality and the participation of women in the political, economic and social life in local communities of BiH, as well as to define the recommendations for the primary strategic actions directed towards the promotion of gender equality and greater participation of women in the mentioned areas.

This analysis will show that the very existence of a legal framework and institutional mechanisms is not enough for achieving actual progress in the area of gender equality, even though these factors are of crucial importance in creating the foundations of a gender equal society. The very existence of institutional mechanisms is often not enough without the implementation of specific activities which will lead to understanding and solving the problem of inequality. Therefore, this analysis should serve as a guideline to civil society organizations that work on the development of local policies for gender equality and as a stimulus, but also a warning to units of local self-government and institutions which work at the local level that they need to be more actively involved into these processes and follow, and then implement the provisions of legal and other acts which regulate this area, but also trends in strategic planning which aim to improve the status of women and greater gender equality in Bosnia and Herzegovina.

2. RESEARCH METHODOLOGY

The analysis below is a result of an **independent research on gender equality at the local level**, that is, a research on gender equality in cities/municipalities throughout BiH and it presents an estimation of the status of gender equality at the local level in municipalities and cities of BiH. The most important **goals of the analysis** are to ensure a relatively complete picture of the status concerning gender equality and the participation of women in the political, economic and social life in local communities of BiH; to estimate the extent to which the local mechanisms and policies contribute to achieving state policies and goals in the area of gender equality; to evaluate political, institutional, organizational and human capacities of key governmental and non-governmental protagonists for the contribution to the advancement of gender equality, as well as to identify the “gaps” in local institutional and political frameworks for gender equality and define the recommendations for primary strategic actions directed at the promotion of gender equality and increased participation of women in the political, economic and socio-cultural life of the community.

The data collection was executed by the questionnaire method and by sending it via e-mail, fax and the post to city and municipality mayors of all cities and municipalities in Bosnia and Herzegovina, to presidents of municipality/city assemblies and to the chairpersons of city/municipality assemblies of all cities and municipalities in Bosnia and Herzegovina, while the OSCE Mission to Bosnia and Herzegovina, the European Union Delegation to Bosnia and Herzegovina, the Council of Europe Office in Bosnia and Herzegovina, Agency for Gender Equality of BiH, Gender Centers of the Federation of BiH and Republika Srpska and the City and Municipality Assemblies of the Federation of BiH and Republika Srpska were informed about the conduction of this research and will be delivered the results of this research. The data collection lasted from October, 2014 to March, 2015. The purpose of this questionnaire was to collect data and facts about the situation of gender equality in those cities and municipalities in

Bosnia and Herzegovina which agreed to participate in this research. In addition to the five questions concerning the personal data of the people who were in charge of filling out the questionnaire, the questionnaire consisted of 23 open-ended questions divided into four categories: (1) Gender Equality in Your City/Municipality, (2) Gender Equality Bodies (3) City/Municipal Budget and Gender Equality and (4) Collaboration With Civil Society Organizations.

We received feedback on the filled questionnaire which is in the annex at the end of this publication from 81 municipalities/cities in Bosnia and Herzegovina, despite a deadline of several months for delivering the questionnaire and the sent written and verbal reminders to the contacted authorized persons. Therefore, **the analysis below includes 81 cities i. e. municipalities in both entities, of which 54 cities and municipalities from the Federation of BiH and 27 cities and municipalities from Republika Srpska.**

From a total of 12 cities in the area of BiH, nine of them (75%) participated in the research, of which five out of six cities from the area of the Federation of BiH (Bihać, Mostar, Sarajevo, Tuzla and Zenica), and four out of six cities from the area of Republika Srpska (Bijeljina, East Sarajevo, Prijedor and Trebinje). Out of a total of 141 municipalities in the area of BiH, 72 of them (51%) participated in the research, out of that 49 from 79 or 62% from the area of the Federation of BiH,¹ and 23 out of 62 or 37% of municipalities from the area of Republika Srpska.²

The questionnaire was mostly filled out by persons who stated that they are female (65.43%), while the rest was divided between people who stated that they were male (25.92%) and people

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- 1 Municipalities from the area of FBiH that participated in the research are, alphabetically: Banovići, Bosanski Petrovac, Bosansko Grahovo, Bugojno, Centar Sarajevo, Čelić, Čitluk, Doboj Istok, Doboj Jug, Foča-Ustikolina, Glamoč, Goražde, Gornji Vakuf-Uskoplje, Gradačac, Hadžići, Ilidža, Ilijaš, Jablanica, Jajce, Kakanj, Kalesija, Kladanj, Konjic, Kreševo, Kupres, Lukavac, Novi Grad Sarajevo, Novo Sarajevo, Odžak, Pale FBiH, Posušje, Prozor-Rama, Ravno, Sapna, Srebrenik, Stari Grad Sarajevo, Teočak, Tešanj, Tomislavgrad, Travnik, Trnovo, Usora, Vareš, Visoko, Vitez, Vogošća, Zavidovići, Žepče, Živinice.
 - 2 Municipalities from the area of RS that participated in the research are, alphabetically: Berkovići, Bratunac, Brod, Gacko, Gradiška, Han Pijesak, Istočna Ilidža, Kozarska Dubica, Laktaši, Ljubinje, Lopare, Modriča, Nevesinje, Novi Grad, Oštra Luka, Ribnik, Rogatica, Rudo, Šipovo, Sokolac, Srbac, Trnovo, Višegrad.

who stated nothing in this regard (4.93%). Only three questionnaires were filled out by two people, one of them stated they were female, and the other one male (3.7%). The questionnaire was mainly filled out by people who stated they work for the given city/municipality in the position of an associate or an advisor, actually, a senior officer, often as the head of the department for social services or general administration and as the secretary of the municipal or city council. Very few of the municipal and city mayors filled out the questionnaire personally (3.7%), and only 12.34% of the questionnaire was filled out by persons whose work or position and activities relate to gender equality and that is mostly through task forces directly or indirectly dealing with these issues. Filling out this questionnaire was mostly delegated by municipal and city mayors³ of municipalities and cities that took part in this research (56.79%) and then by secretaries of city and municipal assemblies as well as municipality mayors and heads of departments of the municipal or city administration.

These data can and should be problematized since they indicate the fact that a very small, almost an insignificant number of women is in decision-making positions at the local level, given that the delegation of filling out the questionnaire was mainly done by decision makers at the local level who are dominantly men, to employees of the local self-government without substantial decision-making power who are dominantly women. Even though it is easy to claim that it is too early to state this conclusion, the analysis below will show that at the local level, a symptomatic trend of gender inequality rules throughout the entire area of Bosnia and Herzegovina, as well as that the organs of local self-government do very little to change those circumstances. Thereby, this is the starting point for the analysis below, even though there will be rare examples of good practice in the forefront which can and should be an example to other units of local self-government in BiH.

3 Feminine gender is left out on purpose because the data mostly refers to person of the masculine gender.

The descriptive analysis below was made on the basis of statistical analysis and is based on an interdisciplinary approach to fields and topics it deals with. The focus of the analysis is the interpretation of questions set as research goals and this is why many questions are presented only through the review of statistical data. In some cases this was dictated by the collected answers since the trend of not answering and/or avoiding answering certain questions in the questionnaire was noticed, which will be elaborated in details in the very analysis.

The purpose of this analysis is to review the current state of gender inequality at the local level in Bosnia and Herzegovina, as well as to draw attention to disputable fields of local self-government regarding this issue; therefore, in further text there will be no indication of statistical values, deviations and other elements of statistical data processing so that the analysis is not burdened by specificities that were not set in the goals, but also in order to ensure the simplicity of the text and to bring it closer to a wider social community.

3. ANALYSIS OF THE RESEARCH RESULTS

3.1. Integrating Gender Perspective at the Local Level

The integration of gender perspective must be insisted first on the lowest levels of government and in local communities in order to promote gender equality on all levels, including the highest, state level.

The meaning of the phrase “**integrating gender perspective**” corresponds to the original English term in the widest use, and that is “**gender mainstreaming**”. The concept of integrating gender perspective is very wide and it implies that gender perspective must be integrated into all public institutions, mechanisms of political decision-making, statistics and policies in order to achieve gender equality or to accomplish equal opportunities and rights for women, as well as for men.

According to the definition of the Council of Europe, the integration of gender perspective (gender mainstreaming) is “the re(organization), promotion, development and evaluation of political processes in a way that integrates the principles of gender equality into all policies, on all levels and in all phases, by the actors included in political decision-making”.⁴

According to the UN Economic and Social Council, the integration of gender perspective presents “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an

⁴ Council of Europe (1998). Gender mainstreaming: Conceptual framework, methodology and presentation of good practices. Final Report on Activities of the Group of Specialists on Mainstreaming (EG-S-MS).

integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.”⁵

Therefore, gender equality is a political goal, and the integration of gender perspective is a political tool for accomplishing that goal. The concept of integrating gender perspective at world level was replaced by the previous approach directed primarily towards women. This turning point happened at the fourth world conference of women which was held in Beijing under the auspices of the UN (1995) and where the renowned Fourth Beijing Declaration and Platform for Action was adopted. The choice of integrating gender perspective as the fundamental framework for promoting gender equality emerged from the attitude that the effort aimed at promoting gender equality should not be limited only to the implementation of laws, measures and policies, but that it has to be essentially inwrought from the very beginning, already in the process of their formation. This is how with the introduction of the concept of integrating gender perspective, the emphasis was moved from the problem of the status of women to institutions and structures with the intent to remove systematic and structural causes of gender inequalities.⁶

Integrating gender perspective requires a systematic approach, which means that the principles of gender equality must be inwrought into the fundamental social and national institutions as well as into the normative framework which arranges the functioning of the whole system. In addition to this, following gender relations is essential and the corresponding measures and policies for promoting gender equality cannot be created differently, and gender analysis is crucial in all fields of activity and its results need to be taken into consideration when solving a problem. Also, the political will for progress in this field must be expressed both through institutional as

5 United Nations (1997). Official Records of the General Assembly, Fifty-second Session, Supplement No. 3 (A/52/3/Rev.1), chap. IV, para. 4.

6 Vuković, Olivera (ed.) (2013). Gender Equality on Local Level. Belgrade: SeConS – Development Initiative Group.

well as financial support and gender sensitive/responsive budgeting is one of the crucial tools which promotes gender equality. In the end, including women into decision-making is an important prerequisite for equally formulating the measures, policies and means according to the needs of women and men.⁷

This analysis will show that Bosnia and Herzegovina has partly shown that it is ready for the integration of gender perspective. But for the most part, that moment sadly refers to the legal and strategic framework as well as the declarative political offsets. Also, it refers to the institutional mechanism at entity and state level, while on the lower levels of government, where the greatest violations of human rights and discrimination on the grounds of sex and gender occur, that is, the mechanisms are not of real or practical use. This is why **the integration of gender perspective needs to be insisted on primarily at the lowest levels of government and in local communities**, and aim at promoting gender equality at all levels, including the highest state level.

3.2. Institutional and Legal Framework for Gender Equality

The very existence of institutional mechanisms and legal framework for gender equality is not enough without implementing specific activities which will lead to a better understanding and problem solving of gender inequality

As well as in many other fields, Bosnia and Herzegovina has a satisfactorily well-arranged institutional and legal framework for gender equality at all levels of authority which is for the most part the consequence of the responsibilities BiH took on by signing and ratifying **the international conventions from the field of human rights**. Additionally, the constitutions in BiH contain integrated provisions or

7 Ibidem

annexes concerning rights from different conventions and therefore all levels of government in BiH have an obligation to respect and protect those rights as well as to enable their realization. Taking over these responsibilities also means that BiH needs to conciliate their laws, policies and practice with the provisions and articles of signed and ratified conventions and documents.

Taking this into regard, Bosnia and Herzegovina is required to respect the provisions of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),⁸ the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the so-called Istanbul Convention),⁹ but also other international documents relevant for the protection of women's human rights in BiH such as the European Convention on Human Rights and the UN Security Council Resolution 1325 – "Women, Peace and Security".¹⁰

8 "CEDAW is the international convention for the protection of women's rights. It covers a whole range of rights regulated by some other international conventions, such as the protection of civil and political or economic, social and cultural rights, (...) the CEDAW committee for monitoring the implementation of this convention [has] adopted a whole range of general recommendations which explain in detail certain rights from this document." More information in: Idžaković, Fedra (2015). Map of Women's Rights in Bosnia and Herzegovina. Sarajevo: CURE Foundation and Sarajevo Open Center, p 12-14. This convention was adopted by the General Assembly of UN in 1979. Bosnia and Herzegovina took it over by succession on September 1, 1993 and it came into force on October 1, 1993.

9 BiH signed and ratified the Istanbul Convention even before it came into force (a certain number of states need to ratify the convention so that it comes into force). BiH was the 6th country that did that. The Istanbul Convention is a comprehensive international document which treats the issue of preventing and combating against all forms of violence against women." More information in: Idžaković, Fedra (2015). Map of Women's Rights in Bosnia and Herzegovina. Sarajevo: CURE Foundation and Sarajevo Open Center, p 15-17. This convention was adopted on May 11, 2011 in Istanbul and BiH ratified it on November 7, 2013.

10 The UN Security Council Resolution 1325 (2000) – "Women, Peace and Security" was adopted on October 31, 2000 and is the first Resolution of the UN Security Council which emphasizes the importance of the role and equal participation of women in conflict prevention and resolution and building sustainable peace. The first Action Plan for the implementation of UNSCR 1325 in BiH, for the period of 2010-2013 was adopted on July 27, 2010 by the decision of the Council of Ministers of BiH ("Official Gazette of BiH", No. 92/10) and the second AP in a row is currently in force for the period of 2014 – 2017.

When it comes to **national legislation**, the Law on Gender Equality (ZoRS) which was adopted in 2003 has been in power for 12 years, thereby making BiH one of the first countries in the region that adopted such a law which presents “the most important instrument for developing awareness about the issues of gender equality and implementing the principles of gender equality into public policies and regulations”,¹¹ and in all aspects follows the provisions of the previously mentioned CEDAW Convention. In addition to ZoRS, the Law on Prohibition of Discrimination (ZZD) which was adopted in 2009 is in power. Article 1 of the ZZD “ensures (...) protection, promotion of human rights and freedoms, creates conditions for achieving equal rights and opportunities and organizes the system of protection from discrimination on grounds of (...) sex (...) marriage or family status, pregnancy and motherhood (...) gender identity, expression or sexual orientation as well as some other grounds”.¹² On **entity level**, the Law on Protection from Domestic Violence of FBiH and RS, Family Law of the entities and the Criminal Code of FBiH and RS which regulate the criminal offence of domestic violence and criminal offences against life and body.¹³

Since the goal of this research was to demonstrate in which way **the Law on Gender Equality** is exercised, the focus of this chapter will mostly be on the provisions of this Law as well as the mechanisms for gender equality derived from it.

Article 1 of the ZoRS states that it “regulate[s] (...), promote[s] and protect[s] gender equality, guarantee[s] equal opportunities and equal treatment of all people regardless of gender, in public and private social sphere of society and regulate[s] protection from discrimination on grounds of gender”.¹⁴ In a nutshell, ZoRS guarantees gender equality

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- 11 Agency for Gender Equality of Bosnia and Herzegovina, Law on Gender Equality in BiH, available at: <http://arsbih.gov.ba/project/zakon-o-ravnopravnosti-spolova-u-bih/>
 - 12 Law on Prohibition of Discrimination (“Official Gazette of BiH”, No. 59/09). The quote only states those provisions directly related to women’s human rights in order to focus further discussion.
 - 13 More information in: Idžaković, Fedra (2015). Map of Women’s Rights in Bosnia and Herzegovina. Sarajevo: CURE Foundation and Sarajevo Open Center, p 30-44.
 - 14 Law on Gender Equality in Bosnia and Herzegovina – consolidated text (“Official

and equal opportunities for all regardless of gender in all spheres of life in BiH. In addition to this Law prohibiting discrimination on grounds of gender or working contrary from guaranteed equal opportunities, ZoRS also prohibits different forms of discrimination such as direct and indirect discrimination (Article 4), harassment, sexual harassment and incitement to discrimination (Article 5), gender-based violence (Article 6) and guarantees and enacts equal right and equal opportunities regardless of gender in education (Articles 10 and 11), employment and working (Articles 12-15), access to all forms of resources or in social care and health care (Articles 16-18), sports and culture (Article 19), public life (Article 20), media (Article 21) as well as all other spheres. ZoRS also binds all government bodies at all levels to collection and statistical reports sorted by gender which will be publicly available (Article 22) and guarantees juridical protection and the right to compensatory damages in case of discrimination on the grounds of gender or if the discrimination breaches a certain right from the ZoRS or in case of the violations of rights enacted by the ZoRS (Article 23). ZoRS foresees penal provisions for breaching provisions of this Law and for "commit[ing] violence, harassment or sexual harassment that endanger[s] peace, serenity and body integrity".¹⁵

For this analysis, it is important to stress that ZoRS binds all "state bodies at all levels of organization of authorities, and local self-government bodies, including legislative, executive and juridical authorities, political parties, legal persons with public authorities, legal persons that are in the state's property or under the state's control, entities, cantons, cities or municipalities whose work is under the control of a public body[to] ensure and promote equal gender representation in process of managing, decision-making and presenting",¹⁶ as well as that equal representation of women and men shall exist in case when one of the sexes is represented with at least 40% in [all previously mentioned] bodies".¹⁷

Gazette of BiH", No. 32/10)

15 Ibidem, Articles 29-31

16 Ibidem, Article 20, paragraph 1

17 Ibidem, Article 20, paragraph 2

The supervision of the implementation of ZoRs is conducted by the Ministry for Human Rights and Refugees, and in order to ensure and follow the implementation of ZoRS and the activities in accomplishing gender equality; ZoRS enacted the formation of the Agency for Gender Equality of BiH (Articles 25 and 26) and entity gender centers (Article 27) which are also the fundamental institutional mechanisms for gender equality in the executive authority in BiH. In Article 26, ZoRS also foresees the responsibility of all institutional mechanisms to conduct the process of following and examining violations done by an act, action or the failure to act of authorities and legal persons to take steps to remove them according to the Unique Rules for Accepting and Processing Requests for Examining Violations of the ZoRS.¹⁸ The provisions of Unique Rules predict that the request for examination can be submitted by “every person or group of persons who consider that their human rights guaranteed by the Law have been violated by an act, action or failure to act”.¹⁹ Unfortunately, this mechanism is less known and very little used.²⁰

According to the ZoRs, **the Gender Action Plan (GAP)** is “a strategy that defines programmatic goals for realization of gender equality in all spheres of social life and labor, in public and private sphere”.²¹ GAP is a strategic policy for achieving gender equality by gradually establishing the conditions for equal opportunities and equal treatment of women and men in BiH. In BiH, the second GAP in a row is currently in force for the period of 2013-2017 and it contains strategic goals, programs and measures, as well as principles for achieving gender equality and it provides guidelines for the making of the annual operational plans at entity, cantonal and local level. There are people in charge and deadlines predicted for each strategic goal and measure.

18 Agency for Gender Equality of Bosnia and Herzegovina, Request for Examination, available at: <http://arsbih.gov.ba/o-agenciji/zahtjev-za-ispitivanje/>

19 Unique Rules for Accepting and Processing Requests for Examining Violations of the Law on Gender Equality of Bosnia and Herzegovina (“Official Gazette”, No. 72/11), Article 3.

20 Idžaković, Fedra (2015). Map of Women’s Rights in Bosnia and Herzegovina. Sarajevo: CURE Foundation and Sarajevo Open Center, p 45.

21 Law on Gender Equality in Bosnia and Herzegovina – consolidated text (“Official Gazette of BiH”, No. 32/10), Article 9, paragraph g.

3.2.1. Implementation of the Law on Gender Equality at the Local Level

The provision of the ZoRS which enacts the percentage share of 40% of the less represented gender is rarely respected and the analyzed cities and municipalities are often not aware that this provision exists.

As previously mentioned, ZoRS binds all state bodies on all levels of authority, including local self-government bodies, but also legal persons with public authority or whose work is controlled by public bodies in order to ensure and promote equal gender representation in managing, decision-making and representation,²² and in such a way that the less represented sex will be represented in a share of at least 40% in all previously mentioned bodies.²³ Among other things, this also means that during all appointments performed by local self-government bodies, they need to take into consideration the mentioned provisions of the ZoRS, regardless of whether it is about permanent or temporary task forces, boards, commissions or governing positions of public companies and other legal persons controlled by public bodies.

To the question of whether they apply the Law on Gender Equality of BiH when appointing boards, commissions, officials, public company managers and similar on the level of their cities/municipalities, 57 municipalities and cities in both entities responded positively, of which 22 cities/municipalities (14 from FBiH, 8 from RS) or 38.5% listed specific examples. However, it was noticed from the listed examples that the provision of the ZoRS which enacts the percentage share of 40% of the less represented gender is rarely fulfilled, but also that the analyzed cities and municipalities are often not aware that this provision exists. That is how certain responses list that the ZoRS is implemented because the task forces, actually, the boards and committees of the city or municipal council have at least one female member, actually, that they have

²² Ibidem, Article 20, paragraph 1

²³ Ibidem, Article 20, paragraph 2

members of both sexes without emphasizing equal representation which is far removed from respecting the mentioned provision of the ZoRS. Even 7.4% of all municipalities and cities stated that they do not respect ZoRS when appointing, while 16% declared that ZoRS is partially respected or “in accordance with opportunities” without further elaborating what they exactly refer to.

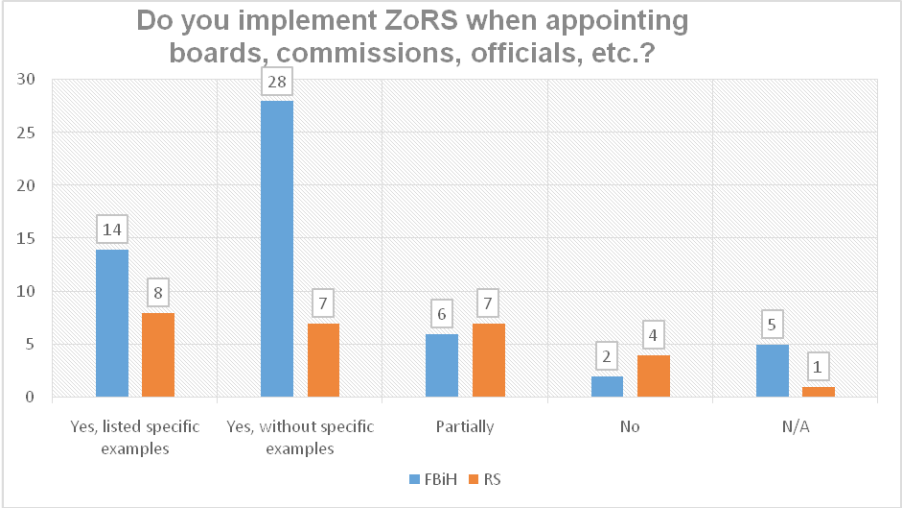


Chart 1: Implementation of the ZoRS when appointing boards, commissions, officials, etc.

These crushing data still indicate that even 61.5% of analyzed municipalities and cities discriminate on grounds of gender when appointing, which is clearly defined by Article 20, paragraph 3 of ZoRS where it states that “discrimination on grounds of gender shall be considered (...) a situation in which there is no equal representation [defined by the percentage share of 40% of the less represented gender]”.²⁴ The fact that gender-based discrimination is punishable by this Law, and with a fine of 1000 to 30000 BAM for legal persons and a fine of 100 to 1000 BAM for responsible legal persons makes this data even more catastrophic, especially taking into account that the cases of punishing discrimination are generally rare, and especially when it comes to state bodies on any kind of level of authority in BiH.

²⁴ Ibidem, Article 20, paragraph 3

In regard **to this, the answers which state ways in which local self-governments support and promote gender equality in the local community** are no surprise. So the greatest number of municipalities and cities (32%) did not answer this question at all, while specific answers vary between appointing and employing women (18.5%), collaborating with non-governmental organizations (19.7%), respecting regulations (11.1%), organizing events (13.6%) and marking significant dates such as Women’s Day, Human Rights Day, 16 Days of Activism and similar (9.9%) and through the work of committees and boards for gender equality (9.9%), media campaigns (7.4%), and very little through activities which include gender analysis, using gender sensitive language, supporting projects intended for women and similar (1.2% to 3.7%).

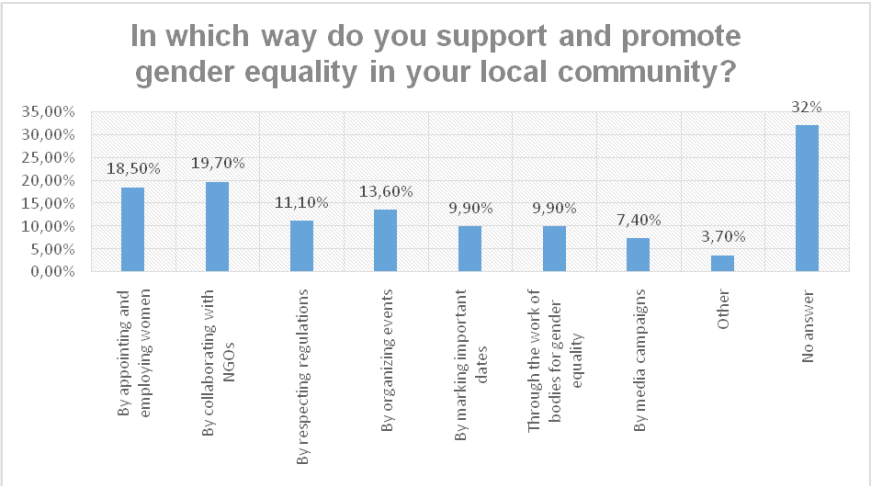


Chart 2: Support and promotion of gender equality in local communities.

Promoting the education of women on their rights and freedoms, informing them about health and access to health service, including sexual and reproductive health, family planning and similar via the educational system, health institutions and the media, promoting gender equality in all spheres of social action through the use of nonsexist language and presentation of non-stereotypical images, as well as introducing and using gender sensitive language, are not some of the activities with which local self-government bodies in BiH

support and promote gender equality, even though these and many others are clearly stated in previously mentioned documents and strategies as ways of operating in this field.

3.2.2. Local Institutional Mechanisms for Gender Equality

Committees/boards/task forces for gender equality on a local level are often not functional, and it cannot be said that all established committees work adequately and continuously. Going from the higher to the lower level of authority, gender analysis and integration of gender perspective in general are less often approached.

Institutional mechanisms for gender equality are defined in Article 9 of the Law on Gender Equality in BiH and they represent "bodies and persons appointed by competent legislative, executive and governing bodies of all levels of authorities in Bosnia and Herzegovina in order to implement the Law on Gender Equality, coordinate and implement programmatic goals of the Gender Action Plan of Bosnia and Herzegovina and ensure implementation of international standards in the field of gender equality".²⁵

To the question about the existence of institutional mechanisms for gender equality within city/municipal administration and using them, we received different answers. **Even 39.5% of municipalities and cities stated that they do not have special mechanisms for gender equality, even though their existence has been enacted by the ZoRS.** On the other hand, 49.4% of municipalities and cities stated that they do have specific mechanisms in the form of permanent or temporary task forces or committees and boards whose mandate has activities in the field of gender equality. Only 7.4% of municipalities and cities stated that they have other institutional mechanisms for gender equality next to a committee or a board such as working groups for making local strategies for gender equality, working groups for the

²⁵ Ibidem, Article 9, paragraph f

implementation of the ZoRS, a systematized workplace which employs an official for gender equality and similar. Surely the most defeating data is that **12.34% of municipalities and cities did not even know what the institutional mechanisms refer to**, and therefore as examples, they stated different laws, strategies, rulebooks and other documents regulating the issue of gender equality. Even though it will be clear from further analysis that it is a simple mistake in understanding the set question, actually, answering it, and since more than 90% of municipalities and cities at least have committees/boards dealing with gender equality in the assembly/council of the city or municipality, the trend of repeating such a mistake is not encouraging at all.

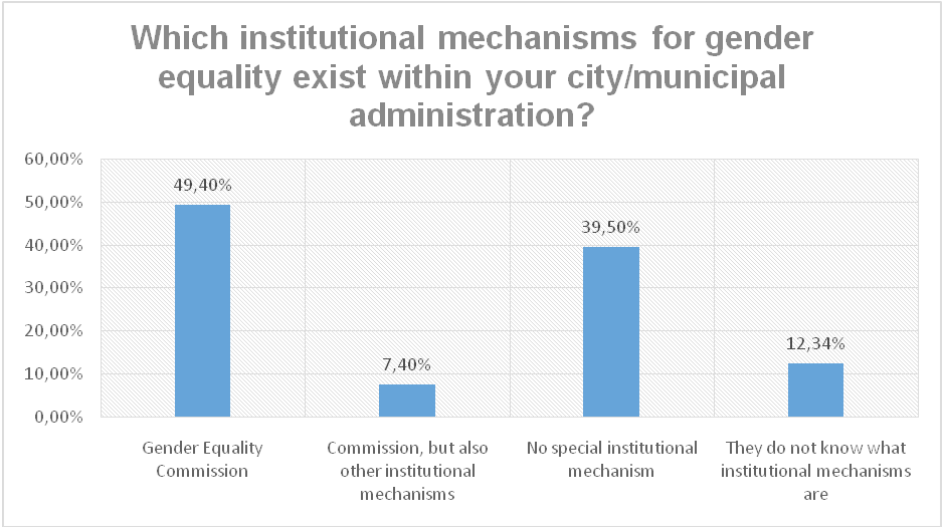


Chart 3: Institutional mechanisms for gender equality within city/municipal administration.

The network of institutional mechanisms for issues of gender equality in BiH includes all levels of legislative, actually representative and executive authority.²⁶ In the executive authority, within the Ministry for Human Rights and Refugees of BiH operates the Agency for Gender Equality of BiH, and at the

²⁶ Agency for Gender Equality, Institutional Mechanisms for Gender Equality, available at: <http://arsbih.gov.ba/oblasti/institucionalni-mehanizmi-za-ravnopravnost-spolova/>

entity level operate the previously established Gender Center of the Federation of BiH and Gender Center – Center for Equity and Equality of the Government of Republika Srpska. There are cantonal boards for gender equality established at the cantonal level in the Federation of BiH. Gender equality commissions should also be opened in the offices of the municipal prefect, but we will see below that the duties and responsibilities of the boards and the commissions in the executive authority are “delegated” to boards and commissions in the representative²⁷ government. There are commissions or boards for gender equality formed at all levels of legislative or representative government as permanent or temporary task forces of the parliament. So, at the level of BiH, there is the Commission for Achieving Gender Equality of the Parliamentary Assembly of BiH, and on the entity level the Commission for Gender Equality of the House of Peoples and the Commission for Gender Equality of the House of Representatives of the Parliament of the Federation of BiH, and the Board of Equal Possibilities of the National Assembly of Republika Srpska. There are also commissions for gender equality of cantonal assemblies in the Federation of BiH.

As previously mentioned, **a very small number of municipalities and cities have institutional mechanisms for gender equality in the executive authority, and most institutional mechanisms refer to the ones in the representative government** and that is in the form of commissions and boards within municipal and city councils or municipal and city assemblies. Even 93.83% of municipalities and cities within a city/municipality assembly or a city/municipality council have a specified task force, that is, a commission, board or committee whose mandate, among other things, has the issue of gender equality even though this is not always specified in the name of the task force, while 92.59% of the analyzed municipalities and cities have a special task force which clearly emphasizes the mandate in the

²⁷ Simply because municipal councils do not have jurisdiction for the passage and adoption of laws, but exclusively the statutes, budgets and other acts which are not legally binding, it would be wrong to call them the legislative authority. This is why the “representative government” will refer just to municipal councils and assemblies.

field of gender equality in its name. The leading task forces among these ones include "human rights", "gender equality" and "youth" (20.99%), and then bodies whose mandates next to mentioned fields also include "religious affairs", "social activities", "veteran and social issues", "minorities" and similar (6.17%).

Out of all analyzed municipalities and cities, 65.43% of them have special task forces for gender equality in whose mandate is exclusively this issue. All 27 analyzed municipalities and cities in Republika Srpska have such task forces of which two municipalities or cities have task forces which state "the social status of women" in their name next to gender equality/equity. Those are the only two municipalities/cities out of all analyzed ones in BiH which have a task force for gender equality which have in their name (and) "the social status of women". Out of 54 analyzed municipalities and cities in the Federation of BiH, only 26 (52%) have special bodies for gender equalities whose mandate has exclusively this issue.

Further analysis will show that a **unified approach in establishing these mechanisms** which would have to responsible for (1) implementing the ZoRS on the level of government they were established on, (2) coordinating the realization of programmatic goals from the GAP of BiH and (3) ensuring the implementation of international standards from the field of gender equality has not yet been achieved.²⁸

The work and existence of task forces for gender equality is usually foreseen by the rulebook on the work of the municipality or city council/assembly (62.2%), and then by the municipality or city statute (24.4%). In some cases, the work and existence of such task forces is foreseen by the decision of the municipality/city council/assembly (3.6%) while in rare cases it is also foreseen by the statute and the rulebook (2.4%). In 6.1% of municipalities and cities in BiH, the work and existence of task forces for gender equality is not foreseen at all.

28 Agency for Gender Equality, Local Action Plans in BiH, available at: <http://arsbih.gov.ba/oblasti/lokalni-akcioni-planovi/>

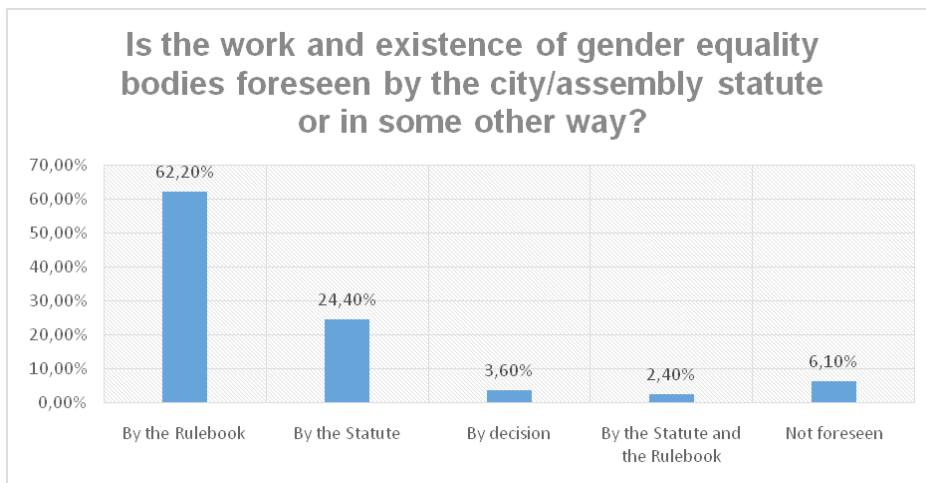


Chart 4: The manner in which the work and existence of gender equality bodies is foreseen.

The commission/board or the body for gender equality is in most cases appointed by the council/assembly of the municipality or the city (93.90%), while only in one municipality in FBiH the mentioned commission is appointed by another commission, actually, the commission for electing and appointing (which mostly provides recommendations and opinions on appointing, but does not directly appoint members of other bodies). The appointing procedures are similar to the procedures of appointing other permanent municipal/city task forces, such as budget, regulation or capital investment commissions. However, according to the OSCE report, the members of the mentioned task forces choose political parties they belong to, and the primary goal is to gratify the representation of political parties.²⁹ In the same report, it is stated that only few appointments were preceded by the revision of biographies of potential candidates, which also includes the work experience in the field of gender equalities.³⁰ This is why it is not a surprising fact that many members of commissions/boards/bodies for gender equality do not have sufficient knowledge

²⁹ OSCE Mission to Bosnia and Herzegovina (2009). The Status and Activities of the Municipal Gender Equality Commissions in Bosnia and Herzegovina: Overview and Recommendations

³⁰ Ibidem.

about the fundamentals of gender equality, and so some of them lack knowledge on the ZoRS and the way in which it is related to the local government and the work of the commissions/boards or bodies for gender equality. Wrong assumptions about basic concepts of gender equality and mechanisms for equality present a widespread problem, which will be seen in the continuation of this analysis.

The number of members of task forces for gender equality generally has a range of three to five members (80.26%). Out of a total of 76 municipalities and cities who answered the question about the number of members of the commission/board or the body for gender equality, 55.2% of commissions consists of five members, 25% commissions consists of three members, 15.8% of commissions consists of seven members, 2.6% of commissions consists of six members and 1.3% out of nine members.

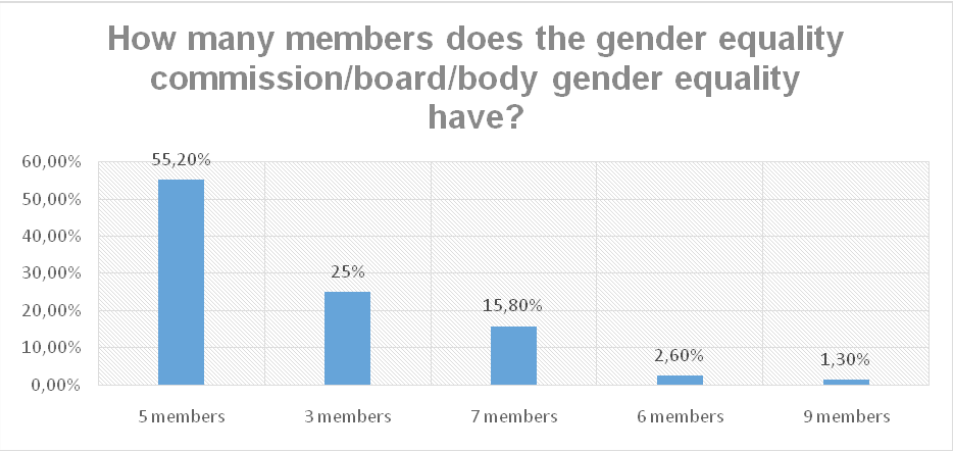


Chart 4: The manner in which the work and existence of gender equality bodies is foreseen-

In total, 72 commissions/boards or bodies for gender equality on which the data were collected for the purpose of this analysis, consist of 364 members, of which there are 57.41% of women and 42.58% of men, which indicates that the provision of the ZoRS about the representation of both genders with at least 40% is respected in a general sense, even though individually this is not the case. This is how the mentioned ZoRS provision is respected in 32

commissions/boards/task forces for gender equality or in 44.4% of cases, of which 71.78% of commissions/boards/task forces for gender equality is in FBiH, and 28.12% in RS. Out of all analyzed commissions/boards/bodies for gender equality, nine of them (12.5%) consist of members of only one gender, out of which five task forces consist exclusively of women, and four exclusively of men. Three such task forces are in the RS and six in the area of FBiH. It was not possible to respect the provision of the ZoRS about the representation of both genders with at least 40% in 14 (19.4%) task forces for gender equality, since the mentioned task forces consist of three members, and the only possible share of both genders is 0%, 33.3%, 66.6% or 100%. **The greatest gender structure of the task force for gender equality or commissions/boards are two women and three men (19.4%),** then three women and two men (16.6%), two women and one man (15.27%), four women and one man (13.8%) and three women and four men (5.5%). The status structure of the task forces for gender equality is not known, actually, whether and to what extent are the associates or gender equality experts who are not members of councils/assemblies of municipalities/cities in BiH included.

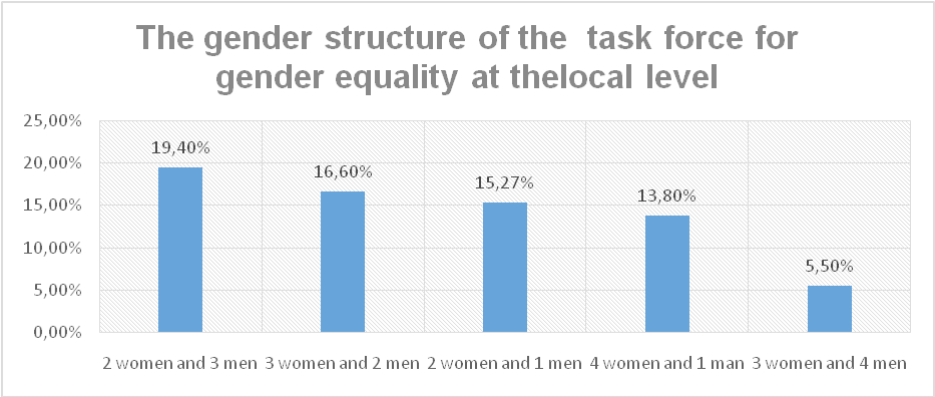


Chart 6: Gender structure of the task force for gender equality at the local level.

The commission/board or the task force for gender equality is most often preside by women (69.1%); in FBiH, women preside in 55.5% commissions, while in the RS, the women are at the head of 62.9% of commissions. The quota in appointing a commission/boards/

task force for gender equality is enacted by a decision in only one municipality and that is the Municipality of Laktaši (RS).

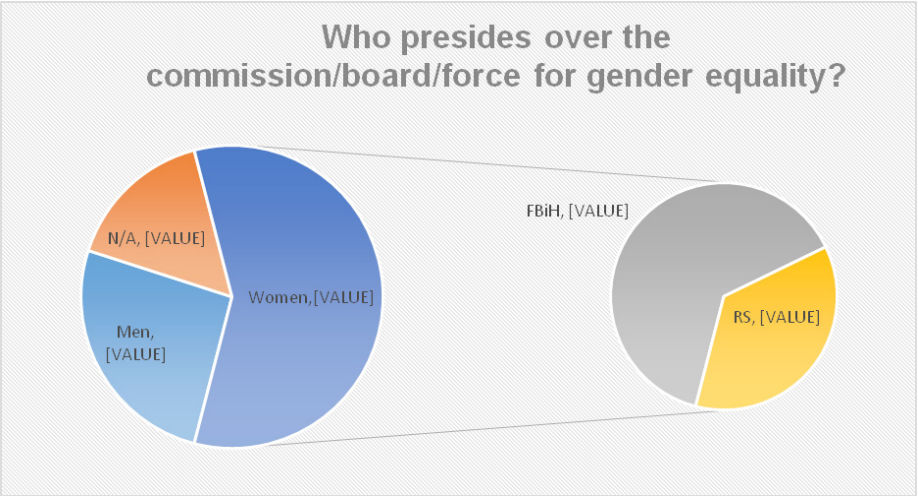


Chart 7: Presiding over a gender equality commission/ board/body.

In spite of these data, **the commissions/boards/task forces for gender equality at the local level are often not functional and it cannot be said that all established commissions work adequately and continuously.** This is how most of analyzed gender equality commissions/boards/task forces in BiH are in session when it is needed (41.9%) without the session being arranged in any way, 18.5.% of gender equality commissions/boards/task forces are in session 1-3 times a year, 8.6% are in session 4-5 times a year, 11.1.% are in session 8-12 times a year, while the same task force in one municipality/city is in session “around 20 times a year”.

Also, 7.4% of the gender equality commissions/boards/task forces do not have sessions or have not been in sessions not even once, while 9.8% of the analyzed municipalities and cities have not declared themselves on this issue. What also most often influences the efficiency of these forces is the fact that working in them is paid, or is not, so in 63.4% of cases working in forces gender equality commissions/boards/task forces is especially paid according to the held session regardless of the status of the task force members, and the fee ranges from 20 BAM to 40

BAM for commission/board members, and from 50 BAM to 60 BAM for the presiding members of the commission/boards. In 6% of cases, working in a gender equality commission/board/task force is paid only for external, actually, expert members, in 24.4% of cases the fee is not estimated/provided, while in 2.4% of cases the fee is foreseen, but not paid. **Working in a gender equality commission/board/body is most often paid in F BiH (76.3%), while in RS it is paid in only 37% of cases.**

All institutional mechanisms for gender equality in BiH have a precisely defined mandate. Still, the real initiator of the initiative, of the proposal of the measures of action, and the key subject in the realization and monitoring the process related to gender mainstreaming in BiH is the Agency for Gender Equality and entity gender centers. When we talk about the public sector, these three institutional mechanisms for gender equality lead in the initiation and implementation of activities from the field of gender equality. They have a prominent spot considering the activities, projects and measures they undertook and are undertaking to strengthen and sustain institutional mechanisms for gender equality, as well as initiating the establishment of such mechanisms at the local level. This is how, among other things, the regular monitoring and reporting on the progress of the implementation of international and native standards for gender equality at the local level to a higher level is most often performed at the instance of the entity gender centers and that is in 41.9% of cases, while only 3.7% of commissions/boards/task forces for gender equality do a regular annual report. **Even 30.8% do not even report according to the higher levels of authority,** while 23.4% of the analyzed municipalities/cities did not provide information regarding this question at all. **This largely illustrates the fact that going from the higher to the lower level of authority, the integration of gender perspective is less frequently accessed..**

3.2.3. Local Strategies for Gender Equality

The integration of the principles of gender equality or gender perspective into the institutional framework and the policies of local authorities presents a legally defined responsibility of local self-governments, but also one of the strategic priorities recognized at the higher level of authority.

According to the ZoRS, **the Gender Action Plan of BiH is “a strategy that defines programmatic goals for realization of gender equality in all spheres of social life and labor, in public and private sphere.”**³¹In Article 24, the ZoRS states that the “authorities at the state and entity level, the cantonal bodies and local self-governance units, legal persons with public authority, legal persons who are mainly in the state’s property, within their jurisdiction, (...) be obliged to take all appropriate and needed measures in order to implement provisions prescribed by the [ZoRS] and the Gender Action Plan of Bosnia and Herzegovina.”³²

The current GAP was adopted for the period from 2013 to 2017. This strategic document provides the guidelines for the making of the annual operational plans at entity, cantonal and local level. The GAP of BiH follows the priorities of all levels of government organization in BiH, relying on the GAP for BiH from the period of 2006-2011, state and entity development strategies, Strategy for the Equality of Men and Women of the European Union and other relevant strategic documents of the Council of Europe, the European Union and the United Nations.³³The GAP of BiH for the period from 2013-2017 contains three strategic goals within which there are defined priority areas of activity or the programs and measures necessary for accomplishing this goals. Those three strategic goals are: (1) Making, implementation and monitoring the programs of measures for the

31 Law on Gender Equality in Bosnia and Herzegovina – consolidated version (“Official Gazette of BiH, No. 32/10), Article 9, paragraph g

32 Ibidem, Article 24, paragraph 1

33 Gender Action Plan of Bosnia and Herzegovina for the period from 2013 to 2017 (“Official Gazette of BiH”, No. 98/13).

promotion of gender equality in governmental institutions, according to the priority areas, (2) Building and strengthening the system, mechanisms and instruments for achieving gender equality and (3) Establishing and strengthening collaboration and partnerships.³⁴ In order for the GAP of BiH to be implemented at all levels, it is necessary to adopt the local action plans in accordance with the status and the needs of the local community. Nevertheless, **most of the analyzed municipalities and cities (54.3%) in the area of the whole BiH do not have any strategies/plans/programs for gender equality on the level of their local community**, while only 23.5% of municipalities and cities have some form of program or strategy for gender equality currently in force and most often, the local gender action plan, actually the LGAP (21%).³⁵ In 8.6% of analyzed municipalities and cities, the deadlines for implementation of the LGAP expired in 2013 or 2014 without an emphasis that they were working on the making of the new LGAP while 7.4 % of the analyzed municipalities and cities are currently working on the making of the LGAP for the forthcoming period. Out of 27 municipalities and cities in the RS, there is an equal number of municipalities and cities which they have (8),³⁶ or actually do not have (8) a current LGAP, while in FBiH precede those municipalities and cities which do not have a LGAP nor work on making it (36 municipalities and cities, or actually 66.6%). Only ten of the analyzed municipalities/cities in FBiH have current local action plans for gender equality.³⁷

34 Ibidem.

35 Agency for Gender Equality of Bosnia and Herzegovina states on its webpage that there are 14 municipalities/cities in BiH who have an adopted an LGAP which is not consistent with the data we came to during the research which is the subject of this analysis, and that is that 17 municipalities/cities have an adopted LGAP (Agency for Gender Equality, Local Action Plans in BiH, available at: <http://arsbih.gov.ba/oblasti/lokalni-akcioni-planovi/>). Also, since there is a period of data collection lasting several months, there is a possibility that certain municipalities/cities in the meantime have adopted the LGAP. This is why it is necessary to take these data with a grain of salt.

36 Analyzed municipalities/cities in RS which have a current LGAP are: Bratunac, Grad Istočno Sarajevo, Nevesinje, Novi Grad, Sokolac, Srbac, Grad Trebinje, Višegrad

37 Grad Bihać, Bosansko Grahovo, Doboju Jug, Ilidža, Kalesija, Novi Grad Sarajevo, Sapna, Grad Tuzla, Vogošća, Grad Zenica.

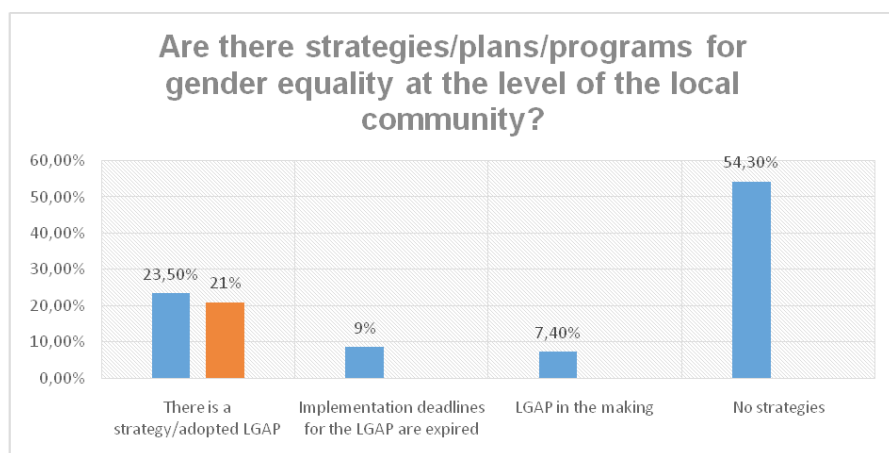


Chart 8: Strategies/plans/programs for gender equality at the level of the local community.

The integration of the principles of gender equality or actually, gender perspective into the institutional framework and the policies of the local government present the legally defined responsibility of the local self–governments, but also one of the strategic priorities recognized at the highest level of authority. The Law on Gender Equality and the Gender Action Plan predict different norms, goals and measures which need to lead to establishing a more adequate institutional and strategic framework at all government levels. However, these norms are often taken for granted at the local level, and this is where the difference in the approach to the implementation of these documents lies.

That is how certain municipalities and cities implement the ZoRS and the GAP by integrating gender perspective and principles of gender equality into strategies for the development of the municipality or the city, and in some cases even into youth strategies (e. g. municipalities of Hadžići and Visoko in FBiH, municipalities Brod and Lopare in the RS). In any case, this data would be praiseworthy if next to integrating gender perspective into all strategic and other general and special documents, the making of the local gender action plan would be approached, which is one of the starting points in regular implementation of standards and norms for gender equality prescribed by the ZoRS. A good example of such an approach is Zenica where the

LGAP was entered into the Strategy of Development of Zenica for the period of 2012 to 2022 as one of the sector policies.

Other municipalities/cities that have an adopted LGAP approached its making from different aspects. So, the strategic goals of the local action plans vary between education and employment training, gender-based violence, social care and health care, political participation, gender sensitive-media, gender-responsive budgeting, harmonization of the municipalities' documents with the provisions of the ZoRS and building institutional mechanisms. Also, the period or the deadlines for implementing the measures from the local APs vary from one to five years, while other strategic documents are most often implemented between five and ten years. This is just another indicator of how unready the units of local self-government are to seriously commit and dedicate themselves to the advancement of gender equality at the local level, especially taking into consideration the fact that in 9% of the analyzed municipalities and cities, the deadline for the implementation of the measures prescribed in LGAP has expired without being renewed by a new strategic document.

3.3. Political Participation of Women at the Local Level

Women on average take up only 3.18 to 4.05 council/board seats, even though councils/assemblies on average have 22.4 to 23.26 council/board seats. Political parties need to take responsibility and position women on lists so that they have a greater chance of being elected.

After the last Local Elections of 2012, the Agency for Gender Equality made an analysis of the representation of women in municipal/city councils and assemblies, and in the Assembly of the Brčko District, which indicates the fact **that women are still the less represented gender in most local representative bodies**. The analysis indicates that in regard to the Local Elections of 2008 when an average of 15% of

women was elected to municipal/city councils/assemblies, **there was an average of 17.1% of women elected in the Local Elections of 2012.**³⁸ Even though there has been an increase in the participation of women in the local representative bodies of 2%, this share is still far away from equal and in accordance with the ZoRS which is 40%.

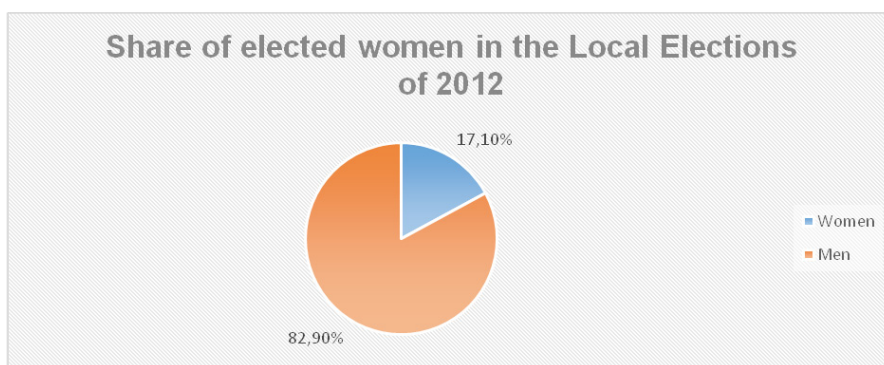


Chart 9: Share of elected women in the Local Elections of 2012.

The data collected during the research whose results are the subject-matter of this analysis coincide with the mentioned data. So, out of a total of 1838 of councilors or board members in the assemblies/ councils of analyzed municipalities and cities, women take up a total of 301 seats (16.4%), of which 215 seats in FBiH (17.4%) and 86 seats in RS (14.2%). **The councils/assemblies of the municipalities and cities in FBiH have an average of 23.26 of councilors, of which there is an average of 4.05 for women in the current mandate. The councils/assemblies of the municipalities and cities in RS have an average of 22.4 alderpersons, of which there is an average of 3.18 board seats for women in the current mandate.**

³⁸ Agency for Gender Equality, Representation of Women at the Local Level, available at: <http://arsbih.gov.ba/zastupljenost-zena-na-lokalnom-nivou/>

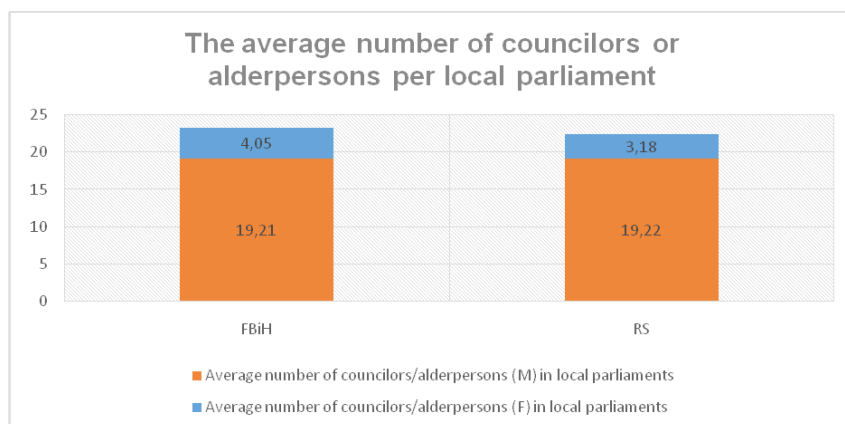


Chart 10: The average number of councilors or alderpersons per local parliament.

When it comes to executive authority, the provisions on representation most often concern constitutional people, and can be found in the regulations which regulate the system of local self-government units. The provisions which contain the quotas generally refer to the key functions appointed at local level, and since the municipal and city mayors are elected directly, the provisions which refer to the representation of constituent people regulate the appointment of the deputy municipal and city mayor and the chairperson of the council/assembly of the municipalities and cities in BiH.³⁹ These three functions are generally not performed by people pertaining to the same constituent nation, however, it is rarely required that they must be of another gender. This is how flexible quotas for gender equality are usually established, so for example, in the Statute of the Municipality of Zenica, in Article 26, paragraph 4, it is established that “when proposing the election of the chair person, the deputy of the Council chairperson and three members of the Working Presidency of the Council will ensure (...) as far as possible the equal representation of the constituent people and others, and gender equality”.⁴⁰ A similar provision can also be found in the Statute of the Municipality of Zenica,

39 Sarajevo Open Center (ed.) (2015). *Where are Women in Governments? Representation of Women and Men in the Executive Branch in BiH*: Sarajevo Open Center and Heinrich Boell Stiftung.

40 Ibidem.

and these provisions can be considered as flexible quotas which do not determine the sanctions.⁴¹

After the Local Elections of 2012, only five women were elected as municipality mayors throughout BiH, and it was noticed that there was a higher number of councilwomen or alderwomen elected and that was in Doboju (15.4%), Mrkonjić Grad (16%), Novi Grad (22.2%), Visoko (24%) and Kalinovik (36.4%).⁴² There was no woman elected in seven municipalities,⁴³ while the share of elected women was higher than 40% in just two municipalities and that was in the Municipality of Foča (FBiH) where the share of elected women was 45.4% and the Municipality of Kupres (RS) where the share of elected women was 54.5%.⁴⁴ The mentioned two municipalities did not partake in this research despite the efforts of the organizations which conducted the research to get feedback.

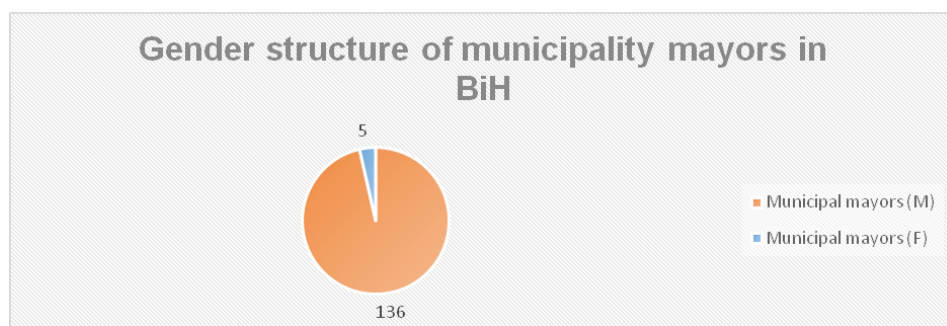


Chart 11: Gender structure of municipality mayors in BiH.

The data collected during the research whose results are the subject-matter of this analysis coincide with the mentioned data. The highest number of analyzed municipalities and cities in the area of BiH do not have a woman for a city/municipality mayor or the chairperson of an assembly/city council/municipality (85.2%). Only 3 (3.7%) of the analyzed municipalities/cities have a woman municipality

⁴¹ Ibidem.

⁴² Ibidem.

⁴³ Donji Žabar, Ribnik, Kakanj, Kladanj, Novi Travnik, Tomislavgrad, Rudo

⁴⁴ Agency for Gender Equality, The Representation of Women at the Local Level, available at: <http://arsbih.gov.ba/zastupljenost-zena-na-lokalnom-nivou/>

mayor,⁴⁵ while slightly more (10, actually 12.3%) of the analyzed municipalities and cities have a woman president or chairwoman of the municipality assembly/council.⁴⁶ Only one municipality out of all the analyzed ones in the area of BiH has women in the position of the municipality mayor and the chairpersons of the municipality council, and that is the Municipality of Visoko (FBiH).

After the harmonization of the Election Law of BiH with the Law on Gender Equality in BiH in 2013, **the political parties must have at least 40% of the representatives of the less represented gender as candidates on their electoral lists in the elections in BiH.** These changes were implemented for the first time in the General Elections on October 12, 2014 when there was at least 40% of candidates out of the total number of verified candidates on all candidate lists.⁴⁷ In the General Elections of 2014, 98 political subjects participated or 7,748 candidates of which there were 3,276 women or 42%.⁴⁸ Even though this share is good in comparison with the previous election years where the share of women on verified candidate lists was not higher than 36.82%, we must not forget that this increase was imposed by the Law on Changes and Amendments of the Election Law from 2013 and that 42% of women in the lists present the current legal minimum.

In 2016, these changes in the Election Law of BiH will be implemented for the first time at the local elections as well, even though these changes alone will not be enough to solve the problem of insufficient representation of women in representative government. In regard to this, it is important to remember the identified problems which stood out during the General Elections of 2014: (1) mainly second places are reserved for women on lists and related to this (2) in regard to men, there is a disproportionally small number of women

45 There is no woman city mayor.

46 There is not even one chairwoman/woman president of the city assembly or city council.

47 Except for lists with small and odd numbers of candidates (one to three candidates) where the share of women is 0%, 33.3%, 66.6% or 100%.

48 Miftari, Edita (2015). The Political Participation of Women in Bosnia and Herzegovina: The Analysis of Women on Party Lists and Final Results of the General Elections of 2014.

who carry party lists, (3) men dominate at the head of compensation lists.⁴⁹ Therefore, **political parties must take responsibility and position women on candidate and compensation lists so that they have a greater chance of being elected which implies more women candidates who carry lists.**

3.4. Gender Responsive Budgeting at the Local Level

The creation and adoption of the budget should be equally decided by representatives of both genders in the local structures of government, and their outcome of the decision on the budget should be gender fair or equally taking into account the special needs of women and men in spending the budget.

The budget is the most important instrument which turns government policies into programs and services for citizens, and is also the mechanism for choosing policy priorities, resource allocation; the means through which the state intervenes in the economy and directs resource flows.⁵⁰ Planning the local budget is therefore one of the crucial aspects of implementing local policies. As an expression of the political decision of the local government, the budget defines priorities and recognizes or fails to recognize specific needs of women and men as different groups. However, the result of that recognition is not that all incomes and expense are equally distributed to men and women because they can have general common and also different needs, but that the female and male needs and priorities have equal weight and that their contributions to the economic and social development are equally valued.⁵¹ Such analysis should be followed by changes emerging

49 Ibidem

50 Hadžiahmetović, Azra (2013). Gender Responsive Budgeting, textbook for universities. Sarajevo: IKD "University Press – MAGISTRAT Izdanja".

51 Ibidem.

from that analysis, and the distribution of resources in the local community should thus be gender fair. Therefore, **representatives of both genders in local government structures should equally decide about the creation and adoption of the budget and their outcome of the decision on the budget should be gender fair or that they equally take into account the specific needs of women and men in spending the budget.**⁵² It is also important to mention that gender budgeting does not stand for a special budget for women and is not limited only to budget allocations directed at promoting women and their rights and needs, but covers the whole budget and its total incomes and expenses. In order to ensure this process, it is necessary to supervise the budgetary process from the point of view of gender equality on an ongoing basis.

In local self-government units in BiH there is a general lack of budget allocations for measures and activities for the advancement of gender equality as well as for the implementation of the ZoRS, GAP and other strategic documents. This lack is related to the problems of achieving results in this field at the local level, and everything results in limited knowledge and poor programs in the field of gender equality. This is why the increase in budgetary allocations should be in accordance with the making of the local APs to mirror the real dedication of the municipality/city in the field of gender equality.⁵³

Only ten (12.3%) of analyzed municipalities/cities take into consideration the issue of gender equality when making and implementing municipal/city budget or applying gender sensitive/responsive budgeting. Most municipalities and cities do not implement gender sensitive budgeting (66.6%). Only three municipalities/cities are currently working on integrating gender sensitive budgeting, while 17.3% of municipalities/cities did not offer a specific answer to this question

52 Vuković, Olivera (ed.) (2013). Gender Equality at the Local Level. Belgrade: SeConS – Development Initiative Group.

53 OSCE Mission to Bosnia and Herzegovina (2009). The Status and Activities of the Municipal Gender Equality Commissions in Bosnia and Herzegovina: Overview and Recommendations.

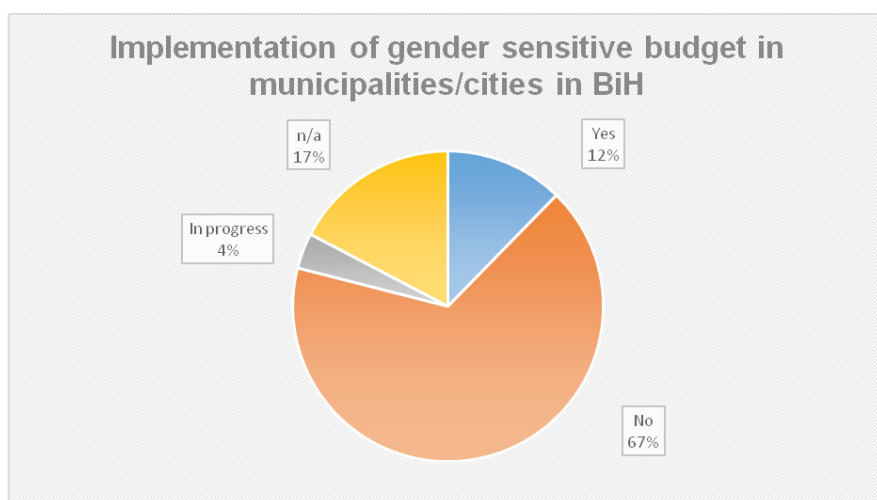


Chart 12: Implementation of gender sensitive budget in municipalities/cities in BiH.

Since the goal of this analysis is not the analysis of the existing gender responsive budgets in the area of BiH, **the special allocations of local budgets which stimulate gender equality through promoting female entrepreneurship, education and protection of women's human rights** will be briefly presented below. When it comes to special programs/projects of female entrepreneurship, there are very few resources allocated from the budget of the municipalities/cities in BiH. That is how only 16% of municipalities and cities allocate resources for this purpose while such programs/projects in most cases are not sponsored by the budget of the municipality/city (67.9%). A significant number of analyzed municipalities/cities in BiH did not offer specific information regarding this issue. Municipalities and cities which financially help out projects of female entrepreneurship most often help out with projects and programs concerning agriculture, handwork and craft in general, and textile manufacturing, while **not even one analyzed municipality/city allocates funds for stimulating female entrepreneurship in the fields and professions dominated by men.**

Next to this, the alarming fact is that **only 2.5% of analyzed municipalities/cities in BiH allocate funds from the city/municipality budget for special programs/projects of formal**

and informal education of women and girls. In 4.9% of analyzed municipalities/cities, the funds are allocated for special programs of formal and informal education for persons of both genders wherein the female persons are equally represented, while 11.1% of municipalities/cities support these projects/programs by co-financing projects of non-governmental organizations. Most municipalities/cities in BiH (61.7%) do not allocate funds for this purpose at all, while 19.7% of municipalities/cities in BiH did not provide information regarding this issue. Some of the examples of good practice in this field are the Municipality of Ribnik which awarded 60 scholarships in 2013 for educating women and girls from the territory of the Municipality of Ribnik in the amount of 60,000 BAM and the Municipality of Trnovo (RS) which supports girls who are musically talented with the monthly amount of 250 BAM. Another municipality that is really progressive in the field of gender equality is the Municipality of Sapna which in relation to this field, co-financed informal education of 99 girls and women in 2013 through the program "Localizing Gender in FBiH", and in addition to this, allocated 8,000 BAM for the academic year 2013/2014 for scholarships of students and participants of the Elementary and Mixed High School of Sapna whose users were 8 persons of male and 7 persons of the female gender.

There are some more resources allocated from city/municipal budgets for the work of associations/foundations of women, that is, associations which advocate women's human rights, and that is in 35.8% of municipalities and cities in BiH, while in an almost equal share (33.3%) the resources are not allocated at all for the mentioned purpose. In 11.1% cases such associations/foundations do not exist at the level of the given municipality/city while 19.7% of municipalities/cities in BiH did not provide the necessary information for this purpose. Still, from the overview of the organizations stated as associations/foundations financed for this purpose from the budget of the municipality/city, it can be concluded that a high number of those organizations does not work primarily or exclusively on advocating women's human rights, even though they mostly or exclusively include women.⁵⁴ The pattern

⁵⁴ These are organizations/associations that, among other things, deal with the

of women’s associations is not that they are always human rights or activist organizations and therefore, these data need to be taken with a grain of salt. In any case, **even when such resources are allocated, they are very small, and in exceptional cases, they go beyond the amount of 5,000 BAM, which is most often the low minimum of allocating for some other purpose such as, for example, sport clubs in the area of the municipality/city.**

Thus, there is an average of 20,000 to 30,000 BAM allocated for the area of one municipality/city for registered women’s sports clubs, the budgets range from 500 BAM to 55,000 BAM, and only in one case is that amount higher and is 185,000 BAM. For all registered men’s sports clubs in the area of one municipality/city there is an average of 100,000 BAM to 150,000 BAM allocated, and the budgets range from 12,500 BAM to 630,000 BAM.

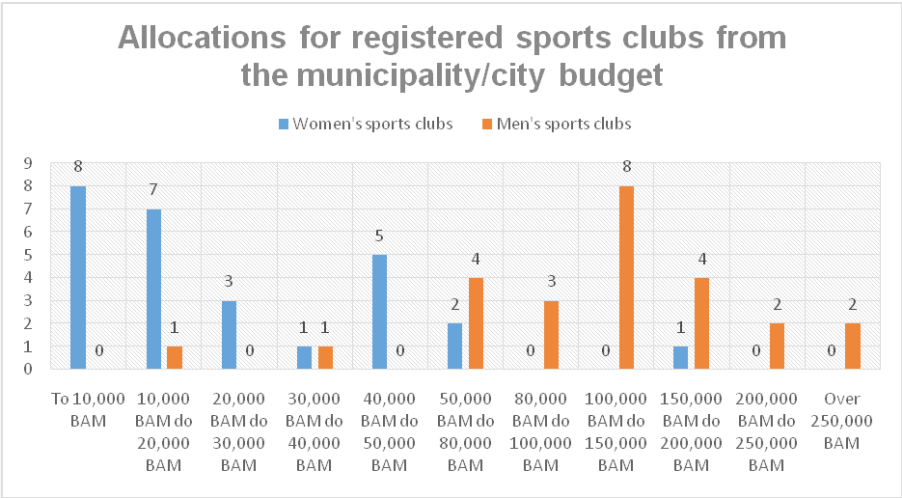


Chart 13: Allocations for registered sports clubs from municipality/city budgets.

protection and rights of children, promotion of interreligious dialogue, gather people suffering from malignant diseases, women who make handicrafts, who are in music ensembles and similar. Even though these are very respectable topics and fields, they do not imply advocating women’s human rights and should not be put into that category.

Even though the ZoRS and GAP prescribe that gender analysis is obligatory at all levels, 3.7% of municipalities/cities do not differentiate between registered women's and registered mixed clubs. In the area of 18.5% of municipalities/cities there are no registered women's sports clubs, while in the area of 2.5% of municipalities/cities there are no registered sports clubs at all. There were no allocations for registered sports clubs in only one municipality in BiH. A significant number of municipalities/cities in BiH (38.3%) did not provide information regarding this issue.

When it comes to the measures which encourage gender equality at the level of local communities and which are financed from city/municipal budget, the highest and most concerning number of analyzed municipalities/cities in BiH(66.6%) stated that they do not have specific examples regarding this issue, while most examples refer to financing and co-financing of projects of civil society organizations (19.7%). The rest of analyzed municipalities/cities encourage gender equality by different measures such as organizing educations, seminars and panels (7.4%), employment initiatives for women (2.5%), supporting the work of safe houses for women and children victims of domestic violence (3.7%), protecting and financially supporting child-bearing women (2.5%), encouraging natality (2.5%), implementing campaigns and marking significant dates (2.5%) and appointing gender equality commissions and paying its work (1.2%). These examples are just some of the many which point to the dubiousness in the sense of not understanding the concept of gender equality, and therefore the lack of specific activities and actions in this field at the local level is not surprising.

3.5. Collaboration of the Government With Civil Society Organizations

The establishment of dialogue between citizens and members of their local commissions is aggravated where they are formed, and thereby the citizen's possibility to directly address these commissions/boards/task forces.

When it comes to the collaboration of city/municipal authorities with civil society organizations/non-governmental organizations working on women's rights issues, the highest number (60.5%) of analyzed municipalities/cities have achieved some form of collaboration. Specific collaboration is not accomplished by 6.2% of municipalities/cities, while 22.2% of municipalities/cities provided no data regarding this issue. Also, in some municipalities/cities (4.9%) there are no registered civil society organizations/non-governmental organizations to collaborate with. **The representatives of 4.9% municipalities/cities stated here that they collaborate with entity gender centers, even though they are not civil society organizations/non-governmental organizations but executive power institutions,** or primary institutional mechanisms for gender equality at the entity level.

When it comes to mechanisms of complaints and reporting human rights violations and sex/gender-based discrimination, 43.2% of municipalities/cities have such mechanisms while 40.7% have no mechanisms for complaints. Relevant information was not provided by 16% of municipalities/cities. Given that there are only few municipalities/cities which have the corresponding strategic document which establishes the main issues in the field of gender equality within the given municipality/city, but also the existence of mechanisms of complaints and reports, the fact that the public is generally not familiar with the existence or mandate of task forces and officials for gender equality is not surprising, or actually, that they do not know that there is an organ in charge of monitoring the situation in terms of gender equality and promoting gender equality within

their municipalities. Therefore, establishing dialogue between citizens and members of their municipal/city commissions is aggravated where they are formed, and thereby the possibility of citizens directly addressing these commissions/boards/task forces as well as members of commissions/boards to answer to the public for the work that was done. This is why out of all existing mechanisms of complaints and reports in the area of analyzed municipalities/cities, this possibility was used just once in one municipality, and that was for the sake of regulating maternity benefits (Centar Municipality, Sarajevo).

In 28.4% of municipalities/cities there is no interest in working on strengthening the capacities of the staff, officials and the board members of city/municipality assemblies or councilors of city/municipal councils related to gender equality. The rest of municipalities/cities (72.8%) who expressed interest in working on strengthening the capacities have stated that their interests and needs lie in the different capacities which are usually related to certain forms of education and training of the officials and board members or councilors on human rights, gender equality and discrimination in general, on the making and implementation of local gender action plans as well as on the implementation of existing laws and strategies, integration and implementation of gender sensitive budgeting, and on the integration of gender perspective even in other fields of the mandate of the staff, officials and board members of cities/municipalities or councilors of city/municipal councils such as employment, education, entrepreneurship and participation in public and political life.

4. CONCLUSIONS AND RECOMMENDATIONS

This analysis has shown that the very existence of a legal framework and institutional mechanisms is not enough for achieving real progress in the field of gender equality, even though these factors are of crucial importance in creating the fundamentals of a gender equal society. **The very existence of institutional mechanisms is often not enough without implementing specific activities which will lead to understanding and solving the problem of inequality.** Therefore, this analysis should serve as a guideline to civil organization society organizations working on the development of local policies for gender equality and as an incentive, but also a warning to local self-government units and institutions which work at the local level that they need to be more actively included into these processes and follow, and then implement the regulations of legal and other acts which regulate this domain, but also trends in strategic planning whose goal is to improve the status of women and greater gender equality in Bosnia and Herzegovina.

Institutional and legal framework for gender equality

The analysis shows that BiH has satisfactory normative mechanisms in the field of gender equality and equal opportunities manifested in international conventions integrated into constitutions which are in force in BiH or are signed and ratified by BiH, but also through laws and changes and amendments in the laws which BiH adopted at state and entity levels in recent years. This last one refers to the Law on Gender Equality in BiH, Law on Prohibition of Discrimination, Law on Changes and Amendments of the Election Law concerning the increase of gender quota when it comes to electoral lists and so on. In accordance with the ZoRS, the second in a row Gender Action Plan is in force in BiH for the period of 2013 to 2017 which requires action in primary fields at all levels of authority in BiH.

However, this analysis, with a few exceptions, has shown that **there is neither will nor readiness at the local level to work seriously on gender equality even though the ZoRS clearly states that disrespecting this Law entails penal consequences.** Nevertheless, just over 17% of municipalities and cities in BiH respect the provisions in the ZoRs when appointing, while the largest number of analyzed municipalities and cities in BiH do not observe this law by implementing it in the wrong way or by not implementing it at all. Related to this, the largest number of analyzed municipalities and cities (54.3%) throughout BiH has no strategies/plans/programs for gender equality at the level of their local community which largely explains the negative actual situation in local communities when it comes to gender equality.

Given the above, it is expected that **gender institutional mechanisms at the local level are in very poor condition**, and it is not surprising that even when there are institutional mechanisms at the local level, in most cases this is just declarative, without implementing any kind of activity for improving gender equality and the status of women in all spheres of life. In addition to this, **going from the higher level to the lower one, institutional mechanisms in the executive authority are almost completely disappearing**, and their activities are delegated to the representative government. Therefore, there are currently just a couple of municipalities in BiH which besides the commission/board/task force for gender equality have the corresponding mechanism in the executive authority, or actually in the office of the municipality or the city mayor.

In regard to this, first of all, it is necessary to **introduce the provision for gender equality and equal opportunities into the statutes of the municipalities/cities which operationalizes the responsibility of the municipality/city to take care of actualizing women's human rights as well as gender equality**, and incorporate the responsibility of the local community to lead the policy of equal opportunities within their jurisdiction. This provision should be systematized within the opening and fundamental provisions of the municipality/city statute because it is of general nature, and it could read: "Within their jurisdiction, the municipality/

city takes care of realizing the equality of women and men in the area of the municipality, and leads the policy of equal opportunities in order to accomplish gender equality as well as to remove all forms of inequality in the status and rights." Apart from this, **it is necessary for each municipality/city to adopt a local gender action plan in accordance with the situation and the needs of the local community** in order to implement GAP and ZoRS at the local level. In order to implement the Gender Equality Law, it is also necessary to harmonize laws (principles in) Local Self-Government in the FBiH, RS, and cantons with this law, and also the integration of gender perspective in the provision of organs of local self-government, as well as in other provisions concerning the division of responsibilities and resources.

Also, many members of commissions/boards/bodies for gender equality lack knowledge about the basics of gender equality, so some of them do not know enough about the ZoRS and the way it is related to the local government and the work of commissions/boards or bodies for gender equality. **Wrong assumptions about the basic concepts of gender equality and mechanisms for equality present a widespread problem in BiH.** In addition to this, it is very questionable whether the members who do not even have minimal working qualifications, who lack relevant education, who are not aware of the issues of gender equality and equal opportunities and who do not show interest in actively promoting gender equality, are capable of establishing the modality of work of the municipality/city in the field of gender equality. Therefore, **it is necessary to at least educate officials of local self-governments which work on the issues of gender equality and equal opportunities, as well as members of bodies for gender equality, about the basic concepts related to integrating gender perspective into local policies, and about the institutional and legal framework for gender equality.** Another way to reduce or to solve this problem is **to include outer members in commissions/task forces for gender equality** who are experts in the field of gender equality and women's human rights, which is already a practice in some municipalities/cities.

However, since the issue of gender equality at the local level is

not under the exclusive jurisdiction of the local task forces for gender equality and the very municipalities, but also under entity gender centers, these latter ones must take their supervisory role seriously and help the local bodies in creating the procedures which could raise the level of knowledge about the standards in the field of gender equality among the commission members as well as the level of work efficiency of the gender equality commissions. This also includes, among other things, the regular session of the local task forces for gender equality at least once a month, as well as regular semi-annual or annual report to higher levels of authority on the activities of this force.

Political Participation of Women at the Local Level

The share of women in the representative government is very low and it is 17.1% of women who were elected in the Local Elections in 2012. Even though this fact indicates that there is an increase of 2% in the participation of women in local representative bodies in regard to the previous mandate, this share is still far away from equal and in accordance with the ZoRS, which is 40%. **After the Local Elections of 2012, only five women were elected as municipality mayors throughout BiH.** Only 12.3% of analyzed municipalities and cities have a woman president or a chairwoman of the municipality assembly/council.

After the harmonization of the Election Law of BiH with the Law on Gender Equality of BiH was done in 2013, **political parties must have at least 40% of candidates who are representatives of the less represented gender in their electoral lists in the elections in BiH.** These changes were implemented for the first time in the General Elections on October 12, 2014, and in the following year of 2016 these changes in the Election Law will be implemented in the local elections for the first time, even though they will not solve the problem of insufficient representation of women in the representative government by themselves. Related to this, **it is important to remember the identified problems which stood out during the General Elections of 2014:** (1) second places on the lists are mainly reserved for women, and related to this (2) in regard to men,

there is a disproportionately small number of women who carry party lists, (3) men dominate at the head of compensation lists. Therefore, **political parties must take responsibility and position women on candidate and compensation lists so that they have greater chances of being elected.** This also implies more women candidates to carry lists.

In addition, women are under-represented in governments in BiH, so none of the 14 governments in BiH has appointed Ministers in a manner that complies with the provisions of the Gender Equality Law. In the current Council of Ministers BiH, there are two women, in the Federal Government BiH four, while in the government of Republika Srpska, the Prime Minister appointed three female ministers. In the cantonal governments, no woman was appointed as prime minister of the cantonal government, while the presence of female ministers in the cantonal governments ranges from 0% to 25%, depending on the canton. Because of this, it is necessary to determine the quotas to regulate and achieve equal representation of women and men within the governments, and in a way that the laws of governments at all levels in BiH have to amend in order to introduce a provision that parliaments/assemblies in BiH can not confirm any government in Bosnia and Herzegovina if it does not reflect the equal gender representation, or if the composition of the government is not called for at least 40% of both sexes.

Since there are usually no quotas for gender equality in the statutes of municipalities and cities in BiH when appointing or there are flexible quotas which do not define "the greatest possible measure" which will ensure equal gender representation, and since the deputy municipality mayor or the city mayor and the council/assembly chairpersons are not elected directly but appointed, and modeled on the legal provisions about the representation of the constituent people according to which, in general, the role of the municipal mayor, deputy municipal mayor and the council/assembly chairperson are not performed by persons who belong to the same constituent nation, **it is necessary to regulate the quota for gender equality in the municipality/city statutes in a manner which prescribes that the city/municipal mayor, deputy city/municipal mayor, chairperson and deputy**

chairperson cannot be persons of the same gender.

In addition to this, it is necessary to advocate according to the political parties, and for the following Local Elections which will be held in 2016, to implement the gender sensitive pre-election campaign, but also for the media to adopt gender sensitive approach to reporting in the local community. **In what way and to which extent are women and especially women politicians represented in the media is of crucial importance, on everyday basis, and especially during the pre-election campaign.** Only positive and open approach to women in the public sphere can influence the suppression of gender stereotypes which affect both women and men negatively.

Gender Responsive Budgeting

In the local self-government units in BiH, there is generally a lack of budget allocations for measures and activities for the advancement of gender equality, as well as for the implementation of the ZoRS, the GAP and other strategic documents. This lack is related to the problems of achieving results in this field at the local level, and everything results in **limited knowledge and poor programs in the field of gender equality.** This is why the increase in budget allocations should be in accordance with the making of the local APs in order to mirror the real dedication of the municipality/city to working in the field of gender equality.

Only 12.3% of analyzed municipalities/cities apply gender sensitive/responsive budgeting, 16% of municipalities/cities allocate resources for special programs/projects of female entrepreneurship, only 2.5% of analyzed municipalities/cities in BiH allocate resources from the city/municipality budget for special programs/projects of formal and informal education of women and girls, while the resources for the work of women's associations/foundations, that is, associations which advocate women's human rights are allocated from the city/municipal budgets in 35.8% of municipalities and cities in BiH. **Even when such resources are allocated, they are very small and in exceptional cases they exceed the amount of 5,000 BAM such as, for example, sports clubs** in the area of the municipality/city,

which makes the previous data additionally devastating/catastrophic. This is how an average of 20,000 BAM to 30,000 BAM is allocated for all registered women's sports clubs in the area of one municipality/city, and for men's between 100,000 BAM and 150,000 BAM. This is not to indicate that sports clubs should not be financed. On the contrary, sports clubs should certainly be financed, **but it is necessary to distribute budget resources through the integration of gender perspective and gender responsively and equally in all life spheres**, while priority should be given to strategic domains defined by the GAP, but also other strategic documents of the municipality or the city.

On the issue of measures which encourage gender equality at the level of the local community, and which are financed from the city/municipality budget, the highest and the most concerning number of analyzed municipalities/cities in BiH (66.6%) stated they do not have specific examples regarding this issue. This is partly the problem of the absence of local strategies and plans for gender equality which would clearly prescribe measures which encourage gender equality in the local community modeled according to the national GAP and in accordance with the situation and the needs of local communities.

Government Collaboration with Civil Society Organizations

For many years, a large number of civil society organizations have been working on the advancement of the status of women in Bosnia and Herzegovina thereby indicating the specific problems and needs, and warning to problematic areas. However, **the collaboration of the government with the OCDs is on a very low level and very little is done to improve or to intensify that collaboration**. Besides, according to the overview of the OCDs that the analyzed municipalities/cities collaborate with and the data collected through this research, **the trend of not understanding primarily the concepts of a civil society or the nongovernmental sector and then the concept of working on the advancement of women's human rights is obvious**. So, in a distinct number of analyzed municipalities/cities,

there is the incomprehension of the status of entity gender centers which were stated among civil society organizations that the municipality/city collaborates with, even though these are government institutions, or gender institutional mechanism in the executive authority at entity level. On the other hand, even though they were asked about the collaboration with organizations/associations that deal with advocating women's human rights, analyzed municipalities/cities had very often stated different women's or children's associations, musical ensembles and associations of other marginalized citizen groups which most often deal neither with women's human rights, nor with gender equality. This points to the fact that, even though they collaborate with OCDs, the analyzed municipalities/cities are often blind to the "finesses" in the descriptions of the organizations they (co) finance, and then list them as OCDs which deal with gender equality. Besides, during the implementation of different activities (such as media campaigns, marking important dates and other activities directed towards the citizens), **there are always obvious fractions between the governmental and non-governmental sector in such a way that the activities are repeated or carried out in parallel.** Therefore, municipalities/cities must establish collaboration with the civil society in such a way that the activities are performed in compliance, as well as that the priority is given to organizations which advocate and work in the field of gender equality and the better status of women in society.

It is also very important to emphasize that progress in the field of gender equality does not depend entirely on the support of the partner OCD, that it is **the government that carries the responsibility for implementing the Law on Gender Equality and that this responsibility cannot be transferred to one or more OCDs, regardless of their activities and good intentions.** Therefore, civil society organizations have to be understood as partners in this process, and in no way as the means and the manner of avoiding responsibilities prescribed by the Law.

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ANNEX 1 – Questionnaire for city/ municipality representatives

The instructions for filling out the questionnaire: the questionnaire consists of five parts (personal data; gender equality in your city/municipality; gender equality bodies; city/municipal budget and gender equality; and collaboration with civil society organizations) and contains 23 questions in total. The treatment of the answers will be highly confidential and personal data will not be published anywhere. Please, read all the questions first and then answer them specifically and accurately. It is also important that you answer every sub-question. Thank you for participating!

I PERSONAL DATA

First name and surname:

Gender: M F other:

City/municipality:

Organizational unit where you work/the position you work in:

Who authorized you to fill out this questionnaire in the name of your city/municipality government? State the name and the function of the person:

II GENDER EQUALITY IN YOUR CITY/MUNICIPALITY

1. How many members does the local parliament have (city/municipality assembly or city/municipal council) of your city/municipality?
2. How many women board members/councilors are in the local parliament? (city/municipality assembly or the city/municipal council) of your city/municipality?
3. Do you have a woman city/municipal mayor or a woman president/chairwoman of the city/municipality assembly or city/municipal council?

4. Do you implement the Law on Gender Equality when appointing boards, commissions, officials etc.? List specific examples from 2013.
5. Which institutional mechanisms for gender equality exist within your city/municipal government and how are they used? List specific examples from 2013.
6. Do you have city/municipal plans/programs/strategies for gender equality (for example, the local gender action plan)? If you do, briefly explain what kind of document it is and what it contains.
7. In which way do you support and promote gender equality in your city/municipality? List specific examples from 2013.
8. Do you in any way report to higher levels of government (for example, to entity gender centers, cantonal/entity parliaments and governments) on gender equality in your local community? If so, briefly explain.

III GENDER EQUALITY BODIES

9. Do you have a commission/board/body for gender equality within your city/municipality assembly? What is the exact name of that commission/board/body? If you do not, do you have another mechanism for gender equality within the local parliament or city/municipal administration?
10. Is the work and existence of the commission/board/body for gender equality prescribed by the city/municipality statute? If so, briefly explain.
11. Who appoints the commission/board/body for gender equality? How many members does the commission/boards/body have? How many members of the commission/board/body are male, and how many are female (in the current convocation)? Is there a quota for both genders when appointing the commission/board/body and which document prescribes it?
12. Who presides over the commission/board/body?
13. If you have a commission/board/body for gender equality, does it pay?

14. How many times per year is the commission/board/body for gender equality in session?

IV CITY/MUNICIPAL BUDGET AND GENDER EQUALITY

15. Whether and in what way is the issue of gender equality taken into consideration when making and implementing the city/municipal budget? Do you implement gender sensitive budgeting? Briefly explain.
16. List the measures which encourage gender equality in your local community and which are financed from the city/municipal budget? List specific examples from 2013.
17. What quantity of resources from the budget had the city/municipality allocated last year (in 2013) for women's sports clubs and what quantity for men's sports clubs? Give a brief explanation.
18. Do you allocate resources from the budget of the city/municipality for special programs/projects of female entrepreneurship? List specific examples and amounts from 2013.
19. Do you allocate resources from the city/municipality budget for special programs/projects of formal and informal education of women and girls? List specific examples and amounts from 2013.
20. Do you allocate resources from the city/municipality budget for the work of women's associations/foundations which advocate women's human rights? List specific examples and amounts from 2013.

V COLLABORATION WITH CIVIL SOCIETY ORGANIZATIONS

21. Do city/municipal authorities (for example, the city/municipal mayor or gender equality commissions) collaborate with civil society organizations which work on women's rights issues? List specific examples from 2013.
22. Are there mechanisms of appealing against and reporting

human rights violations and sex/gender-based discrimination within the work of the Gender Equality Commission? List specific examples.

23. Are your city/municipal structures interested in working on strengthening the capacities of the staff, officials and board members of city/municipality assemblies or councilors of city/municipality councils related to gender equality, and if so, which contents are of interest?

THANK YOU FOR BEING A PART OF THIS RESEARCH!

ANNEX 2 – Glossary of women's rights*

Discrimination is "every different treatment including every exclusion, limitation or preference based on real or assumed features towards any person or group of persons on grounds of their race, skin color, language, religion, ethnic affiliation, national or social origin, connection to a national minority, political or any other persuasion, property, membership in trade union or any other association, education, social status and sex, sexual expression or sexual orientation, and every other circumstance with a purpose or a consequence to disable or endanger recognition, enjoyment or realization, of rights and freedoms in all areas of public life" (ZZD).

Discrimination on grounds of gender is "putting any person or groups of persons into less favorable position based on gender due to which rights of some persons or groups of persons are protracted or enjoyment and realization of human rights and freedoms are not recognized. (ZoRS) Opposite to discrimination on grounds of gender are equal opportunities for all persons regardless of gender which assumes absence of obstacles for economic, political and social participation on grounds of gender" (ZoRS).

Discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (CEDAW).

Feminism – organized activity and development of theories which point at the oppression of women and the effort to overcome that marginalized status and to accomplish the equality of women and men. Feminists are individuals who deal with the

issues of women being discriminated in society in various ways, from warning them to the problems of sex/gender inequality, the theoretical aspect of female themes to direct activities in feminist/activist initiatives and movements.

Gender Action Plan BiH (GAP) is “a strategy that defines programmatic goals for realization of gender equality in all spheres of social life and labor, in public and private sphere” (ZoRS). Local Action Gender Plan (LGAP) therefore refers to such strategy at the local level.

Gender (institutional) mechanisms – different institutions and measures aimed at promoting the equality of women and men in society. So, for example, in order to implement ZoRS and the measures for the promotion of gender equality, the Agency for Gender Equality of BiH, Gender Center FBiH and Gender Center RS were formed at different levels of government, gender equality commissions were formed in parliaments and assemblies, etc. Even in addition to this, all institutions are required to implement and respect ZoRS, but also all legal and natural persons. Institutional mechanisms for gender equality “represent bodies and persons appointed by competent legislative, executive and administrative bodies of all levels of authorities in Bosnia and Herzegovina for implementation of the Law on Gender Equality in Bosnia and Herzegovina, coordinate and implement programmatic goals of Gender Action Plan of Bosnia and Herzegovina and ensure implementation of international standards in the field of gender equality (ZoRS).

Homosexuality presents the physical, emotional and spiritual attraction towards the person of the same sex. For men of homosexual orientation, we use the term gay and for women the term lesbians. The terms that are also used are: wider term LGBT which is an abbreviation for lesbian, gay, bisexual and trans persons; or actually sexual orientation and gender identity while the ZZD uses the terms “sexual expression or orientation”.

Violence against women “is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely

to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (Istanbul Convention).

Domestic violence "means all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim" (Istanbul Convention)

Equal treatment of all persons of male and female sex assumes ensuring absence of discrimination on grounds of gender" (ZoRS).

Gender "means the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men" (Istanbul Convention).

Gender equity – equality between men and women implies equal rights, responsibilities and possibilities. Equality does not promote that men and women are identical, but takes their right to be different into consideration.

Gender mainstreaming "is the (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making. (CoE) It is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality" (UN ECOSOC).

Gender equality / sex equality – equal visibility, qualification and participation of sexes in all aspects of public and private life, freedom and possibility for equal participation in family, community, society, institutions not limited by gender roles,

and that the genders equally share benefits from those activities. Gender equality is the opposite from gender inequality and not from gender difference. Gender equality (equality of men and women) “means that persons of male and female sex are equally present in all spheres of public and private life, they have equal status, equal opportunities for realization of rights, and equal benefit from achieved results” (ZoRS).

Gender quotas are one of the measures for fighting against the results of the existing observed discrimination against women. Usually it is the mandatory number of women (quotas) which increases the participation of women in politics because women are not equal in the approach to politics (electoral lists, governing bodies of political parties, executive, juridical and legislative authority, public firms etc.). It is generally thought that the lowest necessary quota is 30%, and that the ideal one would be 50% or actually, that the number of women in government structures should be in accordance with the gender structure of the population of some country.

Gender responsive budgeting – every budget which includes sex/gender into its planning, making and implementation, for example by reviewing the representation of female/gender perspectives in budgets, estimating the influence of the budget on women etc. taking into account the restructuring of the costs in the budgets in order to promote gender equality. It implies a fairer distribution of the existing financial resources for the needs of men and women.

Gender sensitive language is the response to the observed discrimination of women in language/speech, for example, from using sexism which transfer deeply rooted prejudices about women to the complete exclusion of women or the female gender in language/speech, for example, disputes over using nouns in the female gender (sekretar parlamenta/ sekretarica parlamenta) or the absence of the female gender for certain professions in the officially accepted nomenclature of professions or insisting on using the term miss for unmarried women while at the same time, bachelor is not used for an

unmarried man in official occasions. Gender sensitive language comes out of the need to use and create a language that does not discriminate women. "Discrimination in language exists when only one grammar gender is used as a generic term"(ZoRS). Gender-based violence against women "means violence that is directed against a woman because she is a woman or that affects women disproportionately" (Istanbul Convention).

Sexual harassment is "every unwanted form of verbal, non- verbal or physical behavior of sexual nature that aims to harm dignity of a person or group of persons, or has such effect, especially when this behavior creates intimidating, hostile, degrading, humiliating or offensive environment" (ZoRS).

Sex is the biologically conditioned characteristics of human beings (chromosomes, reproductive organs, body build) on the basis of which men and women are differentiated. Sex is not the same as gender. Gender is a much broader term. Differentiating men and women based on sex is just the starting point of the social division which is primarily based on the reproductive role of the woman and the stereotypically determined divisions or gender roles of men and women in family and then in society which further leads to the division of labor on the grounds of gender, gender discrimination and violence.

Trafficking in women means "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs"(Council of Europe Convention on Action against Trafficking in Human Beings, 2005). The victim's consent to exploitation in human trafficking, as stated by the above-mentioned definition, is not a defense in itself. These are the

transportation, transfer, harboring or receiving a child because of exploitation is considered "human trafficking" even when it does not involve the means stated in the above mentioned definition.

Queer is one word used to describe the LGBT community as well as heterosexual persons who see themselves or live their life outside heterosexual patriarchal norms. It refers to questioning and/or refusing the imposed norms of patriarchal tradition, and it advocates the creation of space, culture and expression which goes beyond strictly defined sex/gender roles and is often used in not accepting the "self-explanatory" following of social roles.

Women's rights are the inalienable, integral and indivisible part of universal human rights. Most international conventions for the protection of human rights have the provision on prohibiting gender-based discrimination in achieving the rights provided by those documents. However, because of the deeply rooted patriarchal norms and social relations, as well as widespread discrimination and violence against women, additional international documents on women's rights were adopted, such as CEDAW, Beijing Declaration and Istanbul Convention with the goal of ensuring the adequate protection of women in different aspects of activities. Women's rights also include/refer to girl's rights (persons to 18 years).

**With the additions of the author, the glossary of human rights was taken from Idžaković, Fedra (2015). Map of Women's Rights in Bosnia and Herzegovina. Sarajevo: CURE Foundation and Sarajevo Open Center.*

About the organizations that conducted the research

Sarajevo Open Center is an independent, non-political and non-profit organization that promotes full respect of human rights and the decrease of the level of discrimination on grounds of gender, sexual orientation and gender identity. Sarajevo Open Center is an organization which empowers women and LGBT people through activities in the community, promotes human rights of women and LGBT people in the society, and advocates for the changes in legislation and government policy in Bosnia and Herzegovina, and the implementation of the existing policies in Bosnian-Herzegovinian authorities and international bodies.

CURE Foundation is a feminist-activist organization which promotes gender and sex equality and works for positive social changes through advocacy, educational, art-cultural and research programs. CURE is an organization of professionals and volunteers who go out on the streets as a sign of protest against violence, discrimination, violation of laws and basic human rights, organizes art performances against violence, invites artists, scholars, lecturers, activists, and citizens to act, participate, and contribute in creating a better, sounder Bosnian-Herzegovinian society.

About the author of the analysis

Edita Miftari, born in 1989 in Tuzla, is an independent researcher in the field of gender relations and political and security systems. She graduated from the Department of Security Studies of the Faculty for Criminal Justice, Criminology, and Security Studies (University of Sarajevo). She holds a Master of Gender Studies from the Central European University in Budapest. Her research focuses on women's human rights, with an emphasis on the participation of women in the fields of security, politics, and international relations. She is a longtime collaborator of the Sarajevo Open Center and the CURE Foundation and she has successfully implemented a number of significant projects in cooperation with them. She is also a consultant of the Coalition "Pod lupom" and she works with them on the analysis of the election laws in member states of the OSCE. She is a member of the "Women's Network in BiH", "Initiative of Women Citizens for Constitutional Reform", "Women in Business Network" and the "Network for Building Peace". She attended the programs of the Ministry of Foreign and Commonwealth Affairs of the United Kingdom in London, the German Marshall Fond and the State Secretary of the United States of America in Brussels, Council of Europe in Strasburg, IWRAW Asia Pacific in Geneva as well as other organizations and foundations which work throughout BiH in the field of gender equality, political and peace studies, political leadership and public policies. Several times, she was given scholarships for academic and research work and she is currently preparing to go to the United States of America to the prestigious Fulbright Program within which she will research the role of women in peace negotiations.

Women's Network BiH

Women's Network BiH is an informal group of civil society organizations and individuals who represent and work on women's rights and encourage gender equality, that promotes anti-discrimination, freedom of decision-making, equality, non-violence and anti-militarism, through acceptance of feminist values of action – peace, solidarity, trust, fellowship, equality and diversity. Women's Network BiH (WNBiH) was adopted and began operating on September 12th in 2009, at a conference by the same name, as a part of the fourth PitchWise Festival of Women Arts and Activism BiH.

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In the first half of 2009, the CURE Foundation, along with twelve women's groups from the network KtK, initiated forming of the Women's Network BiH (WNBiH). Once the Platform and the Code were created, WNBiH documents were adopted at the above mentioned conference and members continuously access the network.

All information on the Code, the Platform as well as the bodies of Women's Network BiH is available on the website www.zenskamreza.ba. Also, on Facebook profile of the Women's Network BiH, you can get updated information on the activities of all members of Women's Network BiH.

