Gender Equality

Discrimination in Bosnia and Herzegovina takes place not just on the familiar grounds of ethnicity and political opinion, but also on the basis of gender. The economic and political changes until 1991, coupled with the recent war have had a significant negative impact on the status of women in Bosnia and Herzegovina. Overall, women's participation in political and public life has declined; their employment prospects have worsened; and more women are subject to domestic violence than before the war. In addition, although women are represented in the judiciary and other professional fields, their representation at senior positions is far from commensurate with their representation in the population.

In line with the Platform for Action, an agenda for women's empowerment and requirements set out in the Madrid Peace Implementation Council document, OHR is committed to foster any strategic action to combating the discrimination in all its forms and to promoting gender equality both *de jure* and *de facto*.

With respect to gender mainstreaming, OHR has two primary roles, namely a co-ordination role, and a legislative review function.

Co-ordination:

The Office of the High Commissioner for Human Rights and the OSCE, among other agencies, are increasing activities aimed at strengthening and promoting gender equality. As a co-ordinator, OHR seeks to ensure information flow, effectiveness and sustainability of projects and develop comprehensive policy, whenever appropriate. In pursuing this goal the OHR has established the *Gender Co-ordinating Group*, whose members are other international organisations as well as some NGOs. In the course of this year the Group envisages to focus much more of its activities towards countering domestic violence and violence against women in general and to strengthen the institutional mechanisms pertinent to gender equality at all levels.

Legislative Review:

The OHR is also involved in *legislative review* to ensure that the gender equality principle is incorporated into domestic legislation. In pursuing this objective, OHR, in cooperation with OHCHR and other agencies, has undertaken the necessary legal measures to harmonise and strengthen the current criminal legislation in both entities in order to improve protection of victims of domestic violence and ensure adequate prosecution of offenders. Notwithstanding the improvement in this particular area, further action is still needed to ensure *ex-officio* prosecution of offenders of domestic violence even for offences incurring minor bodily injuries. This might be an efficient deterrent to combating the violence.

Gender Mainstreaming Activities:

- Women's participation in political process of the region – To date, gender equality in politics has made a breakthrough with greater participation of women in the political arena. Thanks to quota regulations in the electoral law in the last elections in BiH, the representation of women in the BiH State Parliament reached 26%, as compared with 2% in 1996.

2. Gender Equality Commissions, at both entity and state level, have been established. The one at the state level is the Gender Unit of the Ministry of European Integration.

- Legislative reform in order to include gender equality principle – **According to the Work Programme of the Council of Ministers of BiH, the Ministry of Human Rights, Refugees and Displaced Persons is entrusted with drafting the Law on Gender Equality in Bosnia and Herzegovina by September 2001.**

Trafficking in Human Beings:

Overview: Strong evidence shows that BiH is a destination country for trafficked women rather than a country of origin or transit. Trafficked women are mainly from Moldova, Ukraine and Romania. The transit route is generally through Hungary – Serbia – Republika Srpska and then to other areas of the country.

Legislation: Laws relevant to trafficking that exist at all three levels of state, entity and canton have no explicit reference to, or article on, trafficking. To date, there is still a lack of Criminal Code and the Code on Criminal Procedure at the state level. The trafficked women may be charged with prostitution or violation of immigration laws and may thereafter be deported. A Decision of the High Representative (October1999) prohibits deportation of any alien who has entered illegally or illegally and remains on the territory of Bosnia and Herzegovina without prior consultation of the International Police Task Force. The Decision aims at facilitating safe repatriation of trafficked women.

Areas of concern and actions: Local NGOs and the International Agencies are implementing programmes in the field of **prevention** (awareness raising), **protection and assistance** (temporary shelters), **law enforcement** (police training, monitoring of raids and arrests) and **legal review**. The government is getting more involved but still the involvement is still and an insufficient level to curb the trafficking. The draft National Plan of Action has just been issued but not yet passed through Parliament. A Project for Shelter of aliens, victims of trafficking was also issued in April 2001. It is premature to foresee its impact in practice. To date, the effective protection of trafficked women is essentially ensured by OHCHR, IOM and IPTF. The goal of their main programme is to safely repatriate women who escaped or women who were arrested or detained in the IPTF bar raids. The Human Rights Officers from UNMIBH interview the trafficked women at the local police stations. If they indicate preference to return home, they are referred to IOM, which organises temporary accommodation, documentation and repatriation. As of April 2001, 254 women have been repatriated and 22 are in pipeline. OHR continues providing funds for temporary shelters on ad hoc basis.

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footnotes:

1 Relevant provisions applicable in trafficking in persons –

FBIH: Criminal Code, Articles (Establishing slavery, 167; Abduction, 184; rape, 221; mediation in prostitution, unlawful deprivation of freedom, 187; forced sexual intercourse, 222; Sexual intercourse with a juvenile, 224)
Cantonal legislation: Law on public order and peace
RS: Criminal Code (similar to FBIH) and the Law on public order and peace

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