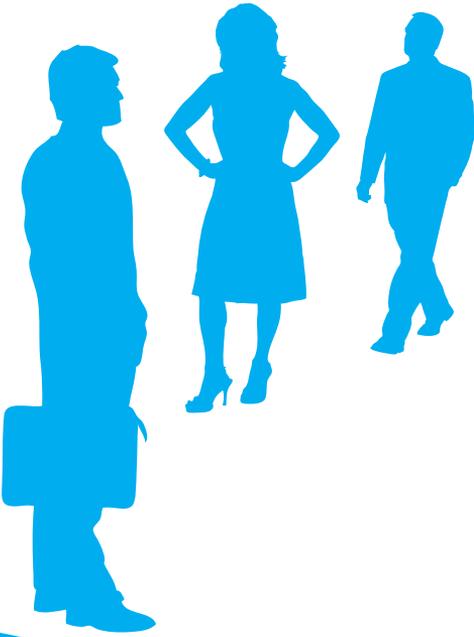




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Gender and Security Sector Reform in Bosnia and Herzegovina



Sarajevo, 2011



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Proofreading: Kimberly Storr, Zinaida Lakić

Printed by: A dizajn d.o.o., Sarajevo

@Atlantic Initiative, Žene Ženama, DCAF

Sarajevo 2011

THE ATLANTIC INITIATIVE

The Atlantic Initiative (AI) was established in 2009 by a group of university professors, journalists, and concerned citizens from Bosnia and Herzegovina. The AI conducts security policy research, produces an academic journal on democracy and security in Southeastern Europe, and promotes open and informed debate on Euro-Atlantic integrations of BiH. The Atlantic Initiative's competitive edge has been seen particularly in the fact that, regardless of the subject at hand, their statements and activities are always factual and based heavily in their expertise in security-related issues, rather than the arbitrary and politically-motivated interpretations of fact that dominate public discourse in the region as a whole, and in BiH in particular.¹

¹ See: www.atlanticinitiative.org

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Žene Ženama is a nongovernmental organization and a self-organized women's group which contributes to the development of civil society through empowerment of women and women's groups, and advocates for respect of women's human rights in all spheres of private and social life. By providing unique creative space for women's empowerment and advocacy in the areas of education, social rights, security, peace, and gender equality, Žene Ženama members have developed an approach that preserves the coherency of women's human rights and women's solidarity in BiH.²

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³ See: www.dcaf.ch

ACKNOWLEDGMENTS

In developing this needs assessment on gender and security sector reform in Bosnia and Herzegovina, Žene Ženama and the Atlantic Initiative in Bosnia and Herzegovina wish to express their sincere gratitude to:

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) for showing interest in our country and for selecting us as partners in this project.

The Ministry of Foreign Affairs of the Royal Kingdom of Norway for providing financial support both to DCAF and to us.

Kathrin Quesada for managing the whole process with the utmost professionalism and sensitivity.

Anja H. Ebnöther and Daniel de Torres for their enthusiastic participation concerning the report and local consultations.

The Agency for Gender Equality in BiH and the Gender Centres of the Federation of BiH and Republika Srpska for supporting the project throughout.

In addition, we would also like to thank all the security institutions in BiH for participating in interviews, as well as for providing statistical data and policy information.



Gender and Security Sector Reform in BiH

Furthermore, we are grateful to representatives of the civil society organisations and international organisations who took part in the research and participated in local consultations.

This research was especially enriched by ten local consultations we conducted and we are grateful to all participants who dedicated their time and effort to take part in these discussions. Our special gratitude goes to the partner organizations that helped us organize local consultations; these are: Nova budućnost and the Youth Council East Sarajevo (Istočno Sarajevo), Centar za besplatnu pravnu pomoć ženama (Zenica), the Municipal Assembly of Cazin (Cazin), the Municipal Assembly of Prijedor (Prijedor), Za Srebrenicu (Srebrenica), the Government of Brčko District (Brčko), Lara (Bijeljina), Oaza Trebinje (Trebinje), Žena BiH Mostar (Mostar), Centar za civilnu saradnju (Livno), The Parliamentary Assembly of Bosnia and Herzegovina and the Joint Committee on Defense and Security (Sarajevo), and the National Assembly of Republika Srpska and Committee for Equal Opportunities (Banja Luka).

In its draft version this report was sent for comments to a large number of institutions and individuals. We would especially like to acknowledge the efforts of those who provided their comments and suggestions.

We express our sincere gratitude for their support to the project also to: Adisa Mehić, Adisa Zahiragić, Ankica Tomić, Azra Hasanbegović, Azra Pašalić, Berjana Ačkar, Boško Šiljegović, Duška Andrić-Ružičić, Hafeza Sabljaković, Indira Rogić, Ivka Ristić, Jovica Katić, Mara Radovanović, Nedeljka Ilijić, Orjena Vuković, Srđan Arnaut, Vinka Berjan-Radovanović, Zulka Baljak and Željko Grubešić.

Finally, we are particularly grateful to a group of young and motivated researchers who demonstrated considerable enthusiasm and professionalism in conducting the interviews: Adnan Avdagić, Slaviša Dabić, Olja Divljan, Ljiljana Krsmanović, Jasmina Čaušević, Aner Zuković, Jasna Pekić, Aleksandra Tolj, Mladen Lakić, Amela Ramić, and Elvir Topalović.

TABLE OF CONTENTS

Partners	3
Acknowledgments	5
List of acronyms	10
Key findings	11
Recommendations	17
1. Introduction	27
1.1 Structure of the report	28
1.2 Definition of key concepts and terms	29
1.3 Methodology of the needs assessment	31
2. Background and context for analysing gender and security sector reform in Bosnia and Herzegovina	35
2.1 The political system and institutional structure of the security sector in BiH	35
2.2 Legislative authority and the judiciary in BiH	40
2.3 Institutions for the promotion of gender equality in BiH	43
2.4 Women’s human rights and equal opportunities in BiH	46
3. Legislation and strategic framework related to gender in the security sector of Bosnia and Herzegovina	49
3.1 International framework on gender equality and non-discrimination	49
3.2 Relevant national legislation and policies on gender and GBV	51

3.3	Gender in civil service institutions	54
3.3.1	Provisions for non-discrimination and equal representation ..	54
3.3.2	Legal provisions on pregnancy and maternity leave	56
3.4	Gender-sensitive legislation on police forces	57
3.5	Gender-sensitive legislation on military structures	58
3.6	Gender, criminal law, and laws regulating the judiciary	60
3.7	Conclusion	62
4.	Gender in the policies and practices of security institutions in Bosnia and Herzegovina	63
4.1	Policies, procedures, and institutional structures: tailor-made or one-size-fits-all?	63
4.1.1	Equal opportunities for women and men applicants and employees	64
4.1.2	Infrastructure and equipment	66
4.1.3	Pregnancy and maternity leave	67
4.1.4	Structures dealing specifically with gender issues, and women's associations	68
4.1.5	Codes of conduct and disciplinary procedures	72
4.1.6	External oversight	74
4.2	Women's participation in the security sector of BiH	78
4.2.1	Representation of men and women in the police and armed forces of BiH	78
4.2.2.	Representation of men and women in the justice sector at different levels in Bosnia and Herzegovina	85
4.3	Promotional efforts to increase the number of women in the security sector in BiH	88

4.4	Institutional gender training	90
5.	Effective security and justice delivery	95
5.1	Normative actions and initiatives within the security sector to fight sexual and GBV	95
5.2	Procedures and facilities for security sector service users	97
5.3	Local ownership, and governmental and CSOs cooperation	99
5.3.1	Addressing GBV	102
5.4	Additional services provided by CSOs	110
6.	Summary and conclusion	113
Appendix 1: Questionnaire guiding stakeholder interviews and consultations		
		118
Appendix 2: List of interviewees		
		125
Appendix 3: List of local consultations		
		127
Appendix 4: List of policies and legislation reviewed		
		128
Appendix 5: Table of legal provisions on non-discrimination and gender equality in the civil service of BiH		
		134
Appendix 6: Table of legal provisions regarding maternity in State, Entity and District civil service in BiH		
		140
Appendix 7: Mapping the key activities related to the implementation of the UNSCR 1325		
		144

LIST OF ACRONYMS

AFBiH	Armed Forces of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
CSO	Civil Society Organisation
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
DCAF	Geneva Centre for the Democratic Control of Armed Forces
EU	European Union
EUFOR	European Union Force in Bosnia and Herzegovina
EUFOR LOT	EUFOR Liaison and Observation Teams
EUPM	European Union Police Mission in Bosnia and Herzegovina
FBiH	The Federation of Bosnia and Herzegovina
FIGAP	Financial mechanism for Implementation of the Gender Action Plan
GBV	Gender-based violence
GAP	Gender Action Plan
HJPC	High Judicial and Prosecutorial Council
ILO	International Labour Organisation
IO	International Organisation
KM	Konvertibilna Marka (Convertible mark, BiH currency)
MAP	Membership Action Plan
MDG	Millennium Development Goals
NGO	Non-Governmental Organisation
OSCE	Organisation for Security and Cooperation in Europe
PSOTC	Peace Support Operations Training Centre
RS	Republika Srpska
SSR	Security Sector Reform
SIPA	State Investigations and Protection Agency
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNSCR	United Nations Security Council Resolution
WPON	Women Police Officers Network in SouthEastern Europe

KEY FINDINGS

This report presents the findings and analysis generated by a needs assessment on gender and security sector reform (SSR) in Bosnia and Herzegovina (BiH). The needs assessment is a joint initiative by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and two BiH civil society organisations – the Atlantic Initiative and Žene Ženama – with the objective to examine and outline national- and local-level good practices on gender and security sector reform (SSR), as well as areas where further improvements are required. This will enable the development of sustainable and locally-driven future initiatives on gender and SSR, and ensure stakeholder support.

The report provides data and analysis on the current state of gender integration in the armed forces, police, judiciary, and penal institutions at the central, entity, and cantonal levels and Brčko District. The gender and security concerns discussed are considered within the current socio-political situation and institutional organisation of BiH. The report examines the implementation of key national legislation and international instruments relevant for addressing gender in the security sector and explores the gender sensitivity of current policies and practices. Furthermore, the role of civil society organisations (CSOs) working on gender and security, and the forms of cooperation they have with state agencies and institutions, are examined.



Gender and Security Sector Reform in BiH

To launch and introduce the project, a first roundtable was held with representatives from security sector institutions, gender centres and agencies, and CSOs in November 2010. Participants were introduced to the research objectives and invited to comment on the proposed data collection process. The data collection and analysis process anchors on three distinct components:

1. Thorough desk research on the relevant national legislation as well as an overview of key international instruments and current initiatives.
2. Individual interviews with a broad range of stakeholders from different security institutions in BiH. These interviews offered an insight into how gender has been integrated into institutional policies and practices in the armed forces, police, judiciary, and penal services.
3. Twelve local and entity-level consultations, conducted in ten different municipalities throughout BiH, and in Banja Luka and Sarajevo. These consultations provided a unique opportunity to discuss and refine key findings, include some additional information, and formulate recommendations from the perspective of local stakeholders, including CSOs, security and gender institutions, and local government representatives.

The findings are translated into concrete recommendations with the objective to provide guidance and advice to BiH government institutions, CSOs, and international donors on how to further integrate gender in SSR in BiH by developing more gender-responsive policies and practices.

Overall, initial findings in the needs assessment indicate an absence of institutional policies, strategies, and guidelines that address gender in the armed forces, police, army, judiciary, and penal institutions in BiH. At the same time it should be positively noted that the 2010 Action Plan for Implementation of UN Security Council Resolution (UNSCR) 1325, developed by the Agency for Gender Equality in cooperation with security institutions in BiH, represents an overarching strategic document for the

integration of gender into the security sector in BiH. In what way this comprehensive strategy will be implemented by each security sector institution individually remains to be seen.

At present, security institutions base their practices on legislation that, apart from proclaiming non-discrimination in general, does not address specific issues such as sexual harassment, gender-based discrimination, and employment quotas on the institutional level.

The research revealed that sexual harassment and gender-based discrimination is hardly ever reported, possibly due to a combination of several factors, including that sexual harassment is not recognised, victims of harassment fear reporting it, and only a few of the institutions examined have mechanisms and institutional policies in place that enable reporting. Furthermore, there are also those convinced that sexual harassment and discrimination do not happen in security institutions at all and therefore that the matter does not require special attention and guidelines.

In addition, security institutions across BiH have no internal gender units or equal employment offices that staff can turn to if they feel or experience unequal treatment. Some of the interviewees opposed the establishment of such units/offices, arguing that the strict organizational structures established in accordance with relevant laws would not allow this change.

This research recognizes promising initiatives of other support structures, such as the Women Police Officers Network (WPON) on the regional level, comprised of the Network of Women in the Ministry of Interior of Republika Srpska (WPON RS),⁴ the Network of Police Women of the Federation of BiH, as well as the Association of Women Judges of BiH.

⁴ The Network of Women in Ministry of Interior Affairs of Republika Srpska - RS WPON was established on 30 June 2011, and its registration is in the procedure with the relevant court.



Gender and Security Sector Reform in BiH

Even though training on gender is crucial for policy implementation and the development of gender-sensitive practices in everyday behaviour, training for public servants in BiH who deal with gender mainstreaming in the security sector remains insufficient. At the same time, the needs assessment identified that 2010, the 10th anniversary of UN Security Council Resolution 1325, has prompted a significant increase in activities on gender and security by both governmental and non-governmental organisations. This was reflected in the number and content of trainings, as presented in this report. The practice of non-systematic institutional training within the security sector is being changed, and activities are increasingly complementary and compatible.

The needs assessment also reveals the commitment of armed forces and police to achieve the figure of at least 10% women in security sector institutions and services. Still, gender imbalances and inequality persist in security institutions in BiH with the main reasons being:

1. Jobs in the armed forces and police are still perceived as typically male occupations,
2. Developing gender-responsive institutions and practices is not seen as a priority, and
3. Gender mainstreaming is perceived as being a women's agenda and something that women should deal with.

At the same time, there is a current positive trend of both men and women increasingly applying for jobs in the security sector. Although some interviewees expressed the view that financial factors are the main reason why women are joining the police and armed forces in greater numbers, the research indicates that ongoing activities in some regions in BiH to promote women's participation in security structures (such as the promotional campaign, "*Brži, bolji, jači*"), joint visits to schools by police and army officials and CSO representatives, as well as increased media attention might have also contributed to this trend. Jobs in the security sector are traditionally seen as mostly "men's jobs" and campaigns to attract women are a

good strategy to challenge these views. Changes in such practices are also a consequence of the openness and readiness of security sector institutions to accept increasing numbers of women.

In relation to the effective service delivery of security and justice, there are noticeable efforts towards providing equal and, at the same time, gender-sensitive services to those in need.

The needs assessment established that there are some internal police procedures that take into consideration gender aspects, such as the requirement to conduct stop and search by an officer of the same gender. In some police stations there are separate rooms, and in others special departments or a designated person, for dealing with different types of violence. The role of women officers is seen as important for facilitating communication with victims of domestic violence. In addition, it emerged that security institutions cooperate generally well with centres for social work. On a more negative note, it should be mentioned that there is a chronic lack of appropriate facilities for specific categories of prisoners, women in particular.

Moreover, criminal regulations in BiH do not provide special status to women victims of war rape. However, this needs to be understood as a problem that is quite complex and not only one that should be referred to in criminal regulations. There are several aspects of society in which the rights and status of women victims of war rapes should be better addressed, including in the fulfilment of basic human and social rights, health care rights, status during court procedures, and more. The Strategy for Improvement of Rights of Women Victims of War Crimes, recently developed by the BiH Ministry for Human Rights and Refugees, presents a good opportunity to clearly expose current legislative gaps and problems these women face, and to find appropriate and realistic remedies.

The needs assessment identified some promising examples of cooperation between civil society organisations (CSOs) and government security institutions.



Gender and Security Sector Reform in BiH

For instance, BiH Border Police systematically cooperate with CSOs on preventing and addressing human trafficking throughout BiH, while the security forum in Prijedor and free legal aid for women in Zenica both provide good examples of local ownership in promoting inclusive consultations on local security issues. Several local and national level CSOs are proactive in supporting victims of domestic violence, and opening crisis phone lines, legal counselling centres, and safe houses for women and children victims of domestic violence and trafficking. Community service organizations are also developing multidisciplinary teams for the prevention of and protection from gender-based violence (GBV) in local communities, as well as several programmes of work with perpetrators of violence.

The principal challenge in cooperating successfully seems to be that once CSOs identify a specific security issue, it takes a long time before this issue reaches the agenda of government institutions. Furthermore, a lack of funding and administrative obstacles to securing funds, as well as institutional perception of CSOs as the opposition instead of as potential partners, considerably hampers cooperation. This is especially evident in the administration of safe houses, which in spite of being a crucial service have not received adequate support from the authorities. While CSOs are active in providing security and justice services to mostly female victims, their overall engagement in security policy making remains insufficient.

Overall, there seem to be a number of potential entry points to integrate gender perspectives more systematically and sustainably into security sector structures and processes, owing to international attention around the issue, and CSOs and security institutions relatively open to work on this agenda.

RECOMMENDATIONS

The following recommendations are focused on providing different security sector actors with concrete suggestions on how to strengthen the gender responsiveness of the sector as a whole. They are by no means exhaustive.

Traditional patriarchal patterns and attitudes have been identified as an obstacle to strengthening the role of women in security institutions; with that in mind, the following recommendations are:

Recommendations to all stakeholders, including international organizations and donor countries:

- Challenge stereotypical perceptions and behaviours through persistent education and the sharing of good and bad practices. Introduce mentoring and counselling mechanisms at different levels in the security sector in order to change these patterns in the long term. Increase training activities on gender-sensitive policies, GBV, and discrimination on all levels and in all sectors of society.
- Give special attention to information sharing and the creation of dialogue with women in rural areas and those who belong to minority groups that are mostly uninformed about their rights.
- Strengthen the coordination of stakeholder activities, increase communication and exchange of information, and use synergies between these institutions and CSOs to effectively deliver security and justice to the entire population.

- Expand the network of safe houses among all actors, improve their sustainability, and regularly evaluate their work, taking into consideration the perspectives of beneficiaries of this service.

Recommendations to the BiH Presidency, entity presidents and prime ministers, and cantonal/district presidents and prime ministers:

- Include more agenda items and discussions of gender in daily business, by drawing on external experts, updated assessments and research, and the knowledge and experience of women's CSOs.
- Ensure equal representation of women and men on all levels in the recruiting and appointment processes.

Recommendations to legislative bodies:

- Organise more parliamentary debates around the topic of gender equality and GBV.
- Consider amendments to introduce a quota of 30% women elected to executive and legislative bodies at both the national and local levels; the current quota of 30% women candidates, prescribed by the Election Law of BiH, does not necessarily imply the election of women at that rate.
- Use gender-sensitive language when drafting legislation by applying both male and female forms of nouns.
- Harmonize laws regulating civil service in national and entity institutions; and service in the police, the armed forces, and the judiciary with the Law on Gender Equality. When drafting new legislation, include a gender perspective into each segment from the beginning.
- Create an umbrella state law that harmonizes financial allowances and the status and position of women on maternity leave, in order to provide adequate support and protection to women making use of their right of maternity leave. Sanction the practice of demoting women to lower positions upon their return to work. Amend the law in such way that women using maternity leave are no longer treated as a social category, but as claimants of their working rights.

- Harmonize the four criminal codes currently in use in BiH relating to women victims of war rape and other forms of wartime sexual violence. Victims of these crimes are still awaiting justice because their status and compensation are subject to non-harmonized legislation.
- Amend legislation to improve the economic situation and financial independence of victims of domestic and GBV who are sheltered in safe houses. In particular, introduce a clause that forbids the perpetrating partner to sell commonly owned goods without the agreement of the victim(s).
- Allocate permanent funds for safe houses in all cantonal/entity/district and state level budgets – giving consideration to housing quality, staffing levels, and whether the institution supports victims through vocational training and assistance in finding a job. Consider the establishment of a position similar to that of the Parliamentary Military Commissioner for Human Rights in the Armed Forces of BiH, for the police, in order to be more responsive to issues of GBV and discrimination.

Recommendations to courts and prosecutor's offices at all levels and to the High Judicial and Prosecutorial Council (HJPC):

- Increase the efficacy of the processing of charges, as well as sensitivity and understanding towards victims of GBV; women and men who report GBV are not only physically and emotionally vulnerable, but fear that bringing charges may jeopardize their jobs, status, or private life.
- Examine the underlying reasons why there are so few women presidents of courts and lead prosecutors, and suggest concrete measures to change this trend.
- Develop internal rules at the HJPC for guaranteeing equal opportunities for men and women in the selection of judges and prosecutors, and for the sanctioning of discrimination and sexual harassment.



Gender and Security Sector Reform in BiH

- In cases of GBV, expel the perpetrator from the home instead of having the victim moved to a safe house.
- Prioritise and accelerate the processing of rape war crimes and other forms of wartime sexual violence. Task more judges and prosecutors to deal exclusively with these types of war crimes.

Recommendations to all security sector institutions:

- Develop a culture in the security sector across BiH that reflects the principles of non-discrimination, equality, and respect for human rights.
- Work in all security sector institutions towards increasing confidence among citizens and raising awareness to their right to report every act of violence.
- Employ education and training on gender as an integral part of all institutional capacity building efforts; and organize more programmes such as “Strengthening Young Women Leaders,” which empowers women and broadens their knowledge of project writing, media performance, and public presentation in order to shift the awareness and confidence of women themselves and thus the overall societal perceptions of traditional gender roles.
- Organise trainings for security sector institutions within each institution separately, so that they are tailor-made, adapted to specific needs and institutional structures, and applicable to different staff levels, so that more employees are reached and all employees are introduced and trained to abide by codes of conduct and internal policies.
- Raise awareness on gender issues within these institutions through the regular invitation of and exchange with CSOs – particularly grassroots women’s organizations – and by championing women and men employees who have worked towards improving the gender responsiveness of the institution.
- Draw on the resources and expertise of CSOs and include them in policy- and decision-making processes to the extent possible.
- Pay increased attention to publishing specifics (rights, obligations,

duties, and expectations) of job vacancies, allowing women to get acquainted with potential employment opportunities with the police or the armed forces. Include statements such as “female candidates encouraged to apply” in all vacancies published by security sector institutions and governmental bodies.

- Require adherence to labour laws that prohibit employers from requesting information on age, marital status, or the number of children an applicant has when publishing vacancies or interviewing women for certain posts.
- Reflect on the introduction of a quota to increase women employment rates in security sector institutions at all levels.
- Create internal policies and procedures, as well as specific codes of conduct, to address the different needs and perceptions women and men employees have. These include maternity and paternity leave; recognition of sexual harassment; equal opportunities in hiring, promotion, and retention; health and safety procedures; and other issues staff and management identify as relevant.
- Hold every employee in security sector institutions responsible to the principle of zero tolerance for sexual harassment and gender-based discrimination, and design institutional policy documents to contain instructions on reporting sexual harassment and gender-based discrimination within institutions. Every employee should be familiar with standard procedures in the case of a reported incident, either in-house or by external users of security services, and all acts of sexual harassment or gender-based discrimination should be sanctioned.
- Introduce the permanent position of a specifically trained “gender advisor” in every security sector institution to exclusively address gender-related issues. The responsibilities of the gender advisor include: ensuring that institutional human resource policies take into account the different needs of men and women employees, supporting women to apply for leadership positions, assessing the needs of employees for gender-related training, and liaising with the Agency for Gender Equality in BiH and gender centres.



Gender and Security Sector Reform in BiH

- Strengthen the mechanisms and bodies that receive and process complaints (e.g. Public Office for Complaints, SIPA Department for Internal Oversight, Office for Professional Standards and Internal Oversight of the BiH Border Police, and the Permanent Commission for Judicial and Prosecutors Ethics) in each security institution. Organize trainings of staff who work to address complaints and develop detailed policies and procedures for processing complaints related to gender-based discrimination and sexual harassment; and increase efforts to communicate and share information to ensure that all employees know their rights and are aware that they can complain about sexual harassment and gender-based discrimination.

Recommendations to police:

- Increase and improve education of police forces on GBV, at all levels, with regularly updated information; and ensure that women officers are evaluated and can advance internally even while on maternity leave.
- Introduce a quota of at least 30% women in each police station, in order to be more responsive to victims of GBV and provide the victim the choice to speak to a female officer.
- Regularly evaluate the effectiveness of community policing as a tool to increase trust between police and citizens, taking into consideration the specific needs of women, men, boys, and girls.
- Consider the introduction of joint neighbourhood patrols to prevent GBV, street attacks on women, and similar acts.
- Assess the possibilities of introducing and further promoting the good-practice examples of cooperation between CSOs and the security sector institutions of Bihać, the Security Forum in Prijedor, or the Anti-Trafficking Group in Bijeljina, in other municipalities across BiH. Evaluate how these practices contribute to increased security for women and men and how they prevent GBV.

Recommendations to penal services:

- Advance the system of data collection in prisons in order to better categorize and evaluate treatment for specific categories of the prison population, including minors and women.
- Modify penal institutions so that they are in accordance with European prison rules and appropriate for both men and women inmates; prisons in BiH are generally overcrowded and there is a lack of separate facilities and institutions for minors and for women.
- Implement standards in prisons so that rulebooks contain clear guidelines on GBV and sexual harassment – a zero tolerance policy must be applied.
- Develop appropriate rehabilitation programmes for perpetrators of GBV.

Recommendations to the Agency for Gender Equality in BiH and the Gender Centres of Republika Srpska and the Federation of Bosnia and Herzegovina:

- Continue to address the lack of knowledge on what sexual harassment and gender-based discrimination mean and how to recognize and address both; the Agency for Gender Equality in BiH and entity-level gender centres must sustain their efforts to raise awareness and advocate for zero tolerance of sexual harassment and gender-based discrimination through: trainings that target employees on all levels, the dissemination of educational materials, and the organization of in-house workshops in all institutions.
- Strengthen and further develop a nationwide education, training, and monitoring programme on gender, starting with the Council of Ministers down to the lower levels of governmental and security institutions.
- Continue support to security institutions in developing specific and detailed guidelines, as well as other documents, on sexual harassment and gender-based discrimination. Online training can be an effective means of introducing employees to new policies as well as to raise awareness among the general population on gender-based discrimination, sexual harassment, and available support mechanisms.



Gender and Security Sector Reform in BiH

- Encourage government institutions to reflect on the use of gender-sensitive language and remove stereotypes and gender biases; cooperate with a language expert to develop guidelines for the use of gender-sensitive language and the adequate representation of female word forms in reference to professional titles and roles in the daily language, internal and external policies, and the publications of governmental bodies.
- Continue support to the ministries of education for a thorough revision of textbooks in order to ensure gender-bias-free education. Illustrations used in textbooks for lower grades should especially reflect gender equality so that children grow up with the assumption that both men and women should have equal opportunities; anything reflecting sexual discrimination should be removed from such textbooks.

Recommendations to CSOs and formal and informal women's networks:

- Persist with the efforts to monitor and report on the implementation of the Action Plan for Implementation of UNSCR 1325, and to document cases of discrimination within security sector institutions in BiH.
- Continue working to educate citizens on why gender matters and how it can be incorporated into SSR processes and activities.
- Act as the *vox populi* in demanding that security sector institutions (including parliaments, courts, and ministries of interior, defence, justice, and security) provide responsive security services, and hold them accountable through active involvement in oversight bodies, such as parliamentary and human rights commissions.
- Continue lobbying and using political leverage to pressure legislative bodies and policy makers to amend existing laws and draft new legislation, as well as to introduce policies that are in line with the Law on Gender Equality.
- Support marginalised women and reach out to them, especially to women in rural areas, Roma women, and women with disabilities; this can be achieved through outreach activities, workshops and

consultations conducted in rural villages, and by strengthening the role of Roma women activists.

- Further engage in the relatively underexplored activities of research, monitoring, and evaluation of gender and SSR.

Recommendations to media:

- Make use of trainings in gender-sensitive reporting, and in particular on GBV and discrimination, offered by the Agency for Gender Equality in BiH so that editors, journalists, and reporters can learn how to investigate and identify cases of GBV and discrimination and can address those issues in the media.
- Prepare a brochure on the different security needs and perceptions of men and women, and distribute it widely to journalists covering gender and security topics.
- Avoid gender stereotypes and biases, and use gender-sensitive language, in all reports on media programs (TV, radio, e-news, press) and introduce sound in-house policies and regular training on gender into media outlets.
- Champion successful women staff in security sector institutions with feature stories and public campaigns, such as “*Brži, bolji, jači*” (“Faster, better, stronger”); apart from visual presence (i.e. photographs of women on posters), campaigns and articles must be followed by a discussion of the role of women in the security sector.
- Use media sector leverage to call on security sector institutions more frequently and hold them accountable for their gender responsiveness or lack thereof; parliaments should also be held accountable by the media.

1. INTRODUCTION

This report presents the findings and analysis generated by a needs assessment on gender and SSR carried out in BiH from October 2010 to September 2011. This needs assessment builds on and complements current and past DCAF activities on gender and security sector governance issues in Southeastern Europe.

This needs assessment is timely and coincides with the tenth anniversary of UNSCR 1325. This has heightened the interest of the international community to engage in gender-responsive security sector activities in the Western Balkans. Guided and supported by DCAF, the needs assessment was conducted by two non-governmental organisations in BiH: Žene Ženama and the Atlantic Initiative.

The overall objective of the needs assessment is to provide information and recommendations that can potentially aid the BiH government, non-governmental organisations, and the international community in mainstreaming gender into security sector reform and in developing gender-responsive policies and practices in BiH.

The needs assessment seeks to attain the following specific objectives:

- To gather detailed background information on the status of gender mainstreaming in the security sector at the central, entity, and cantonal levels.
- To map current initiatives on the issue.
- To provide information that will guide further initiatives so as to avoid duplication of efforts and the waste of resources.

- To raise awareness on, and enhance stakeholder support for, future initiatives on gender mainstreaming.
- To produce a stakeholder map which will facilitate the identification of local partners for further activities and enable the creation of new and/or the strengthening of existing networks.

1.1 Structure of the report

Since gender and security issues need to be considered within socio-political and economic contexts, the first and second chapters of the report address the socio-political environment in BiH. Due to the specific nature of the BiH political map, this context also provides an explanation of the administrative organisation of BiH and introduces different security sector institutions. Key issues related to equal opportunities and women's rights in BiH are also identified. The third chapter provides an analysis of policies and international instruments relevant for understanding and analysing the interplay between gender and the security sector in BiH. The fourth chapter looks at current policies and practices, drawing in particular from interviews conducted with a diverse range of interviewees who serve in various positions in security and gender institutions and organisations in BiH. These interviews provided a deeper understanding of gender-related issues in the BiH security sector and enabled the identification of weaknesses and gaps. Finally, the report provides recommendations that can potentially aid the BiH government, as well as non-governmental organisations and the international community, to further develop gender sensitive policies and practices, in security sector institutions. These recommendations are provided, together with the executive summary, in the beginning of this report.

1.2 Definition of key concepts and terms

Before research was initiated, the partners in this needs assessment identified and agreed upon the definitions of several key terms and concepts. This consistency was an asset when questions of meaning came up in interviews and participants asked for clarification and definitions.

During the stakeholder consultations, an overall confusion around the concept of gender was noted several times. Some participants did not see the need to acknowledge the difference between sex (biological characteristics) and gender (the socially and culturally constructed roles of women and men). In addition, the Bosnian/Croatian/Serbian translation of gender as *rod* was highlighted as being not altogether appropriate, since the word *rod* is not only used to define blood ties and relationships, but also to indicate different military ranks. Due to these multiple meanings and because the concept of gender has not taken root in BiH society, there were suggestions to simply adopt and use the English word ‘gender’ instead of the local linguistic form.

Gender refers to the particular roles and relationships, personality traits, attitudes, behaviours, and values that society ascribes to men and women. ‘Gender’ therefore refers to *learned* differences between men and women, while ‘sex’ refers to the *biological* differences between males and females. Gender roles vary widely within and across cultures, and can change over time. Gender refers not simply to women or men but also to the relationship between them.⁵

Security sector reform (SSR) is a process aimed at ensuring that security and justice providers:

- Deliver effective and efficient security and justice services that meet the people’s needs.
- Are accountable to the state and its people.

⁵ Kristin Valasek, “Security Sector Reform and Gender,” Gender and Security Sector Reform Toolkit, eds. Megan Bastick and Kristin Valasek (Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008).



Gender and Security Sector Reform in BiH

- Operate within a framework of democratic governance, without discrimination, and with full respect for human rights and the rule of law.⁶

Gender-based violence (GBV) is “any harmful act that is perpetrated against a person’s will, and that is based on socially ascribed (gender) differences between males and females.”⁷ This can manifest in many forms, including physical, sexual, psychological, and economic. Most survivors of GBV are women and girls, and compared to men they suffer greater physical damage when victimized.⁸ The fact that women and girls are impacted more by GBV has led to common use of the term “violence against women” – a term which highlights that violence against women takes place within the context of their subordinate status, which makes them more susceptible and “contributes to an environment that accepts, excuses, and even expects violence against women.”⁹ However, the term “violence against women” does not account for GBV experienced by men and boys, who are also sexually abused and victimized. Men and boys face the specific pressure of traditional gender roles not only to express their masculinity through dominance of women, but also to act out against other boys and/or men.¹⁰

Gender mainstreaming is a strategy meant to achieve gender equality by accounting for gender issues and perspectives in all aspects of SSR. This requires assessment at every stage of policy making regarding the gender sensitivity and impact of SSR policies and activities.¹¹

6 Megan Bastik and Daniel de Torres: „Implementing the Women, Peace and Security Resolutions in Security Sector Reform”. Eds. Megan Bastik and Kristin Valasek. (Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2010).

7 Inter-Agency Standing Committee, Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies (Geneva: IASC, 2005), 7.

8 Mary Ellsberg and Lori Heise, “Researching Violence Against Women: A Practical Guide for Researchers and Activists” (Washington, DC: World Health Organization, PATH, 2005).

9 Lori Heise, et al., “Ending Violence Against Women,” *Population Reports XXVII*, no. 4, series L, no. 11 (1999), as cited in Myra Betron and Elizabeth Doggett, *Linking Gender-Based Violence Research to Practice in East, Central and Southern Africa: A Review of Risk Factors and Promising Interventions* (Washington, DC: USAID, 2006), 7.

10 Betron, M., and E. Doggett. 2006. *Linking Gender-Based Violence Research to Practice in East, Central and Southern Africa: A Review of Risk Factors and Promising Interventions*. Washington, DC: Constella Futures (formerly Futures Group), POLICY Project.

11 Megan Bastick, “Integrating Gender in Post-Conflict Security Sector Reform,” Geneva Centre for the Democratic Control of Armed Forces Policy Paper, No. 29 (Geneva: DCAF, 2008)

1.3 Methodology of the needs assessment

This needs assessment was based on qualitative methodology and was largely informed by a participative approach to data collection and analysis. The research methodology comprised thorough desk research, including the analysis of national and international policy documents; individual interviews with key stakeholders in security institutions at the central, entity, cantonal and Brčko District levels; and local consultations. Interviews were conducted using an interview guide with a set of predefined open-ended questions (see Appendix 1). The goal was to assess the gender responsiveness of institutional policies and practices, but also to provide sufficient space to participants to add their perspectives and comments on issues they considered important in this context.

Altogether, 44 interviews were conducted with participants from governmental and non-governmental organisations working on security and gender issues in BiH (see Appendix 2 for a list of interviewees). Due to the complex administrative structure and organisation of BiH, gathering data from all levels – the local, cantonal, entity, and state levels – posed a real challenge. The needs assessment was governed by the specific sampling strategies usually employed in this type of research. The aim was to interview participants who would be able to provide detailed information about policies and practices in their institutions. Researchers approached contacts in each institution, asking them to recommend the most knowledgeable and informed person to be interviewed on the gender and security policies and practices in their respective institution.

This strategy maximised variations among the people interviewed and enabled the researchers to consider many different views.¹² Some interviewees were from police, armed forces, or ministries, while some

¹² Giampetro Gobo, "Sampling, representativeness and generalizability," in *Qualitative Research Practice*, ed. Clive Seale, Giampetro Gobo, et al. (London: SAGE Publications, 2007), 435-456.



Gender and Security Sector Reform in BiH

were selected from CSOs involved in practical aspects of security at local or national levels through advocacy, research, and/or policy making. Their knowledge, views, and practical experience was necessary in determining how gender is addressed and understood practically in BiH security institutions, which again provided insight into the implementation of policies in practice.

Sampling and data collection was also facilitated by networking with various organisations and individuals, which occurred through informal meetings and communications with representatives of organisations, as well as through attending official conferences and meetings. This prevented reliance on one organisation for sample selection, thus increasing variation among individuals and in their views and theoretical positions.

This research was planned and supervised by experienced senior researchers. In the beginning of the study, the Atlantic Initiative, with support from DCAF and Žene Ženama, provided intensive training in research methodology and interviewing for 11 students from different universities in BiH. With the ongoing support from the Atlantic Initiative each student conducted and transcribed several interviews in different parts of BiH. The students expressed great enthusiasm, and valued participating in the research and having the opportunity to learn new practical skills. It emerged that this training and practice are sustainable parts of the project itself, as 11 young people received new knowledge and mastered new skills.

The third cornerstone of the needs assessment was based in local stakeholder consultations. Between February and April of 2011, DCAF, Žene Ženama, and the Atlantic Initiative held ten local consultations on gender and SSR throughout BiH. These consultations were conducted with police, border police, army, judiciary, municipal authorities, EUFOR LOT teams in BiH, CSOs, prisons, and social work services in East Sarajevo, Zenica, Srebrenica, Bijeljina, Brčko, Prijedor, Cazin, Trebinje,

Mostar, and Livno. The focus of these consultations was the presentation and discussion of the draft needs assessment report containing data and analysis on the current state of gender integration in the armed forces, police, judiciary, and penal institutions. The consultations were a unique opportunity to discuss and refine the key findings, as well as incorporate additional information and recommendations from local stakeholders. In addition, the local consultations were a platform to recognise local actions and identify obstacles to and opportunities for achieving gender equality and the integration of gender issues in SSR. To conclude the series of consultations, two roundtables were convened in Banja Luka and Sarajevo to bring the discussions and comments from the local perspective to entity and central level institutions and close the feedback loop.

In addition to the desk research, interviews, and consultations, the draft report was sent to over one hundred relevant institutions and individuals for comments and feedback between July and September 2011. Those who responded provided yet another layer of data validation, and added previously missing information.

2. BACKGROUND AND CONTEXT FOR ANALYSING GENDER AND SECURITY SECTOR REFORM IN BOSNIA AND HERZEGOVINA

This chapter sets the context for examining the integration of gender in SSR in BiH. The chapter provides an overview of political, judiciary, and legislative structures in BiH. It also introduces the work of institutions that promote gender equality. In addition, the chapter lists the major national strategies used as a policy framework to mainstream gender in the security sector. For the purpose of contextualising the discussion of effective security and justice delivery in Chapter Five, the last part of this chapter offers a brief overview of the most common forms of sexual and GBV in BiH.

2.1 The political system and institutional structure of the security sector in BiH

The 1992-1995 war in BiH ended with the signing of the Dayton Peace Agreement, which divided the country into two entities, the Federation of BiH (FBiH) and Republika Srpska (RS) and a third region Brčko District. The Federation of BiH is divided into ten cantons. The country has multiple layers of government with entity-level legislatures and ministries, as well as cantonal ministries all addressing different levels of and roles in the security sector.



Gender and Security Sector Reform in BiH

The last census in BiH was carried out in 1991 and the current population is estimated at 4.6 million.

Fifteen years after the war BiH, in spite of political difficulties and divisions, the country is oriented towards achieving European Union membership. At present, BiH is a potential candidate country, which so far has concluded several pre-accession steps, although an actual accession timeline remains uncertain. Much needed reforms are extensive and challenging, however there have been a number of concrete signs of commitment to reform: the Partnership for Peace agreement was signed with NATO in late 2006, and the Stabilisation and Association Agreement (SAA) was signed with the European Commission in June 2008. In April 2010, NATO agreed to start a Membership Action Plan (MAP) for BiH¹³, which is considered a penultimate step before joining the Alliance.

The structure of the various security institutions in BiH is complex due to the country's internal administrative organisation. Both the FBiH and RS have their own political and administrative structures, with an overarching central government. Legislative authority at the BiH level consists of a Parliamentary Assembly, which is divided into a House of Representatives and House of Peoples. The BiH Council of Ministers and its nine ministries represent executive authority.¹⁴

The political structure of the Federation of BiH is divided into three levels:

- The entity level, with a two-house Parliament of the Federation of BiH (House of Representatives and House of Peoples), a president, two vice-presidents, and a government under a prime minister;
- The cantonal level, where each of the ten cantons has its own assembly as a legislative body and cantonal governments as executive bodies;
- The municipal level, where each municipality has its own municipal council and administrative structures (Municipal Assembly, head of municipality, etc).

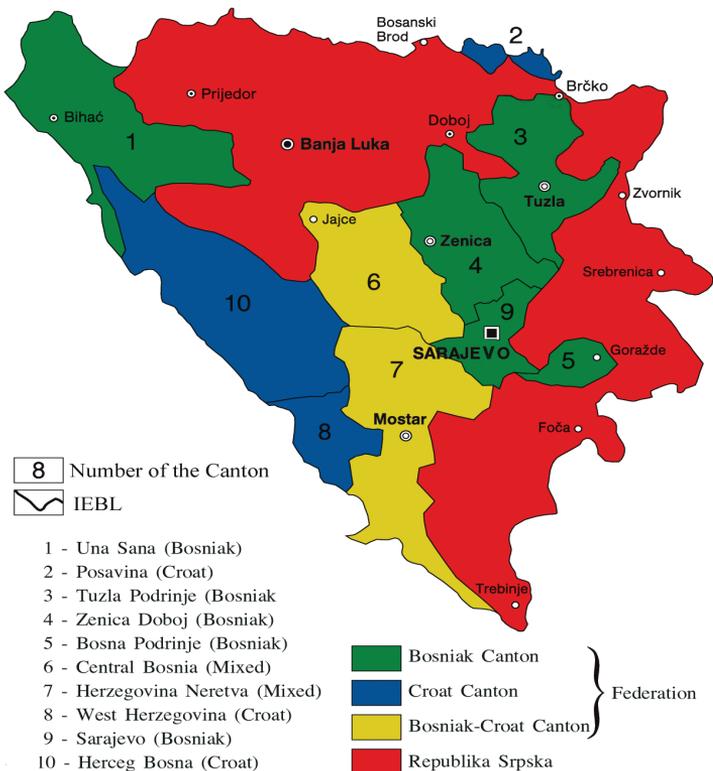
¹³ UNDP National Human Development Report 2009 'Ties That Bind, Social Capital in Bosnia and Herzegovina', United Nations Development Program - UNDP in Bosnia and Herzegovina

¹⁴ OSCE, 2010, <http://www.oscebih.org/overview/>

Republika Srpska has a centralised administration consisting of a National Assembly, a president, two vice presidents, and a government under a prime minister. The municipalities all have their own assemblies and administrative structures and there are no cantons.

Brčko District is under the special autonomy of the State of BiH, with a single, multi-ethnic, democratic government. Brčko is currently under the supervision of the International Supervisor, appointed by the High Representative. District authorities consist of the District Assembly, a multi-ethnic Government, police force, and judiciary.¹⁵

Federation of BiH



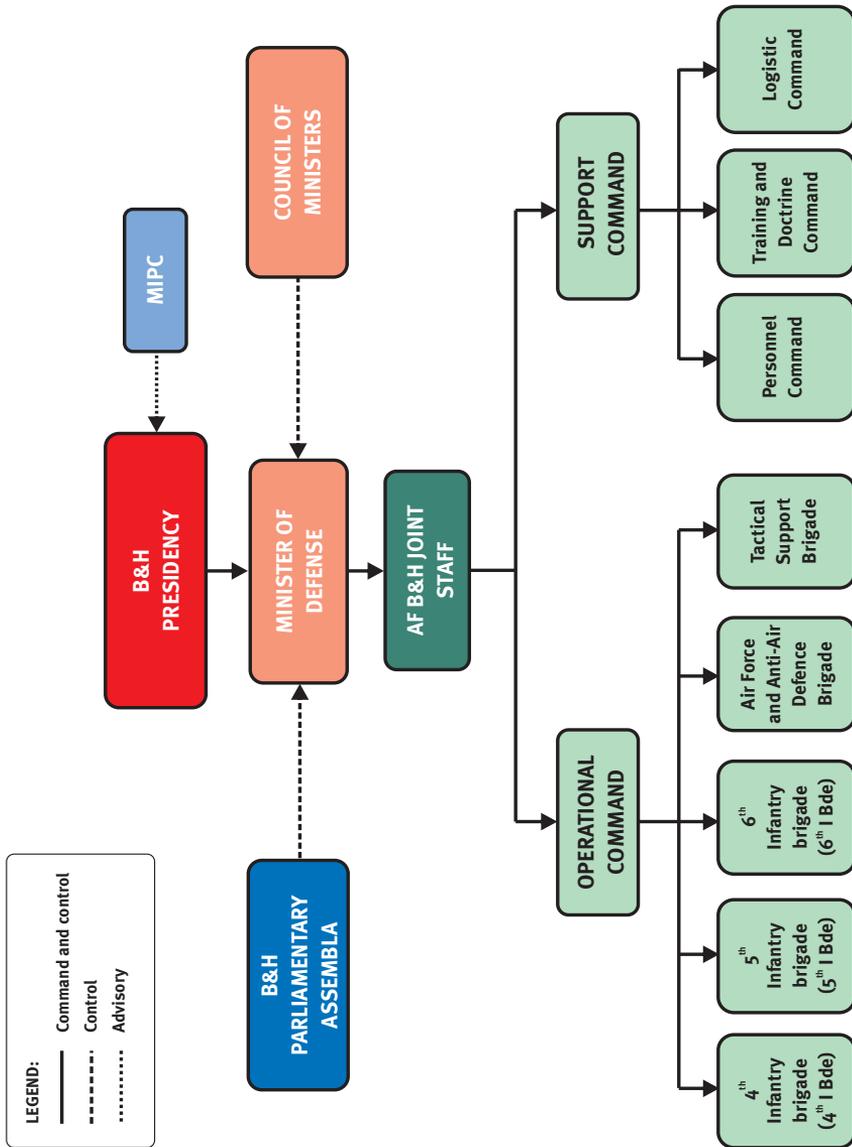
Map 1 Political map of Bosnia and Herzegovina ¹⁶

¹⁵ OSCE, 2010, <http://www.oscebih.org/overview/>

¹⁶ Office of the High Representative, <http://www.ohr.int/ohr-info/maps/images/federation-of-bih.gif>

The defence sector in BiH is governed on the state level by the following structures:

- **Presidency:** supreme command and control over the Armed Forces of BiH.
- **Parliamentary Assembly:** conducts civilian control over the AFBiH.
- **Ministry of Defence:** is in charge of the overall strategy and policy for the defence system of Bosnia and Herzegovina.
- **Joint Staff of the Armed Forces:** is responsible for planning, organization, and implementation of directives and orders of the Minister of Defence.
- **Operational Command of the Armed Forces:** implements the policies of the Joint Staff of the AFBiH.
- **Armed Forces Support Command:** manages personnel, logistics, and training matters.



Map 2 Defence Structure of Bosnia and Herzegovina¹⁷

¹⁷ Ministry of Defense of Bosnia and Herzegovina; About Us; "Defense Structure," <http://www.mod.gov.ba/en/shema.asp?id=odb> (accessed November 17, 2011).



Gender and Security Sector Reform in BiH

From the signing of the Dayton Peace Agreement in 1995, efforts were undertaken to unite the armed forces of the FBiH and RS. This was finally achieved in 2003 when the Ministry of Defence of BiH was established.

However, numerous attempts to unite police forces have so far failed.

Security structure at the BiH level as far as police forces are concerned starts with:

Ministry of Security of Bosnia and Herzegovina, that includes:

- Border police of Bosnia and Herzegovina
- Office for foreigners
- State Agency for Protection and Investigation - SIPA
- Directorate for Coordination of Law Enforcement Agencies
- Agency for Forensics Testing and Expertise
- Police Support Agency
- Agency for Education and Professional Training, as well as
- Bureau for Co-operation with Interpol

At the entity levels, there are Ministries of Interior Affairs in FBiH and RS as well as entity police departments.

Ministries of Interior Affairs and their police departments exist also at the level of all ten cantons and in Brčko District.

2.2 Legislative authority and the judiciary in BiH

The Parliamentary Assembly of BiH was established by the Constitution of BiH and is the highest-level legislative body that consists of two Houses: the House of Representatives and the House of Peoples. All legislative decisions enter into force upon adoption by both Houses of the Parliamentary Assembly of BiH.¹⁸

¹⁸ Delegates to the House of Representatives are elected in direct elections for a period of four years. Delegates to the House of Peoples are elected in Entity Assemblies, also for a four-year term. Laws must be adopted in the same form in both Houses, and they enter into force upon announcement in the Official Gazette.

The Parliamentary Assembly of BiH enacts laws, approves the budget of the state government, and makes decisions on the sources and the amount of revenue needed for financing the institutions of BiH and its internal and international obligations.¹⁹ The Parliamentary Assembly confirms the appointment of the Chair and Members of the BiH Council of Ministers, grants consent to ratification of international treaties, and decides on other issues that are necessary to exercise its own responsibilities or those assigned to it by an agreement between the entities. The Houses of the Parliamentary Assembly of BiH perform legislative, informative, and oversight activities, along with regulating internal structure and their own modus operandi.²⁰

The Commission for Security and Defence at the state level is formed as a common body of the House of Peoples and the House of Representatives. This Commission is an operational body that considers proposals of the Council of Ministers, proposals of delegates, or provides its own proposals relevant to security and defence reform, including police reform.²¹

The Ministry of Justice of BiH is the central coordinating body in the judicial sector in BiH. It is tasked with the drafting of law proposals, sub-law acts, and other regulations at the state level, as well as overseeing efficient administrative functioning of the judicial bodies of BiH and cooperation with international criminal courts.

Ministries of Justice exist at the following levels:

- State level
- Federation of BiH
- Republika Srpska
- Brčko District
- Cantonal Ministries

¹⁹ The entity budgets are decided and approved on by the entity-level assemblies.

²⁰ The Parliamentary Assembly of Bosnia and Herzegovina; About Parliament; “General Information,” http://www.parlament.ba/sadrzaj/about/general_info/default.aspx?id=20333&langTag=en-US (accessed November 17, 2011)

²¹ Centre for European Perspective, “Seminar o Policijskoj Reformi u Bosni i Hercegovini: Reforma sigurnosnog sektora i Proces stabilizacije i pridruživanja” (Sarajevo, 2008). Available in Bosnian/Serbian/Croatian at: <http://www.eupm.org/FCKeditor/Images/File/CEP%20obrosura%20BH.pdf>

Courts:

- State Level (Court of BiH and Constitutional Court of BiH)
- Federation of BiH (Supreme Court and Constitutional Court)
 - » Cantonal Courts
 - » Municipal Courts
- Republika Srpska (Supreme Court and Constitutional Court)
 - » District Courts²²
 - » Basic Courts
- Brčko District
 - » Appeal Court
 - » Basic Court

Prosecutor's offices:

- State Level (BiH Prosecution)
- Federation of BiH (Federal Prosecution)
 - » Cantonal Prosecutor's Offices
 - » Municipal Prosecutor's Offices
- Republika Srpska (Republic Prosecution)
 - » District Prosecutor's Office
 - » District Prosecution in Banja Luka is a Special Prosecution for Combating Organised and the Most Severe Forms of Industrial Crime Basic Public Prosecutor's Offices
- Brčko District

The **High Judicial and Prosecutorial Council** oversees and ensures an independent, unbiased, and professional judiciary in BiH, in accordance with its legal mandate.

The penal system in BiH:

The work of prisons and the imposition of criminal sanctions in BiH is divided between jurisdictions of the Ministry of Justice of BiH and entity ministries of justice. These two systems function more or less independently. Every prison is organised and governed in accordance

²² Republika Srpska has 5 district-level industrial courts and one Higher Industrial Court

with its own rules, approved by the relevant ministry of justice. There is no prison in Brčko District and convicts from Brčko District serve their sentences in prisons in RS or the FBiH based on a memorandum of understanding between Brčko District and the entities.

2.3 Institutions for the promotion of gender equality in BiH

The first gender equality institution in BiH, the Gender Centre of the Federation of BiH, began its work at the end of 2000. Initially, it was merged into the Ministry for Social Policy, Displaced Persons and Refugees of the FBiH. Today, the Gender Centre of the FBiH has developed a network of gender-mainstreaming structures starting at the local community level, through the municipalities and the cantons, up to the ministries of BiH. It has also established successful cooperation with the Gender Centre of RS, initiated in 2001, as well as with CSOs, institutes for statistics, trade union organizations, student organizations, media, and the international community. The Gender Centre of RS also has the status of a governmental body within RS government services, reporting directly to the prime minister.

The Agency for Gender Equality in BiH was established on the state level in 2004 in accordance with a decision of the Council of Ministers and according to the Law on Gender Equality that was passed in 2003.

The Agency, together with the gender centres of the FBiH and RS, developed a gender-mainstreaming network with the executive authorities, composed of persons nominated for gender equality issues by ministers and city mayors. Therefore, at both the state and entity levels, there are gender focal points (persons nominated for gender-related issues in addition to their other responsibilities).

MANDATE OF STATE AND ENTITY LEVEL GENDER BODIES

Both the state Agency for Gender Equality and the two entity-level gender centres are government bodies in charge of promoting gender equality and introducing gender-sensitive concepts in all areas of public life and work. According to the Law on Gender Equality (Articles 23-25), the Agency is not superior to the entity gender centres, but rather coordinates with them. Furthermore, it uses their yearly reports in order to compile a state-level annual report for the Council of Ministers regarding the status of gender equality in BiH, and to draft periodic state-level action plans on gender equality.

All three institutions are tasked with monitoring all public institutions; the BiH Agency monitors state-level institutions, the Gender Centre of the FBiH monitors the institutions of the FBiH, and the Gender Centre of RS monitors the institutions of RS and checking the compatibility of their laws with the Law on Gender Equality of BiH.

In addition, on the municipal level, committees for gender equality have existed since 2000 in Livno, Prijedor, and Travnik; and in two communities in the Municipality of Travnik, quotas for women's participation in the work of those communities were introduced. Since then, committees for gender equality have been established in over 80 municipalities in BiH.

On the state and entity level, as well as in Brčko District, there are parliamentary commissions dealing with gender equality and with improving the status of women. These commissions have also been established in all the cantonal assemblies in the FBiH and the majority of assemblies in RS.

2.4 Women's human rights and equal opportunities in BiH

The democratization process in the post-conflict years between 1996 and 2000 attracted the attention of many international organizations that supported not only local women's initiatives and their peace-building efforts, but also the revival of a women's movement that had died out in 1978. Given the space limitations of this report, it is impossible to adequately give due consideration to enormous contribution of women organisations in BiH, so this chapter only briefly mentions them while Chapter Five provides additional examples of the most active CSOs in fulfilling women's rights. These women's groups have above all become part of a global network, and participate in awareness-raising activities and the protection of women against human rights violations in the economic, political, and social realms. Initiatives have been aimed at raising awareness of the universality of human rights in general and women's human rights in particular, and promoting equality between women and men. The majority of programmes have included women and women's approaches in the development of the conceptual and legal frameworks for gender equality and the protection of women's human rights, and were acknowledged as an important element of sustainable peace and security.

Nevertheless, progress is slow and women are still marginalized; they have little access to power or to the forums where policies are created and decisions made. Moreover, they are still excluded from important bodies that have been working on reforms. While there are some very modest and singular attempts to evaluate the influence of war and post-war reconstruction on women and women's human rights, the lack of common standards of supervision of the implementation of laws, charters, and resolutions that refer to the protection of women and children during armed conflicts and post-war reconstruction remains a challenge.



Gender and Security Sector Reform in BiH

The unfavourable position women in BiH are faced with is related to the Bosnian patriarchal understanding of sex and gender. Employed women in BiH overwhelmingly operate within the framework of traditional female roles in which women have far greater responsibility for child care and household duties compared to their partners. Culture and tradition, compounded by a lack of affordable and flexible childcare options, would mean great sacrifices for women in top positions and thus many opt to perform less demanding jobs.

This socio-cultural gender discourse reflects strongly on the security sector, and jobs in the police and army are typically not considered occupations that are suitable for women. There is a participation gap for women in decision-making and managerial positions when it comes to security, public administration and defence.²³

At the parliamentary level, the planning of police reform is often limited to leaders of political parties; women have little power or influence, despite the lobbying activities of women from legislative and executive structures and members of the Agency for Gender Equality in BiH.

On a positive note, it should be mentioned that BiH has adopted a Gender Action Plan (GAP) and a five-year Financial mechanism for the Implementation of GAP (FIGAP, for more details see chapter 3). These instruments are aimed at increasing gender mainstreaming in all spheres of public and private life in BiH.²⁴

It further deserves mentioning that in 1998 the Provisional Election Commission, under pressure exercised by women and women's CSOs, adopted rule 7.50 under which 30% of candidates are to be women.²⁵

23 United Nations Development Programme, Bosnia and Herzegovina Human Development Report/Millennium Development Goals 2003 (UNDP BiH, 2003).

24 See: The Agency for Gender Equality in BiH; Strategies; "Gender Action Plan (GAP)," www.arsbih.gov.ba/en/strategies/gender-action-plan-gap; and Finansijski mehanizam za implementaciju Gender akcionog plana Bosne i Hercegovine; Organisation; "About FIGAP," <http://www.figap.ba/en/organisation/about-figap> (both sites accessed 17 November 2011).

25 "Teorija i praksa zakonodavstva BiH [Theory and practice of BiH legislation]," Ženski Centar Trebinje (Trebinje: Heinrich Böll Stiftung, 2008).

Gender and Security Sector Reform in BiH

This rule was the basis for the introduction of female quotas – an instrument to correct underrepresentation of women in public services. It has to be understood, however, that quotas alone do not bring about changes in attitudes, values, culture, or political awareness. Additional measures, including sustained awareness-raising and training, are required to make any lasting impact on the position of women, not only in the security sector but in society as a whole.

3. LEGISLATION AND STRATEGIC FRAMEWORK RELATED TO GENDER IN THE BIH SECURITY SECTOR

During interviews, employees of BiH security sector institutions repeatedly identified legislation as the most important pillar of the system. Every institution's rulebook, codes of conduct, norms, and decisions have to be strictly in accordance with respective laws. This chapter will first review the most important parts of the international framework for implementing and monitoring gender equality, and subsequently introduce the BiH national laws that deal directly with gender issues. The following section will provide a short analysis of prescriptions regarding equal representation, non-discrimination, and provisions on motherhood stipulating equal opportunities within civil service institutions at the state and entity levels. Then, a brief examination of the extent to which gender is incorporated in the police, the armed forces, and the judiciary is offered. Finally, a short conclusion will summarize the chapter's main findings.

3.1 International framework on gender equality and non-discrimination

The Beijing Declaration and Platform for Action emerged from the Fourth World Conference on Women, "Action for Equality, Development and Peace." The conference was held in 1995 and represented a global

turning point in the struggle for gender equality. The Beijing Declaration and Platform for Action was adopted by 171 countries, including BiH. A delegation from BiH also attended the “Beijing + 5” conference in New York in 2000, during which achievements attained in the five years following the Fourth Conference were discussed. A report was prepared in 1999 by a group of CSOs, led by the International Human Rights Law Group (IHRLG). It is the first comprehensive document on women’s rights in BiH in the fields of labour relations, economics, violence against women, health and reproductive rights, public life, and education.

One of the most important international instruments for the BiH gender equality agenda is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Initial, Second, and Third Reports of the Government of BiH on the implementation of CEDAW in BiH were published jointly in 2006. More recently, a combined Fourth and Fifth Report on CEDAW was submitted in June 2011.²⁶ An alternative Report on Implementation of CEDAW was published in 2010 by women’s CSOs in BiH.²⁷

Additionally, in 2003, the Council of Europe Committee of Ministers made recommendations to member states on balanced participation of women and men in political and public decision-making, in particular defining legislative and administrative measures, additional measures, and the obligation of monitoring. The European Convention on Human Rights and its Five Protocols also prohibit any form of discrimination.

Currently, the most influential international resolution shaping gender and security policy in BiH is UNSCR 1325 on Women, Peace and Security. Bosnia and Herzegovina has been the first country in the Balkans to adopt an Action Plan on Implementation of UNSCR 1325, doing so in July 2010.

²⁶ Available at: http://www.arsbih.gov.ba/images/documents/cedaw_4_5_e.pdf

²⁷ Available at the Žene Ženama: <http://www.zenezenama.org/eng/CEDAW1.pdf>

Other resolutions and strategic framework relevant to gender and security in BiH are:

- UNSCR 1820 (2008) on sexual violence in conflict and post-conflict situations
- UNSCR 1888 (2009), on protection of women and girls from sexual violence in armed conflicts
- UNSCR 1889 (2009), on protection of women and girls in post-conflict situations
- UNSCR 1960 (2010), on strengthening the implementation of UNSC Resolutions 1325, 1820, 1888, and 1889
- Strategic Framework for Gender Equality of the Council of Europe
- Strategic Framework for Gender Equality in the OSCE
- Strategic Framework for Gender Equality in the EU

3.2 Relevant national legislation and policies on gender and GBV

The **Law on Gender Equality in BiH**, adopted in 2003 and amended in 2009, is the first state-level law that introduces a gender perspective into public policies and legislation.²⁸ The constitutional commissions of both Houses of the Parliamentary Assembly of BiH confirmed the law, which is supposed to serve as a guide to all other bodies of legislation towards greater gender sensitivity. Article 4 of the Law on Gender Equality defines different relevant terms, such as “gender,” “GBV,” and “harassment” for the purpose of the law. This very comprehensive legislation promotes gender equality and prohibits discrimination based on gender or sexual orientation, includes regulations against GBV, and highlights in detail the importance of gender integration as well as the promotion of women’s equality in different sectors of society (education, recruitment and labour policies, health and social protection, sport and culture, public life, and media). The law also contains specific provisions prohibiting and sanctioning violence against women, and foresees a prison sentence ranging from six months to five years for perpetrators of GBV.

²⁸ Official Gazette of BiH, 16/03, 102/09, and 32/10.

The **Law Prohibiting Discrimination**²⁹, adopted in 2009, prohibits all discriminatory treatment including every exclusion, limitation, or preference based on prejudice towards any person or group of persons on the grounds of their race, skin colour, language, religion, ethnic affiliation, national or social origin, minority status, political or any other persuasion, property, membership in a trade union or any other association, education, social status, gender or sexual orientation, and every other trait of personal identity with the purpose to disable or endanger recognition, enjoyment, or realization of rights and freedoms in all areas of public life.³⁰

A series of BiH policies and legislations on violence against women and domestic violence consider this form of violence a violation of basic human right and freedoms. On the state level, there is the **Resolution on Combating Domestic Violence Against Women**.³¹

On an entity level, the **Law on Protection against Domestic Violence** in both the FBiH³² and RS³³ regulates protection against family violence as well as the types and purposes of sanctions for perpetrators of violent actions. In the FBiH, a new Law on Protection against Domestic Violence is currently being discussed in the Parliament.³⁴ Additionally, both entities and Brčko District's respective family law includes a general prohibition of violent behaviour of a spouse or any member of a family against any other family members.³⁵

29 Official Gazette of BiH, 23/09.

30 Official Gazette of BiH, 59/09.

31 Official Gazette of BiH, 15/08.

32 Official Gazette of the FBiH, 22/05 and 51/06.

33 Official Gazette of RS, 118/05 and 17/08.

34 This Law will enable more efficient protection of victims of domestic violence and establish unified protection measures, forms of victims' protection within their families, a multidisciplinary approach in procedures of victims' protection and implementation of protection measures, as well as a systematic approach to financing of services for victims of domestic violence.

35 Official Gazette of the FBiH, 35/05 and 41/05; Official Gazette of RS, 54/02 and 41/08; and Official Gazette of Brčko District, 23/07.

A couple of strategies and policies serve as a framework for all institutions responsible for preventive action in combating domestic violence, particularly in the areas of education, health, welfare, security, and justice:

On the state level:

- The BiH Strategy for Preventing and Combating Domestic Violence 2009-2011³⁶ (based on the previously mentioned Resolution on Combating Domestic Violence Against Women³⁷)
- State Strategy for Combating Violence Against Children 2007-2010 (this strategy has been implemented, through, among others, the Resolution on the Prevention of Juvenile Delinquency and Violence Among Children and Youth³⁸)

On an entity level:

- Strategy for Combating Domestic Violence in Republika Srpska 2009-2013
- Strategy for Preventing Domestic Violence in the Federation of BiH 2009-2011³⁹

In cooperation with the entities' gender centres, the **Gender Action Plan (GAP) 2006-2010**, a five-year strategy for gender mainstreaming in BiH (and its **Financial mechanism for Implementation of the Gender Action Plan (FIGAP)**) was developed. This ambitious plan comprises activities that must be undertaken in 15 areas: European integration in light of gender equality; cooperation and capacity-building; macroeconomic and development strategies; gender-sensitive budgets; political life and decision-making; employment and labour market; social inclusion; gender-sensitive media; life-long learning; Health,

³⁶ Decision on adoption of the Strategy was announced in the Official Gazette of BiH, 70/09.

³⁷ Official Gazette of BiH, 15/08.

³⁸ Official Gazette of BiH, 10/08.

³⁹ In the 13th session of the Government of the FBiH, held on 12 July 2011, the Government considered and adopted a joint Report on Implementation of the Strategic Plan for Prevention of Domestic Violence for the FBiH, 2009-2010. On the same occasion, the Government recommended the Gender Center of the FBiH initiate development of a five-year strategy for the prevention of domestic violence. Such documents will be developed in cooperation with relevant ministries and CSOs.

prevention and protection; domestic violence, GBV, harassment, sexual harassment, human trafficking; role of men; combining family and professional life; gender and sustainable environment; and information and communication technologies.

Last but certainly not least, BiH was the first country in the Western Balkans region to adopt an **Action Plan for the Implementation of UNSCR 1325** (2010 - 2013). This is a highly important instrument for enhancing women's political and public participation in BiH. The Council of Ministers of BiH adopted the Action Plan on 27 July 2010.⁴⁰ Its main goals are:

- Increasing the number of women in decision-making positions
- Increasing the number of women in military and police forces and the inclusion of women in peacekeeping missions
- Demining; reducing human trafficking
- Supporting women and girls who were victims during the war
- Implementing training for state officials
- Promoting cooperation between government, CSOs, and international organisations.⁴¹

3.3 Gender in civil service institutions

3.3.1 *Provisions for non-discrimination and equal representation*

The principle of non-discrimination on the basis of sex or any other aspect of a persons' identity is enshrined in the Constitution of BiH and is present in the constitutions at the entity and district levels as well. None of these constitutions prescribes quotas for equal representation in any governmental body. The first and most important law regarding the

⁴⁰ Official Gazette of BiH, 92/10.

⁴¹ The Action Plan for Implementation of UNSCR 1325 is available in Bosnian/Serbian/Croatian at: <http://www.arsbih.gov.ba/bhs/strategije/ap-unscr-1325>

principal of equal representation is the already mentioned Law on Gender Equality in BiH. Rules of Procedure of Parliamentary Assemblies on the state and entity level strikingly lack any mention of non-discrimination or equal representation of gender.⁴² The only provision for gender balance is found in the Election Law of Bosnia and Herzegovina, which requires that a least one third of candidates be of the minority sex.

Laws on civil service in institutions at the state, entity, and district levels all include the principle of non-discrimination and have similar provisions guaranteeing an impartial appointment procedure by a specific agency or committee, which is supposed to take into account ethnic and gender balance. Yet in the Law on Ministerial Appointments, Appointments of Members of the Council of Ministers and other Appointments of BiH,⁴³ gender equality is not mentioned. Corresponding laws at the entity level guarantee non-discrimination but also lack any principle of gender equality in representation, although legality, quality, independent evaluation, transparency, and ethnic balance are prescribed. There is also a complete lack of gender balance principles in the Law on the Administration of the Federation of BiH⁴⁴ and the Law on the Government of the Federation of BiH,⁴⁵ which determine the composition of the government. In general, it seems that while most laws include a principle of non-discrimination on the ground of gender, there are little concrete provisions to increase gender equality in representation in any governmental body or public service.

Moreover, the **Election Law of Bosnia and Herzegovina**⁴⁶ prescribes that every candidates list must contain a specific proportion of both men and women candidates; the number of candidates of the less represented

42 On the state level: “Rules of Procedure of the House of Peoples of the Parliamentary Assembly BiH,” Official Gazette of BiH, 27/00. On an entity level:

- “Rules of Procedure of the House of Representatives of FBiH,” Official Gazette of the FBiH, 8/97.
- “Rules of Procedure of the House of Peoples of the FBiH,” Official Gazette of the FBiH, 27/03.
- “Rules of Procedure of the National Assembly of the Republika Srpska,” Official Gazette of RS, 50/00.

43 Official Gazette of BiH, 37/03.

44 Official Gazette of the FBiH, 35/05.

45 Official Gazette of the FBiH, 1/94, 8/95, 58/02, and 19/03.

46 Official Gazette of BiH, 23/01, 20/02, 25/02, and 4/04.

sex has to equal the total number of all candidates divided by three. Also, the **Law on Financing Political Parties**⁴⁷ stipulates that political groups of the BiH Parliament with representatives of the less represented sex have the right to obtain a proportional allocation of 10% of the public funds foreseen for financing parties. The Central Electoral Commission of BiH normally determines which sex is less represented after official electoral results have been published. The Election Law of BiH, however, does not contain provisions against discrimination on the basis of gender, and does not address GBV or sexual harassment, during the processes of electoral campaigning and appointment.

A table in Appendix 5 lists all provisions on non-discrimination and equal opportunities as mentioned in relevant laws at the BiH state and entity levels.

3.3.2 *Legal provisions on pregnancy and maternity leave*

In an entire section dedicated to the protection of women and motherhood, the Law on Labour in the Institutions of BiH contains a large number of provisions. It grants a paid maternity leave of up to six months as well as a number of benefits including working half-time or continuing to breastfeed a child after the expiry of maternity leave. The law also grants pregnant women the right to avoid work which could endanger their own health or that of their child, without facing a reduction in their salary. Similar rights are granted to fathers only in exceptional cases. The entities' labour laws contain similar rights regarding pregnancy and motherhood. A table in Appendix 6 summarizes the main benefits and regulations regarding pregnancy and maternity as provided in the state- and entity-level labour laws.

⁴⁷ Official Gazette of BiH, 22/00.

Despite relatively comprehensive regulations on motherhood in state and entity laws there remain substantial differences in each entity. A decision of the Constitutional Court of BiH in 2010 explicitly recognised a divergent approach on maternity leave emerging from the two BiH entities.⁴⁸ Also, as will be mentioned in later chapters, the fact that legal provisions guarantee a mother's rights do not guarantee coherent implementation and equal opportunities in practice.

3.4 Gender-sensitive legislation on police forces

As mentioned in Chapter Two, there are no full policing competencies at the state level in BiH. The police agencies organized at state level are: BiH Border Police, Court police, Bureau for co-operation with Interpol, SIPA and the Intelligence Security Agency. Laws on the agencies include the non-discrimination principle, but do not specify any further gender-related measures.⁴⁹ An analysis of gender-sensitive legislation governing the police therefore needs to focus on the entity level and, in the case of the FBiH, even on a cantonal level. A review shows that relevant laws in both entities have some common gender-related provisions. They all guarantee non-discrimination on the ground of sex and other aspects of personal identity. More specifically, all the laws include an article prescribing that body inspection is conducted by an officer of the same sex, except in highly urgent cases where a person must be deprived of a weapon to prevent them from attacking and/or hurting others.⁵⁰

48 Namely, the Constitutional Court of BiH, in case number 12/09 dealing with the request of 23 delegates to the House of Representatives and five delegates to the House of Peoples of the Parliamentary Assembly of BiH on the session held on 28 May 2010, adopted a Decision on Admissibility and Merit, stipulating that Article 35 of the Law on Salaries and Allowances in the Institutions of Bosnia and Herzegovina is not in accordance with Article II/4 of the Constitution of Bosnia and Herzegovina, in relation to Article 1 of Protocol no. 13 and the European Convention on Protection of Human Rights and Basic Freedoms; and Articles 1, 2, and 11 of the UN Convention on Elimination of All Forms of Discrimination against Women; Article 26 of the International Pact on Civil and Political Rights; and Article 10 of the International Pact on Economic, Social, and Cultural Rights.

49 Laws on the State Investigation and Protection Agency (SIPA) can be found in the Official Gazette of BiH 63/04, 35/05, and 49/09; and Laws on the Intelligence Security Agency in the Official Gazette of BiH, 12/04.

50 These laws are more specifically:

- Law on Interior Affairs of the Federation of Bosnia and Herzegovina, Article 21, Official Gazette of FBiH, 49/05.
- Law on Police Officers of the Federation of Bosnia and Herzegovina, Official Gazette of FBiH, 27/05 and 70/08.
- Law on Interior Affairs of Republika Srpska, Official Gazette of RS, 48/03.
- Law on Police Officers of Republika Srpska, Official Gazette of RS, 43/10.
- Law on Police of Brčko District of BiH, Official Gazette of Brčko District, 31/09 and 60/10.

The **Law on Interior Affairs of Tuzla Canton** is worth mentioning specifically as an example of good practice. It is much more extensive in regard to provisions for equal representation of women and men in police forces. This Law outlines an independent committee with the principal role of appointing and removing police commissioners. The committee itself is appointed by the Assembly of the Canton of Tuzla, in which both sexes are to be equally represented (Article 24). The members of a body called the Commission for Complaints against Police Officers must also be equally representative of ethnic groups and sex (Article 56). The same balance is encouraged when selecting police cadets (Article 66).⁵¹

3.5 Gender-sensitive legislation on military structures

The research showed that laws and policies in the military do not contain explicit and detailed gender-related provisions, apart from proclaiming non-discrimination and equal opportunities. Skills and qualifications are cited as the core criteria for recruitment, but no provision for increasing equal representation is mentioned in any relevant regulations.⁵² The **Law on Service in the Armed Forces of Bosnia and Herzegovina** states specifically in Article 28 that any discrimination on the ground of sex or other aspects of identity must be avoided in the recruitment process.⁵³

BiH has a military doctrine, but no national military strategy. The **Military Doctrine of the Armed Forces of BiH**⁵⁴ does explicitly address the

⁵¹ Law on Internal Affairs of Tuzla Canton. Available in English at: <http://legislationline.org/documents/action/popup/id/628>

⁵² These regulations are:

- Law on Defence of BiH, Official Gazette of BiH, 43/03 and 88/05.
- Law on the Participation of Members of the Armed Forces of BiH, Police Officers, Public Servants and Other Employees in Peacekeeping Missions and Other Activities Abroad, Official Gazette of BiH, 14/05.
- "Training and Military Education Policy" of the AFBiH (2006) and its "Directives for Defence Planning" (2008)
- The Code on Admission to Military Service
- The Doctrine on Military Training of the Armed Forces of BiH

⁵³ Official Gazette of BiH, 14/05.

⁵⁴ Ministry of Defense, Military Doctrine of the Armed Forces. available at: <http://www.mod.gov.ba/bs/text.asp?id=109>

treatment of women and children during unrest. It claims that women and children are often involved in riots and protests out of pure propaganda, or in order to provoke security forces to act promptly and with undesired consequences. Therefore, security forces should keep their contact with women and children to a minimum in order to prevent misinterpretation of contact for propaganda goals. When intervention is necessary, and wherever possible, female police officers, rather than armed forces, should resolve incidents of this kind. The doctrine further notes that the use of force considered minimal when applied against men might appear excessive when used against women and children; not every weapon is appropriate when dealing with women and children – water pumps are recommended since they do not inflict serious physical injuries.

Despite the fact that the Doctrine considers women and children vulnerable groups, it does not exclude that they might also carry weapons. The Doctrine stipulates that the primary reason why arrested women and children should be handed over to female police officers is to avoid any potential negative campaign against the security forces. Finally, bearing in mind that women have increasingly participated in murders, bombing attacks, and other criminal acts worldwide, the Doctrine grants a person serving in the Armed Forces of BiH the right to use force, even lethal weapons, against women and children in case that the latter are involved in deadly attacks. The Doctrine recommends judgment on a case-by-case basis, combining a “strong hand and good reasoning.”

A **White Paper on Defence**⁵⁵ adopted in 2005 singles out race discrimination, ethnic intolerance, and political pressure as contemporary challenges to security, but it fails to acknowledge GBV and discrimination, even though this is a pivotal factor in establishing overall security. BiH also signed the NATO **Partnership for Peace** in 2006, but has, in the framework of that programme, not yet focused on the issue of gender and security.

⁵⁵ White Paper on Defense. Available at: <http://www.mod.gov.ba/bs/text.asp?id=109>

3.6 Gender, criminal law, and laws regulating the judiciary

General regulations regarding appointment, recruitment, and working conditions within the BiH judiciary are the same as those that apply to all civil servants. The **Law on Court Police of Bosnia and Herzegovina**⁵⁶ specifically states that recruitment is carried out in accordance with the **Law on Labour in the Institutions of BiH**. The **Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina**⁵⁷ also includes the principle of non-discrimination, and Article 33 notes that appointments should take into account a gender balance among judges and prosecutors. There is, however, no obligation to maintain sex-disaggregated statistical data on judicial appointments or persons against whom disciplinary proceedings have been initiated.

Regarding criminal law, BiH has a state-level criminal code as well as two separate entity-level Criminal codes and a Brčko District criminal code. The same holds for the laws on criminal procedure. All these laws prohibit discrimination on the grounds of gender, GBV, and especially rape, human trafficking for sexual purpose or prostitution, and domestic violence.⁵⁸

All corresponding laws on criminal procedure include a similar provision to that of the law on police officers regarding stop and search, legislating that it must always be conducted by a person of the same sex. Further, persons held in custody can only share rooms with persons of the same sex.⁵⁹

⁵⁶ Official Gazette of BiH, 21/03.

⁵⁷ Official Gazette of BiH, 25/04.

⁵⁸ These laws are:

- The Criminal Code of BiH, Official Gazette of BiH, 03/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07 and 08/10.
- The Criminal Code of the Federation of Bosnia and Herzegovina, Official Gazette of FBiH, 03/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, and 93/09.
- The Criminal Code of Republika Srpska, Official Gazette of RS, 49/03, 108/04, 37/06, 70/06, and 73/10.
- The Criminal Code of Brčko District, Official Gazette of Brčko District, 10/03, 45/04, 06/05, and 21/10.

⁵⁹ These are:

- Law on Criminal Procedure of BiH, Official Gazette of BiH, 03/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, and 93/09.
- Law on Criminal Procedure of the Federation of BiH, Official Gazette of FBiH, 35/03, 37/03, 56/03, 78/04,

The **Law on Execution of Penal Sanctions, Custody and Other Measures in BiH** emphasises the need for having gender-sensitive penal institutions, an obstetric department, and an appropriate space for children that enables contact with their inmate mothers. It further stipulates that a sufficient number of women officers should be employed in women's departments of prisons.⁶⁰ Entity and Brčko District regulations contain similar provision on the execution of criminal sanctions. Yet, these provisions can hardly be fulfilled, since penal and correctional institutions across BiH face a serious lack of appropriate facilities for women prisoners.⁶¹ None of the laws on the state or entity levels explicitly requires gender-responsive witness protection when listing the necessary measures for care of witnesses in cases of war crimes of sexual violence.⁶² It is important to be sensitive to the delicate situation and very different treatment necessary for women victims of war rape in both entities.

The **Law on the Protection of Civilian Victims of War of Republika Srpska**⁶³ offers special measures of social protection to civilians who have suffered damage to their bodies through acts directly related to the war, and whose bodily damage is at least 60%. Family members of civilians who were killed or disappeared are also entitled to such assistance. Victims of rape, however, are not recognized as a special category and therefore must also fulfill the threshold of 60% bodily damage in order to enjoy special protection and rights such as monthly allowances, psychological assistance, and financial support for medical treatment. Recognized civilian victims of war in RS are

28/05, 55/06, 27/07, 53/07, 09/09, and 12/10.

- Law on Criminal Procedure of Republika Srpska: Official Gazette of RS, 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, and 100/09.
- Law on Criminal Procedure of Brčko District, Official Gazette of Brčko District, 10/03, 48/04, 06/05, 12/07, 14/07, and 21/07.

60 Official Gazette of BiH, 13/05, 53/07, 97/07, and 37/09.

61 The Strategy on Reform of the Justice Sector in BiH 2008-2012 and the Programme of Support for the Reform of Managing Penal and Correctional Institutions in BiH both state that there is a chronic lack of appropriate facilities for several categories of prisoners, including women, but also minors, substance abusers, and prisoners serving long sentences.

62 The relevant laws regarding witness protection in war crimes of sexual violence in BiH are:

- Law on Witness Protection Program in Bosnia and Herzegovina, Official Gazette of BiH, 29/04.
- Law on the Protection of Witnesses under Threat and Endangered Witnesses, Official Gazette of BiH, 13/05, 53/07, 97/07, and 37/09.
- Law on the State Prosecutor of Bosnia and Herzegovina, Official Gazette of BiH, 49/09.
- Law on the State Court of Bosnia and Herzegovina, Official Gazette of BiH, 49/09.

63 Official Gazette of RS, 25/93, 32/94, 37/07, 60/07, 111/09, and 118/09, and final text 24/10.

eligible for monthly benefits ranging from KM 100 (€50) to KM 300 (€153.50) depending on the degree of their bodily damage, as assessed by a health commission. The **Law on the Basis of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the FBiH**⁶⁴ also does not automatically grant the legal status of a civilian victim of war to all those who fit that category. Yet, victims of rape are recognized as a separate category, and the threshold of 60% does not apply to them. The maximum monthly allowance for survivors of rape is KM 506 (€260). Also, unlike in RS, all civilian victims of war in the FBiH are additionally entitled to non-financial benefits such as priority in housing and employment.

3.7 Conclusion

There are considerable differences in the gender sensitivity of legislation across BiH. While some laws stipulate equal opportunities and non-discrimination, others are strikingly silent on these issues. Laws that mention gender issues mostly do so in discussion of general service and recruitment principles. The most progressive laws are found in legislation regulating police matters, most notably the laws of Tuzla Canton. The laws on defence, military matters, and judiciary are mostly lacking provisions that address gender equality. In general, it seems that while many laws include a principle of non-discrimination on the ground of gender, there are few concrete provisions to increase gender equality in representation in governmental bodies or public service.

The fact that laws such as the Law on Gender Equality, the Law Prohibiting Discrimination, as well as entity laws on protection against domestic violence have been adopted in recent years can be regarded as a commendable step forward. All security sector institutions in BiH claim to be working in strict accordance with the respective legislation, yet this sometimes serves as an excuse for not adopting more specific internal codes, norms, or rules, which would help to operationalize and actually implement laws that are often rather vague or general. In conclusion, more efforts are required to amend laws so that they become more precise and comprehensive and leave less leeway for abuse or omissions at any level of government.

⁶⁴ Official Gazette of the FBiH, 36/99, 54/04, 39/06, and 14/09.

4. GENDER IN THE POLICIES AND PRACTICES OF SECURITY INSTITUTIONS IN BOSNIA AND HERZEGOVINA

In the previous chapter, the legislative framework related to the incorporation of gender into the security sector was outlined. Existing laws, besides formally mentioning the prohibition of discrimination, are neither oriented towards establishing more gender-sensitive staff policies within security institutions, nor are they proactive in suggesting more efficient solutions for the prevention of GBV.

This chapter examines current institutional policies and practices related to gender mainstreaming. Comparing legal provisions and the reality in the field, this chapter will focus, a) on gender-related aspects of employment procedures, institutional policies, general working conditions, training and promotion opportunities for staff of security institutions, as well as on some general mechanisms of internal and external oversight, b) on gender-related aspects of institutional policies, strategies, and measures taken in relation to more effective and gender-sensitive service provision, and c) the role of civil society in its interaction and cooperation with providers and users of security services.

4.1 Policies, procedures, and institutional structures: tailor-made or “one-size-fits-all”?

This section offers an analysis of reviewed documents, and findings from institutional interviews completed for this study. It provides

insight into how gender is integrated into policies and practices in these different institutions, and whether there are certain common principles that everyone accepts and applies. Another goal of this section is to investigate whether there are imbalances when comparing state-level policies and practices with those of the lower administrative levels in BiH.

4.1.1 Equal opportunities for women and men applicants and employees

All public servants in BiH are guaranteed equal employment rights in accordance with provisions of BiH legislation, such as the Law on Public Service, the Labour Act, the Law on Gender Equality, and other relevant laws and bylaws as outlined earlier. This research, however, reveals a number of issues and gaps in the implementation of laws. During the local consultations it emerged that procedures in the case of breach of these laws are unclear or completely absent. Overall, there are only a few specific gender policies and units, and gender-sensitive budget allocations across different security institutions in BiH are not in place. Also, human resources policies are subject to state- or entity-level laws and regulations and are never institution-specific. In some instances, interviewees from security institutions have interpreted the law in such a way that they cannot develop regulations and guidelines unless there is a clear legal mandate to do so: *“We developed codes for behaviour because the law says that the institution can do that. We cannot develop and adopt further guidelines because the law does not prescribe so.”*⁶⁵

The respective legislation suggests that men and women should have equal access to employment in security sector institutions, and in theory, institutions adhere to these provisions. For instance, the interviewee from the Ministry of Interior of RS highlighted the ministry’s practice of offering equal opportunities for men and women. Nevertheless, no women are currently employed in the special police forces in RS: *“Even*

⁶⁵ Ministry of Interior of the FBiH, interview.

though our regulation does not exclude women from any position, the fact is there are no women in the special police forces in RS. This is because these positions require candidates to pass specific health tests and physical skills. Now we have a second class of Special Forces candidates, but no women applied.”⁶⁶

The same situation is encountered in the landmines clearance sector of the BiH Armed Forces. Access to this sector seems to be equal for all, but there are no women de-miners in BiH. There are however some women in the demining battalion, though mostly employed as nurses. They are exposed to all the dangers of mine fields whenever they are needed to provide medical intervention.

As mentioned by several respondents in this research, their financial situation is the main reason why both men and women increasingly apply for jobs in the security sector in BiH. Public jobs in ministries, police, and the armed forces are considered those offering the most economic security and stability. Many interviewees claimed that it was not actually publicity campaigns, but rather financial security, that makes these jobs very attractive to both sexes. However, while respondents were convinced that finances are the main reason women are increasingly joining the armed forces, this research indicates that ongoing actions to promote the number of women in security structures in some regions in BiH also contributes to this end. Still, such campaigns need to be conducted, visually and verbally, in a gender-sensitive manner. Women need to be made aware that they will in fact be considered for jobs in the police or armed forces, even if they cannot match the physical strength and fitness of a man. Indeed, interviewees revealed that physical competence standards for women are set lower in comparison to the standards for men.

The rulebook on special conditions for the education of cadets in the Police Academy of the Ministry of Interior of the FBiH sets standards that cadets must fulfill if educating themselves for jobs within the FBiH Ministry

66 Ministry of Interior of RS, interview.

Gender and Security Sector Reform in BiH

of Interior, Cantonal Ministries of Interior Affairs, BiH Border Police, Brčko District Police, RS Police, Court police, or any similar bodies. The criteria for the assessment of men and women police forces in BiH are different, taking into account the distinct morphological characteristics unique to each. The following table presents the grades and requirements in physical exercises for men and women in the same amount of time.

Table 1 Points earned for men and women for performance of physical exercises

Exercise	Push-ups in 20 seconds		Sit-ups in 30 seconds		Standing long jump, measured in cm	
	Men	Women	Men	Women	Men	Women
0	Up to 9	Up to 6	Up to 16	Up to 12	Up to 210	Up to 150
1	9	6	16-17	12-13	210-219	150-159
2	10	7	18-19	14-15	220-229	160-169
3	11	8	20-21	16-17	230-239	170-179
4	12	9	22-23	18-19	240-249	180-189
5	13+	10+	24+	20+	250+	190+
<i>Notes</i>	Women are permitted to do bent-knee push-ups			Best of two attempts is scored (31-35 pts)		

4.1.2 Infrastructure and equipment

In respect to facilities, most of the institutions visited have different restrooms for men and women staff. Uniforms for police officers are different for men and women, as are the duty uniforms of the members of the Armed Forces. Field uniforms in the Armed Forces of BiH, however, are the same for men and women. In addition, the Centre for the basic training of the Armed Forces in Pazarić is equipped to accommodate 30 women per 300 cadets, which is the size of one class, in separate rooms and restrooms. Men and women in the police and the Armed Forces of BiH (at all levels) use the same weapons.

4.1.3 *Pregnancy and maternity leave*

Policies on marriage, pregnancy, maternity leave and health protection, working hours, retirement, and other benefits for men and women employees in security sector institutions are developed in accordance with the corresponding state and entity laws (discussed in Chapter 3) and should, therefore, be consistent. In practice, though, some institutions tend to be more flexible in providing higher levels of protection to pregnant employees. Most of the institutions examined⁶⁷ responded that there are no institution-specific human resources policies, since there are existing laws of the state and entities that regulate these issues. It should be noted that the Ministry of Interior of RS applies an unwritten rule wherein pregnant employees, should they wish, are not directed to field work, do not work night shifts or overtime. The interviewee from the ministry concluded that it is the employer's "moral obligation" to offer certain privileges to pregnant employees and women who are breast-feeding.

During the local consultations, participants highlighted the continued need to address the issues that women on maternity leave face. For instance, special attention needs to be given to performance evaluations for women on maternity leave, since an absence from duty for longer than six months means that an employee will not be evaluated for the current year, reducing their chances for promotion.

Participants in local consultations also emphasised the discrimination confronting women who use maternity leave. There are occasions when women are demoted to lower positions once they return from leave. As one participant stated, "*why would I take on a job as a director- if I go on maternity leave, someone else will be in that position when I come back.*" This practice not only discourages women from applying for management

⁶⁷ These institutions comprised: the Ministries of Justice of RS, Canton 10, and the Cantons of Herzegovina-Neretva, Una-Sana, Bosnian Podrinje, and Tuzla; the Ministries of Interior of the FBiH, Canton 10, and the Cantons of Una-Sana, Herzegovina-Neretva, Posavina, Bosnian Podrinje, and Zenica-Doboj; the State Investigation and Protection Agency; and penal institutions in Mostar and Zenica.

positions, it also sends the message that women will be penalized for using maternity leave. This perception is also influenced by the fact that, at present, maternity leave is the subject of a social protection law according to which pregnant employed women are treated as a social category and paid by the centres of social work. This finding was echoed by many participants in the consultations who called for the provision of maternity pay that is equivalent to a woman's latest salary, rather than being paid on the basis of social welfare.

Another of the challenges identified are rules on paternity leave. In many security sector institutions, fathers are not entitled to leave unless there are special circumstances, i.e. the mother is unable to use her maternity leave. As an example, in the BiH Border Police, three requests from male employees asking for parental leave over the last couple of years have been refused. These requests were declined due to the absence of a legal basis for approval of such requests, considering Article 37 of the Law on Labour in the Institutions of BiH (see Appendix 6).

Apart from changing legislation and ensuring that both women and men can equally benefit from parental leave, institutions need to develop clear policies and mechanisms to ensure parental leave does not negatively impact the career of women or men, and raise individual awareness of these rights. Any legislative changes should be harmonized at all levels across BiH.

4.1.4 Structures dealing specifically with gender issues, and women's associations

This research identified a positive example in the Ministry of Defence of BiH, where a person designated to deal with gender issues was appointed in 2011. The other institutions of the security sector also have persons designated for gender issues, however they are not officially appointed as gender advisers within their organisations. All these persons are members of the coordination body for oversight of the implementation of

the Action Plan on UNSCR 1325 and have been officially appointed by the Council of Ministers of BiH.

Some of the interviewees opposed the establishment of such units/offices because, in their view, the entity gender centres and the Agency for Gender Equality in BiH are the only responsible institutions for dealing with gender issues. In a similar vein, some interviewees held that equal employment is a constitutional category and that therefore there is no need for a separate gender unit within ministries. This indicates that the awareness and understanding of the benefits of similar structures and mechanisms can still be improved within these institutions and the wider public.

Only a few respondents seemed to be aware of the potential of cooperation with the Parliamentary Military Commissioner for Human Rights in the Armed Forces, the Joint Commission for Defence and Security, or the Ombudsman for Human Rights to compensate for the lack of in-house units dealing with gender-related issues. Some institutions, such as the Ministry of Justice of RS, also emphasized that the entirety of their work is compatible with standards of gender equality, since every legal document drafted is sent to the Gender Centre of RS for review and examination to determine whether the law in question is harmonized with the Law on Gender Equality in BiH.

Some promising initiatives that could contribute to strengthening the role of women in the security sector and raising awareness of the importance to integrate a gender perspective into policies and practices are the Women Police Officers Network (WPON) of South East Europe – which has also supported the recent establishment of the Network of Women in the Ministry of Interior of Republika Srpska (WPON RS) – and the Network of Police Women of the Federation of BiH, as well as the Association of Women Judges of BiH. These associations bear strong potential to support and mentor women in the institutions they are affiliated with, and advocate for change in attitudes and behaviours from within.

The Association of Women Judges of BiH⁶⁶ was established in November 2009 as part of the International Association of Women Judges (IAWJ). It is a non-governmental and non-profit organization established to contribute to equality and the rule of law through domestic and relevant international legislation mechanisms. Its main goals are to:

- Support development of the judiciary system and judicial independence;
- Exchange practice and judicial experience;
- Educate and act to identify and resolve issues of discrimination, aiming to provide ordinary women with the support women judges have to offer.

The short-term mission of the Association of Women Judges of BiH is to implement a project investigating and resolving cases of sexual abuse marked by the exploitation of power (domestic violence, forced prostitution, human trafficking, forced use of drugs, especially aimed at youth). Its long-term mission is to raise awareness of gender equality and the prevention of violence towards women and children.

⁶⁸ More available in Bosnian/Serbian/Croatian at: Justice Network of Bosnia and Herzegovina; JN Members; "Association of Women Judges in BiH," <http://www.mrezapravde.ba/mpbh/latinica/clanice.php?id=27> (accessed 17 November 2011).

The Women Police Officers Network of South East Europe (WPON)⁶⁹

was established in Sarajevo in November 2010 upon an initiative of the South Eastern Europe Police Chiefs' Association, with the goal to promote gender equality and democratic principles in the work of the police. The Network consists of representatives of police forces of BiH, Croatia, Montenegro, Macedonia, Serbia, Bulgaria, Moldova, and Albania. Establishment of the network followed research on the status of women in the regional forces, conducted in 2009, in which 4000 interviewees from seven countries took part. The mission of the Network is to promote the status of women within policing in order to contribute to more efficient police practice. This includes a strategic approach to the enrolment of women into the police, their training, and the improvement of professional development and human resources systems to achieve greater involvement of women in decision-making processes.

The Network of Women in the Ministry of Interior of Republika Srpska (WPON RS)

was established on 30 June 2011, as part of the broader WPON in South East Europe. The RS network brings together all women police officers in the entity, and is currently being registered with the relevant court.

The Network of Women Police Officers of the Federation of BiH

was established on 4 October 2011 to encompass women police officers from the Federal Police Administration (the initiator of the Network), the FBiH Ministry of Interior, SIPA, Police of Brčko District, BiH Border Police, all cantonal ministries of interior affairs, and the Directorate for Coordination of Police Bodies.

69 South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons; Activities; "Women Police Officers Network (WPON)," <http://www.seesac.org/news/recent-news/1-95/>

4.1.5 Codes of conduct and disciplinary procedures

Finally, this section reviews several specific mechanisms of complaint against human rights violations, including gender-based discrimination and sexual harassment within security sector institutions and in relation to the users of security services.

Sexual harassment, discrimination, and/or abuse among staff in the security sector is regulated by internal documents in some institutions, while others treat it in accordance with the state-level Criminal Code and have no specific written internal procedures. In this research, several important internal policies were identified as examples of good practice and all explicitly call for non-discrimination and a professional approach:

- Code of Conduct for the Armed Forces of BiH.
- Rulebook on Military Discipline and Disciplinary Procedure.
- Code of Ethics of Police Servants with the State Investigations and Protection Agency⁷⁰
- Code of Ethics of the BiH Border Police⁷¹
- Code of Ethics of Police Servants in the FBiH
- Code of Ethics of Police Servants in RS
- Code of Ethics of Police and Civil Servants in Brčko District⁷²
- Code of Conduct for Prosecutors
- Code of Conduct for Judges

Despite the fact that these codes of conduct are in place, the needs assessment also found that overall, cases of sexual harassment and gender-based discrimination are rarely reported. In the Ministry of Interior of Central Bosnia Canton, for instance, just one case of gender-based discrimination of a woman police officer was reported in 2007. According to the interviewee, this case was investigated by the internal oversight unit and treated in accordance with the

70 “Etički kodeks policijskih službenika Državne agencije za istrage i zaštitu,” Bosnia and Herzegovina, Ministry of Security, (Sarajevo, September 2011). Available at: www.sipa.gov.ba/bs/kodeks/etickikodeksbo.pdf

71 BiH Border Police; “Etički kodeks u Graničnoj policiji BiH,” www.granpol.gov.ba/home/kodeks/?cid=6,1,1 (accessed 17 November 2011).

72 <http://www.policijabdbih.gov.ba/TOpvijesti/Eticki%20kodeks%20PBD%20BiH.pdf>

relevant legislation. The majority of interviewees from security sector institutions in BiH argued that gender-based discrimination and sexual harassment do not happen in their workplaces. This could either mean that institutions have fully gender-sensitive environments, where discriminatory policies and practices or sexual harassment are entirely absent, or that sexual harassment and gender-based discrimination are still insufficiently recognized, complaint procedures inadequate, or employees too concerned about the consequences if they report inappropriate behaviour of their colleagues or supervisors.

One positive example is the Public Office for Complaints (*Javni žalbeni biro*), a professional standards unit to which every police officer reports in the Ministry of Interior of Tuzla Canton. There are also disciplinary commissions as well as an Independent Police Committee. In the instance of grave violations and as a last resort, the cantonal court may take over a case. However, no gender-based discrimination or sexual harassment has ever been reported within the Ministry of Interior of Tuzla Canton.

Furthermore, the Ministry of Interior of Zenica-Doboj Canton, as well as the Ministry of Interior of RS, both have a Rulebook on the Disciplinary and Material Responsibility of Police Officers, regulating behaviour in the context of potential sexual harassment and gender-based discrimination. Again, there have been no complaints in the period from 2005 to 2010. According to research respondents from Una-Sana Canton, there is also a Law on Bullying, which regulates the issues of discrimination, harassment, and intimidation within institutional staff.

Also, SIPA established a department for internal oversight, tasked with conducting internal investigations related to allegations of inappropriate behaviour by SIPA employees. This department is also obliged to treat reports anonymously and conduct full investigations. In addition, the High Judicial and Prosecutorial Council has a Permanent Commission for Judicial and Prosecutor Ethics, Independence and Impartiality. This commission also reviews disciplinary complaints and is made up of three women and two men, whereby a woman is also a president of the Commission.

Inconsistencies in how potential cases of gender-based discrimination and sexual harassment are handled, as well as a lack of ongoing procedures, is explained by one respondent from the Ministry of Justice of RS as a consequence of the fact that such issues are regulated as a matter of basic civility and good behaviour. Similarly, the interviewee from the Ministry of Interior of Zenica-Doboj Canton stated that, despite a lack of gender-sensitive codes of conduct within the Ministry, a high level of morality, responsibility, and professionalism compensate for this deficiency. Still, there is evidence that regardless of culture and levels of economic development, sexual harassment and gender-based discrimination occur in the workplace.

4.1.6 External oversight

This research identified a number of bodies responsible for the external oversight of the security sector in BiH. At present, gender issues are not systematically integrated into the everyday oversight function of any of these bodies:

- **The Institution of Human Rights Ombudsmen of BiH** is an independent institution dealing with human rights violations committed by any institution of BiH, its entities, and Brčko District.⁷³
- **The Joint Committee on Defence and Security of BiH** considers and monitors the implementation of the security and defence policy of BiH and its international obligations; it also monitors the work of and considers reports and short- and long-term plans pertinent to the structure of the Armed Forces of BiH, including personnel policy and recruiting, salaries and allowances, education and training, professional conduct and ethical standards of civilian and military staff, military budgets, and all other relevant issues.⁷⁴
- **The General Inspectorate of the Ministry of Defence of BiH** deals

73 "The Institution of Human Rights Ombudsmen of Bosnia and Herzegovina," <http://www.ombudsmen.gov.ba/IndexEn.aspx> (accessed 17 November 2011).

74 Parliamentary Assembly of Bosnia and Herzegovina; Common bodies; "Joint Committee on Defence and Security of Bosnia and Herzegovina," https://www.parlament.ba/sadrzaj/komisije/zajednicke_komisije/odbrana/Default.aspx?id=28478&mid=1&langTag=en-US (accessed 17 November 2011).

with the protection of human rights and ensures ethical codes of conduct and professionalism in all military personnel in the Ministry of Defence and the Armed Forces of BiH. The work of the General Inspectorate is under the jurisdiction of the Minister of Defence.⁷⁵

- **The Parliamentary Military Commissioner** is an institution, the first of its kind in the entire region, that dates from mid-2009 and aims to strengthen the rule of law, as well as the protection of human rights and freedoms of soldiers and cadets of the Armed Forces and the Ministry of Defence of BiH. The Parliamentary Military Commissioner deals specifically with human rights violations by military personnel (unlike the Ombudsperson for Human Rights, who is responsible for civil matters only) and reports to the Parliament of BiH.⁷⁶
- The mission of **The High Judicial and Prosecutorial Council (HJPC)** is to ensure an independent, unbiased, and professional judiciary in BiH, in accordance with its legal mandate. As a state-level institution, the competencies of the HJPC apply to all levels of government, including Brčko District and all courts and prosecutors, though certain limitations exist when it comes to constitutional courts. Specifically, HJPC aims at facilitating: constitutional and legal reforms, an adequately financed judiciary, informatisation of the justice sector, improved education and training of legal personnel, improved relationships with interest groups, improved managerial skills and techniques in the justice sector, reformed personnel in courts and prosecutions, improved appointment procedures, and greater discipline of judiciary personnel.⁷⁷

Also worth highlighting:

- **The Citizens' Police Complaint Board** is an independent body of the Parliamentary Assembly of BiH, which acts impartially and without affiliation to any political party, registered organization, association,

75 See: Ministry of Defense Bosnia and Herzegovina; MoD BiH; "Structure of the Ministry of Defense of BiH," <http://www.mod.gov.ba/en/shema.asp?id=mod> (accessed 17 November 2011).

76 See: Parliamentary Assembly of Bosnia and Herzegovina; https://www.parlament.ba/sadrzaj/komisije/ostalo/vojni_povjerenik/default.aspx?id=3188&mid=1&langTag=en-US

77 See the website of the High Judiciary and Prosecutorial Council at: <http://www.hjpc.ba/>

or group of people in BiH. The Board consists of seven members who are elected from the BiH citizenry. Members can not be the employees of any police body. The Board is responsible for: receiving, registering, assessing and forwarding complaints relating to the conduct of BiH police officials; forwarding complaints to applicable police bodies; monitoring the progress of complaints; initiating proceedings against complainants in cases of false or biased complaints; keeping records and databases of citizens' complaints against police officials; collating investigation results and other evidence for the instigation of disciplinary or criminal proceedings; and providing all necessary information to the complainant regarding their complaint.⁷⁸

- **The Independent Committees for the selection and monitoring of Police Commissioners** consist of seven members each, including five citizens who are not employed in any police body in BiH, one public servant who is not employed in the police, and one member who is no longer an active police servant. The Independent Committees are bodies of the cantonal/entity assemblies and are responsible for the selection and oversight of Police Commissioners and Directors in four-year cycles.
- **The Independent Committee for the Monitoring of Conditions in Penal Institutions, of Treatment and of Respect for the Human Rights of Persons Subject to Criminal Sanctions and Other Measures Pronounced in Criminal Proceedings by the Court of Bosnia and Herzegovina or by International Courts for Acts Stipulated by the Criminal Code of Bosnia and Herzegovina or by an International Agreement Signed by Bosnia and Herzegovina or by Any Other Court In Accordance With Laws of Bosnia and Herzegovina** monitors the work of penal institutions, independently or jointly with inspecting and monitoring bodies, and also in cooperation with international and other institutions responsible for the realization of human rights and basic freedoms, in accordance with the law and all appropriate international documents. The Committee submits an annual report

⁷⁸ Parliamentary Assembly of Bosnia and Herzegovina; Common bodies; Other Parliamentary bodies; "Citizens' Complaint Board on Work of the Police Officers in Police Bodies of BiH," https://www.parlament.ba/sadrzaj/komisije/ostalo/zalbe/default.aspx?id=3176&mid=1&template_id=5&langTag=en-US (accessed 17 November 2011).

to the Parliamentary Assembly and Ministry of Justice of BiH, aiming to undertake appropriate actions or measures. The Parliamentary Assembly of BiH appoints and relieves members of the Independent Committee from their duties.⁷⁹

There are also numerous examples of CSOs that are involved in monitoring and oversight of security sector institutions in BiH. The Centre for Civil Initiatives, for instance, monitors the work of the government of the FBiH and, occasionally, within this initiative, the Ministry of Interior of the FBiH is bound to inform on some of their actions and progress. In general, in accordance with the Freedom of Information Act, if any organisation or individual seeks information from any institution (unless classified), that institution has a duty to act and provide the information requested.⁸⁰

In addition, CSOs are involved in **municipal security councils** where they exist. These councils meet once a month to offer a forum where the public can ask questions and receive answers related to security issues in the municipality. In Zenica-Doboj Canton, there is an initiative called the “Forum for citizen’s security” that includes representatives from CSOs. These forums are meant to help prevent and combat crime. Another security initiative for citizens is the “Days of Open Doors”: consultative committees from the municipal level councils have initiated a community policing project, and consider and suggest various security initiatives. Citizens can request explanation from a security institution for their positions on particular issues, suggest how specific security concerns should be addressed, and thus contribute to improving the security of their communities.

Furthermore, CSOs or independent citizens are usually engaged in the work of the **Public Complaint Bureaus**.⁸¹ Such Bureaus are used to collect public comments on the work of the police, suggestions for improvement

79 Parliamentary Assembly of Bosnia and Herzegovina; Common bodies; Other Parliamentary bodies; “The Independent Committee for the Monitoring of Conditions in Penal Institutions...” <https://www.parlament.ba/sadrzaj/komisije/ostalo/sankcije/default.aspx?mid=2&id=28130&langTag=en-US> (accessed 17 November 2011).

80 Official Gazette of BiH, 28/00.

81 More information is available in Bosnian/Serbian/Croatian at: Vaša policija; “Javni žalbeni uredi,” http://www.vasapolicija.ba/loc/template.wbsp?wbf_id=4

of their work, and complaints aimed at the work of police servants that any citizen can address. Such complaints can be addressed to both the Public Complaint Bureaus and/or the Professional Standards Units that exist in all Ministries of Interior across BiH.

4.2 Women's participation in the security sector of BiH

Gender equality and the empowerment of women is one of the eight pillars of the Global Millennium Development Goals in fighting poverty worldwide. Not only has gender equality been recognized as one of the top priorities for the 21st century, the 10th anniversary of UNSCR 1325 in 2010 also reiterated that if peace and stability is to be achieved in the long term, the participation of women in conflict resolution, peace building, peacekeeping, mediation, and all other forms of constructive decision making has to be strengthened. In line with this objective, security sector institutions in BiH have made serious efforts to change their demographics and increase the number of women employed in the sector at large.

4.2.1 *Representation of men and women in the police and armed forces of BiH*

Despite ongoing efforts by security sector institutions to increase the number of women they employ, women remain largely underrepresented, mainly in the police and military, as highlighted in the tables that follow.

Figure 1 Ratio of men to women in the Armed Forces of Bosnia and Herzegovina⁸²

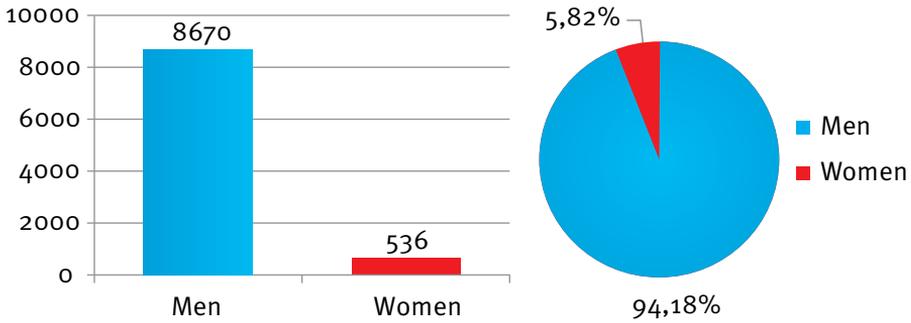
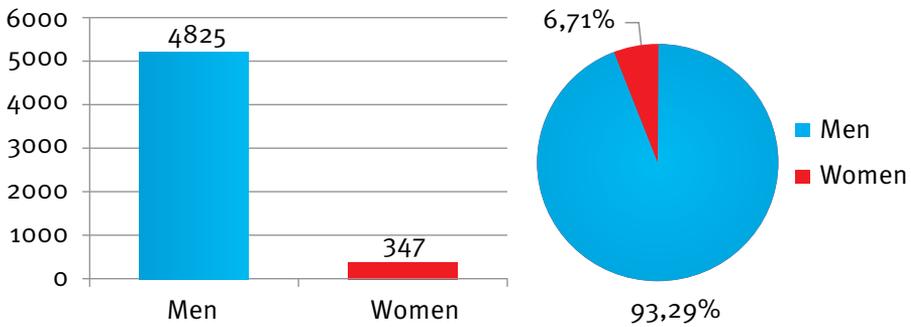


Figure 2 Ratio of men to women police officers in the Ministry of Interior of RS⁸³



82 As of 30 June 2011, provided by the Ministry of Defence of BiH

83 As of November 2010, provided by the Ministry of Interior of Republika Srpska

Figure 3 Ratio of men to women police officers in the Ministry of Interior of the FBiH⁸⁴

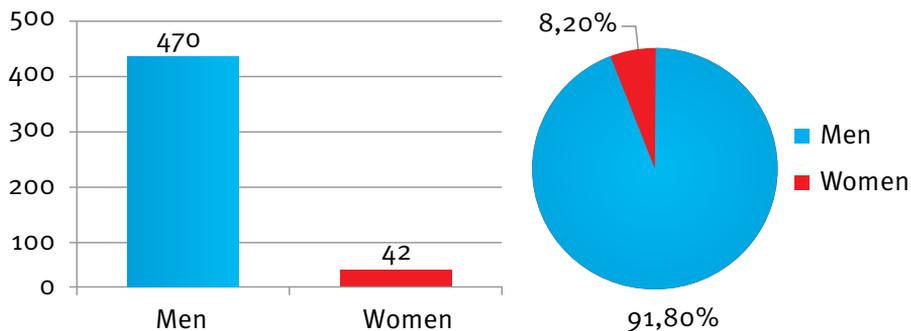
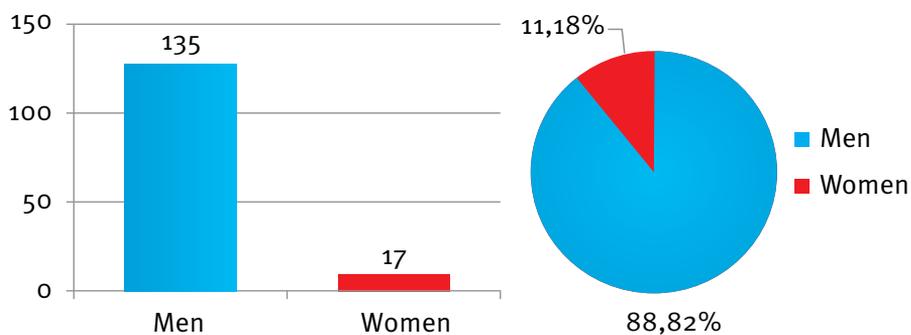


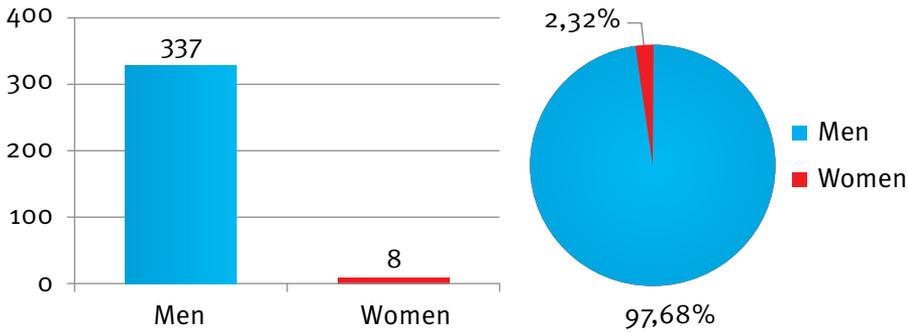
Figure 4 Participation of men and women in peacekeeping operations in the role of police forces in the period 2000-2011⁸⁵



⁸⁴ As of December 2010, provided by the Ministry of Interior of the FBiH

⁸⁵ The Agency for Gender Equality in BiH, "Report on the Action Plan for the Implementation of UNSCR 1325 in Bosnia and Herzegovina" (2011). This number represents the participation of women in police peacekeeping operations in Liberia, Cyprus, Sudan, Haiti, and East Timor.

Figure 5 Participation of men and women in peacekeeping operations in the role of armed forces in the period 2000-2010⁸⁶



As is evident from the graphs provided above, BiH is still challenged in achieving its goal of 10% women in security sector institutions, i.e. the police and armed forces – a figure continuously reiterated in state-level strategies, such as the multi-year strategies of the Ministries of Security and of Defence of BiH. Moreover, somewhat comforting statistics (nearing 10% or even greater than 10% participation of women police officers in peacekeeping operations) are under question given the nature of the positions women police and army officers obtain.

In one of the contingents to the International Security Assistance Force - ISAF military mission in Afghanistan, only 1.32% women servants with the Armed Forces were deployed. The number of women police officers in peacekeeping missions is higher due to the fact that within those operations their duties are safer and better paid.

Out of 536 women employed with the Armed Forces of BiH, 55 (5.8%) are officers, 124 are non-commissioned officers, 199 are soldiers, and 158 are civil servants.

⁸⁶ Ibid. This number represents the participation of women in military peacekeeping missions in Ethiopia/Eritrea and Iraq.



Gender and Security Sector Reform in BiH

The Police Department of the Federation of BiH employs 42 women police servants (8.20%) who hold the following positions:⁸⁷

- 0 Director of Police⁸⁸
- 2 Independent Inspectors (8.33% of total number of Independent Inspectors)
- 1 Senior Inspector (3.7%)
- 10 Inspectors (15.15%)
- 5 Junior Inspectors (6.41%)
- 1 Senior Sergeant, (1.28%)
- 2 Sergeants (2.19%,)
- 21 Senior Police Officers (15.91%), and
- 0 Police Officers
- No women are currently working on the level of Main Inspector General, Inspector General, or Main Inspector.

Not only do these examples demonstrate the underrepresentation of women in the Police and Armed Forces of BiH, but they also mean that very few women police or army officers are in a position that will allow them to soon attain decision-making authority, since this is only achieved through a step-by-step promotion up the hierarchical ranks. With this relatively low number of women in entry-level positions at present, it is neither likely that the goal of 10% representation will be achieved in the short term, nor that a higher number of women will be seen in leadership positions in these institutions.

The number of women in the Ministry of Defence in relation to the total number of employees is 41.5%. In the Armed Forces of BiH, there are 28% civilian women employees, while 5.8% are professional women soldiers. The Deputy Minister of Defence of BiH is also a woman.

Overall, there is a noteworthy trend of increasing numbers of both men and women applying for posts in the security sector. The following table

⁸⁷ As of December 2010, data provided by the Ministry of Interior of the FBiH, Federal Police Administration

⁸⁸ In Republika Srpska, the Director of Police is also a male officer, as is true in all cantons (at the cantonal level, they are called Police Commissioners).

shows the number of women in managerial positions in some security sector institutions in BiH.

Table 2 Percentage of women and women managers in the security sector of BiH

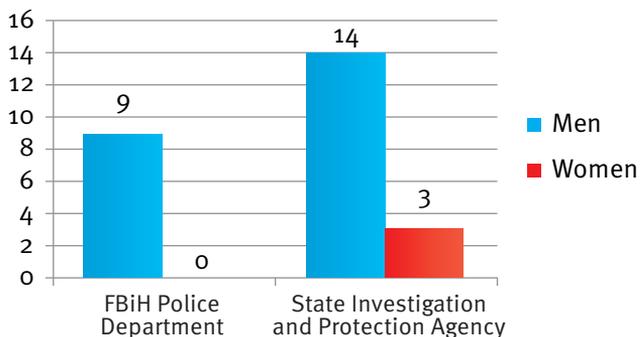
Institution	% of women employees of all employees	% of women managers of all managerial posts
Ministry of Security	48.73	26
State Investigations and Protection Agency	14	0.53
Ministry of Interior of the FBiH	56	4
Federal Police Administration	18	8

A good practice to increase the participation of women in the sector has been job advertisements of the BiH Border Police, in which their call for 50 cadets included a stated preference for women applicants, should they fulfil all necessary requirements. This practice was positively noted by some interviewees.

Some respondents were also of the opinion that in times of economic recession, financial concerns might be a reasonable explanation for this trend of increased interest in vacancies with different ministries, police, and armed forces. Jobs in the security sector (and all other state services) are seen as “long-runners” – jobs that provide economic security and stability. For these or other reasons, the numbers of terminations of service throughout the security sector in BiH are rather low.

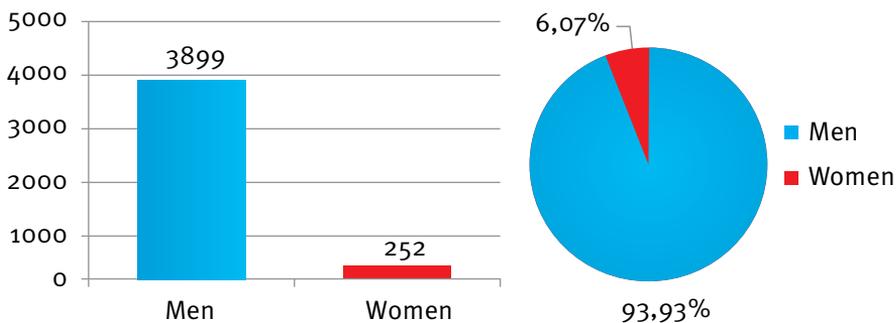
Gender and Security Sector Reform in BiH

Figure 6 Termination of service rates⁸⁹ in the FBiH Police and SIPA, for 2010



Institutions included in this research noted that the primary reason for termination from service was retirement. This is also the case for personnel of the Armed Forces.

Figure 7 Termination of service in the Armed Forces of BiH from 01 Jan 2006 to 31 Dec 2010



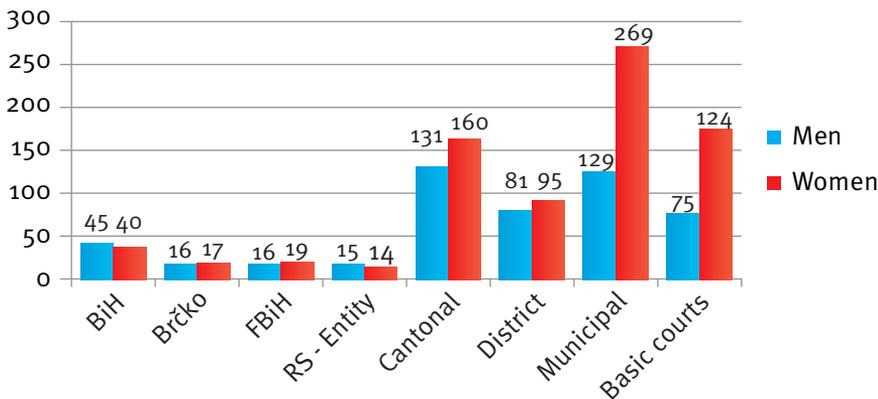
⁸⁹ Termination of service rates encompass termination for different reasons, including retirement, quitting, change of job, as well as other reasons; from data received by respective institutions in the course of this research, in reference to 2010.

It is interesting to note that no woman member of the Armed Forces of BiH has ever been dismissed for reasons of disciplinary penalty, insufficient professional grade, for being imprisoned, or for not having the necessary academic qualifications.

During the local consultations, CSOs frequently noted gender imbalances for senior management positions in the security sector and in particular that not a single woman serves as a police commissioner. Several interviewees also argued that the salaries of women personnel are lower than that of their male counterparts within the same institutions. The Law guarantees equal pay for equal positions but practices appear to be different.

4.2.2. Representation of men and women in the justice sector at different levels in Bosnia and Herzegovina⁹⁰

Figure 8 Ratio of men and women judges and prosecutors at different levels of government



⁹⁰ All data referencing the representation of women in the justice sector has been obtained via the High Judicial and Prosecutorial Council for the year 2010.

Figure 9 Ratio of men and women judges and prosecutors in all judicial institutions in BiH

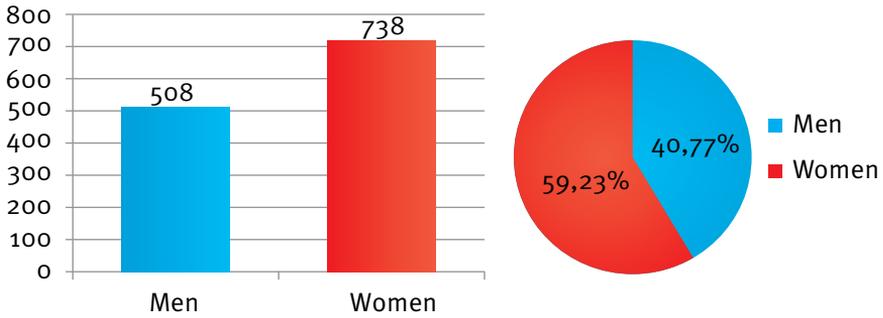


Figure 10 Ratio of men and women presidents of courts and chief prosecutors at different judicial levels in BiH

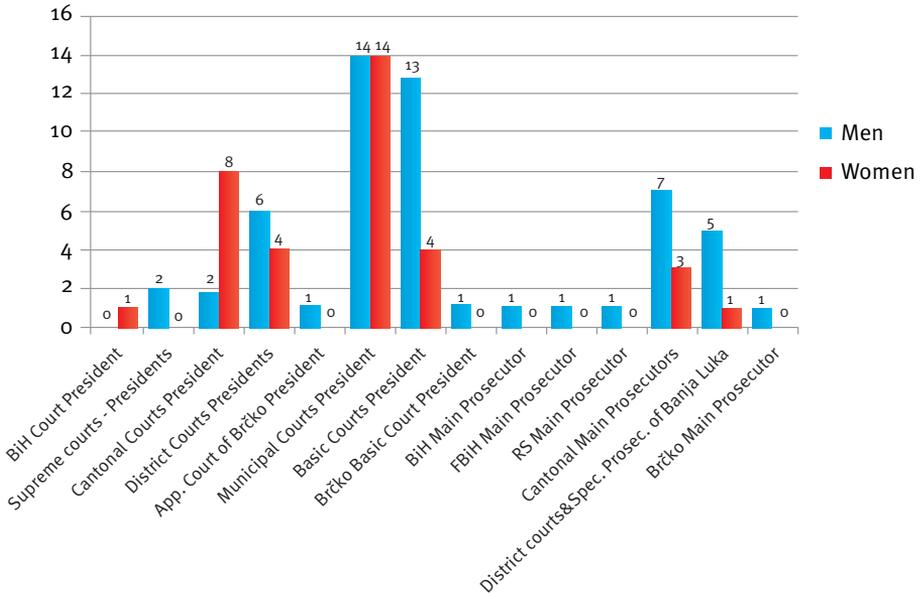
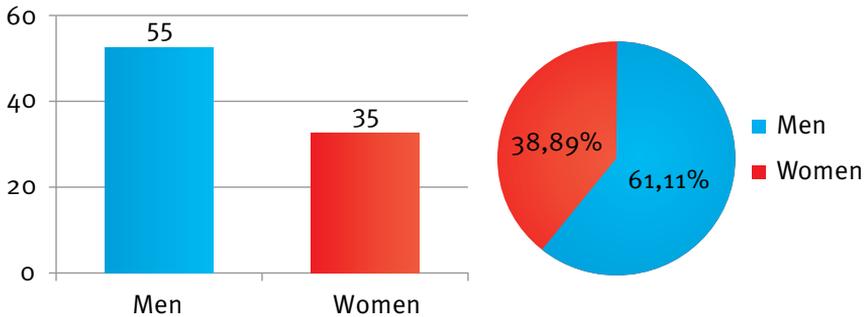


Figure 11 Ratio of all men and women presidents of courts and chief prosecutors in BiH



Just as professions in the military and the police are seen as mostly men's occupations, many interviewees claimed that jobs in the justice sector are mostly female occupations. Several stated that, "*working for the judicial system is difficult and economically less advantageous*" and therefore jobs in the sector are "given" to women. The illustrations provided above show that the justice sector is indeed more gender balanced and representative than other sectors in BiH.

These figures, however, must be closely examined. While there is an equal amount of women and men presidents of courts on the municipal level, women continue to be underrepresented as presidents of Basic Courts (in RS). It should also be noted that there are very few women nominated to be main prosecutors at all levels in BiH. On the other hand, there is a positive trend in the number of women judges and prosecutors in BiH in general, and especially in Municipal Courts.

As one cantonal judge stated, victims tend not to report cases of GBV and discrimination within institutions or privately, since they do not believe justice will be served. Increasing the number of women in the posts of judges, prosecutors, as well as in military and police personnel, may achieve better results in the investigation and processing of cases of GBV. Still, it is important that these women are gender sensitive and show a willingness to

address gender-based violence and discrimination adequately. For these and reasons of equal opportunity, while objectively satisfied with the number of women throughout the judicial system in BiH, more opportunities must be given to women at the highest levels in this sector.

4.3 Promotional efforts to increase the number of women in the security sector in BiH

This research identified that the number of women joining the security sector is rising. Even though most interviewees were adamant that financial factors are the main reasons women are increasingly choosing to be a part of the military and the police, this analysis indicates that ongoing efforts in some regions in BiH to promote an increasing number of women in security structures are also contributing to this trend.

Jobs in the security sector are traditionally seen as mostly men's jobs and campaigns to attract women are a good way to challenge these views. However, these campaigns must be conducted in a gender-sensitive manner. Women need to be aware that physical criteria are adjusted for them and that they will be considered for jobs in police forces even if their physical strength and fitness do not meet that of a man.

The Armed Forces of BiH make no specific references to women in their promotional materials but they do tend to include photos of both men and women soldiers. Another good example is the “*Brži, bolji, jači*” campaign, carried out in cooperation with the EUPM and BiH Law enforcement agencies, aimed at promoting police capacities and confidence-building between citizens and police structures. Women police officers are represented in all promotional materials for this campaign.

Other institutions interviewed for this research claimed to promote gender equality principles but have no specific promotional activities that display men and women together and use gender-sensitive language.

Such campaigns offer great potential and, supported by relevant legislative processes, are likely to have a significant impact on the recruitment and retention of women in the different security sector institutions across BiH.

There are examples of security sector institutions that explicitly highlight a preference for women job applicants, provided they fulfilled all necessary requirements (such as the Border Police advertisement mentioned above). Another good practice for promotion of women in the police services is a project titled “Community Police Work,” in which relevant ministries together with representatives of CSOs visited schools in 12 different municipalities in BiH and introduced young men and women to the benefits of police service.

In concluding, it should be noted that, even though participants in the local consultations did not see any formal barriers to the greater participation of women, a number of informal and contextual barriers were highlighted. Women are often reluctant to apply for senior management positions because of the challenges involved in balancing their family and professional lives. Employed women in BiH overwhelmingly operate within the framework of traditional female roles, taking on far greater responsibility for childcare and household duties compared to their partners. Culture and tradition, compounded by a lack of affordable and flexible childcare options, mean great sacrifices for women in top positions; thus many opt to perform less demanding jobs. On a positive note, several women in the consultations who currently occupy senior management positions in the security sector said that they are shown respect for their authority by their subordinates and colleagues. There were several suggestions as to how to increase the numbers of women in management and senior operational positions in the security sector. One approach is to actively encourage women to apply for management positions in security forces. In addition, gender stereotypes must be challenged early in the educational system by giving greater prominence to the professional rather than domestic roles of women.

4.4 Institutional gender training

There is strong recognition that to successfully develop and implement gender-sensitive policies and practices, and make lasting change in everyday behaviour and attitudes, training and education are key. Trainings are essential tools in introducing employees to new policy, in developing practical skills on how to deal with certain issues, and in raising understanding of why gender is important to SSR. Furthermore, in the same way that ignorance to law harms (Lat. *ignorantia iuris nocet*), a lack of awareness and sensitivity towards gender undermines social progress; this ignorance can partly be tackled through effective training for employees in the security sector.

As part of the needs assessment, this research also examines gender training initiatives across the security sector in BiH. All interviewees were asked if they had participated in any trainings, who had organized them, and what topics were covered.

The overall finding that emerged strongly is that there is insufficient training for public servants in BiH on what gender means, why it is important, and what needs to be done in practice to integrate gender into the security sector. Challenges that remain include ensuring that training on gender and security are offered to all relevant employees, as it often occurs that the same staff members repeatedly attend gender-related workshops and seminars.

The lack of a cross-sectorial mandate, requiring all employees in security sector institutions to attend trainings, leaves gaps in the implementation of policy; and only the introduction of mandatory training on gender for all employees, including regular in-house refreshers, will have a lasting effect on everyday behaviour and perceptions, and on the culture of security sector institutions in the long run.

At the same time, the needs assessment identified a number of promising initiatives.

The Agency for Gender Equality in BiH, along with the Gender Centres of RS and the FBiH, organize regular seminars on gender issues for security sector institutions. At present, though, in-house follow-up or refresher trainings organized by the ministries themselves rarely exists.

The Agency for Gender Equality in BiH, in cooperation with **The Agency for Public Service**, organised trainings for managers in public service, including personnel employed with the security sector; approximately 100 public servants underwent this training. The training included the following modules: gender concepts and gender mainstreaming, international and national legal frameworks on gender equality, and the integration of gender-equality principles into the security sector. Instruction to all official trainers of **The Agency for Public Service of BiH** has been consequently organised so that relevant gender modules can be systematically integrated into existing trainings. This process continues in 2011. The entity-level gender centres, which regularly conduct trainings and cooperate with the entity agencies for public service, apply the same systematic approach.

Apart from The Agency for Gender Equality in BiH, there are seminars and trainings organised by other organisations: *“We cooperate with police academies in Sarajevo and Turkey, for example. We also have lectures on gender equality for police officers. A few times a year we also deliver lectures in high schools, where we speak about family violence, discrimination, and similar topics. Furthermore, OSCE and EUPM provide lots of trainings and seminars for our employees.”*⁹¹

⁹¹ Ministry of Interior, Canton Livno, interview.



Gender and Security Sector Reform in BiH

As far as the justice sector is concerned, it is the duty of every judge to have four days of personal development and training a year, and the topic of gender is one for which training is offered; it is also addressed in Module 1 of the introductory training for judges and prosecutors.⁹²

While systematic and tailor-made training still needs to be improved, it should be positively noted that the 10th anniversary of UNSCR 1325 (in 2010) triggered a number of initiatives, such as seminars and workshops, that have contributed to increased awareness of what gender means and why it is important to integrate it into SSR. As an example, The Inspectorate General of the Ministry of Defence of BiH provides training on the military Code of Conduct in which one session is dedicated to gender. In 2010, SIPA trained its staff on “the integration of gender into laws, strategies, and policies” while BiH Border Police mostly provides training on human trafficking and smuggling.

However, up until now, mostly women took part in these and similar gender-related activities, which potentially disadvantaged men in achieving awareness on gender issues. Furthermore, the overall impression is that gender issues are overwhelmingly a women’s agenda.

Our interviewee from the Armed Forces of BiH also highlighted that members of the military regularly take courses on human rights. Similar courses exist in other institutions as well. Although the General Inspectorate of the Ministry of Defence of BiH provides training in which a special focus is given to gender issues, the body itself is not very balanced when it comes to the equal representation of women and men. Currently, no women are employed in the Inspectorate itself.

Another challenge identified by this research was the turnover of staff, resulting institutional loss of skills and knowledge. During the local

⁹² Modules for Introductory Training of Judges and Prosecutors, available in Bosnian/Serbian/Croatian at: http://www.rs.cest.gov.ba/index.php?option=com_docman&task=view_category&Itemid=30&subcat=54&catid=34&limitstart=0&limit=15&lang=lat and http://www.fbih.cest.gov.ba/index.php?option=com_docman&task=view_category&Itemid=29&subcat=2&catid=59&limitstart=0&limit=20

consultations, participants from Una-Sana Canton stated that over 100 stakeholders relevant to addressing GBV received intensive capacity-building courses, but that after just six months they were no longer working on the issue, as many of them were placed in different positions and thus no longer use the tools they acquired in those trainings.

Furthermore, in 2010, SIPA trained five (out of 1200) employees on “Integrating gender into laws, strategies, and policies.” Given its mandate, this institution has provided mostly training on human trafficking, while BiH Border Police conducts mostly training on human trafficking and illegal migration.

It is an encouraging development that the practice of non-systematic training within security sector institutions in BiH is more and more falling to the wayside. Standardized training is already conducted in the Ministry of Defence of BiH, and the Agency for Gender Equality in BiH cooperates with the EUPM to conduct training of trainers at police academies, so that the issue of gender equality in the security sector can be systematically integrated through amendments in curricula. In addition, The Agency for Gender Equality in BiH makes efforts to coordinate all pertinent activities, including training conducted by international and other organisations. For example, whilst the Agency together with EUPM conducted the abovementioned training of trainers the United Nations Development Programme (UNDP) conducted trainings of police officers and employees of the entity-level ministries of interior, as well as of the judiciary, which indicates that these activities are increasingly complementary and compatible.



5. EFFECTIVE SECURITY AND JUSTICE DELIVERY

In order to be effective and accountable, security sector institutions must not only integrate gender within their organizations but also in their service delivery, in other words in their interaction with external stakeholders. This chapter examines if and how security sector institutions effectively deliver security and justice to women and men, boys, and girls. It also analyses the role civil society plays in monitoring and promoting gender-sensitive SSR. This chapter aims to list the most important institutional policies, initiatives, and bodies that relate to the different requirements of security service users, including victims, witnesses, and prisoners, and whether services delivered are gender-sensitive. More specifically, it reviews, a) which policy documents address GBV, and b) which facilities and support mechanisms are offered to victims of GBV, witnesses, and prisoners.

5.1 Normative actions and initiatives within the security sector to fight sexual and GBV

In addition to a number of laws outlined in the earlier chapter on the general legislative framework, there are also other acts, strategies, and initiatives that contribute to the fight against sexual and GBV – crimes such as sexual harassment, domestic violence, or human trafficking. In this context, the Ministry of Justice of Tuzla Canton, for instance, took part in the preparation of the Analysis on Respect of Human Rights in Tuzla (2009).



Gender and Security Sector Reform in BiH

Another policy document titled, “Protocol on mechanisms to deal with family violence in Canton 10,” reiterates that a basic principle of addressing victims of violence is that domestic violence should be considered a common social problem and not private one. The Protocol further states that domestic violence prevention has three aspects: primary prevention (preventing violence, raising awareness through campaigns, and educational programs for children and adolescents); secondary prevention (identification of risk factors and risk groups, assistance provision, and the introduction of crisis lines and legal aid); and tertiary prevention (the implementation of clauses related to the prevention of further violence – such as providing legal aid to victims of violence, opening safe housing, ensuring appropriate police interventions, broadcasting of courts verdicts, and working with perpetrators of violence).⁹³

Another example of a sound policy to prevent and combat GBV is the “Vlašić procedures,” signed onto by different state, entity, cantonal, district, and non-governmental stakeholders. This protocol regulates human trafficking more efficiently by defining who human trafficking victims are, what appropriate legislative and police procedures should consist of, and what should be included in appropriate assistance to human trafficking victims by both governmental and non-governmental institutions.⁹⁴

Both of these protocols can be taken as good practices of policy documents in BiH. Both contain explanations of and information on mechanisms to deal with security concerns, as well as demonstrating inter-municipal, governmental, and non-governmental cooperation in addressing violence. These policies state that violence, discrimination, and assaults are common problems and call for joint action, reaction,

⁹³ The other cantons have also signed similar protocols.

⁹⁴ “The Vlašić Procedures,” signed on 29 July 2005 by the State Coordinator for the Fight Against Human Trafficking and Illegal Migration; the BiH, FBiH, and RS Prosecution; the Public Prosecutor of Brčko District; the BiH Ministry of Security (SIPA, State Border Service, Migration sector, and Asylum Sector); the Ministry of Interior of the FBiH and RS: the Brčko District Police; and the following CSOs: *HO Medunarodni forum solidarnosti* (Gračanica), *Žena BiH* (Mostar), *Lara* (Bijeljina), *La Strada*, *Centar za terapiju žena - Medica* (Zenica), *Vaša prava*, and the IOM (International Organisation for Migration).

and prevention. Analogously, a pilot project of the High Judicial and Prosecutorial Council has been launched with the aim to attain a better level of victim and witness protection at the courts of BiH.

5.2 Procedures and facilities for security sector service users

In cooperation with CSOs and local communities, some security sector institutions make efforts to ensure that procedures and facilities take into account the different needs of women and men. Predictably, the size of administrative units largely determines the size of facilities these institutions offer to those who use their services. Specifically, among justice institutions, several ministries of justice – of Herzegovina-Neretva Canton, Canton 10, and of RS – admit that they cannot offer any specific facilities for women victims of violence, in particular of domestic violence. Others, such as the ministries of justice of Una-Sana Canton, Bosnia-Podrinje Canton, and Tuzla Canton offer limited assistance to local centres for social work (Bosnia-Podrinje) by coordinating safe houses (Una-Sana) or centres for free legal aid (Tuzla).

When it comes to police, in some cantons/regions there are no special investigation rooms in police stations (for instance in Una-Sana and Posavina Cantons, where respondents deplored the overall lack of space), while others afford such facilities. The Ministry of Interior of RS has special procedures and facilities for different kinds of victims or witnesses; the ministries of interior of Central Bosnia Canton and Zenica-Doboj Canton have special rooms for victims of human trafficking and domestic violence; and Tuzla Canton has special hearing rooms for victims.

Also, a similar positive practice has been noted in several BiH Border Police stations that have special rooms with toys or televisions, which can be used by victims of human trafficking.



Gender and Security Sector Reform in BiH

A number of issues have been identified by this research in prisons in BiH. The prison population in BiH is around 2600 prisoners and the whole country has 15 prisons with the capacity for 2000 prisoners, which means that facilities are currently overcrowded. European prison rules state: “Specialised prisons or sections under medical control shall be available for the observation and treatment of prisoners suffering from mental disorder or abnormality who do not necessarily fall under the provisions of Rule 12.”⁹⁵

Bosnia and Herzegovina should have a specialised institution for forensic psychiatry that serves the purposes of the whole of BiH and, among others, serves and accommodates the needs of perpetrators with psychiatric diagnoses.

In addition, BiH does not have an adequate prison for female juvenile offenders, and the Federation of BiH does not have a separate prison for juvenile offenders of either sex. However, it did establish a special department for juvenile offenders within a prison in Tuzla. Transferring juvenile offenders from institutions of other types to this department in Tuzla has only partially solved this problem in FBiH. To date, there is no separate prison for women in RS, but in the Banja Luka, Bijeljina, and Kula prisons, specific sections are earmarked to accommodate women (4-6 women in Banja Luka and Bijeljina, and 12-16 in Kula). There are plans to build a women’s prison in RS within the Kula Prison facility.⁹⁶

In spite of a severe lack of capacity, this research did identify efforts to address the needs of women prisoners. While the prison in Zenica is mainly a male prison, in the case that there are women prisoners, cells (normally accommodating from 1-6 persons) are never filled with persons of different genders. It is also women officers who work with women, and in cases of marital visits women officers escort women visitors.

⁹⁵ Recommendation 2 (2006) of the Council of Ministers to the member states of the European Prison Rules, adopted at the Ministers’ Council on 11 January 2006 at the 952th Ministers’ meeting. Available at: <https://wcd.coe.int/wcd/ViewDoc.jsp?id=955747>

⁹⁶ Slobodan Popadić, “Zatvori u BiH opasni, kriminalci na slobodi,” *Blic Online*, 25 September 2010, <http://www.blic.rs/Vesti/Republika-Srpska/208826/Zatvori-u-BiH-opasni-kriminalci-na-slobodi>

While cases of violence in prisons ought to be reported and checked by designated prison officers and processed in accordance with relevant laws on the execution of criminal sanctions and the House rulebook, the needs assessment could not establish whether this is always the case.

It is important to point out several standard operating procedures that are being applied in most security sector institutions that directly affect service users. The Ministry of Interiors in the FBiH and RS, for instance, have clear standard operating procedures as well as designated persons to handle cases of domestic violence. In addition, several police directorates across BiH have special rooms furnished in a youth-friendly manner designated for interviewing juvenile offenders. These interviews are usually done by psychologists or social workers and with parents or guardians present. The police also applies special procedures for arresting juvenile offenders; these include not handcuffing juveniles and using unmarked police cars during their arrest.

5.3 Local ownership, and governmental and CSOs cooperation

There is strong recognition that SSR will be more successful if national governments, the international community, security sector institutions, and regional and international organisations responsible for the development of SSR policy and programming make efforts to achieve local ownership and grassroots-level involvement through the participation of civil society and women's organisations in any aspects of this reform. Challenges to cooperation and coordination between security sector institutions and CSOs, as well as promising practices of CSOs that participate in policy making and cooperate with security institutions to effectively address GBV were identified in this research. The participation of CSOs in security sector oversight was examined in section 4.1.7.



Gender and Security Sector Reform in BiH

An example of strong grassroots efforts to address community security concerns are local security forums. Prijedor, in RS, was one of the first towns where this kind of forum was initiated. The security forum there is a multidisciplinary body formed of representatives from different institutions with common concerns around issues of security in the Prijedor Municipality. There are 26 institutions participating in the forum, including CSOs, the police, the clergy, several organisations representing national minorities, the fire brigade, and educational and health care services. Recently, members of the Prijedor forum launched the Strategic Development Security Plan for the Prijedor Municipality. The forum is already implementing specific projects, such as video monitoring and a refuge for stray dogs. Through media information campaigns, the distribution of leaflets, roundtable discussions, and visits to rural areas the forum aims to encourage citizens to take an active role in addressing security issues in their communities. Even though it is a promising example, the forum is yet to be sufficiently recognised by central authorities and donors, and currently lacks regular financing. Nevertheless, the forum, together with the Centre for Social Work and some CSOs, has been continuously working on the prevention of domestic violence. In advocating for further support of security forums several issues need to be considered.⁹⁷ The operation of security forums must be contingent on monitoring and evaluation that assesses the extent to which these forums are capable of responding to security challenges, as well as a planned approach to developing policies and activities of these forums. At this point it is unclear who is responsible for financing and oversight of the work of forums and whether they can become an institutionalised public service. A detailed assessment of different options must be undertaken in order to adequately support this promising initiative of local ownership.

Another example of how CSOs can work effectively with security and justice institutions is manifested in the Strategy for Community Policing

⁹⁷ Jasmin Porobić, "Security as a Service," *Democracy and Security in Southeastern Europe* 2, no 6-7 (May 2011): 97-101..

in Bosnia and Herzegovina that was approved by the Council of Ministers of BiH in August 2007. The strategy aims to improve security and quality of life on the local level and it is based on the principles of partnership, cooperation and identification, and problem solving. The strategy is built on the idea that police and citizens share a common responsibility for creating a safe environment. Additionally, there is an emphasis that the police are not a force but a service. The Strategy and the later developed Handbook for Community Policing⁹⁸ and Operational Handbook for Partnership between the Police and Community⁹⁹ recognise the role of CSOs in assessing security situations, in raising awareness through campaigns, and in problem solving, especially in cases of domestic violence. This strategy, and changes in police practice, present the potential for CSOs to become actively involved in improving the security situation in their communities.¹⁰⁰

In addition to regular contact with CSOs, interviewees from all institutions emphasized good relations with centres for social work.

Most interviewees referred to cooperation with safe houses that accommodate victims of GBV. The Ministry of Interior of Posavina Canton has several protection programs for victims of domestic violence. In Zenica-Doboj Canton, there are a number of police officers trained specifically to address domestic violence cases, and Tuzla Canton police officers are trained specifically to deal with cases of juvenile delinquency. A similar practice is applied in other cantons, RS, and Brčko District.

98 Community Policing in Bosnia and Herzegovina: A Guidebook, Working group of the Council of Ministers of BiH for the Implementation of the Community Policing Strategy, the Government of Bosnia and Herzegovina (2010).

99 Operational Handbook for Partnership between Police and Community, Working group of the Council of Ministers of BiH for the implementation of the Community Policing Strategy, the Government of Bosnia and Herzegovina (2010).

100 "The Community Policing Strategy in BiH," the Government of Bosnia and Herzegovina (2007).

5.3.1 Addressing GBV

Domestic violence:

The role of CSOs in addressing the problem of domestic violence was recognised by most interviewees. The data on domestic violence collected and published by CSOs is generally more extensive than the data on reported criminal acts in the official records of police, centres for social work, health institutions, and courts. According to data supplied by the competent courts in the Federation, in the period 2006-2010 there were 1,275 cases of domestic violence in total recorded based on Article 222 of the Criminal Code of the Federation of BiH. Large majority of suspected perpetrators 97.53% of these crimes were men. For the offense of domestic violence in Republika Srpska there were 1248 numbers of proceedings initiated in the period 2006-2009.¹⁰¹

CSOs have been working on programmes for the prevention of and protection against domestic violence, either individually or in the framework of formal and informal women's networks that have been bringing together CSOs, police, health, and social institutions. A good example is the Reference Group Tuzla, a regional network of CSOs that was particularly successful in proposing the Draft Law on Protection of Domestic Violence and with their campaign entitled "Let's Protect Women and Children from Violence." Activities that have advanced the prevention of and protection from violence are: the establishment of crisis phone lines, legal counselling centres, safe houses for women and children victims of domestic violence and trafficking; and amendments and adoption of new legislation, strategies, and action plans in the Federation of BiH and in RS from 2009-2011.¹⁰²

The responsibilities of CSOs also include building multidisciplinary teams for the prevention of and protection from GBV in local communities, as well as programs to work with perpetrators of violence. This year, the

¹⁰¹ CEDAW Report of Bosnia and Herzegovina: Fourth and Fifth Periodic CEDAW Reports of Bosnia and Herzegovina, May 2011. Available at: <http://www.arsbih.gov.ba/en/reports/cedaw-report-of-bih>

¹⁰² The Gender Centre of the FBIH, "Izvjestaj o deset godina rada"

first such centre was opened in Modriča. Representatives of the CSO sector expressed the opinion that cantonal/municipal support on this issue is insufficient and remains largely the responsibility of CSOs.

The point of view of security sector institution representatives was quite different. According to an interviewee from the Ministry of Interior of the FBiH, cooperation with CSOs as well as with the Gender Centre of FBiH and the Agency for Gender Equality in BiH is well established and effectively addresses domestic violence.

“We participate in their activities and also take part in developing a strategy on domestic violence and in implementing the Action Plan on (UNSCR) 1325... We send them information on what we have done in reference to the implementation of the strategy. Currently, we are also developing a handbook on dealing with domestic violence, and we are further obliged to organise a training on preventing domestic violence.”

A similar handbook for dealing with domestic violence is being prepared by the Ministry of Labour and Social Policy of BiH in cooperation with the Agency for Gender Equality in BiH and the Gender Centre of the FBiH.

It is important to highlight another positive example of the cooperation of Federation of BiH institutions with the Gender Center of the FBiH. In accordance with the activities envisaged in the Strategic plan for the prevention of domestic violence in FBiH in the period 2009-2010, the Ministry of Health of the FBiH has been tasked with implementing education and training for medical professionals in dealing with cases of domestic violence. To this end, the Ministry of Health of the FBiH issued a “Handbook for training and education of medical professionals in dealing with cases of domestic violence,” which should serve all medical professionals in primary healthcare who encounter victims of domestic violence. This Handbook will serve as a basis for further education and training of medical professionals in primary healthcare institutions, i.e. accident and emergency units in the Federation of BiH, though the target



Gender and Security Sector Reform in BiH

categories for such training and education are: family medicine specialists and general practitioners, psychologists employed in centres for mental health, paediatricians, emergency unit specialists, and gynaecologists, as well as nurses. In addition, the Ministry of Health of the FBiH, together with the Gender Centre of the FBiH and the Agency for Gender Equality in BiH implemented a two-day training of trainers drawn from the Handbook. This training included 10 teams of instructors – one from each canton (a family medicine practitioner and a nurse). According to the Ministry's plan, these teams conducted education and training of medical professionals in the primary healthcare institutions in the FBiH. During March of 2010, ten training sessions were conducted, one in each canton. In June 2010, with the support of the Gender Centre of the FBiH and as part of a project titled, "Training for medical professionals for treating, recognizing, and documenting cases of domestic violence in the Federation of BiH" that operated under the auspices of FIGAP, ten additional trainings were conducted. All together, these 20 trainings included 653 medical professionals in 20 primary healthcare facilities in the F BiH.¹⁰³

Another good practice that deserves to be noted is that of Prijedor Municipality, where a multidisciplinary approach to the prevention of domestic violence has been successfully initiated by the CSO Medica Zenica. A second promising project there has been constructed around community policing, with an approach geared towards crime prevention and targeted police work that is built on the foundation of a partnership between the police and the community. Prijedor is also of special interest because it has a higher-than-average representation of women in the local police force. There are nine policewomen in the Prijedor station, one of whom is deputy commander. The local consultations suggested that cooperation between the police, centres for social work, the judiciary, and CSOs is functioning very well, although there is of course room for improvement. The Centre for Social Work has introduced round-the-clock service, with two social workers now able to respond to violent incidents

¹⁰³ Participating primary healthcare units are: Sarajevo (Vrazova), Zenica, Travnik, Bihać, Livno, Grude, Tuzla, Goražde, Mostar, Orašje, Kakanj, Visoko, Konjic, Jablanica, Kiseljak, Sanski Most, Breza, Stolac, Čapljina and Neum.

during the night. These social workers have the telephone numbers of on-duty police officers throughout the municipality. There is also a safe house and a crisis line serving Prijedor and its surrounding towns and villages. The crisis line is not only used by victims, but by relatives and neighbours who have become increasingly eager to report domestic violence. Incidents of domestic violence in Prijedor are addressed by police, CSOs, social workers, and psychologists.

In spite of positive developments, the local consultations also revealed a number of persistent problems related to combating domestic violence in BiH. One key problem according to consultation participants is that women tend to drop charges and return to their partners, who continue to physically and emotionally abuse them. The reasons women do this are rooted in their economic dependence on men, the shame and stigma attached to being a victim of domestic violence, as well as the lack of appropriate protection mechanisms. Where support is available it often entails offers to the victim of refuge in a safe house, implying dislocation from one's own home. A majority of the participants in the consultations saw this arrangement as unsuitable, arguing that this practice further destabilizes victims. Instead, they expressed the opinion that it should be on the perpetrator to leave the family home.

One initiative aimed at addressing this problem comes out of a **joint project by the Foundation for Local Democracy and the cantonal-level Sarajevo Centre for Social Work**. They started forming self-help groups to work with perpetrators of violence. Since 70% of women return to their violent husbands even once they leave safe houses, the aim of this project is to improve dysfunctional family relationships, prevent violence, and reduce the numbers of women returning to safe houses repeatedly. The project is financially supported by the Agency for Gender Equality in BiH, the Ministry for Human Rights and Refugees of BiH, and FIGAP.



Gender and Security Sector Reform in BiH

The cooperation between police and judiciary in addressing GBV, in particular domestic violence, was also examined and discussed in the local consultations. In many of the locations where consultations were held, the initial reaction was that the police and judiciary cooperate well in processing cases of family violence.

In Prijedor, cooperation with the judiciary is relatively good and centres for social work and CSOs have daily contact with prosecutors and the criminal court. In 2010, a protocol for cooperation between centres for social work, police, safe houses, the primary health care centre, and the centre for mental health was agreed upon and signed. In Prijedor, police officers, judges, prosecutors, and CSO workers are all trained to address domestic violence, while the police remain the first port of call in such cases. Their duty is to respond quickly, to assist the victim and restrain the perpetrator, to obtain relevant evidence, and to interview the victim and report the case to the on-duty prosecutor. The court has the final responsibility in deciding whether perpetrators will be charged and penalised. As in many parts of the world, a significant obstacle is the reluctance of women victims of domestic violence to press charges against their violent husbands. For many of the stakeholders involved, the problem is the lack of feedback that follows interventions. Sometimes, significant efforts are made to find the accused person, involve the police, and press charges, but these actions can be undone if the perpetrator enlists the help of a good lawyer to obtain bail. The relative ease with which perpetrators may gain their freedom sends the wrong message and shows undue leniency in addressing the serious issue of domestic violence.

The challenges to effective cooperation between institutions and agencies are summarised by interviewees from Žene sa Une, who argued that CSOs try on their own to bring to attention the specific security issues of women and children. It takes substantial time, however, for such initiatives to reach the agendas of different boards, the Parliament, and legislative commissions. *“There are no legal obstacles for CSOs to take part in public debates and consultations but the State does not fully*

understand the CSO sector and very often it does not see us as a serious cooperative partner but rather as constant opposition.”¹⁰⁴

Human trafficking:

On the other hand, governmental institutions such as the BiH Border Police highlighted the tremendous support of local CSOs. During the local consultations and interviews, their representatives made note of some local initiatives, such as seminars on how to recognize trafficking victims. These seminars were aimed at judges, prosecutors, and police and were organized by the CSO La Strada Mostar, back in 2005.

Lara, a CSO from Bijeljina, is recognized in BiH for its efforts to combat GBV, especially human trafficking. In 2003, Lara formed a group of representatives from different institutions who meet once a month to exchange security-related information, views, and experiences and agree on future efforts. The group represents the police forces and centres of social work from Bijeljina, Brčko, and Tuzla, along with the BiH Border Police, EUPM, and OSCE. Since 2010, the group has been further strengthened by members of judiciary institutions from Bijeljina, Tuzla Canton, and Brčko District. One of the actions that has materialized from this cooperation is the establishment of a shelter for victims of human trafficking and initiation of the establishment of a safe house in Bijeljina. In addition to localized efforts, Lara has also played a role in the founding of a regional organization that works against human trafficking and corruption, ACTA, made up of CSO members from Southeastern Europe, including BiH, Croatia, Serbia, Slovenia, Montenegro, Macedonia, Albania, Bulgaria, Romania, and Moldova.

¹⁰⁴ Žene s Une, interview.

The International Forum of Solidarity (IFS-EMMAUS) in Dobož South is another positive example of cooperation in combating human trafficking. “The IFS initiated projects of assistance to victims of human trafficking in 2000, with the very first anti-trafficking activities in the country. Assistance provided since then to the victims of human trafficking is comprehensive and multi-fold, comprising shelter and accommodation, protection and support, food, clothing, hygienic supplies, sundries, medical assistance (including hospitalization and emergency care), vocational training, on-the-job training, reintegration support, as well as legal advice, procurement of identification documents, and repatriation. These services are provided in cooperation with partner organizations Your Rights and the International Organization for Migration (IOM). Since 2005, IFS is one of the signatories to the Protocol on Assistance to Foreign Victims of Trafficking in BiH, with the BiH Ministry of Security (MoS). Since the year 2000 up to date, IFS - EMMAUS has secured accommodation and support for 205 victims of human trafficking, out of which there are 36 female BiH citizens. Out of the total number of supported persons, 31 are children (minors). Currently, there are eight victims of human trafficking in IFS-EMMAUS shelters, and four of them are minors.”¹⁰⁵

Other areas of coordination and cooperation:

During the local consultations and in various interviews it emerged that ministries do on some occasions accept suggestions provided by CSOs. For example, they attend seminars organized by CSOs and engage in joint activities and cases of cooperation, as identified in the case of Lara from Bijeljina or the assistance provided to BiH Border Police in dealing

¹⁰⁵ The International Forum of Solidarity; “Assistance to Victims of Trafficking (VoTs),” <http://www.mfs-emmaus.ba/V2/Page.aspx?ID=1520>

with victims of human trafficking. There is also ongoing cooperation among Žene Ženama (Sarajevo), Žene sa Une (Bihać), and Viva Žene and Amica Educa (Tuzla) in order to share information.¹⁰⁶

Another positive example of cooperation comes from the **Ministry of Interior of Tuzla Canton**, which hosted a meeting of 30 CSO representatives and then incorporated suggestions from that meeting into their activities. The same ministry has also cooperated with CSOs in the development of several pieces of legislation, such as the recent draft Law on juvenile delinquency at the state level. **Žena BiH Mostar** and the **Ministry of Interior of Herzegovina-Neretva Canton** worked together to develop a “Protocol on assistance” and a “Booklet for children” as tools of human rights protection, but also characterized this cooperation as rather informal and only periodical. In Zenica-Doboj Canton, the **Municipal Court and the CSO Medica** signed a protocol according to which the Court is committed to give priority to domestic violence cases and treat them as urgent. **Canton Livno** follows a provision of the International Police Task Force (IPTF) from late 1990s calling for police to meet once a month with CSOs at the local level. This has shown to be a very useful practice that facilitates the exchange of views and provides CSOs with an opportunity to voice specific security concerns of the community.

Overall, interviewees had different understandings of what effective cooperation entails. A poignant example comes from Mostar prison: “*there is occasional cooperation, since there are CSOs that want to organise education and seminars for prisoners...mostly health related. We are not talking about official cooperation but when we get requests from CSOs we take their requests seriously.*” In addition, some respondents from security institutions underestimated the role women’s CSOs can play in

¹⁰⁶ BiH Border Police, interview.

bringing in expertise and serving as a resource on gender policy and practice. Instead, their attempts at cooperation have reinforced traditional ideas about women: *“We had extraordinary cooperation with the association of women ‘Goraždanke’ – they were our guest in a culture and entertainment programme during the police academy celebration.”*¹⁰⁷

5.4 Additional services provided by CSOs

The Centre for Legal Assistance to Women (Centar za pravnu pomoć ženama Zenica) is a registered independent, non-governmental, apolitical, and non-profit organization. The Centre was established by lawyers from Zenica in order to help women in the post-war period realize and protect their fundamental human rights. The Centre offers free legal aid to women facing problems realizing the rights guaranteed to them by law. The Centre’s activities include: ensuring legal and psychological support to women in exercising their rights; educating and informing women about their fundamental rights and mechanisms of self-protection in cases of violation of their rights; advocating an increased participation of women in decision-making bodies; supporting preventive programmes in order to protect women from domestic violence; and supporting the development of women’s networks for more effective protection of women’s human rights.

Safe houses:

There are nine safe houses for women and children victims of violence in BiH, in Sarajevo (the Local Democracy Foundation), Banja Luka (United Women), Mostar (Mirjam-Caritas Mostar and Margeruite-Žena BiH Mostar), Prijedor (the Foundation for the Education and Social Protection of Children), Bihać (Žene sa Une), Modriča (Budućnost), Tuzla (Vive Žene), Zenica (Medica). According to participants in the local consultations and individual

¹⁰⁷ Ministry of Interior of Bosnia-Podrinje Canton, interview.

interviewees, safe houses are one of the most important means of providing services for victims, but they are not always sufficiently recognised on the local level and some safe houses still lack sustainable financial support. For example, the safe house in Modrica is very well known and by 2008 had provided assistance to 760 women and 922 children, but until recently its financing was uncertain. Due to strong advocacy activities, the RS government took on the responsibility to co-finance this safe house. One challenge that persists, however, is that costs include the salaries of the staff legally required to work in a safe house, such as a lawyer, a psychologist, a social worker, a nurse, and 24-hour security.¹⁰⁸ In addition an interviewee from the CSO Žene sa Une, in Bihać, explained that their organisation is responsible for a safe house that serves eight different municipalities in Una-Sana Canton. Victims from other municipalities or regions where no safe houses exist can also be admitted. It should be noted that in the five years since this safe house has been operational, the only source of continuous funding has been Bihać Municipality, although they are gradually decreasing their financial assistance. Other municipalities have supported safe house with smaller sums on random occasions and have had little impact on their overall financial situation.

However, improvements have been noted and financing the safe houses in RS is now regulated by the Law on Protection from Domestic Violence of RS and according to this Law, 70% of funds for this accommodation in safe houses shall be provided from the entity budget and 30% from the budget of the local communities.¹⁰⁹ The new proposed Law on Protection from Domestic Violence of FBiH, which is in the parliamentary procedure, provides legal basis for passing of a by-law on establishing criteria for funding of safe houses allocated from the federal budget, the cantonal and municipal budgets.¹¹⁰ For further discussion on safe houses please see Fourth and Fifth Periodic CEDAW Reports of Bosnia and Herzegovina.¹¹¹

¹⁰⁸ Azra Smailkadić, "Nasilje u porodici i sigurne kuće u BiH," Puls Demokratije, 09 September 2008, <http://www.pulsdemokratije.ba/index.php?id=1034&l=bs>

¹⁰⁹ Official Gazette of Republika Srpska 17/08

¹¹⁰ Report of Bosnia and Herzegovina: Fourth and Fifth Periodic CEDAW Reports of Bosnia and Herzegovina, May 2011. Available at: <http://www.arsbih.gov.ba/en/reports/cedaw-report-of-bih>

¹¹¹ Ibid.

During the local consultations, concerns were expressed that the safe houses in Prijedor and Cazin are under the threat of closure. All participants in this research claimed that there is a need to expand the number of safe houses into other municipalities, but that financial obstacles are slowing down this process. (Notwithstanding, Livno Municipality is currently planning the opening of a safe house). Another obstacle is that victims can only be accepted into a safe house if they report violence to the police. A major concern for participants in the local consultations was also that safe houses are only a temporary solution while other more sustainable options are not available. Women usually remain unemployed, without alternative housing, and in many cases they return to their violent husbands.

6. SUMMARY AND CONCLUSION

Overall, this research showed that BiH has achieved significant progress in advancing the participation of women in the security sector. At the same time, further tailor-made actions by the government and CSOs are needed to ensure that equal opportunities for men and women employees in the security sector are available in the long run, and that security and justice is provided effectively to all service users.

The needs assessment included a diverse set of data: national policies and legislation, institutional policies and practices, gender-sensitive budgeting, training courses, and oversight mechanisms. It also examined the implementation of policies and practices in relation to the needs of employees and service users in the security sector. The assessment provided information and recommendations that can potentially aid the government of BiH, non-governmental organisations, and donors in mainstreaming gender into SSR and developing gender-responsive policies and practices in BiH.

As discussed in Chapter One, the process of local consultations provided a forum for over 300 participants to discuss security and gender issues relevant to different communities throughout BiH, and to provide a critique of current policies and practices. These local consultations, as well as an initial roundtable discussion in Sarajevo and two final consultations in Sarajevo and Banja Luka, were vital activities to raise awareness and enhance stakeholder support for future initiatives on gender mainstreaming in the security sector.

One of the objectives of the needs assessment, to provide a map of current initiatives, has proven to be a challenging task due to the numerous activities and efforts of the international community, national and local CSOs, and government. While the list of initiatives in Appendix 4 is far from being exhaustive, it is hoped to serve as a planning tool to avoid duplication of efforts and resources. The research itself, in particular through the local consultations, and continuous networking with various organisations helped in building a stakeholder map which can be used in strengthening existing networks and bringing new partners on board.

As highlighted in Chapter Two, this research and the analysis of gender policies and practices in the security sector is contextualized within the complex socio-political and economic reality of BiH. It considers factors that extend beyond defence and policing in creating a safe and secure environment. At the same time, its main focus was on the impact and implementation of gender concepts within SSR, including in the police, army, judiciary, and penal institutions, as well as related to the activities of CSOs working in the field of gender and security.

Chapter Three provides an analysis of legislation and institutional policies identified in this research. The adoption of the Law on Gender Equality of Bosnia and Herzegovina, the Law Prohibiting Discrimination, as well as of the entity laws on protection against domestic violence are identified as significant steps forward in addressing gender-based concerns of employees and service users. At this point, policy makers need to work further on amendments to legislation, so that the laws not only become more precise and comprehensive in addressing gender-based discrimination, but are also harmonized across entities and cantons.

As discussed in Chapter Four, one of the key issues that emerged from the needs assessment is the lack of recognition of sexual harassment and gender-based discrimination within security sector institutions.

Employees in these institutions need to feel confident in the system in order to report cases of discrimination without fear of repercussions. To make this possible, security institutions must have efficient systems in place and must periodically review current procedures. All employees, including staff in leadership positions, need to understand what gender-based discrimination is and how to prevent and combat it. Codes of conduct currently in place mention discrimination and sexual harassment only briefly (see Appendix 4). Hence, these policies alone will neither encourage employees to report gender-based discrimination or sexual harassment, nor will it reduce instances of these behaviours. Continuous training, efficient oversight, and explicit policies have the potential to increase the confidence of employees in reporting and combating all types of discrimination and this has been stressed throughout the report.

All stakeholders who participated in this research acknowledge that women are currently underrepresented in security sector institutions and that this situation needs to be improved. Nonetheless, concrete activities to increase the numbers of women in leadership or operational positions are still scarce. The insufficient representation of women in political life, in spite of quotas for candidate lists, is another worrying trend.

In Chapter Five the dedicated actions of CSOs, centres for social work, police, and the judiciary in combating GBV were highlighted. Findings point to a number of challenges with the current system: Nine safe houses in BiH are not enough to address the needs of victims of GBV. In addition, more attention needs to be paid to the downsides of this intervention; safe houses provide temporary relief for victims but they are not a sustainable solution for addressing GBV. More attention needs to be paid to adequately penalising perpetrators, building the economic independence of women, and making sure that violence does not reoccur within families. This can only be done with joint and coordinated efforts of all stakeholders involved and by increasing the capacities of centres for social work, safe houses, and the judiciary.

Gaps in gender-sensitive budgeting are especially evident in the lack of support for victims of violence, including insufficient funding of safe houses and other support structures, like crisis telephone hotlines. In addition, information exchange mechanisms between different services need to be improved, so that professionals receive feedback on specific service users. Data collection systems on GBV need to enable the monitoring of trends and changes and include an evaluation of the impact of strategies employed to support victims.

Furthermore, it emerged that the system needs to be accessible and adjusted to service users of different abilities and backgrounds. For instance, Roma people, especially Roma women, suffer high levels of social exclusion, which makes them more vulnerable to harassment and abuse. This is also true for disabled women and men, as well as those living in rural and isolated places.

In identifying obstacles for change, participants in the local consultations most often referred to the persistence of patriarchal values in which women and children are often perceived and treated as subordinate and economically dependent. Traditional values should not serve as an excuse, justification, or absolution as to why the situation is not improving. Tradition is not static; it changes as society grows and develops. It is a joint responsibility to challenge tradition, when this tradition presents an obstacle to the fulfilment of human rights.

Increasing visibility, greater representation of women in police forces, as well as community policing strategies have been identified as ways to build trust and facilitate cooperation between police and citizens. The needs assessment shows that initiatives like citizen security forums and cooperation memorandums between different institutions and organisations, regardless of whether they are national or local, can greatly contribute to building a safe environment and democratic governance. While the participation of women at home and in peacekeeping operations is still modest, there is also a growing willingness of defence forces to

respond to the changing context of their defence and peacekeeping operations.

The theme that kept re-emerging during the local consultations is that SSR does not begin or end with security institutions. It cuts across all levels of community, the education system, CSOs, and all mechanisms through which citizens seek fulfilments of their rights. For example, children need to learn in school about how to recognise discrimination and combat violence, and they need to grow up familiar with the support system in their community, but they should also be able to be confident that this system will provide them adequate prevention and protection if they are in need.

Appendix 1: Questionnaire guiding stakeholder interviews and Consultations

The following questions were used in interviews with representatives of the security sector institutions in Bosnia and Herzegovina at all levels:

Policies and procedures

1. Existence of an institutional gender policy and/or policies that specifically address the different needs of male and female police staff and the different security needs of women, men, boys and girls (service recipients)/armed forces personnel/within the Ministry of justice that specifically address the different needs of male and female staff and justice service recipients/ different needs of male and female staff within the penal service and men and women within the penal population (including prisoners, people released on bail or on probation, serving community service, etc.).. Does it have a budget attached? *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
2. Human resource policies on marriage, pregnancy, maternity and paternity leave, health care, working hours, retirement and other benefits for male and female staff and their families/ for male and female justice sector staff and their families (including judges, court personnel, office of the prosecutor, public legal aid services, etc).. *Please describe each one in detail making note of any differences for male and female staff and attach copies if possible.*
3. Existence of a sexual discrimination, sexual harassment and/or sexual exploitation and abuse policy for police staff/for armed forces personnel/ for justice sector staff (including judges, court personnel, office of the prosecutor, public legal aid services, etc)/ for penal service staff.. *Please list title(s) and date(s) of policies and attach copies. If a copy can not be attached, please describe in detail.*
4. Existence of a gender-sensitive code of conduct in the police/armed forces/ code of conduct or ethical guidelines for judges, prosecutors and/or lawyers. *Please list title and date of the code of conduct and attach a copy. If a copy can not be attached, please describe in detail.*

5. Existence of standard operating procedures for responding to cases of human trafficking, domestic violence or sexual assault/violence. *Please describe in detail and attach copies if possible.*
 6. Existence of clear procedures for interaction between male and female prison staff and prisoners (for instance male prison staff should never search women prisoners or be permitted in areas where female prisoners dress and/or take showers). *Please describe in detail and attach copies if possible.*
 7. Existence of clear policies and procedures for male and female prisoners regarding family and conjugal visits. *Please describe in detail making note of any differences for male and female prisoners and attach copies if possible.*
 8. Existence of clear policies and procedures regarding pregnant prisoners, nursing mothers and children of prisoners. *Please describe in detail making note of any differences for male and female prisoners and attach copies if possible.*
 9. Existence of procedures for reporting, investigating and penalising discrimination, sexual harassment or other gender-based violence perpetrated by police staff against co-workers and members of the public/ perpetrated by armed forces or gendarmerie personnel against co-workers and civilians.. *Please describe.*
 10. Existence of specific procedures for trying cases on human trafficking, domestic violence, sexual assault/violence, or sexual exploitation and abuse. For instance procedures for victim and witness protection or rules of evidence and procedures concerning testimony or admissibility of evidence. *Please describe in detail and attach copies if possible.*
 11. Existence of procedures for reporting, investigating and penalising discrimination, sexual harassment or other gender-based violence perpetrated by prison staff against co-workers and prisoners or by prisoners against prisoners. *Please describe.*
-

Institutional structure

- 12.** Existence of internal institutional gender structures such as gender focal points, equal opportunity offices, etc that a staff can turn to. *Please describe the mandate and human and material resources (budget) allocated to existing structures.*

- 13.** Existence of specialised services/structures for male and female service recipients such as special units to respond to cases of domestic violence or violence against women, women's police stations, private areas for interviewing victims of violence, etc. *Please describe the mandate and human and material resources (budget) allocated to existing services/structures.*

- 14.** Existence of separate prisons for male and female prisoners and for male and female juveniles and adults.

- 15.** Existence of specialised services/structures for male and female service recipients such as 'access to justice' programmes for women, courts on domestic violence and/or sexual assault, legal aid services for women, screens or private rooms to interview victims of violence, play room/day care for children etc. *Please describe the mandate and human and material resources (budget) allocated to existing services/structures.*

- 16.** Existence of specialised education, training and rehabilitation services/structures for male and female prisoners juvenile and adult prisoners. *Please describe the services and its availability.*

- 17.** Existence of specialised health and drug treatment services/structures for male and female juvenile and adult prisoners (including access to reproductive and mental health care). *Please describe the services and its availability.*

- 18.** Existence of formal or informal collaboration mechanisms with women's non-governmental organisations or ministry responsible for gender/women's affairs, for instance through an established referral system or a joint taskforce on gender-based violence/through consultation processes on defence policy or public liaison offices/joint victim services centers/joint prison rehabilitation programs or CSO activities in prisons. *Please describe in detail.*

Personnel

19. Number (or percentage) of male and female police staff/armed forces personnel/ male and female justice sector staff including judges, court personnel, office of the prosecutor, lawyers and public legal aid services/prison staff. *Please include what year this data is from and try to get the most recent data possible.*
20. Number (or percentage) of male and female juvenile and adult prisoner (pre-trial and post-trial) and people under non-custodial measures (i.e. released on bail or on probation or serving community service). *Please include what year this data is from and try to get the most recent data possible.*
21. Number and percentage of male and female judges in the most senior courts (e.g. High Court, Constitutional Court) broken down by level of seniority and types of courts that they preside in.
22. Number and percentage of male and female senior-level vs. entry-level staff, including rank and unit if possible.
23. Number of male and female staff participating in peacekeeping missions including rank and type of position (for instance civilian vs military vs police).
24. Rates of attrition (drop out) for male vs. female personnel.
25. Existence of numerical or percentage recruitment targets for women in the police/armed forces/for female prison staff. *Please describe in detail including date of adoption.*
26. Existence of numerical or percentage recruitment targets for women in law schools, as lawyers, prosecutors or as judges. *Please describe in detail including date of adoption.*
27. Existence of vetting procedure that includes vetting for past perpetration of human rights violations against women, such as domestic violence or sexual assault. *Please describe.*
28. Any positions/units that women or men are not allowed to serve in, or where it is institutional practice that women or men do not serve in that position/unit.

- 29.** Existence of specific measures in place to increase the recruitment, retention and advancement of women in the police/armed forces/at the level of judges and prosecutors/prison staff. For instance, developing recruitment materials that show pictures of women, accelerated high school diploma training for women, female recruitment staff, public information campaigns, different recruitment criteria, lateral entry schemes (fast track), mentoring programmes, reviewing recruitment and promotion criteria, on-the-job career training for women, etc. *Please describe.*
- 30.** Existence of a female staff association or a women's section of a staff association/female judges and prosecutors associations. *Please include information on size of membership, year established, mandate and current activities.*
- 31.** Existence of different infrastructure and facilities for female and male staff such as separate bathrooms, different uniforms or separate lodgings.

Training

- 32.** Existence of gender training, such as specific training sessions on gender-awareness, sexual harassment, sexual exploitation and abuse, domestic violence, sexual assault, human trafficking or rape prevention. *Please describe length and content of the training sessions, whether or not it is mandatory and who provides the training. Number and type of personnel that has undergone this training?*
- 33.** Existence of gender education or training in law schools, lawyers' professional training or training for judges. For example training sessions or courses on gender-awareness, laws on women's rights or domestic violence, or evidentiary requirements in rape cases. *Please describe the length and content of the training sessions/courses and who provides the training. How many lawyers/judges have undergone this training?*
- 34.** Do other training sessions, such as on human rights or rule of law or codes of conduct include information on gender issues? *Please describe.*

Internal and external oversight

35. Existence of internal oversight mechanisms/bodies such as boards of inquiry or a conduct and discipline unit/internal inspections with a mandate to investigate gender issues within the police service such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of activities. Number of male and female staff within the internal oversight body?*
-
36. Existence of external oversight mechanisms/bodies (such as ombudsoffices or human rights commissions or independent inspection mechanisms) with a mandate to investigate gender issues within the police service/within the armed forces/within the justice sector such as discrimination, harassment and gender-based violence. *Please describe the mandate and give an overview of the activities. Number of male and female staff within the external oversight body?*
-
37. Existence of formal mechanisms for involvement of civil society organisations in oversight (such as a local police board or community security committees). *Do external oversight mechanisms/bodies include civil society organisations and more specifically women's organisations?*
-
38. Number of reports to internal and/or external oversight mechanisms of discrimination, sexual harassment or other gender-based violence in the last year or most recent data available. *Please specify who they were reported to. How many of these reports were investigated? Who investigated? Number of staff penalised for sexual harassment or other gender-based violence in the last year. How were they penalised?*
-



Gender and Security Sector Reform in BiH

The following questions were used in interviews with representatives of the CSOs in Bosnia and Herzegovina that are directly involved in issues related to security and gender:

1. Is your organisation involved in security issues and security sector reform in Bosnia and Herzegovina on state/entity/canton level? Please describe how.

2. Do you take part in policy making (legislations/plans of actions/guidelines) in relation to security sector reform on the local level in BiH on state/entity/canton level? Please describe how.

3. Does your organisation have activities in improving security on the local level? How? What activities or projects?

4. Do you cooperate with the state/entity/cantonal/District security institutions? (existence of formal mechanisms to include civil society organizations in the security sector)

5. Are gender issues integrated in the security sector in Bosnia and Herzegovina on the state/entity/cantonal/municipal levels? If yes, please describe how.

6. Existence of consultations between security institutions and women's organisations. Please give examples

7. Are there support mechanisms on the local level for women victims of physical/sexual violence? It can include projects by civil society organisations or institutional support. Please describe.

Appendix 2: List of interviewees

In each of the following institutions, governmental bodies, and CSOs at least one person was interviewed. For reasons of privacy, the identity of interviewees is confidential.

1. Ministry of Defence of Bosnia and Herzegovina
2. Armed Forces of Bosnia and Herzegovina
3. Parliamentary Commission on Defence and Security
4. Parliamentary Military Commissionaire for Bosnia and Herzegovina
5. Ministry of Security of Bosnia and Herzegovina
6. State Investigation and Protection Agency (SIPA)
7. BiH Border Police
8. Ministry of Interior of the Federation of Bosnia and Herzegovina
9. Police Department of the Federation of Bosnia and Herzegovina
10. Ministry of Interior of Republika Srpska
11. Ministry of Interior of Tuzla Canton
12. Ministry of Interior of Herzegovina-Neretva Canton (Mostar)
13. Ministry of Interior of Livno Canton
14. Ministry of Interior of Una-Sana Canton (Bihać)
15. Ministry of Interior of Srednja-Bosna Canton (Travnik)
16. Ministry of Interior of Zenica-Doboj Canton (Zenica)
17. Ministry of Interior of Bosna-Podrinje Canton (Goražde)
18. Police Department of Goražde
19. Ministry of Justice of Bosnia and Herzegovina
20. Ministry of Justice of Republika Srpska
21. High Judicial and Prosecutorial Council Bosnia and Herzegovina
22. Ministry of Justice of Zenica-Doboj Canton
23. Ministry of Justice of Tuzla Canton
24. Ministry of Justice of Una-Sana Canton (Bihać)
25. Ministry of Justice of Hercegovina-Neretva Canton (Mostar)
26. Ministry of Justice of Livno Canton
27. Ministry of Justice of Bosna-Podrinje Canton (Goražde)
28. Association of Women Judges of Bosnia and Herzegovina



Gender and Security Sector Reform in BiH

29. Prison Zenica
30. Prison Mostar
31. Agency for Gender Equality in Bosnia and Herzegovina
32. Gender Center of Republika Srpska
33. Gender Center of the Federation of Bosnia and Herzegovina
34. Infoteka, Zenica
35. Žena BH, Mostar
36. Žene sa Une, Bihać
37. Lara, Bijeljina
38. Goraždanke, Goražde
39. Centar za građansku saradnju, Livno
40. Helsinški komitet za ljudska prava BL
41. EU Police Mission in Bosnia and Herzegovina
42. EUFOR
43. UNDP
44. UN Women

Appendix 3: List of local consultations

The following is a list of the local consultations that were organized for this needs assessment. In each consultation, relevant local stakeholders from civil society, women's organizations, as well as governmental and security sector institutions participated.

03 November 2010	Sarajevo, Introductory roundtable	40 participants
22 February 2011	East Sarajevo	30 participants
23 February 2011	Zenica	26 participants
17 March 2011	Cazin	35 participants
18 March 2011	Prijedor	25 participants
05 April 2011	Srebrenica	27 participants
06 April 2011	Bijeljina	27 participants
07 April 2011	Brčko	24 participants
11 April 2011	Trebinje	20 participants
12 April 2011	Mostar	21 participants
13 April 2011	Livno	18 participants
28 June 2011	Sarajevo	50 participants
29 September 2011	Banja Luka	30 participants

Appendix 4: List of policies and legislation reviewed

1. Action Plan on the Implementation of UNSCR 1325¹¹²
2. Code of Conduct for Judges¹¹³
3. Code of Conduct for Prosecutors¹¹⁴
4. Code of Ethics for the BiH Border Police¹¹⁵
5. Code of Conduct for the Armed Forces of Bosnia and Herzegovina
6. Code of Ethics of Police and Civil Servants in Brčko District¹¹⁶
7. Code of Ethics of Police Servants in the Federation of Bosnia and Herzegovina
8. Code of Ethics of Police Servants in Republika Srpska
9. Code of Ethics of Police Servants with the State Investigations and Protection Agency¹¹⁷
10. Code on Admission to Military Service
11. Constitution of Bosnia and Herzegovina¹¹⁸
12. Constitution of the Federation of Bosnia and Herzegovina¹¹⁹
13. Criminal Code of Bosnia and Herzegovina¹²⁰
14. Criminal Code of Brčko District¹²¹
15. Criminal Code of Republika Srpska¹²²
16. Criminal Code of the Federation of Bosnia and Herzegovina¹²³
17. Doctrine on Military Training of the Armed Forces of Bosnia and Herzegovina
18. Election Law of Bosnia and Herzegovina¹²⁴
19. Family Law of Brčko District¹²⁵

112 Official Gazette of BiH, 92/10.

113 Available at: <http://www.usbih.ba/et-kod/?cid=13,2,1>

114 Available at: <http://www.tuzilastvobih.gov.ba/?opcija=sadrzaj&kat=1&id=25&jezik=h>

115 Available at: <http://www.granpol.gov.ba/home/kodeks/Template.aspx?cid=6,3,1>

116 Available at: <http://www.policijabdbih.gov.ba/TOpvijesti/Eticki%20kodeks%20PBD%20BiH.pdf>

117 Available at: www.sipa.gov.ba/bs/kodeks/etickikodeksbo.pdf

118 Available in Bosnian/Serbian/Croatian at: http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_bos.pdf

119 Official Gazette of the FBiH, 1/94.

120 Official Gazette of BiH, 03/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, and 08/10.

121 Official Gazette of Brčko District, 10/03, 45/04, 06/05, and 21/10.

122 Official Gazette of RS, 49/03, 108/04, 37/06, 70/06, and 73/10.

123 Official Gazette of the FBiH, 03/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, and 93/09.

124 Official Gazette of BiH, 23/01, 20/02, 25/02, and 4/04.

125 Official Gazette of Brčko District, 23/07.

20. Family Law of the Federation of Bosnia and Herzegovina¹²⁶
21. Family Law of Republika Srpska¹²⁷
22. Gender Action Plan (GAP) and the Financial mechanism for Implementation of GAP (FIGAP)¹²⁸
23. Labour Law of Republika Srpska¹²⁹
24. Law on Administration in the Federation of Bosnia and Herzegovina¹³⁰
25. Law on the BiH Border Police¹³¹
26. Law on Civil Service in the Institutions of Bosnia and Herzegovina¹³²
27. Law on Civil Service in the Institutions of Brčko District¹³³
28. Law on Court Police of Bosnia and Herzegovina¹³⁴
29. Law on the Criminal Procedure of Bosnia and Herzegovina¹³⁵
30. Law on the Criminal Procedure of Brčko District¹³⁶
31. Law on the Criminal Procedure of the Federation of Bosnia and Herzegovina¹³⁷
32. Law on the Criminal Procedure of Republika Srpska¹³⁸
33. Law on Defense of Bosnia and Herzegovina¹³⁹
34. Law on the Execution of Penal Sanctions, Custody and Other Measures in Bosnia and Herzegovina¹⁴⁰
35. Law on the Financing of Political Parties¹⁴¹
36. Law on Gender Equality in Bosnia and Herzegovina¹⁴²
37. Law on Interior Affairs of Republika Srpska¹⁴³

126 Official Gazette of the FBiH, 35/05, and 41/05.

127 Official Gazette of RS, 54/02 and 41/08.

128 Available at: www.arsbih.gov.ba/en/strategiec/gender-action-plan-gap and www.figap.ba

129 Official Gazette of RS, 38/00, 40/00, 47/02, 38/03, 66/03, and 20/07.

130 Official Gazette of the FBiH, 35/05.

131 Official Gazette of BiH, 50/04, 27/07, and 59/09.

132 Official Gazette of BiH, 12/02, 19/02, 4/04, 26/04, 37/04, 48/05, 02/06, 32/07, 43/09, and 08/10.

133 Official Gazette of Brčko District, 28/06, 25/09, 19/07, 2/08, and 44/08.

134 Official Gazette of BiH, 21/03.

135 Official Gazette of BiH, 03/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, and 93/09.

136 Official Gazette of Brčko District, 10/03, 48/04, 06/05, 12/07, 14/07, and 21/07.

137 Official Gazette of the FBiH, 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09, and 12/10.

138 Official Gazette of RS, 50/03, 111/04, 115/04, 29/07, 68/07, 119/08, and 100/09.

139 Official Gazette of BiH, 43/03 and 88/05.

140 Official Gazette of BiH, 13/05, 53/07, 97/07, and 37/09.

141 Official Gazette of BiH, 22/00.

142 Official Gazette of BiH, 16/03, 102/09 and 32/10.

143 Official Gazette of RS, 48/03.

Gender and Security Sector Reform in BiH

38. Law on Interior Affairs of Tuzla Canton¹⁴⁴
39. Law on Interior Affairs of the Federation of Bosnia and Herzegovina¹⁴⁵
40. Law on Labour for the Institutions of Bosnia and Herzegovina¹⁴⁶
41. Law on Ministerial Appointments, Appointments of Members of the Council of Ministers and other Appointments of Bosnia and Herzegovina¹⁴⁷
42. Law on Ministry, Government and other appointments in the Federation of Bosnia and Herzegovina¹⁴⁸
43. Law on Ministry, Government and other appointments in Republika Srpska¹⁴⁹
44. Law on Participation of Members of the Armed Forces of Bosnia and Herzegovina, Police Officers, Public Servants and Other Employees in Peacekeeping Missions and Other Activities Abroad¹⁵⁰
45. Law on the Police of Brčko District of Bosnia and Herzegovina¹⁵¹
46. Law on the Police of Republika Srpska¹⁵²
47. Law on Police of the Federation of Bosnia and Herzegovina¹⁵³
48. Law on the Witness Protection Programme in Bosnia and Herzegovina¹⁵⁴
49. Law on Protection against Domestic Violence in the Federation of Bosnia and Herzegovina (currently under adoption in parliamentary procedure)¹⁵⁵
50. Law on Protection of Witnesses under Threat and Endangered Witnesses¹⁵⁶
51. Law on Public Service in Republika Srpska¹⁵⁷

144 Available in Bosnian/Serbian/Croatian at: http://www.vladatk.kim.ba/vlada/Dokumenti/Zakoni/Zakon_o_unutrasnjim_poslovima.htm

145 Official Gazette of the FBiH, 49/05.

146 Official Gazette of BiH, 26/04, 7/05, and 48/05.

147 Official Gazette of BiH, 37/03.

148 Official Gazette of the FBiH, 12/03 and 34/03.

149 Official Gazette of RS, 41/03.

150 Official Gazette of BiH, 14/05.

151 Official Gazette of Brčko District, 31/09 and 60/10.

152 Official Gazette of RS, 43/10.

153 Official Gazette of the FBiH, 27/05 and 70/08.

154 Official Gazette of BiH, 29/04.

155 This Law will enable more efficient protection of victims of domestic violence and establish unified protection measures, forms of victims' protection within their families, a multidisciplinary approach in procedures of victims' protection and implementation of protection measures, as well as a systematic approach to financing of services for victims of domestic violence.

156 Official Gazette of BiH, 13/05, 53/07, 97/07, and 37/09.

157 Official Gazette of RS, 118/08.

52. Law on Public Service in the Federation of Bosnia and Herzegovina¹⁵⁸.
53. Law on Salaries and Allowances in the Institutions of Bosnia and Herzegovina¹⁵⁹
54. Law on Salaries of Employees in the Administration of Republika Srpska¹⁶⁰.
55. Law on Service in the Armed Forces of Bosnia and Herzegovina¹⁶¹
56. Law on the State Prosecutor of Bosnia and Herzegovina¹⁶²
57. Law on the Basis of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Federation of Bosnia and Herzegovina¹⁶³
58. Law on the Government of the Federation of Bosnia and Herzegovina¹⁶⁴
59. Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina¹⁶⁵
60. Law on the Movement and Stay of Foreigners and Asylum¹⁶⁶
61. Law on the Protection of Civilian Victims of War in Republika Srpska¹⁶⁷
62. Law on the State Court of Bosnia and Herzegovina¹⁶⁸
63. Law on the State Investigation and Protection Agency (SIPA)¹⁶⁹ and the Law on the Intelligence Security Agency¹⁷⁰
64. Law Prohibiting Discrimination¹⁷¹
65. Law on Protection against Domestic Violence in the Federation of Bosnia and Herzegovina¹⁷²
66. Law on Protection against Domestic Violence in Republika Srpska¹⁷³

158 Official Gazette of the FBiH, 29/03, 23/04, 39/04, 54/04, 67/05, and 08/06.

159 Official Gazette of BiH, 50/08 and 35/09.

160 Official Gazette of RS 118/07, 116/09, and 1/11.

161 Official Gazette of BiH, 14/05.

162 Official Gazette of BiH, 49/09.

163 Official Gazette of the FBiH, 36/99, 54/04, 39/06, and 14/09.

164 Official Gazette of the FBiH, 1/94, 8/95, 58/02, and 19/03.

165 Official Gazette of BiH, 25/04.

166 Official Gazette of BiH, 36/08.

167 Official Gazette of RS, 25/93, 32/94, 37/07, 60/07, 111/09, and 118/09, and final text 24/10.

168 Official Gazette of BiH, 49/09.

169 Official Gazette of BiH 63/04, 35/05, and 49/09.

170 Official Gazette of BiH, 12/04.

171 Official Gazette of BiH, 59/09.

172 Official Gazette of the FBiH, 22/05 and 51/06.

173 Official Gazette of RS, 118/05 and 17/08.

Gender and Security Sector Reform in BiH

67. Protocol on mechanisms to deal with family violence in Canton 10
68. Resolution for ending domestic violence against women¹⁷⁴
69. Resolution on the Prevention of juvenile delinquency and violence among children and youth¹⁷⁵
70. Rulebook on Military Discipline and Disciplinary Procedure
71. Rules of Procedure of the House of Peoples of the Federation of Bosnia and Herzegovina¹⁷⁶
72. Rules of Procedure of the House of Peoples of the Parliamentary Assembly of BiH¹⁷⁷
73. Rules of Procedure of the House of Representatives of the Federation of Bosnia and Herzegovina¹⁷⁸
74. Rules of Procedure of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina¹⁷⁹
75. Rules of Procedure of the National Assembly of the Republika Srpska¹⁸⁰
76. Statute of Brčko District¹⁸¹
77. Strategic Plan for the Prevention of Domestic Violence for the Federation of Bosnia and Herzegovina 2009-2011
78. Strategy for Combating Domestic Violence in Republika Srpska 2009-2013
79. Strategy for Combating Violence against Children in Bosnia and Herzegovina¹⁸²
80. Strategy for Preventing and Combating Domestic Violence in Bosnia and Herzegovina 2009-2011¹⁸³
81. Strategy on Reform of the Justice Sector in Bosnia and Herzegovina 2008-2012¹⁸⁴

174 Official Gazette of BiH, 15/08.

175 Official Gazette of BiH 10/08

176 Official Gazette of FBiH, 27/03.

177 Official Gazette of BiH, 27/00.

178 Official Gazette of FBiH, 8/97.

179 Official Gazette of BiH, 20/00.

180 Official Gazette of RS, 50/00.

181 Official Gazette of BiH, 9/00 and 7/04.

182 Bosnia i Hercegovina Ministarstvo za ljudska prava i izbjeglice, Državna Strategija za Borbu Protiv Nasilja nad Djecom 2007-2010 (2007) <http://www.mhrr.gov.ba/Vijece/PDF/?id=450>

183 Decision on adoption of the Strategy was announced in the Official Gazette of BiH, 70/09.

184 Bosnia i Hercegovina Ministarstvo Pravde, *Strategija za Reformu Sektora Pravde u Bosni i Hercegovini za Period od 2008 do 2010 godine* (2006) http://www.mpr.gov.ba/userfiles/file/Projekti/SRSP_u_BiH_-_Bj.pdf

82. Training and Military Education Policy within the Armed Forces of Bosnia and Herzegovina (2006) and its Directives for Defence Planning (2008)
83. Vlašić procedures
84. White Paper on Defence (2005)¹⁸⁵

Appendix 5: Table of legal provisions on non-discrimination and gender equality in the civil service of BiH

The following table lists all provisions on non-discrimination and gender equality as mentioned in relevant laws at the state and entity levels in BiH.

Level	Law	Article on Non-Discrimination	Article on Equal Representation	Other Gender-Relevant Provisions
State	Constitution of Bosnia and Herzegovina	Guarantees non-discrimination on the basis of gender and sexual orientation, and equality for women and men.		Annex I is an additional agreement on 15 international documents of Human Rights, including: CEDAW; the Convention on Citizenship of Married Women; the International Covenant on Citizen and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the Convention on the Rights of the Child.
Entity (FBiH)	Constitution of the Federation of Bosnia and Herzegovina	Guarantees non-discrimination on the basis of gender and sexual orientation, and equality for women and men.		
Entity (RS)	Constitution of Republika Srpska	Guarantees non-discrimination on the basis of gender and sexual orientation, and equality of women and men.		
Brčko District	Statute of Brčko District	Guarantees non-discrimination on the basis of gender and sexual orientation, and equality for women and men.		

Level	Law	Article on Non-Discrimination	Article on Equal Representation	Other Gender-Relevant Provisions
State	Law on Gender Equality in Bosnia and Herzegovina		<p>Article 15: "State and local authority bodies, corporate management bodies, political parties and other non-profit organizations shall ensure and promote equal representation on the basis of gender in management and the decision-making process."</p>	
State	Election Law of Bosnia and Herzegovina		<p>Article 4.19: "Every candidates list shall include candidates of male and female sex. The minority gender candidates shall be distributed on the candidates list in the following manner. At least one (1) minority gender candidate amongst the first two candidates, two (2) minority gender candidates amongst the first five (5) candidates, and three (3) minority gender candidates amongst the first eight (8) candidates et seq. The number of minority gender candidates shall be at least equal to the total number of candidates on the list, divided by three (3) rounded up to the closest higher integer."</p>	

Gender and Security Sector Reform in BiH

Level	Law	Article on Non-Discrimination	Article on Equal Representation	Other Gender-Relevant Provisions
State	Rules of Procedure of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina			
State	Law on Civil Service in the Institutions of Bosnia and Herzegovina	Article 15 §2: “A civil servant shall be entitled to receive fair and equitable treatment in all aspects of personnel management without regard to his ethnic origin, social origin, entity citizenship, residency, religion, political or other opinion, sex, color, birth, marital status, age, property, handicapping condition or other status.”	No direct provision but, according to Article 24§1, “The Agency of Civil Service shall appoint specific selection committees that are impartial at administering public open competitions.” Impartiality is supposed to include gender balance. ¹²⁸	
Entity (FBiH)	Law on Public Service in the Federation of Bosnia and Herzegovina	Article 18 guarantees non-discrimination of public officials on the ground of sex and other aspects of personal identity.	No direct provision, but Article 26 stipulates that the entity Agency for Public Service will take into account gender balance when holding public competitive hires. Article 30 asserts that the commission for selection chooses candidates solely on the grounds of their professional abilities.	

¹²⁸ In Article 54, offences of duty are named, and Para. m) specifies discrimination and GBV, sexual and gender-based harassment, as well as any other kind of discrimination. Following that provision, Article 63 a, Para. 8, stipulates that a monetary fine will be imposed on any public official accused of acts of discrimination, gender-based or sexual violence or harassment, or any other kind of discrimination according to the Law on Civil Service in the Institutions of BiH.

Gender and Security Sector Reform in BiH

Level	Law	Article on Non-Discrimination	Article on Equal Representation	Other Gender-Relevant Provisions
Entity (RS)	Law on Public Service in Republika Srpska	Article 7 guarantees non-discrimination of public officials on the ground of personal identity and stipulates that public servants must respect principles of equal opportunities and diversity. Article 68 §2 j) establishes that discrimination on any basis (age, gender, disability, national and ethnic background, language, and religion) is a severe violation.	Article 34§3 states that the Commission for the selection of candidates, when possible, must reflect ethnic and gender balance.	Article 116 §31 g) prescribes a financial penalty of KM 500-1500 if RS government administration does not guarantee public servants fair treatment, human resource policies, in-service training, etc., regardless of age, disability, gender, or religious, ethnic, or political orientation.
Brčko District	Law on Civil Service in the Institutions of Brčko District	Article 7 guarantees equal treatment and equal opportunities for all officials. Article 23 stipulates that the recruitment process of public officials must not be discriminatory.	Article 26 contends that if more persons hold equal professional qualifications in accordance with specific requirements of a competition, it is permitted to list the most qualified candidates grouped by ethnicity, gender, age, and professional experience. However, such lists must not be abused and should not lead to recruitment of a less qualified candidate.	
State	Law on Labour in the Institutions of Bosnia and Herzegovina	Guarantees non-discrimination on the basis of sex.		<i>See provisions regarding pregnancy and motherhood in the following section.</i>

Level	Law	Article on Non-Discrimination	Article on Equal Representation	Other Gender-Relevant Provisions
State	Law on Ministerial Appointments, Appointments of Members of the Council of Ministers and other Appointments of Bosnia and Herzegovina			
Entity (FBiH)	Law on Ministry, Government and other appointments in the Federation of Bosnia and Herzegovina	Guarantees non-discrimination on the base of sex in appointment processes.		
Entity (RS)	Law on Ministry, Government and other appointments in Republika Srpska	Guarantees non-discrimination on the base of sex in appointment processes.		

Appendix 6: Table of legal provisions regarding maternity in State, Entity and District civil service in BiH

The following table summarizes the main benefits regarding maternity provided for in state- and entity-level labour laws. Provisions of the entity laws are only mentioned when they differ significantly from the Labour Law for Institutions of BiH or add a new benefit, not previously mentioned.

Gender and Security Sector Reform in BiH

Level	Law	Provisions regarding Pregnancy	Provisions regarding Maternity leave	Other Provisions relevant to Parenthood
State	Law on Labour in the Institutions Bosnia and Herzegovina	<p>Article 34 states that an employer must not refuse to hire, and in case she is already employed, must not dismiss a woman because of her pregnancy.</p>	<p>Article 36 §1: Women are entitled to maternity leave of six months uninterrupted during pregnancy, childbirth, and child care. They can also use a shorter period of maternity leave, but not less than 42 days after delivery. Based on the findings of an authorized physician, a woman can start her maternity leave 28 days before delivery.</p> <p>Article 42: During his or her parental leave, the employee is entitled to compensation in accordance with applicable law (of an unspecified amount).</p> <p>Article 37: Fathers are entitled to paternity leave only in cases of the death of their child's mother, if the mother abandons the child, or if she has justified reasons preventing her from exercising her right to maternity leave.¹⁸⁵</p>	<p>Article 41: Mothers with children of up to three years of age or single mothers/fathers with children of up to six years of age can work overtime only with their own written consent.</p> <p>Article 39: Women who return to work full time have the right to be absent for an hour every day in order to breastfeed a child up to one year of age, provided this necessity is based on the findings of an authorized doctor. This hour counts as working time.</p>

¹⁸⁷ Currently there are discussions in BiH on amending this provision in order to make the conditions and criteria for paternal leave considerably simpler and more equitable.

Gender and Security Sector Reform in BiH

Level	Law	Provisions regarding Pregnancy	Provisions regarding Maternity leave	Other Provisions relevant to Parenthood
State	Law on Labour in the Institutions Bosnia and Herzegovina	Article 36 §1: During pregnancy or breastfeeding a woman can be assigned to other duties, with no reduction in salary and with her written consent. Pregnant women must be assigned to other duties if it is in the interest of their health condition. If an employer is unable to secure this deployment women have the right to a paid absence from work.	Article 38: After the expiry of their maternity leave women with children under one year of age have the right to work half-time if the child, according to an authorized health care institution, requires intensive care. The father may use the same right if the mother works full time. The employee is still entitled to receive compensation for the half-time he or she is not working.	Article 102 foresees sanctions for any employer violating the provisions of Articles 14, 21, and 34-43 of the Law (all related to gender non-discrimination and protection of parenthood)
State			Article 41: After the expiry of parental leave, one of the parents may be absent from work until the child turns three years, if it is so provided by an act of the employer. The rights and obligations of the employee in question however, are suspended in this case.	

Level	Law	Provisions regarding Pregnancy	Provisions regarding Maternity leave	Other Provisions relevant to Parenthood
Entity (FBiH)	Law on Labour of the Federation of Bosnia and Herzegovina		Article 55: Women are entitled to maternity leave in the period of one year uninterrupted, or, in case they give birth to twins, or for third child and every next child after that a woman is entitled to 18 months maternity leave uninterrupted. ¹⁸⁶	
Entity (RS)	Labour Law of Republika Srpska	Article 52 prohibits night work for pregnant women after their sixth month of pregnancy as well as for mothers whose children are up to one year old.	Article 84: The law specifies the amount of the compensation that a person taking parental leave receives: The average of the three monthly salaries before the months of maternity leave. In case a woman did not receive any monthly salary in the course of six months previously, she is still entitled to receive compensation equal to an average monthly salary guaranteed by her contract.	

¹⁸⁸ A similar rule cannot be applied at the state level, as the Law on Labour in the Institutions of BiH does not contain this rule. With regard to employees in institutions of the F BiH, also the Law on Salaries and Allowances in the Institutions of the F BiH (Official Gazette of the FBiH, 45/10) has to be considered. Article 33 of this Law regulates maternity allowances so that public employees have the right to maternity allowance according to relevant cantonal regulations, based on place of work and not place of residence.

Appendix 7: Mapping the key activities related to the implementation of the UNSCR 1325

The Agency for Gender Equality in BiH initiated the establishment of a Coordination Board for monitoring of the National Action Plan for the Implementation of UNSCR 1325. The Board was established by the decision of the Council of Ministers of BiH at its 154th session, held on 29 June 2011.

In its first report, monitoring the implementation of UNSCR 1325 in BiH from 27 July 2010 to 27 July 2011 (from the adoption of the Action Plan through its first anniversary), the Coordination Board noted the following main achievements and activities:¹⁸⁹

- The Agency for Gender Equality in BiH initiated **Amendments to the Law on Gender Equality in BiH**. These amendments redefine rules, terms, and definitions of the Law, thus harmonising them with international standards and making them more easily applicable in practice. The BiH Parliamentary Assembly adopted the **cleared text of the new Law on Gender Equality in BiH**. It is published in the Official Gazette of BiH, 32/10.
- The BiH Ministry of Defence and NATO HQ Sarajevo developed a joint concept and organised workshops on gender for members of the Ministry of Defence and the Armed Forces of BiH.
- On the occasion of the 10th anniversary of UNSCR 1325, NATO HQ organised a workshop for managing public officials employed with the Ministry of Defence of BiH and for higher ranking officers of the Armed Forces of BiH. In continuation of this first activity, NATO HQ Sarajevo also organised a workshop on NATO and UNSCR 1325 that brought together battalion commanders, officers, soldiers, and CSOs.
- A representative of the Agency for Gender Equality in BiH held a training at the Peace Support Operations Training Centre (PSOTC) of BiH on “Gender equality and perspectives within the Armed Forces.”

¹⁸⁹ Full Report on Implementation of the Action Plan for Implementation of UNSCR 1325 «Women, Peace and Security» in Bosnia and Herzegovina for 2011 is available in the Agency for Gender Equality of BiH.

- **A needs assessment, “Prevention and elimination of GBV in BiH” on training in the entity Ministries of Interior** has been conducted in the framework of the joint project of the Agency for Gender Equality in BiH and the Gender Centres of each entity, supported by UNDP and UNFPA in BiH. This needs assessment also provided a mapping and analysis of existing procedures, rules, policies, and strategies based upon which training for public officials of the Ministries of Interior have been conducted and training plans for police servants in RS and the FBiH developed.
- The Agency for Gender Equality in BiH and EUPM implemented **a project to educate teachers and instructors of the FBiH Police Academy, RS Police Academy, and the Agency for Education and Professional Training of Personnel in BiH**. Three trainings were held in each of the Police Academies and one in the Agency for Education and Professional Training of Personnel in BiH. All trainings included modules on the concept of gender equality, the international and national legal framework (special focus was given to the UNSCR 1325), gender and SSR in general, and gender and policing in particular.
- The Agency for Gender Equality in BiH and EUPM prepared and published a brochure **“Women in the Police”** that provides comprehensive research on the current status of, and possibilities and obstacles for participation of women in police forces.
- Promotional events related to the Action Plan on the Implementation of UNSCR 1325 for BiH have been organised by the Ministry of Security (08 December 2010), the BiH Border Police (08 February 2011), and SIPA (27 June 2011).
- In the framework of pre-deployment training for BiH police servants prepared by the BiH Ministry of Security and PSOTC, **a module on gender awareness** is being planned.
- The International Organization for Migration (IOM) in BiH has been organizing media campaigns to help prevent and combat human trafficking.

Gender and Security Sector Reform in BiH

- A number of workshops and seminars have been organized throughout BiH with girls and women from vulnerable groups (Roma, displaced persons, orphans, children from poor families) to prevent human trafficking.
- The project **“Implementation of UNSCR 1325 in BiH through the integration of gender-sensitive policies in the security sector”** has been developed and implemented in the period from 01 September 2010 to 30 June 2011 by the Agency for Gender Equality in BiH, the BiH Ministry of Human Rights and Refugees, UN Women in BiH, and the CSO Žene Ženama.
- Training of trainers for members of the Coordination Board, and representatives of the security sector, justice sector, and CSOs has been organized.
- The Coordination Board has also met in six regular meetings, organized ten workshops on the grassroots levels, as well as promotional events including the distribution of leaflets and two radio shows in the FBiH and RS.
- **NATO HQ**, in co-operation with UN Women in BiH and the Agency for Gender Equality in BiH organized a **forum for exchange of information on the implementation of UNSCR 1325 in BiH** in March 2011, gathering all governmental bodies, CSOs, and international organisations working on the implementation of UNSCR 1325.
- **UN Women** started in January 2011 a new regional project based on UNSCR 1325 in BiH, Macedonia, Serbia and Kosovo.
- In cooperation with the Agency for Gender Equality in BiH, UN Women organized a Conference on **“Indicators and Action Plans for the Implementation of UNSCR 1325 in BiH.”**
- **The OSCE Mission to BiH**, in cooperation with other institutions, provides support to women in decision making processes. In particular, it monitors the processing of cases of GBV and support to victims and witnesses. In October 2011, the OSCE organized a conference on the implementation of UNSCR 1325.
- The cooperation between the US Embassy to BiH, the US Naval Postgraduate School and the PSOTC resulted in a number of activities

such as a conference on gender and defence institution building held in March 2010 and a course on gender for members of the Armed forces held in June 2010, as well as a number of conferences in 2011. The next project is **a pre-deployment course on women in leadership** to be provided to government officials and police and military officers. The US Embassy also supports the following projects: **The Centre for Legal Aid to Women Victims of War, and Violence, and Single Parents, “Support to women in politics,” and “Support to women victims of human trafficking.”**

Further steps in the implementation of UNSCR 1325 in BiH:

- Harmonize laws with the Law on Gender Equality in BiH.
- Establish a website that contains all data on the implementation of UNSCR 1325 in BiH. The Agency for Gender Equality in BiH will be responsible for the collection, development, editing, and financing of the web site.
- Support associations of female police officers in the FBiH and RS.
- Appoint persons to deal with gender issues in all institutions that have not nominated one so far.
- Organize promotional events for the Action Plan for the Implementation of UNSCR 1325 in BiH in the Ministries of Defence and Foreign Affairs.
- Work to improve working conditions for female staff in the armed forces.
- Work to improve the image and opportunities for military and police professions as potential professions for both men and women.
- Promote regional cooperation on issues related to UNSCR 1325.



