



## WOMEN'S RIGHTS IN BOSNIA AND HERZEGOVINA

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**Abstract:** The issue of human rights, especially women's rights, it is very important for society such as B&H society, because on the basis of respect for human rights is developing a society that their value is based on rights and not on force. This situation, or the application and implementation of human rights provide the foundation for reform and the welfare of society in the future. In terms of the situation in B&H, it is necessary to build a culture of human rights to what state promises its legislation implemented in real life. Bosnia and Herzegovina has adopted modern legislation when it comes to the system of human resources and of course the protection of women. However, in practice these provisions, laws and conventions, does not apply to a sufficient degree, and requires significant work to their full implementation. The fact is that one cannot expect that the new Mentality develops by itself - it should promote and strengthen civil society and demand, as well as citizens who are interested in their human rights. As far as the learning of human rights, it is important to note that it does not represent or belong not only formal education but are often present and covered through informal education, or learning from others' practices.

**Keywords:** human rights, women rights, violence, discrimination, Bosnia and Herzegovina



## **1.INTORDUCE**

The concept of human rights, and human rights, has a long tradition and a very important role in the historical contexts of the community and its full expression certainly is recorded in a new age. Approaches to human rights appear as a space that allows the man in a world where there feels "at home". Today the concept of human rights enjoys universal recognition, as can be seen from the Declaration adopted at the World Conference on Human Rights held in Vienna in 1993 and the resolutions of the United Nations adopted in 1998 on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. Starting points notion of human rights is the concept of the inherent dignity of all members of the human family and confirmed the Universal Declaration and the International Covenants in 1966. These documents also confirm the ideal of free human beings enjoying freedom from fear and want and that they have equal and inalienable rights. In accordance with that human rights are universal and inalienable, which means that they apply everywhere and cannot be taken away from the human person even with her consent.

## **2.RIGHTS AND FREEDOMS OF WOMEN IN BIH**

Women in B&H still do not have full rights and freedoms should not have and that they are guaranteed by law. In B&H, women still face discrimination and unequal opportunities in realizing the rights that belong to women. In any case, if we observe the legislation in B&H, when it comes to women's rights, it can be seen that there have been significant improvements. It is established, that is, the Law on Gender Equality, then the Gender Action Plan and the rule was introduced and the percentage participation of women in politics and policy at the entity level against domestic violence. In addition to these important steps, it is important to emphasize that B&H has signed many international documents that guarantee the rights of women. There is important to mention that B&H has signed and ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in 2013. Despite numerous international documents, local documents, is still notable that women in B&H do not enjoy the full rights guaranteed to them.

### **2.1. EDUCATION AND ECONOMIC PARTICIPATION OF WOMEN IN BIH**

Research and analysis carried out in Bosnia and Herzegovina which are aimed at assessing the rights and freedoms of women, points, or points out that the level of education of the population in local conditions particularly low when it comes to women. "According to available data, in 2013 the Agency for Statistics reported that 21.6% of women (and 18.5% of men) has a low level of education, ie. Primary education or less; 54.5% of women (66% men) with secondary - high school, while 23.9% of women (15% men) with higher education - university degrees, masters and doctorates."<sup>37</sup> Directly related to education is the issue of employment. Specifically, higher levels of education means a higher level of employment, and provides a greater chance of employment. In domestic conditions obviously there is this problem but at the state level there is still no appropriate steps that would counteract this

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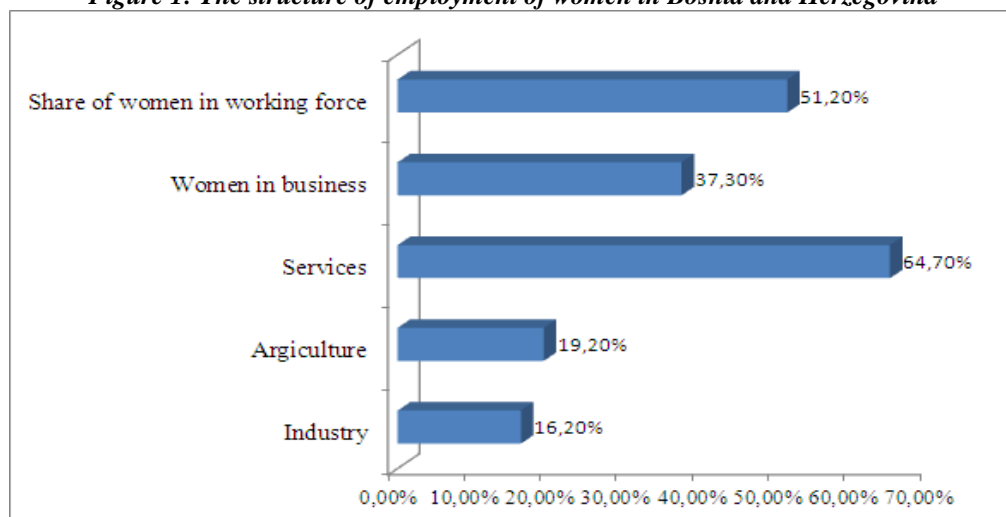
<sup>37</sup> Source: Esther Garcia Fransioli, "Godišnji izvještaj o stanju prava žena u BiH tokom 2013.godine", Sarajevo, Open Center, 2013.p. 11.



condition, and that would increase the competitiveness of the female labor force in the domestic market.

Current employment strategies and relationships of women most often women classified as "vulnerable" group when it comes to employment and thus further endangering the position of women. Bosnia and Herzegovina still has the lowest proportion of women in the labor force, if B&H compared with the countries of Southeast Europe. According to data for 2013, women's participation in the labor force amounts to 51.20%, as shown in Chart 1. However, only 37.3% of women in local conditions. As for their work or employment, most women, 64.70% are employed in the services sector, 19.20% in the agricultural sector while industry employs 16.20%. The same survey showed that the highest level of women precisely those with the least education. What is important to mention is and the fact that among unemployed women 14.3% have a university degree, while in the case of men, this percentage 7.2%.

**Figure 1: The structure of employment of women in Bosnia and Herzegovina**



Source: Esther Garcia Fransioli, "Godišnji izvještaj o stanju prava žena u BiH tokom 2013.godine", Sarajevo, Open Center, 2013.godine

In B&H, there are other forms of discrimination against women. They mainly affect the economic participation of women, That said the economic security of women. One of these forms of discrimination are unequal maternity accessories in different parts of the country. In addition, it is not a rare situation that these allowances are not paid until the very common situation that women are losing their jobs as soon as they get pregnant.

## **2.2. SOCIAL EXCLUSION OF WOMEN IN BIH**

It is not seldom happens that in B&H there is a significant social exclusion of women. Maximum exclusion of this type is for women of Roma origin, then in women with disabilities, internally displaced women, homosexuals, drug addicts, etc. These women are exposed to visible and significant discrimination occurring.

*Roma women and their position-* Position of Roma women in society in B&H is very difficult and almost has not changed in recent years. Although B&H adopted the Action Plan for Roma, in terms of their employment finding home, health care and other social issues, the



situation has not changed much. Generally, the level of education of Romani women is very low whereas in families there are "father" system of education, which is their position even more complicated. As for health insurance, it is important to present the fact that 90% of Roma women have no health insurance, no access to social security or have any access to employment. Roma women are often subject to discrimination that comes from the culture of this nation. With them are still present contracts and paid marriages and marriages for other reasons, with the will of women is not taken into account.

*Women with disabilities-* Women who have any kind of disability are often subject to discrimination. These women often do not have adequate health insurance and access to services and are therefore very often in social isolation. Women who have any kind of disability are exposed to daily discrimination and it is not uncommon to have almost completely excluded. "According to the World Health Organization estimated that at least 10% of the population in B&H has a physical, sensory, developmental, mental or emotional type of disability, and that 30% of the population is under the direct or indirect influence of the consequences of disability".<sup>38</sup>

Women who have a degree of disability often cannot obtain custody of the children if they divorce, because of the perception of the society that the child should be with "healthy" parent. This in fact ignores the interest of the child, or the child's best interest and is going to be the child's father gives the abuser, if the mother has a disability. This because it is considered that a mother with a disability is unable to raise a child.

*Women who provide "sexual services" and hustlers on Narcotic Drugs* - Women who provide sexual services as well as those who are addicted to drugs, represent a marginalized group of women in B&H. This group of women exposed to high risks of infections, especially HIV, as well as a number of sexually transmitted diseases. They are especially exposed to abuse, sexual assaults, social exclusion and discrimination, and criminalization.

The largest number of women who offer sexual services is addict on Narcotic Drugs, and are faced with numerous violations of human rights at all levels in B&H, by both state and non-state actors<sup>39</sup>. *"The high levels of stigma, stigmatization, and the illegality of sex work Addiction contribute to creating a situation in which sex workers addict on the margins of B&H society"*.<sup>40</sup>

Looking at the role and activities of the government, when it comes to this population of women, it can be noted that very little or no seems that this population protection from violence or any other forms of discrimination and that they create the conditions for normal life. In B&H, generally speaking, there is very little research and analysis that are aimed at sex work and abuse that position these women.

One study from 2010, which was aimed at analyzing and identifying violence against sex workers, showed that 85% of this population of women were exposed to various forms of violence (regardless of whether it is a psychological, physical or sexual abuse).

<sup>38</sup> Source: Esther Garcia Fransioli, "Godišnji izvještaj o stanju prava žena u BiH tokom 2013.godine", Sarajevo, Open Center, 2013.p15.

<sup>39</sup> Udruženje PROI: Ranjive i nevidljive, Izvještaj o nasilju i diskriminaciji seksualnih radnica i žena koje koriste droge u BiH. 2013. Dostupno na: [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BIH/INT\\_CEDAW\\_NGO\\_BIH\\_13145\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BIH/INT_CEDAW_NGO_BIH_13145_E.pdf)

<sup>40</sup> Udruženje PROI: Anketa o zastupljenosti rodno-zasnovanog nasilja protiv seksualnih radnica u Bosni I Hercegovini. 2010. Dostupno na: [http://ugproi.com/upload/file/research\\_results/PROI\\_report\\_GBV\\_against\\_SW\\_ENG.pdf](http://ugproi.com/upload/file/research_results/PROI_report_GBV_against_SW_ENG.pdf)



*Lesbian, bisexual and transsexual women* - In domestic conditions there is no official data on these populations of women, so that accurate studies and precise conclusions very difficult to make because everything is based on estimates and the results of some research. Data on these populations of women mainly gathered by NGOs through various research, surveys, and what has come as a result that the state still has not shown interest in the details of the analysis of this population of women In Bosnia, ignored the rights of LGBT population especially LGBT women. Women who belong to this population almost non-existent in B&H society, or do not appear in public and do not have the opportunity nor the power to express their sexual orientation, nor can they say what they really are. This population has no possibility that in B&H expresses its orientation and that doing so not to be discriminated against on a number of grounds. *"According to the analysis of the research results of the LGBT community in Bosnia and Herzegovina from 2013, 36 lesbian women aged 20-30 years are the most exposed to discrimination and 74% had experienced some form of discrimination. A significant number of bisexual women of the same age group (61%) are also experienced some form of discrimination".*<sup>41</sup> One of the most common forms of discrimination of this population is at the state level, since there is no legal framework that gives an opportunity to the population live normally and exercise the rights that belong to other people who do not belong in this population.

### **1.1 2.3. POLITICAL PARTICIPATION AND PUBLIC LIFE OF WOMEN IN BOSNIA AND HERZEGOVINA**

Election Law in B&H, according to the latest changes that were recorded during 2013<sup>42</sup> points out that equal gender representation exists when one of the poles accounts with 40% in the total number of candidates on the lists. The previous law this share recorded with 33%. Under present conditions the percentage of women in government in B&H is not satisfactory and the quota of 40% is not met. When compared to the participation of women in positions of ministers, then our country is comparable to countries such as Saudi Arabia or Cambodia. This is so because the Council of Ministers is composed primarily of male members. Representation of women in the Parliamentary Assembly is somewhat better. *"From 42 members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina (21.4%) were women, while 39 of the 15 delegates in the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina (13.3%) were women. 40 of the 17 ministerial chair in the Government of the Federation of Bosnia and Herzegovina (FB&H) only one is given (5.8%) women. The House of Representatives of the FB&H Parliament is composed of 98 representatives of which 22 (22.4%) women, and the House of Peoples of the FB&H Parliament has 14 (24.1%) Delegate of 58.43".*<sup>43</sup> As for the National Assembly of the Republic of Serbian, in it there are 18 women and 21.7% of women from a total of 83 positions, or 83 representatives. Analysis of the structure of women and men in public administration shows that there is an approximate number, or the relationship between women and men is approximate. In this structure, 51% are women, while the rest of the men.

<sup>41</sup> Source: Esther Garcia Fransioli, "Godišnji izvještaj o stanju prava žena u BiH tokom 2013.godine", Sarajevo, Open Center, 2013.p18

<sup>42</sup> Zakon o izmjenama i dopunama Izbornog zakona BiH (Službene novine BiH, broj 18/13),

<sup>43</sup> Source: Esther Garcia Fransioli, "Godišnji izvještaj o stanju prava žena u BiH tokom 2013.godine", Sarajevo, Open Center, 2013.godine, str.18





However, the problem is that most of the leading positions held by men - these relate to management training position, heads of departments, assistant ministers, inspectors, etc. Of the total number of senior positions in the public administration of Bosnia and Herzegovina, only 35% are held by women. As for the judiciary, 56% of judges are women, while the total participation of women prosecutors 48.5%. On this basis it can be concluded that women have a high participation in the local judiciary, and the judicial functions.

## **2.4.VIOLENCE AGAINST WOMEN AND GIRLS, DOMESTIC VIOLENCE**

Domestic violence is one of the main or one of the greatest challenges facing society in B&H. This problem has long been out of the private sphere and became a public issue that must be addressed. To combat these problems, B&H entities have adopted laws that seek to protect the family from violence, or that seek to suppress domestic violence. Victims of domestic violence in Bosnia and Herzegovina have become particularly important in public after having been legislative changes, after boosting capacity after they have created institutions that are trying to combat many aspects of domestic violence. On those grounds, and creating institutional and legal framework, domestic violence victims have the opportunity to apply these forms of discrimination and to seek assistance on these grounds. During 2013 in B&H have made a number of steps aimed at combating violence against women and girls. B&H Parliament in November 2013, ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence. In addition, the Istanbul Convention was declared the first legally-binding instrument in Europe and in the world which creates a comprehensive framework for the protection of women from numerous and of all forms of violence and that includes prevention, prosecution, the elimination of violence against women which includes domestic violence. On the basis of this Convention establishes the mechanism of which monitors the implementation of these provisions at the state level. Basis, ie a core Conventions is the notion that violence against women is a form of gender-based violence that makes or carried out against women. Given that B&H ratified this Convention it has made a commitment to fully implement the fight against violence against women, regardless of its format, as well as to implement measures to prevent violence against women this to prosecute perpetrators of violence against women. If the State fails to implement these activities it is then directly responsible for outcomes. Agency for Gender Equality in B&H has been active in the development of strategies to implement the Convention of the Council of Europe, where the focus is given on the following key themes - prevention of violence, protection of women from violence, criminal prosecution of perpetrators of violence and monitoring. The plan is that this strategy is fully implemented in the coming years. The first national survey on violence against women in Bosnia and Herzegovina was published in 2013.



*Table 1: Exposure of women various forms of violence*

Oblici nasilja	B&H	FB&H	RS
Psychological violence	42.70%	46.10%	36.50%
Physical violence	7.60%	5.60%	11.20%
Sexual violence	0.80%	0.70%	0.90%
Economy violence	2.10%	1.40%	3.40%
Physical Psychological violence	29.40%	30.40%	27.60%
Other	17.40%	15.80%	20.40%
<b>TOTAL</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

Source: Agencija za ravnopravnost polova, "Rasprostranjenost i karakteristike nasilja prema ženama u BiH", 2013.p..51

As can be observed, the largest share of violence against women in B&H has psychological violence that exists in 42.7% of women, while this share more pronounced in the Federation of B&H where a share of 46.10%. Mental and physical abuse is also very present and recorded a share of 29.40% in B&H exciting, and again more pronounced in the Federation of B&H (30.40%). On this occasion, it is useful to point out the level of violence against women in relation to their age.

Tabele 2: Rates of violence for different age groups

Oblici nasilja	BIH	FBIH	RS
18 - 24	56.80%	54.00%	63.20%
25 - 34	56.40%	54.40%	60.20%
35 - 44	46.80%	46.40%	47.60%
45 - 54	47.50%	47.00%	48.40%
55 - 64	44.20%	43.70%	45.10%
65 and more	44.20%	46.30%	41.20%

Sorce: Agencija za ravnopravnost polova, "Rasprostranjenost i karakteristike nasilja prema ženama u BiH", 2013.p.53.

It may be noted that there are significant differences when it comes to exposure of women of different ages violence across B&H and entity levels. As can be observed from the table below, younger women are more exposed to violence, especially in the Republic of Srpska. Given that young women are particularly vulnerable to violence, psychological violence, it is useful to show who was the perpetrator of violence, or who is against them by psychological violence.



Table 3: Psychological violence against the perpetrator experienced life after 15

<b>Oblici nasilja</b>	<b>BIH</b>	<b>FBIH</b>	<b>RS</b>
Partner (current of formmer)	39.00%	38.20%	40.50%
Other family members or reltives	8.20%	8.00%	8.80%
People from wider enviroment	8.50%	7.50%	10.30%
Partner and another family members	16.90%	16.90%	17.00%
Partner and people from wider enviroment	4.80%	5.40%	3.40%
Family and people from wider enviroment	19.30%	20.80%	16.40%
Other	3.30%	3.20%	3.70%
<b>TOTAL</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.10%</b>

Source: Agencija za ravnopravnost polova, "Rasprostranjenost i karakteristike nasilja prema ženama u BiH", 2013.p55.

As can be observed, most psychological abuse women have experienced from their partners - 39% of respondents. In addition, it is important to notice that in 16.9% of cases, this abuse came from partners and another family members, while the abuse of partners and other members of the environment was recorded in 4.8% of cases.

## 2 3. CONCLUSIONS

Human rights are universal rights that every human being should be available and that, in order to ensure their enforcement and implementation, and legally covered or legally supported.

As shown, B&H adopted numbering convention, flow, adjusted laws and everything that was need to create a framework in which women in B&H can enjoy all their rights. However, in BH are still visible different forms of Discrimination against Women, on various grounds.

On this basis an analysis of the position of women and the rights and freedoms of women, and it is possible to highlight some weaknesses and recommendations for the future:

- Bosnia and Herzegovina needs to implement unique, holistic approach when it comes to strengthening the equality of women in all economic sectors and at all levels of government. It is necessary to further strengthen institutional capacity, especially ministries that have a major impact on this issue,
- It is necessary to work more on the issue of social exclusion of women and girls. More precisely, it is necessary to implement projects and programs to women and girls more social inclusion, through which will strengthen employment of women. It is very important that as many promote female entrepreneurship as it is one of the ways of involving women in business processes,
- It is necessary to strengthen the role of women in politics as shown, to spur political posts are very few women in public administration while a significant number of employed women but is not required to be in management positions. It is necessary to change the structure of this,
- It is necessary to work on the control of violence carried out against women and allow faster actions to prevent all forms of violence against women. In this context, it is important to establish an adequate system of responsibility to adequately inspect and





implement regulations relating to violence against women. In addition, the educational processes of strengthening the education of women and references to their rights, it is also one of the possibilities in this context,

- It is necessary to strengthen and improve the position of women who were victims of sexual violence and for this group to provide specific types of psychological counseling.

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