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HELSINKI CITIZENS ASSEMBLY BANJA LUKA

UPR PRE SESSIONS SPEECH BOSNIA AND HERZEGOVINA

Distinguished delegates, esteemed colleagues,

My name is Tea Pokrajčić and I am here on behalf of the Helsinki Citizens Assembly and Human Rights House Banja Luka to address the status of women's rights and political participation in Bosnia and Herzegovina. Significant challenges persist, despite the efforts of civil society and gender equality advocates. Today, I will outline these challenges and propose actionable recommendations for the next UPR cycle.

Firstly, the Constitution of Bosnia and Herzegovina itself poses a barrier to equality of women. It lacks explicit protections against gender-based discrimination and does not recognize gender equality as a fundamental value. In April 2024, the Ombudsperson for Human Rights highlighted the discriminatory language in the Constitution, recommending that the Parliamentary Assembly adopt gender-sensitive language in any constitutional amendments. Yet, no progress on these recommendations has been made.

To address this, we urge Bosnia and Herzegovina to:

1. Amend the Constitution to include a comprehensive prohibition of discrimination against women, covering both public and private spheres.
2. Ensure that any constitutional changes are drafted in gender-sensitive language to reflect equality.

Turning to economic and work-life balance challenges, Bosnia and Herzegovina lacks a coordinated strategy to support working women. Household responsibilities overwhelmingly fall on women, restricting their ability to participate fully in the workforce and advance professionally. This situation is worsened by limited childcare availability—currently, only 44% of children aged 3 to 6 attend kindergarten, and increasing enrollment could enable thousands of women to enter the labor market each year. Furthermore, the absence of an alimony fund continues to put single mothers in difficult financial situations, as inconsistent alimony payments make it challenging to balance work and family responsibilities.

To support women's economic empowerment, Bosnia and Herzegovina should:

1. Align labor laws with the EU Directive on Work-Life Balance by introducing non-transferable paternity leave, parental leave, and flexible working options.
2. Increase the availability of affordable kindergartens to support parents, especially mothers, in balancing work and family life.
3. Establish alimony funds.

Despite the adoption of the Gender Action Plan for 2023-2027, which prioritizes addressing violence against women and enhancing women's representation, Bosnia and Herzegovina's response to gender inequality remains largely ad hoc. The Istanbul Convention has not been fully implemented; while the Criminal Code in the Brčko District now defines rape based on a lack of consent, similar reforms are needed in the Federation of Bosnia and Herzegovina and Republika Srpska. Notably, the Criminal Code of Republika Srpska was amended to remove "gender identity," signaling a potential regression in protections for marginalized groups.

To address these gaps, I recommend that Bosnia and Herzegovina:

1. Fully align the legislation in both entities and the Brčko District with the Istanbul Convention, specifically Criminal codes and Laws on domestic violence and violence against women.

Finally, women's political participation remains insufficient across government levels. The representation of women in the Council of Ministers is limited to just one woman out of nine members, and at the cantonal level, women hold only 22% of ministerial positions. Existing laws, including the Law on the Council of Ministers and electoral legislation, fail to ensure gender equality in decision-making bodies. While some campaigns have promoted women's political participation, there is little support from political parties or other institutions to make this representation a reality.

To foster equitable political participation, Bosnia and Herzegovina should:

1. Amend laws to require that executive bodies, such as the Council of Ministers, achieve gender parity before they can be formed.
2. Strengthen campaigns promoting women's political involvement and encourage political parties to prioritize gender parity in candidate lists.

In conclusion, Bosnia and Herzegovina has clear steps to take to build a more equitable society where women are not only represented but have equal opportunities to shape the nation's future. These recommendations will help create a foundation of equality, benefiting not only women but society as a whole.

Thank you for your attention.