

ENGLISH only

**Gender Equality Review Conference**  
**On the occasion of the 10th anniversary of the 2004 OSCE Gender Action Plan**  
**10-11 July 2014, Neuer Saal, Hofburg, Vienna**  
**Working Session Five: Institutional Mechanisms for Gender Mainstreaming**

**Presented by Nina Suomalainen**

- Dear Distinguished Guests, Ladies and Gentlemen;
- It is my pleasure to address you today, and present the experience and practices of gender mainstreaming from the OSCE Mission to Bosnia and Herzegovina.
- In April 2013, the Mission to BiH adopted a three year ‘Action Plan for the Promotion of Gender Equality’, following extensive internal consultations, and in keeping with recommendations issued by OIO and the Gender Section in 2012. The Mission’s Gender Action Plan thus took the body of OSCE and other relevant international commitments as its starting point, and seeks to incorporate these into its work in BiH.
- More specifically, the Action Plan approaches gender equality and gender mainstreaming through three general objectives, as priorities for the 2013–2015 period:
  - *Firstly*, to promote gender equality and gender mainstreaming by example, through the Mission’s internal policies and practices;
  - *Secondly*, to strengthen gender mainstreaming in the design and implementation of the Mission’s programmes; and,
  - *Thirdly*, to assist BiH to meet its obligations in promoting gender equality.
- In order to illustrate how the Mission does this in practice, allow me go through these three objectives one-by-one.
- **To begin with, the Mission remains committed to ensuring that a balanced gender perspective is mainstreamed throughout its internal policies and practices.** Let me highlight a few of the ways in which the Mission has done this.
  - We have integrated the topic of gender mainstreaming into the requisite Induction Training for all new staff.
  - Upon adoption of the Gender Action Plan, we organized six workshops across the country for current staff members, to increase their understanding of the concept of gender mainstreaming and its immediate relevance to their work.
  - We have provided our staff with access to educational documents and practical tools on the Mission’s Intranet, tailored specifically to the Mission’s working context in BiH.
  - Additionally, we have adapted project documentation – such as project proposal forms, budget requests, event feedback forms and final project

reports— to contain sections in which staff members must directly assess how their activities contribute to the implementation of the Mission’s Gender Action Plan.

- **Meanwhile, in line with the Action Plan’s second objective, senior management oversees that gender mainstreaming takes place throughout the Mission’s planning and programmes.**
  - As you may know, the Mission constantly aims to strengthen its capacities in all phases of conflict cycle management, in line with MC Decision 3/11<sup>1</sup>. Gender mainstreaming is essential to this effort, as women and men have different roles and needs in BiH’s post-conflict society.
  - Accordingly, the Mission applies a gender-sensitive approach in conflict analysis, data collection, and monitoring and evaluation – including in regards to war crimes and human rights.
    - For example, in April the Mission published a report on “Combating Impunity for Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress and Challenges”, assessing how war crimes cases involving sexual violence are being heard at the State level Court of BiH.
    - And in September, we will present the ODIHR publication titled “Handbook for National Human Rights Institutions on Women’s Rights and Gender Equality” to Ombudsman staff in BiH.
  - Furthermore, senior management supports external Mission activities related to gender equality, such as marking of International Women’s Day or the 16 Days of Activism.
- **Finally, as the Action Plan calls for in its third objective, the Mission aims not only to gender-mainstream its own work, but to assist BiH in achieving its obligations to gender equality.**
  - During last decade, BiH has taken several steps to establish a solid legal framework promoting the equal rights of women and men, as well as prohibiting discrimination. However, as in so many other areas, while the policy and regulatory framework governing gender equality is comprehensive, its implementation is weak.
  - Moreover, due to the challenging patriarchal nature of BiH society, and the under-representation of women in politics, there is an essential need to raise awareness concerning women’s rights, and to encourage women to exercise those rights in full.
  - To this end, the Mission co-operates with key institutional gender equality mechanisms – such as the BiH Agency for Gender Equality

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<sup>1</sup> Decision No. 3/11, Elements of the Conflict Cycle, Related to Enhancing the OSCE’s Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, And Post-Conflict Rehabilitation.

and the entity Gender Centres – and supports their work through joint projects in priority areas.

- For 2014, we are focusing on increasing the political participation of women throughout the country, as well as strengthening gender equality at the local level through capacity building of domestic authorities, and in the development of local level Gender Action Plans in the FBiH and RS.
- Finally, the Mission is assisting the FBiH in establishing a database on victims of domestic violence.
- As you can see, the Mission’s Gender Action Plan provides a strong basis for robust gender-mainstreaming activities in its work in BiH. Before I conclude, however, there is one more thing I must mention – and that is the Mission’s newly-created Gender Unit.
  - Established within the Head Office at the start of 2014, the Gender Unit is tasked to ensure that the Gender Action Plan continues to be implemented effectively. The Unit provides assistance and advice to management and staff members on gender mainstreaming, as well as implements its own Gender Project.
  - This noteworthy new fixture within the Mission complements the pre-existing network of Gender Focal Points in all field offices, and underscores our serious commitment to the issue of gender.
- As I hope all of these efforts reflect, the Mission strongly recognizes the need for equality between men and women in all spheres of life – political, public, and private. We will continue to strive towards the full realization of gender equality in our work and in BiH at large.
- Finally, I am grateful to have had the opportunity to speak about this critical issue before you all today. Thank you for your attention, and I look forward to us continuing in this collaborative effort in the future.

## **Background Notes**

- In 2012 the Mission implemented the Women in Local Elections project. The project included working with women candidates, creating women coalitions at the local level, assisting with formulation of women’s platforms, identifying priorities for women in that local community. The results of elections showed a modest increase in the number of women elected. According to the Central Election Commission, 5 women were elected as Mayors (3.58%) of the total 140 positions. 498 (16.19%) women were elected as municipal councilors. The April 2013 conference, organized by the Central Election Commission and the Association of Election Officials, to analyze the 2012 local elections, failed to dedicate time to the disproportionate gender balance of those elected.
- The experience with the Women in Local Elections project shows that it requires a more sustained (and possibly a more subtle) effort to

increase the willingness of women to participate in political life, the ability of women to be candidates, and the likelihood of women candidates getting elected. The support for women candidates should focus more on the public exposure of women through their individual and party platforms and less on the fact that they are women.

- Due to stereotypes and prejudices preventing women's equal participation in public and political life, in 2014, Mission balanced its focus on work with political parties and women candidates recognizing their different status in politics in BiH through a partnership project with BiH Gender Equality Agency.
- With the Mission's assistance, and in consultation with women's NGOs, the Agency prepared the "Gender Equality Pledge for Political Parties" (the Pledge). This document outlines the need for, and value of, the equal participation of women and men in public and political life taking into account the importance of gender sensitive policies and programmes within political parties. Until 25 June 2014, nine political parties in BiH signed the Pledge. This approach puts focus on political parties as allies in achieving gender equality and removes burden from female politicians while both sides are promoted as accountable for gender equality in politics.
- In the second stage of the project, 8 workshops (in 8 electoral units) will be organized for 400 women candidates in each with the aim to animate candidates and teach them skills to use within their parties and in election campaign to improve their visibility.
- Regarding BiH: As a signatory to CEDAW, BiH translated its obligations from a key document protecting women's human rights into one domestic piece of legislation- Law on Gender Equality in BiH adopted in 2003. Further legal protection of women from gender based violence was ensured through entity laws on protection from domestic violence. These laws were complemented with a 2009 BiH Law on the Prohibition of Discrimination broadening prohibition of discrimination to other grounds such as employment, disability and belonging to national minority but fortifying determination of BiH to protect its citizens from discrimination based on sex, sexual identity and sexual orientation. Even though the BiH Election Law stipulates a quota for women candidates on the list (33% increased to 40% in 2013), women are largely underrepresented in decision-making. Enforcement of legislation has been enhanced through different policy and strategic documents such as two BiH Gender Action Plans (2007-2012 and 2013-2017) and UNSCR 1325 National Action Plans (2010-2013 and 2014-2016).

### *Relevant Publications:*

- Recently, Mission strengthened its gender equality initiatives through promotion of locally translated OSCE publication “Mending Inequalities in the OSCE Region” and ODIHR’s Comparative Study of Structures for Women in the OSCE Region”. Mission’s work in second dimension was enriched through usage of OSCE manual “Gender Mainstreaming in Aarhus Activities: A guideline for practitioners” which was presented to Aarhus Centre staff members in Sarajevo during a gender mainstreaming workshop.

## **Working Session Four: Combating Violence against Women**

### *Domestic violence*

- The Mission continues to assist BiH authorities in combating gender-based violence, in line with international standards and OSCE commitments, in the understanding that gender-based violence reflects and, at the same time, reinforces inequalities between men and women, and that it is a serious consequence of more pervasive forms of discrimination and inequality that constitutes a serious threat to human security.
- Through its reports<sup>2</sup>, Mission provided technical input to changes in legislation related to domestic violence. The problems in the implementation of legislation were identified through monitoring of gender-based violence cases.
- It should be noted that a policy decision was taken in regards to the scope of domestic violence. Essentially, in 2013, the Mission, after considering its priorities, has shifted from a rule of law/trial monitoring focus (as CSOs initiated their own monitoring activities) of domestic violence to providing support to institutional gender mechanisms in their efforts to prevent and combat gender based violence and domestic violence. In assistance to the FBiH GC, in 2014-2015, the Mission supports the development of a pilot database on domestic violence cases in FBiH.

### *War time sexual violence*

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<sup>2</sup> Report “Ensuring Accountability for Domestic Violence” was published in December 2011. This paper provided an analysis of sentencing practices of Bosnia and Herzegovina's courts in domestic violence criminal proceedings, based on the Mission’s monitoring findings. After a review of relevant international standards and the national legal framework on domestic violence, it analysed in detail: the types of sanctions applied, the mitigating and aggravating circumstances considered by the court, the legal mechanisms of warrant for pronouncement of sentence and plea agreements, and compensation awards to victims. It also formulated a number of recommendations for judges and prosecutors dealing with domestic violence cases.

- The National War Crimes Strategy provides the Mission with a solid blueprint for its action in the field of war crimes. The Mission supports the BiH judiciary in achieving these goals through monitoring all war crimes cases taking place throughout the country, analysing trial monitoring data to identify achievements and obstacles to the fair, efficient and effective processing of war crimes cases.
- In 2014, the Mission published a thematic report on wartime sexual violence, providing a comprehensive analysis of the issue in BiH. The report “Combating Impunity for Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress and Challenges”, examines the advances made in prosecuting war crimes cases involving sexual violence at the Court of BiH, and makes recommendations for the speedier delivery of justice.
- The report includes recommendations for the various actors involved, aimed at improving the capacity and quality of judicial processes for dealing with sexual violence:
  - The BiH Prosecutor’s Office should develop a policy for the prioritization, investigation and prosecution of conflict-related sexual violence cases;
  - All judicial staff involved in these cases should have sufficient training to sensitively handle proceedings, given their specific nature;
  - As a matter of urgency, amendments should be made to the 2003 Criminal Code to bring it into line with international standards<sup>3</sup>;
  - The international community should continue its support to tackling conflict-related sexual violence crimes cases, including through efforts such as the UK’s Prevention of Sexual Violence in Conflict Initiative and increased support to non-governmental organizations and victims’ associations.

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<sup>3</sup> The substantive law applicable in BiH is gender-neutral, i.e. it does not draw distinctions between crimes that may be committed against males and females that would have the effect of unnecessarily narrowing the scope of crimes that can be prosecuted. However, the definitions of sexual violence offences in the legislation as both war crimes and crimes against humanity are deficient and unduly narrow in respect of the inclusion of an additional and unnecessary element that they be committed through “force or the threat of use of force”. As such, the OSCE Mission is concerned that the 2003 Criminal Code’s definitions governing sexual violence crimes may result in an array of criminal conduct not perpetrated through force or threat of force not being investigated, prosecuted and adjudicated in relation to the BiH conflict. Moreover, the narrowness of the provision could be a factor that has contributed to preventing greater numbers of war crimes indictments involving sexual violence crimes from being raised in BiH to date.