

WOMEN, PEACE AND SECURITY – THE CASE OF BOSNIA AND HERZEGOVINA

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Abstract. *Women have had a subordinate position throughout history. Some evidence dates back to ancient Greece, where relations between the master and slaves, father and children, and between men and women were clearly defined in each household. All these relations were based on male domination. Considering the given inequality situation, legal rules were not necessary. Thus, men were "destined" to become rulers and have a dominant role and position in relation to women in family, love, politics or business. Women did not have significant positions in society, nor did they participate to a significant extent in the decision-making processes. In the 20th century, women started raising issues related to gender roles, woman's role and position in society, and gender equality. In recent years, one of the prominent issues is woman's role in warfares and peace-keeping activities, and in the national and international security and defense sectors. The paper provides an overview of different international and national documents that promote active and equal participation of women in peace and security activities, both worldwide and in transition countries such as Bosnia and Herzegovina.*

Key words: *women, security, defense, gender, Bosnia and Herzegovina*

1. INTRODUCTION

The traditional understanding of the roles and activities of women and men through history differs in relation to the role and activities of women in modern times. Until the 20th century, women were mostly housewives, with the basic task of caring for children and family nutrition, while they were spared of going to war. Throughout history, women did not have significant positions in society, nor did they participate to a significant extent in the decision-making processes. Sexual and gender-based violence in conflict situations was a frequent occurrence. Unfortunately, these crimes continued in modern

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times, for example, with wars in Africa, some conflicts on the Asian continent, and the wars in the former Yugoslavia.

"In real life, they [women] still faced discrimination and sexism from different positions. Changes that enabled equality in the legal sense were not followed at the same pace by the change in social norms. These processes in society are never uniform because social norms, as established patterns of behavior, alter much more slowly than changes initiated by legal documents. For this reason, the problem known as "no name problem" triggered the second feminist wave." (Mihaljević, 2016: 157)

All questions of defense of a state or community were exclusively regarded as a matter involving men, but through history women were frequent victims of wars and violence nonetheless. Before the Second World War, 90% of war victims were soldiers, while in current times 90% of victims are civilians, and 70% of them are women and children.

Gender refers to social differences between men and women. On the one hand, gender implies socially, culturally, politically and economically determined relationships between women and men. Gender relationships vary in space and time; they change depending on how and to what extent the circumstances change. On the other hand, gender implies biological, i.e. physiological, anatomical and endocrinological differences between women and men, which remain constant

"Sex is the term that refers to the biological characteristics of a person. Gender is the term that denotes the socially established roles, status and positions of women and men in public and private life; due to social, cultural and historical differences, they give rise to discrimination based on the biological association with the particular gender. Gender is the term which usually implies all those differences between men and women that are an upgrade to their biological (sex) characteristics and differences. Broadly speaking, these are the characteristics that are socially conditioned and hence variable. Male and female roles in every society reflect the conditions of production, reproduction, and prevailing cultural, religious and ideological systems. Hence, these relations between the sexes have different forms in different social conditions. In other words, it implies that the large part of division of labor, rights and obligations of men and women are determined by the society as variable. What is a constant in a patriarchal society is that these differences between men and women tend to favour men, while disfavoring and openly discriminating women." (Mršević, 2011: 37)

2. WOMEN AND SECURITY

"Women are vital for peace and security in the country, and crucial to economic growth. They must have guaranteed rights and fully participate in the development of society", said Melanne Verweir, Special Representative of the OSCE Chairperson-in-Office for Gender Issues (Vijesti, 2019).¹ Frequently asked public questions are whether there are women, and how many of them, in the security sector or defense institutions. In recent years, this situation has improved, especially in developed countries.

A man has for centuries been regarded as the *pater familias*, a combatant in conflict, and the decision-maker. According to the traditional approach, the war affects women

¹ Vijesti (2019): OSCE Ambassador Verweir: Women are vital for country's peace and security, Vijesti.ba, published 9 May 2019, available at <https://vijesti.ba/clanak/445973/verveir-zene-su-od-vitalnog-znacaja-za-mir-i-sigurnost> (accessed 18 May 2019)

and men in various ways, although the consequences of war are largely felt by civilians, mostly women and children. As the most vulnerable part of society, they are affected by sexual violence, various types of discrimination, rejection, poverty, unwanted pregnancies and illnesses. Women have been excluded, discriminated and repressed for a long time; they have been excluded from being part of the security systems or participating in peace building in the same way as men.

“Security is often associated with men and their sphere of action, largely due to their traditional family position. As the public sphere is regarded as the place of power, it is the dichotomy (public-male and private-female) that fuels the discourse where men have the monopoly of power” (Global Analytics, 2019)² As noted by Melanne Verbeke, Special Representative of the OSCE Chairperson-in-Office for Gender Issues, “while women are destined to the private sphere, they remain permanently deprived. Such views were also positioned in the literature of security studies that perceive a woman as a victim of conflict.” (Vijesti, 2019)

Discrimination³ based on sex is any disadvantageous position of any person or group of persons based on sex, or denied recognition, enjoyment or implementation of human rights or freedoms. In Bosnia and Herzegovina, discrimination is defined in Article 2 of the Anti-Discrimination Act as any different treatment, any exclusion, restriction or privilege based on actual or presumed characteristics (race, colour, language, religion, ethnicity, age, identity, national or social origin, political and other conviction, status, social position, sex, sexual orientation, gender identity, etc), disabling or endangering the recognition, enjoyment or exercise of rights and freedoms by a person or group of persons in all areas of life on equal grounds.⁴

In the last few decades, the number of interstate conflicts has been reduced, while the number of rebellions, terrorist attacks and local conflicts within state borders has increased. Changes in the nature of conflicts require changes in the response. Having individuals in mind, human security reflects the security of a state. It emphasizes the importance of day-to-day people's security by improving public services and poverty reduction programs. In 1994, the UN introduced the concept of human security, whose two basic components are "freedom from fear" and "freedom from scarcity". Therefore, key dimensions of human security are personal (physical), economic, health, environmental and community security. (UNDP, 2013).⁵ Internal empowerment improves national, regional and global stability, which ultimately leads to a reduction of the incidence of conflicts

The domain of peace building is much wider and more complex than many imagine. It includes actors from different fields: members of communities who are looking for a better life; non-violent activists who fight for human rights; peacekeeping forces separating the conflicting parties and demobilizing combatants; leaders of religious communities who

² Global Analitika (2019). Uloga žena u nasilnom ekstremizmu: Žrtve ili izvršioци? (Women's role in violent extremism: victims or perpetrators?), published 7 April 2019, available at <http://globalanalitika.com/uloga-zena-u-nasilnom-ekstremizmu-zrtve-ili-izvrsioci/> (accessed 8 May 2019)

³ Vokabular.org: Lat. discriminare – to separate, distinguish, make a difference; <http://www.vokabular.org/?lang=sr-lat&search=discrimination&Submit=Tra%C5%BEi> (accessed 18 May 2019)

⁴ Article 2 (1) Anti-Discrimination Act, Official Gazette of Bosnia and Herzegovina, (consolidated version including Zakon o zabrani diskriminacije (Službeni glasnik BiH, br. 59/2009) and Zakon o izmjenama i dopunama Zakona o zabrani diskriminacije (Službeni glasnik BiH, br. 66/2016); available at <https://www.osce.org/bs/mission-to-bosnia-and-herzegovina/378835?download=true> (accessed 8 May 2019)

⁵ UNDP 2013. "Izveštaj o razvoju društva 2013 – Uspon juga: Ljudski napredak u svijetu raznolikosti" http://hdr.undp.org/sites/default/files/reports/14/hdr2013_en_complete.pdf (accessed 10 July 2019)

encourage believers to make peace with their neighbors; humanitarian workers who assist in the delivery of assistance; community mediators and restorative justice activists who will facilitate dialogue between conflicting parties; entrepreneurs who provide victim assistance; and government leaders who initiate change through public policies. (Schrich, 2004: 13)

Peace and security are narrowly defined and linked to issues of state security, in which men are considered to be physically more capable and more knowledgeable than women. In the area of security, in cases involving armed conflicts/operations and building peace, peace negotiations/operations or protecting citizens' security from various forms of violence or intimidation, the gender aspect is very important. Men and women have different roles, different security needs and interests that need to be taken into account when making decisions and designing security plans and policies.

3. WOMEN AND PEACE

The armed conflict affects women, men, girls and boys in different ways. Women and girls across the globe face gender-based discrimination. Displaced women and refugees are particularly vulnerable. They are most vulnerable to conflict-related sexual violence. That is why women and girls play a key role in preserving their communities, and their economic and social responsibilities can be increased during the wars. They often act as promoters of peace, managing movements that ultimately lead the conflicting parties to the negotiating table. Women often solve the root causes of conflict and increase community participation. Women experience armed conflicts in various ways: as victims, survivors, leaders, and peacemakers. Violence against women in conflict zones is often an extension of gender discrimination that already exists in times of peace. As more men than women directly participate in armed conflicts, it increases the responsibility of women to maintain the necessary care, health services, industry and agriculture. This work is often unpaid and remains unrecognized. Conflict resolution processes often exclude women, although sustainable peace is possible only when women are fully involved in conflict resolution and efforts to preserve peace and security.

It is important to promote and support active and meaningful participation of women in all mechanisms and institutions for conflict prevention and conflict resolution, and to include gender perspective in all peace and security activities and strategies, including in the following areas:

- Peace negotiations;
- Management and planning of assistance and recovery;
- Peacekeeping, Stabilization and Counter-Terrorism missions, and prevention of violent extremism;
- Reconciliation, transitional justice, disarmament, demobilization and reintegration, electoral processes, reform of the security sector, institution building, and political, social and economic transformation;

Promoting and protecting human rights of women and girls and taking special measures to protect them from sexual and gender-based violence in situations of armed conflict include:

- Prosecuting the perpetrators;
- Exclusion of sexual violence from the provision of amnesty;
- Ensuring that victims of sexual violence have equal protection under the law and in regard of the access to justice;

- Increasing the access of victims to health care, psychosocial support and socio-economic reintegration services;
- Providing strong training on sexual exploitation and abuse in peacekeeping operations.

To date, 79 countries have established national action plans for women, peace and security. In order to improve this program, the plan emphasizes: strengthening efforts to increase the participation of women and girls in all peaceful and security efforts to protect the human rights of women and girls, and ensuring that women and girls have equal access to humanitarian aid and development assistance. It is also estimated that close to 90 percent of current casualties are civilian, most of them women and children, as compared to a hundred years ago when 90 percent of victims of war were military personnel.

4. UN SECURITY COUNCIL RESOLUTION 1888

Sexual violence against women during armed conflicts is a tactic of war which has reached the scale of an epidemic. For example, in Rwanda alone, a total of 500,000 women were raped during the 1994 armed conflict.

On 30 September 2009, the United Nations Security Council unanimously adopted UNSC Resolution 1888⁶, which aims to further strengthen the international community's efforts to combat sexual violence in armed conflicts. Backed by more than 60 UN member states, this resolution calls upon the UN Secretary General to appoint a special representative to intensify efforts to end sexual violence against women and children in conflict situations. In October 2009, the UN Security Council adopted UNSC Resolution 1889, aimed at increasing women's participation in the UN peacebuilding and peacekeeping missions, and promoting cooperation on combating sexual violence in armed conflicts.⁷

UNSC Resolution 1888 is based on two previous resolutions: UNSC Resolution 1325 (adopted in October 2000) which provides a political framework that makes women and gender perspective relevant to all aspects of peace process; and UNSC Resolution 1820 (adopted in July 2008), which recognizes the links between sexual violence in armed conflict and its consequences, as well as sustainable peace and security. UNSC Resolution 1820 obliges the Security Council to consider relevant steps to end sexual violence and punish perpetrators, and to seek a report from the UN Secretary General on situations where sexual violence is widely or systemically applied against civilians and on strategies for ending the practice. By implementing the Resolution 1888, the Special Representative would be able to coordinate a number of mechanisms and oversee the implementation of Resolution 1325 and Resolution 1888.

5. BEIJING PLATFORM FOR ACTION

The Beijing Declaration and Platform for Action (1995), adopted at the UN Fourth World Conference on Women on 15 September 1995 in Beijing, are key documents for

⁶ UN SC Resolution 1888 (2009) adopted on 30 September 2009, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/resolution/resolution-1888-2009/Resolution-1888-2009-en.pdf>

⁷ UN Digital Library: UN SC Resolution 1889 (2009), adopted on 5 October 2009, <https://digitallibrary.un.org/record/666733>

the promotion of gender equality and women's human rights.⁸ The Declaration was signed by 189 states committed to protecting and promoting women's human rights, removing obstacles to the equal participation of women in all areas of life, and working systematically on empowering women. The Platform for Action is an operational part of the Declaration which outlines concrete goals and measures for achieving an equal position of women in 12 critical areas, including the Women's Area and Armed Conflict. In this context, the Beijing Platform for Action envisages a number of strategic goals.

- Strategic objective E.1. Increase the participation of women in resolving conflicts at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.
- Strategic objective E.2. Reduce excessive military aimed spending and control the availability of weapons.
- Strategic objective E.3. Promote non-violent forms of conflict resolution and reduce the frequency of violations of human rights in conflict situations.
- Strategic objective E.4. Promote women's contribution to fostering the culture of peace.
- Strategic objective E.5. Ensure the protection, assistance and training of refugee women, other displaced women in need of international protection and internally displaced women.
- Strategic objective E.6. Provide assistance to women from colonies and non-self-governing territories.

5.1. Some other international instruments

The Geneva Convention on the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols of 1977 provide that women are especially protected against any attack on their honor, in particular from degrading treatment, rape and forced prostitution, or any form of indecent assault.

The Vienna Declaration and Action Program (1993), adopted at the World Conference on Human Rights, states that the violation of women's human rights in situations of armed conflict violates fundamental principles of international human rights and humanitarian law.

The Rome Statute of the International Criminal Court (1998) stipulates that rape and other forms of sexual violence by combatants during conducting an armed conflict are a war crime. When rape and sexual violence are committed as part of a widely spread or systematic attack directed against any civilian population, they are regarded as crimes against humanity, and in some cases may constitute an element of genocide.

6. WOMEN AND DEFENCE

As a human right, women's right to participate equally in all areas of public and political life, and thus both in the armed forces and in peace negotiations, is guaranteed by the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁹ Furthermore, equal participation of women in the prevention and

⁸ *The Beijing Declaration and Platform for Action*, adopted at the UN Fourth World Conference on Women on 15 September 1995 in Beijing, <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

⁹ *UN Convention on the Elimination of All Forms of Discrimination against Women New York, 18 Dec. 1979*; <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

resolution of armed conflicts and crises at all levels, and especially at the decision-making level, is one of the recommendations of the Beijing Declaration and Platform for Action (1995), which emphasizes that peace is inextricably linked to the advancement of women, who bear enormous potential for taking a leading role in resolving conflicts and ensuring lasting peace at all levels.¹⁰

Nevertheless, the establishment of gender equality is one of the key goals and priorities for the development of every modern society. Gender equality means equal visibility, empowerment and participation of both sexes in all spheres of public and private life and aims to promote the full participation of women and men in society. (OSCE, 2018)¹¹

6.1. The North Atlantic Alliance (NATO)

UN SC Resolution 1325 (adopted in October 2000)¹² calls for equal participation and full involvement of women at all levels, from conflict prevention to post-conflict peace building. The NATO accepted the resolution and fully implemented it in all its operations and missions, and in most countries that adopted national action plans for the implementation of this resolution.

Prior to the adoption of the UNSCR 1325, as a military-political alliance with the aim and task of preserving the freedom and security of its members by political and military means, the NATO recognized the role and capacity of women in the armed forces and began working to eliminate obstacles to their equal participation. In 1961, Copenhagen hosted the first NATO Women's Conference of Senior Service Women Officers of the Alliance (Denmark, Norway, the Netherlands, the United Kingdom, and the United States), who raised issues of status, organization, employment conditions, career development and opportunities for women in the Allied Armed Forces. Their initiative was formalized by the establishment of the Women's Committee in the NATO forces¹³, which has been advising the NATO Military Committee on gender equality issues since 1976; since 2009, it has been renamed into the NATO Gender Perspective Committee on the Integration of Gender Issues into the Military Structure of the Alliance.¹⁴ The Guidelines are set out in the Joint Strategic Command Directive 40-1 (2009 Rev.1.2012, Rev.2.2017) (Bi-Strategic Command Directive 40-1 (BI-SCD)), which applies to all command structures of the NATO, as well as to all allies and partners. The adoption of Directive 40-1 established the positions of the Gender Advisor (GENAD) and the Gender Focal Point (GFP) at the political, strategic, operational and tactical levels, as well as compulsory training on gender perspective and implementation of the UNSCR 1325.

NATO Allies and Partners in the Euro-Atlantic Partnership Council (EAPC) launched work on "Women, Peace and Security" in 2007, by adopting a special support policy¹⁵ for the implementation of the UNSCR 1325, reinforced by the first action plan at the Lisbon

¹⁰ *The Beijing Declaration and Platform of Action* (Anex 1, item 18), UN Fourth World Conference on Women on 15 September 1995 in Beijing; <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

¹¹ OSCE (2018), Interview with Clare Hutchinson, NATO Secretary General's Special Representative for Women, Peace and Security, published 29 May 2018, <https://www.osce.org/magazine/382819> (accessed 15 May 2019)

¹² UN Security Council Resolution 1325 on Women, Peace and Security, adopted on 31 October 2000, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement/>

¹³ Committee on Women in the North Atlantic Treaty Organization Forces (CWINF), established on 19 July 1976.

¹⁴ The NATO Committee on Gender Perspectives (NCGP)

¹⁵ NATO EAPC Policy on Women, Peace and Security

summit (2010). The policy and action plan stem from the standpoint that the integration of content of resolutions on women, peace and security in all three main areas of Alliance action (collective defense, crisis management, including NATO-led operations and missions, and cooperative security) contributes to the capabilities of the Alliance to responsibly respond to all challenges. In this respect, the Action Plan includes two main aspects: 1) to integrate the key elements of resolutions on women, peace and security and gender perspectives into the policies and activities of the Alliance in relation to the prevention and resolution of conflicts and crises, and 2) to remove obstacles to the equal and active the participation of women in all structures, bodies and operations of the NATO, as well as the bodies and structures of member and partner countries. The Action Plan also includes horizontal issues related to human resources management, education, training and training, and public diplomacy. The NATO's international civilian and international military personnel, as well as national authorities, are involved in the implementation; twice a year, the NATO Secretary General reports on progress to the EAPC.

The NATO has developed strong implementation support mechanisms, including (among others) the Special Representative of the NATO Secretary General for Women, Peace and Security, as the focal point in charge of coordinating all Alliance activities in that area and ensuring cooperation with the UN, the EU and other partners, including civil society. The Special Representative is Head of the Task Force for Women, Peace and Security, which brings together civilian and military personnel at the NATO headquarters.

Despite all the efforts and measures taken, women are still insufficiently represented in civilian and military structures and NATO bodies. According to figures from the last report of the Secretary General (January 2017), women account for 39% of the total number of international NATO personnel, of which 35% are in higher positions (A), and only 21% in managerial positions (A5 and above). Analyses show that the main reason for this is poor application of women for higher positions (19.5% in 2016). The situation regarding top positions was somewhat corrected by the appointment of Rose Gottemoeller as deputy secretary general, but all eight assistants are still men. Furthermore, women account for only 16.2% of international military personnel, and very low representation of women in top positions in command structures is noticeable.¹⁶ Current representation of women in allied operations is about 6.8%, while in the armed forces, the allied party is about 10.9%. On the other hand, there is a growing presence of women in the North Atlantic Council, NATO's highest political body, with nine ambassadors currently nominated.¹⁷

7. BOSNIA AND HERZEGOVINA

7.1. Legal framework

The domestic legal framework, including the Constitution of Bosnia and Herzegovina, the Constitution of the Federation of Bosnia and Herzegovina, the Constitution of Republika Srpska, the Constitutions of the Cantons and the Statute of the Brčko District of the B&H, guarantees to all citizens of Bosnia and Herzegovina the right to participate in political parties, participation in public affairs, equality of access to public services, and the

¹⁶ At present, there are only two women commanders (Commander of the NATO Defense Corps, and Commander of the NATO Airborne Early Warning and Control Force) and seven women are at Colonel Level (OF-5).

¹⁷ E-Savjetovamja (2019) Nacionalni akcijski plan provedbe rezolucija Vijeća sigurnosti UN-a o Ženama, miru i sigurnosti za razdoblje 2018.-2022; <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=9905>

right to vote and to stand for election. However, the Constitution of Bosnia and Herzegovina does not generally prescribe the obligation of certain gender representation rate (quotas, proportions, parities, etc.) in public life, nor is there a specific obligation regarding gender representation in legislative, executive or judicial authorities. Yet, it contains prohibition of discrimination on the grounds of sex in the process of enjoying the rights and freedoms set forth in the B&H Constitution and in the international agreements listed in Annex I of the Constitution. The issue of gender equality is regulated in a number of other legislative acts and by-laws of the state and entities. The consolidated text of the Gender Equality Act of B&H, in Article 20 (the area relating to public life), prescribes the equal representation of both sexes in the management and decision-making processes. The Election Act of B&H is harmonized with the Gender Equality Act. Article 4.19.(para.4) of the Election Act stipulates that equal gender representation exists when one of the sexes is represented by at least 40% of the total number of candidates on the list.¹⁸

The first Action Plan for the Implementation of the UN Security Council Resolution 1325 in Bosnia and Herzegovina for the period 2010-2013 (hereinafter: AP UNSCR 1325 in B&H)¹⁹ was adopted in 2010 by the Decision of the Council of Ministers of the B&H. This was also the first action plan for the implementation of the UNSCR 1325 in the region of Southeast Europe and it served as an example to other countries in the region when drafting national action plans for the implementation of the UNSCR 1325. The Decision of the Council of Ministers of the B&H also established a Coordinating Committee for monitoring the implementation of AP UNSCR 1325 in B&H, consisting of women representatives and men representatives from 11 institutions, mostly from the defense and security sector and one non-governmental sector representative.²⁰ This resolution has made the following changes in B&H: increased the participation of women in peacekeeping missions from 3.5% to 24%; raised the number of women defense members from 5% in 2009 to 6.5% in 2013; along with other legislative frameworks, it also had an impact on increasing women's participation in decision-making positions (in the legislature, the executive, the judiciary, the prosecution and diplomatic missions and consular posts), where issues of peace and security are being considered.²¹

In 2014, the B&H Council of Ministers adopted the second AP UNSCR 1325 in the B&H for the period 2014-2017²², relying on the findings and recommendations of an independent assessment of the previous AP UNSCR 1325 which pointed to all the positive aspects and challenges of its application and coordination.

Drafting the third Action Plan for the implementation of UNSCR 1325 for the period 2018-2020²³ was coordinated by the B&H Human Rights and Refugees Bureau, in consultation with the institutions and NGOs represented in the Coordination Committee for Monitoring the Implementation of the Action Plan. This action plan was based and developed

¹⁸ Izborni zakon (Election Act), "*Službeni glasnik BiH*" br. 92/10

¹⁹ Prvi Akcioni plan za implementaciju UNSCR 1325 u Bosni i Hercegovini (AP UNSCR 1325 u BiH), za period 2010-2013, "*Službeni glasnik BiH*" broj 92/10

²⁰ Akcioni plan za implementaciju UNSCR 1325 „Žene, mir i sigurnost“ u Bosni i Hercegovini za period 2018-2022.. Ministarstvo za ljudska prava i izbjeglice Agencija za ravnopravnost spolova Bosne i Hercegovine, oktobar 2017. http://www.mhrr.gov.ba/Javne_konsultacije/Bosanski/default.aspx?id=8229&langTag=bs-BA

²¹ Odluka o usvajanju Akcionog plana za implementaciju UN Rezolucije 1325 u Bosni i Hercegovini za period 2018-2022., Vijeće ministara Bosne i Hercegovine, 03.08.2018. god. ("*Službeni glasnik BiH*", br. 1/19), <http://www.sluzbenilist.ba/page/akt/8MeBiDXer3E=>

²² Drugi AP UNSCR 1325 u BiH za period 2014- 2017 godine, "*Službeni glasnik BiH*", br. 89/14)

²³ Treći AP UNSCR 1325 za period 2018-2020. godine, "*Službeni glasnik BiH*", broj 1/19

on the structure of the previous one, so that the existing strategic goals were retained, whereas certain mid-term objectives, expected results and planned activities were revised.²⁴

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) has been applied in Bosnia and Herzegovina since 1993, while the Optional Protocol was signed in 2002. Bosnia and Herzegovina, as a member state, submits regular reports to the UN Committee on CEDAW on the Application of the Convention (CEDAW Report). During the year 2017, the Sixth Periodic Report on CEDAW for the B&H was prepared, which is in the procedure of adoption in the Ministerial Council (Government) of the B&H.

7.2. Participation of women in the military, police and peacekeeping missions

By implementation of the comprehensive strategic measures of the UNSCR 1325, a more favorable environment has been created to increase the participation of women in the military and police forces, although this increase is still most noticeable at the lower positions and rankings. In the Ministry of Defence of B&H (hereinafter: MD B&H) 38% of women are employed, which is 2% increase as compared to 2013, while 6.8% of women are employed in the Armed Forces of Bosnia and Herzegovina (hereinafter: AF B&H) as compared to only 0.2% in 2013. In 2019, the number of women in the Armed Forces of Bosnia and Herzegovina has increased significantly, which accounted for 7.28 % of the total number of military personnel, while 24 % of women were civilians and 5.5 % were military staff (as compared to 1 % in 2013). The Ministry of Defense of B&H successfully implements the measure that 10% of women should receive admission to the Armed Forces of B&H from the total number of candidates, with priority being given to the most successful female candidates and male candidates in accordance with the performance results. This is supported by the fact that there is an evident increase in the interest of women for admission to the AF B&H, which may be illustrated by the fact that only 23 women applied for admission in 2008 and as many as 595 in 2014.²⁵

Out of the 2,693 registered candidates in 2014, there were 241 women candidates (slightly more than 10%). At the public competition for the admission of AF B&H officers, from the total of 369 candidates, there were 76 women (slightly more than 20%). According to the data from 2016, from the total number of applications for military admission, 9.9% of women were registered. Out of the total number of applications submitted for the admission of officers, 20.59% were women, and 18.75% were women who applied through the internal advertisement for non-commissioned officers. At the military academies, 11 women were enrolled (14% of the total number of enrolled persons) in 2016. There is a trend to increase women's participation in leadership positions in the defense and security sectors. For example, currently, the MD B&H is headed by a woman, three women have been appointed heads of departments, and 22% of women are employed in managerial positions. However, in the AF B&H, the percentage of women's participation in managerial

²⁴ Akcioni plan za primjenu Rezolucije Vijeća sigurnosti UN-a 1325 „Žene, mir i sigurnost“ u Bosni i Hercegovini za period od 2018. do 2022. godine, Ministarstvo za ljudska prava i izbjeglice BiH, Agencija za ravnopravnost spolova BiH, august, 2018; <https://arsbih.gov.ba/wp-content/uploads/2019/02/Akcioni-plan-BOS-KB-14.01..pdf>

²⁵ Odluka o usvajanju Akcionog plana za implementaciju UN Rezolucije 1325 u Bosni i Hercegovini za period 2018-2022., Vijeće ministara Bosne i Hercegovine, 03.08.2018. god. ("Službeni glasnik BiH", br. 1/19), <http://www.sluzbenilist.ba/page/akt/8MeBiDXer3E=>

positions is still very low (2.5%). Data from the Ministry of Security of the B&H on the participation of women in leadership positions in security sector institutions at all levels of government show that women are mostly represented at the level of middle management (e.g. Head of the Department), while they are least represented in senior management positions (e.g. Assistant Minister/Director), where there are only three women.²⁶

In the State Investigation and Protection Agency (SIPA), 14.64% of female police officers are employed, which is an increase of about 1.5% as compared to the 2013 data from the beginning of the implementation of the Action Plan. In the Border Police (hereinafter: BP B&H), the representation of women of 7.78% shows an increase of about 0.5% in comparison to 2013. In the Directorate for Coordination of Police Bodies (DCPB B&H), 38 female police officers were employed (5.25%). In the Federal Police Administration (FPA), the percentage of women's participation (7.8%) has not changed since 2010. The representation of women in 10 cantonal ministries of the interior (7.3%) has slightly increased (by about 1%) as compared to 2013.²⁷

According to the available data, the percentage of female police officers in the Ministry of Interior of Republika Srpska has increased by about 2% in the last three years and amounts to 7, 8%. In the Brčko District Police, 4.8% of police officers are women, just as in 2013. Although the data show an uneven state of representation of police officers in some police institutions, the general conclusion is that there has been a slight increase in the participation of women in police forces at all levels in B&H, which is on average about 1.25% in the reporting period. Women are also underrepresented at the highest ranking positions (around 1.2%).²⁸

In recent years, it has often been emphasized that the use of maternity leave is a reason for difficult progress in women's police career. Namely, the criteria for acquiring a direct higher rank do not formally differ for women and men; one of the requirements is the specific period of time spent in the previous position, and evaluation of the last three years' performance. The participation of women in peacekeeping missions has increased in relation to the beginning of the implementation of AP UNSCR 1325 in B&H. The Ministry of Security B&H has used an affirmative measure for women. Namely, the number of years of work experience has been reduced from eight to five years, as one of the main criteria for applying for peacekeeping missions. The use of this affirmative measure contributes to the increase in the number of women in UN peacekeeping missions; the percentage that currently stands at 30% has increased by 6% as compared to 2014, and by about 14% as compared to 2010.²⁹

In the MD B&H, there has also been a significant increase in the number of women in the total number sent to peacekeeping missions. Since 2013, the share of women's participation of 3.5% has increased to 6.7%.³⁰

Women make up more than 50% of the population but they come from different generations, different socio-economic backgrounds, ethnic groups and religions. It seems that we continue to consider that security is still the men's domain. We still think that the defense is tied to men and we do not think women should be involved. But they must be, and that means women from all sectors. (OSCE, 2019).

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

7.3. Support to victims of sexual violence during the war

Support to victims of sexual violence and other forms of suffering during the war has been attempted through the improvement of the legal framework and mechanisms for exercising victims' rights, and the availability of compensations and benefits. Survivors generally do not exercise their right to compensation for sustained damage in criminal proceedings. In accordance with the existing B&H legislation, courts and prosecutors often redirect victims to civil litigation. Still, more than 20 years after the war, there are no official data regarding the number of women victims of rape and torture. Various sources agree on several important points: (1) mass rapes involved several thousand victims; (2) there were many cases of rape; (3) rapes were often committed in the presence of victim's parents/children and generally the victim was raped by several attackers. In the past years, competent institutions, international and non-governmental organizations in the B&H have implemented activities and initiatives to define the real needs of survivors, improve the legal and institutional framework, and promote the mechanisms for implementing the survivors' rights, including compensations and benefits. However, in the final comments and recommendations for B&H from 2013, the UN Committee for CEDAW drew attention to the slow pace of solving most of the problems of survivors of sexual violence during the war in B&H, pointing out that the criminal legislation of B&H was not harmonized with the international standards. There is also insufficiently implementation of strategies, action plans and programs aimed at the protection of survivors and witnesses.³¹

Amendments to the B&H Criminal Code were adopted, where sexual violence is defined as a war crime and crime against humanity in accordance with the standards of international criminal law and the jurisprudence of international courts and tribunals. This law is to be applied to all war crimes cases, regardless of the judicial process that may be underway. The implementation of the State War Crimes Strategy helps to resolve cases involving sexual violence by ensuring that the burden of processing is distributed between the state-level judiciary and the entities, or cantons, in the Federation of B&H. In front of the Court of B&H, which according to the Strategy is mandated for processing the most complex cases, proceedings are currently being conducted in a number of cases in this category, while a significant number of unfinished cases are still in the phase of the investigation within the Prosecutor's Office of B&H. In 2016, there was an increase of the number of completed cases as compared to previous years, which was the result of a significant increase in the number of war crimes indictments with elements of sexual violence. This may be evidenced by the fact that in 2011 there were 13 processed persons, in 2016 this number increased to 22, while in February 2017 there were 46 criminal proceedings pending in front of the Court of B&H where the accused were charged with criminal acts with elements of sexual violence committed during the war. In 2016, the Prosecutor's Office of B&H had 181 most complex war crime cases at the reporting stage, and 147 war crime cases in the investigation phase were unresolved. In the same year, the Court of B&H had 61 cases in the most complex war crime cases. Since the Court of B&H started working in 2002 until the end of 2016, the Court finished proceedings against a total of 70 persons (67 men and three women) for criminal acts of war crimes with elements of sexual violence committed against women. Out of this total number, 53 persons (51 men

³¹ Ibid.

and 2 women) were convicted, while 17 (16 men and 1 woman) were acquitted. The convicted persons were sentenced to a total of 695 years of imprisonment.³²

The B&H Human Rights and Refugees Bureau developed a Proposal for a Program for Victims of War Rape, Sexual Abuse and Torture and Their Families in B&H (2013-2016), which aimed to provide measures for the complete protection and support of victims, including psychological support and health care. However, although the Program represented a comprehensive framework with clear roles of all institutions of the system mandated to deal with this issue, the Ministerial Council (Government) of B&H did not adopt it because it did not receive the support of all levels of government in B&H. At B&H level, there is no integrated law that regulates the implementation of survivors' rights, compensation, rehabilitation, and access to victims of services regardless of their place of residence. In B&H, there is no fund for compensation of damage or other compensation mechanisms for victims of criminal offenses in cases where perpetrators are not able to pay damages.

8. CONCLUSION

Lack of institutional protection and insufficient representation of women in the defense and security sector, as well as in the peace-building process, are obstacles to building sustainable peace. It is important to have a proper approach to addressing women's rights issues in order to have good results that connect women to issues such as peace, security, human rights, gender equality, and development of society in general. It is necessary to insist on gender equality and equal participation of women in all social, political and peace-keeping activities and processes that contribute to the prevention and resolution of conflict, faster post-conflict recovery and overall sustainable development. It is necessary to promote women's equal access by providing efficient services and recovery mechanisms (in cases of sexual violence and other violence) and to ensure that their specific needs and perspective are taken into account.

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ŽENE, MIR I BEZBJEDNOST - SLUČAJ BOSNE I HERCEGOVINE

Žene su kroz historiju imale podređeni položaj, a dokazi o tome dolaze i iz antičke Grčke, gdje su u svakom kućanstvu odnosi bili definirani između gospodara i robova, oca i djece te specifični odnosi između muškaraca i žena. Svi ti odnosi temeljili su se na dominaciji. Zakoni vlasti nisu bili potrebni s obzirom na ove, već postojeće, situacije nejednakosti. Tako su muškarci bili "predodređeni" da postanu vladari, oni koji imaju dominantnu ulogu u odnosu na žene u svim odnosima - porodici, ljubavnoj politici ili biznisu. Tokom prošle godine pitanje položaja žene u društvo često se dovodilo u vezu sa njenom ulogom u ratu/miru, kao i ulogom u sigurnosnom i odbrambenom sektoru u svijetu, ali i u tranzicijskim zemljama kao što je Bosna i Hercegovina.

Ključne reči: *žene, rod, bezbjednost, odbrana, Bosna i Hercegovina*